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Seated from left to right are: Shri Kartik Oraon, M.P.; Shri S. R. Mani, Commissioner for Scheduled Castes and Scheduled Tribes; Sardar Buta Singh, M.P., Chairman of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes; Dr. G. S. Dhillon, Speaker, Lok Sabha; Shri G. G. Swell, Deputy Speaker, Lok Sabha; and Shri S. L. Shakhder, Secretary, Lok Sabha.

Addresses and Speeches.

VALEDICTORY MEETING OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (1971-73)

[The valedictory meeting of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes of Parliament was held at the expiry of its second term of two years on August 10, 1973. We reproduce below the speech by the Chairman of the Committee, Sardar Buta Singh and the address by Dr. G. S. Dhillon, Speaker of Lok Sabha, delivered on the occasion—Editor].

Speech by Sardar Buta Singh, Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes

On behalf of the Members of the Committee and on my own behalf I have great pleasure in welcoming you at this valedictory meeting concluding the second term of two years of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

Constitution of the Committee

The present Committee was constituted on a motion adopted by Lok Sabha on the 16th June, 1971 and concurred in by Rajya Sabha on the 27th July, 1971 for a term of two years from the date of its first sitting. The first sitting of the Committee was held on the 12th August, 1971.

Changes in the Membership of the Committee

Consequent upon his appointment as Deputy Minister, Shri Sukhdev Prasad ceased to be member of the Committee. One of our colleagues from Rajya Sabha, Shri Golap Barbora, resigned from the Committee. May I pay my tribute to the hard work put in by these members and the whole-hearted co-operation we received from them during their term.

Sad Demise of a Member

One of our senior colleagues and a member of the Committee, Swami Ramanand Shastri, died on the 27th September, 1972 on board *M. V. ONGE* while on way to Little Andaman and other Islands from Port Blair during the tour of a Study Group of the Committee, which had gone there to study on the spot the socio-economic conditions of the Scheduled Castes and Scheduled Tribes in those Islands. Swami Ramanand Shastri was a distinguished religious and social missionary and an educationist who took keen interest in Harijan welfare, upliftment of the poor and in establishing several educational institutions in Hardwar, Bijnor and Saharanpur Districts. The Committee were greatly helped by the active and deep interest taken by Swami Ramanand Shastri in the work and deliberations of the Committee. We are sorry that we missed his wise counsel.

Selection of Subjects

During the present term, the Committee selected such important subjects as Plan Provisions for Scheduled Castes and Scheduled Tribes; Admission and other facilities for Scheduled Castes and Scheduled Tribes in the Indian Institutes of Technology; Tribal Development Blocks in Gujarat and Madhya Pradesh; Socio-economic conditions of Scheduled Castes and Scheduled Tribes in the Andaman and Nicobar and Laccadive, Minicoy and Amindivi Islands; Reservations for, and employment of, Scheduled Castes and Scheduled Tribes in the services of the Defence Public Sector Undertakings, Hindustan Steel Limited, State Bank of India and its Subsidiaries, Posts and Telegraphs Department, selected Major Ports on the Western and Eastern Coast of India and the Life Insurance Corporation of India.

Constitution of Eight Study Groups

As usual, eight Study Groups of the Committee were constituted for detailed examination of these subjects and for consideration of the Government's replies regarding the action taken by them on the various recommendations/observations of the Committee contained in their earlier Reports. One Sub-Committee was also constituted to examine in depth the recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes in his Reports.

Presentation of Reports

During its term of two years, the Committee held 38 sittings lasting 80 hours and presented as many as 24 Reports on the subjects taken up for examination.

Recommendations of the Committee

An analysis of the action taken replies so far furnished by the Government shows that Government have accepted to the extent of more than 57.7 per cent of the recommendations made by the committee. In other 15 per cent of the cases, it appears that Government are, in principle, in agreement with the recommendations of the Committee.

On-the-Spot Study

For the purpose of on-the-spot study in connection with the subjects taken up for examination, the Committee divided itself into various Study Groups and undertook tours to various States and Union Territories for studying the conditions of the Scheduled Castes and Scheduled Tribes and for understanding their problems. Our Study Groups go deep into the interior parts of the country and visit remote and normally inaccessible areas to study the living conditions of the tribals. I am glad to say that in this work of the Committee, the Study Groups of the Committee were given all possible assistance by the State Governments and Union Territory Administrations concerned. I may, particularly, mention the assistance rendered to the Study Group of the Committee by the Andaman and Nicobar Administration on the sudden and untimely demise of Swami Ramanand Shastri, during its tour to those Islands.

Study Notes on Tours

The Study Group on Procedure of our Committee decided that Study Notes on tour of the various Study Groups of the Committee summing up the tour impressions should also be laid on the Table of both the Houses of Parliament for the information of all the members. Accordingly 13 Study Notes in respect of tours undertaken by the Study Groups of the Committee were laid on the Table of both the Houses.

Deep Interest Taken by Conveners and Members

All this work has been possible because of the deep and abiding interest taken by the Members of the Committee, particularly, the conveners of the various Study Groups, in the examination of the representatives of the Ministries|Departments and representatives of non-official organisations. The draft Reports of the Committee were discussed by the Committee in detail and every effort was made to faithfully reflect in the recommendations the Committee's opinion on each issue. I am proud to say that members of the Committee functioned as a cordial and homogeneous team, forgetting their party affiliations and ideologies.

Reports of the Commissioner for Scheduled Castes and Scheduled Tribes

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 had 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 task whenever there has been any failing on the part of the Government to implement any statutory recommendations of the Commissioner. The Committee have been greatly assisted in their work by the Commissioner for Scheduled Castes and Scheduled Tribes. He or his deputy has always been present during the sittings of the Committee when the Committee took evidence of the official or non-official witnesses on the subject under examination by the Committee.

Helpful Cooperation by Ministries

I must also place on record the Committee's appreciation of the helpful co-operation and the manner in which the official representatives of the Ministries|Departments gave free and frank replies to the questions which were put to them during their evidence before the Committee and for furnishing detailed replies to points on which further information was desired by the Committee.

I am glad to state that the Committee have proved to be an effective watch-dog for the implementation of the constitutional safeguards for Scheduled Castes and Scheduled Tribes. It has made tremendous impact on Government and the Public Sector Undertakings in so far as the socio-economic conditions of the Scheduled Castes and Scheduled Tribes are concerned.

Non-implementation of Reservation Orders

Mr. Speaker, Sir, I am rather sad to comment that the question of the Committee dealing with a representation arising out of non-implementation of reservation orders and other concessions given by Government of India received from an individual Government employee belonging to Scheduled Castes and Scheduled Tribes on his service matters was taken up with the Government. We are yet to be apprised of the final decision in this regard. I, however, hope that the matter will be taken up with the Government again and the Government may be persuaded to agree.

Committees in State Legislatures on Welfare of Scheduled Castes and Scheduled Tribes

It is a matter of great pleasure that on the pattern of this Parliamentary Committee, the Bihar, Himachal Pradesh, Kerala, Maharashtra, Mysore, Punjab, Rajasthan and West Bengal State Legislatures have also set up their own Legislature Committees on the Welfare of Scheduled Castes and Scheduled Tribes within their respective States. I hope other State Legislatures will also appoint similar Committees before long.

Valuable Guidance of Speaker

May I express, Sir, on behalf of the Committee, as well as on my own behalf, our gratitude to you for the unfailing courtesy and guidance we have been receiving all along from you in the course of our work. Under your direction and inspiration, the Committee have grown in stature and have endeavoured to discharge their responsibilities as the High-Power Committee of Parliament examining in depth and focussing attention on matters concerning the welfare of weaker sections of our society. I am sure, Sir, that under your guidance and inspiration, the Committee will be able to promote the welfare of the Scheduled Castes and Scheduled Tribes and also to ensure implementation of the constitutional and other safeguards for them.

Excellent Assistance by Secretary, Lok Sabha

Sir, let me record our heartfelt appreciation of the excellent assistance rendered to the Committee by Shri S. L. Shakhder, Secretary, Lok Sabha. I also place on record our appreciation of the zeal and dedicated work done by the Secretariat of the Committee and the enthusiasm and initiative shown by the Officers who served the Committee extremely well and helped the Committee to perform its task satisfactorily. I have no hesitation in saying that without their hard work, the Committee would not have been able to present as many as twenty-four Reports in such a short period.

Incorporation of Committee's Constitution in Rules of Procedure

Sir, I would like to make a submission on behalf of the Committee before you that "This Committee recommends that the constitution and functions of the Committee may be incorporated in the Rules of Procedure and Conduct of Business in Lok Sabha." This Resolution should be taken as passed unanimously.

With this humble request, I now request you kindly to address the Members of the Committee.

Address by Dr. G. S. Dhillon, Speaker, Lok Sabha*Committee's Performance*

I am glad to be in your midst at this Valedictory function of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. This is an occasion when the Committee takes stock of the work done during its term and I am very happy that this Committee, under the able Chairmanship of Sardar Buta Singh, has done commendable work during its term of two years. The work done by the Committee has been quite impressive. It has presented to Parliament as many as twenty-four Reports touching important subjects as the Plan Provisions for Scheduled Castes and Scheduled Tribes, Tribal Development Blocks, Socio-economic conditions of the Scheduled Castes and Scheduled Tribes in the Islands, Admission facilities in the higher technological Institutes, Reservations for Scheduled Castes and Scheduled Tribes in the services of the Defence Public Sector Undertakings, Hindustan Steel Limited, State Bank of India and its subsidiaries, P. & T. Department, selected Major Ports and the Life Insurance Corporation of India.

Sad Demise of a Member

Before I proceed on to other matters, Mr. Chairman, I sincerely associate myself with the sentiments and the feelings expressed by you on the sad demise of Swami Ramanandji. He was one of our very valuable colleagues and he toiled with great sincerity for the upliftment of the down-trodden sections of the society. We are deprived of the services of such a valued colleague.

Plan Provision and Reservations in Services

Mr. Chairman, it was all the more essential to have a close look at the Plan Provisions made for the Welfare of Scheduled Castes and Scheduled Tribes, because there was a feeling that sufficient funds had not been allocated for the schemes relating to the welfare of these communities in the Five Year Plans and that there had been large scale diversion of funds to other heads of expenditure by the State Governments. As regards services, there had been a grievance, and rightly so, that their representation in the services of the various Departments and public sector undertakings, etc. had been very poor. In the field of education also it is an admitted fact that admissions to higher institutions of learning, such as the Indian Institutes of Technology, were weighted in favour of the candidates coming from the upper classes.

Deficiencies in Reservations in Public Sector Undertakings

I am glad to know that the Committee has been instrumental in pointing out the deficiencies in the various public sector undertakings so far as recruitment, training, promotion, etc. of the Scheduled Castes and Scheduled Tribes are concerned, and has made tremendous impact on the Government and public sector undertakings.

Committee's Recommendations

It is a matter of great satisfaction to know that Government have accepted about 58 per cent of the recommendations made by the Committee and have assured to take energetic steps to make up the shortfalls in the services of the Government Departments and the public sector undertakings by resorting to *ad hoc* recruitment of Scheduled Castes and Scheduled Tribes.

High-Power Committee of Parliament

The upliftment of these weaker sections of the society, which, between them, form about 22 per cent of the total population of India, is a colossal task and no single body can do this. Since they are required to be protected from social injustice and all forms of exploitation, it needs the active participation of all who are actually concerned. Under Article 338(2) of the Constitution, the Commissioner for Scheduled Castes and Scheduled Tribes is also there to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes and to report to the President upon the working of those safeguards at such intervals as the President may direct, and the President causes all such reports to be laid before each House of Parliament. Under one of the terms of reference of the Committee, this Parliamentary Committee also considers the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes during the course of examination of the subjects selected by it and reports to both the Houses as to the measures that should be taken by the Union Government in respect of matters within the purview of that Government, including the Administration of the Union Territories. Indeed, a particularly heavy responsibility rests with this High-Power Committee of Parliament.

Committees in State Legislatures

I am happy that on the pattern of this Committee, several State Legislatures have also set up their own Legislature Committees to look after the welfare of Scheduled Castes and Scheduled Tribes within their respective States. I hope that all those Committees will work in close co-ordination to promote the educational and socio-economic progress of the Scheduled Castes and Scheduled Tribes.

Reports on On-the-Spot Study Tours

I am happy to learn that this Committee has attached, and rightly so, much importance to the reports of their study tours and on-the-spot visits to various places and that they have decided that these be presented to Parliament. This is a step in the right direction. It enables Parliament and the public to share with the Committee its experience of the socio-economic conditions of Scheduled Castes and Scheduled Tribes in various parts of the country.

Representations on Service Matters by Government Employees

Regarding the Committee dealing with representation received from any individual Government employee belonging to Scheduled Castes or Scheduled Tribes on his service matters, I have consulted the Government. They are of the view that enquiry or investigation of individual grievances of Government employees belonging to Scheduled Castes or Scheduled Tribes does not come within the purview of the Committee. I am also of the opinion that the Committee should deal with questions of policy relating to the welfare of Scheduled Castes and Scheduled Tribes and not individual cases. Grievances on service matters of individual Government employees are beyond the scope of the functions of the Committee.

Inspiring Leadership of the Chairman

The Committee indeed has been fortunate in having Sardar Buta Singh as its Chairman. I have no hesitation in saying that under his stewardship the Committee has definitely, within this short period, grown in stature. His example of hard work, vigour and sense of dedication and restraint will surely be a guide and inspiration to the future incumbents of this office.

Valuable Work by Conveners and Members

I join the Chairman in complimenting the Conveners of the various Study Groups and other Members of the Committee for their strenuous efforts made for the successful functioning of the Committee. I am sure, they will keep up their interest in the work of this Committee and continue to give their valuable suggestions, both inside the Parliament and outside, for the upliftment of Scheduled Castes and Scheduled Tribes.

Appreciable Work by Chairman for S.C. & S.T.

I thank you, Mr. Chairman, and Hon'ble Members, for giving me this opportunity to meet all of you. I also appreciate the work done and the construction made by our valued friend, the Commissioner for Scheduled Castes and Scheduled Tribes. His long background of experience has been of great help to this Committee.

Committee's Resolution

Mr. Chairman, you have just mentioned about the Resolution which you have passed. I have discussed this only this evening with the Secretary. I think this is a very genuine demand and we should have no objection in agreeing to it. But as a pre-condition and a formality it is very necessary that this should be approved by the Rules Committee. I assure you that I will be placing it before the Rules Committee before long. I very much hope that the Rules Committee will agree to it during this very session with unanimity, as this is a very genuine request.

Speech by Sardar Buta Singh*

It is my privilege to welcome the Speaker, the Deputy Speaker and the Commissioner for Scheduled Castes and Scheduled Tribes.

As I mentioned in my speech, I am grateful to the Speaker, and particularly to the Deputy Speaker, who was a former member of the Committee and who has made a great contribution towards the welfare of Adivasis. I am also grateful to all those distinguished leaders who have been kind enough to grace this valedictory function.

*Delivered in Hindi.

POWERS AND FUNCTIONS OF SPEAKERS*

[With Particular Reference to Developments in some States].

S. L. SHAKDHER,
Secretary, Lok Sabha

The Constitution of India defines the powers and functions of the main organs of government and the principal functionaries. The Constitution being the organic or fundamental law of the land, every power,—executive, legislative or judicial—whether it belongs to the Centre or to the States—is controlled by the Constitution. It is the function of the judiciary, at the apex the Supreme Court, to interpret the Constitution and to uphold it whenever it is shown that the Constitution has been violated.

The Constitution contains identical provisions relating to the Speaker and Deputy Speaker of the Lok Sabha and their counterparts in the States Legislative Assemblies. It lays down only the main duties and responsibilities of the Speaker. These may be broadly stated as under:

- (1) To preside over the House, whenever he is present in the House, excepting when a resolution for his removal from office is under consideration. [Article 181(1)].
- (2) To adjourn the House when there is no quorum. [Article 189(4)].
- (3) To permit a Member who cannot adequately express himself in Hindi or English or the official language of the State, to address the House in his mother tongue. [Article 210].

*Paper contributed for the seminar on "Constitutional Developments since Independence" organised by the Indian Law Institute, New Delhi on April 19—22, 1973. The article is being published with the kind permission of the Indian Law Institute.

- (4) To exercise a casting vote in the case of an equality of votes. [Article 189(1)].
- (5) To determine whether a Bill is a Money Bill and to certify a Money Bill [Article 199(3) and (4)].

Identical Powers at the Centre and the States

The detailed duties and responsibilities of the Speaker are laid down in the Rules of Procedure which each House is empowered to make under Article 208 of the Constitution with, of course, the condition that such rules shall be "subject to the provisions of the Constitution". Though the Rules of Procedure vary from State to State, the position in regard to the powers and functions of the Speaker is more or less identical, as generally the rules of the Assemblies in this behalf are modelled on the Lok Sabha Rules. The more important powers and functions of the Speakers of State Assemblies in general are briefly noted below.

As the principal spokesman of the House, the Speaker represents its collective voice and is its sole representative to the outside world. His position as the presiding officer of the House is one of great authority. He regulates the debates and proceedings of the House, is charged with the maintenance of order in the House and is equipped with all powers necessary for enforcing his decisions. He also rules on points of order raised by Members and his decision is final.

Various powers are conferred on the Speaker in relation to Questions to Ministers. Though the guiding principles regarding admissibility of questions are laid down in the Rules, their interpretation is vested in the Speaker. He has a general discretion in regard to the admissibility of resolutions and Motions also, similar to the one relating to the admissibility of Questions. He decides whether a Motion expressing want of confidence in the Council of Ministers is in order. The Speaker is also empowered to select amendments in relation to Bills and Motions, and can refuse to propose an amendment which in his opinion is frivolous.

Disciplinary Powers

Maintenance of order in the House is fundamental duty of the Speaker. He derives his disciplinary powers from the Rules, and his

decisions in matters of discipline are not to be challenged except on a substantive motion. He may direct any Member guilty of disorderly conduct to withdraw from the House, and name a Member for suspension if the Member disregards the authority of the Chair and persists in obstructing the proceedings of the House. He may also adjourn or suspend the business of the House in case of grave disorder.

To enable the Speaker to deal with unexpected situations and regulate matters of detail, the Rules expressly vest "residuary powers" in him.

In fine, the Rules of Procedure and Conduct of Business in the State Assemblies confer wide discretionary powers on the Speaker. The Rules have been codified on the premise that the Speaker's Chair would be occupied by scrupulously dispassionate and impartial persons. The Speaker's supreme authority inside the House is based on his absolute and unvarying impartiality and all the powers vested in him are intended to enable him to ensure the smooth functioning of the House. Therefore, in no case would it be justified for a Speaker to use his powers arbitrarily or in such a manner as to prevent the House from functioning.

Courts not to inquire into proceedings of Legislative Bodies

Suitable safeguards are provided in the Constitution to ensure that Parliament and the State Legislatures can perform their legitimate functions without any outside interference. For instance, the validity of any proceedings of Parliament or State Legislatures cannot be called in question on the ground of any alleged irregularity of procedure. Further, no officer or Member of Parliament in whom powers are vested by or under the Constitution for regulating the procedure or the conduct of business or for maintaining order in Parliament or the State Legislatures, shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.¹

Again, no Member of Parliament or a State Legislature, is liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or a State Legislature.² The position envisaged in these provisions of the Constitution has been upheld by

¹Arts. 122 and 212.

²Arts. 105 (3) and 194 (2).

the Courts in our country which have recognised that a House of Parliament or a State Legislature is the sole authority to judge as to whether or not there has been a breach of its privilege in a particular case.

In tej Kiran Jain V. N. Sanjiva Reddy, the Delhi High Court had held that no proceedings could be taken in a Court of Law in respect of what was said on the floor of Parliament in view of Article 105(2) of the Constitution. The facts of the case were that on July 22, 1969, an issue of privilege was raised in Lok Sabha against one Tej Kiran Jain and five others, who had filed a suit in the High Court of Delhi against five Members of Parliament (including the then Speaker Dr. N. Sanjiva Reddy) for alleged defamation of the Shankaracharya of Puri in the course of debate in Lok Sabha on April 2, 1969.³ On June 22, 1969, Dr. N. Sanjiva Reddy and four other Members of House had received notices for appearance in the Delhi High Court and when this was brought to the notice of the House, the Deputy Speaker ruled that the motion would remain pending till the suit had been disposed of by the Court.⁴

The case went up to the Supreme Court and notices of the lodgement of the appeal were served on the five Members of Parliament. When this matter was brought up in Lok Sabha as a privilege issue on April 3, 1970, the Speaker agreed with the Members and expressed surprise at the issuing of these notices. He said, he very much wished that the Supreme Court "realised the rights and privileges of the Parliament." The Speaker, in proper exercise of his authority as the custodian of the rights and privileges of the House, advised the Members concerned not to appear before the Supreme Court.⁵ A similar course had been adopted when notices were issued by the Delhi High Court and the case was over with that.

³L.S. Deb. 2-4-1969, cc. 123—44.

In March 1969, a World Hindu Religious Conference was held at Patna. The Shankaracharya of Goverdhan Peeth, Puri, took part in the Conference and reportedly said that untouchability was in harmony with the tenets of Hinduism and that no law could stand in its way. The Shankaracharya reportedly walked out when the National Anthem was played. On April 2, 1969, a Member of Parliament moved a Calling Attention Motion in the Lok Sabha and particulars of this incident. A discussion ensued and certain members execrated the Shankaracharya.

⁴L.S. Deb. 22-7-1969, cc. 230—47.

⁵*Ibid.*, 3-4-1970, cc. 218—25.

On May 8, 1970, the Supreme Court dismissed the appeal by Tej Kiran Jain and others. Chief Justice Hidayatullah said in his judgement that Article 105(2) of the Constitution gave complete immunity to Members for anything said in Parliament. This immunity was not only complete but was as it should be. It was the essence of the parliamentary system of government that the representatives of the people should be free to express themselves without fear of legal consequences. What they said was 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 had no say in the matter and should really have none. 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.⁶

Very recently, on December 13, 1972, the Tamil Nadu Deputy Speaker, Shri P. Srinivasan, who had been served with a notice by the Madras High Court, to appear before the Court in a case filed by Shri K. A. Mathialagan, challenging his removal from the office of the Speaker, declined to do so. Claiming privilege under the provisions of Article 212, he said that he could not be and did "not propose to be subject to the authority of any Court in the exercise of my powers and in the performance of my functions."⁷

Page Committee's observations

In no case would it be justified for a Speaker to use his powers arbitrarily or in such a manner as to prevent the House from functioning. Insofar as the duties and responsibilities of the Speaker in India and his relations with the House are concerned, it would be pertinent to refer here to the observations made by the Committee of Presiding Officers, headed by Shri V. S. Page, Chairman of the Maharashtra Legislative Council, in its report submitted to the Conference of Presiding Officers of Legislative Bodies in India, held in October 1968. The Committee, *inter alia* stated: "The principal duty of the Speaker is to regulate the proceedings of the House and to enable it to deliberate on and decide the various matters coming before it. Thus, in considering the various notices or points raised before him or adjournment of the sitting or placing matters before the House and the like, the Speaker should always bear this in mind and, where in doubt, he should act in favour of giving an opportunity to the House to express itself. The Speaker should not so conceive his duties or

⁶Tej Kiran Jain V. Sanjiva Reddy, AIR 1970 SC. 1573.

⁷The Hindu, 14-12-1972.

interpret his powers as to act independent of the House, or to override its authority or to nullify its decisions. The Speaker is a part of the House, drawing his powers from the House, and in the ultimate analysis, a servant of the House, not its master".⁸

DEVELOPMENTS IN SOME STATES

We may now consider certain developments that took place in West Bengal and the Punjab during 1967-68 and more recently in Tamil Nadu, which had focussed public attention on the powers and functions of the Speaker and his relations with the Governor on the one hand and the House on the other.

In West Bengal

In West Bengal, a United Front⁹ Ministry under the leadership of Shri Ajoy Mukherjee was sworn in on 2nd March, 1967. On 2nd November, 1967, the State Food Minister, Dr. P. C. Ghosh, resigned his post and the resignation was accepted by the Governor with effect from 6th November, 1967. Simultaneously, Dr. Ghosh, with seventeen other Members of the State Legislative Assembly, resigned from the ruling United Front and informed the Governor in writing that they had withdrawn their support to the Ajoy Mukherjee Ministry. On the day his resignation was accepted by the Governor, Dr. Ghosh claimed that the United Front had ceased to command majority support in the State Assembly¹⁰ and, therefore, had no right to continue in office. On the same day, the Governor wrote to the

⁸Report of the Committee of Presiding Officers (Con. No. 201), Lok Sabha Secretariat, New Delhi, September 1968, para 35.

⁹The "United Front" was a coalition formed after the 1967 General Election by fourteen political parties whose Members were elected to the two Houses of the West Bengal Legislature. The Congress, which though the largest single party, did not have a clear majority in the State Assembly, constituted the Opposition after the United Front took office.

¹⁰Immediately after the resignation of Dr. Ghosh and others from the United Front, the party position in a House of 283 was: U. F. 134, Congress 131; Dr. Ghosh's Group 18. See *Hindustan Times*, New Delhi, 6-11-1967. According to Press announcement issued from Raj Bhavan (Government House) after the resignation of Dr. Ghosh, the leader of the Congress Party in the Assembly wrote to the Governor extending his party's support to a new Ministry if formed by Dr. Ghosh, see *Asian Recorder* 1967, pp. 8060-61.

Chief Minister, Shri Mukherjee, urging that doubts having been raised about the support of the majority of the members of State Assembly to the United Front Ministry, it was necessary to call the Assembly into session as early as possible, and not later than the third week of November, to seek a vote of confidence in the Ministry. Later the Governor repeatedly requested the Chief Minister to agree to the Legislative Assembly being summoned on 23rd November, 1967. This was not acceptable to the Council of Ministers, which had decided to call the Assembly into session on 18th December, 1967, and stuck to that date. His efforts to persuade the Chief Minister to agree to an earlier summoning of the House having failed, on 21st November, 1967, the Governor removed the Ajoy Mukherjee Ministry, from office and appointed a new Ministry headed by Dr. P. C. Ghosh¹¹.

Summoned on the advice of the new Chief Minister, the Assembly met on 29th November, 1967, for a trial of strength. Two Motions expressing full confidence in Dr. P. C. Ghosh and his Council of Ministers had been tabled by 129 Members of the Congress Party and 14 Members of Dr. Ghosh's newly formed Progressive Democratic Front. However, immediately after the Assembly met, the Speaker made a statement *suo motu* and adjourned the House *sine die* on the tripple ground that the dissolution of the United Front Ministry, the appointment of Dr. P. C. Ghosh as Chief Minister and the summoning of the House on Dr. Ghosh's advice were "unconstitutional and invalid". The Speaker also said that he was adjourning the House in exercise of his powers under rule 15 of the Assembly Rules.¹² After the adjournment by the Speaker, the Governor prorogued the Assembly. On 29th January, 1968, the Governor summoned the West Bengal Legislature to meet on 14th February, 1968, for its Budget Session.

Meanwhile, a petition challenging the appointment of Dr. P. C. Ghosh as Chief Minister was moved in the Calcutta High Court. Upholding the Governor's action in appointing Dr. P. C. Ghosh as Chief Minister, Justice Mitra in his judgement delivered on 6th February, 1968, observed:

"I do not see anything in the language of Article 164(1), which imposes any restriction or condition upon the power of the Gover-

¹¹Facts based on judgement of the Calcutta High Court in *M. P. Sharma V. P. C. Ghosh and others*, AIR 1969 Cal. 198 and *Asian Recorder*, 1967, pp. 8060-61.

¹²Rule 15 provides, *inter alia*, that "the Speaker shall determine the time when a sitting of the House shall be adjourned *sine die* or to a particular day, or to an hour or part of the same day"

nor to appoint a Chief Minister. As to the appointment of other Ministers, the Governor is required to act on the advice of the Chief Minister.... In appointing a Chief Minister therefore the Governor must act in his own discretion. It is for him to make such enquiries as he thinks proper to ascertain who among the Members of the Legislature ought to be appointed the Chief Minister and would be in a position to enjoy the confidence of the majority in the Legislative Assembly of the State"¹³.

Further rejecting an argument that the Council of Ministers being collectively responsible to the State Assembly, only the Assembly and not the Governor, could remove it from office, Mitra J. said:

"Article 164(1) provides that the Ministers shall hold office during the pleasure of the Governor. The right of the Governor to withdraw the pleasure during which the Ministers hold office, is absolute and unrestricted. Furthermore, having regard to the provisions of clause (2) of Article 163 the exercise of the discretion by the Governor in withdrawing the pleasure cannot be called in question in this proceeding."

"Collective responsibility contemplated by clause (2) of Article 164 means that the Council of Ministers is answerable to the Legislative Assembly of the State. It follows that a majority of the Members of the Legislative Assembly can at any time express its want of confidence in the Council of Ministers. But that is as far as the Legislative Assembly can go. The Constitution has not conferred any power on the Legislative Assembly of the State, to dismiss or remove from office the Council of Ministers. If a Council of Ministers refuses to vacate the office of Ministers, even after a motion of no-confidence has been passed against it in the Legislative Assembly of the State, it will then be for the Governor to withdraw the pleasure during which the Council of Ministers holds office."

Finally, Mitra J. observed that in view of the circumstances and the factual position in West Bengal the impugned orders of the Governor could not be said to be maintained with *mala fide*.¹⁴

When the West Bengal Legislature met on 14th February, 1968, as scheduled, the Governor, amidst great pandemonium, read out only a portion of his address to the Members of both the Houses of Legislature. Later, at the separate session of the Assembly, the Speaker immediately after entering the Chamber again adjourned the House *sine die*, repeating his ruling of 29th November, 1967, questioning the legality of a session summoned on the advice of the P. C. Ghosh Ministry.

¹³M. P. Sharma v. P. C. Ghosh and others, *op cit*.

¹⁴*Ibid*.

Now, even though the Calcutta High Court had clearly upheld the constitutionality as well as the *bona fides* of the West Bengal Governor's action, it can perhaps be argued that he need not have precipitated matters by insisting on summoning the Assembly on a date earlier than the one suggested by his Ministers when the interval between the two dates was only a few days. The Speaker, on his part, should have, in conformity with the traditions of impartiality and aloofness associated with his office, avoided entering the controversy. That apart, by adjourning the Assembly *sine die*, the Speaker rendered the very House, which alone could settle the rival claims of the United Front and the P. C. Ghosh Ministry to majority support, ineffective. If a controversy arises, whether a Ministry is "legal" or not, the proper forum to settle the matter is the Court. But the House is not helpless; for, even if the Court upholds the appointment of the Chief Minister and the other Ministers, the House can vote them out of office if it wants. To quote the former Speaker of the Lok Sabha Dr. N. Sanjiva Reddy:

"The Speaker does not come into the picture at all, and if he takes upon himself to pronounce on the legality of the Ministry and precludes the House from expressing its views in the matter, he is arrogating to himself the functions of the House and the Courts. Not only that, if the Speaker just does not allow the House to function, he is, in effect releasing the Ministry from its obligations and responsibility to the House".¹⁸

In the Punjab

In the Punjab, the United Front Ministry, headed by Shri Gurnam Singh, tendered its resignation on 22nd November, 1967, following the defection from the United Front of Shri Lachman Singh Gill and seventeen other Members who together formed a new party—the Punjab Janta Party—under the leadership of Shri Gill. With the support of the Congress, a new Ministry was formed under Shri Gill on 25th November, 1967. The State Legislative Assembly was then summoned for its budget session to meet on 22nd February, 1968, and on 4th, 5th and 6th March, the Financial Statement was discussed.

On the last day *i.e.*, 6th March, amidst unruly scenes, the Speaker named an Opposition Member of the United Front and ordered the

¹⁸Address by Dr. N. Sanjiva Reddy at the Emergent Conference of Presiding Officers held on 6th April, 1968, Lok Sabha Secretariat, New Delhi, April 1968, p. 5.

Marshal to remove him from the House, Subsequently, on an assurance of good conduct from the Deputy Leader of the United Front, the Speaker, however, agreed to drop the matter. This led to uproarious scenes and the Speaker adjourned the House for half an hour. When the House reassembled, two identical Motions were tabled expressing lack of confidence in the Speaker for his failure to maintain the dignity and decorum of the House and also his failure in getting his order enforced. The House granted leave to move the Motions. Some time after the House was adjourned to the next day.

When the House met on 7th March, 1968, the leader of the Opposition, Shri Gurnam Singh, raised a point of order that the no-confidence motions moved on the previous day and admitted for discussion contravened the provisions of Article 179(c) of the Constitution as the required 14 days' notice of the intention to move a resolution for the removal of the Speaker had not been given. Secondly the Constitution provided only for the "removal" of the Speaker and there was no provision for a no-confidence motion against him. His contention was strongly opposed by some Congress Members. After discussion at some length the Speaker ruled that the motions expressing no confidence in him were "unconstitutional, being violative of the clear provisions of Article 179(c) of the Constitution" and that, therefore, they were "deemed to have not been moved at all". Another resolution for the removal of the Speaker was then moved. There was pandemonium in the House, and observing that the House was in "a very rowdy mood" and "the work cannot be done" the Speaker purporting to act under Rule 105¹⁶, adjourned the Assembly for two months. Having given his ruling, the Speaker left the Chamber.¹⁷

The adjournment of the Assembly for two months created a serious crisis in the Punjab, as the Budget had to be passed before 31st March and no expenditure in the State could therefore be made from 1st April, 1968. In order to overcome this unprecedented situation, the Governor took a number of steps. On 11th March he

¹⁶Rule 105 of the Rules of Procedure (Punjab Assembly) reads "In the case of grave disorder arising in the Assembly the Speaker may, if he thinks it necessary to do so, adjourn the Assembly or suspend any sitting for a time to be named by him."

¹⁷See *Baldev Parkash and others V. the State of Punjab*; Judgement of the High Court of Punjab and Haryana, dated 10th May, 1968; *State of Punjab V. Sat Pal Dang and Others*, AIR 1968; SC 903, and *Statesman*, New Delhi, 8-3-1969.

prorogued the Assembly; the order of prorogation was caused to be printed in the State Gazette the same day by the Chief Secretary and copies of the Gazette were despatched to the Secretary of the Assembly, the Speaker and other Members on the following day. On 13th March, 1968, the Governor, in exercise of his powers under Article 213¹⁸ of the Constitution, read with Article 209¹⁹ promulgated the Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance 1968, Section 3 of the Ordinance provided that notwithstanding anything contained in the Rules of Procedure or Standing Orders, the sitting of either House of the Punjab Legislature shall not be adjourned until completion of the pending financial business "unless a motion to that effect is passed by majority of the Members of that House present and voting", and that any adjournment of either House is contravention of this provision "shall be null and void and be of no effect". On 14th March, 1968, the Governor summoned the Legislative Assembly, fixing 18th March, 1968 for its sitting. He further sent a message under Article 175(2) of the Constitution directing the Assembly to consider with all convenient despatch the Punjab Appropriation Bills, Demands for Grants and other financial business. When the Legislative Assembly met on the appointed day, the leader of the Opposition, Shri Gurnam Singh, raised under Rule 112²⁰, a point of order regarding the constitutionality of the 13th March Ordinance which had been placed on

¹⁸When the State Legislature is not in session, the Governor is empowered under Article 213 to promulgate an ordinance if he is satisfied that circumstances exist which render it necessary for him to take immediate action. The duration of such an Ordinance is six weeks from the reassembly of the Legislature unless it is earlier disapproved by the Legislature by adopting a resolution to that effect. The Ordinance may also be replaced by an act if necessary.

¹⁹Article 209 of the Constitution provides that, for the purpose of timely completion of financial business, a State Legislature may regulate by law the procedure in relation to any financial matter.

²⁰The provisions of Rule 112 of the Rules of Procedure (Punjab Assembly), relevant to the present study are:

- (1) A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker.
- (2) A point of order may be raised in relation to the business before the House at the moment.
- (3) Subject to conditions referred to in sub-rules (1) and (2) a member may formulate a point of order and the Speaker shall decide whether the point raised is a point of order; and if so, give his decision thereon, which shall be final.

the Table of the House. His contention was that the Ordinance was null and void because it had been promulgated when the Assembly was in session. He argued that the order of the Governor of 11th March proroguing the Assembly was sent by the Secretary of the Assembly, under Rule 7²¹ for printing and publication to the Government Press on the night between 14th March and 15th March, and the notification was received by the Members, because of intervening holidays only on 18th March—*i.e.* on the very day on which the House was meeting on being summoned by the Governor. He added that only the notification issued by the Secretary of the Assembly who alone was the proper notification in the eye of the law and not the one issued by the Chief Secretary on 11th March.

After a prolonged discussion, Mr. Speaker gave his ruling on the point of order. He held that the House was prorogued not on 11th March but on the 18th, and gave the ruling in the following words:

The order of the Governor dated 14-3-68 summoning the House is also illegal and void and he had no power to resummon the House once adjourn under Rule 105. Therefore, in accordance with my earlier ruling dated 7-3-68 the House stands adjourned for two months from that date.

The ruling of the Speaker, as recorded in the proceedings, was necessarily brief because he was in the circumstances obliged to give his decision immediately. In his detailed ruling, recorded on the same day, the Speaker also held that the Ordinance promulgated by the Governor on 13th March was "null and void" as it contravened Article 213 of the Constitution²².

Immediately after giving his ruling, the Speaker left the Chamber. However, the House continued to sit as directed by the Ordinance, with the Deputy Speaker in the Chair and transacted its business. The two Appropriation Bills, which were passed by the Assembly, were then transmitted to the Legislative Council (Upper House), certified by the Deputy Speaker that they were Money Bills. In the Council an objection was raised that a certificate under Article 199(4) declaring that a particular Bill is a Money Bill, must be signed by the Speaker of the Assembly. This was overruled by the Chairman and Bills were passed by the Legislative Council. They were then placed

²¹Rule 7 of the Rules of Procedure (Punjab Assembly) reads:

"When a session of the Assembly is prorogued the Secretary shall issue a notification in respect thereof in the Gazette and inform the Members. On prorogation, all pending notices subject to the provisions of the Constitution and these Rules shall lapse."

²²See *Baldev Prakash and Others V. State of Punjab*, *sup. cit.*

before the Governor with another certificate by the Deputy Speaker, and the Governor signified his assent. The two Appropriation Bills thereupon became the Punjab Appropriation Acts 9 and 10 of 1968.

Two writ petitions were then filed in the Punjab and Haryana High Court, questioning the validity of the Ordinance promulgated by the Governor of Punjab on the 13th March, 1968, and Punjab Appropriation Acts 9 and 10 of 1968. A full Bench of the High Court unanimously held that the prorogation and resumption of the Legislature were regular and legal, but that the ruling given by the Speaker on 18th March made the subsequent proceedings in the House illegal.²³ The Full Bench also unanimously held that the impugned Punjab Appropriation Acts were unconstitutional. There was a difference on the point that the certification by the Deputy Speaker in place of the Speaker was valid. The majority held that only the Speaker, and not the Deputy Speaker, was entitled to certify a Money Bill, and the certification having been made by the Deputy Speaker was not valid. Similarly, a majority of the Judges held that section 3 of the Ordinance was unconstitutional and invalid, as it impinged on Article 189(4) of the Constitution, which enjoins the Speaker to adjourn the House when there is no quorum.

The Supreme Court on appeal set aside the judgment of the High Court on 30th July, 1968. The Constitution Bench of the Court unanimously held that the financial business transacted before the Punjab Assembly on 18th March, 1968, had legal foundations; that the Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance was validly enacted; and that the two Punjab Appropriation Acts were valid and duly certified.²⁴

²³All the judges agreed that the ruling given by the Speaker on 18th March was final and could not be challenged. The effect was that, according to the Constitution and the law there was no sitting of the Assembly on 18th March, 1968, and nothing could be done or contended in it. As observed by Mehar Singh C.J., "The two Appropriation Acts are not constitutionally valid statutes because the same were not passed by the Legislative Assembly summoned and sitting according to the Constitution and the law in terms of the ruling of Mr. Speaker," *Baldev Parakash and others V. State of Punjab*, *op. ci.*

²⁴*State of Punjab V. Sat Pal Dang and others*, *op. cit.*

Let us consider the arguments and the Court's opinion on the main issues. Briefly, the arguments on behalf of the Speaker and others were: Prorogation took effect only on 18th March, and so the summoning of the Assembly before prorogation was invalid; the prorogation being invalid, the House continued to be in session although adjourned, and hence the ordinance promulgated by the Governor, when the Legislature was "in session", was a fraud on the Constitution; the ruling of the Speaker given on 18th March was not open to challenge in a court and all proceedings in the Assembly thereafter were illegal; and that the two Acts were *ultra vires* because the Speaker alone could endorse a Money Bill and certify a Bill as such.

Now, according to the sequence of events in the Punjab, the first point at issue was whether the Governor's action in proroguing the Assembly on 11th March, 1968, was justified and valid. In the circumstances obtaining in the Punjab, where the Assembly had been "put in a state of inaction" for two months by the adjournment and no money could be drawn from the Consolidated Fund after 31st March, the Court held that in proroguing the State Assembly on the 11th March, the Governor acted "not only properly but in the only constitutional way open to him", there was "no abuse of power by him", nor could "his motive be described as *mala fide*". The Court also observed that the Governor's power of prorogation "being untrammelled by the Constitution and an emergency having arisen", the action of the Punjab Governor was "perfectly understandable."

Posing a question whether a Governor will be justified in exercising his power of prorogation when the Legislature is in session and in the midst of its legislative work, the Court observed:

"That does not fall for consideration here. When that happens the motives of the Governor may conceivably be questioned on the ground of an alleged want of good faith and abuse of constitutional powers."

As regards the contention that only the Secretary of the Assembly could notify the order of prorogation and as such the prorogation came into effect on 18th March or on 16th March at the earliest, the Court observed:

"Article 174(2), which enables the Governor to prorogue the Legislature, does not indicate the manner in which the Governor is to make known his orders. He could follow the well-established practice that such orders are ordinarily made known by a public notification which means no more than that they are notified in the Official Gazette of the State. There was such a notification on the 11th March and prorogation must be held to have taken

effect from the date of publication. It was not necessary that the order must reach each and every Member individually, before it would become effective....The action of the Secretary (of the Assembly), in sending copies of the Gazette to the Members is merely ministerial, Rule 7 cannot be read as a condition precedent for the efficacy of the Governors order provided it was duly notified."²⁵

As regards the constitutionality of the Ordinance which was promulgated by the Governor on 13th March, the Court observed that after the prorogation of the Assembly "there was no further curb on the legislative power of the Governor". Maintaining that the power of legislation by Ordinance "is as wide as the power of the Legislature of the State", the Court saw no force in the submission that the Ordinance-making power of the Governor did not extend to the regulation by law of procedure in the Legislature in relation to financial business provided for in Article 209 of the Constitution.

The Court held that the Ordinance in question was validly enacted under the power derived from Articles 209 and 213 and observed that, if ever there was an occasion for the regulation of procedure in the Legislature by a law under Article 209, it was this. As the Court put it, "Article 209 is intended to speed financial business in the Legislatures so that attempts to filibuster, adjourn or otherwise delay such business may be avoided....The Legislature could not be allowed to hibernate for 2 months while the financial business languished and the constitutional machinery and democracy itself were wrecked". The Court further maintained that by enacting a law for the speedy disposal of financial business the Ordinance had actually left matters in the hands of the Legislature with the only restriction that the Legislature would not adjourn except when a house by a majority desired it (*vide* section 3 of the Ordinance). "This"; the Court observed, "respected the democratic right of the Legislature but put down the vagaries of action calculated to delay the business." The Court also rejected an argument that Section 3 of the Ordinance was *ultra vires* as it conflicted with Article 189(4) of the Constitution which enjoins the Speaker to adjourn the House when there is no quorum. It held that Article 189(4) was outside the law-making power of the Governor and his Ordinance must be read to harmonise with it.

²⁵*Ibid.* In this connection the Court also pointed out that even in England where prorogation used to be through a writ or writ patent or a commission under the Great Seal of the United Kingdom read in the House, now a proclamation by the Queen suffices under the Prorogation Act of 1967.

As regards the arguments that the Speaker's ruling of 18th March was valid and binding, the Court observed "that the ruling was based on the wrong assumptions that the Assembly was prorogued on 18th March and not on 11th March." The Ordinance of 13th March being a valid law binding on the Assembly (including the Speaker) by virtue of Article 209, the Court maintained that the Speaker was "powerless" and "his adjournment of the session without taking the mandate of the Assembly as required by section 3 of the Ordinance was null and void and of no effect."

Reference was made before the Court to Rule 112 of Punjab Assembly Rules of Procedure, which says that a point of order once raised must be decided by the Speaker and his decision thereon is final. It was urged that "whatever the merits of the Speaker's ruling it must be treated as final". The Court held that this claim was "unfounded". According to the Court, "points of order can only be raised in relation to the interpretation and enforcement of the rules and the interpretation of the Articles of the Constitution regulating the business of the House and the question which is to be decided by the Speaker must be within his cognizance."²⁶ The finality of the ruling applied subject to this condition". The exact point of order in the present case concerned the validity of the Ordinance. The Speaker, the Court pointed out, did not attempt to interpret the relevant constitutional provisions, that is, Articles 208, 209 and 213; "he did not confine his ruling to matters within his cognizance"; but "asserted himself against a law which was binding on him". "If the Ordinance was to be questioned this was not the method," the Court said. A resolution had to be passed under Article 213(2) (a) disapproving it. But, the Court observed, not being sure that the majority would support such a resolution, "the Speaker proceeded to nullify the Ordinance by a ruling which he was not competent to give. Therefore, his ruling was not only not final, but utterly null and void and of no effect".

In view of its findings that the prorogation and subsequent resumption of the House were valid and the Ordinance was validly enacted, the Court held that the continuance of the proceedings under the Deputy Speaker on 18th March, after the Speaker had given his ruling and left, was valid, "complying as it did with the law promulgated by the Governor", and that each item on the agenda was properly passed.

The last point raised before the Court related to the validity of the certificate issued by the Deputy Speaker under Article 199(4) in respect of the two Appropriation Bills. The argument was that the pro-

²⁶See Rule 112 (1) (2) (3), reproduced in f.n. 20 ante.

visions of Article 199(4) were mandatory and, if this was so, only the Speaker could certify a Money Bill. The Court, however, took the view that the provisions of Article 199(4) were directory and not mandatory and hence the certificate given by the Deputy Speaker was in the circumstances of the cases, effective and could not be questioned in view of Article 212 which provides that the validity of any proceeding in the Legislature of a State "shall not be called in question on the ground of any alleged irregularity of procedure." The Court also observed in this connection that as the Speaker was not present when the Bills were passed and as, under Article 180(2) the Deputy Speaker acts as the Speaker when the Speaker is absent, the Deputy Speaker of the Punjab Assembly "was validly acting as the Speaker of the Assembly which continued to be in session."

In conclusion, the court observed that the situation created in the Punjab was unique, and though the action of the Governor appeared to be drastic, it was "constitutional and resulted from a desire to set right a desperate situation".

The Supreme Court judgment is undoubtedly of great significance from the point of view of the development of parliamentary institutions in India, as the whole controversy in the Punjab centred round certain actions of the Speaker and certain measures taken by the Governor which directly affected the House.

A good deal of circumspection is needed in considering the implications of the Supreme Court judgment and applying the same in relation to the powers of the Governor and the Presiding Officers of the Legislatures. Hence a distinction may be made between opinions of the Court which may not be of general applicability, such as those involving the interpretation of a constitutional provision, and those which may relate to the permissibility of a particular action in a particular set of circumstances.

Let us first take the question of the Governor's power of prorogation. The Court has held that in the circumstances of the case the prorogation of the Assembly by the Governor on 11th March, 1968, was not only proper, but was also the only constitutional way open to the Governor, if the impasse created by the adjournment of the House for two months was to be ended. It may be mentioned that Article 174(2) of the Constitution which enables the Governor to prorogue either House does not indicate any restrictions on this power. This was noted by the Court. All the same, the Court indicated that in certain circumstances—that is, when the Legislature is in session and in the midst of its legislative work—the motives of the Governor in

proroguing the House may conceivably be questioned on the ground of want of good faith and abuse of power. So the judgment cannot be said to have armed the Governor with absolute power to prorogue the House at his sweet will. However, as suggested by the Speaker of the Lok Sabha, the possibility of the abuse of this power—which the Supreme Court itself has recognized—needs to be minimised by developing a convention that in all matters relating to the House, such as summoning and prorogation of the House, the Speaker should be consulted by the Government.²⁷

The Supreme Court's view that the Ordinance-making power of the Governor extends to the regulation of procedure in the Legislature in relation to financial business, contemplated in Article 209, is obviously a declaration of law which is binding. Although there will always be need to guard against any attempts by the Executive to erode the autonomy or powers of the Legislature through Ordinances, it may be pointed out that there are in the Constitution certain built-in safeguards against abuse of the Ordinance-making power. First, an Ordinance, like laws, cannot transgress constitutional requirements. Secondly, if an Ordinance is subsequently disapproved by the Legislature, it immediately ceases to have effect.

Though the Speaker's ruling given on 18th March was held by the Court to be null and void, it cannot be concluded that as a result of this judgment, all rulings of the Chair have become subject to judicial review or that the judgment has upset equation between the Legislature and the Judiciary to the disadvantage of the former. On the contrary, by holding that the proceedings in the House on 18th March after the Speaker had left the Chamber and the certification of the Appropriation Bills by the Deputy Speaker could not be questioned because of the provisions of Article 212²⁸ of the Constitution and by pronouncing that if the Ordinance was to be annulled it was for the House to do so by a resolution under Article 213 (2)(a), the Supreme Court has upheld the supremacy of the House and reaffirmed the well-established principle that the Speaker cannot arrogate to himself functions which properly belong to the House.

As regards the question of certification, the Court has held that the provisions of Article 199(4) of the Constitution are only directory and

²⁷Address by Dr. N. Sanjiva Reddy at the Conference of Presiding officers held on 5th October, 1968; Lok Sabha Secretariat, New Delhi October 1968, p. 19.

²⁸Article 212(1) provides that "the validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure".

not of a mandatory character. According to the judgment, in the particular circumstances of the Punjab, certification by the Deputy Speaker was in order, as "the Speaker in his then mood might have declined to certify and a second impasse would have ensued". However, it does not follow from the judgment as a general proposition of law that in every case certification of a Money Bill by the Deputy Speaker would constitute due compliance with the provisions of Article 199(4). In the peculiar circumstances, the Deputy Speaker had to act in the manner in which he did. In this connection, it is interesting to note that in England, the Parliament Act of 1911 has an identical provision enjoining certification of Money Bills by the Speaker. However, May's Parliamentary Practice gives instances of Money Bills (from 1914 onwards) certified by the Deputy Speaker.²⁸

In Tamil Nadu

A Constitutional crisis was created in Tamil Nadu on November 13, 1972 when the Speaker of the State Assembly, Shri K. A. Mathialagan, abruptly adjourned the House to December 5, 1972 after 'advising' the Karunanidhi Ministry to seek a fresh mandate from the people. The Assembly was meeting for the first time on that day after the split in the ruling DMK party. Soon after the House met, the Speaker announced that he had received a no-confidence motion against himself given notice of by two members of the ruling party and that he would allow a discussion on that motion the next day. Immediately thereafter, members belonging to the newly-formed Anna DMK and the Communist Party (CPI) stood up and said that the Ministry had forfeited the right to rule as it had lost popular support. They also demanded the resignation of the Ministry.

The Chief Minister, Shri Karunanidhi, however, claimed that his Government continued to enjoy majority support in the House and said that his claim could be tested by taking up immediately a no-confidence motion against his Ministry, notice of which had been given by the C.P.I. leader, Shri Thangamani, and others. The Speaker, Shri Mathialagan, observed that the conflicting claims of the Chief Minister and certain Opposition parties had created an "extraordinary situation" and the only solution in the circumstances was to

²⁸See Erskine May: *Treatise on the Law, Privileges, Proceedings and Usages of Parliament* (17th ed) 1964, p. 842, f.n. (c).

have a mid-term poll in the State. He accordingly advised the Chief Minister to resign and seek a fresh mandate from the people. His advice was immediately rejected by the Chief Minister.⁸⁰

The Speaker, thereafter, adjourned the House till December 5, 1972, "to give time to the Chief Minister" to consider his "suggestion that he may recommend to the Governor dissolution of the Assembly and seek a fresh mandate from the people". Having said so, the Speaker left the Chamber.

Meanwhile, 178 members of the ruling DMK and its allies met and signed a letter expressing no-confidence in the Speaker and sent it to the Governor.⁸¹

On November 14, 1972 the Tamil Nadu Governor prorogued both the Houses of the State Legislature on the advice of the State Government, to clear the way for the reconvening of the State Assembly.⁸²

Prorogation Challenged in Court

Meanwhile, two writ petitions challenging the Governor's order proroguing the State Legislature and seeking to have the order quashed were admitted in the Madras High Court on November 16. One of the petitions was filed by the Speaker, Shri Mathialagan, and the other by Shri M. G. Ramachandran, leader of the Anna DMK party. A third writ petition, also challenging the Governor's prorogation order, was filed subsequently by Shri K. T. K. Thangamani, CPI leader.

Shri Mathialagan contended in his petition that the Governor's order, was Contrary to the letter and spirit of law and the Constitution and was vitiated by lack of good faith. He maintained that as Speaker it was his exclusive right and responsibility to steer the course of the Assembly and guide its deliberations, and that by the impugned order proroguing the House, the Governor had invaded the petitioner exclusive jurisdiction.⁸³

The petitioners had also submitted that the power of the Governor to prorogue the session, under Article 174 of the Constitution, though

⁸⁰ See *Asian Recorder* 1973, p. 11211.

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ See *Indian Express* 17-11-72.

untrammelled and without restriction, should be exercised by him in his discretion and that he should not act merely and only on the advice of the Chief Minister.

Removal of the Speaker

On November 28, 1972, the Governor of Tamil Nadu summoned the State Assembly to meet on December 2, 1972, in terms of the powers vested in him under Article 175(2), in order to dispose of a fixed Agenda which included consideration of money bills arising out of supplementary budget estimates and the Electricity Board Budget.³⁴

When the House actually met on December 2 the Madras High Court had yet to pronounce its judgement on the writ petitions challenging the prorogation of the House by the Governor on November 14, 1972. The Session had a noisy start because of doubts expressed by some members as to whether the House was competent to carry on the proceedings in view of the fact that the writ petitions challenging the validity of the prorogation of the legislature by the Governor, were awaiting the judgement of the High Court. The Speaker, Shri K. A. Mathialagan, gave a ruling that the House could go ahead with the meeting even though it had been said that there was a 'risk' of the proceedings becoming void in case the Court held the prorogation of the House by the Governor as improper. He said he wanted the House to function so that democratic traditions could be upheld in the State.³⁵

A motion of the Leader of the House, Shri V. R. Nedunchezian, for waiving the question hour was rejected by the House because of lack of unanimity and it proceeded with the questions even though only seven out of the 20 questions on the agenda could be covered in the time available.

After the question hour was over, the Speaker took up the no-confidence motion against the DMK Ministry, given notice of by Shri K. T. K. Thangamani, the CPI leader and other Opposition members. On this, the Leader of the House, Shri Nedunchezian demanded that the no-confidence motion against the Speaker, who had "lost the confidence of 184 members", given notice of by Shri N. Veeraswamy (DMK), should have precedence. The Speaker, however, told the

³⁴See *Asian Recorder*, *op cit.* Also see *The Hindu*, *The Hindustan Times* December 3, 1972.

³⁵*Ibid.*

House that the no-confidence motion against the Ministry would have precedence over it and asked the Anna DMK leader, Shri M. G. Ramachandran, to speak on the motion.

As the Speaker rejected Shri Nedunchezian's request, the latter moved a resolution that the Deputy Speaker should preside over the House. He said that the Speaker had not only lost the confidence of 184 MLAs but he had also not followed the Governor's "message laying down the business the House should transact". As the Leader of the House read the resolution asking the Deputy Speaker to take the Chair, there were loud cheers from the Treasury Benches. The Deputy Speaker, Shri P. Srinivasan, moved towards the dais but the Speaker refused to vacate the Chair. A separate Chair was then provided for the Deputy Speaker by the side of the Secretary of the Assembly. The microphone of the Speaker was switched off and the bell was removed. An un-precedented situation was created when parallel proceedings began around 12 noon, presided over by both the Speaker and the Deputy Speaker simultaneously. The conduct of proceedings by the Deputy Speaker was challenged by DMK, CPI, Congress and Congress(O) members on the ground that when the Speaker was occupying the Chair, the Deputy Speaker could not conduct the proceedings.³⁶

While the Anna DMK leader, Shri M. G. Ramachandran was speaking on the no-confidence motion against the Ministry, having been called upon by the Speaker to do so, the Deputy Speaker asked the Chief Minister, Shri M. Karunanidhi, to present the supplementary statement of expenditure and the State Electricity Board Budget, which the Chief Minister did.

At 1.30 p.m. both the Speaker and the Deputy Speaker rose in their seats and sought the permission of the House to extend the time of the sitting. The parallel proceedings continued for half an hour more and then the Speaker, on his part, announced the adjournment of the House to December 4, and left the Chamber. During the proceedings conducted by the Speaker, Shri Ramachandran spoke for about 90 minutes though his speech was not audible in view of the microphone facilities having been switched off and being made available only for members called by the Deputy Speaker. Four other

³⁶*Ibid.*

members besides Shri Ramachandran also spoke on the no-confidence motion.³⁷

At the start of the parallel proceedings which continued for 100 minutes, and also while leaving the Chamber, the Speaker had directed that the proceedings conducted by the Deputy Speaker would not go on record. Deputy Speaker also on his part gave a similar ruling when he began conducting the proceedings and repeated it before adjourning the House at 2.30 p.m.

After the Speaker left the Chamber, the Deputy Speaker occupied the Speaker's Chair. A resolution moved by the Leader of the House, Shri Nedunchezian, to the effect that the Speaker had been "removed" from office by "duly passing" the motion of Shri Veeraswamy, was adopted by the House with 176 members voting for and none against.³⁸ The resolution also mentioned that the Deputy Speaker had taken the Chair and conducted the proceedings.

A Gazette Extraordinary issued the same night said: "Mr. K. A. Mathialagan, Speaker, Tamil Nadu Legislative Assembly, has been removed from the Office of Speaker by a resolution of the Assembly passed by a majority of all the then Members of the Tamil Nadu Legislative Assembly on 2nd December, 1972 afternoon under Article 179(c) of the Constitution".

Another Gazette Notification stated: "Consequently under clause (1) of Article 180 of the Constitution, while the Office of Speaker is vacant, the duties of the Office shall be performed by the Deputy Speaker, Mr. P. Srinivasan".³⁹

On December 6, 1972, the Madras High Court admitted two writ petitions filed by Shri K. A. Mathialagan challenging his removal from the Office of Speaker by the Tamil Nadu Assembly. In his writ petition, Shri Mathialagan sought direction to restrain the Deputy Speaker, Shri P. Srinivasan, the Chief Minister, Shri M. Karunanidhi and others from intervening in any manner with his rights to continue and discharge his duties as Speaker of the Assembly.⁴⁰

The petitioner contended that the entire proceedings of the Legislative Assembly on December 2, commencing from the speech of the

³⁷*Ibid.*

³⁸*Ibid.*

³⁹*Ibid.*

⁴⁰*The Hindu* 6-12-72; *The Hindustan Times* 7-12-72.

Leader of the House, making the Deputy Speaker occupy the Chair and purporting to have parallel Assembly proceedings, were not only void but violative of the Constitution. According to Shri Mathialagan, no motion for his removal from office had been moved, no discussion had taken place, nor was there any voting. When the House had been summoned and when he was validly functioning as Speaker, the Deputy Speaker had no legal right to commence parallel proceedings and probably to carry through any motion for his removal, the petitioner added. Again, the Deputy Speaker had no authority to conduct the proceedings while the petitioner was in the Chair actually managing the business of the House. The motion purporting to remove him from the office of the Speaker, which is said to have been passed, was not in order as 14 days' notice required under Article 179(c) had not been given. Fourteen days' notice, according to the petitioner, had to commence from November 28, 1972, the date on which the Governor had summoned the Assembly. The notice for the removal of the petitioner, given by Shri Veeraswamy which was left with the Secretary of the Assembly on November 15, was void as it could not be given when the Assembly was not in session.⁴¹

Judgment in the Prorogation case

In its unanimous judgment delivered on December 11, 1972, the Court held that the prorogation of the Assembly by the Governor was "properly made and valid". The Court was of the view that there was all the business to be transacted by the State Assembly on November 13, 1972, including the no-confidence motion against the Ministry and the motion for the removal of the Speaker, which according to the Speaker himself, was to be taken up for discussion on November 14. It was then very strange, the Court held, that the Assembly should have been adjourned on the 13th itself for the stated purpose of giving the Government time to consider whether it would be prepared to face the people for a fresh mandate. The adjournment of the House in such circumstances was not viewed by the Court as a proper or *bona fide* exercise of the power of adjournment. The Court was of the view that between two General Elections, the question of challenging the confidence of the people in a ruling party having a majority in the Assembly, can be and is normally tested on the floor of the Assembly itself. The Constitution and the Assembly rules did not contemplate or provide any other mode of testing it.⁴²

The Court observed that when the ruling party had an overwhelming majority in the Assembly, it was odd to say that the Ministry had

⁴¹*Ibid.*

⁴²*K. A. Mathialagan V. Governor of Tamil Nadu*. Madras High Court dated December 11, 1972; also see *The Hindu* 12-12-72 and *The Hindustan Times*, 12-12-72.

lost the confidence of the people and the Assembly should, in the midst of its work, have been adjourned on the very day on which it commenced its session. The Court held that the appraisal of the Assembly proceedings on November 13, "leaves us with the impression that the adjournment putting the Assembly out of action in the circumstances and in this particular manner smacks of ulterior purposes".⁴³

The Court further observed that "the exercise of the function of the Governor in proroguing or dissolving the Assembly under Article 174 is not a function which he can exercise in his discretion, that is to say, to the exclusion of the ministerial advice". Since that matter is not, therefore, covered by the exception to Article 163(1), in the matter of prorogation, the Governor is bound by the advice of the Council of Ministers and in the instant case by the advice of the Chief Minister." There was nothing to show that the Governor used his power contrary to the manner in which it was intended to be exercised, the Court felt.⁴⁴

The Court did not accept "the contention of the petitioners that the Governor's function of prorogation is one he should exercise in his discretion, and so the impugned notification proroguing the Assembly only on the advice of the Chief Minister without the Governor himself objectively assessing the situation and circumstances, is invalid."⁴⁵

Speaker's removal upheld

On February 27, 1973, the Madras High Court dismissed the writ petitions by Shri K. A. Mathialagan challenging his removal from Speakership. The Court held that even if there had been any irregularity in the procedure adopted by the House on December 2, 1972, it was beyond the purview of a Court under Article 226 of the Constitution. The Court also observed that the two acts of the Assembly, i.e. taking up the motion for the Speaker's removal and putting the Deputy Speaker as his substitute—were not "illegal or unconstitutional", and the House had the privilege to deal with and decide upon

⁴³*Ibid.*

⁴⁴*Ibid.*

⁴⁵*Ibid.*

them. On the other hand, Shri Mathialagan's attempt to continue to occupy the Chair when a resolution for his removal was under consideration, was a constitutional violation, the Court ruled.⁴⁶

The Court did not accept the contention that parallel proceedings of the Assembly were held on December 2, 1972 as it accepted the printed version of the proceedings submitted before it as final. It observed that the Speaker was a "servant of the House and not its master". The Court also rejected Shri Mathialagan's petition in which he had sought the issue of preventive injunction restraining the Deputy Speaker from functioning as the Speaker and also for quashing the notification published in the Madras Gazette of December 2, 1972 notifying that he (Shri Mathialagan) had been removed from Speakership.⁴⁷

According to the Court, the petitioner himself was aware of the notice of the motion of no-confidence given by members on November 15, 1972. He had also felt the pulse of the majority of members of the Assembly even on November 13, when a memorandum signed by 183 members was sent asking him to resign. After the question hour on December 2, this motion was sought to be taken up at the instance of the movers of the resolution. Any overt act on the part of the Speaker to ignore such a legislative move, the Court observed, could only be understood as a self-serving one to buttress the events and to set up a contention which was *prima facie* not acceptable. Allowing discussion on the no-confidence motion against the Ministry could not form part of one or the other heads of the message of the Governor setting out the Agenda for the session of the House which was summoned to meet on December 2, 1972, the Court opined.⁴⁸

Conclusion

The extraordinary developments that took place in the Tamil Nadu Assembly have to be analysed both from the constitutional as well as the practical angles. According to the Constitution and the Rules, the Speaker is fully within his rights to preside over the proceedings till the House actually takes up for consideration, a motion of no-confidence against him. Article 181 makes it abundantly clear that the Speaker or the Deputy Speaker against whom a motion of no-confidence or removal is under consideration, shall not preside over the sitting of the House even if he is present in the House. It has, however, been held that consideration by the House of a motion for

⁴⁶See *The Hindustan Times*, February 28, 1973.

⁴⁷*Ibid.*

⁴⁸*Ibid.*

leave to move the resolution does not amount to consideration of the resolution for removal, and it would not be unconstitutional if the Speaker or the Deputy Speaker, as the case may be, does not vacate the Chair while a motion for leave to move the resolution for his removal is under consideration in the House.⁴⁹ It is only a matter of propriety if the Speaker or the Deputy Speaker, as the case may be, vacates the Chair even when a motion for leave to move the resolution is taken up.⁵⁰

In this particular case, the Assembly was reconvened by the Governor on December 2, 1972 and a notification to that effect was issued on November 28, 1972. A notice of a no-confidence motion against the Speaker had been given on November 15 by a large number of Members. The new notice was, however, given after the prorogation of the Assembly, on November 14 as the notice given during the prorogued session had automatically lapsed. Under Article 179, such a motion of no-confidence can be brought before the House only after 14 days notice has been given. It is important to note here that the Constitution is silent as to the date from which the 14-day notice period is to be counted; whether it is to be the date on which the notice is given after prorogation of a session even though the Assembly may have been actually summoned for its next session at a later date, or it is to be the date after summoning the House. Even the Tamil Nadu Assembly Rules are silent on this point. If the Rules are, however, waived to permit notices to be received after prorogation, then the required 14-day period was duly complied with in the present case, the notice having been given on November 15. And, as observed by the Madras High Court, the Speaker himself was aware of this notice as well as the pulse of a large majority of the Assembly who had lost confidence in him. The unpleasant situation could perhaps have been avoided if the Speaker had bowed to the will of the majority in the House and allowed the no-confidence motion against himself to have precedence over any other business, as demanded by the Leader of the House.

The development that took place on the floor of the Assembly on December 2, cannot, therefore, be viewed in isolation from what had happened there on November 13. The Speaker's action in abruptly adjourning the Assembly on that day after advising the Karunanidhi

⁴⁹Dr. A. J. Faridi v. Shri R. V. Dhulekar and others, AIR 1963 All. 75—referred to in Kaul & Shakhder. *Practice and Procedure of Parliament* (Second Edition 1972), Metropolitan, New Delhi, p. 85.

⁵⁰Ibid.

Ministry to resign and seek a fresh mandate from the people, particularly when the majority of the ruling party was never in doubt, was beyond his purview as it has always been held that the only proper forum for testing the majority of the ruling party is the floor of the House and none else.

The crucial question that might be asked in this context, therefore, is whether the Speaker has unlimited and unfettered right to adjourn the House and prevent it from functioning for whatever period he likes and on whatever grounds he may deem fit in the exercise of his discretion. The question of the Speaker's powers is not a question of politics. It is a question basically whether the Speaker is the guardian of the privileges and the rights of the House and its Spokesman or whether he has any rights independent of the House. An answer to this question undoubtedly, depends on a correct understanding of the precise role and functioning of the Speaker and his relationship with the House in a parliamentary democracy.

As noted earlier, under the Rules, the Speaker has considerable discretion in regard to adjourning the House and other vital matters, but this discretion has to be exercised within reasonable limits and in a manner so as to enable the House to function and ensure adequate opportunities to all sections for participation in the deliberations of the House. As observed by Mr. Speaker Reddy, in his inaugural address to the emergent conference of Presiding Officers of Legislative Bodies in India, specially convened to consider the developments in West Bengal and the Punjab: "The House is paramount, not the Speaker who can claim no inherent right to override or bypass the House or to arrogate to himself powers and functions which properly belong to the House." Further, emphasising that all the powers and the supreme authority of the Speaker are based on his absolute and unvarying impartiality, he said: "To inspire confidence, in his impartiality it is not enough that the Speaker should formally renounce membership of the party to which he belonged. He should also scrupulously refrain from entering into political controversies or giving an impression that he is helping one section of the House, even though it may be a minority section, in their struggle for power".⁵¹

It is true that the practice of the Speaker divesting himself completely of all party affiliation is yet to be firmly established in India.

⁵¹Address by Dr. N. Sanjiva Reddy at the Emergent Conference of Presiding Officers held on the 6th April, 1968, op. cit., pp. 8—10.

This, in turn, is mainly because proper conventions ensuring uncontested return to Speakership, both in the constituency and the House, have not been developed so far. However, even though most Speakers in India have retained their political affiliations, they have as a rule scrupulously adhered to the high standards of impartiality and independence expected of their office. Indeed, against these three instances, many others can be cited where Speakers of State Assemblies "have kept their balance, cool judgement and acted impartially" in the midst of "changing political scenes and pressures".⁵³

Moreover, there is now growing recognition in India of the need to ensure the complete political neutrality of the office of the Speaker. The former Speaker of the Lok Sabha Dr. N. Sanjiva Reddy, was the first holder of the office since independence to have publicly and categorically severed his affiliations with the political party to which he belonged.⁵³

It is to be hoped that Mr. Speaker Reddy's example will help in the development of suitable conventions ensuring the complete independence and impartiality of the Chair in India. Earnest efforts to build up such conventions are already being made through the institution of the Conference of Presiding Officers of Legislative Bodies in India. At the annual meeting held at Trivandrum in October 1968, the Conference adopted the report of the Committee of Presiding Officers (Page Committee) which, among other things, sets out a procedure for establishing a convention whereby the seat from which the Speaker stands for election or re-election remains uncontested in elections.⁵⁴

The Committee's views have been noted earlier as regards the powers and functions of the Speaker and his position *vis-a-vis* the House. The Committee has also suggested certain conventions to be

⁵²*Ibid*, p. 11.

⁵³The first Indian Speaker to take such a step was Mr. President Vithal-bhai Patel, who resigned from his party immediately after his election as the President of the Central Legislative Assembly. Among Mr. President Patel's successors in the pre-Independence period, only Mr. Speaker Shanmukham Chetty followed his example of renouncing his political affiliations publicly and unequivocally.

⁵⁴*Report of the Committee of Presiding Officers*, *op. cit.* para 34.

observed by the Speakers in the conduct of the day-to-day business of the House. One of the suggestions is that the Speaker should not on his own raise a matter and then give his decision thereon. He should give his ruling when a point of order is raised and after he has heard the Members, if necessary.⁵⁵

The proposals made by the Page Committee for ensuring uncontested election to Speakership can fructify only if certain assumptions or conditions are fulfilled. To quote Mr. Speaker Reddy:

First, by and large, political parties and groups in the country should agree to the need of insulating Speakership from the pressures or compulsions of party politics. Secondly, Speakers and aspirants for Speakership should be imbued with a genuine faith in the noble traditions of impartiality, aloofness from political controversies, and independence that are associated with this office. It is also obvious that if they are to maintain their impartiality and independence they should accept the office with a sense of fulfilment, regarding it as a rare privilege to be called upon to serve the cause of Parliamentary democracy in the unique way which it open only to a Speaker.⁵⁶

There are good grounds for hoping that political parties in India will see the wisdom of developing appropriate conventions to insulate Speakership from the "pressures or compulsions of party politics". Reactions to the developments in West Bengal, the Punjab and Tamil Nadu have shown how keen public opinion in India is in safeguarding the dignity of the Speaker's office and its essential qualities, namely, impartiality and independence. After all, no political party whatever its ideology, can afford to ignore the expectations of the people. The earnest efforts of Presiding Officers themselves to build up healthy conventions and practices pertaining to their office also hold out for the development of Speakership in India on the right lines.

⁵⁵Ibid., para 40.

⁵⁶Address by Dr. N. Sanjiva Reddy at the Conference of Presiding Officers held on the 5th October, 1968, *op. cit.*, p. 7.

IMPACT OF FINANCIAL COMMITTEES' RECOMMENDATIONS ON ADMINISTRATION*

[A 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 publish in this issue two articles on "Department of Atomic Energy—Atomic Power" and "Super Bazar, New Delhi" based on the Reports of the Estimates Committee and the Public Accounts Committee respectively.—Editor].

I. DEPARTMENT OF ATOMIC ENERGY—ATOMIC POWER

Introductory

Utilisation of Nuclear Resources

The nuclear power is assuming a role of increasing importance in the field of power generation all over the world. India's resources of coal and hydro-power are adequate for meeting the power requirements of the country in the foreseeable future. However, having regard to the present rate of growth in the country's population and the steady increase in the *per capita* consumption of energy, the position might become difficult after some time. In view of the fact that the coal deposits in India are restricted to a few coal bearing regions in West Bengal, Bihar and Madhya Pradesh and also in view of the special characteristics of hydro-power, which is derived from the seasonal character of rainfall during Monsoon, it is prudent to diversify resources of electricity, thereby taking advantage of nuclear power. In the matter of nuclear energy, India is fairly well endowed in view of abundant supply of thorium and availability of uranium. The Estimates Committee, who examined the Department of Atomic Energy during 1969-70, expressed the view that the question of development of nuclear resources being mainly an economic one, it would have to fit in with the overall plan for power development, taking into account the available resources in the various regions of the country with the

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

object of deriving optimum benefit through integrated operation of hydro, thermal and nuclear power stations.¹ The Government agreed with the Committee's view and described the latter's recommendations as being "in full conformity with the thinking of Government."²

Atomic Power Programme in India

The atomic energy programme originally drawn up by the Department of Atomic Energy covered a period of 16 years, *i.e.* from 1964 to 1980 and envisaged five successive stages.

The first stage of development of the nuclear power programme in India, marked by low power and without electrical generating capability was launched by the construction of research reactors. Apsara and Zerlina were undertaken by Indian Scientists without any foreign collaboration. The Canada-India Reactor (CIRUS) was the first large reactor to be built with foreign design and know-how.

In the second stage, the nuclear power programme was initiated with the Tarapur Atomic Power Project.

In the third stage, it was decided to develop a family of natural uranium fuelled reactors which would not require the importation of enriched fuel as in the case of Tarapur.

In the fourth stage, it is proposed to build a fast breeder reactor, which will use plutonium and depleted uranium produced in the first stage reactors as "low cost by-products".

In the fifth stage of the nuclear programme, Uranium-233 obtained from the irradiation of thorium would be utilised for maintaining a programme of inexpensive nuclear power plants.

The position of the Atomic Power Projects under construction has been discussed in subsequent paragraphs. The Tarapur Project has already started flowing commercial power from October, 1969. In fact, it has already attained its rated capacity of 400 MW. The other projects are in different stages of completion.³

¹E.C., 129th Report (1969-70), Para 1.11.

²E.C., 29th Report (1972-73), Page 29.

³E.C., 129th Report (1969-70), Paras 1.23 to 1.35.

Plan Targets and Achievements

During the First and Second Plan periods, the expenditure of the Department of Atomic Energy was not included in the Plans. It was only towards the end of the Second Plan period, that a decision was taken to include the expenditure of the Department of Atomic Energy in the Third Plan. However, there had been large-scale variations in the budgetary provisions and the actuals in the Plan targets, although in some cases it was attributed to *force majeure* events like devaluation, imposition of customs duty, etc., "over which the Department of Atomic Energy had obviously no control". The Estimates Committee, however, felt that because of the newness of the field, the country's dependence on foreign collaboration and foreign finances, and introduction of indigenisation in the power projects, there had been short-falls in the achievements of targets in the past. They expressed the hope that after gradual elimination of dependence on foreign sources in the matter of consultancy, personnel, fuel, equipment, etc. and with proper management at national level, the Department of Atomic Energy would be able to improve its performance in future.⁴ The Government assured the Committee in reply that every effort was being made to improve the Department's performance.⁵

Tarapur Atomic Power Project

In August, 1958, a decision was taken by Government to include in the Third Five Year Plan a project for setting up an atomic power station in the western region of India. In August, 1960, Tarapur was selected as the site for this.⁶

In order to acquire the technological know-how in this specialised field, two courses were open to Government, *viz* (i) to enter into a foreign collaboration for obtaining the necessary technological know-how and importing such components and material as were not available within the country; or (ii) call for global tenders on a fixed price basis without imposing any limitation on the choice of the reactor system. It was ultimately decided to pursue the latter course and global tenders were invited in October, 1960. In response, seven proposals were received in August, 1961: two from the U.K., one from France, three from the U.S.A. and one from Canada. These proposals covered the following four reactor systems:

⁴E.C., 129th Report (1969-70), Paras 1.36 and 1.42.

⁵E.C., 29th Report (1972-73), Page 33.

⁶E.C., 129th Report (1969-70), Paras 2.1 and 2.2

- (1) natural uranium, graphite moderated and gas cooled reactor (two British and one French proposal);
- (2) slightly enriched uranium, light water moderated and cooled reactor (two of the American proposals);
- (3) natural uranium, heavy water moderated and organic cooled reactor (one of the American proposals); and
- (4) natural uranium, heavy water moderated and cooled reactor (one Canadian Proposal).⁷

Contract with International General Electric Co.

One American tender submitted by the International General Electric Co. based on boiling water reactor using enriched uranium was found to be the most suitable and it was decided to accept it, subject to a satisfactory settlement of the terms relating to financing, fuel supply and safeguards. A conditional letter of intent was issued to the International General Electric Co. in September, 1962; the final contract with the firm was entered into only in May, 1964, after satisfactory agreements had been concluded with the U.S. Government and the U.S. Atomic Energy Commission. Under the contract, the International General Electric Co. guaranteed the output and efficiency of the power station at full power, the quality and workmanship of the various components and also the completion dated. The total 'base price' of the station in terms of the U.S. dollars and rupees was fixed (subject to escalation and payments for extra work that might be ordered. The contract also defined the design basis and spelled out in detail the work and services involved, along with all the guarantees.⁸

Choice of Enriched Uranium Reactor Questioned

The Estimates Committee enquired the reasons for the acceptance of the offer of the International General Electric Co. in spite of the fact that this was against the Atomic Energy Commission's basic objective of setting up reactors based on natural uranium. The Committee were informed that of the natural uranium reactor proposals, the one submitted by a consortium of French firms was the best. The relative costs of the French proposal were Rs. 89.00 crores (inclusive of Rs. 59.30 crores as foreign exchange component) and of the International General Electric Co. Rs. 60.67 crores (inclusive of Rs. 44.24 crores as foreign exchange component). Thus, acceptance

⁷*Ibid.*, Paras 2.3 and 2.4.

⁸E.C., 129th Report (1969-70), Paras 2.4 to 2.6.

of the French tender (for slightly smaller power station) would have involved an excess investment of over Rs. 28 crores.⁹

It was added that acceptance of the offer of the International General Electric Co. had enabled the Department to save considerable time that would have otherwise been spent in developing their programme. Besides, the Indian scientists and engineers had acquired a great deal of technical know-how and gained valuable experience by actively participating in all the stages of the construction of the power station through a well organised and comprehensive programme for training in station operation imparted by the Company. The Chairman of the Atomic Energy Commission informed the Estimates Committee during evidence that Tarapur was look upon by the late Dr. Bhabha, former Chairman of the Commission, as a project to fulfil two objectives, viz., (i) to demonstrate that atomic power could be generated at a cost which would favourably compete with that of other type of power available in the same area; and (ii) to ensure that a large group of scientists and engineers would get involved in it. The Chairman, Atomic Energy Commission did not see in this decision any "major deviation from policy". According to him, it only indicated the country's desire that it should not remain dependent either on foreign sources or on a situation where outsiders would come in and take up the work on certain conditions.¹⁰

It was pointed out that the late Dr. Bhabha, had emphasised the development of nuclear power based on natural uranium, for, among other things, stations generating such power served as "dual purpose stations producing power on the one hand and plutonium on the other". The plutonium, according to Dr. Bhabha, was a concentrated fuel, which was not available from outside as a commercial commodity, and its production was essential in order to enable the country to set up breeder power stations using thorium or depleted uranium for the second stage of its nuclear power programme. Dr. Bhabha had said that such power stations would also be much cheaper in capital cost and the power produced from these would compete favourably with that generated from conventional thermal power stations located near the coalfields.¹¹ The Planning Commission in their Report on the Third Five Year Plan, had also expressed a similar view about utilisation of thorium reserves in the production of Atomic Power.

⁹Ibid., Paras 1.19 and 2.7.

¹⁰Ibid., Para 2.7.

¹¹Ibid., Para 2.8.

The Estimates Committee had concluded that the Government, perhaps in their enthusiasm to demonstrate that atomic power could be generated at a competitive rate, had taken a rather hasty step in setting up the Tarapur project based on enriched uranium. They considered this decision as not being in keeping with the country's long-term objective of installing reactors based on natural uranium. The enriched uranium was required to be imported for the life time of the power station and the decision had thus made the country dependent on foreign resources, the Committee observed.¹²

The Government later explained to the Estimates Committee that the decision to establish the Tarapur Atomic Power Station with enriched uranium fuelled reactor had to be judged having regard to the circumstances, prevailing in early 1960s, when the very idea of using atomic energy for generating power, was regarded with scepticism in the country. Under the circumstances, it was essential to demonstrate on a firm basis the relevance of atomic power and a turn-key fixed price contract, with an agreement guaranteeing the supply of enriched fuel for the life time of the station, was ideally suited for this "first demonstration".¹³

The Estimates Committee did not agree with the view that the terms offered by the International General Electric Co. were too attractive to be rejected, especially when factors like fuel cost, production of plutonium, saving in foreign exchange and the country's long-term objectives were taken into consideration.¹⁴

The Government informed the Committee that initially it was decided to invite global tenders for natural uranium reactors alone. Later, however, it was decided to call for proposals for enriched uranium reactors as well to enable the Atomic Energy Commission to get an accurate idea of the capital and operating costs of such power stations, as compared with the capital and operative costs of natural uranium based reactors. Justifying their action, the Government stated that the offer of the International General Electric Co. was extremely attractive, even after taking into account the estimated cost of importing enriched uranium for periodical replenishment, which would be no higher than the annual interest on the additional capital outlay in foreign exchange that would have been incurred if the French offer for the natural uranium reactor had been accepted.¹⁵

¹²*Ibid.*, Para 2.10.

¹³E.C. 29th Report (1972-73), Page 52.

¹⁴E.C.: 129th Report (1969-70), Para 2.11.

¹⁵E.C.: 29th Report (1972-73), Page 54.

Delay in the Commissioning of the Project Caused Significant Loss to Government.

The Tarapur Power Station went into commercial operation in October, 1969, as against the original target of October, 1968. Explaining reasons for this delay, the Chairman of the Atomic Energy Commission, informed the Committee that Tarapur involved foreign collaboration and foreign financing which, in turn, necessitated conclusion of agreements for the supply of enriched fuel on a continuous basis. He added that there was also the question of discriminatory safeguards which were demanded by the firm and to which the Government were opposed in principle. The Committee were also informed that the work continued generally without any procedural delays, but, as stated earlier, certain *force majeure* events "over which neither the Project nor the contractors had any control" hampered the progress. For example, following Indo-Pakistani hostilities in 1965, critical materials were confiscated in Pakistan. Besides, there were strikes at the site, 'go slow' by the welders and strikers at Vendors' Works (USA).¹⁶

Notwithstanding the Government's explanation, the Estimates Committee noted the delay with regret and pointed out that this had resulted in "significant loss" to the Government on several counts, namely, (i) the increased cost of the project and the interest on capital during the extended period of construction; (ii) the loss of possible profits that would have accrued to the Government had the project begun to flow commercial power as per schedule; and (iii) recurring loss in the case of production of power, etc.¹⁷ The Government denied that there had been any undue delay except that negotiations for various agreements had to be necessarily protracted in view of the special difficulties in regard to safeguards mentioned by the Chairman, Atomic Energy Commission.

The Government informed the Committee that so far as the quantifiable loss was concerned, the increased cost of the project and of interest during construction amounted to approximately Rs. 3 crores or about 4 per cent. The increase in cost of power was approximately 0.1 p/kwh in 5.61 p/kwh which was less than 2 per cent.¹⁸

¹⁶E.C.: 129th Report (1969-70), Paras 2.29 and 2.30.

¹⁷*Ibid*, Para 2.39.

¹⁸E.C.: 29th Report (1972-73), Pages 59-60.

In the course of their examination, the Committee (1969-70) were informed that a sum of Rs. 143 lakhs had been withheld from payment No. 40 to be made to the International General Electric Company pending determination of damages on account of delay in the commissioning of the project. A further amount of Rs. 4.42 lakhs had also been withheld in respect of works of a minor nature to be done by the contractors after the station turnover. The Committee observed that Government had taken a long time in determining the damage to be recovered from the company and desired that the matter should be settled expeditiously. Subsequently, the Committee learnt that the matter had been settled in March, 1970. The delay in the commissioning of the project after making allowance for *force majeure* and other considerations for which, under the contract, the Company was entitled to extension of time, had been assessed and liquidated damage amounting to Rs. 12.35 lakhs had been recovered in accordance with the terms of the agreement. The Committee also learnt that a bonus of Rs. 2.60 crores had been paid to the Company on account of net electric output of the Tarapur Atomic Power Station being higher and net heat rate being lower than the warranted performance of the Plant specified in the contract. It also came to their notice that there had been forced out-ages of units 1 and 2 for considerably long periods in addition to the planned outages of these Units and a number of technical defects, like inadequate holding down arrangement for Guide Tube and seepage of sea water in Transformer Oil Cooling System and hairline cracks in the reactor, etc. had developed. The Committee desired that all these matters, *i.e.* recovery of liquidated damages, payment of bonus, reasons for frequent breakdowns in the Plant and technical defects therein should be examined and reviewed at the highest level and adequate measures taken to find effective and permanent solution to the problem of breakdowns. They also desired that Government should minimise dependence on foreign sources for spares and expertise and take concerted measures so that the plant would work successfully.¹⁹

Building of enriched uranium Reserves

The establishment of Tarapur Atomic Power Station with enriched uranium fuel reactor implied that enriched uranium had to be

¹⁹E.C.: 29th Report (1972-73), Paras 17 and 18.

imported for the working of the project for the entire life time of the Station. An agreement to this effect was signed with the Government of the U.S.A. committing the latter to supply fuel for the use of the station. The Estimates Committee observed that if for any unforeseen circumstances the supply of raw material was cut off or denied due to world postures, the whole project would be jeopardised. They, therefore, suggested that Government should explore the possibility of building reserve of enriched uranium to meet such contingencies.²⁰

In their reply noting the views of the Committee, Government stated that normally there was spare fuel in the country for 12 to 18 months' operation without replenishment. Stockpiling of larger quantities would entail heavy interest charges on inventory. It was further added that steps were being taken for development of technology for the enrichment of uranium in the country but there were certain technical problems involved in this work. The Committee were further informed that as per the bilateral agreements between India and U.S.A. the Tarapur station was to be operated on no special nuclear material other than that furnished by the Government of U.S.A. As such no steps were being taken to obtain enriched uranium from other sources. Reiterating their earlier recommendation regarding the necessity of building reserves of enriched uranium for Tarapur to meet any stoppage in supply, the Committee urged that the development of technology for the enrichment of the uranium in the country should be speeded up and research carried out taking into account its various technological and financial implications.²¹

Agreement for Sharing of Power by Maharashtra and Gujarat Recommended

The Estimates Committee pointed out that the Government of India had not entered into any written agreement with the Government of Maharashtra and Gujarat with regard to the sharing of power generated by the Tarapur Power Station, although there used to be an agreement with the erstwhile composite State of Bombay for the absorption of power at 80 per cent load factor. The Government spokesman explained during evidence before the Committee that though there was no such formal agreement with the two States, it was nevertheless the declared policy of the Government that power

²⁰E.C., 129th Report (1969-70), Para 2.25.

²¹E.C., 129th Report (1969-70). Paras 2.4 to 2.6.

would be supplied to the two State in equal measure on 75 per cent load factor.

The Estimates Committee, however, observed that merely having a "declared policy" in regard to any matter did not necessarily mean that the arrangement was satisfactory. In the Committee's opinion, a firm agreement with the beneficiary States on the question of sharing of power, basic assured load, tariff rate, phased programme for erecting transmission lines, etc. should have been entered into before the station had begun to flow commercial power. The Committee accordingly recommended immediate steps for entering into such an agreement with the concerned States.²²

The Government explained that it was difficult to enter into any firm agreement until the capital cost of an atomic power station was established with a reasonable degree of accuracy. Such an agreement could only cover, it was pointed out, the quantities of power to be drawn by the State concerned and the principles of costing. An agreement on these aspects, the Government stated, already existed and the Maharashtra and Gujarat Electricity Boards were committed to draw, in equal measure, power up to full capacity of the power station. On the completion of the plant and determination of its cost, the Committee were informed, discussions were conducted with the State Electricity Boards for entering into formal agreements covering a two-part tariff on a base rate of 5.61 paise/kwh at 75 per cent annual plant factor. The Government intimated that the Electricity Boards were paying at a flat rate of 5.61 kwh since 3rd October, 1969 for the power drawn by them. The terms of the two-part tariff, it was stated, were expected to be finalised shortly.²³

For future plants, the Committee recommended that the Department of Atomic Energy should ensure *inter alia* that there was a firm written agreement about the sharing of power and the rates at which was to be sold.²⁴

The Committee were assured that endeavours would be made to secure agreements with the concerned State Government.²⁵

²²E.C. 129th Report (1969-70), Paras 2.45 to 2.47.

²³E.C. 29th Report (1972-73), Pages 14 and 15.

²⁴E.C. 129th Report (1969-70), Para 2.49.

²⁵E.C. 29th Report (1972-73), p. 15.

Since the Tarapur project was a "base load" station and the earlier agreement with the erstwhile composite State of Bombay envisaged the utilisation upto 80 per cent of the full load of the station, as compared to the existing 75 per cent, the Estimates Committee expressed the hope that all necessary steps would be taken, and alternatives found out to make the maximum use of the power made available by the Station.²⁶

Accepting the Committees recommendation, the Government informed that the two-part tariff being finalised with the State Electricity Boards was meant to provide an incentive for maximum use of the available power.

While appreciating the difficulties of Government in entering into a written agreement with the State Governments with regard to the sharing of power, rates etc. until and unless the date of completion and the firm capital cost figures of the projects were available, the Committee pointed out that in case after the completion of the project the cost of generation of power was higher than other sources of power, problems would arise which may prove difficult of solution unless there were written agreements. The Committee, therefore, reiterated their earlier recommendation that conclusion of agreements with the concerned States should be finalised at the earliest. They also desired that Government should lay down guide-lines for entering into written agreements with State Governments in respect of future stations well in advance.²⁷

Management and Control of Switch Yards

The Committee were also informed that there was trouble about the management of the switchyards which were at present under the control of the State Governments. The Government of Gujarat after shutting down of the switch-yard, had desired that its management should be taken over by the Project authorities. The Committee recommended that the Tarapur Project Authorities should take over the management of the switchyards and that in respect of the future project also the switchyards should be managed by the Centre and not by the State Governments.²⁸

²⁶E.C.: 129th Report (1969-70), Para 2.58.

²⁷E.C.: 29th Report (1972-73), Para 32.

²⁸E.C.: 129th Report (1969-70), Para 2.48.

In reply the Committee were informed that negotiations were in progress for taking over the ownership and control of the switchyards from the State Governments of Gujarat and Maharashtra. The financial terms involved in the taking over of the switchyard, had been accepted by the Gujarat State Electricity Board. The acceptance of the terms from the Maharashtra State Electricity Board was awaited. The switchyards for the Rajasthan and Madras projects were being constructed by the Department of Atomic Energy.²⁹

Rajasthan Atomic Power Project

In August 1962, it was decided, that the second power station in the country should be built in the vicinity of Rana Pratap Sagar in Rajasthan. This power station, known as the Rajasthan Atomic Power Project (RAPP), would employ CANDU type reactor units using natural uranium as fuel and heavy water as moderator and coolant. It would have a net generating capacity of 400 Mwe (2 units of 200 Mwe each). Although the RAPP was *ab initio* envisaged as a station consisting of two units, only one was included in the Third Five Year Plan. For the addition of the second unit approval of the Planning Commission was obtained in October, 1964 and of the Cabinet in June, 1965.

Both RAPP-I and RAPP-II are being built by Indian engineers with the assistance of Canadian consultants. In the case of RAPP-II, several components of the nuclear plant will be fabricated in India. The cost of foreign exchange component is about 60 per cent of RAPP-I and about 40 per cent for RAPP-II. As regards the fuel, only 50 per cent of the first charge of RAPP-I will be imported from Canada. Except for this, all the fuel requirements of the Rajasthan Station would be met entirely from Indian sources.³⁰

Agreements with Canada

Two agreements relating to RAPP were signed between India and Canada. Under the first agreement, which was signed in December, 1963, the Department of Atomic Energy would act as the prime contractor and would be responsible for erection of the station, while Canada would provide the designs of the station up to the steam raising equipment. The Governments of Canada and India also agreed to exchange information specifically regarding the operation of the

²⁹E.C.: 29th Report (1972-73), Pages 62 to 63.

³⁰E.C.: 129th Report (1969-70), Paras 3.1 and 3.2.

Rajasthan Station and the Canadian Station at Douglas Point. The second agreement was between the Department of Atomic Energy and the Atomic Energy of Canada Limited (AECL) under which the two parties would freely exchange scientific and technical information in regard to the development of heavy water moderated systems.

In December, 1966, a supplemental agreement was signed with the Government of Canada with a view to extending to RAPP-II the agreement signed in December, 1963 in respect of RAPP-I. Supplemental agreements covering RAPP-II were also concluded with AECL in 1967.⁸¹

Long Time Taken in Negotiating Agreements with Canadian Authorities.

The Estimates Committee pointed out that while the Cabinet gave approval for the setting up of RAPP-I in August, 1962, the work at site picked up momentum towards the end of 1964. Similarly, for RAPP-II, the Cabinet gave approval in June, 1965, but the work at site commenced as late as April, 1967. The Committee observed that an "unusually long time" had been taken by the Government in negotiating the agreements with the Canadian authorities.⁸²

According to the Government, however, it was necessary to pursue the negotiations with a view to reducing the drain of scarce foreign exchange. Had an attempt been made to reduce the time taken in the negotiations, the Government added, there was likelihood of their position being jeopardised.⁸³

Increased Cost of RAPP

The Estimates Committee expressed concern that the original estimates of the total cost of RAPP-I and II had risen from Rs. 33.42 and 30 crores to Rs. 52.50 and 58.16 crores, respectively, and were further likely to be pushed up in view of the delay in the completion of the project. The Committee sounded a timely warning to the Government to take concerted measures to keep down the cost, so that the Nuclear Power Project did not become an uneconomic proposition and the power generated could compete with conventional services in price level.⁸⁴

⁸¹Ibid., Para 3.3.

⁸²Ibid., Paras 3.7.

⁸³E.C.29th Report (1972-73), p. 64.

⁸⁴E.C., 29th Report (1969-70), Para 3.11.

Noting the Committee's recommendation for compliance, the Government pointed out that the Rajasthan Atomic Power Project as also the Madras Atomic Power Project were not only building power stations but also indigenous capability and industrial infra-structure.³⁵

No Coordination among Various Ministries|Departments

The Estimates Committee learnt that orders for machinery and equipment placed with Heavy Electricals India Ltd., Bhopal and Heavy Engineering, Ranchi had not been fulfilled. The Committee attributed, to considerable extent, the delay in the execution of the project to lack of co-ordination amongst the Ministries|Departments concerned. While deprecating this, the Committee recommended that proper procedures should be evolved for expeditious execution of work, especially where several |Departments|Ministries were concerned.³⁶

The Government informed the Committee in reply that every effort was being made to get supplies from the various industrial undertakings expedited and that the Department of Atomic Energy was in constant touch with the suppliers and the Ministries concerned, with a view to securing the desired coordination between them.³⁷

Delay in setting up of Heavy Water Plant at Kota

In March, 1966, the Cabinet approved the setting up of a Heavy Water Plant with a capacity of 200 tonnes|year to meet the requirements of the nuclear power stations being set up. In August, 1967, the Atomic Energy Commission decided to set up only 100 tonnes|year plant supported by Rajasthan Atomic Power Project—I and II, as a 200 tonnes|year plant would have curtailed electricity output of one of these units.

The setting up of the Heavy Water Plant at Kota involved certain modifications to the Rajasthan Atomic Power Station which needed the approval of the Atomic Energy of Canada Limited who took con-

³⁵E.C.: 29th Report (1972-73), Page 36.

³⁶E.C.: 129th Report (1969-70), Para 3.22.

³⁷E.C.: 29th Report (1972-73), Pages 65-66.

siderable time to conduct the necessary studies in this regard. A fresh project report had, therefore, to be prepared taking into consideration all the above factors and the project could be sanctioned only in 1969.

The Estimates Committee were constrained to observe that in spite of the realisation of urgency by the Government in regard to the production of heavy water indigenously to meet the requirements of the two units of RAPP as also of the Madras Atomic Power Project, nothing substantial had been done in this matter in the past.³⁸

The Estimates Committee regretted to note that unduly long time was either taken by the Government to sanction the proposal of the Department of Atomic Energy to build a heavy water plant or the Department itself had taken long time to start the construction of the Heavy Water Pilot Plant at Kota. The Committee noted with concern that Heavy Water Pilot Plant of the Bhabha Atomic Research Centre, which was set up as early as 1963 to provide technical know-how for the large-scale Heavy Water Plant at Kota, had failed in its objective and had been the prime factor contributing to the delay in the setting up of the Kota Plant. The Committee felt that with a view not only to conserve foreign exchange but also to obviate "International Safeguards" which are imposed in obtaining heavy water from abroad, Government should lay down a reasonable target date by which the construction of heavy water plants are completed and production therein started.³⁹

The Government, however, did not accept that delay was due to either the failure of the pilot plant at the Bhabha Atomic Research Centre or any lack of planning. "In undertaking a project where solutions had to be found for the first time for technical problems, planning is at best based on assessment of progress at each stage", the Government stated. Their view was that in such project, unlike repetitive projects, delays could occur and in fact were to be regarded as "an essential part of the process of acquiring new capability". The Government, nevertheless, assured the Estimates Committee that all efforts were being made to complete the construction of plants as quickly as possible. The expectation was that the Kota Plant would be commissioned in 1974.

In a subsequent note, the Committee were informed that work on the Heavy Water Plant at Kota had made satisfactory progress. The

³⁸EC., 129th Report (1969-70), Para 3.46.

³⁹*Ibid.*, Para 3.47.

main towers of the Plant had been contracted out and the fabricators had started work on the same. Equipment like pipes, valves etc., was also being ordered. The site work had already started and the approach road, temporary site office, stores etc., had been completed.

Apprising the Committee of the overall supply position of Heavy Water, Government stated that the plant at Kota and Baroda were expected to give output of 100 tonnes and 67.2 tonnes per year, respectively. The Third Plant at Tuticorin, which was expected to be ready in 1974-75 would give output of 71.3 tonnes per year. The Fourth Plant was also under consideration in conjunction with the Fertiliser Corporation of India. Over and above these sources, the Heavy Water Plant at Nangal was supplying on an average 12 to 14 tonnes per year. As regards procurement of Heavy Water from Canada, the Committee were informed that Canada had been unable to supply the Heavy Water in time on account of failure of their Heavy Water Plants. As against the agreed supply of 230 tonnes, the initial quantity of only 130 tonnes had been supplied. The balance would be supplied in due course. The Committee were informed that Heavy Water was in very short supply internationally and was not available on terms of loans, lease, or purchase except to a very limited extent. An agreement had recently been signed for obtaining 80 tonnes of Heavy Water from USSR. The Committee noted with concern that as against the requirements of 920 tonnes of Heavy Water, the average present output was 12 to 14 tonnes per year from Nangal. They expressed the hope that firm arrangements would be made for procurement of Heavy Water from Canada and that problems connected with indigenous production of heavy water would be sorted out successfully and concerted efforts made to meet the target requirements for the projects under construction at the earliest.⁴⁰

Agreement for sharing sale of power etc. from Rajasthan Project.

The Committee learnt that no written agreements had been executed regarding the basic assured load, tariff rate, phased programme for erecting transmission lines, switchyard etc. by the Atomic Energy Department with the Government of Rajasthan or the neighbouring States. They felt that in the absence of any written agreement, several complications might arise when the Plant was on stream.⁴¹

The Committee were informed that although no firm agreement had been entered into the Rajasthan Government had requested that the entire power from the station might be allotted to that State. How-

⁴⁰E.C.: 29th Report (1972-73), Paras 49-55.

⁴¹E.C., 129th Report (1969-70), Paras 3.37 and 3.39.

ever, there was also scope for utilisation of power generated at the station in the neighbouring states as well. The establishment of facilities for the distribution of power in Rajasthan and neighbouring states were under way. At their instance the Committee were further informed of the progress made for the laying of transmission lines between Udaipur, Jaipur, Delhi and Kota. They expressed regret to know that only survey work was in progress in respect of a single circuit line from Jaipur to Delhi and that transmission lines between Jaipur and Delhi had not been laid, although the first unit of Rajasthan Atomic Power Project had already started generating power. The laying of transmission lines was essential to enable the Station to operate as a base load station. The Committee, therefore, urged that the work regarding laying of transmission lines should be speeded up. They also recommended that in order that atomic power projects functioned as economic units, the question of sharing power by the various States should be made the responsibility of the Central Government and not left to the discretion or convenience of the State Governments where the projects were located, and that it should be settled in such a way that power reached the actual power user. They desired that the matter should be settled well before the projects became critical.⁴²

Madras Atomic Power Project

As the demand for power in Tamil Nadu had been steadily increasing on account of progressive industrialisation, spread of the use of electrical energy for agricultural production and rural electrification, it was decided to set up an atomic power station in that region. The Site Selection Committee, appointed in 1962, found Kalpakkam as the most suitable site for a power station of 400 MWe. Consequently, it was proposed that two 200 MWE units of the CANDU type be constructed at Kalpakkam generally similar to the ones in Rajasthan. This proposal was approved in principle by the Atomic Energy Commission in 1963, and was accepted by the Planning Commission for inclusion in the Fourth Plan, in October, 1964.⁴³

The Madras Atomic Power Project (MAPP) will employ CANDU type reactor units which would use heavy water as moderator and natural uranium as fuel. Under the general agreement concluded with the Atomic Energy of Canada Ltd., the Department of Atomic Energy has secured rights to exploit the basic designs obtained from CANDU

⁴²E.C. 29th Report (1972-73), Paras 39-48.

⁴³E.C., 129th Report (1969-70), Para 4.1.

for the Rajasthan reactors and any other Atomic Power Stations to be constructed in the country. With the experience gained in building research reactors and other nuclear plant at Trombay and in the construction of the Rajasthan and Tarapur Atomic Power Stations, it was not considered necessary to have any foreign technical collaboration for the Madras Station. The fuel and heavy water for the project will be manufactured indigenously.⁴⁴

Delay in Construction

The Estimates Committee pointed out that the target date fixed for the completion of the Project had been revised thrice since it was taken in hand in 1965. From 1970-71, the date was revised to 1971-72 and ultimately to 1973-74. The Committee observed that constant shifting of target dates only indicated lack of realistic planning on the part of the Department.⁴⁵

The Government stated in reply that the target date for completion had to be shifted due to circumstances and factors largely beyond the control of the Department. While admitting that there had been "some slips-back in the schedule", it was added that it was "inescapable" in the "first effort for the development of indigenous capability on such a major scale."

The Committee pointed out that the gestation period in the case of Madras Atomic Power Project would be about 10 years as compared to Tarapur, which was 5 years only. While appreciating the fact that in a project which was being handled by utilising indigenous resources more time was bound to be taken, the Committee, nevertheless, expressed the desire that there should be no avoidable delay and that the highest priority should be accorded by all sectors (private as well as public) for making available raw materials, machinery etc., in the shortest time possible to the power stations. The Committee also reiterated their earlier recommendation that concerted and speedier action should be taken to complete the project by the scheduled date, so that the capital cost of the project did not escalate. They were anxious that power projects should be brought upon stream in time as they had a direct bearing on development of industries in the area/region.

⁴⁴*Ibid.*, Paras 4.2 and 4.3.

⁴⁵E.C.: 129th Report (1969-70), Para 4.12.

⁴⁶E.C.: 29th Report (1972-73), Pages 108 to 110.

Organisational Matters*Demarcation of Functions as between the Department of Atomic Energy and Atomic Energy Commission.*

The Department of Atomic Energy was established in August, 1954 and since its inception continues to be under the charge of the Prime Minister. The Department, which is an independent Ministry with a Secretary as its head, as located at Bombay.

The scientific activities of the Department are carried out by the various units such as the Bhabha Atomic Research Centre, the Atomic Minerals Division, and establishments of the Indian Space Research Organisation as also by the institutions for which it is administratively responsible, e.g., the Tata Institute of Fundamental Research, the Physical Research Laboratory, the Saha Institute of Nuclear Physics, etc. Its industrial activities include the generation of nuclear power, the activities of the various commercial undertakings of the Department, namely, the Indian Rare Earths Ltd., the Electronic Corporation of India Ltd., etc. The Department is also undertaking the manufacture of fuel elements and heavy water. Its logistic activities include the search for atomic minerals, the development of uranium mines, the purchase of stores and equipment required for the projects of the Department, acquisition and management of land, civil engineering support, etc.⁴⁷

The Atomic Energy Commission was initially constituted in 1948. The functions of the Commission include formulation of the policy of the Department of Atomic Energy for the consideration and approval of the Prime Minister; preparation of the budget of the Department of Atomic Energy for each financial year; and implementation of the Government's policy in all matters concerning atomic energy.⁴⁸

The Estimates Committee enquired into the necessity of having a separate Department of Atomic Energy when the Atomic Energy Commission itself had been vested with the administrative and financial powers of the Government of India. According to the Estimates Committee, the two bodies, which covered the same field and yet had separate secretariats should have a clear-cut demarcation of duties and functions so as to avoid duplication and overlapping.⁴⁹

⁴⁷E.C.: 129th Report (1969-70), Paras 5.1 to 5.5.

⁴⁸Ibid., Paras 5.4 and 5.5.

⁴⁹Ibid., Para 5.10.

The Government held the view that the Department of Atomic Energy was an independent Ministry with a Secretary as its head, who advised and assisted the Minister-in-charge, and was vested with the responsibility of carrying out all the traditional functions of a Ministry. The Government explained to the Committee that the Atomic Energy Commission could not carry out the functions assigned to the Department of Atomic Energy in the absence of an organisation (it had only a single part-time non-member Secretary). Thus, the Department of Atomic Energy and the Atomic Energy Commission, the Government added, performed complementary roles without involving duplication or overlapping. The Government stated that the "progress of atomic energy in India and the high position that India occupies amongst nations of the world in this field bear testimony to the effective functioning of these two bodies".⁵⁰

Composition of the Atomic Energy Commission

The Committee were informed that apart from the Chairman and one other member, who was at the same time Director of Bhabha Atomic Research Centre, there was no scientist as member of the Atomic Energy Commission, though under the Resolution setting up the Commission, there was scope for adding two more members on it. The Committee suggested that the Commission, as the policy-making body at the highest level, should also include a few eminent independent scientists, on either a full-time or part-time basis, so as to induct more expertise in the Commission and make it more broad-based and useful.⁵¹

Accepting their suggestion, the Government informed the Committee that strength of the Atomic Energy Commission, for the year 1971, had been raised from five to six by the addition of the Director, Indian Institute of Science, Bangalore. As a person distinguished in aeronautical engineering and involved in advanced training and research, the Government stated, the newly-appointed member could contribute significantly to the Commission.⁵²

⁵⁰E.C.: 29th Report (1972-73), Pages 71—73.

⁵¹E.C.: 129th Report (1972-73), Pages 71—73.

⁵²E.C.: 29th Report (1972-73), Page 44.

II. SUPER BAZAR, NEW DELHI

With a view to making an immediate impact on the rising trend of prices in the wake of devaluation, the Government of India formulated a scheme of setting up department stores in June, 1966 and in accordance with this scheme, the Cooperative Store Ltd., Delhi was registered on 20th June, 1966. Subsequently the Cooperative Store set up the following three large department stores in Delhi on the dates shown against each:

- (a) Super Bazar at Connaught Circus—15th July, 1966.
- (b) Apna Bazar at INA Colony—29th Sept. 1966.
- (c) Apna Bazar at Patel Nagar—8th June, 1967.

The Public Accounts Committee (5th Lok Sabha) examined in detail the working of these stores and commented thereon in their Tenth Report (1971-72).

Share Capital and Membership of the Cooperative Store

The Public Accounts Committee noticed that the Cooperative Store Ltd., Delhi during the period of five years after its registration, had not been able to build up its own share capital to any appreciable extent. As on 30th June, 1970, the share capital stood at Rs. 44.63 lakhs of which as much as Rs. 41.76 lakhs were contributed by Government as loan. An additional share capital contribution of Rs. 25 lakhs was sanctioned by Government during the year 1970-71 raising their contribution to 96 per cent. The Committee expressed the opinion that if the Store was to become truly cooperative in character, it should take immediate steps to broaden the base of its membership. In order to attract more members, the Committee suggested that the existing bye-laws of the society according to which the liability of members, other than Government and associate members, extended to ten times the purchase value of their subscribed shares should be reviewed.¹

¹P.A.C.: 10th Report (5th Lok Sabha). Paras 2.7 and 2.8.

In their reply, Government stated that the observations and recommendations of the Committee had been noted by the Super Bazar authorities, who would continue to make efforts to increase their membership and members' share capital as recommended by them. The Committee, however, desired that Government should keep under constant watch the progress made by the Store in increasing its membership and share capital and take necessary measures if the progress in this regard was not found to be satisfactory.⁷

Financial position of the Store

A review of the financial position of the Cooperative Store revealed that cumulative losses of about Rs. 66.41 lakhs upto 30th June, 1970 had virtually wiped out the entire share capital of Rs. 44.63 lakhs. Further, a sum of Rs. 16 lakhs in excess of loans and subsidies received from Government was locked up in building, furniture and fittings etc. The ways and means position of the Store was thus very precarious. The Committee desired that the management of the Store should take appropriate corrective measures with a view to attaining economic viability. They were informed that Government had sanctioned further assistance of Rs. 65 lakhs (Rs. 40 lakhs as loan and Rs. 25 lakhs as additional share capital) to the Store. They expressed the hope that with this liberal assistance from Government the Store should be able to rehabilitate itself.⁸

Government stated in reply that a scheme for improvement in the working of Super Bazar had been adopted by the management of the Store. It envisaged special measures to improve sales and earn better margins, to reduce overhead expenses, and to tighten up inventory control etc. The Committee further desired that Government should have a close and constant watch on the financial position of the Store, particularly in regard to the repayment of Government loans and building up of its own working capital.⁴

Losses incurred by the Store

As stated earlier, the Store had been incurring losses since its inception continuously over the past four years. The biggest loss of Rs. 22.05 lakhs was in the year 1967-68 which was only slightly

²P.A.C.: 52nd Report (5th Lok Sabha), Para 1.8.

³P.A.C.: 10th Report (5th Lok Sabha), Paras 3.1 to 3.11.

⁴P.A.C.: 52nd Report (5th Lok Sabha), Para 1.11.

brought down to Rs. 19.27 lakhs and Rs. 17.21 lakhs in the subsequent years 1968-69 and 1969-70, respectively. Apart from incurring deficits due to mismanagement, over-staffing, heavy pilferage and theft, high rent liability, injudicious purchases and decline in sales, burden of interest on overdrafts etc., the Store experimented unsuccessfully on mechanisation of accounts and started a vegetable farm both of which cost it heavily. The Committee noticed a rather amateurish handling of the affairs of the Stores. They expressed the hope that taking lessons from the past mistakes, which largely arose out of either undue over-optimism or lack of sufficient expertise and control, the Store will plug the loopholes and improve the working results, so that the accumulated losses could be wiped out as early as possible.

The Committee also learnt that the accounts were not being maintained by the Store to show the profit or loss of each branch| department of the Store. In order to have adequate control by the management based on the individual profitability or otherwise of each department| branch, the Committee suggested that appropriate system of accounts should be introduced forthwith.⁵

In reply, Government informed the Committee of the measures taken by Super Bazar to improve its working. It was stated that the staff had since been reduced. Security measures were also tightened up to reduce pilferages and shoplifting of goods. Further efforts were also being made to plug the loopholes to improve the working of the Store. The system of accounts was also modified and branch wise working results of Super Bazar had been shown in the Statutory Audit Report for the year 1969-70. The Committee further urged upon the Government to keep under constant watch the impact of the measures taken by the Super Bazar on its working results.⁶

Dealing further with the reasons for the losses incurred by the Store, the Public Accounts Committee observed that a number of new departments such as "transistor" "toys and sports goods," "furniture" etc. had been added to the Store in addition to giving on contracts departments such as "electrical repair", "optical", "photography" etc. The Committee suggested that the activities of these departments,

⁵P.A.C.: 10th Report (5th Lok Sabha), Paras 4.15 and 4.16.

⁶P.A.C.: 52nd Report (5th Lok Sabha), Pages 26-27. Para 114.

which did not deal in essential commodities and on which considerable losses were incurred by the Store should be reviewed in order to determine whether it was worthwhile to continue them.⁷

Government stated in reply that the observations of the Committee had been noted by the Super Bazar authorities who would continue to review the working of various departments and take appropriate remedial steps where necessary. It was added that the reviews so far undertaken had revealed that losses incurred by the departments, which dealt in non-essential items, were not such as to warrant their closure as their gross earnings were considerably higher than those of departments which were dealing in essential commodities. The Committee were not satisfied with this reply and further stressed their view that trading in non-essential commodities by the Cooperative Store would be justified only if it did not result in losses. They reiterated their earlier recommendation that Government should investigate the working of these departments which were dealing in non-essential Commodities and apprise the Committee of the result of such investigation.⁸

Procurement of Goods

It was reported to the Committee that no definite purchase policy had been laid down by the management of the Store for procurement of goods. The departmental managers were responsible for negotiations of purchase prices and making purchases for their respective departments. No records were, however, available to show whether to secure more advantageous terms trade enquiries were made by the management from different parties before deciding upon the purchases. In the opinion of the Committee, purchase was the most important operation on which the success of the Store depended. They were constrained to observe that adequate planning and experience had not been brought to bear on this operation. On the plea of lack of liquid resources purchases were often made from stockists and wholesale commission agents. Non-standard items available on short credit were also procured. These purchases had resulted in reduced sales margins and accumulation of slow-moving stock. The Committee, therefore, desired that the purchase policy and procedure should be rationalised as suggested by the Team which had conducted a study of the working of the Store in April 1970.⁹

⁷P.A.C.: 10th Report (5th Lok Sabha), Para 4.17.

⁸P.A.C.: 52nd Report (5th Lok Sabha), Paras 1.16 to 1.18.

⁹P.A.C.: 10th Report (5th Lok Sabha), Para 6.10.

Accepting the recommendation of the Committee, Government stated in reply that the suggestions made by the Study Team had been examined by the Super Bazar authorities for implementation. The Super Bazar was now mostly dealing in branded articles which were, as far as possible, procured from manufacturers or wholesalers direct. Possibilities of increasing bulk purchase in collaboration with the National Cooperative Consumers Federation and the National Agricultural Cooperative Marketing Federation were also explored by the Super Bazar from time to time.¹⁰

It was also reported to the Committee that audit of purchase bills presented difficulties in the absence of regular terms and conditions of purchases. The Chartered Accountants while auditing the accounts had reported instances of discrepancies between the terms and conditions wherever available and those given in the bills. The Committee, therefore, desired that the matter should be sorted out with the auditors and a review conducted to ascertain whether any recoveries were due for non-compliance with the terms and conditions by the suppliers.¹¹

Government informed the Committee in reply that purchase orders were now being issued by the Super Bazar authorities indicating the terms and conditions governing the rate, quantity, date of supply etc. and the bills were passed for payment after they were checked with the purchase orders. While noting the improvements made in this regard, the Committee desired that the review suggested by them earlier regarding recoveries, if any, to be made from the suppliers should be carried out expeditiously.¹²

Sales

(i) *Decline in the sales of the Store*

The year-wise figures of sales of each branch of the Store indicated a gradual decline during the past four years. The total sales of the Store which stood at Rs. 468.39 lakhs in 1967-68 had come down to Rs. 335.79 lakhs in 1969-70. The Committee examined the detail the various factors which had led to the shrinking of the sales in the different branches of the Store and came to the conclusion that un-

¹⁰P.A.C.: 52nd Report (5th Lok Sabha), Page 28.

¹¹P.A.C.: 10th Report (5th Lok Sabha), Para 8.11.

¹²P.A.C.: 52nd Report (5th Lok Sabha), Para 1.25.

attractive prices, inadequate stock of fast-moving articles, poor salesmanship, absence of effective sales promotion were some of the factors that had contributed to the steep decline in the sales of the Store.

The Committee further noticed that the average mark-up of sales prices over the purchase prices had been increased by the Store progressively over the years 1966-67 to 1968-69 from 10 per cent to 13.5 per cent. Contrary to the expected reduction from 10 per cent to 8 per cent in 1967-68, the increased mark-up of the sales price was bound to affect the sales in the long run. The Committee, therefore, desired that the impact of such increases in the mark-up of sales prices on sales turnover should be studied and the optimum mark-up determined for each commodity to ensure sales turnover consistent with reasonable gross profit.¹³

In their reply Government stated that the observations of the Committee with regard to launching a sales offensive had been noted by the Super Bazar and various sales promotion measures had already been adopted. It was added that efforts would continue to be made by them for increasing the sales.

As regards the increase in the mark-up of sale prices over the purchase prices, while noting the observations of the Committee, Government explained that the price of each commodity was determined with due regard to handling costs and prevailing market rate. The Committee were not satisfied with this explanation and reiterated their earlier recommendation that the impact of mark-up of prices of sales should be studied and the optimum for each commodity fixed.

Commenting further on the need for an effective co-ordination between the sale and purchase departments of the Store, the Committee had suggested that a survey of the habits and the changing consumer preferences should be undertaken periodically and an effective coordination should be maintained between the two departments. The suggestion of the Committee was noted by the Super Bazar. The Committee, however, further enquired as to whether their suggestions had been implemented and if so, with what result.¹⁴

¹³P.A.C.: 10th Report (5th Lok Sabha), Paras 7.15 and 7.16.

¹⁴P.A.C.: 52nd Report (5th Lok Sabha), Paras 1.26 to 1.31.

In order to improve the sales, the Committee had also stressed the need to improve salesmanship and sales promotion by the different branches of the Store and suggested that the feasibility of changing the working hours of the various branches of the Store should be examined with reference to the conditions of each locality. The suggestion of the Committee was accepted and the working hours of the different branches were reviewed.¹⁵

(ii) Sales through Commission Agents

The Committee were informed that some of the departments run initially by the Store and on which losses were incurred by them such as the canteen fruit and vegetables etc. were now let out on contract basis. The Committee enquired whether the commission realised from the contractors in these cases fully covered the proportionate expenditure on rent and other overheads incurred by the Store. During 1968-69, it was found that the Commission realised in respect of Super Bazar at Connaught Circus was Rs. 5.14 lakhs for 18,850 sq. ft. of selling space occupied by private parties, whereas the commission realised in respect of Apna Bazars at I.N.A. market and Patel Nagar was only Rs. 0.82 lakh and Rs. 0.38 lakhs respectively for 5,237 sq. ft. and 6,705 sq. ft. of selling space. It was thus clear that the commission realised was not commensurate with the selling space occupied in the two Apna Bazars. The Committee, therefore, desired that the matter should be examined to decide whether it was worthwhile continuing the contracts, which did not pay the proportionate expenditure on rent and over-head expenses.¹⁶

In reply, Government explained that the location of the Apna Bazars was not sufficiently attractive for private parties to start business there on commission basis. A survey was being made to increase the amount of commission earnings at these branches. The Committee reiterated their earlier suggestion that the Store should review the question of closing such of the departments which were adding to the losses of the Stores.¹⁷

Impact of Super Bazar on Retail Market

It was reported to the Committee that the purpose of starting department stores was to make the consumer goods available at fair

¹⁵Ibid., Paras 1.32 to 1.34, Pages 30 and 31.

¹⁶P.A.C.: 10th Report (5th Lok Sabha), Paras 8.16 and 8.17.

¹⁷P.A.C.: 52nd Report (5th Lok Sabha), Paras 1.35 to 1.40.

prices or hold the price line, because after the devaluation many consumer goods were going underground. Later, in reply to a question from the Committee, it was stated by the Secretary, Department of Cooperation that it would be really too much to claim that the rise of prices had been arrested by the Stores. But the fact remained that in the extensive range of consumer goods, toilets, utensils, groceries etc., the articles were made available at fair prices without the element of profiteering. It was stated that the Super Bazar was following an active price policy which meant the selling of goods at slightly less than the market price. The Committee, however, found from the fortnightly data collected in the months of June and July 1970 that in the case of quite a few consumer goods the prices of the Store, far from being lower, were consistently higher than the market price over a considerable period. So the Store, instead of leading the market, was itself being led. The Committee, therefore, suggested that apart from following an active price policy the Store could exert a healthy influence on the retail market by holding adequate stocks of scarcity goods and ensuring a steady supply whenever there was a scarcity outside. The Store could also procure in bulk consumer goods from manufactures and sell them at lower prices.¹⁸

Noting these observations and suggestions of the Committee, Government explained that the prices quoted by the Super Bazar were by and large slightly less than those quoted by the private trade for comparable qualities of goods. The prices of certain grossery items were sometimes higher than the market prices, as the Super Bazar sold them pre-cleaned, laboratory-tested, and hygienically pre packed. The Committee further expressed the opinion that keeping in view the object with which the Super Bazar had been started, its goods should not only be good in quality but should also be cheaper.¹⁹

Increase in Overhead Expenses

The overhead expenses of the Store, other than those relating to "salaries and wages" and "rent" Jumped from 2.7 per cent of the sales turnover in 1966-67 to 5.5 per cent in 1967-68 and again rose to 6.4 per cent in 1968-69 as against the norm of 2 per cent formulated by the Government. The Committee desired that there should be strict control over these expenses and for this purpose norms should be pres-

¹⁸P.A.C.: 10th Report (5th Lok Sabha), Paras 5.12 and 5.13.

¹⁹P.A.C.: 52nd Report (5th Lok Sabha), Paras 1.20 to 1.22.

cribed for each component. The Committee felt that there was ample scope for economy especially on 'administrative expenses' and 'interest'.²⁰

The Department of Cooperation informed the Committee that measures had been taken by the Super Bazar authorities to bring down the administrative expenses by effecting economy. With the reduced level of bank borrowings during the subsequent years the expenditure on account of interest charges was also expected to come down. Subsequently the Committee were apprised of the targets for income and expenditure fixed by the Super Bazar for the cooperative year 1971-72. The Committee found that the target of expenditure on establishment fixed at 6.14 per cent as against the prescribed norm of 3 per cent of sales was still on the high side and similarly the target of expenditure on overheads fixed at 5.27 per cent was much higher than the norm of 2 per cent of sale. The Committee, therefore, desired that all efforts should be made to bring down the expenditure on these items.²¹

²⁰P.A.C.: 10th Report (5th Lok Sabha), Paras 9.1 to 9.7.

²¹P.A.C.: 52nd Report (5th Lok Sabha), Para 1.44.

Short Notes

I. PARLIAMENTARY EVENTS AND ACTIVITIES

Visit of an Indian Parliamentary Delegation to Romania and Hungary

In pursuance of invitations received from Romania and Hungary, an Indian Parliamentary Delegation led by Dr. G. S. Dhillon, Speaker, Lok Sabha visited Romania from the 24th to the 29th May, 1973 and Hungary from the 30th May to the 5th June, 1973. The other members of the Delegation were: Shri Om Mehta, Minister of State for Parliamentary Affairs and Works and Housing, Shri Tayyab Hussain, M.P., Shri Sat Pal Kapoor, M.P., Shri Shambhu Nath, M.P., Shri Sultan Singh, M.P., Shri T. K. Srinivasan, M.P., Shrimati Bhargavi Thanakpappan, M.P. and Shri P. K. Patnaik, Joint Secretary, Lok Sabha.

Visit of an Indian Parliamentary Delegation to Federal Republic of Germany

In pursuance of an invitation received from the Federal Republic of Germany, an Indian Parliamentary Delegation led by Dr. G. S. Dhillon, Speaker, Lok Sabha, visited the Federal Republic of Germany from the 5th to the 15th June, 1973. The other members of the Delegation were: Shri Om Mehta, Minister of State for Parliamentary Affairs and Works and Housing, Shri Maganti Ankineedu, M.P., Shri Narendra Singh Bisht, M.P., Shri S. A. Kader, M.P., Shri Tha Kiruttinan, M.P., Shri Roshan Lal, M.P., Shri Veerendra Patil, M.P. and Shri P. K. Patnaik, Joint Secretary, Lok Sabha.

Visit of an Indian Parliamentary Delegation to the Republic of Korea

In pursuance of an invitation received from the Republic of Korea, an Indian Parliamentary Delegation led by Dr. G. S. Dhillon, Speaker, Lok Sabha visited the Republic of Korea from the 25th to the 30th June, 1973. The other members of the Delegation were: Shrimati Vidyawati Chaturvedi, M.P., Shri P. K. Deo, M.P., Shri Shankar Dayal Singh, M.P. and Shri S. L. Shakhder, Secretary, Lok Sabha.

Visit of Special Envoy of the President of the Republic of Korea

H.E. Mr. Kyu Hah Choi, Special Envoy of the President of the Republic of Korea visited India in August, 1973.

He called on the Speaker, Lok Sabha and watched the proceedings of Lok Sabha on August 27, 1973.

The Speaker, Lok Sabha hosted a dinner in his honour on that day.

D.L.

II. PRIVILEGE ISSUES

LOK SABHA

(i) **Throwing of leaflets by a visitor from the Visitor's Gallery on the Floor of the House**

On July 23, 1973, at 12.35 hours, a person threw some leaflets from the Visitors' Gallery on the Floor of the House. He was immediately taken into custody by the Watch and Ward Officer and removed from the Visitors' Gallery. After some time on the same day, the Minister of Parliamentary Affairs, Shri K. Raghuramaiah, moved¹ the following motion:—

“This House resolves that the person calling himself Tanaji Kamble who threw some leaflets from the Visitors' Gallery on the Floor of the House at 12.35 hours today and whom the Watch and Ward Officer took into custody immediately, has committed a grave offence and is guilty of the contempt of this House.

This House further resolves that he be sentenced to simple imprisonment till 5 P.M. on Thursday, the 26th July, 1973 and sent to the Central Jail, Tihar, New Delhi.”

When some members wanted to know about the contents of the leaflets, the Speaker, Dr. G. S. Dhillon, observed²:—

“Whatever may be written in them, good or bad, this is not the question. But throwing of leaflets like this is against the dignity of the House. It is a bad thing. This should not be thrown like this. The very fact that it was thrown into the House is contempt of the House.

However pleasant or unpleasant the contents may be, the act of throwing it into the House is contempt of the House.”

Shri Madhu Limaye, a member, suggested that the person concerned be heard before taking any decision in the matter. Some other members opposed this suggestion as they felt that if a precedent of

¹L.S. Deb., July 23, 1973.

²*Ibid.*

hearing such a person, who had committed the offence in the very presence of the House, was set up, many people would resort to this kind of offence, actuated by a desire to speak before the House.

The House divided and the above-mentioned motion was adopted by 74 votes to 11.

In pursuance of the above decision of the House, the Speaker issued a warrant of commitment addressed to the Superintendent, Central Jail, Tihar, New Delhi.

Shri Tanaji Kamble was, accordingly, taken by the Watch and Ward Staff to, and lodged, in the Central Jail, Tihar, New Delhi.

On July 24, 1973, Shri Jyotirmoy Bosu, a member, moved³ the following motions:—

"That Rule 338 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion regarding reduction of the sentence of imprisonment awarded to Tanaji Kamble, by the House on the 23rd July, 1973, be suspended."

"This House resolves that the sentence of imprisonment awarded by this House on the 23rd July, 1973, to the person calling himself Tanaji Kamble, for having thrown leaflets in the House from the Visitors' Gallery and thereby having committed contempt of the House, be reduced to simple imprisonment till 10 a.m. on Wednesday, the 25th July, 1973."

The Speaker, thereon, observed⁴ as follows:—

"Before this matter was brought to the House, he (accused) was approached, but he refused to give any statement. He would not talk to anybody. Then he was examined by a doctor and every limb was found to be normal, his brain was normal, his heart was normal, but in spite of that, he refused to give any statement. What to talk of expressing regrets, he refused even to talk to our staff."

The Minister of Parliamentary Affairs, Shri K. Raghuramaiah, stated *inter alia* as follows:—

"It is the duty of every citizen of this country and every member of this hon. House to maintain dignity and decorum of the House. I had a talk with the other Leaders of the Opposition this morning. Shri Vajpayee, for instance, agrees with me that, in a matter like this where not even an apology has been tendered, where no new situation has arisen, it would be most improper to reduce it....."

³L.S. Deb., July 24, 1973.

⁴*Ibid.*

Shri Atal Bihari Vajpayee then said that had the accused tendered an apology, the imprisonment which he had already undergone might be treated as enough but when he had not offered any apology, the question of reducing the sentence did not arise.

Shri Jyotirmoy Bosu then withdrew his motions by leave of the House.

(ii) Failure to lay the Reports of the Tariff Commission on the Table of the House

On May 16, 1973, Shri Madhu Limaye, a member, raised⁵ a question of privilege against the Minister of Commerce for not having laid on the Table of the House certain Reports of the Tariff Commission as required under Section 16(2) of the Tariff Commission Act, 1951. Shri Madhu Limaye alleged that the Minister of Commerce had deliberately violated the rights of the House by not laying eight Reports of the Tariff Commission on various subjects on the Table of the House and had, therefore, committed a contempt of the House.

The Minister of Commerce, Shri D. P. Chattopadhyaya, stated⁶ as follows:—

"I would submit what he has stated is absolutely correct as a matter of record. It is also true that as per the provisions of the Tariff Commission Act, the reports of the Commission had to be laid on the Table of the House within three months failing which the reasons for non-compliance have to be submitted. I am sorry to say that it has not been done and it could not be done in some cases. But I also like to add that of the seven reports submitted by the Tariff Commission in the period referred to by the hon. member, four reports have already been laid on the Table of the House and only three could not.....the Reports of the Commission deserve a look in depth. As you will find, the different reports submitted by the Commission pertain to different Ministries. So, they have to be looked into not by one Ministry; they have to be decided upon in consultation with various Ministries. So, time has been taken and it has been found that, because of the passage of time, some new factors have emerged. These factors have to be taken into account for recalculation and re-fixation of rational prices.

I can only say that the provisions of the law could not be complied with and we are extremely sorry for that. I must express my unqualified regret for that before the House."

⁵L.S. Deb.. May 16, 1973.

⁶*Ibid.*

The Speaker, Dr. G. S. Dhillon, thereupon, observed' as follows:—

".....I think we should accept his regret....So far as the procedural, technical or legal point of not laying it on the Table within the allotted time is concerned, he has expressed regret".

The matter was thereafter closed.

(ii) **Alleged misreporting of the proceedings of the House**

On May 3, 1973, Shri K. P. Unnikrishnan, member, sought⁸ to raise a question of privilege against Shri Madhu Limaye, another member, the Editor-in-Chief of the *Indian Express* Newspapers Ltd, Editor, *Indian Express*, Bombay, and the Printer and Publisher of the said newspaper, in respect of the following news report published in the *Indian Express* (Bombay Edition) dated the 30th April, 1973:—

"Mr. Limaye said (in a public meeting at Bombay) that the Prime Minister had a ring of *goondas* among the M.Ps. who shouted down the Opposition members whenever they rose to speak. This happened even when the Prime Minister herself remained present in the House, he added."

Shri K. P. Unnikrishnan stated that by calling the members, *goondas*, Shri Limaye had brought the House into ridicule and had tried to intimidate members, which constituted a grave contempt of the House.

Shri Madhu Limaye, thereupon, stated that he had made a speech in Hindi and Marathi and not in English and that in his speech, he did not use the word '*goonda*'. He added that he had used the word '*goondai*' which had a different connotation. The Speaker then observed:—

"....So far as *goonda* is concerned, the facts are denied. He denies it. I am not allowing this privilege motion.....As far as *goondai*' is concerned, I shall see what the meaning is just for my information.....We will enquire from the paper."

On May 16, 1973, the Speaker observed', *inter alia*, as follows:

".....On the 3rd May, 1973, I had said that the concerned newspaper would be asked to state what it had to say in the matter.

The Editor of the *Indian Express*, in his letter dated the 7th May, has stated as follows:—

'At the outset I take the full legal and moral responsibility for what has appeared in the Bombay Edition of the *Indian Express*

⁷Ibid.

⁸L.S. Deb., May 3, 1973.

⁹L.S. Deb., May 16, 1973.

dated 30th April, 1973 regarding the speech of Shri Madhu Limaye at Bombay.

Our staff reporter maintains that the report which he has given is a correct translation of what he heard Mr. Madhu Limaye say at the meeting in question.

It is just possible that our reporter misheard what Mr. Madhu Limaye said. Such misreporting does sometimes occur having regard to the conditions under which reporters work.

I may assure you that there was no intention on the part of either the reporter or the sub-editor who handled the report to commit any breach of privilege of the House. I may also mention that in view of Mr. Limaye's attitude to the ruling party and the strong language he had used against the Government and the Prime Minister in some of his other statements, no one in the editorial department had any reason to feel that Mr. Madhu Limaye was unlikely to make such a statement.

In view of this explanation, I request that the lapse, if any, on the part of the *Indian Express*, Bombay, in publishing the passage to which objection has been taken, may be condoned by the Speaker.'

The Editor-in-Chief of the *Indian Express*, in his letter dated the 10th May, 1973, has stated as follows:—

I acknowledge responsibility for the error complained of in reporting Mr. Madhu Limaye's speech at Bombay and offer my regret for the lapse.

May I say in explanation that the reporter responsible for the coverage maintains that what he wrote represents a faithful translation of Mr. Limaye's speech on this particular point. I am however mindful of the possibility that there was misreporting having regard to the difficult conditions in which reporters work and the difficulty of conveying in English the flavour of what is said in another language.

I trust the Speaker will accept my assurance that there was no intention on the part of those who handled Mr. Limaye's speech on the *Indian Express* to breach the privilege of Members of Parliament.'

The Printer and Publisher and the concerned Staff Reporter of the *Indian Express*, in their letters dated the 10th May, 1973 have stated that they have nothing more to add to the explanation given by their Editor in the matter.

In view of the above explanation and regret offered by the Editor, Editor-in-Chief, Printer and Publisher and the Staff Reporter of the *Indian Express*, if the House agrees, the matter may be treated as closed.

I hope, the House agrees.

The Speaker further observed:

"As for the words "Goonda" "Goondai"...are concerned, I had a good research work done on it. That is beside the privilege motion. Don't add it to the privilege motion.....From what I see from available Hindi dictionaries where this word is mentioned, it is not in good sense."

The House agreed and the matter was closed.

(i) Making of an alleged policy statement by Prime Minister outside the House on a matter pending discussion in the House

On May 2, 1973, Shri Madhu Dandavate, a member, sought to raise¹⁰ a question of privilege against the Prime Minister for making an alleged policy statement regarding the supersession of three Judges of the Supreme Court, outside the House when that matter was also to come up for discussion before the House.

The Speaker, Dr. G. S. Dhillon, disallowed the question of privilege and ruled¹¹ as follows:

"This is not a question of policy. She has got every right to speak outside."

When Shri Dandavate added that it might be a case of breach of convention and propriety, the Speaker ruled¹² that 'there is no question of propriety about it'.

(v) Reflections on a Parliamentary Committee

One Shri Mahabir Pershad Gupta, in a letter addressed to the Speaker, complained regarding omission of a paragraph from his petition reproduced in the Fourth Report of the Committee on Petitions (Fifth Lok Sabha) presented to the House on May 23, 1972. In his said letter, Shri Gupta also made the following disparaging remarks against the Committee on Petitions:—

"We also wish to draw your kind attention to the *intriguing* omission of an important paragraph by the Petition Committee while it reproduced the petition to the Parliament submitted by more than 2,000 subscribers. We wonder why the petition has been reproduced in a mutilated form.

¹⁰L.S. Deb., May 2, 1973.

¹¹*Ibid.*

¹²*Ibid.*

We are sure that you will agree with us that such a tampering with the petition submitted to the Parliament is *highly improper* and calls for an inquiry. We request you to enquire into this *grave impropriety* and ensure the incorporation of the omitted paragraph."

Shri Mahabir Pershad Gupta also enclosed with his letter a copy of a statement issued by him at a Press Conference on June 5, 1972, and published in the *Motherland*, New Delhi, dated the 6th June, 1972, which read *inter alia* as follows:—

"It is intriguing while reproducing our petition to the Parliament in its report, the Parliament Committee has omitted an important paragraph. The following is the paragraph deleted.....
.....It is surprising that this paragraph should have been shut out from the proceedings of the Petition Committee while our entire petition has been reproduced.

.....As regards our demands that the Subscriber should be informed through the Registered letter before effecting disconnection of the phones for the non-payment of the bills, the Parliament Committee has made a *half-hearted* recommendation in putting the onus on the subscribers. The Parliament Committee wants that such of the subscribers wanting a registered letter should write to Delhi Telephone District. But this is *not a reasonable and practicable suggestion*....—"

The Committee on Petitions who considered the matter at their sitting held on August 11, 1972, observed¹³:—

"The Committee were of the opinion that certain remarks made by Shri Mahabir Pershad Gupta in his letter, dated the 24th July, 1972, addressed to the Speaker, Lok Sabha, and in his Press statement issued on the 5th June, 1972 (a copy of which he had enclosed with his aforesaid letter to the Speaker), cast reflections on the character and proceedings of the Committee on Petitions and, therefore, *prima facie*, constituted a breach of privilege and contempt of the Committee and the House."

Shri Mahabir Pershad Gupta who personally appeared before the Committee on September 1, 1972, as directed by the Committee made, *inter alia*, the following statement:—

"I regret it very much.....I was unaware of the law. Had I known it, I would not have made the impugned remarks..... I regret unconditionally.....If it amounts to a breach of privilege of the Committee, I regret unconditionally."

¹³Minutes of the sittings of Committee on Petitions held on August 11, 1972 and September 1, 1972 were laid on the Table of Lok Sabha on December 21, 1972.

The Committee, thereupon, decided that, in view of the unqualified apology tendered by Shri Mahabir Pershad Gupta, the matter might be treated as closed. No further action was taken in the matter.

BIHAR VIDHAN SABHA

Throwing leaflets from the Visitors' Gallery on the Floor of the House

On March 2, 1973 at 11.40 hours, some persons threw leaflets from the Visitors' Gallery on the Floor of the House. They were immediately taken into custody by the Watch and Ward Officer. After some time, the Chief Minister, Shri Kedar Pande, moved the following motion which was adopted¹⁴ by the House:—

“That this House resolves that the persons calling themselves Aksharanand Avadhoot, Amreshanand Avadhoot and Acharya Bhadrayan who after entering the Visitors' Gallery at 11.40 hours, when the House was sitting, threw some leaflets on the Floor of the House and who were immediately taken into custody by the Watch and Ward Officer, are guilty of committing contempt of this House.

This House further resolves that the above-named three persons, for committing the above offence, be sentenced to simple imprisonment for 15 days and they be sent today, to Bankipur Jail, Patna, to serve out this imprisonment.”

In pursuance of the above decision of the House, the Speaker, Shri Harinath Mishra, issued a Warrant of Commitment addressed to the Superintendent, Bankipur Jail, Patna, in respect of these persons.

MADHYA PRADESH VIDHAN SABHA

Shouting of slogans, throwing the leaflets and jumping on the floor of the House from the Visitors' Gallery

On March 26, 1973, at about 12.20 hours, some persons shouted slogans and threw leaflets from the Visitors' Gallery on the floor of the House. At the same time, one person scaled down the railings of the Visitors' Galleries of the House, landed on the floor of the House, walked upto the Speaker's podium and placed a leaflet on it. The

¹⁴Bihar Vidhan Sabha Deb., March 2, 1973 (Original in Hindi).

Speaker ordered their arrest and they were, accordingly, taken into custody immediately by the Security Officer.

Later, the same day, the Chairman of the Committee of Privileges, Shri Chandra Pratap Tiwari, moved¹⁵ the following motion which was adopted by the House:—

“That the persons calling themselves Vinod Kumar Sharma, Jagdish Prasad Upadhyaya, Yashwant Singh and Dinesh Upadhyay, who shouted slogans, threw leaflets and one of them jumped from the Visitors’ Gallery on the floor of the House at about 12.20 hours and whom the Security Officer took into custody immediately, who have confessed their guilt, are guilty of committing contempt of this House.

This House, therefore, resolves that Vinod Kumar Sharma, Jagdish Prasad Upadhyaya and Yashwant Singh be sentenced to simple imprisonment upto the 31st March, 1973, and Dinesh Upadhyay be sentenced to simple imprisonment upto the 2nd April, 1973.”

In pursuance of the above decision of the House, a warrant of Commitment¹⁶ addressed to the Superintendent, District Jail, Bhopal, was issued by the Speaker.

¹⁵M.P. Vidhan Sabha Deb. March 26, 1973 (Original in Hindi).

¹⁶Separate Warrants of Commitment were issued by the Speaker in respect of the other accused.

III. PROCEDURAL MATTERS

LOK SABHA

(i) Personal explanations by Ministers—Withdrawal of objectionable remarks on objections being raised by Members

On August 28, 1973 when Shri L. N. Mishra, Minister of Railways, was making a personal explanation regarding certain remarks made about him in the House on August 27, 1973, some Members raised objections that the Minister had brought in debatable matter which was a violation of the rule regarding personal explanation. Shri Mishra then stated that he withdrew para 4 of his statement which he had already read. In the text of his personal explanation there were also certain references to the Press reports, and there were objections from Members with regard thereto. The Speaker observed that he would compare the statement with the Press reports and if there was anything beyond the reports, the same would be deleted.*

(ii) Statements by Ministers—Speaker may ask the Minister to show the document to him if it is challenged by a Member

On August 23, 1973, during the supplementaries on a Calling Attention Notice regarding reported instructions issued to the Netaji Inquiry Commission by the Government not to seek any help from the Government or any non-official organisation in Taiwan, some Members demanded that the Minister might be asked to lay on the Table the letter sent by the Government to the Commission. The Minister of External Affairs stated that he had already mentioned the substance of what had been suggested to the Commission and it was not customary that the entire correspondence should be made public. The Speaker observed that the practice had been that if the Minister did not agree, Government correspondence was not laid on the Table. Referring to the second proviso of rule 368, the Speaker observed that if Members thought that the Minister had not given the summary, he would himself see the relevant letter.

*Later, after comparing the Press reports furnished by the Minister, nothing was expunged from the personal explanation.

On September 5, 1973 when a Member (Shri Samar Guha) again raised the matter, the Speaker observed that he had seen the letter and assured the House that what the Minister had said in the House was a faithful summary of the letter.

(iii) It is for the House to decide about matters if a Member is not satisfied with the reply of the Minister

On August 23, 1973, a Member, Shri Shyamnandan Mishra, had raised a matter regarding certain information given by the Minister of State for Law, Shri Nitiraj Singh Chaudhury, about the delay in holding bye-elections to Parliament and State Legislatures. After the Minister of State for Law made a statement in reply thereto, the Member said that the Minister had not clarified the points raised by him. The Speaker, therefore, observed that after hearing both, the Member and the Minister, it was not for him to give a verdict. It was for the House to decide.

(iv) Extension of time for the presentation of the Reports of Select|Joint Committee on Bills

The motion for reference of a Bill to a Select|Joint Committee invariably mentions a specific date by which the Committee has to present its report to the House. If the progress of the work of the Committee is such that the presentation of the Report is likely to be delayed, a motion, with the approval of Speaker, is moved by the Chairman or in his absence by any other member of the Committee in the House seeking extension of time for the presentation of the Report.

On August 16, 1973, when motion for extension of time for the presentation of Report of the Joint Committee on the Mines (Amendment) Bill, 1972, came up in the House, some members asked the reasons for the extension of time. The Speaker observed that, in future, whenever any extension was sought for, reasons in brief in the form of a memorandum might be circulated to the members in advance.

Accordingly, a memorandum giving reasons for extension of time for the presentation of report is now circulated to the Members of Lok Sabha a day in advance for which the motion is put on the agenda paper for the morning in the House.

(v) Members should not be indecorous in their behaviour in the House

On August 9, 1973, during the reply to the discussion on the Statutory Resolution regarding Proclamation in relation to Uttar Pradesh by the Minister of Home Affairs, Shri Uma Shankar Dikshit, a Member (Shri Jyotirmoy Bosu) raised a point of order that the Minister had said that he (Shri Bosu) had said something which was untrue. The Member then quoted from a Government publication and threw the same towards the Table. The book came down on Secretary's desk. Another Member (Shri S. M. Banerjee) took away the publication. The Deputy Speaker, who was in the chair at that time, observed that it was an indecorous and objectionable behaviour of the Member and left the matter to the House as to what was to be done hereabout. Shri Dikshit then submitted that the matter might be closed with the observation of the Deputy Speaker. The matter ended there.

(vi) Speaker's consent to the moving of an adjournment motion after the Minister had made a statement on a subject even though the stage for taking up the adjournment motion had passed

On August, 3, 1973 when a Member, Shri Atal Bihari Vajpayee, who had given notice of an adjournment motion regarding strike by Loco Running Staff, enquired about it in the House the Speaker observed that the Minister of Railways was going to make a statement on the subject. The Speaker did not agree to relax the Rules to allow Members to seek clarifications on the statement to be made by the Minister. The Minister of Railways then made a statement on the subject.

After the Minister's statement, Members demanded a discussion on the subject. The Minister was agreeable to the discussion being held on Monday next (following days being Saturday and Sunday) as he needed time for the negotiations which were in progress. Members insisted that either they should be allowed to seek clarifications on the statement or a discussion should be held on that day itself. The Speaker ultimately gave his consent to the moving of the adjournment motion, though the stage therefore had already passed. Shri Vajpayee then sought leave of the House to move his motion. On objection being taken by the Minister of Railways, the Speaker asked Members in favour of leave being granted to rise in their seats. As less than 50 Members rose, the Speaker informed the House that the Member did not have leave.

(vii) Contempt of the House—Throwing of leaflets on the Floor of the House

On July 23, 1973 at 12.35 hours a visitor, Shri Tanaji Kamble threw some leaflets on the floor of the House from the Visitors' Gallery. He was immediately taken into custody by the Watch and Ward Staff. At 19.35 hours, the Minister of Parliamentary Affairs (Shri K. Raghuramaiah) moved the following motion:—

“The House resolves that the person calling himself Tanaji Kamble who threw some leaflets from the Visitors' Gallery on the floor of the House at 12.35 P.M. today and whom the Watch and Ward Officer took into custody immediately, has committed a grave offence and is guilty of the contempt of this House.

This House further resolves that he be sentenced to simple imprisonment till 5.00 P.M. on Thursday, the 26th July, 1973 and sent to the Central Jail, Tihar, New Delhi.”

A Member, Shri Hukam Chand Kachwai, enquired as to what were the contents of the leaflet. The Speaker, thereupon, observed that however pleasant or unpleasant the contents might be, the act of throwing the leaflets into the House was contempt of the House.

Another Member, Shri Madhu Limaye, opposed the motion saying that no punishment could be awarded to a person without giving him a hearing. He submitted that the visitor should be called before the House to explain his conduct. The Speaker over-ruled the objection and put the motion to vote. The motion was adopted after a division.

(viii) Suspension of Rules—Reduction of sentence of Imprisonment for throwing Leaflets on the Floor of the House—Motions withdrawn

On July 24, 1973, a Member, Shri Jyotirmoy Bosu, moved the following motions:—

“That Rule 333 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion regarding reduction of the sentence of imprisonment awarded to Tanaji Kamble, by the House on the 23rd July, 1973, be suspended.”

“This House resolves that the sentence of imprisonment awarded by this House on the 23rd July, 1973, to the person calling himself Tanaji Kamble for having thrown leaflets in the House from the Visitors' Gallery and thereby having committed contempt of the House, be reduced to simple imprisonment till 10 a.m. on Wednesday, the 25th July, 1973.”

The Minister of Parliamentary Affairs, Shri K. Raghuramaiah, stated that he had discussed the matter with Leaders of Opposition. Since the person concerned had not even tendered an apology, no new situation had arisen and as such, it would be most improper to reduce the sentence. Shri Bosu left the matter to the Speaker. The

Speaker observed that the visitor had not tendered an apology; no Parliament would tolerate such action.

The motions were withdrawn by leave of the House.

(ix) Proceedings of the House—Incorporation from the Tape Record

On July 30, 1973, when some Members were raising points regarding their notices of adjournment motion about atrocities on Harijans and lathi charge on demonstrators, the Speaker observed that he was not permitting any adjournment motion. Thereafter, submissions made by Members about those matters were not recorded by the Reporters as they were made without the Speaker's permission. Later, a Member, Shri Atal Bihari Vajpayee, enquired whether all that was said by Members was on record. The Speaker observed that when several Members spoke at the same time it was difficult for the Reporters to take down the proceedings, and that whatever was not taken down would be taken from the tape record. The Speaker also observed that the Press would write only what was on record and that a record of the proceedings taken from the tape record would be made available to the Press.

UTTAR PRADESH VIDHAN SABHA

(i) Presentation of Performance Budget

On May 1, 1973 when the Performance Budget of the Cooperative Department was presented to the House Shri Triveni Sahai rising on a point of order said that according to Article 205 of the Constitution of India, the Performance Budget should have been presented along with the main Budget, Excess Grants or Supplementary Grants. According to him, the Performance Budget was presented at a wrong time. The Speaker ruled that there was nothing wrong in presenting the Performance Budget that day as a reference to it had already been made at the time of presentation of the main Budget. He observed that the Performance Budget was presented only for information of the Members.

(ii) Participation in Debates by Members

On April 18, 1973, when the notice for an adjournment motion regarding "*Jashne Mulla*", i.e., a function held under Government patronage to felicitate the Urdu Poet, Shri Anand Narain Mulla, was disallowed, Shri Rajendra Pratap Singh and several other members contended that a couplet written by Shri Mulla was insulting to the freedom fighters, and therefore they demanded that either the Gov-

ernment should proscribe the book concerned or the objectionable couplet should be expunged from it. After hearing some members and the Chief Minister the Deputy Speaker said that often several interpretations may be made of a poem. Shri Kalp Nath Singh of Congress (O) wanted a definite answer from the Chief Minister as to whether he was prepared to proscribe the said book. The Deputy Speaker did not allow Shri Kalp Nath Singh to continue further, as a result of which Shri Singh walked out together with the members of his party. Shri Anant Ram Jaiswal, leader of the S.S.P., also wanted to speak on this issue, but the Deputy Speaker did not allow him to do so. Meanwhile Shri Jai Ram Verma (Leader of Opposition) walked out with the members of B.K.D.

Therefore, the Deputy Speaker called the Revenue Minister to move the motion regarding Demand for Grants, in accordance with the Agenda. As soon as the Revenue Minister stood up to move his motion, the Opposition members began thumping their desks and raising slogans. The Deputy Speaker requested the members to be quiet, but the uproar continued. The Deputy Speaker then adjourned the House for 15 minutes.

When the proceedings commenced again after 15 minutes, more than one member of the Opposition stood up and started reciting poems. Some members again demanded that the book of Shri A. N. Mulla should be proscribed. The Chief Minister assured the members that he would consult the scholars of Urdu regarding the meaning of the couplet, and thereafter if it came to his knowledge that the dignity of the freedom-fighters was hurt or lowered by it, necessary action would be taken after obtaining the legal opinion.

Shri Anant Ram Jaiswal again asked for time to discuss the adjournment motion, but the Deputy Speaker rejected his demand.

The Deputy Speaker then called the Revenue Minister for moving motions regarding Demands for Grants. At that time, Shri Jaiswal and several members of his party stood up and started shouting slogans. Amidst noise the Revenue Minister moved motions relating to Demands for Grants. Shri Shambhu Nath Chaudhary (B.K.D.) moved his cut motion in respect of the said Grants. There was continuous uproar during the speech of Shri Chaudhary and after some time Shri Jaiswal and some of his party men came towards the vacant space at the centre of the Assembly Hall and shouted slogans. Amidst these uproarious scenes the Revenue Minister made his reply to the debate, and the Demands for Grants were approved by the House.

Thereafter the consideration of the *Uttar Pradesh Krishi Udhhar Vidheyuk* (The U.P. Agricultural Credit Bill), 1973, as passed by the

Vidhan Parishad, was also taken up, and the Bill was passed amidst disorder.

On April 19, 1973 Shri Banshidhar Pandey rising on a point of order, said that the Demands for Grants and the *Uttar Pradesh Krishi Udhar Vidheyak*, 1973 were passed on the previous day amidst shouts and disorder; hence the members could not get an opportunity to express their views. The Business Advisory Committee had also allotted four hours time for consideration of the *Krishi Udhar Vidheyak*. Thus the members were debarred from their rights owing to the passing of the Bill passed during disorder. He added that in order to avoid it, the presiding officer could have adjourned the House for some time just as he had done earlier on that day. The Deputy Speaker ruled out this objection and said that at the time of disorder no member wanted to participate in the business, and hence a procedure that was deemed to be proper, was adopted.

The Deputy Speaker further ruled that the point of order sought to be raised by Shri Pandey was inadmissible because if he had any objection, he should have raised it in the proper manner at the proper time (when the said business was being transacted).

(iii) Introduction of Bills

On April 24, 1973 when the Deputy Minister for Revenue moved a motion for leave of the House to introduce the Uttar Pradesh Ceiling on Property (Temporary Restrictions on Transfer) (Second Amendment) Bill, 1973, some members objected to the granting of leave on the ground that the Business Advisory Committee of the House had made no recommendation regarding the introduction of the Bill. They requested that the introduction be postponed and the matter should come before the House after the decision of the Business Advisory Committee thereon. With the agreement of the Chief Minister the Deputy Speaker postponed the same and observed that the matter would be considered by the Business Advisory Committee.

(iv) Discussion on the Conduct or action of the President or the Governor

On April 27, 1973 Shri Jai Ram Verma, Leader of the Opposition sought allotment of time for discussion on a motion tabled by him and other Opposition leaders under Rule 103 regarding the resignation by three judges of the Supreme Court on account of alleged

partiality in the appointment to the post of the Chief Justice of the Supreme Court. Shri Madhav Prasad Tripathi (Leader of Jan Sangh) also wanted to express his views in this regard, but the Speaker did not allow him to speak as the matter related to the Union Government. Shri Tripathi attempted to speak again, but on his being asked by the Speaker to stop, several Opposition members stood up at their respective places and there was an uproar. Consequently the Speaker adjourned the House for 15 minutes. When the proceedings re-started after 15 minutes, the Speaker allowed several members as well as the Chief Minister to express their views regarding the admissibility of the said motion. Thereafter, the Speaker, while giving his ruling on the issue said that in accordance with the provisions of the Constitution and the Rules of the Assembly the conduct or actions of the President and the Governor could not be discussed in the House and as the appointment of the Chief Justice had been made by the President, the motion would involve reflection on his conduct. If anyone had any complaint against his action, then a motion for his impeachment could be brought in the Parliament but discussion on the motion as tabled by Shri Jai Ram Verma and others could not be allowed.

At this stage at about 1.20 p.m. when the Deputy Speaker occupied the Chair, all the members of the Opposition were standing. The Deputy Speaker requested them to take their seats. Amidst noise, Shri Bansi Dhar Pande sought to raise a point of order to which the Deputy Speaker replied that the opposition members should take their seats before raising any point of order. However, the said members kept standing and shouted slogans intermittently. At the request of the Minister of State for Irrigation, the Deputy Speaker attempted to proceed with the Demands for Grants relating to the Irrigation Department but he was obstructed by some members. At about 2.40 p.m. the Speaker came to preside again and he adjourned the proceedings of the House till 4 p.m. and invited the Leader of the House and Leaders of other parties for talks in his chamber.

At 4 p.m. when the proceedings commenced again, the Speaker informed the House that although he had already given his ruling on the issue, he was ready for talks on it. If the members could convince him that the motion could be made then he may allot a time of 2-1/2 hours any day for discussion thereon. Later on, the Speaker had talks in his chamber with the Leader of the House and leaders of the Opposition parties on this issue, but he did not change his earlier ruling and the said motion was not discussed in the House.

Sessional Review

FIFTH LOK SABHA—SEVENTH SESSION

[A resume of some of the discussions held during the Seventh Session of the Fifth Lok Sabha was published in the July, 1973 issue of the Journal. A resume of other discussions held during that session is given below—Editor].

Reported Sale of Rotten Milk Powder and Ghee

A Calling Attention Notice on the “reported sale of rotten milk powder and ghee received under World Food Programme to the Poor” was tabled by Sarvashri Hari Singh, Vasant Sathe, Birender Singh Rao, Mukhtiar Singh Malik and Madhu Dandavate. The matter was raised in the House on March 27, 1973 by Shri Hari Singh.

The Minister of State in the Ministry of Agriculture, Professor Sher Singh said that the Government was implementing a project for stimulating milk marketing and dairy development called ‘Operation Flood’ estimated to cost Rs. 95.40 crores to be generated from the sale of 1,26,000 tonnes of skimmed milk powder and 42,000 tonnes of butter oil being received as gift from the World Food Programme. All those commodities were supplied to the public sector liquid milk plants excepting certain quantities which were considered unsuitable for recombination into liquid milk. Although unfit for milk recombination, a good proportion of the latter also happened to be quite suitable for human consumption. The Minister added that there was no substance in the newspaper report that Government had permitted the sale of rotten milk powder and butter oil unfit for human consumption to vulnerable sections of society with the label “Buyers Beware” or “Unfit for human consumption”.

Answering questions, the Minister said that the Government did take objection to the quality and the matter was brought before the International Committee which had met in Rome. It had been also

made clear to the various countries who were contributing to W.F.P. that they should not supply such sub-standard material.

As regards stopping the slaughter of cows, most of the State Governments had already enacted legislation. A Committee had already been going into the matter. Suitable action in the matter would be taken after the receipt of Report of the said Committee.

Dhatura Seeds in Milo Imported from America

The matter regarding "reported presence of *Dhatura* seeds in the milo imported from America" was raised in the House on March 7, 1973 by Shri Dhamankar, through a Calling Attention Notice.²

The Minister of Agriculture, Shri Fakhruddin Ali Ahmed stated that the first consignment of Milo purchased from U.S.A. arrived at Bombay Port during the first week of February, 1973. Immediately on arrival, the grain was subjected to inspection and it revealed the presence of '*dhatura*' seeds. Immediate steps were taken to withhold the release of the stocks to the State Governments for issue through the fair price shops. Simultaneously arrangements for cleaning the milo to make it free from the presence of '*dhatura*' seeds were also undertaken, at the dock as well as in the depots, of the Food Corporation of India. The Haffkines Institute, Bombay, after analysis, had certified that the flour produced from cleaned milo was free from toxic material and had recommended the distribution of milo flour produced from the cleaned grain.

The India Supply Mission, Washington, had already taken up the matter with the authorities concerned in the U.S.A.

Proposal to Declare Whole of Rajasthan as Famine Affected

Raising Half-an-Hour discussion regarding "the proposal to declare whole of Rajasthan as famine area" in the House on March 23,

²The Calling Attention Notice was tabled by Sarvashri Bhaosahaib Dhamankar, Madhu Dandavate, Era Sezhiyan, Vsant Sathe and C. K. Chandrapan.

1973, Shri M. C. Daga said that one crore and forty-nine lakh people living there were affected by drought and the supplies of foodgrains received from the Centre were not enough.

The Minister of State in the Ministry of Agriculture, Shri Anna-saheb P. Shinde said that the Centre could not afford to be partisan or partial to one State in the matter of giving aid or drought relief. In fact, of the 54 districts selected from the entire country for building up permanent protection against drought, the largest number *i.e.* 10 were from Rajasthan alone. The Minister added that as a result of the drought the Government of India did not intend to expend money on non-productive schemes. There would, however, be no limitation on the availability of funds so far as productive schemes were concerned.

As regards the Rajasthan Canal, against an assessment of about one lakh of people, only fifty thousand persons were being employed. The Government were asking the Canal Administration to try to employ the maximum number of people.

Afforestation was very important scheme which could provide employment to 50,000 tribal and backward people.

In the recent past the Rajasthan Government had taken up 2,136 relief works, in which about 9,45,000 people were working.

As for as food was concerned, the Centre had made an allocation of 65,000 tonnes for Rajasthan which appeared to be quite substantial.

Presence of Iron particles in rice supplied to Maharashtra

The matter regarding "reported presence of iron particles in the rice supplied to the State Government of Maharashtra by the Food Corporation of India" was raised in the House on May 8, 1973 by Shri Kartik Oraon through a Calling Attention Notice.³

The Minister of Agriculture, Shri Fakhruddin Ali Ahmed said that the presence of some iron filings in long bold rice supplied through the Fair Price Shops in Bombay came to the notice of the Maharashtra Government on May 3, 1973. A joint inquiry by the staff of the Food Corporation of India and the State Government

³The Calling Attention Notice was tabled by Sarvashri Kartik Oraon, H. M. Patel, P. M. Sayeed, G. P. Yadav and Baksi Nayak:

revealed that some traces of iron filings were present namely 2 to 4 filings per kg. of rice. Instructions had since been issued by the Maharashtra Government to stop further sale of such rice. Action was in hand to get the filings removed from the affected stock. Government was also investigating the probable causes and would take necessary action and preventive steps in the light of the investigation.

Reported Consensus on Cauvery Waters

The matter regarding the "reported consensus on Cauvery Waters between the Chief Ministers of Tamil Nadu, Mysore and Kerala regarding the calculations made for the Cauvery Fact Finding Committee" was raised in the House on May 7, 1973, by Shri Atal Bihari Vajpayee through a Calling Attention Notice.⁴

The Deputy Minister in the Ministry of Irrigation and Power, Shri Balgovind Verma said that the discussions held in May, 1972 amongst the Chief Ministers revealed the general consensus that a serious attempt should be made to resolve the dispute and that the Centre should appoint a Fact Finding Committee to collect all the data and to examine the adequacy of the present supplies or excessive use of Cauvery water for irrigation purposes.

The Fact Finding Committee set up by Government of India on June 12, 1972 submitted its report in December, 1972.

There were discussions with the Chief Ministers of Kerala, Mysore and Tamil Nadu on April 29, 1973 about the report of the Committee. During the discussions, there was a general consensus on the total yield of the river as given in the Committee's Report. As desired by the Chief Ministers, the Committee was being revived to furnish clarifications on some other points after such verification as was found necessary. The Chief Ministers agreed to meet at a later date to continue the discussions and explore the possibilities of arriving at a settlement.

Western Kosi, Rajasthan and Gandak Canal Projects

Raising Half-an-Hour discussion regarding "Completion of Western Kosi, Rajasthan and Gandak Canal Projects" in the House on

⁴The Calling Attention Notice was tabled by Sarvashri Atal Bihari Vajpayee, P. Gangadeb, Dr. Laxminarayan Pandeya.

May 7, 1973, Shri Bhogendra Jha said that it would help in increasing agricultural production and provide employment to a large number of persons.

The Minister of Planning, Shri D. P. Dhar, said that as far as the Kosi Project was concerned, it consisted of two projects—the Kosi Canal and the Western Canal. Unless and until the headworks for the Canal, which lay in the Nepalese territory, were completed it would not be feasible to proceed on an extensive basis with the work of the extension of the Canal within Bihar. The work within the Nepalese territory was now proceeding at full speed.

The Rajasthan Canal like Kosi Canal, was also a two-stage project. It had to be dealt with more effective and expeditiously at its second stage.

As far as Kosi and Gandak projects were concerned, by and large appropriate financial outlays would be available for the Kosi Project and fairly appropriate outlays would be available for Western Kosi Canal in Bihar. The same applied to the Gandak Project also. About the Rajasthan Canal—Stage I, the required amounts would be made available in the Fifth Plan period. As regards Rajasthan Canal—Stage II, taking into account its importance, benefits which were likely to accrue from it and also, taking into account the fact that the Canal passed through one of the most arid and one of the most dry zones of the country, the Government would do its utmost to ensure its completion in the Fifth Plan period.

Impounding of Water in Pong Dam

The matter regarding the “reported imminent impounding of water in Pong Dam” was raised in the House on April 9, 1973 by Shri Virbhadra Singh through a Calling Attention Notice.⁵

The Deputy Minister in the Ministry of Irrigation and Power, Shri Bal Govind Verma said that a dam across the river Beas to conserve its waters for use in India had been under construction over the

⁵The Calling Attention Notice was jointly tabled by Sarvashri Virbhadra Singh, Pratap Singh, Vikram Mahajan and Narain Chand Parashr.

last 13 years. A stage had been reached, when the waters of the river could be impounded during the coming monsoon and utilised for the development of irrigation. That would result in significant benefits in the form of additional foodgrains to the extent of about one million tons. Also with the completion of the dam, the bulk of the monsoon waters of the river Beas would be harnessed and put to effective use in India.

So far, all lands and properties on 58,000 acres out of 71,000 acres had been mostly paid for and acquired. The balance of land would be acquired in a couple of months. As assessed by the Government of Himachal Pradesh, partial impounding during the year was likely to affect about 14,000 oustee families as against about 20,000 to be affected at maximum reservoir level. Major portion of those families would be rehabilitated in Rajasthan. Himachal Pradesh Government had undertaken to take care of the remaining families.

Failure of the MMTC to conclude contracts for Export of Indian Mica

A Calling Attention Notice on the "reported failure of the Minerals and Metals Trading Corporation to conclude contracts with USSR and Poland for Export of Indian Mica" was tabled by Sarvashri Indrajit Gupta, K. Baladhandayutham, B. K. Daschowdhury, P. K. Deo and Hari Kishore Singh. The matter was raised in the House on April 2, 1973 by Shri Indrajit Gupta.

The Minister of Commerce, Professor D. P. Chattopadhyaya, said that till recently, India had a virtual monopoly in Mica trade. The exports were evenly divided between Rupee Payment countries and general currency area, the USSR being the single largest buyer. The Government had decided to canalise export of processed mica through the Minerals and Metals Trading Corporation, with effect from January 24, 1972. Simultaneously, the question of assisting the development of mica mining industry was taken up and the constitution of a Mica Board was under consideration.

The objective of canalisation was to assist the small exporters and mineowners in participating in the export trade which had hitherto been monopolised by a few big mine owners and exporters. The negotiations in regard to sales to the countries in question were continuing and had not broken down. The newspaper reports had commented mainly upon certain commercial aspects of the MMTC negotiations. There were other aspects also to be borne in mind while that sort of negotiation was carried on and settlement arrived at. Discussions of all these aspects of commercial transaction might not be conducive to a mutually satisfactory settlement.

The Government had, the Minister added, approved in principle the setting up of the Mica Trading Corporation as a subsidiary of the MMTC. That Corporation would, apart from enlarging the export of Mica, give technical and financial assistance to small producers and increase the added value by upgrading the material. The Corporation would step into the rather neglected area of research and development as well.

**Purchase by Foreign interests of shareholding in Metro Theatres,
Calcutta and Bombay**

A Calling Attention Notice on the “reported recent purchase abroad by foreign interests of the entire shareholders of Metro-Goldwyn-Mayer Inc. USA in Metro theatres, Calcutta and Bombay without prior permission of Reserve Bank of India and without guarantee of the interest of the Indian economy” was tabled by Sarvashri H. N. Mukerjee, S. M. Banerjee, C. K. Chandrappan, Indrajit Gupta and Bhogendra Jha. The matter was raised in the House on March 12, 1973 by Shri H. N. Mukerjee.

The Minister of State in the Ministry of Finance, Shri K. R. Ganesh said that enquiries about the sale of two Metro theatres in Bombay and Calcutta revealed that they were owned by two foreign Companies, viz., Messrs. Metro Theatres Bombay Limited and Metro Theatres Calcutta Limited respectively. Both the Companies were incorporated in U.S.A. and their 100 per cent shares were owned by Metro-Goldwyn-Mayers Inc. U.S.A. The entire shareholdings of Metro Theatres Bombay Ltd. and Metro Theatres Calcutta Ltd., held by Metro-Goldwyn-Mayers Limited had been acquired by Messrs. Tramarsa S.A., a Company incorporated in Geneva. No application seeking approval to that transaction had so far been received by Reserve Bank. The legal position about the question of taking prior permission of the Reserve Bank of India under the provisions of the Foreign Exchange Regulation Act, 1947 was being further looked into in consultation with the Ministry of Law at the highest level and the Attorney General of India. Further investigations regarding the transaction were also in progress as it was suspected that some Indian parties might be at the back of the deal.

Answering questions, the Minister said that though the opinion of the Reserve Bank of India exclusively and the Law Ministry was available, the Government wanted the matter to be examined further

by both of them so that there was no shadow of doubt at all that the relevant provisions of the Foreign Exchange Regulation Act did not apply to the said deal.

As early as July 7, 1972, when the matter came up in the Press the Enforcement Directorate had gone into action. They had raided the house of one Shri Agarwal, who was trying to negotiate the deal, but it fell through. The Enforcement Directorate also raided the Gupta Brothers. It appeared from facts available that the Gupta Brothers had been at the back of the deal and there was reason to believe that they had entered into that fraudulent deal and they were the actual purchasers and not Tramarsa. The whole matter was under investigation.

The present legal position as had been given to the Government was that there was no provision in the Foreign Exchange Regulation Act of 1947 to prevent a deal of that nature between two non-resident companies. Whatever lacuna was there in the Act was now sought to be removed by the new Foreign Exchange Regulations Bill, which was now before the Joint Committee of the Houses. When that Bill became law, those people would have to apply to the Reserve Bank under section 27 and then the Government would be able to put some checks on it.

As regards the question as to why people had not been arrested, as soon as it became a public issue, as early as July, 1972, the Enforcement Directorate went into action, seized documents, processed them and had been able to locate the activities of Gupta Brothers. Now they were trying to find out the bank accounts and other particulars. The seriousness of the deal and the shady character of the persons involved were before the Government and it would take all the necessary steps under the law.

Controversy over Export of Shivalik Fossils

A Calling Attention Notice on the "reported controversy over export of Shivalik fossils to U.S.A." was tabled by Sarvashri Balakrishna Venkanna Naik, M.C. Daga, Samar Guha, Hari Kishore Singh and D. K. Panda. The matter was raised in the House on April 23, 1973 by Shri B. V. Naik.

The Minister of Education, Social Welfare and Culture, Professor S. Nurul Hassan said that a joint collaborative programme of study and

search of earliest hominids in the Shivalik Hills (North India) between the Punjab University, Chandigarh and the Yale University, Peabody Museum, U.S.A. was approved initially for a period of two years in 1967. The work on the project started in March, 1968. Owing to serious differences that arose during the operation of the project between the American and the Indian field terms, the project was suspended by the Vice-Chancellor, Punjab University in April 1969. In December, 1969, the Syndicate of the University decided that the project might be continued independently by the University's Department of Anthropology within the resources of the University. According to the Vice-Chancellor, Punjab University, it could not be said for certain, but it was most likely, that cases of some important fossils might have been prepared and sent to U.S.A. during the period the original fossils were in custody of the Yale University team.

Prime Minister's Survey of Hooghly and Sunderban Areas in West Bengal

Raising Half-an-Hour discussion on March 2, 1973 regarding "Prime Minister's survey of Hooghly and Sunderban areas in West Bengal", Shri Samar Guha pointed out that the West Bengal Government which had proposed a Rs. 85 crores' project for the development of the Sunderban area, very much needed help from the Union Government. Shri Guha suggested the setting up of a Sunderban development authority for the purpose. He also referred to the need for constant dredging for maintaining the navigability of Hooghly and to the high hopes that the Prime Minister's visit had raised in West Bengal. The problems of the Sunderbans and the navigability problem of Hooghly would be looked into by the Prime Minister herself, and also by the Planning Minister and by the Government of India.

The Minister of State in the Ministry of Planning, Shri Mohan Dharia said that the Union Government had suggested to the West Bengal Government to consider the possibility of having Sunderbans as a separate district. It would then be the endeavour of the Government to see that Sunderbans was declared as an industrially backward area for purposes of concessional finance. It would help to a great extent.

So far as Hooghly was concerned, the Minister said, the Government had taken up an intensive dredging programme and the execution of the river training works and the Farakka Barrage Project. Some delay had been caused with regard to Farakka Barrage Project. The 1860 LS—7.

whole work had now been accelerated and would be completed by December, 1973. It would be possible to flow the water from the Ganges through the canal by early 1974.

Working of the Fertilizer Corporation of India

A discussion⁶ under Rule 193 on a matter of urgent Public importance relating to "the working of the Fertilizer Corporation of India" was raised in the House on May 10, 1973 by Shri Samar Guha.

Shri Guha said that some disparaging remarks were made against the performance of the Fertilizer Corporation of India as also the dedicated service rendered by a number of eminent scientists. In the background of the remarkable performance of FCI it was really baffling, he said, as to how the Action Committee that had been set up by the Government had recommended an immediate restructuring and re-organisation of the Fertilizer Corporation. The Minister of Petroleum and Chemicals, Shri D. K. Borooah said that while evaluating the performance of an organisation like the F.C.I., the credit should go to everybody working in that organisation.

It had been pointed out that the price of fertilisers in India was very high and at the same time they were not yet readily available. The fertilizer industry had to be built up for production on a massive scale. That would be the only way to save foreign exchange which the country had to spend in purchasing fertilizers from abroad.

The Government could not delay the installation of the Fertilizer Factory and allow the matter to be decided by the technocrats although they had done good work. Durgapur was commissioned by the F.C.I. and the whole mechanisation of the plant had been completed two years ago but it had not yet gone on stream. Barauni had been delayed by two years the reason being indigenisation some of its parts.

Namrup was based on natural gas. It was the first time that fuel oil was going to be used as food-stock for fertilisers in a big way in any part of the world. In view of the price of crude oil having gone

⁶The Members who participated in discussion were Sarvashri Darbara Singh, Jyotirmoy Bosu, Shyam Sunder Mohapatra, S. M. Banerjee, Raja Kulkarni, Satyendra Narayan Sinha, Narain Chand Parashar, Shashi Bhushan and Damodar Pandey.

up from 128 cents per barrel in 1970 to 275 cents, it had been decided to go in for coal-based fertilisers. In the three coal based factories, certainly the scientists had to contribute their mite.

Fertilizer Manufacturing Units

Raising Half-an-Hour discussion on "Fertilizer Manufacturing Units in private and public sectors with production capacities" in the House on April 30, 1973, Shri E. V. Vikhe Patil said that fertilizer production in the country was much below the installed capacity both in the public and private sectors. The work of distribution of fertilizers should also be given in the hands of cooperatives, Shri Patil added.

The Minister of Petroleum and Chemicals, Shri D. K. Borooah said that the fertilizers factory involving heavy investment, should produce at least on an average 90 per cent of its capacity. But, it had not been able to go beyond 71 per cent in 1972-73. If all the plants were taken together, the public sector produced around 60 per cent of the installed capacity.

The Rourkela plant worked at 41 per cent only due to inadequate availability of coke oven gas required for production of fertilizers. The Rourkela fertiliser factory was linked up with the expansion of the Rourkela steel plant. The Neyveli Unit was based on lignite and it was working at 30 per cent of the capacity. There also had been inadequate supply of lignite. Nangal factory which had been working at 85 or 86 per cent was now working only at 40 per cent. The Government were trying their level best for increase in the performance.

As regards distribution, it seemed to be a very difficult problem for two reasons. One was that there were many agencies—Governmental and Private. One of the distributing agencies of the Government was the Fertilizer Corporation of India, whose main job was to produce. Some arrangements for the distribution had to be made. The matter was being discussed with the Ministry of Agriculture in this behalf. It would be better to give the distribution work relating to fertilizers to cooperative societies rather than individuals.

Expenditure on Repairs of Newly Purchased Ships by Shipping Corporation

Raising Half-an-Hour discussion regarding "expenditure on

repairs of newly purchased ships by Shipping Corporation" in the House on April 27, 1973, Shri Krishna Chandra Halder said that the Shipping Corporation of India had been wasting fantastic amounts on repairing new ships, which showed that there was something seriously wrong with the buying. The whole matter of repairs must be looked into by an independent expert committee as the amounts were spent mostly abroad in valuable foreign exchange. Besides, there was a need for a probe into the working of the Shipping Corporation of India by a high-powered body.

The Minister of Shipping and Transport, Shri Raj Bahadur said that most of the ships had come from friendly East European countries—Poland, East Germany, Yugoslavia and Russia. In fact about one-fourth of the fleet had been taken from Yugoslavia on account of long standing arrangements and credit facilities. It would, therefore, be indiscreet to say that the Government should be more cautious in choosing the shipyards. Most of the repairs to ships were carried out in India. Only where such facilities were not available in the country, repairs had to be got done from abroad. The total amount of foreign exchange spent on repairs came to about Rs. 90 lakhs.

The Shipping Corporation which was started in 1961 with 19 vessels had at present got a fleet of 95 ships, all in operation, and over 1.87 million DWT. The equity capital of the Corporation amounted to Rs. 27.95 crores and the profits and savings amounted to Rs. 37.60 crores upto March 31, 1972. The performance of the Corporation was, therefore, creditable on all accounts.

Power Breakdown in Delhi

A discussion⁷ under Rule 193 on a matter of urgent public importance relating to "power breakdown in Delhi" was raised in the House on April 25, 1973 by Shri Indrajit Gupta. Shri Gupta said that it was quite an unusual happening that all units of the Indraprastha Power Station and Rajghat Power Station broke down simultaneously. This had to be viewed in the context of a report in all the papers about the long-drawn out conflict or difference of opinion between the engineers and the General Manager of D.E.S.U.

⁷The Members who participated in the discussion were Sarvashri Samar Mukherjee, J. M. Mehta Gowder, M. Ram Gopal Reddy, Hukam Chand Kachwai, Chintamani Panigrahi, Madhu Limaye, Shyamnandar Mishra, Balakrishna Venkanna Naik, M. Satyanarayan Rao, S. M. Banerjee, S. A. Shamim, Shrimati Mukul Banerjee and Atal Bihari Vajpayee.

The Minister of Irrigation and Power, Shri K. L. Rao said that the reasons why all the five machines stopped simultaneously was that all of them were working on a common busbar and so, as soon as the grounding took place in one of the lines connecting Ballabgarh with station C, all the five machines went out. How that had happened was a matter to be gone into by the Inquiry Committee. Some friction between the engineers and the workers was, of course, visible.

The Minister added that the power system in Delhi was quite sound and there was nothing to worry about. If a certain amount of breakdown occurred, it could not be helped as it was beyond the control of the Government. But steps would be taken to ensure that breakdown did not recur.

Acute Power Crisis in Rajasthan

The matter regarding "the reported acute power crisis in Rajasthan causing closure of the Atomic Power Plant at Kota and the plants at Jawahar Sagar and Pratap Sagar" was raised in the House on April 25, 1973 by Shri N. K. Sanghi through a Calling Attention Notice.⁸

The Minister of Irrigation and Power, Dr. K. L. Rao said that the main sources of power supply in Rajasthan were the Bhakra Nangal Project, Chambal Hydro-electric Project (Ranapratapsagar, Gandhi Sagar and Jawahar Sagar) and the Satpura Thermal Power Station in Madhya Pradesh. During the month of February, 1973, the total availability from the above-mentioned sources was of the order of 6.4 million units per day, which fully met the demand and there was no shortage of power. The supply had been achieved by keeping generation at Chambal system higher than warranted by the reservoir levels by over-drawing from the reservoir in the hope that Rajasthan Atomic Power Plant would come up in February-March, 1973. That hope did not fructify. During March 1973, the generation at Chambal system was brought down and further reduced in April. The supply was then of the order of 3.9 million units per day as against a demand of 6.4 million units per day. Due to reduction in generation at Satpura, the supply had further decreased to 2.8 million units per day. In the circumstances, the Rajasthan State Electricity Board imposed power cuts of 50 per cent on industries above 20 kw. and below 125

⁸The Calling Attention Notice was tabled by Sarvashri N. K. Sanghi, Mukhtiar Singh Malik, Jagannath Mishra, H. K. Singh and M. C. Daga.

kw., 25 per cent cut on domestic and commercial consumers and 50 per cent on street lights. No cut was imposed on agricultural consumption.

Meanwhile the junior Engineers and Assistant Engineers working at the Jawaharsagar and Ranapratapsagar Hydel Projects went on a mass casual leave from the mid-night of April 22-23, 1973. It was alleged that before going on strike they had caused damage to the machines with the result that the generator at the two hydel power stations went out of commission. Executive Engineers also joined the strike. Chief Engineers and 14 out of 18 Superintending Engineers had undertaken the work of repairing the machines.

Due to the strike, there was a further reduction of 0.5 million units per day in the power supply, which was made up from Bhakra and later from Atomic Power Plant.

It would not be possible to bring about uniformity of scales for engineers throughout the country in the present circumstances. The Electricity Boards in the States operated under the various State Governments and the scales of pay differed from State to State. The Government were thinking of bringing regional generation under the Central authority and distribution of electricity by the States. If such an organisation was set up, then it would be possible to have uniform scales for all the engineers who were engaged in generations.

Purchase of Shares of Shaw Wallace and Company

Raising Half-an-Hour discussion on April 16, 1973, regarding "purchase of shares of Shaw Wallace and Company". Shri Jyotirmoy Bosu said that the holding of Shaw Wallace and Company, which had been dealing with essential commodities like food, flour, wines, fertilisers, medicines etc. was held by the four companies, wholly owned subsidiaries of Shaw Derby Trading Ltd. An attempt was being made to get the ownership and control of those four companies by setting up of another company at Luxembourg. A thorough probe was, therefore, absolutely essential in the following matters, (i) sale of two coal companies to Shri B. P. Poddar, (ii) sale of R. G. Shaw shares to Shaw Wallace & Co., (iii) the magnitude of illegal accumulation of foreign exchange account by Shaw Wallace & Co. or the account of Shaw Wallace & Co., in the United Kingdom.

The Minister of State in the Ministry of Law, Justice and Company Affairs, Shri D. R. Chavan said that transfer of shares of the four non-resident companies of Shaw Wallace and Company had already been frozen. Any transfer of shares would be declared to be void for three years. The books of accounts of the Shaw Wallace & Company were inspected and the inspection report had been sent to the headquarters. It was now before the Company Law Board. The question of appointing some Government Directors on the Board of Directors of Shaw Wallace and Company was being considered by the Company Law Board. The employees' offer to buy the shares was also being looked into by the Company Law Board.

Proper Distribution of Yarn

The matter regarding "reported miserable condition of handloom weavers and actual users of yarn due to the failure of the Government in distributing yarn properly" was raised in the House on April 18, 1973 by Shri Jagannathrao Joshi through a Calling Attention Notice.⁹

The Deputy Minister in the Ministry of Commerce, Shri A. C. George said that on March 9, 1973, the Government had announced statutory control on pricing and distribution of yarn. Formal orders declaring the controlled prices and distribution channels were issued by the Textile Commissioner on March 13, 1973. After taking account of the availability of yarn for the decentralised sector, the Textile Commissioner made *ad hoc* allocations to the various State Governments on March 19, 1973. Meanwhile, the Government of India had asked the State Governments to set up distribution agencies within their States for lifting the yarn from the mills and arranging distribution to the decentralised sector.

Ad-hoc allocations for the second half of March 1973 had unfortunately, not reached the powerloom and handloom weavers. Most States had not taken physical delivery of the yarn which had been allotted to them and, therefore, had not been able to arrange for its distribution to handloom and powerlooms. That had caused accumulation in the mills who were consequentially facing financial difficulties. Also, several State Governments had so much inflated their requirements on the basis of handlooms and powerlooms, that the ave-

⁹The Calling Attention Notice was tabled by Sarveshri Jagannathrao Joshi, Narsingh Narain Pandey, Prasannibhai Mehta, Jharkhande Rai and D. D. Desai.

rage monthly requirement of free yarn worked out to 112 million kilograms as against the highest figure so far of 34 million kilograms per month of free yarn consumed by decentralised sector in 1972.

To remove all the bottlenecks and to establish a dialogue between the State Governments, textile industry and the trade, a meeting of the Review Committee was held on April 11, 1973, at Bombay, which was attended by Officers of the Government of India and State Governments, representatives of the Industry in the spinning sector, powerloom sector and handloom sector. One of the major decisions reached at the said meeting was to appoint a High Level Implementation Committee in each State under the Chairmanship of the Secretary, Industries Department of the State Government so that the nominees of the State and the mills should get together and activate the lifting and distribution of yarn.

Special Trains on Sealdah Division

Raising Half-an-Hour discussion on April 4, 1973 regarding "earnings by running special trains on Sealdah Division", Dr. Saradish Roy said that a number of special trains had been run in the Sealdah Division during the week ended December 31, 1972 to enable more persons to attend the annual session of the ruling party held in the outskirts of Calcutta.

The Deputy Minister in the Ministry of Railways, Shri Mohd. Shafi Qureshi said that any political party which wanted to hold meetings and wanted to have special trains for that purpose in any part of the country had been allowed and no discrimination was made in this matter. Also, the Railways had not sustained any loss of revenue on account of running such special trains. In fact the earnings had been more *i.e.* Rs. 54,000 as compared to any other period. Nobody had been allowed to travel without a ticket.

Reported Shortage of Coal Resulting in Cancellation of Trains

The matter regarding the "reported serious shortage of coal supply resulting in cancellation of nearly 74 branch line trains of Northern Railway and fall of production and lay-offs in respect of the manu-

facture of bangles in Ferozabad rendering thousands of workers jobless" was raised in the House on April 10, 1973 by Shri Jagannathrao Joshi through a Calling Attention Notice.¹⁰

The Deputy Minister in the Ministry of Steel and Mines, Shri Subodh Hansda said that there had been no shortfall in the production of coal in the country but there had been a large increase in the demand for coal during the last few months. The Northern Railway had cancelled certain unimportant trains so as to conserve coal stocks for the more important services like goods traffic including foodgrains movement. The Coal Mines Authority had tied up arrangements to offer additional steam coal suitable for Railway use in the Bengal-Bihar area itself. With an improvement in loco coal despatches, it would be possible to restore the services that had been cancelled.

As for the supply of coal to manufacturers of bangles in Ferozabad, the Minister admitted a marginal deterioration but added that the Government was not aware of any lay-off of workers.

Reported Indefinite Strike by Textile Workers in Delhi

The matter regarding the "reported indefinite strike by textile workers in Delhi" was raised in the House on April 17, 1973 by Shri M. C. Daga through a Calling Attention Notice.¹¹

The Minister of Labour and Rehabilitation, Shri Raghunatha Reddy said that according to the information made available by the Delhi Administration, the employees in five textile mills in Delhi were on strike from April 11, 1973. The main demand of all the workers related to the enhancement of dearness allowance and, pending settlement of that issue, payment of an interim relief of Rs. 50 per month.

Following the strike notices by the Unions, the Industrial Relations Machinery of the Delhi Administration had put up a proposal stipulating (a) 5 per cent increase in emoluments by way of an interim relief, and (b) arbitration of the dispute by Shri Hidayatullah, retired Chief Justice of the Supreme Court. The proposal was, however, not acceptable to the workers who wanted a minimum interim relief of Rs. 30 per month which was unacceptable to the employers.

¹⁰The Calling Attention Notice was tabled by Sarvashri Jagannathrao Joshi, Bibhuti Mishra, S. M. Banerjee, Piloo Mody and N. K. Sanghi.

¹¹The Calling Attention Notice was jointly tabled by Sarvashri M. C. Daga, Indrajit Gupta, Shyama Prasanna Bhattacharya, Jagannathrao Joshi and Jagannath Mishra.

On account of reported incidents of loot, arson and violence by the workers, the matter was raised again by Shri Atal Bihari Vajpayee on May 3, 1973 through a Calling Attention Notice.¹²

Replying, the Minister of Labour and Rehabilitation, Shri Raghunatha Reddy, said that while efforts to promote a reasonable settlement were continuing, the striking workers were reported to have held demonstrations. Acts of violence, arson etc. in certain parts of West Delhi were reported on April 30, 1973. But since then, the situation was reported to be peaceful. Government were continuing their efforts to bring about a reasonable settlement to secure the end of the strike as early as possible.

Charges against Haryana Chief Minister

Raising Half-an-Hour discussion regarding "charges against Haryana Chief Minister" in the House on March 9, 1973 Shri Shyamnandan Mishra pleaded that the demand for the institution of an inquiry against the Chief Minister should be considered as many as 121 Members of Parliament had demanded it.

The Minister of State in the Ministry of Home Affairs and in the Department of Personnel, Shri Ram Niwas Mirdha explained that as and when such allegations were received, they were referred to the State Government and the Chief Minister/Ministers concerned. If there was some doubt or vagueness in their replies, the matter was referred back for clarification. The decision was then taken by the Government of India.

As regards referring the case of Chief Minister of Haryana to a Committee of Ministers, that was also a procedure which had been followed in the past in a number of cases. There was a provision in law for appointment of Commissions but that did not contemplate an automatic remission of every complaint of corruption to a Commission. Under the law, there was a duty cast upon the Government of India that before it appointed a Commission, it felt satisfied that a *prima facie* case existed. The Government had not set up Commissions of Inquiry even where non-Congress Ministers or Chief Ministers were concerned and as such it could not be said to have taken a partisan view.

¹²The Calling Attention Notice was jointly tabled by Saryashri Atal Bihari Vajpayee, Shashi Bhushan, B. S. Bhaura, Sat Pal Kapur and G. Viswanathan.

The Attorney-General was consulted in such cases in these matters. When the Government was not in doubt, it took decisions on its own.

Strike by Air India Employees

Making a statement on "Strike by Air India Employees" on March 9, 1973, the Minister of Tourism and Civil Aviation, Dr. Karan Singh, said that deplorable breach of security took place when on the morning of March 3, 1973 three persons holding Portuguese passports evidently issued by the Brazilian Embassy at New Delhi succeeded in boarding an Air-India flight from Bombay to London and secreting themselves on the plane without being apprehended.

They were taken on to London with the intention that they would be flown back to India. In London, however, the British Immigration authorities took charge of them. It was understood that the Portuguese Embassy arranged for them to be flown out to Lisbon.

The Government had taken a serious view of that incident, and the officers of the Corporation involved were suspended. The Maharashtra Government had been requested to take appropriate action against its security staff concerned. A Judge of the Bombay High Court was being appointed under the Commission of Enquiries Act to enquire into all aspects of the incident. An Officer of the Central Bureau of Investigation had been requested to assist the Commission.

The Air-India Officers Association and the Air-Corporation Employees Union in Air-India had already gone on an indefinite strike, and the ACEU had asked its members in Indian Airlines to follow suit from March 12, 1973. The Minister appealed to the employees of Air India to resume duty immediately.

Strike by Newspaper Employees

Making a statement on March 21, 1973, regarding the token strike by Newspaper Employees on March 20, 1973 the Minister of Labour and Rehabilitation, Shri K. V. Raghunatha Reddy, said that according to available information, the strike appeared to have been fairly widespread. The demands of the employees related primarily to the revision of the wage structure, interim relief, revision of the dearness allowance and diffusion of newspaper ownership.

The representatives of the Indian Federation of Working Journalists and the All India Newspaper Employees Federation were invited

on February 24, 1973, by the Minister to ascertain their views in the matters that fell within the jurisdiction of the Department of Labour. It was followed up by meeting with the representatives of the employers, the Indian and Eastern Newspaper Society and the Indian Languages Newspapers Association on February 27, 1973. The representatives of the employers said that they would furnish their considered views on the subject by the end of March, 1973. The matter would be examined as soon as the views of the representatives of the newspapers employers were received.

Threatened strike of Interns, House Surgeons, Post-Graduates and Registrars in various Hospitals in Delhi

Making a statement on March 30, 1973 regarding "threatened strike of Interns, House Surgeons, Post-graduates and Registrars in various Hospitals in Delhi", the Minister of Health and Family Planning, Shri R. K. Khadiilkar said that the Interns, House Surgeons, Post-graduates and the Registrars of the Maulana Azad Medical College, Lady Hardinge Medical College and Safdarjung Hospital met him on February 7, 1973. They also handed over a Memorandum demanding higher rates of stipend-Internship (Rs. 300 P.M.) House-job (Rs. 400 P.M.) and all Post-Graduates (Rs. 500 P.M.) and various other facilities as were available to the regular doctors in Government Service. Besides that it was also indicated in the memorandum that if their demands were not accepted by the Government by 4.00 P.M. on February 28, 1973, they would go on strike.

The representatives of the agitating Interns, House-Surgeons, etc., again met him on February 20. After some preliminary discussion they were informed that their main demand in regard to the stipend| honorarium etc., was already under active consideration of the Government. Since that involved financial implications with possible repercussions in the various States of the country they should wait for the decision of Government till March 31, 1973.

Accordingly, the matter was examined in great detail in consultation with the Ministry of Finance. Of the demands made by the agitating Interns, House Surgeons, etc. it was felt that the demands in respect of the Registrars should await the outcome of the recommendations of the Third Pay Commission. The other demands that the House Surgeons, Post-Graduates, etc. should be treated as Government servants and they should be linked in suitable running pay scales entitled to all privileges of Government service, viz., accommodation,

dearness allowances, compensatory allowance etc. were not found acceptable to the Government due to various reasons. As to the rates of stipends to be paid to those categories of persons in Delhi, the Ministry of Finance was agreeable to increases as follows: (1) Interns—from Rs. 200 to Rs. 225, (2) House Surgeons—from Rs. 275 to Rs. 325, and (3) Post-Graduates (Scholarship)—from Rs. 300 to Rs. 350.

The agitating Interns, House Surgeons, Post-Graduates etc., instead of appreciating the fact that the Government had gone out of their way to agree to increase the rates of stipends, scholarships, had rejected the offer made to them and had given notice to go on strike with effect from the mid-night on March 31, 1973. The proposed action of the agitating Interns, House Surgeons etc., in the face of the Government's Offer to increase the rates of stipends comparable to the highest offered anywhere in the country, would not only upset the hospital services in Delhi to some extent but also put the public to inconvenience. It was hoped that wiser counsels would prevail and that sober sections of those persons would refrain from taking the extreme step.

The matter was raised¹³ later during the day under Rule 193 by Professor Madhu Dandavate who pointed out that the threatened strike in the five prominent hospitals in the capital was a very grave matter and it should be approached with a constructive mind. The Government should accept the principle that the medicos should be accepted as full-fledged doctors. They should be gradually given the scales applicable to Government servants and if there was some difficulty regarding the mobilisation of the resources, some interim relief could be given to them.

The Minister of Health and Family Planning, Shri R. K. Khadilkar, said that the main issue was whether House surgeons, interns, registrars, post-graduates, when they wanted to pursue their studies further in hospitals should be considered as Government servants from the very beginning. The point had to be considered dispassionately. The stipend being given to them was meant to help them so that they could study more intensively in the field of not only the clinical side, but even for the sake of research. Bearing those points in mind, the Government's stand in proposing a little increase in their stipends should be appreciated.

13. The Members who participated in the discussion were: Sarvaahri Bhagwat Jha Azad, Krishna Chandra Halder, Vasant Sathe, Jagannathrao Joshi and K. S. Chavda.

Strike by Station Masters on Western Railway

The matter regarding the "reported strike by Station Masters on Western Railway" was raised in the House on April 26, 1973, by Shri Arjun Sethi through a Calling Attention Notice.¹⁴

The Minister of Railways, Shri L. N. Mishra said that on April 17, 1973 Station Masters and Assistant Station Masters started reporting sick on Palampur-Ghandhidham section of the Ajmer Division of the Western Railway. That gradually spread to the other sections of that Division and also to the Divisions of Jaipur, Kotah and Ratlam. Before commencing to be absent, the concerned staff of the Ajmer Division had advanced three demands of which two were considered to be without any substance and the third one was for cancellation of punishments already imposed on six employees. The Railway Administrations were already examining the individual cases on merits according to the Discipline and Appeal procedure.

Answering questions, the Minister said that the main demand of the Station Masters was in regard to the period of posting in a division. They wanted that the two years provision should continue. But it was already there and had not at all been withdrawn.

The other demand was that promotion should not be station-wise but only division-wise. That was also being done. Promotion would be only division-wise in future.

The policy of the Government was not to encourage mushroom growth of trade unions as that would be against the interests of the workers.

Reported Boycott of UPSC Test in English

The matter regarding "reported boycott of UPSC test in English for typewriting examination on the 27th February, 1973 in protest against compulsory test in English" was raised in the House on March 2, 1973 by Shri Shankar Dayal Singh through a Calling Attention Notice.¹⁵

¹⁴The Calling Attention Notice was jointly tabled by Sarvashri Arjun Sethi, Pilo Mody, Hukam Chand Kachwai, Chandrika Prasad and Shyam Sunder Mohapatra.

¹⁵The Calling Attention Notice was tabled by Sarvashri N. P. Yadav, Anant Prasad Dhusia, Shankar Dayal Singh, Bhagwat Jha Azad and Bibhuti Mishra.

The Minister of State in the Ministry of Home Affairs and in the Department of Personnel, Shri Ram Niwas Mirdha said that all the candidates who appeared in the examination on February 27, 1973 applied on the basis of the Rules of the Examination notified and supplied to them. There had been no boycott of the examination as such. It had been reported by the U.P.S.C. that out of 1127 candidates who took the examination held on the said date from the Delhi Centre, only one candidate protested and tore up the question paper in English. There was no report of any such action from the other Centres in the country where the examination has been held. Since the bulk of the work in the Central Secretariat was still carried on in English, some knowledge of English by the stenographers was required for satisfactory and effective performance of their duties. The new entrants to the Service were, therefore, tested in English also.

Firing at Hingir Station of South Eastern Railway

Making a statement on February 28, 1973 regarding "firing at Hingir station of South-Eastern Railway", the Deputy Minister in the Ministry of Railways, Shri Mohd. Shafi Qureshi said that the General Manager of South-Eastern Railway during his inspection of a section of Bilaspur Division stopped at Hingir station, where the Secretary of the Raigarh Branch of the South-Eastern Railwaymen's Union gave him a charter of demands of workers and demanded the decision on one of the demands *viz.* the cancellation of transfer order of one Assistant Station Master. His inability to give a decision on the spot resulted in holding up of the inspection train by the workers. Efforts made by the Railway officers, Railway Protection Force and Officer-in-charge, Police Thana, Hingir to get the railway track cleared failed. The Police then resorted to firing. Four rounds fired into the air produced no effect except to make a crowd still more violent. The Officer Commanding, Government Railway Police, apprehending danger to his own life and to those of the force accompanying him, ordered firing on the crowd. Eight rounds were fired as a result of which two gangmen were killed and seven injured.

A judicial enquiry was agreed to by the Orissa Government. The Railway Board had agreed to the grant of compensation to the affected families and had also agreed that there would be no victimisation of staff not involved in serious violence or sabotage.

The workers later on called off the strike.

Discontentment and Agitation in Banaras Hindu University

The matter regarding "reported discontent and agitation in Banaras Hindu University following large scale arrests of student leaders" was raised in the House on March 16, 1973 by Shri Atal Bihari Vajpayee through a Calling Attention Notice.¹⁶

The Minister of Education, Social Welfare and Culture, Professor S. Nurul Hasan recalled that in a statement made on December 12, 1972, he had explained the circumstances leading to the closure of the Banaras Hindu University. After elucidating subsequent developments, the Minister said that certain interested elements appeared interested in exploiting a section of the students and creating disturbances in the University to prevent its normal functioning. The Government had been giving and proposed to give all support to the Vice-Chancellor and the legally constituted authorities of the University to take all the necessary steps so that the academic functioning of the University became possible.

Guru Gobind Singh Medical College, Faridabad

Making a statement on March 22, 1973 regarding "affairs of Guru Gobind Singh Medical College, Faridabad", the Minister of Health and Family Planning, Shri R. K. Khadiolkar said that as undergraduate-medical education was a State subject, it would not be possible for the Government of India to intervene directly in the matter. He added that the enquiries instituted by Haryana Government had revealed that money had been collected by the management of the College at their branch in Delhi and the Society itself was registered at Patna. At the instance of Haryana Government, the case was being entrusted to CBI for investigation. To ensure that in future students were not duped in a similar manner, the Government of India had taken up with the State Governments the question of banning admission on the basis of capitation fees and the opening of sub-standard medical colleges through suitable legislation on an all-India basis.

The matter was raised¹⁷ again under Rule 193 on March 28, 1973 by Shri Laxminarayan Pandeya who said that the statement made by Health Minister on March 22, 1973 created frustration among the students, who had pinned their hopes on the Government.

¹⁶The Calling Attention Notice was tabled by Sarvashri Atal Bihari Vajpayee, Jyotirmoy Bosu, R. K. Singh, Shankar Dayal Singh and S. M. Banerjee.

¹⁷The Members who participated in the discussion were Sarvashri Jyotirmoy Bosu, Vikram Mahajan, Madhu Dandavate, K. Lakkappa, Piloody, C. K. Chandrappan, Sat Pal Kapur, Vasant Sathe and Dr. Henry Austin.

Making another statement on April 27, 1973 on the matter, the Minister of Health and Family Planning informed the House that discussions had been held with the Chief Ministers of Punjab and Haryana and also with other interested persons. In his latest communication, the Chief Minister of Punjab had stated that the present managing Committee of the college was willing to hand over all the assets to any organisation that would come forward to run the institution. As the State Government of Punjab was already running two medical colleges at Patiala and Amritsar, it would not be possible for them alone to take over the entire burden of running the Guru Gobind Singh Medical College. He was, therefore, considering the constitution of a new Trust which could undertake the work of shifting the college from Faridabad, re-establishing it at some place in Punjab and running it on appropriate lines.

Reported Atrocities on Harijans by Landlords and Police in Bihar

The matter regarding "reported murder of four Harijans and landlords' labourers by landlords and police in village Choura in District Bhojpur of Bihar, raping of Harijan women, seriously wounding of almost all the villagers and taking into custody the surviving male members there" was raised in the House on May 16, 1973 by Shri Shankar Dayal Singh through a Calling Attention Notice.¹⁸

The Minister of State in the Ministry of Home Affairs and in the Department of Personnel, Shri Ram Niwas Mirdha said that according to the information received from the State Government, on May 6, 1973, a police party which had reached village Choura, PS Sahar, district Bhojpur to arrest 14 persons wanted in connection with a case of dacoity under section 395 IPC, was attacked by a mob, shouting Naxalite slogans and armed with deadly weapons. Several police personnel received injuries. In the course of the encounter, the police resorted to firing in which four persons were killed and 21 others were injured. Some countrymade guns, live bombs, empty cartridges, two Naxalite red flags and huge quantities of lathis, *garasas*, spears, etc. were seized from different parts of the area.

Government of Bihar had ordered the Commissioner, Patna Division, to hold a detailed inquiry into the matter.

¹⁸The Calling Attention Notice was tabled by Sarvashri Kartik Oraon, Sadhu Ram, Chapalendu Bhattacharyya, Nawal Kishore Sharma and Shankar Dayal Singh.

Police Inaction in Apprehending Culprits Involved in Harassing Inmates of Miranda House Hostel

A Calling Attention Notice on "the situation arising out of the reported police inaction in apprehending the culprits involved in harassing the inmates of Miranda House hostel and the inmates of the hostel resorting to direct action against the alleged suspects" was tabled by Sarvashri Shashi Bhushan, Vikram Mahajan, R. V. Bade, Shyamnandan Mishra and Samar Guh. The matter was raised in the House on March 20, 1973 by Shri Shashi Bhushan.

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant narrated the sequence of events in all the cases that were reported and pointed out that in one case the three accused were arrested on the night of the alleged misbehaviour towards a girl student, and the taxi used by them was also seized, a case was filed in the court but the court had since discharged the accused. With reference to another complaint, a case was registered under section 324 of the Indian Penal Code and was under investigation. It had been decided to entrust the investigation to the Crime Branch of the Delhi Police, who would act under the guidance of the Central Bureau of Investigation. A third case in which three persons were alleged to have entered the Women's Hostel following a girl student, the car used by them was traced to the owner and the three students, who were using it at that time, were arrested by the police for committing criminal trespass in the Hostel. The case was under investigation.

The Minister added that security arrangements near the Women's Hostel in the University area had been strengthened.

Serious Defects in the Foundation Columns of the Approach Road to Safdarjung Bridge

The matter regarding "the foundation columns of the approach road to Safdarjung Bridge reported to be much below specifications" was raised in the House on March 23, 1973 by Shri D. K. Panda through a Calling Attention Notice.¹⁹

¹⁹The Calling Attention Notice was tabled by Sarvashri D. K. Panda, Bhagwat Jha Azad, Jagannathrao Joshi, C. K. Chandrappan and Pилоo Modi

The Minister of State in the Department of Parliamentary Affairs and in the Ministry of Works and Housing, Shri Om Mehta informed the House that M/s. Dewan Suraj Prakash Chopra and Sons had been entrusted by the New Delhi Municipal Committee to carry out the work of construction of an overbridge on Mehrauli Road near Safdarjung Airport. On receipt of information on March 18, 1973, about some deficiencies in the execution of the work, the technical officers of the Committee carried out excavations at the site and found that two piles of the retaining wall on the southern side of the bridge which were to go to a depth of 3.5 meters according to the specifications had already been left at 0.57 metre. The contractor had claimed and received payment for the work relating to the construction of those piles as if they had been taken to the required depth as per specifications, which was considered to be a criminal offence and accordingly a report was lodged by the Chief Engineer, N.D.M.C. with the Police Station, Defence Colony on the night between March 18-19, 1973. Investigations were in progress. Police had so far arrested Shri Suraj Prakash Chopra and his son and Shri S.H. Tandon, Junior Engineer of N.D.M.C. The N.D.M.C. had placed under suspension the concerned Municipal Engineer, Assistant Engineer and Junior Engineer.

Alleged Misleading Statements by Ministers

On May 16, 1973, Shri Shyamnandan Mishra moved the following motion:²⁰—

"That this House deplores the conduct of Shri C. Subramaniam, Minister of Industrial Development, Shri V. C. Shukla, Minister of State for Defence Production and Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs for misleading the House in their statements made in the House on the 22nd December, 1972, 1st March, 1973 and 7th March, 1973 with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act, 1903 in spite of objections taken by the appropriate Defence authorities."

Shri Mishra alleged that certain statements had been made by the Ministers with a design to promote and protect private interest at the cost of the national interest or the public interest. He further said that pointed allegations had been made during the course of the de-

²⁰The Members who took part in debate were Sarvashri N. K. P. Salve, Jyotirmoy Bosu, Vikram Mahajan, Atal Bihari Vajpayee, B. P. Maurya, Bhogendra Jha, Pilo Mody, Vasant Sathe, Madhu Limaye, C. M. Stephen and Mohan Raj.

bate on the policy of manufacturing of small car that there had been violations of law, rules, and regulations, guarding the Defence installations at Gurgaon. According to him the two Ministers had denied, that there had been any infringement of law, rules and regulations guarding the safety of the Defence installations at Gurgaon; and that there was any objection from a competent defence authority in regard to the acquisition of land for private interest in the vicinity of the Defence installations at Gurgaon. He observed that those remarks were thoroughly premeditated, pre-conceived and pre-planned and stood exposed in the face of the letter of the Commanding Officer dated march 11, 1971 addressed to the Chief Secretary of Haryana Government.

Referring to several statements made by the three ministers on the subject from time to time, Shri Mishra said that if the statements were considered in their entirety, the *mala-fides* of the Government would be very evident and one could not resist the conclusion that there was an unworthy design behind it. The Member demanded the appointment of a Commission of Inquiry to go into the whole matter. Further, he suggested that Maruti, Ltd. and other private constructions which had been raised in the vicinity of the Defence installations at Gurgaon, should be removed from that area.

The Minister of Industrial Development and Science and Technology, Shri C. Subramaniam said that there had been absolutely no intention to mislead the House and even unintentionally there was no misleading as far as the facts in the matter were concerned. There were, however, different interpretations of a particular Act or a particular order. But that was in no way misleading the House.

The Minister of Law, Justice and Company Affairs, Shri H. R. Gokhale, explained in detail the legal position and said that there had been no violation of law and no wrong information was given to the House.

The Minister of State (Defence Production) in the Ministry of Defence, Shri Vidya Charan Shukla, stated that a statement made by him appeared to have been twisted to get all kind of meaning out of it,

even though it was a very clear and straightforward statement. Referring to the letter produced by Shri Mishra purporting to be from the Commander of the Air Force Station, the Minister pointed out that there were differences between the letter in the official records and the letter produced by Shri Mishra before the House. Certain portions had been eliminated or had been removed or distorted.

It was completely wrong, Shri Shukla said, that anything had been done to benefit a private individual who was highly connected. He further stated that it was also equally false and mischievous to allege that the Defence Ministry was trying to prosecute the Commanding Officer for having divulged the information.

Replying to the debate that followed, Shri Shyamnandan Mishra reiterated his allegation and suggested that a parliamentary committee be appointed to probe into the entire matter.

Put to vote, the motion was negatived.

Arrest of Foreign T. V. Cameramen

The matter regarding "reported arrest of two foreign T. V. cameramen at Bombay airport in connection with the immolation of an Anand Margi Avadhoot" was raised in the House on April 27, 1973 by Shri Vishwanath Pratap Singh through a Calling Attention Notice.¹²

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant stated that according to information available, a case had been registered at Police Station Tilak Marg, New Delhi regarding the death by burning of a person believed to be one Dhaneshvranand Avadhoot at Purana Qila in the evening of April 24, 1973. The case was under investigation by the Crime Branch of Delhi Police. Five persons had been arrested in connection with the case. Of them, Shri Surendra Mohan Lal, an Indian National who was reported to be a Cameraman and Miss Patricia Duregne, a French national, a sound Technician by profession, were arrested at Bombay the same night and had been brought back to Delhi. All the arrested persons had been remanded to police custody and the investigations were in progress.

¹²The Calling Attention Notice was tabled by Sarvashri V. P. Singh, Atal Bihari Vajpayee, Hari Singh and Hukam Chand Kachwai.

Reported Deaths in Suryapet due to Liquor Poisoning

The matter regarding "reported deaths in Suryapet town due to liquor poisoning" was raised in the House on February 27, 1973 by Shri M. Ram Gopal Reddy through a Calling Attention Notice.²²

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant explained the facts of the case as available to the Government and said immediate action was taken to provide relief to the persons taken ill. Doctors, medicines etc. were rushed to Suryapet from Nalgonda and Hyderabad. A magisterial enquiry had been ordered. Six persons connected with the Arak shops had so far been arrested and two Excise Officers had been suspended. Further investigations were in progress. Assistance from the CBI was also being made available to the State Government. The post mortem examination had revealed the presence of methy alcohol in the viscera.

Reported Firing on Colliery Workers in Kargal in Bihar

The matter regarding "reported firing on colliery workers in Kargali in Giridih District of Bihar as a result of which four workers were killed and many injured" was raised in the House on March 6, 1973 by Shri Krishna Chandra Halder through a Calling Attention Notice.²³

The Minister of Steel and Mines, Shri S. Mohan Kumaramangalam narrated the background of the incident and stated that payments had been made @ Rs. 5000 to the families of the deceased and Rs. 500 to the injured persons by the Custodian of the colliery. On the basis of available information the Government of Bihar felt that the firing was justified. It had, however, appointed Shri Ramasubramanyam, Commissioner of Chotanagpur Division to enquire into the incident.

Explosion in the Indian Explosives Factory at Gomia

The matter regarding the "reported explosion in the Indian Explosives Factory at Gomia resulting in the death of 25 workers there" was raised in the House on March 13, 1973 by Dr. H. P. Sharma through a Calling Attention Notice²⁴.

²²The Calling Attention Notice was tabled by Sarvashri Shashi Bhushan, Jyotirmoy Bosu, Jagannathrao Joshi, S. M. Banerjee and Chandrika Prasad.

²³The Calling Attention Notice was tabled by Sarvashri Krishna Chandra Halder, Dhan Shah Pradhan, Bhogendra Jha, M. C. Daga and Dr. Laxminarain Pandey.

²⁴The Calling Attention Notice was tabled by Sarvashri Hukam Chand Kachwai, H P. Sharma, S. M. Banerjee, Devinder Singh Garcha and M. C. Daga.

The Minister of Industrial Development and Science and Technology, Shri C. Subramaniam explained that in the explosion seven persons had died on the spot and two who were seriously injured succumbed to their injuries in the Nursing Home. Inspection by the officers of the Department of Explosives had not indicated any evidence of violation or negligence. The Deputy Commissioner, Giridih would be holding the magisterial enquiry under Section 9 of the Indian Explosives Act and the Deputy Chief Controller of Explosives, East Circle, Calcutta would be associated with the enquiry.

Reported death of a Nursing Officer and serious injury to another due to alleged assault and molestation in a mini bus

The matter regarding the "reported death of a nursing officer and serious injury to another due to alleged assault and molestation in a mini-bus in Delhi" was raised in the House on March 22, 1973 by Shri Era Sezhiyan through a Calling Attention Notice²⁵.

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant explained the sequence of events and said that both the driver and the conductor of the mini-bus allegedly involved in the incident had been arrested by the police and the case was under investigation.

Answering questions, the Minister said that the strength of Delhi Police was determined by a triennial review. That review would soon be undertaken. The strength of the police had gone up in the last few years, but if there was any need for it to go up further, that would be determined by the triennial review.

Withdrawal of case against Shri S. K. Modi and others of Modi Flour Mills

The matter regarding "reported withdrawal of case against Shri S. K. Modi and two other officials of the Modi Flour Mills by the Lt. Governor of Delhi" was raised in the House on March 5, 1973 by Shri Mukhtiar Singh Malik through a Calling Attention²⁶.

²⁵The Calling Attention Notice was jointly tabled by Sarvashri Era Sezhiyan, B. K. Daschowdhury, Vasant Sathe, D. K. Panda and P. K. Deo.

²⁶The Calling Attention Notice was tabled by Sarvashri Mukhtiar Singh Malik, Vikram Mahajan, Birender Singh Rao, Indrajit Gupta and Jyotirmoy Bosu.

The Minister of Home Affairs, Shri Uma Shankar Dikshit said that on February 10, 1973, a large number of bags of wheat were found in a godown of the Modi Cold Storage situated in the premises of Modi Flour Mills at Okhla Industrial Estate, New Delhi. It was suspected that the provisions of the Delhi Foodgrain Dealers Licensing (No. 2) Order, 1964 and the Delhi Prevention of Hoarding of Foodgrains Order, 1966 had been contravened. Therefore, the offices of the Flour Mills as well as the godown in the Cold Storage where the stock of wheat was found, were sealed and a police guard was posted in the premises of the Flour Mills. The Deputy Commissioner, Food and Civil Supplies, Delhi who was also Additional District Magistrate, issued detention orders under the Maintenance of Internal Security Act, 1971 in respect of the Director and Secretary of the Modi Flour Mills and Manager of the Modi Cold Storage on February 14, 1973 with a view to preventing them acting in any manner prejudicial to the maintenance of supplies essential to the community.

On a physical verification of the stock in the sealed godowns, it was found that there were 4,133 bags of wheat. The police registered a case on February 15, under section 7 of the Essential Commodities Act, 1955 for contravention of the conditions of the licence issued under the Delhi Foodgrains Dealers Licensing (No. 2) Order, 1964 and of clause 3(i) of the Delhi Prevention of Hoarding of Foodgrains Order, 1966. On February 17, warrants were obtained from the Court of the Additional Chief Judicial Magistrate for the arrest of those persons. On February 18, proceedings were also instituted and orders of the Court obtained under section 87 and 88 of the Code of Criminal Procedure for declaring these persons as proclaimed offenders and for attachment of their property. On February 21, the properties of the Secretary and the Manager were attached in Delhi. On February 23, orders for the attachment of the property of the Director in Meerut District were obtained and delivered to the District Magistrate, Meerut for execution. On the same day, the Manager was arrested. On February 24, the property of the Director located in Delhi was also attached. The Director and the Secretary were arrested on February 27. All the three accused were released on bail by the police.

After the issue of orders of detention under the Maintenance of Internal Security Act, and while the case against them under the Essential Commodities Act was under investigation, a representation was received by the Delhi Administration on behalf of them from the Modi Flour Mills. It stated that the Flour Mills were working under the direct control and supervision of the Delhi Administration, the Cold

Staroge godown had been sealed and the Flour Mills authorities would, in due course, face prosecution in a Court of Law. It was, therefore, requested that in the circumstances of the case the issue of detention orders might be reviewed. The Lt. Governor, Delhi on ascertaining all the facts, was satisfied that while the investigation of the criminal case under the Essential Commodities Act should proceed it would not be necessary to invoke the provisions of the Maintenance of Internal Security Act, 1971 against the persons involved. The detaining authority was advised accordingly and the orders of detention against them were revoked. The revocation of the orders of detention did not in any manner affect the investigation which was in progress into the offences alleged to have been committed by persons in question. The Delhi Administration had been asked to pursue with expedition the investigation of the case under the Essential Commodities Act with a view to bringing it before a Court of competent jurisdiction for trial very soon. There was no question of the criminal case under investigation being withdrawn.

Reported firing by the Central Reserve Police at Cuddapah

The matter regarding the "reported firing on the 19th March, 1973 by the Central Reserve Police in the premises of N.G.O's office at Cuddapah, Andhra Pradesh" was raised in the House on March 26, 1973 by Shri K. Suryanarayana through a Calling Attention Notice.²⁷

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, said that the Government were distressed over the incident that occurred at Cuddapah on the 19th March, 1973 in which four persons lost their lives as a result of police firing and some others were injured. Judicial enquiry by a serving Judge of the High Court had been ordered to go into the entire incident. The Revenue Divisional Officer of Cuddapah had been relieved of his charge. The two companies of CRP involved in the incident had been withdrawn and departmental inquiries were in progress.

Reported permission to Communist Demonstrators to travel without ticket

The matter regarding "reported permission given by the Railway Ministry to more than 6,000 Communists to travel without tickets to Delhi from Bihar and other parts of the country to participate in the

²⁷The Calling Attention Notice was jointly tabled by Sarvashri K. Suryanarayana, M. S. Sanjeevi Rao, T. Balakrishniah, P. Narasimha Reddy and C. T. Dhandapani.

demonstration before the Parliament House organised by the Communist Party of India on the 27th March, 1973" was raised in the House on March 28, 1973 by Shri Hukam Chand Kachwai through a Calling Attention Notice.²⁸

The Minister of Railways, Shri L. N. Mishra stated that no permission was given by the Railway Ministry or any other authority to any person to travel without ticket to Delhi.

Reported killing of three workers at East Basuria Colliery

The matter regarding the "reported brutal killing of three workers at the East Basuria Colliery quarters near Dhanbad on 2nd April, 1973, by a gang of armed goondas" was raised in the House on April 5, 1973 by Shri Dinen Bhattacharyya through a Calling Attention Notice.²⁹

The Minister of Steel and Mines, Shri S. Mohan Kumaramangalam said that on April 2, 1973, at about 9.00 hours, a group of persons armed with fire arms like guns, rifles and country bombs attacked Dhowrah No. 4 of East Basuria Colliery now under the Bharat Coking Coal Limited as Custodian consequent on the take over of non-coking coal mines by the Government on 31st January, 1973. According to the Government of Bihar, fourteen persons received gun-shot and rifle shot injuries of whom three were in serious condition.

At the time of occurrence of the offence, a party of the Central Industrial Security Force was camping in the area. Since they did not offer resistance, the Deputy Inspector General of Police, Central Industrial Security Force had suspended the entire unit of CISF men.

The Bihar Government had reported that the offence took place in collusion with the local management of the colliery. The Bharat Coking Coal Limited had suspended from service, pending enquiry, the Manager of the colliery, the Assistant Labour Officer and a supervisor. The Bharat Coking Coal Limited was taking appropriate action against some other employees who had been named as accused. The detailed reasons for the incident were being looked into.

²⁸The Calling Attention Notice was tabled by Sarvashri Hukam Chand Kachwai, S. A. Kader, Pilo Mody, Khemchandbhai Chavda and M. C. Daga.

²⁹The Calling Attention Notice was tabled by Sarvashri Dinen Bhattacharya, Samar Mukherjee, B. K. Daschowdhury, Gadadhar Saha and Shashi Bhushan.

Reported disturbances in Hazaribagh

The matter regarding the “reported disturbances in Hazaribagh resulting in the death of a number of persons of weaker sections was raised in the House on April 19, 1973 by Professor Madhu Dandavate through a Calling Attention Notice.³⁰

The Minister of State in the Ministry of Home Affairs and in the Department of Personnel, Shri Ram Niwas Mirdha said that the Government deeply regretted the recent disturbances in and around Hazaribagh. The trouble arose in the course of a Ramnaumi procession taken out in village Pelawal near Hazaribagh on April 12, 1973 leading to incidents of violence and arson. According to available information, 13 persons had lost their lives and 36 persons had been hospitalised. So far more than 300 persons had been arrested and 18 cases had been registered under the various provisions of law.

³⁰The Calling Attention Notice was tabled by Sarvashri Madhu Dandavate, Shrikishan Modi, Saradish Roy, Jharkhande Rai and Atal Bihari Vajpayee.

FIFTH LOK SABHA—EIGHTH SESSION

The Eighth Session of the Fifth Lok Sabha commenced on July 23, 1973. After holding 31 sittings, aggregating to 213 hours and 52 minutes, the House adjourned *sine-die* on September 5, 1973. A brief review of some of the important discussions held during the session is given below.

Development of Nuclear Weapons for Defence of the Country

Raising Half-an-Hour discussion regarding "development of nuclear weapons for defence of the country" in the House on August 24, 1973, Shri Samar Guha said that anybody having an elementary knowledge of nuclear weapons realised that if China unleashed a nuclear attack on the northern complex of India's defence, the whole of northern complex of the country could be knocked down by China within a few minutes. It was wrong to give an assurance to the country that by mere conventional weapons India could meet the challenge of any potential enemy, having nuclear-type weapons. Referring to the discussions organised by the Parliamentary Scientific Committee and the Institute of Defence Studies and Analysis, the Member said that the over-whelming opinion was in favour of India developing nuclear weapons. Anyone who says that this country could not afford a weapons programme for economic reasons would condemn himself as one who had no committment to the nation and its security.

Shri Guha urged the Defence Ministry to exert pressure upon the Ministry of Planning to see that the profile prepared by Dr. Sarabhai was used to prepare a background for development of nuclear weaponry.

The Minister of State (Defence Production) in the Ministry of Defence, Shri Vidya Charan Shukla, said that India could not merely copy the example of China. Government's present policy was dictated by the short-term and long-term national interests and that policy was to keep the options open and use nuclear power for peaceful purposes. Everbody knew the basis of India's security. Really the industrial and the economic strength of a country was the basis of the security of a nation. Only after that other things came. It was not possible to

accept the argument that the country could be coerced by nuclear blackmail. Taken to its logical conclusion it would mean that any country which had any difference of opinion with a nuclear power must develop nuclear capability of its own.

The cost factor was not an extremely important consideration. If national security and national interest demanded, any amount of money could be spent. If members who understood these matters went into the long-term cost, they themselves would realise that it did not appear advantageous today for the country to embark on a policy of nuclear armament. The policy Government were following today was the best policy in the circumstances. It was not jeopardising India's security nor were they submitting to any kind of blackmail either present or future.

Talks in Rawalpindi on the India-Bangladesh Joint Declaration

Making a statement on August 2, 1973 regarding "the talks in Rawalpindi on the India-Bangladesh Joint Declaration", the Minister of State in the Ministry of External Affairs Shri Surendra Pal Singh said that a Delegation led by the Special Emissary of the Prime Minister of India, Shri P. N. Haksar visited Rawalpindi and Islamabad and held discussions with the Pakistan Delegation from 24th July to 31st July, 1973. The Pakistan Delegation was led by Mr. Aziz Ahmed, Pakistan's Minister of State for Defence and Foreign Affairs.

During the course of the talks, questions relating to simultaneous repatriation of the three categories of persons mentioned in the Joint India-Bangladesh declaration¹ were discussed in full detail. In the context of normalising the situation in the sub-continent, the two sides also reviewed the progress made so far in implementing the Simla Agreement. The Pakistan side acknowledged the fact that the Joint India-Bangladesh Declaration which had separated political considerations from the humanitarian issues was a step forward and paved the way for an early resolution of those issues. Some progress was also made in defining those issues and it was agreed between the two Delegations that a point had been reached where further consideration by both sides was necessary. It was, therefore, agreed that the current discussions be adjourned and later resumed at New Delhi on August 18, 1973.

¹The Joint India-Bangladesh Declaration was issued on April 17, 1973.

Talks held in New Delhi Between Special Representatives of India and Pakistan

Making a statement regarding "talks held in New Delhi between Special Representatives of India and Pakistan" in the House on August 29, 1973,² the Minister of External Affairs, Shri Swaran Singh said that in pursuance of the decision reached between Indian and Pakistani Delegation at their talks held at Rawalpindi from July 24 to 31, 1973, the discussions were resumed at New Delhi from August 18, 1973 and continued till the 28th August, 1973. The discussions took place with the full knowledge of and in consultation with the Bangladesh Government.

As a result of the talks, an agreement was signed on August 28, 1973, between the Government of India and Pakistan.

The Agreement provided for the resolution of the humanitarian problems resulting from the conflict of 1971. The Agreement envisaged the simultaneous repatriation of all Pakistani prisoners of war (except 195), the repatriation to Bangladesh of all Bengalees in Pakistan and initially a substantial number of Pakistanis now in Bangladesh to Pakistan. The time-schedule for the completion of repatriation of these three categories of persons would be worked out by India in consultation with Bangladesh and Pakistan as the case might be. It was further agreed that the Prime Ministers of Bangladesh and Pakistan or their designated representatives would thereafter meet to decide what additional number of Pakistanis in Bangladesh might be permitted to return to Pakistan. Bangladesh had made it clear that it would participate in such a meeting only on the basis of sovereign equality.

The immediate implementation of the solution of the humanitarian problems was without prejudice to the respective positions of the parties concerned relating to the case of 195 prisoners for war. In the meantime those 195 prisoners of war would remain in India and no trials would take place during the entire period of repatriation. It was further agreed that Bangladesh, India and Pakistan in a tripartite meeting would arrive at a settlement of the question of the 195 prisoners of war.

²A similar statement was made in Rajya Sabha by the Minister on the same day.

In arriving at that Agreement all the three countries, Bangladesh, India and Pakistan, made constructive contributions. It was hoped that the Agreement would be one more step towards the goal of establishing durable peace in the sub-continent.

A copy of the Agreement was laid on the Table of the House.

Reported Instructions to Netaji Inquiry Commission not to Seek any help from Taiwan

The matter regarding "the reported instructions issued to the Netaji Inquiry Commission not to seek any help from the Government or any Non-Official Organisation in Taiwan" was raised in the House on August 23, 1973 by Shri Samar Guha through a Calling Attention Notice.

The Minister of External Affairs, Shri Swaran Singh, said that the Netaji Enquiry Commission was an independent body which decided on its own procedures. When the Commission proposed to visit Taiwan, it sought Government's advice in the matter. The Government of India informed the Commission that it did not recognize Taiwan and, therefore, neither the Government nor the judicial bodies appointed by it could enter into direct or formal contacts with Taiwan Administration. It was, therefore, natural that the Government should suggest to the Commission to avoid any formal approach to the Taiwan authorities and to make an independent enquiry on its own.

Normally, the Commission, during its visits to foreign countries, had conducted its enquiries with the assistance of the Indian diplomatic missions abroad. In the case of Taiwan, this avenue was not available and the Commission had necessarily to rely on informal arrangements and assistance of private parties.

The Government had not received any indication from the Commission that Government's advice had, in any way, impeded its work of investigation in Taiwan. In fact, during its 9 days' stay in Taiwan, the Commission visited all the places it wanted to and examined all the witnesses who came to offer evidence including those produced by Shri Samar Guha. According to information of the Government the Commission was satisfied with its work in Taiwan.

Declaration of Present Lok Sabha as Constituent Assembly

On August 17, 1973, Shri Bibhuti Mishra moved the following Resolution:

“This House is of the opinion that the present Lok Sabha may be declared as a Constituent Assembly and a new Constitution may be framed for the country immediately.”

Resuming the discussion on August 31, 1973, Shri Mishra pointed out that the present Constitution was the product of a constituent assembly, which had been elected on the basis of proportional representation and not on the basis of adult franchise. If the Government dared to be dynamic and passed revolutionary laws, they were challenged in the Supreme Court and it become impossible to enforce them. Also, the Constitution had not been able to bring about the desired relations between the Centre and the States. It could not settle even the language problem. The only conclusion, therefore, was that the present Constitution had completely failed to deliver the goods. There was all round demand that the present Constitution be scrapped and new constitution drawn up reflecting the desires and ambitions of the people. The present Lok Sabha, the member added, was very well suited for the purpose as it amply reflected the progressive ideas of the people in the country and also was truly representative in character.

The discussion continued for about two hours in which 9 Members participated.³

The Minister of Law, Justice and Social Affairs, Shri H. R. Gokhale, observed that it was true that the present Lok Sabha was far more representative than the Constituent Assembly which framed the Constitution inasmuch as the Lok Sabha was elected by adult suffrage and represented the entire mass of the country. But that did not mean that the Constitution, which was framed and which had been in force for the last 25 years or more, had not been the result of deliberations leading to the setting up of a democratic structure of government in

³The Members who participated in the discussion were Sarvashri Krishna Chandra Halder, S. A. Kader, Jagannathrao Joshi, M. Ram Gopal Reddy, P. Narasimha Reddy, Murasoli Maran, M. C. Daga, Madhu Limaye and Ranen Sen.

the country. Despite the many shortcomings noticed and amendments made, the fact remained that the broad framework as evolved by the Constituent Assembly still held good. It was wrong to say that the Constitution as a structure had failed to work satisfactorily. The founding fathers had themselves envisaged an amending process as a built-in process in the Constitution itself. By the latest judicial verdict it had been established that the Parliament had the power to amend all the provisions of the Constitution. The Parliament had twin functions—when it amended the Constitution, it functioned as a Constituent assembly and when it amended any other law or made any law, it functioned as a Legislature. Therefore, the present Parliament was a constituent Assembly to that extent.

The difficulties in the way of declaring the Lok Sabha, either the present or the next Lok Sabha as Constituent Assembly were not only legal, but also practical. As long as the Constitution stood, it could be amended only by the process given in the Constitution. Even if the Constituent Assembly was set up, even if it framed a new Constitution, it would have to undergo the same process that was contemplated in Article 368.

Therefore, the Resolution proceeded on a misconception of the powers of Parliament. The Parliament was powerful enough to make such changes as it liked in order to adjust the present Constitution to the required situation.

Delay in Holding Lok Sabha and Assembly Bye-Elections

The matter regarding “the unusual delay in holding 10 Lok Sabha and 27 Assembly Bye-Elections” was raised in the House on August 6, 1973 by Shri Madhu Limaye through a Calling Attention Notice.⁴

The Minister of State in the Ministry of Law, Justice and Company Affairs, Shri Nitiraj Singh Chaudhary stated that at present there were 10 casual vacancies in the Lok Sabha and 29 casual vacancies in the Legislative Assemblies of the various States.

Section 21 (2) (a) (ii) of the Representation of the People Act, 1950, required that the electoral roll would be revised in the prescribed manner by reference to the qualifying date for each bye-election

⁴The Notice was tabled by Sarvashri Madhu Limaye, Shyamnandan Mishra, Madhu Dandavate, Atal Bihari Vajpayee and P. K. Deo.

to fill a casual vacancy in the House of the People or the Legislative Assembly of a State. It was expected that it would be possible for the Election Commission to revise the electoral rolls of all the parliamentary constituencies in which casual vacancies had occurred, before the end of November 1973. The Commission hoped to be able to hold the pending bye-elections after the monsoon was over, either towards the end of 1973, or the beginning of 1974.

The Bye-elections in Janjgir Parliamentary Constituency in Madhya Pradesh, Sabarkantha Parliamentary Constituency in Gujarat and Ramtek Parliamentary Constituency in Maharashtra could not be held early in 1973 on account of acute and widespread famine conditions there. In regard to the vacancy in Bijnor (SC) Parliamentary Constituency in Uttar Pradesh, the electoral rolls of its 5 constituent assembly constituencies had been under intensive revision with reference to 1st January, 1973 as the qualifying date. As soon as the climatic and other conditions become favourable, the Commission would make arrangements for holding the bye-election in that constituency.

Out of the 29 casual vacancies in various State Legislative Assemblies, 6 were in the Legislative Assembly of Uttar Pradesh where General Election was due to be held early in 1974. It would be hardly worthwhile to hold bye-elections to fill the casual vacancies for the brief remaining period. There were 7 vacancies in the Legislative Assembly of Andhra Pradesh which would be filled when there was an indication that President's rule in the State was about to be lifted.

The Election Commission had already taken action to revise the electoral rolls in respect of all the assembly constituencies in which bye-elections could be held and the Commission would make arrangements for holding the bye-elections as soon as the climatic, economic and other conditions become favourable for holding the elections in a fully representative, free and fair manner.

Proclamation in Relation to Uttar Pradesh

On August 7, 1973, the Minister of Home Affairs, Shri Uma Shanker Dikshit moved the following Statutory Resolution:—

“That this House approves the Proclamation issued by the President on the 13th June, 1973 under article 356 of the Constitution in relation to the State of Uttar Pradesh”.

The Minister of Home Affairs said that the Governor of Uttar Pradesh in his Report had spelt out the reasons for coming to the conclusion that the situation had arisen in which the Government of the State could not be carried on in accordance with the provisions of the Constitution. Shri Kamlapati Tripathi had given detailed reasons for the serious situation in which the State was placed. At a time, when the entire machinery of the Government was engaged in a serious effort to meet a very complicated situation created by power shortage, drought and students' unrest which was spreading and which was particularly acute in Lucknow, a new and a very sudden serious development took place. In Lucknow itself, while the P.A.C. was guarding premises, loot and arson took place. In fact, the P.A.C. men gave protection to the unruly elements who indulged freely in arson and destroyed valuable university property. All efforts made by the Chief Minister and others failed to persuade the PAC men. They had legitimate problems, but other forces were at work.

In these circumstances, the then Chief Minister came to the conclusion that the situation was really too serious for him to continue to deal with in the manner he was dealing. He after consulting his colleagues and senior party people came to the conclusion that in the abiding interests of the State and preservation of law and order and security in the State and also the general interests of the country, the Centre and the Parliament should be involved in the matter. Therefore, he recommended resort to Article 356 of the Constitution.

In view of the party position in the State Assembly, the Governor came to the conclusion that he should recommend to the President that under Article 356 President's rule should be imposed. The President was pleased to accept that recommendation in the interests of the abiding interests of the security of the State.

The discussion continued for three days in which 26 Members participated.*

*The Members who took part in discussion were: Sarvashri Jyotirmoy Bosu, Tarkeshwar Pandey, S. M. Banerjee, Sant Bux Singh, Atal Bihari Vajpayee, K. D. Malaviya, Era Sezhiyan, Dinesh Singh, Shiv Kumar Shastri, Rudra Pratap Singh, Chandrika Prasad, Krishna Chandra Pandey, Ram Dhan, Mulki Raj Saini, Nageshwar Dwivedi, Hari Singh, Paripoornanand Palnull, P. G. Mavalankar, Shyamanandan Mishra, Ram Swarup, Madhu Limaye, Birender Singh Rao, Rajdeo Singh, R. R. Sharma, Narendra Singh Bisht and Sarjoo Pandey.

Replying to the discussion on August 9, 1973, the Minister of Home Affairs conceded that U.P. had received a raw deal in economic matters. A large State with 9 crores of population should be given a better treatment economically so that the people could build infrastructure and make better progress in the industrial and agricultural sectors.

During the last two years a sum of Rs. 4.2 crores was allotted for the drought-prone areas in the State. The sum actually utilised amounted to Rs. 5.09 crores.

The incidents in various parts of U.P. involving PAC men proved that the situation was very serious. The PAC people had genuine grievances. The Chief Minister, his Advisers etc. wanted to consider them. The main demand of PAC men was formation of a separate association for constables and head-constables. Shortly before the trouble arose that demand was met. They were only asked to have their draft of the constitution amended in accordance with the provision of the Act otherwise it would become illegal. Besides, every reasonable care was taken in the beginning to meet their legitimate grievances; for instance the amount of Amenities Fund was increased from Rs. 2.75 lakhs to about Rs. 12.75 lakhs. The minimum duty period for food allowance which was formerly 18 hours was reduced in writing to 9 hours. But that attitude of the Government was taken as an evidence of weakness. . . .

The Government of India also thought that it was a serious situation as it did not want the security forces, the law and order forces, to be politicalised.

After what had happened in U.P. it had not been possible for the administration to be carried on in accordance with the provision of the Constitution. In the circumstances, there was no alternative except to have the President's rule.

It had been asked as to why the State Assembly had not been dissolved, when the election in the State were to be held. The delimitation of constituencies was being carried on. Nobody knew as to how long it would take.

Thereafter the Resolution was adopted.

On August 20, the House took up the consideration of Uttar Pradesh State Legislature (Delegation of Powers) Bill as passed by Rajya

Sabha. The motion for consideration of Bill was moved by the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant.

12 Members took part in the discussion.⁶

Replying to the discussion, Shri Pant said that if U.P. lagged behind, it became a drag for the whole country. It was in the interest of the nation that U.P.'s backwardness should be taken care of. Therefore, U.P. should certainly be enabled to make economic progress and to catch up with the rest of the country.

The question of the Fifth Plan allocation for U.P. was raised. The State Government was continuing to bear in mind the past needs, the present needs and the future needs of the State. The continuing projects and the need to develop backward areas were being considered and discussions were going on with the Planning Commission.

As regards the question of the atomic power plant, discussions were going on with the Planning Commission about the allocations for that project and the Department was making efforts to see that the work which was already started proceeded quickly.

Reference was made to the problems of yarn to the weavers. The situation had now eased in relation to the past and if there were difficulties, the Government would like to do everything possible to ease those difficulties.

It was said that general matters should be discussed by the Consultative Committee. But even now it was the practice for them to discuss general matters. This was an advisory committee and it was not a legislative body. It only advised the President. It was suggested that proceedings of the committee should be publicised. Usually they were publicised.

The State Government was doing its level best, to take action against hoarders, profiteers etc. The PAC and CID were being reorganised and administrative officers were being screened. Efforts were

⁶The Members who participated in the discussion were: Sarvashri S. P. Bhattacharyya, Narsingh Narain Pandey, Govind Das Richhariya, Jharkhande Rai, Bishwanath Roy, Mahadeepak Singh Shakya, Krishna Chandra Pandey, Madhu Limaye, B. R. Shukla, Swami Brahmanand, Chandrika Prasad and Piloo Mody.

being made to speed up the developmental projects and various areas of priorities had been marked out for power connections for emerging tube-wells and diesel sets. The question of giving homestead land for the Harijans was also under consideration. In regard to Harijans, the State Government had been particularly vigilant after the President's take-over. In recent weeks, no incidents of atrocity committed on Harijans had come to notice.

Thereafter the Bill was passed.

Continuation of Proclamation in Respect of Andhra Pradesh

On August 16, 1973, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, moving that "this House approves the continuance in force of the Proclamation dated the 16th January, 1973, in respect of Andhra Pradesh issued under Article 356 of the Constitution by the President, for a further period of six months with effect from the 1st September, 1973", said that the House was fully aware of the background which necessitated the imposition of President's rule in Andhra Pradesh. Now there was normalcy in the State and the Government of the State had been able during the last few months to concentrate on the more enduring tasks facing that State. The Government were, therefore, anxious that President's rule should not continue a day longer than was necessary.

The House had earlier approved the continuance of the Proclamation for a period of six months and the six months period would come to an end when the House might not be in session. Therefore, as a measure of abundant caution, the Government had come to this House to approve the continuance for a further period of six months.

The discussion lasted for more two hours in which 12 Members participated.⁷

Replying to the discussion on August 17, 1973, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant said that the situation in Andhra Pradesh was complex. On the question of bifurcation or integration of Andhra Pradesh, there was a divided opinion.

⁷The Members who took part in the discussion were: Sarvashri M. K. Krishnan, K. Suryanarayana, Ramavatar Shastri, Jagannath Rao, Jagannathrao Joshi, Mallikarjun, E. R. Krishnan, M. Ram Gopal Reddy, Pilloo Mody, P. Narasimha Reddy, K. Narayana Rao and V. Tulsiram.

It was in the face of very strong agitation and strike by all sections of workers that President's rule was considered the best solution to the problems of the day. Conditions had now been created in which political dialogue could be started. One could not agree that there could be no areas of agreement between the people of the two regions. There were large areas of agreement and there was a willingness to understand each other's point of view. The leaders of both the regions would be able to work out some solution acceptable to the people of both the regions:

Thereafter, the resolution was adopted.

Continuance of Proclamation in Respect of Orissa

On August 20, 1973, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, moving that "this House approves the continuance in force of the Proclamation, dated the 3rd March, 1973, in respect of Orissa, issued under Article 356 of the Constitution by the President, for a further period of six months with effect from the 26th September, 1973" said that the Government were anxious that the elections to the Orissa Assembly should be held as early as possible and popular rule restored to that State. It was hoped that the Election Commission would be in a position to conduct the elections to the Orissa Assembly early next year.

The discussion lasted for more than three hours in which 14 Members participated.*

Replying to the discussion on August 22, 1973, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, said that it was unfortunate that there had been a succession of natural calamities in Orissa. Relief measures had been taken up and about Rs. 30 crores had been spent on them.

A number of members referred to the food situation. The availability of rice in the open market just now was reported to be reasonable and at reasonable prices. Over 9,300 retail supply centres had been opened, particularly, in the drought and flood-affected areas. Even in respect of essential commodities like Vanaspati, the situation there

*The Members who took part in the discussion were Sarvashri Jagdish Bhattacharyya, Jagannath Rao, D. K. Panda, P. Gangadeb, Lalji Bhai, Chintamani Panigrahi, C. Chittibabu, Shyam Sunder Mohapatra, P. K. Deo, Banamali Patnaik, Giridhar Gomango, Arun Sethi, Anadi Charan Das and Madhu Limaye.

was reasonably alright. Another important factor in judging the overall situation was that the procurement target had been achieved in Orissa.

A reference was made to starvation deaths. Investigations in 709 cases in 12 districts out of 13 districts excluding Sundargarh had been conducted and they had revealed that 552 cases were false. There had been 12 deaths due to malnutrition. The remaining cases were due to illness, old age and other causes. There had been no death due to starvation.

There was a reference about reduction in wheat allocation from 20,000 to 10,000 tonnes. Actually this figure had fluctuated. In January it was 7,000 tonnes and thereafter it was 20,000 tonnes and 15,000 tonnes in some months. This fluctuation was in accordance with the requirements of the State and availability in the country. Moreover, Orissa was not normally a wheat-eating State but a rice-eating State. The Kharif crop of rice being very bright, there would be more availability of rice.

As regards Fifth Plan, discussions were going on and it was not possible at present to indicate the size of the Plan. Agriculture, irrigation and power, to which repeated references were made in the House, constituted nearly 72 per cent of the total provision asked for by Orissa. So due care had been taken of these vital sectors.

The Election Commission was now engaged in the task of completing the formalities as quickly as the law would permit for holding elections. It was hoped that it would be possible to have elections early next year. It would not be reasonable to expect it to be done quicker than that. But it was not necessary to wait for the end of the period of six months. If the formalities were completed earlier, then the elections could be held earlier.

Thereafter, the Resolution was adopted.

Continuance of Proclamation in respect of Manipur

On August 20, 1973, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, moving that "this House approves the continuance in force of the Proclamation, dated the 28th March, 1973, in respect of Manipur, issued under Article 356 of the Constitution by the President, for a further period of six months with effect from the 14th November, 1973" said that the Legislative Assembly of Manipur had been dissolved and popular rule could be restored only after new

elections to the State Assembly were held. The Election Commission had taken up the delimitation of Parliamentary and Assembly Constituencies in all States including Manipur. This process would be completed in the course of the year and elections would be held early next year.

The discussion lasted for about 2 hours in which 7 Members participated.*

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, said that it was necessary that more interest should be taken in regard to the problems of the North-East. The people of the North-Eastern region must feel that the rest of the country was deeply and intimately concerned with their welfare. By and large the sense of belonging was very much in evidence everywhere among the people of the North-East including Manipur.

The extension of President's rule on the ground that delimitation work was going on had been objected to. Perhaps it was thought that the process of delimitation of constituencies was a continuous one. It was not so. After the Census, it was a constitutional requirement that the number of seats in Parliament from each State had to be determined afresh, and then for the State Assemblies also, seats had to be delimited and, electoral rolls had to be drawn up accordingly. That was a process that must follow after the Census figures were known and there was no escape from this, and it could not be done quickly. But no blame could lie either with the Central Government or with the Election Commission in such a situation.

There was a reference to funds being provided for the development of tribal areas. A sum of Rs. 137.9 lakhs had been provided in the current plan, Rs. 120 lakhs for tribal development blocks, Rs. 11 lakhs for post matric scholarships, Rs. 2 lakhs for girls' hostel and so on.

Reference was made to the need for having an industrial climate and industrial infra-structure. It was quite true that because of the long communication lead to the northern region there was a certain handicap in regard to the industry which had to send its products to the rest of the country. The Planning Commission and the government had agreed sometime ago to subsidize the transport cost to the

*The Members who took part in the discussion were Sarvashri D. Deb, N. Tombi Singh, Ramavatar Shastri, Paokai Haokip, R. V. Bade, Dinesh Chandra Goswami and P. G. Mavalankar.

north-east which should definitely contribute to the creation of the infrastructure there.

The North Eastern Council had a slow start but of late, there had been increased activity with the appointment of the Secretary and now the entire work of preparing the Fifth Plan was on hand. That was very important from the point of view of the entire North Eastern Region to take an integrated view of the entire region, which really was the basic purpose behind the North Eastern Council.

Thereafter, the Resolution was adopted.

Reported Spurt in the activities of Naga Hostiles in Manipur

The matter regarding "reported spurt in the activities of Naga Hostiles in Manipur leading to killing of 17 jawans and 2 civilians" was raised in the House on August 3, 1973 by Shri M. Ram Gopal Reddy through a Calling Attention Notice.¹⁰

The Minister of Home Affairs, Shri Uma Shankar Dikshit expressed serious concern of the Government over the violent attacks by the Naga Hostiles on the security forces. There were 4 incidents of security forces being ambused in the hill areas of Manipur since July 1, 1973. Seventeen security forces personnel were killed and 14 wounded. Two civilians were also killed. Operations launched by the security forces in the affected areas were in progress. All assistance was being provided to the Government of Manipur who along with the intelligence agencies and the security forces were taking appropriate steps to counter the activities of the Naga hostiles and provide satisfactory protection to the villagers.

Answering questions, the Minister stated that about 100 to 150 Naga hostiles were lurking in the Nagaland-Burma border. They had been coming into Nagaland in small numbers through the Tuensang district and they were also going to the area inhabited by the Nagas in the northern portion of Manipur. Their activity was declared illegal in September-October 1972 and since then action was being taken against them.

Devastation caused by recent Heavy Floods in the Country

The matter regarding "the devastation caused by recent heavy floods in Jammu and Kashmir, Punjab, Uttar Pradesh and several

¹⁰The Calling Attention Notice was tabled by Sarvashri M. Ram Gopal Reddy, Hukam Chand Kachwai, Yamuna Prasad Mandal, Devinder Singh Garcha and Nawal Kishore Sinha.

other parts of the country" was raised in the House on August 20, 1973 by Shri P. Gangadeb (Cong.) through a Calling Attention Notice.¹¹

The Minister of Irrigation and Power, Dr. K. L. Rao, said that rainfall was well in excess of the normal over Assam, Uttar Pradesh, Punjab, Himachal Pradesh and Jammu and Kashmir. The flood situation in these States based on the reports received from the State Governments was briefly as follows:

Assam: The floods in Brahmaputra and its tributaries had affected almost the entire Brahmaputra Valley. The worst affected subdivisions were Dhemaji, Jorhat, Golaghat, Nowgong and Marigoan. Severe damage was caused to the newly transplanted sali crop and jute crop. Preliminary estimates indicate that crops over 17000 hectares were damaged. 9 human lives were lost. According to the latest reports, the flood situation was improving with the Brahmaputra and its tributaries receding below the warning stages. Relief works were in progress. Rs. 23 lakhs had been sanctioned by the State Government for gratuitous relief. A Central Team was likely to visit the State shortly.

Himachal Pradesh: Heavy rains in the catchment caused flash floods in the Sirsa Nalah and its tributaries in Nalagarh Sub-division on July 25, taking the people on the banks unawares. As a result, 168 watermills were washed away and 187 families were affected. 24 human lives were lost. The State Government sanctioned gratuitous relief of Rs. 1100 to each Member of the family which lost the bread earner and Rs. 500 to the families of watermill owners. An amount of Rs. 34000 was spent on the relief measures.

Jammu and Kashmir: Heavy rains in the catchment of Jhelum, Chenab and Tawi between August 5 and 9 caused high floods in these rivers. A breach occurred in the Jhelum embankment upstream of Kandizhal which led to the inundation of cultivated areas and disruption of communications on the National Highway. The worst affected districts were Anantnag and Baramula. In Jammu, the floods in the Tawi, Chenab and Ravi caused damage to irrigation works and roads. Road communications were disrupted. 64 human lives were lost of which 49 were in Jammu area mostly due to house collapse.

¹¹The Calling Attention Notice was jointly tabled by Sarvasliri P. Gangadeb, S. A. Shamim, Prasannbha Mehta, Hukam Chand Kachwai and Sat Pal Kapur.

The State Government took rescue and relief measures with the assistance of the Army authorities. A Central Team visited the State between August 14 and 17.

According to the latest information, the floods in the rivers had subsided.

Punjab: High floods in the Sutlej and its tributaries and in the Rivers Ravi and Beas occurred in the second week of August. The situation was aggravated by heavy rainfall in the plains. In Ludhiana division the Sutlej eroded the Dhusi bund in a length of about 1 kilometre which resulted in the flooding of five villages. There was another breach in the Dhusi bund near village Chak Badala. The Ravi floods washed away flood protection embankments as a result 30 villages were marooned in Gurdaspur division. The floods and the drainage congestion affected altogether 510 villages. 13 human lives were lost. An amount of Rs. 20.5 lakhs had been sanctioned by the State Government for relief measures.

The plugging of breaches in embankments had been taken up and the Army was assisting in that work. The floods were receding and there had been considerable improvement in the affected areas.

Uttar Pradesh: The floods in Ganga, Ramganga and the Yamuna in the last week of July affected a number of western districts. The worst affected districts were Moradabad, Rampur, Shahjahanpur, Hardoi, Bareilly and Badaun. The floods in the Ghagra and Rapti in the last week of July and first week of August affected the districts of Gorakhpur, Faizabad, Basti, Ballia and Barabanki. Heavy rains in the hills caused damage in the districts of Tehri, Chamoli and Pithoragarh. A population of 41 lakhs was affected by the floods. 45 human lives were lost. Out of these as many as 20 deaths had been reported as due to house collapse and landslides.

The State Government obtained the services of the Army in rescue and relief operations in the districts of Moradabad, Rampur and Chamoli.

The latest reports indicated that floods in almost all the rivers were receding and the situation was improving.

The detailed assessment of damage caused by the floods in the States mentioned above as well as in other parts of the country was being done by the State Governments concerned. Reports received so

far indicated that an area of 54 lakh hectares including cropped area of 15 lakh hectares and a population of 99 lakhs were affected. 238 human lives were lost. The total damage was about Rs. 46 crores of which damage to crops was about Rs. 38 crores.

Answering question, the Minister said that Government had been undertaking measures ever since 1954 to control floods. To the extent possible a certain amount of success had been achieved but still a lot of work had to be done. In the Fifth Plan a considerable amount of money had been earmarked for flood control.

The matter was raised again on August 28, 1973 under Rule 193 by Shri P. K. Deo, who said that the floods and heavy rains had been causing havoc in inundation of large tracts of land, loss of life and property particularly in Jammu and Kashmir, Punjab, U.P. Himachal Pradesh, Assam, Gujarat and Orissa. In Orissa, the places affected by heavy floods were Kalahandi, Bolangir and Koraput districts. The Government had not so far been able to make assessment of value of loss sustained by Orissa on account of floods.

The seven flood forecasting centres for giving advance notice to the people for moving to safer places were quite insufficient. There should be more flood forecasting Centres.

U-bend of the Brahmaputra where the Brahmaputra flowed from the east to the west at the India-Tibet border had been suggested. If that could be harnessed, it would solve some of the problems about floods in Assam, West Bengal, etc. It would be possible to get nearly a lakh of cusecs of water. India should approach the Chinese Government and solicit their cooperation in the matter of diversion of the Brahmaputra.

The water resources of the country were the national assets. The water had to be regulated and for that there should be national approach and national perspective.

The discussion continued for about three hours in which 21 Members participated.¹²

¹²The Members who took part in the discussion were Sarvashri R. K. Sinha, Shyama Prasanna Bhattacharyya, Viswanath Pratap Singh, P. G. Mavalankar, Chiranjib Jha, R. R. Sharma, Dinesh Chandra Goswami, E. R. Krishnan, M. C. Daga, Surendra Mohanty, Vayalar Ravi, Lalji Bhai, Syed Ahmed Aga, Amrit Nahata, Chintamani Panigrahi, Narsingh Narain Pandey, Tarun Gogoi, Paripoornanand P. Painuli, Nageshwar Dwivedi, Natwarlal Patel and Darbara Singh.

The Minister of Irrigation and Power, Dr. K. L. Rao said that floods in the rivers could not be completely controlled. No part of the world had done it. It was a characteristic of the meteorological phenomena and, therefore, some amount of flood in some parts of the country was bound to occur.

Flood warning system had been very helpful in saving many lives. But the deaths had mainly occurred on account of the house collapses and, therefore, the problem was really one which the States must consider.

It had been said that sufficient steps were not being taken to control floods. Before 1954 the Government had not organised any flood control in the country, but after 1954 a national policy had been adopted and the Government were coordinating all the efforts made in various parts and techniques that were suitable to particular areas were being adopted. From 1954 onwards, a saving of one-third of the total area which was liable to be affected by floods had been effected. It was proposed to cover an area of 50 per cent in the next ten years. Before the end of century, it would be possible to have fairly controlled floods in the country.

Orissa was one of the States, which was subjected to floods. It was a State where a good amount of flood control could be effected. The construction of Hirakud dam had removed the dangers to Cuttack district, breaching of embankments etc. and the area was quite safe. The problems of Brahmini and Baitarini were being looked into very carefully.

The problem was very difficult in Assam. It had been suggested that if a dam in the Brahmaputra where it entered the bent was constructed, the flow of water could be very much reduced. Unfortunately, the fact was that the water that entered Brahmaputra was not enough before it reached the bent. In fact, that was a very small a quantity. The entire water of Brahmaputra was collected in Assam territory itself from the Subansari and other rivers and, therefore, floods could not be avoided. The problem of the Brahmaputra required constant and close watch, which the Assam Government alone would not be able to deal with. The Government of India had decided to finance the Brahmaputra River Board.

The erosion of Dibrugarh was one of the very difficult problems. Several crores of rupees had been spent to save the town. As it was a difficult problem, a British expert had been invited to study it. It had been decided to act on the suggestions made by that expert.

The people of eastern U.P. could be protected from the havoc of floods in Ghagra and Rapti rivers by raising the level of their villages. So far about 300—400 villages had been raised. The solution of saving the lands and the crops from damages lay in the construction of two Dams, the one on Ghaggar at Kargali, which was in Nepal territory and the other on Rapti at Jalkundi which was also in Nepal.

So far as Ramganga was concerned, the floods would be considerably reduced. When the Rajghat Dam at Betwa river was constructed, the floods would be controlled.

The trouble in Punjab had not been so much on account of floods in the rivers, but it was due to lack of drainage. There had been a few breaches in the Sutlej and Ravi embankments. Both those breaches had not caused much damage. In the case of Sutlej, it could not be helped as the outflow was so heavy that the reservoir was completely filled up. The out flow of water was being regulated in such a way that any heavy flow of water down in the river Sutlej proper was not being allowed. After the completion of Pong Dam, the Beas water would be completely controlled and after that only few rivers would be left.

In Jammu and Kashmir, the efforts made on flood control had been successful. The trouble during the current year in that area was due to a breach in Jammu embankment below Sangham. But the diversion that had been constructed in Srinagar had helped to save the city from any floods. The surrounding villages had, however, been affected.

On September 3, 1973, some Members referred to the flood situation in Gujarat, Rajasthan and other parts of the country.¹⁸

The Minister of Irrigation and Power Dr. K. L. Rao stated that on August 28, 1973, a deep depression was formed in Orissa, which went along the Survarnalekha region. Next day it caused a very heavy rainfall in Jabalpur and later in Ratlam, Ujjain, Ahmedabad. Owing

¹⁸The Members who spoke were: Sarvashri Phool Chand Verma, Ajit Kumar Saha, M. C. Daga, Somechand Solanki, Chandrika Prasad.

to the impact of that heavy depression and the heavy rainfall there were floods in Narmada and many other rivers that flowed in Gujarat.

Measures had been taken across every river in Gujarat for flood protection. For example, two dams were under construction over the river Mahi. Surat had not suffered because of Ukai project on river Tapti. One or more project had been sanctioned and the works were in progress on every major river in Gujarat.

In order to control the floods as many dams as possible were being constructed. Every river could not be controlled. As such protective measures and other relief measures had to be planned by identifying flood-prone areas.

In Rajasthan also steps had been taken to control the floods. The construction of big dam like the Rajgarh dam was under way and would take some years to come up.

Narmada River Water Issue

Raising Half-an-Hour discussion regarding "Prime Minister's award on Narmada River Waters Issues" in the House on August 10, 1973, Shri Prasannbhai Mehta said that as a result of the agreement reached between the Chief Ministers of Gujarat, Maharashtra, Madhya Pradesh and Rajasthan, the Narmada Water Dispute was referred to the Prime Minister in 1972 for an award. But inspite of repeated assurances given from time to time by the Government, the Prime Minister's award had not been announced yet.

Referring to the Government's failure to resolve the differences between the States of Madhya Pradesh and Gujarat, the Minister of Irrigation and Power, Dr. K. L. Rao said that the matter was referred to a Tribunal, which after four years of working could not give a decision even on the amount of water in the river. It was then decided to take the matter out of the Tribunal. Meanwhile, the Chief Ministers had agreed on the total quantity of water in the river which was in itself a very important matter. The question now was as to what should be the height of the dam and what should be the allocation of water. The announcement of award had been delayed on account of certain complications which arose in the course of processing. The main complication was the submersion of the territory in another State and the submersion was of a very high order. If the dam was to be at particular height and if that height was not adopted, there was no use for another State.

..

The question of submersion was not so simple. If the submersion was in the same State, there would have been no problem. But in this case, the submersion was in the other State and was of a very heavy nature. The problem was, therefore, receiving the utmost attention, a very practical consideration, and the Award would be given as soon as there was a certain amount of agreement between the various parties concerned.

Purchase of Wheat from U.S.A.

The matter regarding a "reported move by India to buy 4.5 million tonnes of wheat from the U.S.A. at the exorbitant price of 115 dollars per tonne" was raised in the House on July 26, 1973 by Prof. Madhu Dandavate.

The Minister of Agriculture, Shri Fakhruddin Ali Ahmed said that with a view to replenishing stocks of foodgrains available with the public distribution system in the coming months and also to intensify the procurement within the country, the Government of India had decided to import foodgrains from abroad. It would be recalled that a decision was taken towards the end of 1972 to import 2 million tonnes of foodgrains. The entire quantity had been contracted for and a major part of the stocks had also arrived. Those purchases were made at the prevailing market prices mostly in U.S.A., Canada and Argentina.

In the context of the present need to maintain the supply of foodgrains through the public distribution system at a reasonable level, it had been decided to purchase an additional quantity of foodgrains from abroad on commercial basis. The purchases had been authorised to be made from countries where foodgrains were available for export, and deliveries and shipments could be arranged consistent with the requirement of the country. Those purchases were being made in accordance with the established procedure. All possible steps had been taken to ensure that the purchases and deliveries were organised to the best advantage of the country.

Reduction in the quantum of allotments of wheat to U.P. and other States

Making a statement on September 5, 1973 regarding "reduction in the quantum of allotments of wheat to U.P. and other States", the Minister of State in the Ministry of Agriculture, Shri Annasaheb P. Shinde said that allotments of foodgrains from the Central Pool were made to the State Governments every month taking into account
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the over-all availability in the Central Pool and the needs of all deficit and drought affected States. In view of the difficult food supply position in the country resulting from last year's inadequate and erratic rains and consequent widespread drought conditions in the country it had not been possible to meet the entire demands of the State Governments. Every effort was, however, being made to meet substantially the requirements of the drought affected and deficit States.

On account of the short-fall in the procurement of wheat a decision was taken to replenish the stocks by importing foodgrains. As it was necessary to keep a steady flow of wheat till the coming in of the next rabi crop, supplies to States had to be regulated taking into account the present stocks available in the Central Pool and the expected imports from abroad. Keeping in view the prospects of the current kharif crop a reduction in the allocation of wheat during September was made to U.P. and other States. Reduction of allotment in the case of U.P. should not cause undue hardship as U.P. was surplus in rice, wheat and coarse grains and due to recent widespread rains there had been allround improvement in kharif crop prospects in Uttar Pradesh.

Reported Famine and drought conditions in the country

The matter regarding "reported widespread famine and drought conditions in various parts of the country" was raised in the House on July 24, 1973 by Shri Jyotirmoy Bosu through a Calling Attention Notice.¹⁴

Replying, the Minister of Agriculture, Shri Fakhruddin Ali Ahmed said that 1972 was one of the worst drought years. Not only the distress caused by drought was widespread, but also very acute in some parts of the country on account of successive failure of rains during the last 2-3 years in those areas. The main brunt of the suffering fell on the people in Maharashtra, Gujarat, Rajasthan and parts of Andhra Pradesh and Mysore.

To cope with the calamity of this dimension, stupendous effort had to be made by the country. All foodgrains available with the Government agencies were channelised through Fair Price Shops and necessary movement of foodgrains was undertaken to meet the reasonable requirements of the drought affected area. A total quantity of

¹⁴The Notice was tabled by Sarvashri Jyotirmoy Bosu, Shashi Bhushan, Shyamnandan Mishra, Madhu Limaye and Atal Bihari Vajpayee.

60 lakh tonnes was distributed through the public distribution system during the period from September, 1972 to March, 1973. Allotment of foodgrains to the States had been considerably stepped up since April, 1973.

Central Finance Assistance for drought relief totalling Rs. 191.365 crores was released during the year 1972-73, and a further amount of Rs. 97.85 crores had been given to various State Governments in the current financial year. Besides, under the Emergency Agricultural Production Programme, formulated and implemented to increase the production of rabi and summer crops, a sum of Rs. 148 crores was made available to the State Government in addition to short term loan of the order of Rs. 99 crores for agricultural inputs.

The Government was in constant touch with the U.P. and Bihar State Governments and other States and all reasonable assistance as warranted by the situation would be provided.

Drought conditions in Eastern U.P. and Bihar

Making a statement regarding "drought condition in Eastern U.P. and Bihar" on August 2, 1973, the Minister of Agriculture, Shri Fakhruddin Ali Ahmed said that Bihar drought situation had considerably improved on account of the rains received during the last few days. Earlier due to dry spell during most part of July, there had been some damage to the standing crop of maize and to the paddy seedling as a result of which transplantation of paddy had also been affected. The salvaging operations for the standing crops and the intensification of the activities for growing of late paddy and maize and other alternative crops undertaken by the State Government in consultation with the officials of the Central Ministry of Agriculture would, it was hoped, enable the State Government to take full advantage of the recent rains to organise maximum possible production of kharif crops. The State Government had also drawn up necessary programmes for providing relief to the affected population.

The Central Government was helping the State Government with the allotment of foodgrains to the maximum possible extent, keeping in view the stock position and requirements of the country as a whole. It was proposed to depute a Central Team for making an on-the-spot study of the drought situation. Request for giving an *ad hoc* assistance of Rs. 10 crores for organising relief work was under consideration.

As regards Uttar Pradesh, on account of dry spell in the first half of July, standing crops had been damaged to some extent in Eastern U.P. The rains had, however, helped the situation considerably. Necessary allotment of foodgrains was also being made to the State Government. A Central Team had been sent to the State to make on-the-spot assessment of the situation and make recommendations in regard to the scale of relief operations needed, etc.

Regarding alleged occurrence of starvation deaths in those States, the State Governments concerned had been requested to make enquiries into them. In all cases in which reports had so far been received from U.P. and Bihar, there had been no case of death due to starvation. No other State had reported any case of occurrence of starvation death.

Deteriorating Rationing Conditions in Kerala

Raising Half-an-Hour discussion regarding "deteriorating rationing conditions in Kerala" in the House on the 27th August, 1972, Shri C. K. Chandrappan said that at the time of abolition of Southern Food Zone and setting up a single State Food Zone in 1965, the Central Government had promised to give 12 ounces per head per day for every adult individual to the State of Kerala and to maintain that ration, the Government would supply 80,000 tonnes each of rice and wheat per month. Against a production of only 13.5 lakhs tonnes Kerala required 27 lakh tonnes of food every year. The Central Government had agreed to make up the deficit of 50 per cent. But they had not fulfilled their promise with the result that the normal life in the State had come to a standstill.

A cut in ration had to be effected in the State owing to short supplies of rice and wheat received from the Centre. Against 160 grammes each of rice and wheat, 100 and 80 grammes respectively were being issued to the people. The situation should therefore, be remedied immediately.

The Minister of State in the Ministry of Agriculture, Shri Annasaheb P. Shinde observed that there had been no gap in the foodgrains promised by the Centre and the foodgrains actually supplied to Kerala. On the whole the supplies were a little more than the allotment; there was never a breach of any promise or understanding between the State Government and the Government of India.

While the total supply of foodgrains to Kerala had not gone down; it had been 75,000 to 80,000 tonnes; but the rice components had

come down because of overall difficulty about rice. The Government were making very serious efforts to supply the maximum rice possible to Kerala. They would spare no efforts to ensure that 10,000 tonnes more of rice were supplied to Kerala for Onam.

Acute Shortage of Foodgrains in Kerala

Making a statement on September 5, 1973 regarding "acute shortage of foodgrains in Kerala", the Minister of State in the Ministry of Agriculture, Shri Annasaheb P. Shinde said that Kerala being a deficit State in foodgrains had to depend on supplies from the Centre. The monthly demand of Kerala for rice was 70 to 75 thousand tonnes. Till the end of 1972, there was no formal allotment of rice to Kerala. The State Government was permitted to draw its full requirements of rice for meeting the public distribution requirements from the local Food Corporation of India depots where Central stocks were held. Due to the severe drought in the country during 1972-73, the allotments of rice had to be curtailed in respect of all deficit States including Kerala from May, 1973. In order to make good the cut in the rice supplies, the wheat supplies were substantially increased. The monthly allotment of wheat to Kerala from January to April, 1973 was only 7 thousand tonnes and that was increased to 30 to 35 thousand tonnes from May onwards. Thus there was no overall reduction in the allotment of foodgrains to Kerala as a whole. The total supplies of foodgrains to Kerala during January to July, 1973 amounted to 542.9 thousand tonnes as against 497.7 thousand tonnes supplied during the corresponding period of last year.

Steps had been taken to ensure that adequate stocks were maintained with F.C.I. in Kerala.

Food riots in Indore and Bhopal

Making a statement regarding "food riots in Indore and Bhopal" in the House on August 31, 1973, the Minister of State in the Ministry of Agriculture, Shri Annasaheb P. Shinde expressed the Government's deep concern over the unhappy incidents recently reported from Indore and Bhopal following an agitation there by the people against rise in prices. The fact that some human lives had been lost in the incident at Bhopal was a matter of great distress.

Madhya Pradesh was normally surplus in foodgrains and contributed sizeable quantities of rice to the Central pool for allocation to

the deficit States. Owing to drought in 1972-73, shortfall had occurred in the procurement of rice during the current season. On account of reduced availability in the market the prices of foodgrains showed a rising tendency not only in the State of Madhya Pradesh but throughout the country. In order to combat the rise in prices the releases of foodgrains through the fair price shops had been stepped up considerably both in Bhopal and Indore. During the period from January to July, 1973, the total public distribution of foodgrains in the State had been of the order of 2.01 lakh tonnes as against 1.28 lakh tonnes distributed during the corresponding period of the last year.

The procurement of wheat started in an encouraging way in Madhya Pradesh, the current year's procurement being 1.91 lakh tonnes as against 65 thousand tonnes during the corresponding period of last year. In the case of coarse grains also, the procurement had been of the order of 60 thousand tonnes against negligible quantity during the corresponding period of last year.

Adulteration of Foodstuffs in Delhi

A matter regarding "reported adulteration on large scale of foodstuffs in Delhi, *besan* being found adulterated with *kesari dal* which can lead to paralysis of lower limbs" was raised in the House of July 31, 1973 by Shri Sat Pal Kapur through a Calling Attention Notice.¹⁸

Replying, the Deputy Minister in the Ministry of Health and Family Planning, Shri A. K. Kisku said that the primary responsibility for the enforcement of the Prevention of Food Adulteration Act in Delhi was with the local bodies. The local bodies had been advised from time to time to strengthen the enforcement machinery.

Government felt greatly concerned about the menace of adulteration of foodstuffs in the Capital and necessary measures were being adopted for streamlining and strengthening the existing machinery with a view to making the enforcement machinery more effective.

¹⁸The notice was tabled by Sarvashri Satpal Kapur, R. K. Sinha, Nawal Kishore Sinha, Ramsahai Pande and Shashi Bhushan.

Reported destruction of wheat seeds by the National Seeds Corporation

The matter regarding "reported destruction of wheat seeds worth one crore of rupees by the National Seeds Corporation" was raised in the House on August 28, 1973 by Dr. Ranen Sen through a Calling Attention Notice.¹

The Minister of Agriculture. Shri Fakhruddin Ali Ahmed said that after seeing the reported news item in the Press the Government had ascertained the facts from the Chairman of the National Seeds Corporation. While answering questions put to him by correspondents at Bhopal, the Chairman had only stated that during the course of the last few years, the Corporation had to condemn seeds of hybrid millets and other crops valued at Rs. one crore since the viability and germination capacity of those seeds had gone to a level lower than the standards adopted by the Corporation. That statement had obviously been misunderstood to mean destruction of wheat seeds worth Rupees one crores.

The National Seeds Corporation normally did neither destroy condemned seeds of food crops nor did it sell any substandard seeds for use as seed. Seeds, which fell below the minimum germination standard, were, however, condemned and disposed of, for use other than seed.

As the principal foundation seed agency, the Corporation had in previous years, been producing foundation seeds with reference to the targets fixed under the High-yielding Varieties Programmes in the Fourth Five Year Plan. Sufficient quantities of seeds were produced in the years 1966-67 to 1968-69 for meeting the foundation seed requirements of hybrid crops. To the extent, therefore, there was a shortfall in achieving the targets under the High-yielding Varieties Programme the National Seeds Corporation was left with surplus stocks of foundation seeds. Since the seeds were subject to the phenomenon of ageing they had to be condemned over the last few years, as they progressively fell below the minimum standards. Thus, over the last few years, seeds worth about Rs. one crores had been condemned and disposed of.

The National Seeds Corporation had since revised its method of assessing market demand for the various varieties of seeds, to obviate such heavy losses. Among other things, it now insisted on a firm in-

¹The Calling Attention Notice was tabled by Sarvashri Ranen Sen, Vasant Sathé, Madhu Limaye, Jyotirmoy Bosu and C. K. Chandrappan.

dent a year in advance from State Governments and other Seed Production Agencies and production programmes was adjusted accordingly.

Answering questions, the Minister said that as regards the grievances of the employees, a Committee under the Chairmanship of Shri Gadgil, M.P. had been set up. It had been asked to report by the end of September, 1973. When it was available the Government would take necessary action in the matter.

There was no duplication of work as between the Seed Corporation and the State Government. According to the Act, the Government were the certifying agencies. So far as the Seeds Corporation was concerned, it mainly concerned itself with producing foundation seeds and also producing some certified seeds. So far as the State Government were concerned, they took up production of certified seeds and they were also certifying agencies. There was thus no duplication.

Reported refusal by Port and Dock Workers' Federation to load rice and groundnuts on Foreign Bound Ships.

The matter regarding "reported refusal by Port and Dock Workers' Federation to load rice and groundnuts of the ships bound for foreign countries" was raised in the House on August 7, 1973 by Prof. Madhu Dandavate through a Calling Attention Notice.¹⁷

The Minister of Transport and Shipping Shri Raj Bahadur said that the President of All India Port and Dock Workers' Federation was reported to have issued a statement on August 2, 1973 that loading of Basmati Rice and Groundnut for export would not be permitted in view of the acute shortage of such commodities in India. No Basmati Rice was being loaded for export at that time and the statement only expressed the intention not to permit shipments of Basmati Rice in future when such a contingency arose. The Federation withdrew the boycott on August 6, 1973. It had, however, reiterated its decisions not to permit export of Basmati Rice.

Answering questions the Minister said that there was slower rate of discharge in the Bombay port about two months back or so because of certain demands of the labour. A firm understanding had now been

¹⁷The Calling Attention Notice was tabled by Sarvashri Madhu Dandavate, Vasant Sathe, Jagannath Mishra, R. V. Bade and Khemchandbhai Chavda.

reached with the labour and they would discharge 2,000 tons of foodgrains, about 650 or 700 tons of fertilisers every day.

Reported Wastage of Imported Foodgrains in Bombay Port

The matter regarding "the reported wastage of foodgrains, imported at prohibitive prices and worth several lakhs of rupees, in Bombay Port due to lack of godown facilities" was raised in the House on August 22, 1973 by Shri Dinesh Joarder through a Calling Attention Notice.¹⁸

The Minister of Agriculture, Shri F. A. Ahmad, said that the Indian ports, particularly Bombay, were well equipped with facilities to handle foodgrains and other cargoes having adequate transit storage facilities.

When the ships were on the high seas, sometimes the foodgrains got damaged due to causes beyond the control of the shippers. In all such cases, damaged grain, after unloading from the ship was required to be subjected to an independent survey to enable the charterers to lodge claims against the ship owners. These stocks of damaged grain, therefore could not be removed from the docks till this survey was completed.

Out of the 6 lakh tonnes of imported foodgrains handled at the Bombay Port during the current year, about 1400 tonnes was reported to be damaged during voyage. This represented about 0.2 per cent of the total tonnage of foodgrains handled at Bombay during the year. There had been no wastage of imported foodgrains through carelessness or negligence. Government were very much aware of the need to conserve and utilise the foodgrains.

Answering questions, the Minister said that it was not because of the lack of storage capacity that any foodgrains had been wasted. No instance had been brought to the notice of the Government where any stock which had been brought from outside had been exposed to rain and damaged. Further all necessary steps were taken before the ships were engaged for the purpose of bringing foodgrains to the country.

¹⁸The Calling Attention Notice was jointly tabled by Sarvashri Dinesh Joarder, P. K. Deo, K. Lakkappa, H. P. Sharma and Piloo Mody.

Take over of wholesale Trade in Rice

Making a statement on September 3, 1973 regarding "take-over of whole-sale trade in rice", the Minister of Agriculture, Shri Fakhruddin Ali Ahmed said that the successful implementation of a policy of take-over of wholesale trade in rice required not only careful consideration of the operational details but also full involvement and co-operation of the State Governments and political parties. Discussions were, therefore, being held with the State Chief Ministers. Consultations were also going on with the leaders of the Opposition Parties. It would, be advisable to await the outcome.

Proposal to make the Indian Council of Agricultural Research a Department of the Ministry of Agriculture

The matter regarding the "reported consideration by the Government of a proposal that the Indian Council of Agricultural Research be made a Department of Ministry of Agriculture as recommended by the Gajendragadkar Committee" was raised in the House on August, 1, 1973 by Shri P. K. Deo through a Calling Attention Notice."

The Minister of Agriculture, Shri Fakhruddin Ali Ahmed said that the Government had in 1972 set up a High Level Committee under the Chairmanship of Shri P. B. Gajendragadkar and consisting of the distinguished leaders of science and education as members, to enquire into the recruitment and personnel policies of the Council of Agricultural Research. The Committee in its report submitted to the Minister of Agriculture on January 19, 1973²⁰ had suggested some radical changes in the existing organisational set up of the Council. Decision on the recommendations required a detailed study by the Government in the overall context of organisation and management of scientific institutions in the country. The Cabinet had accordingly appointed a Group of Ministers under the Chairmanship of Minister of Agriculture to examine all aspects of the matter to enable decisions to be taken on the detailed and exhaustive recommendations.

On the advice of the Group of Ministers decision on some urgent matters had already been taken one such decision was that in order that work on important and urgent schemes might not suffer due to

¹⁹The Calling Attention Notice was tabled by Sarvashri P. K. Deo, Atal Bihari Vajpayee, Y. S. Mahajan, Shyamnandan Mishra and Samar Guha.

²⁰A copy of the Report was laid on the Table of the House on August 3, 1973.

posts remaining vacant, action might be taken for filling up approximately 1200 posts that were at present vacant, through an emergency recruitment procedure to be worked out by the D.G., ICAR, in consultation with the U.P.S.C. It had further been decided that the same emergency procedure should apply to any further vacancy that might arise before final decisions on the recommendations of the ICAR Inquiry Committee had been taken. Likewise, it had been decided that senior vacant posts in the ICAR headquarters might be filled by transfer or deputation in accordance with the prevailing rules and procedures of Government in consultation with the UPSC, until an alternative procedure had been decided upon. At the request of the Government of India, the UPSC had agreed to undertake the emergency recruitment on behalf of the ICAR on terms and conditions mutually agreed upon between the Commission and the Council. The modalities and mechanism of this emergency recruitment procedure had been finalised and the Commission was expected to initiate action for recruitment shortly.

The Government of India was fully conscious of the urgency and importance of this matter and all possible steps were being taken to arrive at decisions on the major recommendations of the ICAR Enquiry Committee as expeditiously as possible.

Answering questions the Minister said that the ICAR Enquiry Committee report was not placed before the House because the Government thought that in order to have a useful debate it was better that the House should also know about the decision of the Government on that report. But since the Members wanted that the report should be placed on the table of the House, he would place it before the House.

Principles of parity between the prices of manufactured articles and Agricultural Products

Raising Half-an-Hour discussion regarding "principles of parity between the prices of manufactured articles and agricultural products" in the House on August 1, 1973, Shri Madhu Limaye pointed out that the prices of manufactured articles were continuously increasing in the country and the season had no effect on them. On the other hand there was fluctuation in the prices of agricultural products according to season. He desired to know the steps the Government were taking in the current Plan and the Fifth Plan in the matter of giving protection to farmers who were suffering on account of seasonal fluctuations in the prices of agricultural products.

The Government should formulate a crop plan for the entire country and also introduce crop insurance to compensate farmers for losses due to drought and floods.

The Minister of State in the Ministry of Agriculture, Shri Annasaheb P. Shinde said that the question of parity of prices between industrial goods and agricultural commodities was really a very complex subject. Of course, there was the need for parity not only as between industrial products and agricultural commodities, but even between various agricultural commodities themselves. The Government had been seized of the matter, and it was proposed to entrust the matter to the National Commission on Agriculture.

Government had come to the conclusion that the appointment of the Agricultural Prices Commission was not enough to go into the problems of the prices of individual commodities. Therefore, the Government had now set up a very elaborate machinery all over the country for working out comprehensive data of the cost of production of the principal agricultural commodities.

It had been found that in the immediate post-harvest period, there was a sudden fall in the prices of agricultural products, and again, in the loan period, there was a sharp increase in prices. That meant that both the producers and the consumers were exploited by the speculators who operated in the agricultural field. Therefore, the Government of India had decided to proceed in the direction of the take-over of the wholesale trade in some important commodities. That was one of the steps to eliminate the element of speculation.

In the field of marketing agricultural produce, previously there was almost anarchy in the country. There was no institutional framework to protect the interests of the farmers. Now, there was the Cotton Corporation, the Jute Corporation and the Food Corporation and a number of other corporations to protect the interests of the producers. In the case of jute, it was proposed to protect the interests of the jute producers also by providing them marketing facilities and a minimum price support. The Government's approach was to protect the interests of the small producers, so that the country's economy became more and more strengthened.

Initiating a discussion on July 23, 1973 on an Adjournment Motion regarding "failure to control the abnormal rise in prices of essential commodities and to supply adequate quantity of foodgrains to the people at reasonable prices" Shri Indrajit Gupta said that there had been an unprecedented run-away rise in price which was not explicable by any normal reasons or causes. Even according to Government's figures, there had been a rise of 20.5 per cent in the general index of wholesale prices. The consumer price index for industrial workers had gone up from 194 in March last year to 228 this year.

The root causes of the present crisis were (i) reckless deficit financing (ii) non-implementation of Wanchoo Committee Report, (iii) the dubious role being played by the Bank including the commercial banks and (iv) half-hearted and week-kneed implementation of the Government decision to take over the whole-sale trade in wheat.

The Government should implement the take-over of food trade firmly and step-by-step take over the distribution of all essential commodities. They should also take action against black money.

The Minister of Finance, Shri Yeshwantrao Chavan conceded that the present price rise had been somewhat unusual and in a way unprecedented. The task before the Government, Parliament and the country was to find out policies and instruments to deal with the situation. What exactly was happening today was the result was accumulated economic circumstances, historical situation and political developments and many other considerations besides natural calamities. In a country whose economy was completely based on agriculture, any damage to agriculture completely distorted its economy. The damage to the kharif crop in 1972, therefore, accentuated the difficulties. The total approach of the Government to deal with the situation was in no way wrong. The new strategy of agricultural production was rewarded with considerable success. If the buffer-stock built up in 1970-71 had not been exhausted in feeding 10 million refugees from Bangla Desh, the country might not have been faced with the present economic difficulties.

The procurement of 8 million tonnes of wheat during the year could not be achieved as the assessment of production of wheat itself went wrong on account of failure of electricity uneven supplies of fertilisers etc. Being the first year, there might be some deficiencies in the

implementation of the scheme also. But the things would improve with experience. Further, the takeover of the wheat trade had to be seen not only from the point of view of nationalization of trade, but as an instrument to implement the policy of distribution of essential goods. c

The question of holding the price line would be completely defeated if the farmers were given the fancy price for their basic produce.

A comprehensive bill had already been brought forward before the House to tackle the problem of black money.

The Government had made maximum efforts to mobilise resources. Through the budgetary taxation measures, more than Rs. 700 crores were raised in the last three years. With all these efforts of resource raising, which were accepted, if one had to do deficit financing, it meant, it was something which was unavoidable for solving the country's problems.

The present difficulty was a passing phase as the basic potentialities of the country's economy were as healthy as before. If the people worked unitedly, in a spirit of cooperation and with a sense of national dedication, it would be possible to tide over the present difficult situation.

After Shri Indrajit Gupta had replied to the debate,²¹ the motion was put to vote and was negatived.

Rush on Banks for fear of demonetisation of Hundred Rupee Notes

The matter regarding "reported rush on banks to exchange hundred rupees notes into small currency for fear of demonetisation" was raised in the House on August 8, 1973 by Shri P. Venkatasubbaiah through a Calling Attention Notice.²⁰

²¹Sarvashri R. K. Sinha, Jyotirmoy Bosu, Vikram Mahajan, Era Sezhiyan, Amrit Nahata, Jagannathrao Joshi, Chandrajit Yadav, Pilloo Mody, Nawal Kishore Sharma, Prasannbhai Mehta, Chintamani Panigrahi, Samar Guha and S. A. Shamim also took part in the debate.

²⁰The Calling Attention Notice was tabled by Sarvashri P. Venkatasubbaiah, Madhu Dandavate, Krishna Chandra Halder, Rana Bahadur Singh and Era Sezhiyan.

The Minister of State in the Ministry of Finance, Shri K. R. Ganesh said that the Government had seen the reports in the Press about the sudden demand for smaller denomination notes. That had resulted in heavy tenders of one hundred rupees notes at the Bombay and New Delhi offices of the Reserve Bank for being exchanged into other denominations. Although it was true that there had been an increase in the demand for lower denomination notes within the last few days at the Bombay and New Delhi offices of the Reserve Bank, there was no general move on the part of the public to exchange one hundred rupee notes at other centres. The large tenders of one hundred rupees notes at the two offices of the Reserve Bank might be due to the rumours that one hundred rupee notes were likely to be demonetised. The Government of India had made it clear in the course of debate on Wanchoo Committee's Report in the Lok Sabha in September, 1972 and also in a number of questions in Parliament both earlier and later, that there was no proposal under consideration for demonetising higher denomination notes, including Rs. 100. Government wanted to reiterate the same in the most categorical terms.

Answering questions the Minister said that so far as the question of gold prices was concerned in recent months, there had been a very widespread increase in gold prices in the international market. As a result of that, the prices in India had also been increasing. That was nothing very unusual during the monsoons.

Effect of Poor condition of Coke Oven Batteries on production in Durgapur Steel Plant

Raising Hal-an-Hour discussion regarding "effect of poor condition of coke oven batteries on production in Durgapur Steel Plant" in the House on August 8, 1973, Shri Samar Guha said that the Government on the plea of some labour trouble which had resulted in thermal shock and the breakdown of the coke oven batteries in Durgapur, perhaps was contemplating to stall for scuttle the expansion project of Durgapur Steel Plant. The Pande Committee in its Report in 1967 had attributed the failure of the Durgapur Steel Plant to reach its production target mainly to bad management, bad equipment, lack of supervision, improper maintenance and also poor supply of equipment. There was, however, no mention about labour trouble in the Report. Similarly the Planning Commission also did not mention about it. It only talked of technical constraints which included the poor condition of the coke oven, equipment, inadequate maintenance, etc.

The Government should give a categorical assurance to the effect that under no circumstances, the projected expansion of Durgapur Steel Plant would either be delayed or stalled or scuttled.

The Minister of Heavy Industry and Steel and Mines, Shri T. A. Pai, said that the Pande Committee while pointing out certain deficiencies had said that the damage had been caused to the equipments by wrong operating practices, neglecting maintenance and ineffective inspections in spite of ample warnings. Due to certain unfortunate happenings, the Durgapur Project could not produce according to targetted capacity. But for the thermal shocks, it could have even produced more.

The history showed that there were a number of wild cat strikes or *bandhs* in the project resulting in the damage to the assets.

It was not the new investments that created employment, but the fuller utilisation of the existing capacity, which was more relevant. It was no use creating a capacity, if the management could not look after it properly. The immediate concern of the Government was to improve or repair the coke ovens and ensure that they were utilised fully.

Further the washeries were not working as well as they ought to. Coking coal was not made available. The difficulties of a railway transport engaged in transporting commodities sometimes created bottlenecks in the efficient functioning of those plants. The other serious factor could create much more damage to the plant was the breakdown of power supply.

No step-motherly treatment would be meted out to Durgapur Steel Plant in the matter of expansion on the plea that there were labour troubles. The Government was as keen to expand Durgapur as any other plant.

Delay in Commencement of production at the Durgapur Fertilizer Project

Raising Half-an-Hour discussion regarding "the delay in the commencement of production at the Durgapur Fertilizer Project" in the House on July 30, 1973, Shri Samar Guha said that the Durgapur Fertilizer Project and the Cochin Fertilizer Project had completely failed in the sense that the time schedule for production could not be maintained. The Durgapur Fertilizer Project had not yet reached even the stage of gassification of naphtha. In the Cochin Fertilizer, a few kilogrammes of urea was perhaps produced, but that also had failed subsequently. In Durgapur, Cochin, Barauni and Namrup the end product was urea. If those projects could be commissioned, it would

meet nearly 33 per cent of the country's requirements and would have saved the foreign exchange to the tune of about Rs. 100 crores.

The Minister of Petroleum and Chemicals, Shri D. K. Borooah, regretted that the Durgapur plant, which was mechanically completed in September, 1971, had not produced an ounce of urea. Not only that, there had been at least 30 attempts to start production, but those attempts had proved infructuous due to failures or mechanical problems of some of the critical items of equipment particularly those imported from outside. So far as the Cochin Fertilizer Plant was concerned, it was also based on the same system and it faced the same problems.

The Managers of the projects were told by the Government to find out the faults in the equipment. If they failed to locate the faults, experts from outside would have to be called in. In fact, the fabricators had already been asked to come and they had actually come. In case they too failed to find out the faults, the Government would take the best advice available.

Kota Plant, Gujarat Plant and also Gorakhpur Plant were Japanese plants. They were working very well. But their system was different.

Namrup was based on another feed-stock *i.e.* natural gas and natural gas had to be supplied by the Assam Gas Company, who did not have the compressors. Foreign exchange had been sanctioned to the Assam Gas Company for importing the compressors.

So far as FACT, Cochin, was concerned, it had already produced some urea. It was hoped that they would be able to sort out their problems.

Delay in the Clearance of Bansagar Project

A discussion under Rule 193 on a matter of urgent public importance regarding "delay in the clearance of the Bansagar Project by the Central Water and Power Commission and the resultant hardship of the people of the region" was raised in the House on August 31, 1973 by Shri Ranabhadur Singh.

Initiating the discussion, Shri Ranabhadur Singh said that the Bansagar Project had been pending for clearance for the last 8-9 years. If the Project was implemented it would lead to increase in agricultural production worth Rs. 21 crores and generation of additional 1860 L.S.—11.

power worth Rs. 14 crores. The project on completion would provide irrigation facilities in the area of Madhya Pradesh which was very backward.

He pleaded that the Project should be included in the Fifth Plan and special provision should be made for its implementation.

In the short discussion, which ensued, 8 Members participated²³

The Minister of Irrigation and Power, Dr. K. L. Rao said that the delay in giving clearance to the Bansagar Project due to the fact that many Ministries and States were involved in it. The Central Government had held four meetings with the three Chief Ministers concerned and had tried their best to bring them round. In fact, there was a near-agreement—two Chief Ministers had signed the agreement. The third Chief Minister had indicated to sign it after going through it again.

As late as January, 1973, the Chief Ministers of Bihar and Madhya Pradesh had been requested to resolve the matter themselves. There remained only a minor difference now, which the Chief Minister of Bihar had indicated to settle it directly with other Chief Ministers.

The Government was fully convinced that the Bansagar Project must be implemented as early as possible in the best interests of the nation, because it was the only solution for the drought problem in Bihar.

It was a Rs. 120 crores project. There was absolutely no question of any work being started there without reaching an agreement. The project would be included in the Fifth Plan. The Government would also see that some waters would be used for the benefit of all the three States, and not particularly for one State only.

Power Crisis in Delhi

The matter regarding "the power crisis in Delhi" was raised on August 17, 1973 in the House by Shri S. M. Banerjee through a Calling Attention Notice.²⁴

²³The Members who participated in the discussion were Sarvashri Shankar Dayal Singh, Ramavatar Shastri, Nathu Ram Ahirwar, Narendra Singh, Dhan Shah Pradhan, Chandulal Chandrakar, Sukhdeo Prasad Verma, and Balakrishna Venkanna Naik.

²⁴The Calling Attention Notice was jointly tabled by Sarvashri S. M. Banerjee, Vasant Sather, Atal Bihari Vajpayee, Pilo Mody and Sat Pal Kapur.

Replying, the Minister of Irrigation and Power, Dr. K. L. Rao, said that the total installed generating capacity including diesel power in Delhi is 270 MW. DESU got also 80 MW of power from Bhakra as its entitlement. Thus the total availability for Delhi was 350 MW, while the present peak load was about 250 MW. The peak load this year varied from 230 MW in the month of March to 205 MW in the months of January and June. Further, power demand in Delhi was growing at a rate of about 12 per cent per year. In that situation, supply and demand were close to each other and there was hardly any standby for maintenance and repair.

The present crisis started on the 10th August and lasted till 14th August. During this period the power supply from 'C' Station varied between Nil and 45 MW.

Three machines were re-started on 14th morning and full supply of power was restored in the city by evening. There was no shedding of load thereafter. Now all the four machines of 'C' Station were running and generating adequate power which, together with the Bhakra supply were meeting the city needs besides exporting 40 to 60 MW of power to U.P. where there was acute power shortage.

Sivashankar Committee had recommended increase of salaries for Engineers and Supervisory staff and that was accepted by the concerned authorities. Meanwhile electricity workers wanted that their scales of pay also should be increased. The grievances of electricity workers were brought to the notice of the Home Minister and this matter was settled satisfactory. From 14th August, all the electricity employees were working whole heartedly, thereby restoring adequate power supply to the city.

Differences arose between the General Manager and technical staff with regard to the Sivashankar's recommendations and they gave a notice on the 9th August intimating that they would resort to direct action from the midnight of 10th August. This brought about a tense situation in which all the personnel working in the power station were highly agitated resulting in distraction from the performance of the normal duty. Machines in the Power Station 'C' came to a complete halt on the 13th evening.

The Delhi Electric Supply Committee had requested the Lt. Governor to appoint a high powered Committee to enquire into the causes of breakdown of the generating units and connected matters including

the lapses, if any, on the part of the personnel of the Undertaking contributing to the breakdown. Their report might be awaited.

However, one important reason that contributed to shut down was the loss of vacuum in the condensers due to deposition of silt and debris carried by the cooling water. Yamuna River which supplies the cooling water not only had been in floods carrying heavy silt but also conveyed the debris and sullage waters from city drainage falling into the river upstream of intake headworks. This necessitated cleaning the condensers every few hours instead of days or even weeks during other periods and when this was not timely attended to due to distraction of the workers, the machines perforce stopped working.

Answering questions, the Minister said that he was fully aware of the difficulties the people were put to when there was a power crisis. He really regretted on behalf of the whole organisation that such a thing had happened.

C.O.B. Licences to Drug Manufacturing Firms

Raising an Half-an-Hour discussion regarding "C.O.B. Licences to Drug manufacturing firms with foreign equity exceeding 26 per cent" in the House on July 25, 1973, Shri Jyotirmoy Bosu said that the COB licences had been issued without proper care and consideration. Some of the firms, particularly foreign dominated firms, had been given undue advantage. While issuing COB licences the usual conditions such as exports and dilution of foreign equity etc. were not imposed in the case of foreign firms. That had given unfair advantage to foreign firms over Indian firms.

Considering the number of irregularities committed in the issue of COB licences and their far-reaching effects, all cases of COB licences should be reopened, preferably by the Drugs Controller and it should be done under the supervision of an all-party parliamentary committee. The irregularities should be rectified.

The Minister of Petroleum and Chemicals, Shri D. K. Borooah said that a COB licence was a "Carry-on-Business" licence. Such licences were issued in respect of various items. Carry-on-business licence was recommended by the Ministry of Petroleum and Chemicals. It passed through the DGTD and the Director of Health Services before it went to the Licensing Committee. In the case of Indian Companies, it was processed by the Ministry only. But it had been

decided now that both the Indian and Foreign Companies should route their requests through DGTD to enable him to find out their actual production and steps being taken towards that end. Of the 22 firms, who had been issued COB licences, 8 were Indian firms.

Two new conditions had been imposed on the foreign companies in the matter of issue of COB licences. One of the conditions was dilution of foreign equity to 60 per cent from 100 per cent. The second was that the party should earn sufficient foreign exchange to meet the cost of imported raw materials. Besides, it had also been suggested that a particular percentage of production should be exported.

The demand of probe by a Parliamentary Committee could not be accepted. The Government would, however, ensure that rules were observed.

Increase in the Prices of certain Petroleum Products

Making a statement on August 28, 1973 regarding "increase in the price of certain petroleum products" the Minister of Petroleum and Chemicals, Shri D. K. Borooah said²⁵ that the trend of abundance of crude oil availability and declining prices of crude oil which prevailed right through the 1960s, came to an end towards the close of 1970. Since then the prices of crude the world over had been steadily increasing. Therefore, like the rest of the world, India had to take determined measures to intensify exploration effort and reduce dependence on imported crude oil, encourage the use of substitute sources of energy; and reduce the impact of increased cost of crude oil imports by curbing oil consumption wherever feasible, without solving down the pace of developmental efforts.

²⁵As soon as the Minister arose to make the statement, Shri S. M. Banerjee rising on a point of order said that it had already appeared in the newspaper that there was going to be a 10 paise increase in petrol price per litre. He suggested that in such matters when the House was in session, the Government should make announcement first in the House and then outside. Agreeing with the Member, the Speaker observed:

"...In my opinion, when the House is sitting and the Minister is coming with a statement, it is much better that he takes the House into confidence at a much earlier stage. I must lay down that in future also when the prices are enhanced when the House is sitting, it is much better that the Minister comes and makes the statement in advance rather than enhancing it and then coming here after so many days....."

Since June 1, 1970, the formula evolved by the Shantilal Shah Committee on Oil Prices had been accepted by Government, with the reservation that the situation as it arose would be dealt with depending on the conditions obtaining at each point of time. Since then crude oil prices had increased 11 times, but product prices had been increased by Government only thrice, *i.e.*, 8 per cent from May 1971; 16 per cent from June 1973; and 20 per cent from August 22, 1973. While the first price increase was across the board and all the bulk refined products had to bear the burnt, in the second increase Government took care to avoid increase in price of kerosene. In the third price increase, care had been taken to keep the prices of certain essential inputs like diesel oils and furnace oil and certain consumer products like kerosene oil and cooking gas, undisturbed.

The increases in prices authorised from August 22, 1973 were for petrol by 10 paise per litre; lubricants by 40 paise per litre; packed bitumen by Rs. 50 per tonne; and naphtha by Rs. 60 per tonne. They duties, wherever applicable. Increase in petrol price was intended to curb its consumption so as to make available correspondingly larger quantities of naphtha for fertilizers and petrochemicals, in an international situation where there was an acute shortage of naphtha.

Government had also decided to appoint an Expert Committee to make a detailed study of the pricing policies in the developing situation. That Committee would be required, *inter alia*, to go into the question of inter-product price differentials and other connected problems. In the meanwhile, such increases in product prices which had become inescapable would have to be allowed, but in doing so efforts would be made to the extent possible to minimise the impact on the economy.

Release Price of Stainless Steel Sheets Imported through M.M.T.C.

Raising an Half-an-Hour discussion regarding "release price of stainless steel sheets imported through M.M.T.C." in the House on August 13, 1973, Shri Jyotirmoy Bosu said that the import of stainless steel was far in excess and most of it went to the black market. The import entitlements were converted into stainless steel which had taken 200 to 300 per cent profit in the black market. The release prices of stainless steel fixed in the general were at the rate of Rs. 19 per kg. in 1971 and Rs. 27 Kg. in 1972. But actually the release price was fixed at the rate of Rs. 16 per Kg. by the Government. Although the

landed cost|purchase price was Rs. 16 per Kg. in 1970-71, the actual sale price was around Rs. 36 to Rs. 40 per Kg. This way the Government lost opportunities for earning crores of rupees.

Further, the Government showed preference for car manufacturers, machine-tool manufacturers and chemical plants and got them stainless steel at the rate of Rs. 16 per Kg. But the hospital equipment-makers had to pay Rs. 29 per Kg. in 1972.

Stainless steel was on the banned list for export houses in barter cases. But Shri Tulsian of Karnatak Exports was allowed to import stainless steel against barter. The Chief Controller of Exports and Imports had written on the file objecting to it but he was overruled by the then Minister. The former Minister of Foreign Trade was hand in glove with Shri Tulsian and Karnatak Exports whereby the Government had lost crores of rupees and the consumers had been swindled. The principal finance for elections and for the ruling party also came from the Ministry of Foreign Trade. There should be a parliamentary probe into that whole affair.

The Minister of Commerce, Shri D. P. Chattopadhyaya, said that in the beginning he would like to refute the wild allegations made by the Member against his party colleagues and predecessors. So far as the question of price rationale of the barter parties was concerned, this point had been gone into. There were three categories of prices—registered exporter's price, actual users producing machinery and actual users not producing a particular type of machinery. Whether these were tenable or not, administratively or legally, had been gone into thoroughly, not only at the ministerial level but also at the high judicial level.

It was alleged that the price differential was unjustified. The price differential had been examined in the Ministry and also at the judicial level. The High Court had come to the conclusion that the petitioners had not been discriminated whilst the pricing factor was settled by the Review Committee and that all elements necessary to fix a fair price had been taken into consideration.

The landed cost of imported stainless steel was something like Rs. 14,000 per metric tonne and the cost of production of Durgapur Steel was Rs. 28,000 per tonne. Now, if the Government allowed this imported stainless steel to be sold at that price, then the loss would be a national loss. So it was for economic balancing of the landed price of the imported stainless steel and the steel produced by

Durgapur that the Government had to fix the price. This balancing was in the national interest and economically quite sound and defensible.

The price differential was allowed not to any individual, it was allowed to the whole category of firms. So, the question of discrimination did not arise. It was a category-wise fixation of price. Therefore, the price differential was justified and individual firms had not been benefited.

It had been said that Government had incurred a loss of Rs. 10 crores. It was a creation of imagination and had nothing to do with facts.

Increase in the Price of Nylon and Artificial Yarn

The matter regarding "reported hundred per cent increase in the price of nylon and artificial yarn causing widespread distress among weavers in various parts of the country" was raised in the House on July 30, 1973 by Shri Madhu Limaye through a Calling Attention Notice.^{2*}

The Minister of Commerce, Prof. D. P. Chattopadhyaya said that according to available statistics there was just over 1 lakh powerlooms in the country, of which as many as 66,000 were in the States of Gujarat and Maharashtra. However, most of the powerlooms in the decentralised sector used viscose spun yarn or viscose filament yarn. Only 10 per cent of the consumption of the powerlooms consisted of nylon filament yarn. The bulk of the nylon filament yarn was consumed by organised weaving units and by warp knitting machines and hosiery units.

The prices and distribution of viscose spun yarn, viscose filament yarn and nylon yarn had been regulated by voluntary agreements between the respective spinners and weavers. Those voluntary agreements had been working, by and large, satisfactorily till February, 1973. There was no reason for Government to interfere with those arrangements as the needs of the decentralised weaving sector were

^{2*}The Calling Attention Notice was tabled by Sarvashri Madhu Limaye, B. M. Banerjee, V. P. Sathe, S. A. Muruganantham and C. K. Chandrapan.

being met. The Government had been fully alive to the subsequent developments and had taken a number of remedial steps like—

- (1) State Trading Corporation had already bought caprolactum, which would meet the immediate needs of industry. There was a global shortage of caprolactum and prices over the past few months had escalated very sharply. In order to make maximum purchases, purchase teams had been and were being sent to locate all possible sources of caprolactum and make on-the-spot purchases. Besides, the spinners were being permitted to make purchases directly through the Letters of Authority granted to them.

Indigenous production of caprolactum from the Gujarat Fertilizer Complex was expected to commence in early 1974. That would augment substantially the availability of raw material for the spinning industry.

- (2) The State Trading Corporation had already purchased over 400 tonnes of nylon yarn. Efforts were being made to locate and purchase further quantities.
- (3) In the case of viscose filament yarn, in order to conserve the available supplies and meet the requirements of weavers in the country, exports had been banned.
- (4) With the restoration of power-cuts in States the production of all types of artificial yarn was expected to go up and that was already beginning to have a downward effect on prices.

Complaints had been voiced about the distribution of the available supplies of yarn, particularly nylon yarn. While the Government were taking all possible steps to augment production and improve availability, it was intended to take additional measures along the following lines:—

- (i) Prices of yarn had to be related to the costs of production and if there was any propensity on the part of some spinners to make undue profits, that had to be brought down to reasonable levels.
- (ii) Under the present pattern of distribution, some intermediaries were not functioning in overall national interests and were indulging in speculative activities. Such tendencies had to be curbed.
- (iii) An appropriate distributive mechanism would be evolved so that yarn at reasonable prices was made available to the actual users.

Answering questions, the Minister ruled out nationalisation of Weaving Industry. The Tariff Commission had gone into the question of prices and made certain recommendations. The Government had decided to follow them with suitable modifications.

The Government were also aware of the difficulties of the powerloom weavers in Tamil Nadu and were evolving a scheme to help them.

Cut in Newsprint Quota

The matter regarding "reported thirty per cent cut in the newsprint quota of newspapers" was raised in the House on July 25, 1973 by Shri Chandulal Chandrakar through a Calling Attention Notice.²⁷

Replying, the Deputy Minister in the Ministry of Information and Broadcasting, Shri Dharam Bir Sinha said that early during the year, the Ministry of Finance had approved a quantity of 2,45,000 tonnes of newsprint for distribution to newspapers in the country. That included indigenous production (Nepa Mills) of the order of 40,000 tonnes, which, after deducting a 10 per cent compensation for higher grammage, left a quantity of 36,400 tonnes for distribution. Thus, the newsprint visualised for import was 2,08,600 tonnes.

No difficulty was initially envisaged in procuring the above-mentioned quantity of newsprint from abroad as the existing long-term commitments with Canadian and Scandinavian suppliers and Trade Plan provisions from rupee sources accounted for 1,16,000 tonnes. With an additional 20,000 tonnes offered by Bangla Desh under a global tender, a possible 22,000 tonnes from Canada under Aid and a contracted quantity of 9,000 tonnes of glazed rotogravure newsprint, the quantity visualised for import stood more than fully covered.

The anticipated availability had, however, not materialised and the actual availability so far of newsprint, both imported and indigenous, for allotment in the licensing period 1973-74 worked out to 1,63,100 tonnes. Out of that, a small quantity had been set apart for new newspapers. That left a quantity of 1,57,100 tonnes for allotment to existing newspapers whose performance by utilising newsprint during 1972-73 was estimated at 2,30,000 tonnes. That performance having been taken as the basis of entitlement the newsprint available could meet only 68.30 per cent of their requirements. Hence, the entitlement of a newspaper had been subjected to a cut of 30 per cent. It was specifically provided in the Newsprint Allocation Policy that any addition to newsprint availability would be reflected in a corresponding reduction of the cut imposed.

The cut of 30 per cent would apply uniformly to all newspapers in

²⁷The Notice was tabled by Sarvashri Chandulal Chandrakar, Madhu Dandavate, D. K. Panda, Jagannathrao Joshi and K. Lakkappa.

view of the judgment of the Supreme Court in the newsprint case. Government would, however, endeavour to extend the maximum possible assistance to small newspapers.

Owing to worldwide shortage of newsprint, the prices of imported newsprint had gone up.

The cut in news-print entitlement and the increase in the price of newsprint would necessarily have their effect on newspapers. They would have to contain their performance within the authorised quota by regulating circulation and page-level. Buffer stocks of the State Trading Corporation at all the four port towns of Bombay, Calcutta, Madras and Cochin had been virtually depleted. Newspapers dependent on them for newsprint were likely to experience difficulty, pending replenishment of stocks. The position would improve with the arrival of expected supplies from Bangla Desh and shipments from other sources. It was difficult at this stage to say as to how the economics of newspapers in the country would be affected because no adequate and reliable data were at present available with Government on the economics of the newspaper industry. It was precisely for that reason that Government had appointed a Fact-Finding Committee to go into the question in all its aspects.

Diffusion on Ownership of Newspaper and News Agencies

On August 3, 1973, Shri H. N. Mukerjee moved the following Resolution:—

“This House calls upon the Government to adopt immediate measures for delinking and democratically diffusing the ownership of newspapers and news agencies in the country.”

Initiating the discussion, Shri Mukerjee said that it was as long ago as 1954 when the Press Commission had recommended the diffusion of ownership and trusts of newspapers. But nothing had so far been done in this regard. From time to time the Government had, however, come forward with statements reiterating that the control by monopoly over the press and all the news agencies in particular must go.

Today the control of the press was in the most undesirable hands who had not the slightest sensitivity about the needs and desires of the people. Some of the best minds who were trained to journalism were bought up by the representatives of big business. That process had resulted in the concentration of all the big newspapers in a very few big guns in the industry. It was a high time that control

of such an important medium of propaganda, medium of education and medium of inspiration was taken out of their control.

How the big money bags controlled the newspapers and the formulation of policy was very clear from the comments and views of Mr. M. C. Setalvad, who had gone on record to tell the world how they had behaved in so far as controlling the editorial policy was concerned.

It was, therefore, very necessary to bring about diffusion of ownership of the newspapers. Government should realise the urgency of the immediate introduction of legislation and give an assurance to that effect.

12 Members took part in the discussion."

Speaking on the Resolution on August 17, 1973, the Minister of State in the Ministry of Information and Broadcasting, Shri I. K. Gujral stated that in the preamble of the Constitution itself was enshrined one of the very important principles namely, the liberty of thought, expression belief etc. Amongst the various liberties, the people of India decided to give 'liberty of thought and expression' priority over others. The Constitution was passed by the Constituent Assembly sometime in 1949. Since then, one of the things, which received the attention of the First Parliament of India was how to make the freedom of speech and expression real. That was why a Press Commission had been set up in 1951.

The Press Commission's report came in 1954. Since then the situation had considerably changed. In 1954 there were 330 dailies, out of which 41 were in English and others in Indian languages. At the end of 1971, there were 321 dailies out of which 73 were in English. During the last 20 years the circulation of papers had also grown. There were sufficient number of papers, which had a circulation of above 50,000.

Another qualitative change had also come in. At that time, the Press Commission had thought of some papers in terms of common ownership and they defined "common ownership" as a group which had two dailies and some periodicals. Perhaps, at that time, only the monopoly papers were coming under that definition. Today, the number of common ownership papers had grown to 96 groups in India, and that too did not belong to the industry as was commonly

²⁸The Members who participated in the discussion were Sarvaashri Somnath Chatterjee, Anantrao Patil, Pilloo Mody, N. K. P. Salve, Jagannathrao Joshi, K. Hanumanthaiya, S. M. Banerjee, Satpal Kappor, Murasoli Maran, M. C. Daga and Samar Guha.

understood. So, the original concept of that definition to a great extent had changed since 1952-53.

In 1952-53, the total advertisement budget of both public and the private sector put together was of the order of Rs. 6.2 crores. Now the budget estimates varied and the total advertisement budget now was Rs. 60 crores and it might go up to Rs. 80 crores. Therefore, the entire picture had changed.

During the passage of time, there was an agreement on one basic thing that it was in the interests of the freedom of the Press itself that it must be delinked from the industry.

In every country with the passage of time, it had been realised that the Press was such a sacred institution that it could not be left to the whims of a few who ran it for their own selfish interests. That was why sometimes it had been thought that it was good to set up trusts. Sometimes it was thought better to set up some sort of public chartered trusts where they could decide themselves how to run it. But the idea basically was that the Press must be insulated also from those who had interests other than the freedom of the Press.

The basic idea was that once the Government thought of delinking the papers, then wherefrom the finances should come and who should set up the Board of management. The Government was very keen that it should not touch the finances of the papers or the setting up of the Board because it believed that the freedom of the Press should definitely be solid and complete and it also must look that the Government had nothing to do with it.

The Government would, therefore be in a position to evolve a set up which had three or four basic ingredients. First was that it must preserve the freedom of the Press from the Government as well as from the industrial interests. Secondly that the money did not flow into the Press in "*Benamis*". Also at the same time it had to be kept in view that the setup was viable so that the papers did not sink after delink. It was hoped that the Government would be able to bring forth soon a measure which would be an effective method of delinking the papers from big money.

After Shri H. N. Mukerjee replied to the discussion, the Resolution was put to vote and negatived.

Appointment of Committee of Parliament regarding Pay and Allowances etc. of Officers and Staff of Rajya Sabha and Lok Sabha Secretariats

Making announcement in the House" on August 16, 1973, Dr. G. S. Dhillon, Speaker, Lok Sabha, said that "the Third Pay Commission have not made any recommendations in regard to the Secretariats of Rajya Sabha and Lok Sabha.

The Chairman of Rajya Sabha and I have been feeling for sometime that some appropriate machinery should be devised to consider the question of pay structure applicable to the officers and staff of the two Secretariats. We have consulted one another and decided to appoint a Committee of Parliament consisting of the following Members:—

1. Shri K. N. Tiwari, Chairman, Estimates Committee.
2. Shri Jyotirmoy B̄su, Chairman, Public Accounts Committee.
3. Shri Y. B. Chavan, Minister of Finance.
4. Shri K. Raghuramaiah, Minister of Parliamentary Affairs.
5. Shri Jaisukh Lal Hathi, M.P., and
6. Shri Mahavir Tyagi, M.P.

Shri K. N. Tiwari will be the Chairman of the Committee.

Both the Secretaries of Lok Sabha and Rajya Sabha will be associated with the Committee.

The function of the Committee shall be to advise the Chairman of Rajya Sabha and the Speaker of Lok Sabha on the changes that are considered desirable in the structure of pay and allowances, leave and pensionary benefits to the officers and all categories of staff of the Rajya Sabha and Lok Sabha Secretariats in the context of the decisions of the Government on the recommendations of the Third Pay Commission.

The Committee will make their recommendations to the Chairman of Rajya Sabha and Speaker of Lok Sabha as early as possible."

Report of the Third Central Pay Commission

A discussion under Rule 193 on a matter of urgent public importance regarding "the report of the Third Central Pay Commission" was raised in the House on August 16, 1973 by Shri Madhu Limaye.

Initiating the discussion, Shri Madhu Limaye said that the Pay Commission was not an impartial Commission. It was purely a committed Commission. It had fully protected the interests of the Government and had not laid down any national wage policy. The Commission had flouted the well accepted canons and principles while determining the minimum wage and pay scales.

²⁹A similar announcement was made in Rajya Sabha by the Chairman on August 17, 1973.

While fixing the pay scales of Class III and Class IV employees, the Pay Commission had adopted a very stiff attitude, whereas they had been very liberal and generous in laying down the pay scales of Class I officers. A wide disparity still continued between the emoluments of higher and lower categories of employees. It was strange that the Commission had tried to prove that the existing difference between the minimum and maximum pay which was as much as twenty times, was justified and reasonable. It had thrown to the winds the well-known principle of 'equal pay for equal work' while fixing the minimum wage.

The rising cost of living should be fully neutralised and the price line should be held. The index number should be prepared more scientifically.

There had been a good deal of talk about reduction in public expenditure, but no reduction was visible anywhere.

There was no definite Government policy' in regard to bonus. The Government should lay down a definite policy in this regard.

In regard to the Secretarial staff of Parliament, the provisions of article 98 of the Constitution had not been implemented. Under that article, some rules should have been made and pay scales of the staff should have been prescribed. The Chairman, Rajya Sabha, the Speaker, Lok Sabha and the Secretaries should not be indifferent to this matter. A representative joint committee of the Members of Rajya Sabha and Lok Sabha should be set up which should submit its recommendations, with a generous and realistic outlook, in regard to the employees of Parliament.³⁰

There was no reason why infantry soldiers were not recognised as skilled workers. They should be given a status of skilled workers.

Pensioners had not been given due consideration in the Report. Those who retired before March, 1973 would be at a great hardship. The recommendations of the Commission should be made effective from 1st April, 1970.

The discussion continued for about five hours, in which 19 Members participated.³¹

³⁰Please see Speaker's announcement on the Subject (p....).

³¹The Members who took part in discussion were:—Sarvaashri Anant Prasad Sharma, Dinen Bhattacharyya, Jadish Chandra Dixit, Kartik Oran, S. M. Banerjee, C. M. Stephen, Raja Kulkarni, Atal Bihari Vajpayee, Nawal Kishore Sinha, M. C. Daga, Era Sezhayan, Dr. Kailas, R. P. Yadav, Khemchandbhai Chavda, S. N. Singh, Amarnath Vidyalankar, Piloo Mody, Shankar Dayal Singh and Smt. Mukul Banerjee.

The Minister of Finance, Shri Yeshwantrao Chavan, said that most of the Members who had participated in this discussion had made useful suggestions on the Report of the Pay Commission. According to some, there was some omission in the Report, and according to others there was some strong point made by the Pay Commission. He assured them all that it would ultimately be the Cabinet which would have to take a decision in the matter.

One of the Members talked about scrapping the J.C.M. In his view this was a negative position. In the course of the last five years or so, a most important thing that had happened between the relations of the Government employees and the Government was the emergence of that very important forum. Government were following some new procedures there, where both the employer and the employees could sit together and discuss and try to find solution to their problems. It was, therefore, necessary to strengthen that forum. Let us have this attitude of constructive cooperation. Only then the Government would be able to find a practical solution to the problem.

Making a statement on the "report of Third Central Pay Commission" in the House on August 30, 1973²² the Minister of Finance, informed the House that the representatives of Staff side made a number of suggestions when they met the Group of Ministers on the July 6, 1973. The Group of Ministers met them again on August 30, 1973. Since the receipt of the Report, the representatives of Class III and IV employees had been demanding that Government should take decisions on the recommendations of the Commission after discussions with the Staff side of the Joint Consultative Machinery. The request had been considered in the light of the provisions of the JCM Scheme. The interpretation of clause 20(ii) of the Scheme was that if once any particular recommendation of the Commission was reopened or Government took a decision even more favourable than the recommendations of the Commission, then such an issue would become referable to arbitration in the event of disagreement. The Staff side representatives, while taking note of that difficulty, had agreed that the Staff side would not insist on arbitration if Government modified certain recommendations in a manner more beneficial to the employees. Welcoming that positive response from the Staff side, Government had decided that such discussions should take place with the representatives of the Staff side on the points raised by them in their first meeting

²²A similar statement was made in Rajya Sabha by Shri K. R. Ganesh, Minister of State in the Ministry of Finance on the same day.

with the Group of Ministers before Government took decision on the Report of the Pay Commission. Government had also accepted their suggestion that four major issues relating to minimum wage, pay fixation formula, the dearness allowance formula and date giving effect to the recommendations relating to pay and pensions should be discussed first. Government was very anxious that the discussions should start immediately and should be concluded without avoidable delay.

Payment of Overtime Allowance by Various Ministries and Departments of Central Government

Raising Half-an-Hour discussion regarding "overtime allowance paid in various Ministries and Departments of Central Government" in the House on August 29, 1973, Shri M. C. Daga said that the payment of overtime allowance to the employees of the various Ministries/Departments had increased from Rs. 83.37 lakhs in 1971-72 to Rs. 90.29 lakhs in 1972-73. Similarly there was an increase of overtime allowance paid to the employees in Nationalised banks from Rs. 405.64 lakhs in 1969 to Rs. 711.36 lakhs in 1972.

The Third Pay Commission had estimated an expenditure of Rs. 41.53 crores during 1971-72 on over-time allowance in all departments including the civilian establishments of the Ministry of Defence. The amount of overtime allowance also increased with the increase in the Staff from 1951 to 1971.

He demanded that the Government should not pay overtime allowance to their employees, but ensure that the employees put to work which commensurated with their salary.

The Minister of State in the Ministry of Finance, Shri K. R. Ganesh said that the issue concerned a very large number of Government employees and workers. Only staff in lower income categories were entitled to the grant of overtime allowance. Gazetted Officers and employees getting a salary of over Rs. 620 per month including Dearness Pay were not entitled to overtime allowance.

The working class seriously fought for it and got it only after the Factories Act came into being. The categories then covered were workers and staff working in factories, industrial establishment etc. It was extended to the office staff after the report of the Second Pay Commission. The Third Pay Commission had given some recommendations to that effect on which the Government had not yet taken any decision.

The overtime allowance was paid on the basis of the eight hours work a day or forty-eight hours work in a week. That was laid down by the Second Pay Commission. The same criteria had been adopted by Railways and P & T in the matter of giving over-time allowance to their employees. Only the Head of the department or a very responsible person/officer had to certify that an employee was required, in public interest, to work overtime.

It had been suggested that instead of giving over-time, some unemployed persons should be provided with the jobs. Overtime was a contingent work and deployment of additional hands in the same proportion as the work increased would not be possible owing to various economies in view and emergencies arising from time to time in the country. That was why it was found that overtime to an extent possible could be taken. It would be necessary in a matter like that, where large expenditure was involved, for the employees' organisations and for the workers' organisations to check up wherever mal-practices were there, apart from stricter control and stricter guidelines by the departments concerned.

Grant of Additional Dearness Allowance to the Central Government Employees

Making a statement on September 5, 1973 regarding "the question of grant of additional dearness allowance to the Central Government Employees", the Minister of Finance, Shri Yeshwantrao Chavan said that on the basis of the recommendations of the Third Pay Commission, Central Government employees were sanctioned three instalments of interim relief, the last being effective from the 1st August, 1972.

The Pay Commission in their final report had *inter alia* recommended that the dearness allowance should be granted in the context of the revised pay structure, recommended by them, which was related to the 12-monthly index average of the All-India Working Class Consumer Price Index (base 1960—100) for the period ending October, 1972 which then stood at 200 points. The Commission had recommended the grant of dearness allowance for every 8 points increase in the 12-monthly average of the All-India Working Class Consumer Price Index (base 1960—100), and not with reference to the Wholesale Price Index of commodities. Accordingly, dearness allowance in terms of the said recommendations became admissible when the average reached 208 on April 30, 1973.

Pending examination of the recommendations of the Third Pay Commission relating to dearness allowance formula, additional dearness allowance had been sanctioned provisionally to employees drawing pay upto Rs. 575 per month, with effect from the May 1, 1973, apart from the interim relief sanctioned earlier. A further instalment of dearness allowance in terms of the Third Pay Commission's recommendations would fall due when the 12-monthly average of the All India Working Class Index (base 1960—100) reached 216.

The latest available average index figure was for the month ending June 1973, which stood at 214.16. The 12 monthly average index for the month of July, 1973 was expected to become available shortly when the position would be reviewed.

Strike by Railway Loco Running Staff

Making a statement on August 3, 1973 on "current strike situation on the Indian Railways", the Minister of Railways, Shri L. N. Mishra regretted the sudden dislocation of rail traffic, both passenger and goods brought about by the illegal and precipitate action of a section of the loco staff. It had started on the evening of 1st August at the Delhi Main Station. The illegal strike had been perpetrated suddenly without any immediately cause and without giving notice or intimation to the Administration at any place. The manner in which this action had been planned and executed and the degree of intimidation and coercion that was being employed was clearly directed towards paralysing the economy of the nation and was certainly not in the interests of the workers.

The matter was raised again under Rule 193 on August 6, 1973 by Shri Ramavatar Shastri.

Initiating the discussion, Shri Shastri said that the current strike by the loco running staff had badly dislocated train services. Railway passengers were experiencing lot of difficulties and the movement of foodgrains and other essential commodities had been adversely affected. The Railway workers wanted that the Railways should run properly but the Railway Board had not succeeded in ensuring proper running of the Railways.

The Railway authorities should hold negotiations with the representatives of the loco running staff and concede their demands.

The discussion continued for three hours in which 13 Members participated.³³

The Minister of Railways, Shri L. N. Mishra said that it was really a period of great stress and strain for the railways to face such an unexpected development when the national economy was facing a difficult situation. This strike had been resorted to without following the elementary principle of trade unions. No ballot was taken, no notice of strike was given to the Government nor even the date of the strike was communicated.

The strike had affected 12 out of 49 divisions on 6 out of 9 zonal railways. The railway work was an integrated net-work and the malfunctioning of one zone or one division naturally affected the others in the zone. The strike of the loco staff at important points had of course dislocated goods and passenger traffic. But with the judicious use of resources and high sense of duty of willing workers, supervisors and officers, the Government had succeeded in maintaining the flow of commodities essential to the life of the nation and its basic industries. Long distance passenger services had been maintained at 95 per cent of the normal.

If the illegal strike was called off within 48 hours, all the loco-running staff including the office bearers of their association who had been arrested would be released without any delay, especially with a view to facilitate the holding of talks with their representatives regarding their grievances.

Whatever assurances he had given to the locomen at the time of the earlier strike in May, 1973 would be implemented in letter and spirit. When the May strike was called off, three assurances had been given to them: (1) release of those arrested (2) no victimisation and (3) discussion between the Railway and the representatives of the loco running staff.

All of those who were arrested had been released. There had been no victimisation. About the discussion between the Railways and the representatives of the locomen, three sittings were held with the representatives of the locomen and more were to follow. In the meetings,

³³The Members who took part in the discussion were: Sarvashri Anant Prasad Sharma, Samar Mukherjee, C. M. Stephen, Jagannathrao Joshi, Bhagwat Jha Azad, M. S. Sivasamy, Narsingh Narain Pandey, Madhu Dandavate, Chandrika Prasad, Prasannbhai Mehta, M. Ram Gopal Reddy, S. M. Banerjee and Hukam Chand Kachwai.

it had been categorically stated that there would be no harassment of the loco running staff representatives including those of the All India Loco Running Staff Association who would come to participate in the discussion.

In respect of the implementation of the May assurance, *status quo ante* i.e. the position as on May 24, 1973 would be maintained.

Making another statement on August 13, 1973, the Minister of Railways, Shri L. N. Mishra said that in response to the advice of the President and the Prime Minister, the locomen had decided late last night to resume duty forthwith.

As a result of the talks the delegation of the loco running staff had with the Minister for Labour, Shri Raghunath Reddy and with him, and with a view to restoring order and industrial peace and promoting productivity and prosperity of the national economy, following arrangements had been arrived at today:—

- (i) The absentee staff would resume their duties immediately.
- (ii) All those who had been arrested in connection with the agitation (May to August '73) would be released as soon as the present agitation was called off except those charged under law for acts of sabotage, damage to railway property and violence.
- (iii) All those released from arrest would be taken back on duty.
- (iv) Penal transfers, reversions, suspensions and removals arising out of the agitations or in connection with the agitations should be withdrawn except for those charged with acts of sabotage, damage to railway property and violence.
- (v) Break-in-service would be condoned.
- (vi) The period of absence arising out of the present agitation from 1-8-73 would be adjusted against earned leave.
- (vii) Charge sheets of administrative character directly connected with trade union activities or activities arising out of agitations (May-August '73) would be withdrawn.
- (viii) Members of the loco running staff would not be required to work for more than ten hours at a stretch from signing on to signing off.
- (ix) All the assurances given by the Government from the period commencing from July '67 to date that had remained unimplemented would be implemented as expeditiously as possible.

- (x) To discuss the other points of grievances, a Committee under the Chairmanship of Shri Mohd. Shafi Qureshi, Deputy Minister for Railways, with five senior officials of the Ministry of Railways and five representatives of the Loco Running Staff would be constituted and commence functioning within five days of the resumption of the work by the loco running staff. A representative of the Ministry of Labour would also attend the meeting.
- (xi) With respect to matters discussed and agreed to, no direct action would be resorted to within the period of three years from such agreement.

Stoppage of Trunk Traffic on South Central Railway as a Result of the Merger Agitation

Making a statement on September 3, 1973 regarding "stoppage of trunk traffic on South Central Railway as a result of the merger agitation", the Minister of Railways, Shri L. N. Mishra said that the South Central Railway was formed mainly by combination of two divisions of Southern Railway and two divisions of Central Railway in 1966. From time to time, demands were pressed for the merger of Sholapur Division with Central Railway. These became more vociferous towards the middle of 1972 as local interests took an active part leading not only to relay fasts for about a week from June 21, 1972 but also to occasional interference with train operations. Any reorganisation gave rise to problems of adjustment but the Government had been constantly reviewing the problems posed before them with a view to mitigate them to the extent possible.

It was decided in 1972 that recruitment for Sholapur Division of South Central Railway would be made by the Railway Service Commission at Bombay and not the Commission at Madras. An assurance was given in December 1972 in the House that a committee of Members of Parliament of the area covered by this Division would be constituted to go into the administrative and economic aspects of the functioning of Sholapur Division and to make recommendations on administrative, economic and operational grounds. In fulfilment of the above assurance, it was decided to constitute a committee consisting of Shri Mohd. Shafi Qureshi, Deputy Minister for Railways and three Members of Parliament.

The recent agitation in Sholapur Division started from August 15, 1973 with hunger strike by outsiders and some railwaymen again in support of the demand for outright merger in the background of appointment of the Committee. From August 29 the hunger strike

had been escalated to the stoppage of train running when railwaymen abstained from work.

Interchange of traffic at Daund Junction in Sholapur Division was vital for movement of goods between Northern, Western and Southern India. With the agitations, over 10,000 wagons had been immobilised and nearly 70 trains had been stabled enroute on South Central and the adjoining Railways. Movement of essential commodities like foodgrains, petroleum products and fertilisers to deficit areas in Maharashtra, Mysore, Kerala and other Southern States had been adversely affected. Apart from the effect on the goods services, passenger services had also been seriously affected and between August 29—31 a number of trains had to be fully or partially cancelled.

The first meeting of the Committee under the Chairmanship of the Deputy Minister for Railways with three Members of Parliament was held on September 1, 1973. An appeal was issued by the three Members of Parliament in the Committee that the agitation be withdrawn assuring that in their deliberations they would give the highest consideration to the demands of the railwaymen and would try to get all their legitimate grievances of the railway workers redressed. The Minister appealed to all the people of the area and the staff of the Sholapur Division to withdraw the agitation immediately because to continue it further would seriously affect the economy of the country.

Recruitment of Minorities for Jobs in the Railways . .

A discussion Under Rule 193 on a matter of urgent public importance regarding "recruitment of minorities for jobs in the Railways" was raised in the House on July 31, 1973 by Shri Samar Guha.

Initiating the discussion, Shri Samar Guha suggested that no relaxation need be made in the qualifications which were considered necessary for recruitment to class I category of officers. The *viva-voce* or the oral examination should however, be done away with screening of the confidential Reports in the case of promotions from class III to class II should also be abolished. As regards non-government service, besides exerting moral pressure certain rules should be framed on the basis of which some commercial houses might be compelled to recruit members of the minority community including Scheduled Castes and Scheduled Tribes.

A special committee should be set up to go into the causes due to which Government had failed to recruit Muslims and Christians and other minorities.

The discussion continued for more than four hours, in which 19 Members participated.³⁴

The Minister of Railways, Shri L. N. Mishra stated that a good deal had been done by the Railways in the matter of providing jobs to the minorities and a lot had yet to be done for them.

The Railway Service Commissions had been asked to fill the quota reserved for Scheduled Castes and Scheduled Tribes. The unfilled quota was carried forward to three subsequent years and the year in which recruitment did not take place was not taken into account. Besides, the Commissions had been given discretion to recommend candidates belonging to that community, who might obtain low place in the examination. Similarly where recruitment was made other wise than on the basis of examination, the appointing authority had discretion to select candidates from SC and ST.

The General Managers had been vested with special powers to recruit SC and ST candidates without reference to the Railway Service Commission to make up deficiencies in staff. They had also been asked to appoint under the personal powers vested with them medically unfit candidates belonging to the SC and ST.

The following further steps were being taken to increase the intake of Scheduled Castes and Scheduled Tribes in railway jobs:

- (a) Appointment of a Senior Personnel Officer on each Zonal Railway and strengthening the Cell in the Railway Board with an Additional Director and two Advisors, one each from the Scheduled Castes and Scheduled Tribes;
- (b) Prescription of reservation quota for promotion from Class III to Class II;

³⁴The Members who took part in the discussion were Sarvashri N. K. P. Salve, Dinen Bhattacharya, C. M. Stephen, S. M. Banerjee, Moinul Haque Choudhury, Atal Bihari Vajpayee, B. P. Maurya, Pilo Mody, Chandrajit Yadav, G. Viswanathan, Shambhu Nath, Shyamnandan Mishra, Md. Jamilurrahman, Kartik Oraon, Nathu Ram Ahirwar, Mulki Raj Saini, Maulana Ishaque Samabhalli, Darbara Singh and Hukam Chand Kachwai.

- (c) Replacement of the oral test (*viva voce*) by personal interview in the direct recruitment grade for all those who passed the written test, ranking being according to marks;
- (d) Reservation quotas for all non-selection promotional grades in Class III with the consent of the Department of Personnel.
- (e) For promotion from Class III to Class I, academic degree would not be the deciding factor.

A cell was being created in the railway Board to keep a watch on the implementation of the above mentioned decisions. A report would be placed before Parliament after every six months in this regard.

Reference was made to the recommendation of the Commissioner for Scheduled Caste and Scheduled Tribes that for promotion to Class II the zone of consideration should be fixed six times more than the number of vacancies and it should not be left to the Department promotion Committee. The Government had accepted the recommendations and the same would be implemented.

It was said by a Member that a circular had been issued under which a special verification was made about the Muslims before they were given a job. That was wrong as no such circular had been issued. He assured the House that no discrimination would be observed in recruitment against any body just because he subscribed to a particular religion.

Doctors' Strike in Delhi and Bombay

Making a statement on September 5, 1973, regarding "Doctors' Strike in Delhi and Bombay" the Minister of Health and Family Planning, Shri R. K. Khadiolkar informed the House that the Junior doctors in the teaching hospitals in Bombay and Poona and other places had been on strike from August 17, 1973. Efforts to settle the strike had not succeeded so far. The junior doctors of Delhi consisting of teachers, House Surgeons, Registrars and Post-Graduates held a meeting on September 2, 1973 in the Safdarjung Hospital and passed a resolution in which, among other things, they had decided to observe a token strike for 48 hours commencing from 0,800 hours on September 5, 1973. The strike was entirely in sympathy with the demands of the junior doctors of Maharashtra and there was no local demand linked up with the same. The resolution demanded the immediate reinstatement of all the victimised doctors of Maharashtra, unconditional withdrawal of all charges against those doctors, immediate settlement of issues in a peaceful manner, condemnation—of the alleged

atrocities committed on the doctors of Maharashtra and a request for intervention by the Prime Minister.

The Delhi Nurses' Association had issued a press release sympathising with the demands of the Maharashtra junior doctors and indicating their intention to join the strike if the demands were not met immediately. It was apprehended that if the strike in Bombay was not settled soon, it would have repercussions all over India. The representatives of doctors from all the States were meeting in Bombay with the idea of forming a union.

Strike by Nurses of Delhi Hospitals

Making a statement in the House on the 17th August, 1973, the Minister of Health and Family Planning, Shri R. K. Khadiilkar said that some representatives of the Delhi Nurses Association met him on the 16th August, 1973 and stated that if their grievances were not redressed immediately, they would resort to strike. He pleaded with them to give him seven days' time to consider such of their demands as were not outside the purview of the recommendations of the Pay Commission.

It was most unfortunate that the Delhi Nurses Association should have precipitated a crisis in the hospitals by resorting to a lightning strike without proper notice and without giving him time to consider their demands. In total disregard of the convenience of the patients, some of whom were in a serious condition, they chose to take this decision which he very much deplored. He expressed a hope that the striking nurses would see reason and resile from the illegal course that had followed."

Demonstration outside Old Secretariat in Delhi on July 27, 1973

Making a statement on August 1, 1973 regarding "demonstration outside Old Secretariat in Delhi on July 27, 1973", the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant said that on July 27, 1973, about 600 persons had assembled to demonstrate outside the Old Secretariat building. The Metropolitan Council was in session. At about 16.00 hrs. when their leaders were inside the building some persons tried to forcibly enter the area, the entry into which was regulated by passes. Considerable pressure was also built up

⁸⁸The strike was called off by the Delhi Nurses Association on the 19th August, 1973.

against the gate. Some of the demonstrators were also reported to have indulged in stone throwing. The police resorted to teargas to prevent forcible entry of the demonstrators into the area. A magisterial inquiry had been ordered into the incident.

Retrenchment of Harbour Workers in Andaman and Nicobar Islands

The matter regarding "the reported retrenchment of about 700 harbour workers in Andaman and Nicobar Islands" was raised in the House on August 13, 1973 by Shri Era Sezhiyan through a Calling Attention Notice.⁸⁰

The Minister of Shipping and Transport, Shri Raj Bahadur, said that the Andaman Harbour Workers Organisation was set up in 1966-67 as a purely temporary project for the development of harbour facilities at different sites in the Andaman & Nicobar group of islands. A number of works were completed towards the end of 1972-73. Due to reduced budget allocation for the year 1973-74, it was necessary to slow down the works still to be completed and the workers thus rendered surplus had also to be retrenched. Because of this about 714 workers had to be retrenched. Retrenchment compensation consisting of one month's pay in lieu of notice and 15 days, pay for every completed year of service was admissible to all the retrenched workers as per rules. About ten workers had resorted to relay hunger strike at Port Blair and Campbell Bay as a protest against this retrenchment.

Answering questions, the Minister said that all casual labour who had completed three years' service had been brought on workcharged establishment in the appropriate scales. Besides all possible steps had been taken to meet the demands of labour. There was hardly anything of which they could complain.

. Financial Assistance for Modernisation of Police Force in Gujarat

Raising Half-an-Hour discussion regarding "financial assistance for modernisation of Police force in Gujarat" in the House on August 3, 1973, Shri P. M. Mehta said that the Police force should be immediately modernised and overhauled. The concept of modernisation should not be a narrow or limited one. It should be much broader and wider and should cover the human aspect of the problem of the Police force. The

⁸⁰The Calling Attention Notice was jointly tabled by Sarvashri Era Sezhiyan, G. Viswanathan, P. A. Saminathan, V. Mayavan and C. T. Dhandapani.

Union Government should evolve a model master plan covering the modernisation inclusive of human aspects of the police force.

The Police-public relation required a new orientation. The Police should be trained and educative programmes were necessary to make them understand the main-stream of the society. The Police must know how to honour the civil rights of citizens and keep on the right side of law. Bogus arrests, illegal searches and fabrication of evidence must scrupulously be prevented.

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant said that even though Police was a State subject the Government of India had been helping all the State Governments in the matter of modernisation of their Police force.

Government felt that the out look of the policemen their attitude to the general public, their attitude to agitations etc. and their entire approaches should be in consonance with the democratic structure and in consonance with the changing social economic situation. So the Government had appointed a Committee headed by a well-known sociologist, Prof. M. S. Goray. That Committee had submitted its report. The Government had decided to implement the recommendations as and when they were processed.

Regarding modernisation, the scheme at Centre was started in 1969-70. That scheme was on the basis of 75 per cent loan and 25 per cent grant-in-aid, and it was to give an impetus to the States in the direction of modernisation of their Police forces and in respect of expenditure of a non-recurring nature on items like data-processing machines for crime records, buildings and equipment for forensic science laboratories, equipment for fingerprint bureau, equipment for centres for examination of questioned documents, wireless equipment, communication facilities, equipment for training institutions and vehicles for mobility etc. That scheme had been functioning for the last three or four years, and within the limitation of resources, the Centre had tried to be helpful to all the States. That scheme had been designed mainly to improve the mobility and communication of the police forces and to modernise it in its scientific and technological capability.

The Gujarat Government had already been given a sum of Rs. 84.7 lakhs under that scheme including allocations for 1973-74. But since no report had been received from them on the utilisation of past allo-

cations, the amount of Rs. 32 lakhs being the current year's assistance, had not been released so far.

Apart from the financial assistance the Central Government procured jeeps for State Governments. They arranged supplies of wireless equipment for communication purposes. They also imported certain sophisticated items for the State forensic science laboratories. The value of the articles made available to the Government of Gujarat till March 31, 1973 were 40 jeeps costing Rs. 9.5 lakhs, wireless equipment of the value of Rs. 18 lakhs, equipment for the State forensic science laboratory Rs. 3.8 lakhs. During 1973-74, it was intended to procure for the Government of Gujarat 34 jeeps and wireless equipment worth Rs. 15 lakhs.

As regards the assistance given by the Centre for police housing the amount made available to the States till March 31, 1973 under the police housing scheme was Rs. 50.74 crores. The budget allocation for 1973-74 was Rs. 4.5 crores making a grand total of 55.24 crores. The allocation for Gujarat for 1973-74 was Rs. 30 lakhs, out of which 50 per cent had already been released in favour of the State Government.

Repressive Measures by the Aligarh Muslim University Authorities

The matter regarding "reported repressive measures adopted by the Aligarh Muslim University authorities at the behest of the Central Government against the students of the University" was raised on July 27, 1973 by Shri Piloo Mody through a Calling Attention Notice.³⁷

The Minister of Education, Social Welfare and Culture Prof. S. Nurul Hasan said that owing to trouble in the campus, the Aligarh Muslim University had been closed by the Vice-Chancellor on April 5, 1973. The Executive Council of the University, at its meeting held on April 7, 1973 decided that the students and members of the staff who created trouble in the Campus be identified and disciplinary action taken against them.

The Discipline Committee of the University at its meeting held on April 22, 1973, after considering the reports of the Provosts and the Proctor, decided to issue show-cause notices to the delinquent students. The Committee again met on May 3, 1973 and considered the cases

³⁷The Calling Attention Notice was jointly tabled by Shri Piloo Mody and Shri Narain Chand Parashar.

of 27 students involved in the incidents and found 21 of them guilty of various charges. They were given various punishments. The Committee further decided that fresh show-cause notices should be served on 5 students; and proceedings against one of the students be dropped. Of the 5 students to whom fresh show-cause notices were issued, 3 were found guilty of various charges and their names were removed from the rolls of the University and they were not to be admitted till the beginning of the session 1974-75; one was issued warning and the case of one student was pending. All the students were given due opportunity of personal hearing before action was taken. Ten of these 15 students preferred an appeal to the Executive Council. The Council carefully considered their cases. It, however, found that the appellants' contentions were devoid of force and upheld the action already taken against them. Accordingly, the Council rejected the appeals.

Thus the University had acted with due restraint in accordance with its procedures and had not adopted repressive measures. The University was an autonomous body. The question of its acting on the behest of Government did not arise. The Government had, however, no reason to disagree with the steps taken by the University authorities in the given situation.

Answering questions, the Minister said that Government was unable to accept the demand for a high level independent enquiry since no facts had been presented which suggested that the University authorities had not acted on the basis of adequate evidence or on the basis of a judicious view of the happenings as a whole and in the interest of the university. For the same reason it was not possible to accept the demand that the Government should pressurise the University into withdrawing the action that they had taken for specific disciplinary charges.

So far as the student union was concerned, it had only been suspended for a brief period; after that it would start functioning in a normal manner.

Guru Gobind Singh Medical College

Making a statement in the House on August 29, 1973 on "Guru Govind Singh Medical College", the Minister of Health and Family Planning, Shri R. K. Khadilkar recalled that in a statement made by him in the House on April 27, 1973, he had informed the Members that the Chief Minister of Punjab was considering the constitution of a new Trust which could undertake the work of shifting the college

from Faridabad to some place in Punjab and running it on appropriate lines.

A new Trust called the "Guru Govind Singh Educational Trust" had since been registered in Punjab for the purpose with Giani Zail Singh, Chief Minister, Punjab as Chairman and Shri Sat Pal Kapur, M.P. as Secretary.

In a communication dated August 27, 1973 received from the Secretary of the Trust it had been stated that the new Trust had decided to shift the said college to Faridkot and that the college would start functioning on November 1, 1973.

Extension of period for receipt of applications for grant of pension to Freedom Fighters

Raising Half-an-Hour discussion regarding "extension of period for receipt of applications for grant of pension to Freedom Fighters" in the House on August 22, 1973, Shri C. K. Chandrappan said that there had been rather unpardonable delay by bureaucracy in taking a decision in regard to grant of pension to freedom fighters. Nearly 50,000 applications had been referred back seeking explanations from pensioners. Government should fix some time limit and come out with a categorical statement that all the applications pending with the Government would be disposed of within a certain period, which should not be two or three years but a few months.

There were certain very special cases which were brought to the notice of Government to which no clear answer had been received. The Government should spell out very clearly what they were going to do about those who participated in the liberation struggle of Goa, INA and RIN uprising. Their cases should be reconsidered.

Government had stated that they would not give any pension to the participants in the Moplah Rebellion in 1921-22. The Kerala Government on the other hand had decided to give pension to the participants of the Moplah Rebellion. That decision was very correct. The Minister for Home Affairs should consider this question sympathetically because that was a movement of the peasants against one of those former kings who tried to disintegrate this country.

The Minister for Home Affairs, Shri Uma Shankar Dikshit, said that a reference had been made in regard to the Moplah rebellion

participants. It was not that the Government had either in this or in any other case or category taken any other consideration into account except the basic principle, namely, whether the people participated in the emancipation of India from the bondage of foreign rule.

So far as the Moplah rebellion was concerned, the Government had gone into the history of the movement. The Government had also gone into statements like those of Mahatma Gandhi. Resolutions passed by the Indian National Congress, and recorded statements after research contained in writings by well-known historians like Mr. Majumdar. All these incontrovertible pieces of evidence went against these proposals.

Substantially and essentially, it became a communal movement. Now, if the Government took this up, this would highly complicate the matter which was above party-politics and which was above controversy, into something like a controversial matter.

As far as the RIN rebellion and all others, they been included. The INA personnel had also been included.

As regards the old, sick and invalid, it had already been stated several times here and in other places that the Government gave priority to old people. With complete impartiality, the Government would go into the matter and would not stick simply to the technical aspect. Further, if there was any specific case of a particular individual, about which it was felt that it was a genuine case for grant of pension, the Government would certainly consider over it sympathetically.

Report on the accident to Indian Airlines Boeing on May 31, 1973

A discussion under Rule 193 on a matter of urgent public importance relating to "report on the accident to Indian Airlines Boeing on May 31, 1973" was raised in the House on August 9, 1973 by Shri H. M. Patel.

Initiating the discussion, Shri Patel said that after a very exhaustive inquiry into the Boeing 737 air-crash on May 31, 1973, Justice Sachar found that Capt. Nair was responsible for the air-crash and his co-pilot had contributed to it. That finding was as much a condemnation of the Commander as of the organisation which could

entrust to the care of sub-standard pilots most sophisticated planes in the fleet of the Indian Airlines. The D.G.C.A's organisation had, therefore, found to be wanting in several respects.

There had been a number of air crashes in the last 3-4 years and inquiries were held in respect of each of them. The Government not only withheld the publication of the reports of such Committees, but did not also give effect to some of their useful recommendations such as installation of ILS in Delhi.

The Sachar Committee in its report had suggested that in the interest of efficient conduct of operations and safety, the management of Indian Airlines should be made exclusively responsible for the selection of check-pilots|instructors|examiners. It had further said that PAR should be installed at Palam and the approach facilities at international diversionary airfields should be of the same standard as at international airports and the air safety organisation of the D.G.C.A. and the Indian Airlines should be strengthened.

The discussion continued for more than 3 hours, in which 13 Members participated.³⁸

Replying to the debate, the Minister of Tourism and Civil Aviation, Dr. Karan Singh conceded that the Boeing tragedy had highlighted some of the weaknesses and deficiencies in the system, not as a result of any deliberate effort or any deliberate lack of interest by anybody. But many of the problems were cumulative. Many of the airports which the country inherited were structures that were built during the Second World War. In 9 airports conditions were very difficult.

The report of Justice Rajinder Sachar had concentrated on three or four main aspects. The first aspect was the pilot's responsibility for that air-crash. It had also brought to focus the whole question of pilot training and pilot checking. As a result of the inquiry, the Government had made drastic changes in the whole system of pilot checking. The D.G.C.A. had chosen directly a group of three to four pilots for each type of plane and every commander was being

³⁸The Members who participated in the discussion were Sarvashri Anant Prasad Sharma, Jyotirmoy Bosu, Bhagwat Jha Azad, Indrajit Gupta, Sat Pal Kapoor Laxminarayan Pandeya, Vayalar Ravi, Era Sezhiyan, Rana Bahadur Singh, Vasant Sathe, Samar Guha, N. S. Nair and Dinesh Candra Goswami.

put through tests to assess his capacity for command. As a result of such new series of tests, a number of pilots had in fact been taken off command. Besides, two very senior Air Force Officers were being appointed as check pilots directly under the D.G.C.A.

Medical tests were being introduced at the four major airports. In the case of suspicion about the pilot having consumed alcohol, the doctors would put him through the breathalyser test.

The Central Flying School at Hyderabad was also being expanded so that the whole system of training was improved.

The second set of problems related to navigational aids, which were in continuous process of improvement. Immediately after the crash, an internal Group had been set up and as a result of the report of that Group, indents had been put in for fresh equipment worth many crores of rupees with the Ministries of Finance and Planning. Special provisions in the Fifth Five Year Plan for improving those facilities had also been made.

The suggestions made by the Sachar Committee regarding safety and other matters had been very carefully considered. Many of them in fact had been accepted and introduced already.

The suggestion made by the Estimates Committee regarding bifurcation of the Safety Directorate of the Indian Airlines was under active consideration.

The Indian Airlines had now a full-time Chairman, who would constantly be looking into the administration and with his background of aviation and the Air Force, it was hoped that many of the difficulties would be overcome.

The other important thing that had been done was to set up a Committee under Shri J. R. D. Tata to look into the whole gamut of the organisation of Civil Aviation Department and of the International Airport Authority. The Committee would look into the problems of the rapidly changing aviation structure in the country and lay down some very useful norms for the future.

The Government had taken far-reaching steps to look into the working of two Air Corporations and whatever deficiencies could be removed had been removed.

Stoppage of Passenger Shipping Services on the Konkan Coast

Making a statement on September 4, 1973 regarding "stoppage of passenger shipping services on the Konkan Coast", the Minister of Shipping and Transport, Shri Raj Bahadur said that the present operators M/s. Chowgule Steamships Ltd. had represented to the Government for an increase of about 42 per cent in passenger fares. In support of their said demand, they had stated that there had been all round increase in operative expenses and that they had already incurred big losses.

The request of the company for an increase in fares was referred to a Committee with the Director General of Shipping as Chairman for consideration. The Committee examined the entire question in detail and recommended an increase of 20 per cent in the passenger fares as against the increase of about 42 per cent demanded by the company. However, one Member Shri Prabhugaonkar, the representative of the user public signed the report subject to a note of dissent suggesting taking over of the service by Government.

A copy of the report of the Committee was forwarded to the Government of Maharashtra. The matter was also discussed with the Chief Minister and the concerned Minister of Maharashtra. They strongly expressed themselves about the unsatisfactory nature of services provided by the present operators and felt that any rise in their passenger fares would cause tremendous resentment among the people of the entire coast. The Chief Minister of Maharashtra had reiterated the take-over of service by the public sector shipping companies which should resume regular services to the ports of Janjira, Shriwardhan, Harnai, Dabhol, Malwan, Palshet, Trivri, Ranpar and Achra which were not being served by the present operators.

While no particular date was fixed for the commencement of the service, depending upon the end of the monsoon, it was operated usually from early September to about middle of May in the following year. The services remained suspended during the monsoon period. The present operators were not agreeable to incur any expenses on annual survey inspection of the vessels during the current year unless a decision on their request for an increase in passenger fares was taken by the Government in advance. Since in any case the ships had to undergo special survey before the services could commence, the operators were asked to get the vessels surveyed on

the assurance that if the service was taken over by the Government, the expenses incurred by the Company on the survey of vessels would be reimbursed while fixing the compensation amount. Accordingly, the company was getting the vessels surveyed and they were expected to be ready for service shortly.

It might further be pointed out that besides asking for an increase in the fares the present operators had also demanded a structure of passenger fares that ensured them a 10 per cent return on their equity capital. In the prevailing situation all possible efforts were being made to find out a basis for the earliest resumption of the Konken services satisfactory to the users, after the end of the monsoon. The matter was being attended to with all due expedition and urgency in consultation with the Government of Maharashtra.

Reported Atrocities on Harijans in various Parts of the Country

A discussion under Rule 193 on a matter of urgent public importance relating to the "reported atrocities on Harijans in various parts of the country" was raised in the House on August 23, 1973 by Shri Jyotirmoy Bosu.

Initiating the discussion, Shri Jyotirmoy Bosu said that the problem of atrocities on Harijans had become a burning problem for the whole country.

There was a directive principle in Article 46 of the Constitution that the State should promote the educational and economic interests of scheduled castes and scheduled tribes and should protect them from social injustice and all forms of exploitation. That directive had been flouted by government. Even today Harijans had been subjected to slavery in the country.

The report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1970-71 clearly stated that indebtedness and bonded labour was still rampant among the tribals in Bihar. Rather it had been increasing rapidly. The atrocities on them had also been increasing.

There had been reports of alleged police atrocities on Harijans villagers of Gahlaur in Monghyr district. In Bihar Assembly the Speaker himself had gone to the extent of rebuking the Government for this

happening. But the Home Minister was unwilling to give even facts as available in the records of Government.

Only the other day, in Haryana, 200 Harijans were thrown out of land and the standing crop had been taken over by the police. These 200 Harijans went to the Prime Minister and the Prime Minister gave them an assurance but that assurance had no validity because they had been permanently displaced by the State machinery from their lands in the State of Haryana. Even in Government Offices, the casteism was not spared. Therefore, Government should come forward and put an end to the barbaric acts that were perpetrated on Harijans and Scheduled Castes and Scheduled Tribes.

The discussion continued for more than 3 hours in which 11 Members participated.⁸⁹

The Minister of Home Affairs, Shri Uma Shankar Dikshit, said that almost all the sections of the House had suggested and had asserted that this was a question which should be lifted above party politics. As Shri Atal Bihari Vajpayee said, it should be treated as a national question and not as a party question or a general political question.

So far as the main point was concerned, the existence of untouchability and its consequential evils nobody doubted that. It was an age-old evil, continuing in this country for thousands of years.

The Constitution provided that untouchability would not be recognised and that in all matters opportunity, social and economic, equality would be observed. Thus so far as the law and the intention of the framers of the Constitution was concerned, they declared that all people would be treated alike.

The Government might pass any number of amendments to the untouchability Act making penal provisions; but that would not succeed unless the society expected this as something to be got rid of, some evil which had to be removed first and foremost.

⁸⁹The Members who took part in the discussion were Sarvashri Nawal Kishore Sharma, Atal Bihari Vajpayee, Buta Singh, Madhu Dandavate, Chandrika Prasad, Bhogendra Jha, Kartik Oran, R. P. Ulaganambi, M. C. Daga, Khemchandbhai Chavda and Swami Brahmanand.

It was necessary for the Government and for the leaders of the people to see that the atrocities did not happen in future. In order to do this, education had to be improved. Government were committed to that, and the States also had taken the decision to help them. That was a big cause in which not only officials but non-officials, not only employees of governments, but Ministers and M.Ps. and others in opposition, all, should join to bring about the desired result. So far as the Government of India was concerned, they were determined to take every reasonable and effective step that might be necessary for the abolition of untouchability, not merely in the sense of touching, but also the various kinds of evils that were born out of the system of untouchability.

Reported Fraud in the Bank of Baroda, Bombay

The matter regarding "the reported fraud in the Bank of Baroda, Bombay, involving an amount of Rs. 70 lakhs" was raised in the House on August 24, 1973 by Shri Madhu Limaye through a Calling Attention Notice.

The Minister of Finance, Shri Yashwantrao Chavan, said that the Bank of Baroda had reported that no fraud in any single account in their Bombay branches of the magnitude of Rs. 70 lakhs had come to their notice. However, during the years 1970 and 1971, a large number of agricultural advances were sanctioned in their Murum branch, Maharashtra, some of which were later found to be irregular. The total amount of such advances disbursed by the then Agent of the branch was reported to be around Rs. 71 lakhs. When certain complaints were received by the bank about the irregularities in the disbursement of these amounts, the Management of the Bank of Baroda conducted an inspection of all the agricultural advances sanctioned in that branch.

According to the Bank, out of the total agricultural advances disbursed by the then Agent, in 18 borrowal accounts involving an amount of Rs. 98,400, a shortfall in security to the extent of Rs. 47,850 was detected. Further, an amount of Rs. 95,000 disbursed to 56 borrowers was also found to have been diverted for purposes other than those for which they were granted.

The Bank had reported that, on the basis of the facts revealed from the inspection and the admissions made by the then Agent of the branch,

it had taken departmental action, against the then Agent of the branch which eventually led to his dismissal from the service of the bank. The Bank had further reported that wherever necessary, it had filed civil suits in a number of cases against the clients for recovering the loans.

Answering questions, the Minister said that as it involved a criminal offence, the Bank asked the C.B.I. to take over the case but they advised that it was much better that the matter should be taken up with the local police for investigation.

As regards the improvement regarding the general working of the Banks, the Government had asked the Reserve Bank to make some study about the systems and procedures of the working of banks particularly in the case of advances and loans. In the meantime, the Government had issued instructions to the banks to see that the normal rules were strictly followed.

So far as the question whether the Government were prepared to make some actions offences as such was concerned, it required examination.

Explosion at Ammunition Factory, Kirkee

Making a statement in Lok Sabha on the 13th August, 1973, the Minister of State in the Ministry of Defence, Shri Vidya Charan Shukla, said that an explosion occurred at 11.03 hours on 11th August, 1973 at Ammunition Factory, Kirkee, in a process shop which was utilised for the manufacture of Bicat Strips which were training aids for the Services. The explosion originated in an area where the filling of Bicat Strips was carried out. As a result of the explosion, the causes of which were yet to be determined, 13 people had died. Out of the 34 persons injured the condition of 8 was causing anxiety. Injuries to other 26 persons were relatively not serious.

As provided under the Rules, an enquiry had been instituted by a Board of three Officers, presided over by Chief Inspector of Military Explosives, Kirkee, to go into the causes of the accident. Further action would be taken when the report of the Committee was received. The Committee was expected to submit its report within a month's time.

The Police authorities had also visited the site of the occurrence and were also separately investigating into the case.

Government were deeply distressed over this tragedy which had brought so much suffering to so many families and all assistance would be given for their rehabilitation.

Unauthorised Entry of police in Shradhanand College, Delhi

Making a statement on September 5, 1973 regarding "unauthorised entry of police in Shradhanand College, Delhi", the Minister of State in the Ministry of Home Affairs and in the Department of Personnel, Shri Ram Niwas Mirdha said that according to the information received from the Delhi Administration, on August 23, 1973 at 9 a.m., the students of the Shradhanand College, Ailpur stopped a D.T.C. bus in front of the college and deflated its tyres. The bus was placed in an oblique position on the G.T. road bringing the entire traffic to a halt. Some of the students were reported to have indulged in stone pelting. Due warning asking them to refrain from acts of violence was given. However, it proved ineffective. The use of tear-gas was ordered when an attempt was made to set the D.T.C. bus ablaze. A constable of P.S. Alipur was also reportedly attacked by some students and taken inside the college compound from where the stones were being hurled. The police was then ordered to enter the college compound. The situation was brought under control in the afternoon following discussions with the Principal and the students of the college.

The Delhi Administration had also ordered a magisterial inquiry into the incident of the August 22 in which a student of the College was alleged to have been assaulted by some D.T.C. conductors. Efforts were also continuously made to redress the grievances of the student community in regard to transport arrangements.

Reported Murder of a Taxi Driver in Delhi with Police Connivance

The matter regarding "reported connivance of the Police in the alleged murder of a taxi driver in Delhi on 31st July 1973" was raised in the House on August 2, 1973 by Shri S. M. Banerjee through a Calling Attention Notice.⁴⁰

⁴⁰The Calling Attention Notice was tabled by Sarvashri S. M. Banerjee, Hari Singh, Nawal Kishore Sharma, Shashi Bhushan and P. K. Deo.

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant gave details about the murder of a Taxi Driver. The investigation of the case had been entrusted to the Crime Branch of the Delhi Police. Eight persons, including the five police officials, had been arrested and interrogated. The Police officials had been placed under suspension. The taxis involved had been seized.

Answering questions, the Minister said that so far as the question of improving the law and order machinery was concerned. The Government had been trying to modernise the police force.

The Question Hour

During the Eighth Session of Fifth Lok Sabha, 17,396 notices of questions (15,819 Starred, 1,321 Unstarred and 256 Short Notice) were received. Out of these 541 were admitted as Starred, 5,288 as Unstarred and 7 as Short Notice Questions. After the Lists of Questions were printed, 2 Starred and 134 Unstarred Questions were deleted from the lists of Starred and Unstarred Questions respectively on account of their being withdrawn by the Members concerned or transferred from one Ministry to another.

Daily average of questions included in the Lists of Questions and Orally answered.

Each Starred List contained 20 questions except that of 30th August, 1973 which contained 21 questions as a supplementary List of Starred Question was issued after the list of Starred Questions for that date had already been printed. The average of questions in the Unstarred List came to 196 as against the maximum limit of 200 prescribed for the purpose. On an average 6 questions were orally answered on the floor of the House on each day when there was Question Hour—the minimum number orally answered being 3 on the 27th July, 1973 and the maximum number of questions orally answered was 10 on the 23rd August, 1973. On 23rd July, 1973 (1st day of the Session) no Starred Question could be answered orally as the whole Question Hour was taken by obituary references.

Half-an-Hour Discussions

Out of the 535 notices of Half-an-Hour Discussion received during the Session, 13 (including one Half-an-Hour Discussion which was postponed from the 7th Session) were put down on the Order Paper and 11 were actually discussed on the floor of the House.

Half-an-Hour Discussion regarding starvation deaths in Orissa put down for 17th August, 1973 could not be held as the Member concerned wanted it to be postponed to some other day. The notice lapsed as it could not obtain first priority when it was re-balloted alongwith other notices. Another Half-an-Hour Discussion regarding supply of wagons to Railways by six wagons manufacturing units, fixed for 20th August, 1973 could also not be discussed in the House as the Member concerned was not present in the House on that day.

Obituary References

On July 23, 1973, obituary references were made in the House in regard to the following persons:

- Shri S. Mohan Kumaramangalam—Sitting Member of Lok Sabha and Union Minister of Steel and Mines.
- Shri K. Baladhandayutham—Sitting Member of Lok Sabha.
- Shri D. R. Chavan—Sitting Member of Lok Sabha and Union Minister of Law, Justice and Company Affairs. Also Member Second, Third and Fourth Lok Sabha.
- Dr. D. S. Raju—Member, Second, Third and Fourth Lok Sabha and former Union Deputy Minister of Health and Defence.
- Shri Abid Ali—Former Union Deputy Minister of Labour.
- Shri Madhav Sadashiv Golwalkar,—Chief of Rashtriya Swayam Sevak Singh.

The Members then stood in silence for a short while as a mark of respect.

RAJYA SABHA—EIGHTY-FIFTH SESSION

The Eighty-fifth Session of the Rajya Sabha commenced on July 23, 1973 and adjourned on September 4, 1973. Altogether 29 sittings, aggregating 169 hours and 48 minutes were held. Some of the important discussions held and other business transacted by the House during this Session are briefly mentioned below:

Approach to the Fifth-Five-Year Plan 1974—79

On July 31, 1973, Shri D. P. Dhar, Minister of Planning moved a motion for consideration of the 'Approach to the Fifth-Five-Year-Plan 1974—79.'¹

Speaking on the Motion, the Minister said that the Approach document was being discussed in a socio-economic environment of difficulty, stress and strain. These difficulties had been enhanced by high prices. One of the distressing features of the situation was the high rate of inflation in the economy. He said that the continuing inflationary trends were, undoubtedly, the very antithesis of a successful and a sound planning process. The Planning Commission had, therefore, suggested some short-term and long-term measures to check inflation but inflation could not be curbed merely by monetary and fiscal measures because it was not entirely a monetary phenomenon. Therefore, increased production had also been aimed at.

A public distribution system covering the basic necessities of life for the common people had to be established. The Planning Commission had suggested a package of policies regarding imports, licensing of industries, investments in private sector, etc. so that they were clearly related to the objective of creating the basis for self-reliance and for reduction in disparities.

¹Laid on the Table of the Rajya Sabha on February 20, 1973.

Replying to the points raised by the Members, the Minister said that the debate on the document had been highly instructive and educative. The present environment and climate of the economy had got to be seriously analysed and considered to get over the difficulties that might come during the course of the Fifth Plan period.

The Government were fully aware of the harmful consequences of inflation and necessary steps in that regard had already been outlined. The Government had sought the co-operation of one and all and if all the parties co-operated, many of the evils of the present state of economy could be curbed.

The Fifth Five Year Plan had to make a decisive break-through with the prevalent social values. It would have to generate a new sense of ethics, of discipline, equality and dedication.

Working of the Ministry of Education, Social Welfare and Culture

On July 25, 1973, Shri O. P. Tyagi raised a discussion on the working of the Ministry of Education, Social Welfare and Culture. Initiating the discussion, the Member said that the progress of any nation was judged by the importance it gave to education. It was regrettable that due importance had not been given to education in this country during all these years. It was true that the number of Universities, Colleges and teachers had considerably increased, but education in India had not been able to fulfil its basic objectives. Even while the number of colleges and schools had increased, the number of illiterates had not decreased in the same proportion. The Member observed that primary education should be made compulsory and primary schools should be opened in all the villages. Children of the poor should be given scholarships and encouraged to go to school. This purpose would be served best if primary education was made a Union subject. The Member added that the real values of our old culture had totally been lost sight of. Efforts should be made to revive our old culture in the real sense.

Replying to the discussion, Professor S. Nurul Hasan, Minister of Education, Social Welfare and Culture said that Education Ministry was pleading with the State Governments to aim at 100 per cent enrolment of children in the age group of 6—11 within the current Plan period. Secondly, it must be ensured that within the Sixth Plan period we should be able to cover the next age group of 11—14 so that the Directive Principles of State Policy were fully implemented.

The Minister added that out of the total outlay which had been provisionally proposed for the educational sector, half had been allotted for elementary education. The Government were working out a whole scheme of informal education, part-time education and whole-time education in areas where schools could not be established. He agreed that there could be no two opinions that basic values of Indian culture must be inculcated through the educational system.

The Minister also said that the Government was trying to bring about a change in the content of education, in the technique of imparting education, and in linking up education with the processes of production so that it could become an integral part of the life of the community.

President's Proclamation in relation to the State of Uttar Pradesh

On July 24, 1973, the Rajya Sabha discussed the President's Proclamation in relation to the State of Uttar Pradesh, on a motion for the revocation of the President's Rule moved by Shri Lal K. Advani and a Government Resolution moved by the Home Minister seeking approval of the same.

Shri Lal K. Advani while moving the motion said that promulgation of the President's Rule in Uttar Pradesh in the present circumstances was an outright fraud on the Constitution. There was no constitutional crisis of any kind there; it was purely an internal party crisis arising out of the internecine feuds of the party. Also, it was after tendering his resignation, and therefore, in a way after ceasing to be a *bonafide* Chief Minister that Shri Kamalapati Tripathi, had advised the Governor to suspend the Assembly and invoke President's rule. It was something new to the Indian political history.

Moving the Resolution seeking approval of the Proclamation, Shri Uma Shankar Dikshit, Minister of Home Affairs, said that the Chief Minister had, in his letter, referred to the highly complex combination of problems which had overtaken the State. The implications of these problems were at once serious and far-reaching. The State Cabinet carefully considered the situation and came to the conclusion that in the prevailing circumstances the interests of the State as also of the country warranted a spell of President's rule. They, accordingly, tendered their resignation and recommended recourse to the provisions of Article 356 of the Constitution. The situation that confronted the Governor consequent on the resignation of the Council of Ministers had been set out in his report. That was undoubtedly an

unusual situation. The Congress Legislature Party enjoyed a strength of 272 in the House of 421 Members. If that party, on larger considerations, voluntarily shed office, what was the alternative open to the Governor? No other single party or combination of parties was in a position to form a viable Ministry, the Minister said.

After discussion, the Motion seeking revocation of the Proclamation was negatived and the Resolution seeking approval of the Proclamation was adopted.

Non-availability of foodgrains in various parts of the Country

On July 23, 1973, Shri V. K. Sakhlecha called the attention of the Minister of Agriculture to the situation arising out of non-availability of foodgrains in sufficient quantity in various parts of the country and their soaring prices.

Making a statement on the subject, Shri Fakhruddin Ali Ahmed, Minister of Agriculture, said that the food situation in the country came under considerable stress and strain in 1972. Market arrivals were lower and an upward pressure on foodgrains prices was witnessed almost throughout the country. The Government had taken a number of steps to check the rise in prices as also to meet the increasing demand of foodgrains. The releases of foodgrains through the fair price shops had been considerably stepped up. In order to increase the availability of foodgrains, several steps, including the take over of wholesale trade in wheat had been taken and supported by strong anti-hoarding measures. The control over advances against foodgrains had been tightened and the banks asked to follow a policy of cautious lending.

The Government had taken all necessary steps in cooperation with the State Governments to organise Kharif Production Programme during the current season and foodgrains were imported in order to replenish and build up stocks with the public agencies. If monsoon conditions proved to be favourable, the situation would be well under control.

Replying to the point raised by the Members, the Minister added that so far as the question of prices was concerned the procurement price recommended for wheat by the Agricultural Prices Commission was Rs. 72, but the Government had increased it to Rs. 76 which was accepted by all the Chief Ministers. It was not possible for the Government to fix the price, so far as the cultivator was concerned.

on the basis of black market price prevailing in the country. Before the next sowing season, however, various factors would be taken into consideration to see what supporting price for wheat could be fixed.

Unprecedented Rise in Prices of Essential Commodities

On August 7, 1973, Shri Bhupesh Gupta, initiating the discussion on rise in prices said that it had been admitted on all hands that there had been an unprecedented rise in prices. But there had been no hint as to how the Government was going to tackle effectively the problem of the runaway prices. Barring very rich people, the rest of the community was the victim of the spiralling prices today. The price rise had been of the order of 25 percent during the last one year alone. It was taking place in a society in which 40 percent or 22 crores of the people were already living below the poverty line. The crisis was man-made. On the one hand, the monopolists, wholesalers, hoarders, profiteers and landlords at the private sector level, and, on the other, the policy makers of the Government and the bureaucrats were responsible for the price-rise in the country. To meet the situation the Member suggested that sugar, textile and edible oil should be nationalized. The higher denomination notes should be demonetised and deficit financing should be reduced to the absolute minimum.

Replying to the discussion, the Minister of Finance, Shri Y. B. Chavan, said that the situation which had developed in India was not an isolated phenomenon but a part of the global inflation. It was true that deficit financing was one of the contributory factors leading to the price rise. The Government had already decided to effect economy in expenditure and would cut down non-Plan expenditure and also Plan expenditure to some extent.

When money supply was not relatable proportionately to the production level then it became a problem. The industrial production in the last year started falling from the beginning of December which could be attributed to shortage of power, raw materials, failure of monsoon and the like. But the basic health of the economy was sound, and the inflation was just a passing phase. The issue of black money was a complex one and there was no simple solution. Some anti-social elements were trying to create a sort of no-confidence in the monetary system of the country and generating an unnecessary scare. The Government were fully alive to the evil of the evasion of taxes and were considering various suggestions in this regard. While the consumer resistance was a very important factor leading to a check in rise of prices, the action of anti-social elements had to be guarded against. Industrial peace, was also very essential because unless the-

industrial production stepped up, the price level would not show signs of decline.

Unearthing of huge stocks of foodgrains and other Essential commodities in Delhi

On August 28, 1973, Shri Bhupesh Gupta called the attention of the Minister of Agriculture to the recent unearthing of huge stocks of foodgrains, cement and vegetable oil in certain parts of Delhi and the measures taken by Government to unearth such stocks for speedy distribution among the public.

Making a statement in response thereto, Shri Annasaheb Shinde, Minister of State in the Ministry of Agriculture, said that the Government of India had advised the State Governments and the Union Territory Administrations to invoke the provisions of the Defence of India Rules, 1971, for regulating various matters relating to essential commodities and to use the powers under the Maintenance of Internal Security Act, 1971, against persons indulging in hoarding, blackmarketing and other anti-social activities prejudicial to the maintenance of essential supplies.

Accordingly, the Delhi Administration had taken a number of steps to deal with the situation. Surprise raids had been intensified to secure compliance with the various Control Orders relating to essential commodities. During the last few days, more than 100 godowns of the dealers had been raided|checked and certain stocks of foodgrains and other essential commodities recovered. Legal action under the Defence of India Rules and other laws was being taken. The Government were determined to continue their efforts to ensure adequate availability of essential commodities and to secure their equitable distribution at fair prices to the community.

Report of the Third Pay Commission (1973)

On August 20, 1973, Shri Krishan Kant, initiating the discussion, on the Report of Third Pay Commission said that the Commission started with a handicap. Although it was to cover nearly 30 lakhs of employees and although the All-India Services were represented by two ICS officers, there was no representative on the Commission of the other Central Government employees. That was why there was a lot of resentment in various parts of the country against the recommendations of the Commission. The Pay Commission should have given preference to those who worked in the fields and factories with their hands. Their pay structure should have reflected the dignity

of labour. But what had been done by the Commission was completely the reverse. When the question of parity between the IAS and the other Class I Services came up, they saw the justice of having parity, but ultimately went back on their promise. Instead of accepting parity the Commission had given them special scales, special pay, etc. Was this how it intended to reduce the disparity between the IAS and the engineers and other technologists?

In the matter of pensions and gratuity more had been recommended for higher people. The D. A. formula recommended by the Commission was very strange. The Second Pay Commission had recommended that an increase in dearness allowance should be given every six months for a rise of 5 points and any increase in the price rise should be fully neutralised.

Shri Y. B. Chavan, Minister of Finance, replying to the discussion said that when the Government took a decision, it would take into consideration all the aspects of the problem and also the effect it would have on the national economy. The Government would see to the problems of the Government employees because the Pay Commission was appointed to see that they got justice.

In the course of the last few weeks, the workers had a discussion with a group of Ministers, and they had put up their point of view which was being considered by the Government. The Government intended to meet those representatives again before the end of the month before any final announcement was made on the Pay Commission's Report.

Inquiry into IAC Boeing Crash on May 31, 1973

On July 24, 1973, Shri Lokanath Misra called the attention of the Minister of Tourism and Civil Aviation to the findings of the Court of Inquiry appointed to probe into the crash of the Indian Airlines Boeing 737 near Palam on May 31, 1973, and the reported possibility of imposition of a total ban on flights in and out of India by the International Federation of Airline Pilots because of complaints from airline captains about safety at the main airports, particularly New Delhi and Calcutta.

Making a statement, Dr. Karan Singh, Minister of Tourism and Civil Aviation, said that a copy of Shri Justice Rajinder Sachar's report on the accident, containing its conclusions, had been placed on the Table of the House. The crashes of the IAC aircraft were most deplorable and it was indeed a matter of great regret for everyone.

The Government had taken several measures to tone up and improve the administration both of the Indian Airlines and of the Department of Civil Aviation. It had, for example, changed very drastically the check procedures for IAC pilots. In several cases disciplinary action had been taken against the pilots for various reasons before and after the crash; the services of two pilots had been terminated, one had been suspended and seven or eight had been taken off the command. A committee under the Chairmanship of Mr. J. R. D. Tata and including Air Chief Marshal P. C. Lal had been set up to look into the entire structure of the Civil Aviation Department and recommend necessary improvements.

It was true that the control tower at the Palam airport was not as good as it should be but the Government had since given sanction for the construction of an entirely new control tower and decided to place orders in India and abroad for crash fire tenders.

As far as the surveillance radar was concerned, a fresh cable was available in the stock. But it took some time to replace the cable. The radar was now being shifted to the Palam airport.

Important Statements made in the House

[During the Eighty-fifth Session of the Rajya Sabha the following important statements were made in the House on the dates mentioned against each:—

- | | |
|---|------------------|
| Appointment of a Parliamentary Committee by the Chairman of Rajya Sabha and Speaker of Lok Sabha to go into the structure of Pay and Allowances etc. of the Secretarial staff of both Houses of Parliament. | August 17, 1973. |
| Agreement between the Government of India and the Government of Pakistan on the repatriation of prisoners of war. | August 29, 1973. |
| Report of the Third Pay Commission. | August 30, 1973. |

Since identical statement on the above subjects were made in the Lok Sabha and detailed references thereto are included in sessional review of the Lok Sabha, only a brief mention of the subjects has been made here.]

Legislative Business

During the Session, some of the laws passed by the Rajya Sabha were as follows:

The Homoeopathy Central Council Bill, 1971

On July 23, 1973, Shri A. K. Kisku, Deputy Minister in the Ministry of Health and Family Planning moved the motion for consideration of the Homoeopathy Central Council Bill, 1973 as reported by the Joint Committee of the Houses.

Replying to the points raised by the Member, the Deputy Minister said that the main function of the Central Council of Homoeopathy would be to evolve uniform standards of education in Homoeopathy and the registration of Practitioners of Homoeopathy. The registration and the registration of Practitioners of Homoeopathy would ensure that medicine was not practised by those who were not qualified in this system and that those who practised it observed a code of ethics in the profession. With this in view, necessary encouragement to raise the standard of Homoeopathy as a science and as a most effective and cheap system of treatment would be made available so that Homoeopathy could be practised along with other systems of medicine.

The motion was adopted and the Bill was passed the same day.¹

The State Bank Laws (Amendment) Bill, 1973

On July 30, 1973, moving the motion for consideration of the State Bank Laws (Amendment) Bill, 1973 Shrimati Sushila Rohatgi, Deputy Minister in the Ministry of Finance said that the Government had appointed two representatives of employees, one from the workmen and another from the officers, on the board of directors of each of the fourteen nationalised banks. Similar representation was proposed to be provided for under the present Bill in the Central Board of the State Bank of India and the Board of each of its seven subsidiaries by having two additional directors on each Board—one to represent workmen and the other to represent officers.

Another important amendment related to the removal of certain statutory restrictions on the business of operation of the State Bank of India. The State Bank at present was prohibited under the Statute from transacting certain kinds of business which the other banks in the country could transact. The Banking Commission had recommended that the State Bank should be authorised to transact all forms

¹The Bill was introduced in the Rajya Sabha on December 1, 1971. It was referred to the Joint Committee of the Houses on April 3, 1972 and the Report of the Joint Committee was presented to the Rajya Sabha on March 26, 1973.

of business which the nationalised banks, subsidiary banks of the State Bank and other banks in the country could transact. This recommendation was given effect to in the present Bill.

The motion was adopted and the Bill was passed on the same day.³

The Mysore State (Alteration of Name) Bill, 1973

On August 8, 1973, Shri K. C. Pant, Minister of State in the Ministry of Home Affairs, moving the motion for consideration of Mysore State (Alteration of Name) Bill, 1972, said that the States Reorganisation Commission had recommended the formation of a State comprising various Kannada speaking areas and had suggested that the new State might be given the name of Karnataka. In the middle of the last year, both the Houses of Mysore legislature adopted unanimously a Resolution recommending that the name of the State be changed to Karnataka. The present Bill was drawn up keeping in view that resolution. As required by the provisions of the Constitution, the Bill was referred to Mysore legislature, and both Houses of that legislature had passed unanimously a resolution approving the same.

The motion was adopted and the Bill was passed on the same day.⁴

The Laccadive, Minicoy and Amindivi Islands (Alteration of Name) Bill, 1973.

On August 8, 1973, Shri K. C. Pant, Minister of State in the Ministry of Home Affairs moving the motion for consideration of the Laccadive, Minicoy Islands (Alteration of Name) Bill, 1973 said that the present Union Territory of Laccadive, Minicoy and Amindivi Islands had been formed in 1956. At the time of the reorganisation of States, these islands were part of the State of Madras. Some of the islands were administered through the Collector of South Canara District.

After the Islands were made into a Union Territory, a sense of unity grew among the people of these Islands and led to the suggestion that the Union Territory should be given the new name of Lakshadweep. The suggestion was considered by the Administrator's Advisory Council and it received the unanimous support of all the members of

³Introduced in the Rajya Sabha on May 6, 1973.

⁴The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on July 31, 1973.

that Council. In the other House also the Bill was welcomed by Members from all sections of the House. The measure would further strengthen the sense of unity among the people of the Islands and their bonds with the rest of the country.

The motion was adopted and the Bill was passed on August 8, 1973.⁵

The Employees' Provident Funds and Family Pension Fund (Amendment) Bill, 1973

Moving the motion for the consideration of the Bill on August 23, 1973, the Minister of Labour and Rehabilitation, Shri K. V. Raghunatha Reddy, observed that the National Commission on Labour had recommended that in order to check the growth of arrears, penalties for defaults in payment of Provident Funds dues should be made more stringent and that the defaults should be made cognizable. The Estimates Committee had endorsed these recommendations and had further suggested that the Government should consider the feasibility of providing compulsory imprisonment for certain offences under the Act. Accordingly, it was proposed to amend the Act to make the penal provisions more stringent and to make default in payment of contribution by the employer a cognizable offence. The Bill provided for compulsory imprisonment in cases of defaults in payment of Provident Fund contributions and administration|inspection charges.

The Motion was adopted and the Bill was passed on August 23, 1973.⁶

The Cinematograph (Second Amendment) Bill, 1973

On August 27, 1973, Shri I. K. Gujral, Minister of State in the Ministry of Information and Broadcasting, moving the motion for consideration of The Cinematograph (Second Amendment) Bill, 1973 said that the Government had given a great deal of consideration to the Khosla Committee Report. By and large, the recommendations of the Committee had been accepted. The Committee had suggested that the Censor Board should comprise of 20 members. However, the Government had decided that there should be 6 whole-time members and 6 honorary members. The six whole-time members would be

⁵The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on July 31, 1973.

⁶The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on August 17, 1973.

spread all over the country. At the same time, everywhere there would be a team of assessors to assist the whole-time members in arriving at some conclusions.

The Bill contained a new provision for appeal. The idea now was to set up a Tribunal of people who had knowledge of films, culture and also had a legal background. They could decide and advise the Government about the fate of the appeal which was filed against the orders of the Censor Board.

During the discussions on the Bill the Minister announced two policy decisions:

- (1) The Government was going to set up a National Film Corporation. The Corporation would be the sole importing and exporting agency for films. It would also be responsible for the import and distribution of raw stock.
- (2) The Government was thinking of setting up a basic fund which should be collected in the form of a cess on the tickets, which could be used for subsidising the filmmakers, for the renovation of cinemas, for encouraging good children's films and for youth films etc.

The Motion was adopted and the Bill was passed the same day.⁷

The Foreign Exchange Regulation Bill, 1973

On August 30, 1973, the Minister of State in the Ministry of Finance, Shri K. R. Ganesh, moving the motion for consideration of The Foreign Exchange Regulation Bill, 1973, said that on the basis of a recommendation made by the Public Accounts Committee a study team was appointed by the Government to examine the question of leakage of foreign exchange through invoice manipulation. This team had made several recommendations for the effective implementation of the material provisions of certain enactments.

The most important provisions introduced in the Bill related to the entry of foreign capital into India. The new clauses were intended to ensure that non-residents, foreigners and companies with non-resident interest of more than 40 per cent would require the Reserve Bank's permission for carrying on in India any activity of a trading, commercial or industrial nature or the establishment of a branch office or other place of business for carrying on such activities. Such persons or

⁷Introduced in the Rajya Sabha on August 20, 1973.

companies would, similarly, require the Reserve Bank's permission to accept appointment as agents or technical advisers.

The motion was adopted and the Bill passed on September 3, 1973.*

The Indian Railways (Amendment) Bill, 1973

Moving the motion for consideration of The Indian Railways (Amendment) Bill, 1973 on September 4, 1973, Shri Mohd. Shafi Qureshi, Deputy Minister in the Ministry of Railways, said that the Bill contained simple but important provisions relating to the enhancement of punishment for smoking or having an open light or fire in trains; chain pulling; trespassing; unauthorised hawking on the railways; and tampering with the tracks or trains. The Bill also provided for increase in the levy on cancellation charges of tickets and made it an offence to enter or leave a moving train, to sit on its roof or stand on its footboard. Provision had also been made in the Bill for *ad-hoc* payments to victims of Railway accidents pending the settlement of claims by the Claims Commissioner.

The Motion was adopted and the Bill was passed on the same day.*

Obituary References

On July 23, 1973 the Chairman made a reference to the passing away of Shri S. Mohan Kumaramangalam (Union Minister of Steel and Mines), Shri D. R. Chavan (Union Minister of Law, Justice and Company Affairs), Shrimati Devaki Gopidas (Ex-Member), Shri Abid Ali (Ex-Member), Shri Palat Kunti Koya (Ex-Member), Shri P. Narayanan Nair (Ex-Member), Shri Joy Bhadra Hagjer (Ex-Member), Shri M. S. Golwalker (Chief of Rashtriya Swayam Sewak Sangh). On August 13, 1973, the Chairman made a reference to the passing away of Shri Dahyabhai V. Patel, a sitting Member. The House observed one minute's silence as a mark of respect to the memory of the deceased.

Adjournment of the House

The House adjourned *sine die* on September 4, 1973.

*The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on August 28, 1973.

*The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on August 31, 1973.

STATE LEGISLATURES

ASSAM

Legislative Assembly

The Assam Legislative Assembly held its session consisting of 29 sittings from June 4, 1973 to July 19, 1973.

Legislative Business

During the session, the Assembly passed 6 Government Bills.¹ The notice received for starred, Unstarred and Short Notice Questions numbered 1518, 131 and 65 respectively while those admitted numbered 1490, 130 and 39 respectively.

Constitution (Thirty-first Amendment) Bill, 1973

On July 11 and 18, 1973, the Assembly discussed a Government resolution seeking to ratify the Constitution (Thirty-first Amendment) Bill, 1973² as passed by both Houses of Parliament. The discussion was not, however, concluded.

BIHAR

Legislative Council

The Bihar Legislative Council held its 53rd Session from February 26, 1973 to April 4, 1973. Altogether 22 sittings were held.

¹The Bills passed were as follows:—

- (i) The Assam Appropriation (No. II) Bill, 1973. (ii) The Assam Contingency Fund (Augmentation of Corpus) Bill, 1973; (iii) The Assam Appropriation (No. III) Bill, 1973. (iv) The Assam Cooperative Societies (Amendment) Bill, 1973. (v) The Assam Secondary Education (Amendment) Bill, 1973. (vi) The Assam Panchayati Raj (Amendment) Bill, 1973.

²The Bill sought to amend Article 81 of the Constitution so as to increase the upper limit for representation of the States in the House of the People from 500 to 525.

Legislative Business

During the Session, the Council passed 9 Government Bills.⁴ The number of notices received for Starred Questions was 1416 out of which 1346 were admitted as Starred and 62 as Unstarred. Out of 327 notices received for Short Notice Questions, 134 were admitted.

Nationalisation of Foreign Oil Companies

On March 2, 1973 the Council passed after discussion a resolution moved by Shri Raj Kumar Poorve seeking nationalisation of foreign oil companies without any delay.

HARYANA**Vidhan Sabha**

The session of the Haryana Vidhan Sabha which had adjourned on April 6, 1973⁴ was held again on June 25 and 26, 1973. The House was prorogued on June 28, 1973.

Legislative Business

During this period of two days, the House passed 9 Government Bills.⁵ One notice of a Starred Question was received which was admitted while none of the three notices of Short Notice Questions received was admitted.

⁴The Bills (Original in Hindi) passed were as follows:—(i) Bihar Appropriation (Vote on Account) Bill, 1973; (ii) Bihar Appropriation Bill, 1973; (iii) Bihar Entertainment Tax (Amendment) Bill, 1973; (iv) Bihar (Transport by Public carrier) Passenger and Goods Taxation (Amendment) Bill, 1973; (v) Bihar Sales Tax (Amendment) Bill, 1973; (vi) Bihar Excise Duty (Amendment) Bill, 1973; (vii) Bihar Entertainment Tax, Court Fees and Stamp (Surcharge Amendment) Amendment Bill, 1973; (viii) Bihar Appropriation (Additional Expenditure for 1960-61, 1961-62 and 1962-63) Bill, 1973; (ix) Bihar Land Reforms (Ceiling on Land and Acquisition of Surplus Land) (Amendment) Bill, 1973.

⁴See *J.P.I.* Vol. XIX, No. 3 (July 1973) pp. 746 and 836.

⁵The Bills passed were as follows: (i) The Indian Forest (Haryana Second Amendment) Bill, 1973; (ii) The Punjab Khadi and Village Industries Board (Haryana Amendment) Bill, 1973; (iii) The Punjab Excise (Haryana Amendment) Bill, 1973; (iv) The Punjab Urban Immovable Property Tax (Haryana Amendment) Bill, 1973; (v) The Punjab Entertainment Duty (Haryana Amendment) Bill, 1973; (vi) The Indian Stamp (Haryana Amendment) Bill, 1973; (vii) The Registration (Haryana Amendment) Bill, 1973; (viii) The Haryana Requisitioning and Acquisition of Immovable Property Bill, 1973; (ix) The Punjab Agricultural Produce Markets (Haryana Second Amendment) Bill, 1973.

Constitution (Thirty-first Amendment) Bill, 1973

On June 25, 1973 the Vidhan Sabha discussed and passed the following Resolution:—

“That this House ratifies the amendments to the Constitution of India falling within the purview of the proviso to clause (2) of article 368 thereof, proposed to be made by the Constitution (Thirty-First Amendment) Bill, 1973, “as passed by the two Houses of Parliament.”

Report of Public Service Commission

On June 26, 1973 the House discussed the following Motion:—

“That the annual Report on the working of the Haryana Public Service Commission for the Period from 1st April, 1971 to 31st March, 1972, which was laid on the Table of the House on 6th March, 1973, be taken into consideration.”

JAMMU AND KASHMIR**Legislative Assembly**

A session of the Jammu and Kashmir Legislative Assembly was held from February 26, 1973 to April 7, 1973. Altogether 27 sittings were held.

Legislative Business

During the session, the Assembly passed 6 Government Bills.⁷ The notices received for Starred, Unstarred and Short Notice Questions numbered 803, 506 and 24 respectively while those admitted numbered 633, 393 and 13 respectively.

Legislative Council

A session of the Jammu and Kashmir Legislative Council was held

⁶See f.n. 2 *supra*.

⁷The Bills passed were as follows:—(i) A Bill to amend the Jammu and Kashmir Co-operative Societies Act, 1960; (ii) A Bill to amend the J & K Electricity (Supply) Act, 1971; (iii) A Bill to amend the J & K Government Air to Agriculturists and Land Improvement Act, 1973; (iv) A Bill to amend the J & K Municipal Act, Svt 2008 and the J & K Town Area Act, Svt. 2011; (v) A Bill to prevent the Introduction, Spread or Reappearance of plant diseases, pests, parasites and noxious weeds; (vi) A Bill to amend the Salaries and Allowances of the Members of the J & K State Legislature Act, 1960.

from February 26, 1973 to April 7, 1973. During the period, 22 sittings were held by the House.

Legislative Business

During the session, the Council passed 14 Government, Bills and one Private Member's Bill.* The notices received for Starred, Unstarred and Short Notice Questions numbered 455, 134 and 16 respectively while those admitted numbered 392, 112 and 15 respectively.

KERALA

Legislative Assembly

The Kerala Legislative Assembly held its session from June 11, 1973 to July 11, 1973. Altogether 21 sittings were held.

Legislative Business

During the session, the Assembly passed 11 Government Bills.⁹ The notices received for Starred, Unstarred and Short Notice Questions

*The Bills passed were as follows:—(i) The Jammu and Kashmir Appropriation Bill, 1973; (ii) A Bill to amend the Jammu and Kashmir Khadi and Village Industries Board Act, 1965; (iii) The Jammu and Kashmir Appropriation (No. 2) Bill 1973; (iv) A Bill to amend the Jammu and Kashmir Village Panchayat Act; (v) A Bill to provide for the better administration of Sikh Gurdwara Act in Jammu and Kashmir State and their properties wherever situate; (vi) A Bill to amend the Kashmir and Jammu Universities Act, 1969; (vii) A Bill to amend the Jammu and Kashmir Cooperative Societies Act, 1966; (viii) A Bill to amend the Jammu and Kashmir Municipal Act Samvat 2008 and the Jammu and Kashmir Town Area Act Samvat 2011; (ix) A Bill to amend the Jammu and Kashmir Government Aid to Agriculturists and Land Improvement Act, 1993; (x) A Bill to amend the Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960; (xi) A Bill to prevent the Introduction Spread or Reappearance of Plant disease, Pests, Parasites and noxious weeds; (xii) A Bill to amend the Jammu and Kashmir Electricity (supply) Act, 1971; (xiii) A Bill to amend the Jammu and Kashmir Land Grants (Amendment) Bill 1973; (xiv) A Bill to amend the Jammu and Kashmir Big Landed Abolition Act Samvat 2007; (xv) The Jammu and Kashmir Consolidation of Holdings (Amendment) Bill 1973.

⁹The Bills passed were as follows:—(i) The Indian Partnership (Kerala Amendment) Bill, 1973; (ii) The Prohibition (Amendment) Bill, 1971; (iii) The Kerala Land Development (Amendment) Bill, 1972; (iv) The Kerala Civil Courts (Amendment) Bill, 1971; (v) The Kerala Agricultural University (Amendment) Bill, 1973; (vi) The Payment of Salaries and Allowances (Amendment) Bill, 1973; (vii) The Kerala Motor Vehicles Taxation (Amendment) Bill, 1973; (viii) The Kerala Appropriation (No.

numbered 2893, 2812 and 10 respectively while those admitted numbered 2304, 2185 and 1 respectively.¹⁰

MADHYA PRADESH

Vidhan Sabha

The Fourth Session of the Fifth Madhya Pradesh Vidhan Sabha commenced on February 26, 1973 and was prorogued on April 7, 1973. In all 25 sittings were held during the session.

Financial Business

The Finance Minister Shri Shyam Sunder Narain Mushran presented the second Supplementary Estimates for 1972-73 on February 27, 1973 which were voted by the Vidhan Sabha on February 28, 1973.

The Finance Minister presented the Budget Estimates for the year 1973-74 on February 27, 1973. Beginning on the 6th March 1973, general discussion on the Budget continued in Vidhan Sabha for 4 days. Individual Demands for Grants were debated and voted in full by the 29th March, 1973.

The Appropriation Bill was discussed on March 29 and 30, 1973 and was passed on the latter date.

Legislation

During the Session, 21 Government Bills were introduced out of which 4 Bills sought replacement of the Ordinances promulgated during the intersession period. 19 Bills were passed by the House.¹¹

2) Bill, 1973; (ix) The Kerala Gaming (Amendment) Bill, 1971; (x) Public Service Commission (Additional functions as respects services under Local Authorities) Bill, 1971; (xi) The Kerala Appropriation (No. 3) Bill, 1973.

¹⁰Owing to the clubbing of Questions only a total of 1046 questions appeared in the List for Starred Question and 1910 in the List for Unstarred Questions.

¹¹The Bills (Original in Hindi) passed were as follows:—(i) Madhya Pradesh Nurse Midwife, Assistant Nurse Midwife and Health Visitor Registration Bill, 1972; (ii) Madhya Pradesh Land Revenue Code (Amendment) Bill, 1972; (iii) Madhya Pradesh Nursing Home and Gynaecological Establishments (Registration and Licencing) Bill, 1973; (iv) Madhya Pradesh Entertainment Tax and Advertisement Tax (Amendment) Bill, 1973; (v) Madhya Pradesh Municipality (Amendment) Bill, 1973; (vi) Madhya Pradesh Appropriation Bill, 1973; (vii) Madhya Pradesh City and Village Investment Bill, 1973; (viii) Madhya Pradesh Institute of Medical Education (Control) Bill, 1973; (ix) Madhya Pradesh Speaker and Deputy

MYSORE

Legislative Assembly

The Mysore Legislative Assembly held its session in two spells—from April 9, to May 3, 1973 and again from May 10 to June 1, 1973. Altogether 40 sittings were held.

Legislative Business

During the session the House passed 8 Government Bills.¹² The notices of Starred, Unstarred and Short Notice Questions received numbered 133, 46 and 50 respectively while those admitted numbered 111, 37 and 18 respectively.

Legislative Council

The 34th Session of the Mysore Legislative Council which had adjourned on March 31, 1973 was held in two spells from April 9 to 28, 1973 and again from May 21, to June 19, 1973. Altogether 42 sittings were held during this period.

Legislative Business

During this period, the Council passed 7 Government Bills received from the Assembly.¹³ All the 9 notices received for Starred Questions

Speaker (Pay and Allowances) Amendment Bill, 1973; (x) Madhya Pradesh Primary School, Middle School and Secondary Education (Provision regarding Text Books) Bill, 1973; (xi) Madhya Pradesh Higher Education Grant Commission Bill, 1973; (xii) Madhya Pradesh Appropriation (S.N. 2) Bill, 1973; (xiii) Madhya Pradesh Finance Bill, 1973; (xiv) Madhya Pradesh Forest Land Perpetual Lease Revocation Bill, 1973; (xv) Madhya Pradesh Land Revenue Code (Amendment) Bill, 1973; (xvi) Madhya Pradesh University Bill, 1973; (xvii) Madhya Pradesh Panchayat (Amendment) Bill, 1973; (xviii) Madhya Pradesh Municipal Corporation (Amendment) Bill, 1973; (xix) Madhya Pradesh Land Revenue (Surcharge) Amendment Bill, 1973.

¹²The Bills passed were as follows:—(i) The Mysore Appropriation (No. 2) Bill, 1973; (ii) The Charitable Endowments (Mysore Amendment) Bill, 1973; (iii) The Mysore Agricultural Debtors' (Temporary Protection) Bill, 1973; (iv) The Mysore Co-operative Societies (Amendment) Bill, 1973; (v) The Mysore High Court (Amendment) Bill, 1973; (vi) The Mysore Inams Abolition Laws (Amendment) Bill, 1973; (vii) The Mysore Appropriation (No. 3) Bill, 1973; (viii) The Mysore Land Reforms (Amendment) Bill, 1973.

¹³*ibid.*,

and 20 out of 40 notices received for Short Notice Questions were admitted.

Working of Government Departments

For the first time, the Council discussed the working of the following Departments of the Government:—

1. Education Department
2. Commerce and Industries Department.
3. Cooperation Department
4. Agriculture and Forests Department.
5. Public Works and Electricity Department.

RAJASTHAN

Legislative Assembly

In its Budget session,¹⁴ during the period from April 1 to 6, 1973, the Rajasthan Legislative Assembly passed 2 Government Bills.¹⁵

Motions and Resolutions

1. *Famine Conditions*: On April 2 and 3, 1973, the Assembly discussed the following Motion moved by Shri Paras Ram Maderna to the effect "That Famine condition in the State be taken into consideration." 48 Members participated in the debate. The Motion was not put to vote.

2. *Rajasthan State Electricity Board*: On April 4, 1973, the Assembly discussed a Motion moved by the Minister of Power, Shri Hari Dev Joshi, regarding the consideration of the Budget of the Rajasthan State Electricity Board for the year 1973-74. Shri Joshi replied to the debate and the Motion was not put to vote.

3. *Report of the Commissioner for S.C. and S.T.*: On April 6, 1973, the Assembly discussed the following Motion moved by Shri Onkar Lal Chauhan, Minister of Social Welfare: —

"That the Nineteenth Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1969-70 which was laid

¹⁴See *J.P.I.*, Vol. XIX, No. 3 (July 1973) p. 758.59

¹⁵The Bills passed were as follows:—(i) The Rajasthan Agricultural Produce Markets (Amendment) Bill, 1973; (ii) The Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Bill, 1973.

on the Table of the House on the 8th March, 1973, so far as it relates to Rajasthan be taken into consideration."

The discussion was not concluded and the Motion was kept pending for the next session.

TAMIL NADU

Tamil Nadu Legislative Council

The session of the Tamil Nadu Legislative Council which commenced on February 3, 1973 adjourned on June 19, 1973. During the session the Council held 32 sittings.

Legislative Business

During the session, the Council passed 12 Bills.¹⁶ The notices received for Starred, Unstarred and Short Notice Questions numbered 816, 34 and 12 respectively while those admitted numbered 326, 33 and 7 respectively.

Committee on Public Undertakings

On March 29, 1973, Dr. M. Karunanidhi, Chief Minister, moved the following Motion in the Council in regard to the constitution of the Committee on Public Undertakings for the first time in the Tamil Nadu Legislature:

"That a Committee of the Legislative Assembly to be called **THE COMMITTEE ON PUBLIC UNDERTAKINGS** be constituted with *Twenty-One Members*, of whom not more than *Sixteen Members* shall be elected by the Assembly from among its Members, according to the principle of proportional representation by means of single transferable vote and not more than *Five Members* shall be elected by the Council from among its Members to be associated with the Committee.

¹⁶The Bills passed were as follows:—(i) The Tamil Nadu Appropriation (No. 2) Bill, 1973; (ii) The Tamil Nadu Appropriation (No. 3) Bill, 1973; (iii) The Tamil Nadu Water Supply and Drainage Board (Amendment) Bill, 1973; (iv) The Tamil Nadu District Municipalities (Amendment) Bill, 1973; (v) The Public Wakfs (Extension of Limitation) Tamil Nadu Amendment Bill, 1973; (vi) The Tamil Nadu Buildings (Lease and Rent Control) Amendment Bill, 1973; (vii) The Presidency Small Cause Courts (Tamil Nadu Amendment) Bill, 1973; (viii) The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Bill, 1973; (ix) The Tamil Nadu Cultivating Tenants (Right to purchase Land Owners' Rights) Bill, 1973; (x) The Tamil Nadu General Sales Tax (Amendment) Bill, 1973; (xi) The Madras City Tenants' Protection (Amendment) Bill, 1973; (xii) The Tamil Nadu Public Men (Criminal Misconduct) Bill, 1973.

Provided that the Members of the First Committee shall be nominated by the Speaker or the Chairman, as the case may be.

2. That the Members of the Committee shall hold office for a period of one year or until the new Committee is elected.
3. That the functions of the Committee shall be:
 - (a) to examine the reports and accounts of the Public Undertakings specified in the Schedule and such other undertakings as may be notified by the Speaker from time to time;
 - (b) to examine the reports, if any, of the Audit on Public Undertakings;
 - (c) to examine, in the context of the autonomy and efficiency of the Public Undertakings, whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices; and
 - (d) to exercise such other functions vested in the Committee on Public Accounts and Committee on Estimates in relation to the Public Undertakings specified in the Schedule as are not covered by sub-clause (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time;

Provided that the Committee shall not examine and investigate any of the following, namely:—

- (i) matters of major Government policy as distinct from business or commercial functions of the Public Undertakings;
 - (ii) matters of day-to-day administration;
 - (iii) matters for the consideration of which special machinery is established by any special statute under which a particular Public Undertaking is established.
4. That in other respects, the Rules of Procedure applicable to a Select Committee of the Assembly shall apply.

SCHEDULE

List of Public Undertakings

Name of concerns

Sl. No.

STATUTORY CORPORATIONS

1. The Tamil Nadu Electricity Board, Madras.
2. The Tamil Nadu Khadi and Village Industries Board, Madras.
3. The Tamil Nadu Warehousing Corporation.

4. The Tamil Nadu Housing Board.
5. The Tamil Nadu Slum Clearance Board.
6. The Tamil Nadu Water and Drainage Board.

GOVERNMENT COMPANIES

1. The Tamil Nadu Industrial Development Corporation Ltd.
2. The State Industries Promotion Corporation of Tamil Nadu Ltd.,
3. The Tamil Nadu Small Industries Corporation Ltd.
4. The Tamil Nadu Small Industries Development Corporation Ltd.
5. The Tamil Nadu Textile Corporation Ltd.
6. The Tamil Nadu Zari Ltd.
7. The Tamil Nadu Industrial Investment Corporation Ltd.
8. The Tamil Nadu Civil Supplies Corporation Ltd.
9. The Tamil Nadu Theatre Corporation Ltd., Madras-2.
10. The Tamil Nadu Dairy Development Corporation.
11. Pallavan Transport Corporation Ltd., Madras-2.
12. Pandyan Roadways Corporation Ltd., Madurai-16.
13. Cholan Roadways Corporation Ltd., Kumbakonam.
14. Cheran Transport Corporation Ltd., Pollachi.
15. Anna Transport Corporation, Salem.
16. The Tamil Nadu Tourism Development Corporation, Madras.

GOVERNMENT INSTITUTION

The Tamil Nadu State Transport".

UTTAR PRADESH

Legislative Assembly

The session of the Uttar Pradesh Legislative Assembly which had commenced" on December 12, 1972 was prorogued on May 15, 1973. During the period April 1, 1973 to May 15, 1973 the House held 22 sittings.

¹⁷See *J.P.I.* Vol. XIX, No. 3 (July 1973) p. 161.

Legislative Business

During the above mentioned period, the Assembly passed 4 Government Bills.¹⁸ The notices received for Starred, Unstarred and short Notice Questions numbered 826, 7 and 1005 respectively, while those admitted numbered 576, 7 and 69 respectively.

Vidhan Sabha

The Uttar Pradesh Vidhan Parishad held its session from April 2, 1973 to May 17, 1973. Altogether 23 sittings were held.

Legislative Business

During the Session the House passed 5 Government Bills.¹⁹ The notices received for Starred and Short Notice Questions numbered 576 and 33 respectively while those admitted numbered 212 and 5 respectively.

WEST BENGAL**Legislative Assembly**

The Session of the West Bengal Legislative Assembly which commenced on February 9, 1973²⁰ adjourned on May 10, 1973. During the period from April 1, 1973 to May 10, 1973, the Assembly held 19 sittings.

Legislative Business

During the above mentioned period the Assembly passed 12 Gov-

¹⁸The Bills passed were as follows: (i) U.P. Agricultural Credit Bill, 1973; (ii) The U.P. Ceiling on Property (Temporary Restriction on Transfer) (Second Amendment) Bill, 1973; (iii) The U.P. Tendu Patta (Vyapar Viniyaman) (Second Amendment) Bill, 1973; (iv) The U.P. Appropriation Bill, 1973.

¹⁹ The Bills passed were as follows: (i) Uttar Pradesh Rajya Visva-vidyalaya Vidheyak, 1972; (ii) Uttar Pradesh Sahri Sampatti (Adhiktam Seema) Vidheyak, 1972; (iii) Uttar Pradesh Adhiktam Sampatti Seema (Avtaran par Asthaj Nirbandhan) (Second Amendment) Vidheyak, 1973; (iv) Uttar Pradesh Viniyog Vidheyak, 1973; (v) Uttar Pradesh Tendu Patta (Vyapar Viniyaman) (Second Amendment) Vidheyak, 1973.

²⁰See *J.P.I.* Vol. XIX No. 3 (July 1973) p. 763.

ernment Bills.²¹ The number of notices received for Starred, Unstarred and Short Notice Questions was 81, 70 and 14 respectively while those admitted numbered 50, 59 and 4 respectively.

Power Crisis in the State

On April 27, 1973, the Assembly discussed and adopted the following motion moved by Shrimati Geeta Mukhopadhyaya, as amended:—

“In the opinion of the West Bengal Legislative Assembly,

Whereas the present power crisis in West Bengal is doing great harm to the total economic life of the State and specially to its industries and endangering agriculture to some extent and seriously disrupting the civic life;

Therefore, under the circumstances, with a view to utilising fully the present generating capacity for remedying the present power crisis, for establishing new generating units quickly and in a planned way and for fully developing the activities of the State Electricity Board and other power generating units, the Government of West Bengal should take steps, as far as possible under the present circumstances, on emergency basis and this Legislative Assembly also thinks that Government should also proceed without delay to translate into action, as far as possible, the decisions contained in the report submitted by the last Estimates Committee of the Legislative Assembly, including recommendations for power development.”

Atomic Power Station

On April 27, 1973, the Assembly also discussed and passed the following motion moved by Shri Ahindra Misra:—

“In the opinion of the House, the State Government should lay pressure on the Central Government for executing a plan without much delay for establishing an atomic power station in West Bengal with a view to meeting the gradually increasing demand for power for modernising agriculture, extension of industry etc.”

²¹The Bills passed were as follows: (i) The Calcutta Municipal (Second Amendment) Bill, 1973; (ii) The Departmental Proceedings (Enforcement of Attendance of Witnesses and Production of Documents) Bill, 1973; (iii) The West Bengal Agricultural Credit Operations Bill, 1973; (iv) The Bengal Public Demands Recovery (Amendment) Bill, 1973; (v) The Calcutta Municipal (Amendment) Bill, 1973; (vi) The West Bengal Housing Board (Amendment) Bill, 1973; (vii) The Sri Ramakrishna Sarada Vidya Mahapitha (Amendment) Bill, 1973; (viii) The West Bengal Taxation Laws (Second Amendment) Bill, 1973; (ix) The West Bengal Estates Acquisition (Second Amendment) Bill, 1973; (x) The West Bengal Board of Secondary Education (Amendment) Bill, 1973; (xi) The West Bengal Primary Education Bill, 1973; (xii) The Bengal Finance (Sales Tax) Amendment) Bill, 1972.

UNION TERRITORIES

DELHI

Delhi Metropolitan Council

The Delhi Metropolitan Council held its session consisting of 13 sittings from April 16, 1973 to May 3, 1973.

Legislative Business

During the session the Metropolitan Council passed two Government Bill.²² The House received 1471 notices of Questions, out of which 240 were admitted as Starred Questions and 865 as Unstarred Questions. All the 5 notices of Short Notice Questions received were admitted.

Motions and Resolutions

The House adopted the following resolutions during the Session:—

1. *Shortage of Drinking Water:*

“This House views with concern the prevalent shortage of drinking water in the Union Territory of Delhi and deteriorating conditions of civic amenities in the city, particularly, in slum areas, Katras and Jhuggi Jhonpries and urges upon the authorities concerned to provide water in all J.J. clusters and slums and also ensure its regular supply.”

(passed on April 20, 1973)

2. *Law and Order Situation*

“This House expresses concern that certain political parties are trying to disturb the law and order situation in Delhi. This House recommends to the Central Government to take strong action

²²The Bills passed were as follows: (i) Delhi Development (Amendment) Bill, 1973; (ii) Delhi Agricultural Produce Marketing (Regulation) Bill, 1973.

against such elements and take adequate measures to maintain law and order in the capital." (Passed on April 27, 1973).

3. *Take over of Wholesale Trade in Wheat*

"This House appreciates the decision of Government of India to take over wholesale trade in wheat throughout this country. This House urges upon the Government to take strong action against those who are trying to sabotage this progressive step." (Passed on April 27, 1973).

4. *Multiplicity of Authorities in Delhi*

"This House feels much concern at the difficulties and delays caused by the multiplicity of Authorities in the Union Territory of Delhi and urges upon the Government to evolve some system to ensure co-ordinated action at a high level in order to ensure speedy disposal of the problems of people of Delhi." (Passed on May 3, 1973).

GOA, DAMAN AND DIU

Legislative Assembly

A session of the Goa, Daman and Diu Legislative Assembly commenced on February 23, 1973 and was prorogued on April 12, 1973. Altogether 31 sittings were held.

Legislative Business

During the session, the Assembly passed 7 Government Bills.²³ The notices received for Starred, Unstarred and Short Notice Questions numbered 723, 31 and 19 respectively while those admitted numbered 490, 63 and 8 respectively. The latter figures for Unstarred Questions included 32 notices received for Starred Questions while 5 out of the 13 notices admitted for Short Notice Questions were later treated as Starred Questions.

²³The Bills passed were as follows: (i) The Goa, Daman and Diu Barge Tax Bill, 1973; (ii) The Goa, Daman and Diu Supplementary Appropriation Bill, 1973; (iii) The Goa, Daman and Diu Sales Tax (Amendment) Bill, 1973; (iv) The Goa, Daman and Diu (Legislative Diploma No. 1761) Amendment Bill, 1973; (v) The Goa, Daman and Diu Appropriation (Vote on Account) Bill, 1973; (vi) The Goa, Daman and Diu Appropriation Bill, 1973; (vii) The Goa, Daman and Diu Excise Duty (Amendment) Bill, 1973.

PONDICHERRY

Legislative Assembly

The Twelfth Session of the Pondicherry Legislative Assembly commenced on March 26, 1973 and adjourned on April 28, 1973. In all the Assembly held 21 sittings aggregating 78 hours 30 minutes.

Financial Business

On March 26, 1973, the Chief Minister, Shri M.O.H. Farook, presented to the House the Budget for the year 1973-74. There was a general discussion on the Budget on March 30, April 2 and 3, 1973. Eighteen Members participated in the discussion. The Demands for Grants were voted upon by the House from April 4 to 27, 1973.

Legislative Business

During the session, the Assembly passed 10 Government Bills.²⁴ The notices received for Starred and Unstarred Questions numbered 36 and 6 respectively while those admitted numbered 36 and 5 respectively.

Free Dwelling Units for the Poor

On April 28, 1973 the Assembly discussed and unanimously adopted the following Private Member's Resolution, as amended:—

“The House resolves to request the Government to provide dwelling sites, in this Union Territory to the poor people who do not own dwelling sites free of cost and that the entire amount for this purpose shall be borne by the Central Government.”

²⁴The Bills passed were as follows: (i) The Pondicherry Pawn Brokers (Amendment) Bill, 1973; (ii) The Pondicherry Revenue Recovery (Amendment) Bill, 1973; (iii) The Appropriation (No. 1) Bill, 1973; (iv) The Appropriation (Vote on Account) Bill, 1973; (v) The Appropriation (No. II) Bill, 1973; (vi) The Appropriation (No. III) Bill, 1973; (vii) The Pondicherry Municipalities Bill, 1973; (viii) The Pondicherry Village and Commune, Panchayats Bill, 1973; (ix) The Pondicherry Hindu Religious Institution (Amendment) Bill, 1973; (x) The Pondicherry Cultivating Tenants (Payment of Fair Rent) (Amendment) Bill, 1973.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS IN THE STATES*

[May 16, 1973 to August 31, 1973]

ANDHRA PRADESH

The Andhra-Teleganu Stalemate

Shri K. C. Pant, Minister of State in the Ministry of Home Affairs who had talks with both integrationist and separatist leaders of Andhra and Telengana on ending the eight-month old stalemate created by the *Mulki Rules* issue said at the end of his two-day talks in Hyderabad on June 12, 1973, that he found that there was "large area of agreement in regard to the broad approach" to the problem. The Union Minister stressed that the problem would have to be sorted out before a popular regime could be restored in the State.¹

President's Rule Extended

President's Rule in the State was extended by Parliament for a further period of six months from September 1, 1973. The Lok Sabha passed a resolution to this effect on August 17, 1973. The Rajya Sabha had passed a similar resolution on August 9, 1973.

Replying to the debate on the resolution seeking approval of the Lok Sabha to the continuance of President's Rule in Andhra Pradesh, Shri K. C. Pant stated on August 17, 1973 that the talks on the Andhra issue had reached a "delicate" stage. He spoke of "a kind of consensus emerging" and added: "We are trying to widen the area of agreement."

BIHAR

Reconstitution of the Ministry

The Bihar Ministry was reconstituted on May 28, 1973, with the

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

¹*Hindustan Times*, June 13, 1973.

Chief Minister, Shri Kedar Pande resigning and being called upon by the Governor to form a new Government. After the swearing-in ceremony, the Chief Minister told newsmen that the reshuffle as well as the reconstitution of the Ministry had been done to ensure "greater cohesion and better team work".²

The three-tier new Ministry having a total strength of 37 members as against 34 in the previous Ministry, included 16 Cabinet Ministers, an equal number of Ministers of State and five Deputy Ministers.

On May 30, 1973, three more Ministers (one Cabinet Minister and two Ministers of State) were sworn in, raising the strength of the Ministry to 40.³

Assembly Session Put off

The Budget Session of the State Legislature, due to begin on June 18, 1973, was postponed by the Governor on the advice of the Chief Minister and in consultation with the Speaker, to meet on July 9, 1973.⁴

No Confidence in the Chief Minister

Twenty-four of the forty Members of the Council of Ministers in Bihar submitted their resignations to the Chief Minister on June 22, 1973. The Chief Minister, Shri Kedar Pande lost in a vote of confidence by 153 votes to 79 at a specially convened meeting of the Congress Legislature Party in Patna on June 24, 1973.⁵

New Ministry Sworn-in

Shri Abdul Ghafoor, Chairman of the Bihar Legislative Council was chosen on July 1, 1973 as the new leader of the Congress Legislature Party in the State. A new 15-man Congress Ministry headed by Shri Abdul Ghafoor, was sworn in on July 2, 1973. Earlier, Shri Ghafoor resigned from the Chairmanship of the Legislative Council and the Governor accepted the resignation of the care-taker Kedar Pandey Ministry. Of the 15 Ministers, all of Cabinet rank, sworn in on July 2, eight were members of the former Pande Ministry.⁶

²*Ibid.*, May 29, 1973.

³*Ibid.*, May 31, 1973.

⁴*Ibid.*, June 17, 1973.

⁵*Ibid.*, June 23, 1973 and *Times of India* (New Delhi), June 25, 1973.

⁶*Hindustan Times*, July 2 & 3, 1973.

By-election to State Assembly

Shri Khalid Anwar Ansari (Congress) was declared elected from the Dehri constituency on June 5, 1973, defeating his nearest rival, Shri Basawan Singh (Socialist Party) by a margin of 4,004 votes. The by-election was caused by the death of Shri A. Q. Ansari.⁷

GUJARAT

Resignation by the Chief Minister

On June 27, 1973, 70 out of 130 Gujarat Congress Legislators at a meeting held near Ahmedabad passed a resolution expressing their lack of confidence in the Chief Minister, Shri Ghanshyam Oza alleging a number of acts of omission and commission. The resolution also requested the Congress President to call upon Shri Oza to convene a meeting of the Congress Legislature Party to seek a vote of confidence.⁸

On June 29, 1973, the Chief Minister, on his return from Delhi, submitted his resignation to the Governor, who accepted it but requested Shri Oza to continue in office till an alternative arrangement was made.⁹

New Ministry Sworn-in

Shri Chimanbhai Patel was declared elected as leader of the State Congress Legislature Party on July 16, 1973. He secured 72 votes against 62 of his rival Shri Kantilal Ghia in a contest held in Ahmedabad on July 14, 1973¹⁰. Shri Patel was sworn in as the new Chief Minister of Gujarat on July 18, 1973. The other Ministers, 18 in number, were sworn in on July 20, 1973. These included 10 Ministers of Cabinet rank, including Deputy Chief Minister, Shri Kantilal Ghia, three Ministers of State and five Deputy Ministers. The former 18-member Oza Ministry had nine Cabinet Ministers and an equal number of Deputy Ministers.¹¹

⁷*Times of India* (New Delhi), June 6, 1973.

⁸*Ibid.*, June 28 and 29, 1973.

⁹*Hindu*, June 30, 1973.

¹⁰*Statesman Weekly*, July 21, 1973.

¹¹*Hindustan Times*, July 20 and 21, 1973.

JAMMU & KASHMIR

New Governor Sworn-in

Shri L. K. Jha was sworn in as Governor of Jammu and Kashmir on July 2, 1973.¹²

MADHYA PRADESH

Cabinet Reshuffle

On June 30, 1973, in a reshuffle of portfolios, the Chief Minister, Shri P. C. Sethi entrusted the Forest Department hitherto held by Shri C. P. Tiwari to Shri S. S. Mushran, the Minister of Finance as an additional charge. Shri Tiwari was given the portfolio of Planning, Economics and Statistics. The Chief Minister made changes in the portfolios of some other ministers also.¹³

On July 14, 1973, five Ministers of the Sethi Cabinet resigned. The Chief Minister said that he had received the resignation letters of Shri P. N. Patel, Industry Minister, Shri C. P. Tewari, Minister for Planning, Shri B. D. Mahant, Minister for Labour, Shri Tummanlal, Minister of State for Jails and Shri J. L. Bhedia Minister of State for Cooperation. However, on July 21, 1973, the five Ministers withdrew their resignations at the instance of the Congress High Command. The Chief Minister said that he had accepted the withdrawal of the resignation¹⁴

MANIPUR

President's Rule Extended

The Lok Sabha passed a resolution under Article 356(3) of the Constitution of India on August 20, 1973 extending President's Rule in Manipur for another six months from November 14, 1973. The Rajya Sabha had passed a similar resolution on August 9, 1973.

MEGHALAYA

By-Election to State Assembly

Shri Raisen Mowsor, the Hill State People's Democratic Party candidate was returned to the Meghalaya Legislative Assembly on May 26,

¹²*Times of India* (New Delhi) July 3, 1973.

¹³*Statesman Weekly*, June 30, 1973.

¹⁴*Ibid.*, July 28, 1973.

1973 in the by-election from Mawthenkut constituency, defeating the ruling All Party Hill Leaders Conference (APHLC) candidate Shrimati Maysalin War by a margin of 158 votes in a straight contest.¹⁵

PUNJAB

New Governor Sworn in

The former Assam Chief Minister, Shri Mahendra Mohan Chaudhury was sworn in as Governor of Punjab on May 21, 1973.¹⁶

"Land Grab" Committee Report

The report of the Punjab "land grab" Committee, comprising seven MLAs, with Shri Harchand Singh (Congress) as Chairman, which was appointed by the Punjab Government to go into the alleged grabbing of rural evacuee lands by influential public men and officials was released to the Press on June 26, 1973. The report contained strictures against nearly 72 persons including the Speaker of the State Assembly, Shri Darbara Singh, the Development Minister, Shri Ratan Singh, and Parliamentary Secretary, Shri Gurmaj Singh.¹⁷

Shri Ratan Singh and Shri Gurmej Singh, submitted resignations from their offices to the Chief Minister on July 3 and 2, 1973, respectively. The resignation of the former was accepted by the Governor on the recommendation of the Chief Minister and of the latter by the Chief Minister on July 22, 1973.¹⁸

Shri Darbara Singh, Speaker of the Punjab Vidhan Sabha tendered his resignation on September 3, 1973. The two-line letter of resignation did not assign any reason for taking that step. Before signing the letter of resignation, Shri Darbara Singh told newsmen that he had resigned volutarily and under no pressure.¹⁹

¹⁵*Hindustan Times*, May 28, 1973.

¹⁶*Ibid.*, May 22, 1973.

¹⁷*Ibid.*, June 27, 1973.

¹⁸*Tribune*, July 3, 1973 and *Indian Express*, July 23, 1973 and *Statesman Weekly*, July 28, 1973.

¹⁹*Hindustan Times*, September 4, 1973.

TAMIL NADU

By-election to Lok Sabha

In a by-election held on May 20, 1973, Shri K. Maya Thevar, Anna DMK won the Dindigul Lok Sabha seat from Tamil Nadu, by defeating his nearest rival Shri N.S.V. Chittan (Congress—O) by a margin of more than 1,41,000 votes. The by-election was caused by the death of Shri M. Rajangam (DMK).²⁰

Change of Party Affiliation

Shri K. Rajah Pillai, DMK member of the Tamil Nadu Assembly joined the Anna DMK. Shri Pillai represents the Kanya Kumari constituency. With this, the strength of the Anna DMK in the 235-member Assembly rose to 13.²¹

Election of New Speaker

Shri Pulavar K. Govindan (DMK) was elected uncontested the new Speaker of the Tamil Nadu Legislative Assembly on August 3, 1973. The Congress, Congress(O), Swatantra, CPI and Anna DMK members boycotted the election.²²

UTTAR PRADESH

Resignation by the Tripathi Ministry

The Chief Minister, Shri Kamlaapati Tripathi submitted the resignation of his Council of Ministers to the Governor on June 12, 1973. The Governor asked Shri Tripathi to continue in office till an alternative arrangement was made. Shortly after handing in his resignation to the Governor, Shri Tripathi told newsmen that he had resigned solely to discharge his "moral responsibility" for the situation arising from the revolt of the Provincial Armed Constabulary.²³

In his letter to the Governor Shri Tripathi recommended the take-over of the State for a temporary period and also the suspension of the powers of the U.P. legislature for the duration.²⁴

²⁰*Indian Express*, May 22, 1973.

²¹*Statesman Weekly*, July 14, 1973.

²²*Times of India* (New Delhi), August 4, 1973.

²³*Hindustan Times and Statesman* (Delhi) June 13, 1973.

²⁴*Times of India* (New Delhi), June 11, 1973.

Promulgation of President's Rule

On June 13, 1973, on the basis of the Governor's Report and the Union Cabinet's recommendation, the President issued a Proclamation under Article 356 of the Constitution placing the State under President's rule and keeping the State Assembly in suspended animation to be revived after some time depending on the situation prevailing in the State then.²⁵ The Proclamation was approved by Rajya Sabha on July 25, 1973 and by Lok Sabha on August 9, 1973.

WEST BENGAL

Resignation by the Food Minister

The Minister for Food and Supplies and Dairy Development, Shri Kashi Kanta Moitra resigned on August 5, 1973.²⁶

Shri Moitra had requested the Chief Minister to institute a judicial inquiry into his conduct as Food Minister and the affairs in the State's Food Department, particularly in view of the wheat bran scandal. The Chief Minister in his letter to Shri Moitra said: "While I appreciate your eagerness to vindicate yourself before the public through the process of judicial inquiry, I am afraid that at present such a course is not possible".²⁷

The Chief Minister said he deeply regretted that he had to accept the resignation of Shri Moitra who was "a very sincere, hard working and efficient Minister"²⁸

²⁵*Times of India* (New Delhi) June 14, 1973.

²⁶*Ibid.*, August 6, 1973.

²⁷*Hindustan Times*, August 7, 1973.

²⁸*Tribune*, August 7, 1973.

Book Reviews

THE LONG REVOLUTION by Edgar Snow, London, Hutchinson and Co., 1973, Price £3.50.

Edgar Snow shot into world prominence as an acute and preceptive journalist when his *Red Star Over China* appeared in 1936. He had gone to the Far East when only twentytwo and had made his home in China for twelve years as a foreign correspondent for leading American journals. *Red Star over China* was a classic scoop, as it were, for it enabled an incredulous world to learn of the celebrated Long March and the ragged, youthful, intrepid army of Communist partisans, inspired by Mao Tse-tung and led by Chu Teh, who moved across thousands of miles of difficult and dangerous country to set up headquarters in far-away and isolated Yennan—which was to be the nucleus of the forces that came eventually to control the whole of China. Meeting Mao and his comrades like Chou En-lai in guerrilla country. Snow succeeded then in winning their confidence as a friendly publicist and on the basis of interviews with Chinese Communist leaders, then regarded (and very largely disregarded!) abroad as mysterious but inconsequential figures, gave the world the first notable inkling of big events brewing in that part of our planet.

Perhaps, an even more remarkable aspect of Edger Snow is that, unlike almost every other 'China-watcher' he retained his relationship of mutual understanding and confidence with Mao Tse-tung, on any computation a tremendous leader of men-whatever one's view of him—and more often than not an unpredictable personality. For thirty-five tumultuous and complicated years, this relationship continued. The book under review incorporates his 1970-71 interviews with Chairman Mao Tse-tung and Premier Chou En-lai—truly his 'Swan Song' performance, for he returned home in 1971 to fall ill and die the next year, with doctors and nurses especially sent from People's China to tend their country's friend upto the last. "*Red Star Over China*" and later "*Red China Today: The Other Side of the River*" had made him the principal and consistently friendly exponent of that country's resolution to the Western world. Even the U.S. State Department had felt his value as a link with China to the extent of letting Snow be the only

American with his passport "validated" for visits to China when others were unceremoniously refused. It appears that in 1970, his wife went along with him but without waiting for official sanction. Almost as in the case of U.S.—People's China *pour-parlers* going on quietly for years at Warsaw, when officially they were at daggers drawn and would exchange no courtesies, Edgar Snow seems to have been a human conduit between the two countries—a role, no doubt, very near his heart.

Like all of Snow's reportage this book is smooth and sometimes fascinating reading. At the moment there is in the Western world a certain euphoria about China; after two decades of the angriest imprecation hurled against Mao and his myrmidons, U.S. leadership imagines itself able to work out of a quandary by a sort of link-up with the erstwhile enemy, and in consequence one notices how paeans of praise for China are gushing out at present from the most unlikely quarters. From table tennis to acupuncture, lavish adjectives are being used about almost everything Chinese, just as in the Dulles era damnation was indiscriminate. The atmosphere today is more than propitious for a wide welcome to Edgar Snow's last testament about China.

Whatever one's view, however, of that country's "Sweet and Sour" diplomacy which intrigues the World's chancelleries today, whatever we in India, for instance, might feel about China's indiosyncratic perversities of behaviour, Snow's will be found a valuable aid to the understanding of the new and thoroughly remoulded country that China appears to be today. There can be no denying that in twenty years or so, China has achieved advances almost unparalleled in history—at heavy cost, no doubt, but that is inevitable of basic change is sought. Snow's narrative is pleasantly relaxed, for Mao (and even the less colourful Chou) appears deliciously to unbend in the talks—this 'man-to-man' spirit is seen, for instance, when Mao, demi-god perhaps to a billion followers, escorts Snow to the doo, telling his friend that he was "not a complicated man, but really very simple", "only a lone monk walking the world with a leaky umbrella" (p. 175). Mao does seem, indeed, for all the imponderability of his position, a man endowed with deep sensibility, evidence of which can be found in his classical-style poetry in Chinese.

Snow's narrative brings before us a vivid picture of profound changes occurring in the vastness of China, changes in the life of plain people whose problems are often forgotten in recondite discussion. We in India have much to learn, for example, from the way in which the "barefoot doctors" train themselves to make medical revolution in the

countryside. Those of us in the privileged sections of society who yet yearn to serve our masses should find much of interest in the "May Seventh" schools—'reform schools for reformers; where one learns the hard way to re-orient oneself. An Indian doctor who was in the Congress Medical Mission that served in Yen-an has recently gone to study accupuncture in China—it is remarkable indeed how useful it is as cure and as anaesthetic. This reminds us of so much that is left undone in India about utilising our own native treasury of medical knowledge. The reader will learn something of how the 70,000 'Communes' work, how the People's Liberation Army supports itself and 'serves the people'. Aspects of the Cultural Revolution are discussed; some fresh information, for example, is found about Liu Shao-Chih, but it is a little surprising that there is not a word that helps unravelling the strange case of Lin Piao whose rise led to so final a fall.

One weakness of the book is the lack of material explaining to the extent possible China's foreign policy fluctuations, except only in so far as the desire for a *detente* with the United States is concerned. Perhaps, however, Snow's purpose was not to throw the net too wide. He drew, thus, a picture of the truly 'self-reliant' struggle of an enormous population reconstructing itself—a picture which sustains and even perhaps enhances his reputation as China's 'P.R.O.' No. 1 to the world. This country may well feel jealous that we have not had a remotely comparable exponent but it has to be admitted that we are yet leagues behind our massive neighbour.

—H. N. MUKERJEE, M.P.

THE PRESIDENT AND THE GOVERNORS IN THE INDIAN CONSTITUTION by M. M. Ismail, Published by Orient Longman Ltd., 1972, 100 p., Rs. 10.

In the Constituent Assembly there was not much difference of opinion on the question as to what the Indian President's position should be *vis-a-vis* his Council of Ministers. There was general agreement that he should be a constitutional head who should act strictly on the 'aid and advice' of his Council of Ministers and exercise no more than the three-fold authority conceded by Bagehoth to the British Sovereign, namely, the right to advise, to warn and to be consulted.

But on the question as to what the actual position of the President is under the Constitution as worded, there has been a sharp cleavage of

opinion. The official view has been that the President has no discretionary powers. The author of this booklet, who has been a judge of the Madras High Court, disputes this view and holds that though the scheme of the Indian Constitution makes it abundantly clear that the Constitution-makers preferred Britain's Cabinet system to U.S.'s Presidential system, the Indian President is not a figurehead like the British monarch and that "a vast reserve power is left in the President and the Governors to act according to their own judgment, even disagreeing with the advice tendered by the Council of Ministers."

There has, indeed, been a continuing debate on this topic ever since the time of the Constituent Assembly when the Assembly President Dr. Rajendra Prasad drew Dr. Ambedkar's attention to the fact that there was nothing in the Constitution binding the President to accept the advice of his Cabinet. Dr. Ambedkar told Dr. Rajendra Prasad that the lacuna would be filled when an Instrument of Instructions formally incorporating a provision to the effect would be included in the Appendices to the Constitution. Somehow, the Drafting Committee did not accept the Instrument of Instructions idea so that now the school of opinion which holds that the President has no right to turn down any advice of his Ministry relies mainly on British precedent, and on the interpretation of the Constitutional provision given by Dr. Ambedkar during the Constituent Assembly debates.

As the first President of the Republic, Dr. Rajendra Prasad questioned this interpretation. Dr. K. M. Munshi, a senior member of the Drafting Committee of the Constituent Assembly, in the course of an able exposition of this point of view, has very rightly observed:

"The Constituent Assembly having dropped the Instrument of Instructions, mere wishful thinking could not transform an elected President into a constitutional Monarch or a Governor-General."*

This 100-page booklet is actually comprised of the text of the lecture delivered by the author at Salem as Justice Sundaram Chettiar Memorial Lecture. The lecture deals at considerable length with the position and powers of the President, but not much has been said about the Governors even though the title of the book indicates that both these offices are to be discussed. The author seems to suggest that all that is said about the President and his relations with his Council of

**Indian Constitutional Papers*,—Munshi Papers, Vol. I, p. 269.

Ministers would automatically apply, *mutatis mutandis*, to the Governors and their relations with their respective Ministries. This is not quite correct. There is a basic difference between the office of President and that of Governor: The President's is an elected office while the Governor's is a nominated one. While Art. 163(1) of the Constitution dealing with the Council of Ministers in the State refers specially to the Governor's discretionary powers [in respect of which Dr. Ambedkar said in the Constituent Assembly: "He (the Governor) has hardly any discretion"], the corresponding Art. 74(1) dealing with the Union Council of Ministers makes no mention whatsoever of any discretionary powers with the President. This difference is in fact cited by the school opposed to Munshi's viewpoint as proof of the fact that the President has no discretionary powers. But it is certainly anomalous that a President, enjoying no discretionary powers, should be regarded as liable to impeachment, whereas the Governor to whom a measure of discretion is formally conceded should not be subject to any such liability. One wishes Justice Ismail had dealt with this anomaly specifically, and with the powers of the Governor generally, more thoroughly.

Anyway this booklet is a welcome addition to the growing volume of literature on Indian constitutional problems.

—L. K. ADVANI, M.P.

POLICE ADMINISTRATION by S. K. Ghosh, published by Eastern Law House, Calcutta, 1973, 307 p., Rs. 25.

Police Administration is the title of the latest of Shri S. K. Ghosh's several publications on various aspects of work, organisation and administration of Indian Police, and in particular the difficulties it has to contend within the discharge of its varied functions. This book is more comprehensive and deals, in effect, with every aspect of the laws, procedure and practice, governing the lawful activities of the police. We in this country have tended to neglect a study in depth of this very vital service. This is unfortunate, for maintenance of law and order is possible only if we have a Police Force, which is capable of functioning efficiently. For historical reasons, soon after Independence, we had tended to take law and order for granted, and indeed, had developed somewhat 'irrational' prejudice against the police. We are beginning now to realise how very vital to society the maintenance of law and order is as we see conditions making their appearance in our midst, in which increasingly law is defied

and disorderly conditions manifest themselves at the slightest provocation.

Shri S. K. Ghosh is entitled to our sincere appreciation and thanks for the almost missionary zeal with which he has been endeavouring to give us a balance, true and unembellished picture of the very onerous duties that the police have to discharge and the relatively meagre resources with which they are expected to do so. In this book, Shri Ghosh given an exhaustively clear account of the organisation of the police in different States in India, the manner in which the personnel at all levels is recruited in each of them, the methods of training adopted by each State so that the police may function under all circumstances, however trying, as a disciplined body of men, whose essential objective ever and always being to see that law and order is maintained and the miscreants seized and punished.

Shri Ghosh has done the descriptive part of his work competently and thoroughly. His account of the new and difficult circumstances under which the police, men and officers, have to work since Independence is also fairly satisfactory, though a more forthright and blunt portrayal would have been more valuable. In mild terms, which betray neither dismay nor indignation, he refers to the disastrous consequences of political interference both in terms of efficiency and morale of the force. The policeman in the course of the performance of his varied duties has of necessity to come in contact with the ordinary citizen. If he behaves with courtesy and does his best to see that no one is put to any inconvenience unjustifiably, he would enhance not only his own reputation but, what is even more important, improve significantly the image of the Police as a whole unfortunately, he tends to develop along the lines of the image the public have created of him, the image of a bully, because subconsciously he too comes to believe that only if he behaves like a bully will he be listened to and will get his work done.

Mr. Ghosh could with very great advantages have subjected the organisation of the police to a more thorough and critical analysis, for what matters today is that we have a police Force capable of coping with the problems of today in order to ensure effective maintenance of law and order. Our police organisation was evolved by the British to meet the needs of a society which was preeminently a rural society. It was modified a little to cope with the totally different condition that began to manifest themselves as urbanization developed. But the modification was a mere patchwork. After Independence, we

have made many changes to 'uptodate' the police organisation and administration, but the changes are by no means comprehensive. We should have taken note of the fact that we have deliberately pressed on towards industrialisation and urbanisation, and although these have radically altered the situation, we have not made a real effort to restructure the police organisation to meet the needs of a wholly revolutionised society. All our procedures and methods of investigation are even today very largely designed to cope with a placid rural society, while a very different form and style of police work and administration is needed to control effectively the situations that necessarily emerge in a society that is industrialising itself rapidly and that has as a result to face all manner of new problems because of the functioning of trade unions and industrial strikes, slums and unemployment, juvenile delinquency, gambling and goondaism, films depicting scenes of violence and glorification of disregard for laws which attract vast audiences of mixed background, examples galore of political influence affecting the course of justice, and, in short, a vast variety of factors that erode the traditional scale of values that had stood the test of time.

Mr. Ghosh is well aware of this, for he says rightly "that in matters of prevention and detection of crime, the day of the third degree and padding methods is, with rare exceptions, gone. Today police officers are required to use the skill of their profession, reflected in the microscope and scientific tests, to identify and apprehend the criminal." But Mr. Ghosh does not say what success has attended our efforts to train such officers and men or rather with what determination we have in this country applied our minds to the refashioning of our Police Force and to their training along lines which would equip them for the type of work they have to do and the problems they have to solve. Descriptively, the age-old duties of the police remain the same, namely, the preservation of law and order, the prevention and detection of crimes, and the apprehension of the criminals. But the content of these duties has changed enormously. The modern criminal works very differently and with very different means and equipment the modern citizen's attitude to law and order has also altered significantly. In addition they are called upon to do many other things to regulate traffic, to control crowds wherever and whenever they form and to assist the public on the occurrence of anything untoward, which is calculated to upset the normal peaceful routine of life of the citizens—a fire, a flood, a fracas or a fight between groups of people, or an accident of any kind. And each one of these duties cannot be discharged efficiently without adequate training.

Regulation of traffic is a whole science in itself and is a good illustration of a new police responsibility and of the extent to which we have so far been successful in the task of training efficient traffic police personnel. When the traffic police knows its work well, as in Bombay, the traffic flows smoothly, despite all odds, narrow streets and enormous volume of vehicular and pedestrian traffic. Where however, the training is not adequate, the result is very nearly chaotic, as in some of the other large cities of India.

In the same way highly specialised training has to be given for various groups of crimes: Inter-State crime and even intercountry crime has now begun to make its appearance and very special methods and technique are needed to grapple with them effectively. And in most cases, training alone is not enough to cope with all these varied tasks. It has to be supplemented by a vast variety of equipment. If we want our police to be efficient, we shall have to see that they are provided with all the necessary scientific equipment and aids, radio and communication facilities, fast-moving transport, etc. Vast majority of our police stations do not to this day have a telephone, nor have they a motor vehicle, a jeep or even a motor cycle. Subversion activities of a varied nature have been added to the whole host of different potential causes of disorder and disruption of normal life that have to be kept under close watch. And these call for both special talents and special trainings; as efficient intelligent organisation has necessarily to be built up as an integral part of the police administration. The strength of our police force must also be adequate, and they should be paid well enough to attract the right calibre of men. And as it is vital that the force must be both disciplined and honest, great care must be exercised at the stage of initial recruitment, and during the course of their training, when these basic qualities have to be inculcated into them.

Mr. Ghosh is fully cognisant of the need for all this and repeatedly refers to these matters, but unfortunately has not dealt with them in any detail. Indeed nowhere does he say what progress we have made in these directions and whether we are working to a realistically achievable time table. I can understand his hesitation, for I fear very much that we are still either not fully seized of the importance of doing everything necessary for ensuring that we have a first class efficient disciplined and honest police force or, we are aware of all that needs to be done, but the necessary funds are not being made available of the purpose. Mr. Ghosh does, however, repeatedly emphasise one

aspect which in his opinion makes all the difference in the world to the morale and discipline of the Police Force, namely political interference designed either to prevent the police force carrying out their duties honestly and on merits of the case involved, or to induce the police to act in a manner not justified by the facts of the case. The extent of such interference is believed to be considerable, and no attempt is made to prevent it, in spite of the fact that it is well known that the damage it has done and is doing to the efficiency of the police and therefore the general standard of the enforcement of the rule of law is so great and indeed crippling.

Whatever its shortcomings, I would recommend this book to students of administration and of public affairs. It is of the utmost importance that the general public in our country should be made aware of the obstacles that stand in the way of the country having an efficient Police Force. This book does perform that task admirably.

—H. M. Patel, M.P.

THE BACKBENCHERS by Peter G. Richards, Faber and Faber, London, 1972, 248 p.

It was a pleasure to read through the pages of *The Backbenchers* by Peter G. Richards. It is a book very well written on the Mother of Parliaments and her offsprings—the Member of Parliament belonging to the House of Commons. The book sums up the duties and responsibilities and the exacting and unusual task demanding great variety from the Members.

Standing through the centuries the House of Commons has well established a code of conduct and behaviour between the Members *vis-a-vis* the House itself, the executive and with regard to the non-government legislation, the safe and marginal constituencies, their varied interests, their political promotion and last but the most important, their future. These various relationships have been brought out distinctly in the succeeding chapters of the book.

It is a book for Indian parliamentarians—from the highest authority to the most outspoken and very often participants on the various issues in the Lok Sabha.

Parliamentary privilege is subject to scrutiny in the U.K. as in our country and has led to clashes between Parliament and the Courts as in the case of *Stockdale V. Hansard*. The Courts have asserted the right to define the limits of privilege. There has been Committee of Privileges set up, reports submitted and debated. But opinions on the different proposals were deeply divided. "The Select Committee Report itself showed something of a split mind" (p. 196). And so the problems remained unsolved. "It is important that means should be found to inhibit petty complaints which waste time and damage the dignity of the House..." (p. 197). The Chapter "Members and the Public" brings out lucidly the problem which is equally valid in Indian conditions. The bark of privilege is more important than its bite.

The Financial Committees have marked out a place of honour in our Parliamentary institution. But the specialised Committees as referred to and described by the author in one of his Chapters need careful consideration in our conditions too. Rather I feel we may have to go still further. I was interested in the office of Parliamentary Commissioner for Administration (P.C.A.) instituted in 1966. The British form of this office is based on the precedent of the Comptroller and Auditor General. The P.C.A. is the servant of Parliament, not of the executive. His salary is a permanent charge on the Consolidated Fund. He reports to a Select Committee of the Commons whose chairman is a senior Opposition member. The author has described this office, its functions etc. so well as to tempt me to advise detailed study of this to examine its institution in Indian Parliament for the redress of the grievances and complaints by the Honourable Members.

The author has closed the book with the million dollar question about the future of Backbenchers. In many parts of the world, the threat to parliamentary institution is being debated, yet the Commons and the different Parliaments over the world remain a strong magnet in their countries. The motive that provides the best in the land, with many brilliant minds and hearts, must be the political enthusiasm and a genuine willingness for public service, though this attraction may be robbed with many other explanations. Within the pages devoted for the book, the author has done a good job on such an important topic.

—BHAGWAT JHA AZAD, M.P.

EAST EUROPE IN SEARCH OF SECURITY by ***Peter Bender***
(Translated from the German by *S. Z. Young*), published by
Chatto and Windus, London, 1972, 144p., 3.

The book written in German by Peter Bender, a journalist and radio-commentator, on the East and West problems, while he was a research associate at the International Institute of Strategic Studies has been translated into English by S. Z. Young. The author had visited all the East European capitals. The East is anxious to protect itself against the dangers of the West and the West too has fears of the East. Both demand security. Both want to achieve this by a security system or a peaceful order for the whole of Europe. The six states of Warsaw Pact lie in the ideological and political power field of tension between Soviet Union and Western alliances. With this background, the author deals at length with the security problem of each of the States of Warsaw Pact. He does not deal with the Soviet Union as its security problem is a global one. The main purpose of the book is to look at the European security through the East European eyes.

To establish what their security concerns are, Mr. Bender explains in the first chapter the meaning of security. Security means a guarantee of protection against military attack from outside. But for Warsaw Pact countries, security is much more than this; it means to them security against agitation by the class enemy; imperialist infiltration; ideological subversion and even peaceful counterrevolution. In the summer of 1968, the Warsaw letter says, "The frontiers of socialistic world have advanced into the heart of Europe. we will never allow imperialists to make breach in socialist system and alter the power relationship in Europe to their advantage whether by peaceful or non-peaceful methods, whether from within or from without." This security is to defend socialism against all enemies. Thus, this security is the security of the ruling group in communist countries. This security is mainly against West German revanchism and American imperialism.

In the next six chapters, Mr. Bender traces the problems of each of the six Warsaw Pact countries. In the words of Walter Ulbricht, "the problem of European security. comes down essentially to the need to frustrate the West German imperialistic policy of revenge and expansion and then striving for the hegemony of Western Europe" (p. 10). East Germany is the outpost of the socialist camp, with long frontier along the NATO countries. The greatest fear of GDR is the move of the highly developed Federal

Republic of Germany for the unity of all Germans. The existence of GDR depends only on ideological grounds. The GDR therefore thrives on the support of the Warsaw Pact countries and Russia. Poland on the other hand, is between Russia and West Germany and between two political ideologies. The Poles say, "A united Socialist Germany? We do not want to commit suicide." Its distrust of both the Germans and the Russians arises out of historical reasons. But now, it can only be with Russia both for political and ideological security. Czechoslovakia is the most industrialised among the East-European countries and its interests are with the West. It needs trade openings with the West. It has no love either for Russia or for Germany. In 1968, it paid the penalty for the move for more independence, as it is in the sphere of Soviet influence. Its security appears to be safe there only. For historical reasons, Czechoslovakians feel that the Germans are their main enemy, and an alliance with the West is useless in times of crisis. Therefore, firm alliance with USSR is indispensable for the survival of Czechoslovakia. Hungary borders on Russia in the East and has no frontiers with NATO countries. Culturally it is nearer to Germany. Ideologically it is in the Soviet sphere. "Security for Hungary means creating as much security as possible for the Soviet Union so that she will leave Hungary as much political freedom of action as possible" (statement by Hungarian Journalists). Rumania has no borders with the West but is surrounded by USSR. Its security is assured within the influence of Soviet Union. Bulgaria was the victim of its strategic importance. It was the gateway of the Turks to the Balkans and Europe. Russia always defended Bulgaria against its enemies. So Bulgarian security is with the Soviet Union.

In the last chapter, Mr. Bender states that about the security problems of the East European states, in spite of similarities and parallels, the differences are so great that there is no unity among them. All the states are small and in times of crisis they become objects of decision by the Great Powers. The main fear for them is West Germany's revanchism or American Imperialism or both. But the Soviet Union and Washington do not want war as any confrontation between them will be global and dangerous to themselves. The idea is to establish peace firmly to make war impossible. But any system between East and West which appears to undermine Soviet influence (ideological softening) will be resisted by them. Kremlin wants as much unity as possible among the Eastern States and as much collaboration with the West as necessary, the Soviets giving the guidelines. The Eastern States need Soviet protection but they do not like Soviet domination. Without Soviet support the Eastern countries except

Czechoslovakia, cannot truly act as sovereign as they are little developed and are likely to come under the influence of the West. Therefore, the West must help the East to develop to such an extent as to be on equal footing with them. Then the Soviets too will be satisfied that the majority of the people are reconciled to socialism and will not join the other camp.

The author should have published in the book the political map of Europe, as it would have been very useful to the reader.

—P. ANTONY REDDI, M.P.

Exploding the Economic Myths

A CONTEMPORARY GUIDE TO ECONOMICS, PEACE AND LAUGHTER by John Kenneth Galbraith—*Essays edited by Andrea D. Williams, published by Andre Deutsch Limited, 105, Great Russell Street, London, W. C. 1. Pages 372. Price £2.50, Rs. 37.*

Within the compass of about 400 pages Andrea D. Williams has offered a bunch of articles of the eminent Harvard economist and prolific writer John Kenneth Galbraith. These essays had been originally published in different renowned journals, periodicals and newspapers during the last decade, 1960—70.

The collection of 25 essays in the book under review have been grouped under four sections, namely, Economics; Peace and the Rest of the World; Contemporaries and Amusements; and Points of a Compass. The categorization does not represent any rigid compartmentalisation of the contents of the book. Some of the articles included in the section "Peace and the Rest of the World" could, with propriety, come under the opening section "Economics".

Galbraith presents a spectrum of problems which are at once crucial and controversial both for the developed as well as the developing nations. His masterly exposition, elegance of expression and style and the thought-provoking analysis of the propositions make it an absorbing, though tough reading.

The opening essay "Economics and the quality of life" appropriately described as the epitome of the book, explodes the economic myths of the GNP—approach as the panacea of the economic ills

and the preoccupying notion of consumer sovereignty. With his wonted penchant for Keynesianism, Galbraith has delineated a new and revolutionary path for economists. His contention is that the primary prescription of economics should be the improvement in the quality of life and to foster "social goal which accords the individual the opportunity of providing for all of his needs, not merely for a part of them". He believes that "the individual should be the end in himself and not the instrument of the business firm or public bureaucracy which was created to serve him". This approach should have a special appeal to the Third World countries engaged in ameliorating the lot of the down-trodden millions.

The author inveighs against the producer sovereignty which is, in a way, the concomitant of the traditional GNP-approach. As a result, the interests of the producers are dominating the entire social fabric and even the governmental policy-frame. This thesis is re-echoed in the essay "Economics as a system of belief" which is described in the Introduction as the most important essay in the book. Categorically, the author avers that "the assumption that economics must now abandon, subject to some later definition, is that of consumer sovereignty". So long as the producer sovereignty rules the roost in the present-day economic structure, the evils like inflation cannot be removed. "Month after month", says Galbraith, "economists have continued to avow their hope of ending inflation by measures appropriate to consumer sovereignty. And not surprisingly, month after month, they have been roundly defeated by a reality reflecting producer sovereignty". This diagnostic approach is, however, not enough to suggest any remedies for the inflation-ridden economy of India (as also of U.S.A.). Is there an alternative to the abolition of producer sovereignty? If not, how can the sovereignty of the "giant" producer be smashed without impairment to the general consumer? The restructuring of the economy involved in the process must inevitably affect, and perhaps, injure, other aspects of man's life—social, political, cultural, aesthetic. Is the society mature to bear the brunt of the revolution? One shudders to think of the aftermaths of such a revolution, however desirable and necessary it might otherwise be.

The manoeuvrability of governmental policies by the capitalist society to subserve its ends is well illustrated in the article "Nixon Administration and the great socialist revival". The crisis that aided the rush into socialism was engineered by Nixon Administration, according to the author. And this had been done not because the nation's interests demanded so but because the producer sovereignty did.

It is not only in the economic realm that Galbraith is so incisive. He is equally critical and forthright in the political sphere. Reviewing the foreign policy of his country, he holds that "the decades of the Sixties will be counted as a very dismal period in American foreign policy".

The relevant piece, originally published in December 1970—just a year before the historic Indo-Pakistan confrontation—has the prophetic note that "the third world has been the disaster area of the American policy". The results of the 14-day Indo-Pak War proved this to the world, though not to the adamant Nixon Administration. The lessons of the policy pursued so far point to a radical change in it. The Harvard University economist says unmistakably that "henceforth the *raison d'être* of aid and information programs (should be) to assist economic development and inform countries as regards the United States, not to fight communism". Are the recent overtures of the Nixon Administration towards the Soviet Union and China—the architects of communism—votes for "not to fight communism" as advocated by Galbraith? Does not the long and disastrous Vietnam War, since ended the *detente*, support his view that the proper policy toward the Third World requires not only a new doctrine but also elimination of the need for a large part of the military, intelligence and civilian bureaucracy that conducts the present policy?

What criteria should determine the economic development? An answer to this question is provided in the essay "Proper purpose of economic development". It makes an interesting and instructive reading, particularly for the policy-makers in India. Typifying India's case, Galbraith commends, what he calls, Popular Consumption Criterion as the keynote of our investment decisions. It is doubtful whether such an approach will be consistent with the concept of economic planning in a socialist society. The choice between the two alternatives is not to reject one as the wrong nor to accept the other as the right, but it is an imperative of the selective process and the decision is, indeed, hard to make.

The book commends itself to astute readers and thinkers. Some parts deserve to be read and re-read. It is a companion volume to Galbraith's earlier widely-read works like the *Affluent Society* and the *New Industrial State*.

—KARTIK ORAON, M.P.

THE IMPERIAL DREAM—BRITISH COMMONWEALTH AND EMPIRE 1775—1969 by Edward Grierson, published by Collins, London, 1972, 320 p., £2.50.

The book aims to discuss the rise and fall of the British Empire. It discusses Great Britain of the middle eighteenth century as a "small rural community of some seven million inhabitants tentatively groping its way towards a wider prosperity by scattering the globe with a largely un-coordinated chain of trading stations" and the change occurring hundred years later which made Britain as the centre of the largest, richest and most powerful empire the world had ever known. And yet a hundred years later, there remained only a shadow of the British Commonwealth. The author's purpose of writing this book is to analyse the factors which led to the growth of the empire, what sustained it and what brought about its end; whether these factors were related and what marks did the Empire leave behind.

Chapter I describes the state of affairs in Britain in 1914 in relation to the international scene. The author states that Britain was far from being a socially harmonious or balanced state. Apart from the Irish problem, the suffragettes, the social unrest in mines and factories, Britain presented a tarnished image. Compared with her chief rival Germany, Britain was laggard in the field of education which claimed no more than one per cent of the national income. Also one per cent of the population owned two-thirds of the national wealth. The nation which had launched the Industrial Revolution had fallen industrially behind U.S. and Germany. A deep-seated dislike of standing armies had limited Britain's planned contribution to any continental war to the derisory figure of 180,000 men. Yet Britain grew to be the controller of the largest Empire. How had it all come about, is what the author chooses to discuss further in his subsequent chapters.

According to Grierson, the British empire was a perfect illustration of the sea-borne empire. It depended on the one element it happened to have mastered. It came in with the rise of the sea power and had to go out with its eclipse. In the British empire the symptoms of dissolution became visible at a very early stage, and changed and multiplied always with the consent and often under the active inspiration of the Imperial Government of the powerful groups within its establishment. All kinds of conflicting desires and impulses can be detected—commercial greed, enlightened self-interest, the pure milk of humanitarianism often inter-woven. Also for the Empire to survive,

it was necessary for it to create for itself an organic cultural and economic unity, a sense of common purpose and a joint policy of defence. The author goes on to say that the British by nature were not "Imperially minded people"—their political ideologies were directed more towards disposing of the estate than towards developing it. During their first phase, in the American colonies, they had a theory of mercantilism which was at least logical and matched their needs. Unfortunately, its practice affronted others and its foundations were swept away by the rebellion of the 13 colonies. It is surprising that the author should make such statements and thereby ignore the malignant expedients of the mercantile system which forced trade along the restrictive lines of monopoly.

The author further states that after the self-questioning and the great economic debates in the aftermath of the American disaster, the experiment of the tightly-run empire was abandoned and the Navigation Acts were repealed. What followed under free trade was the greatest era in British history. However, the British lead was short-lived, as larger and more soundly based industrial powers began to overtake Britain's productivity while at the same time acquiring colonial empires of their own. Although, the British empire had obtained sounder footings in India, Ireland, West Indies and Canada, there was baffling dualism at work which showed Britain as both the world's most liberal power and its most imperialistic one. The author, however, does not elaborate his contention to show how this duality contained the seeds of dissolution, and what were the reasons for the diminution of Britain as an Imperial Power. Was dualism in British political ideologies the only factor responsible?

Grierson further maintains that by the end of 1870s Britain began to assert itself in Africa and in the excess of jingoism, which for a short while made imperialism a genuinely popular movement. The author further states that yet they had no clear theory of empire. The cruelties and the sufferings of the Boer War seemed like a judgment on iniquity and by the early 1900s "jingoism was a creed which had been rejected by the intellectuals and bored the man in the street". Grierson maintains that even if twice within a quarter of the century Britain had not been called upon to spend herself in two world wars, so loose, widespread and untidy an empire must inevitably have slipped from control of the mother and the effect of the wars merely hastened the process. They strained an economy already declining and destroyed Britain's financial leadership of the world. Also, the wars unleashed the forces of nationalism which weakened Britain was

powerless to resist. No other empire in history ever prepared the way so thoroughly for its own demise. Step by step, under governments that tolerated imperialism, under governments that abhorred the very concept, and even under governments that professed to practice imperialism, the British people prepared for the liquidation of their own inheritance. Besides discussing "muddled policies" and "irresolute leadership" as factors for the dissolution of the Empire, the author has not analysed in detail the facts of Imperialistic exploitation which was the primary cause for the birth of spirit of revolt in the colonies and Britain's internal economy and the factors which caused a financial disaster.

The author sums up by saying that though the British Empire made many mistakes and was guilty of many short-comings, its success lay in the realm of the spirit as much as of substance. The British gave law and order to the colonies as in India it provided an incorrupt Government, answerable to an incorrupt judiciary. They created a Christian empire and brought changes in the orthodox religious customs. They gave a common monetary system and a common British culture, "for which British Empire would be remembered and honoured."

It is very clear from such a conclusion that Grierson is looking at events clearly from the point of view of a British bias. The many positive elements of the British empire are disputable points, while he has completely ignored the grosser effects of British Imperialism. What about the economic exploitation and the drain of wealth from the colonies? Also, the author has not analysed clearly the factors which brought about an end of the British Empire. He has not discussed the defects of the British policies or the flaws in the British—colonies relationship.

Also he has not analysed as to how far the internal situation in the colonies moulded the thinking in Britain and how far the seeds of disruption of the Empire lay inherent in the Imperial system itself and how far they were a result of the change in events?

—AMARNATH VIDYALANKAR, M.P.

EUROPE IN THE MAKING by Walter Hallstein; Published by George Allen and Unwin; Price net £ 5.50.

The European integration, once a dream, having come down to

near reality, poses a number of questions—political, economical, cultural etc. Walter Hallstein with his vast experience as the first President of the Commission of the European Community has discussed all the aspects of the question of European integration from different standpoints.

The volume was first issued in 1969 in German and next year, it was published in a number of European languages. The present work is the English version of the same volume. The author is fully aware that theorising the concept of united Europe, will be described as utopian, or a vision. He takes the challenge and deals with every point from historical, racial, psychological economics and other points of view. Now the very concept of nation states has become outdated. New concepts and ideas of state, in the background of the advancement of science and technology, and more particularly, the modern warfare have gained ground. This is the starting point from which the author proceeds further.

The conflicting interests of the European states, political and economic, can be reconciled for making united Europe. In fact by the process of European common market and measures adopted by it some advance has already been made in this direction. Free movement of goods, men and capital are to be ensured and for this rules framed to achieve that objective will help.

The author visualises certain forces which he terms as vested interests working against achieving this objective, but is confident that such forces can be overcome. The benefit from the removal of barrier of customs is far greater than the initial disadvantage. The necessity of cultivating economic relations by the European community across the Atlantic and more particularly with the USA has been stressed as a permanent task. The U.S.A. is one principal trading community in the world market with a share of 15 per cent and the European community as a whole accounts for 17 per cent of the world trade. If the two principal traders of the World, reach closer understanding, the pattern of World trade will change and perhaps they will be able to remain different to what happens in the East European countries.

The author observes in simple language:

“The fact that growth in both economic areas—in the community and in the United States—is proceeding in parallel at head long

speed, while economic policies in the two areas differ, inevitably leads to tensions. For this reason means must be found above all for a permanent dialogue to reconcile conflicting interest....”

The book is useful in the sense that it amply demonstrates the practical possibility and necessity of European integration on which the very survival of Europe depends.

—BISWANARAYAN SHASTRI, M.P.

Summaries of Books

INDIAN FOODGRAIN MARKETING by Jhon R. Moore, S. S. Johl and A. M. Khusro; published by Prentice-Hall of India Private Ltd., New Delhi; 1973; 188 p.

The objective of this book, written by three economists, is to describe and analyse the physical and economic aspects of India's foodgrain marketing system. Foodgrain marketing includes all the business activities involved in moving foodgrains from producers to consumers through time (storage), space (transport), form (processing) and transferring ownership at the various stages in the marketing channels. In a free enterprise system the process is guided by prices. Prices both allocate goods and services in marketing and allocate incomes among producers, middlemen, and consumers.

The Ideal Marketing System

The ideal marketing system is one that maximises the long run welfare of society. To do this it must be physically efficient, otherwise the same output could be produced with fewer resources, and it must be allocatively efficient (returns at the margin the same for all inputs), otherwise a change in allocation could increase total welfare where income distribution is not a consideration.

Importance of Foodgrains Marketing

Foodgrain marketing is very important in India. It provides cash and barter income for most of India's 100 million cultivators (many of whom sell grain at harvest and buy it back later in the year), a livelihood for thousands of grain traders and processors and their employees (there are 59,000 rice mills alone), and food for most of India's 560 million consumers. It is estimated that India's rural consumers (80 per cent of the total) spend about 41 per cent of their household budgets on foodgrains while urban consumers spend about 22 per cent of their household budgets on foodgrains. In 1970 *per capita* daily availability of foodgrains in India was slightly under one pound (445.2 grams).

Foodgrain marketing is of such importance in India that various levels of government have become heavily involved in its operation

and regulation. The Indian government and/or its agencies own and operate the railroads that carry foodgrains and considerable food-grain storage and processing facilities. They regulate trucking and market transactions and provide market yards, market information, and grading services. In addition, various levels of government in India influence prices by price fixing, rationing, food zones, and direct procurement and distribution.

Working of the System in India

The system is generally working well, much better perhaps than most people realise. The various levels of government in India have exerted considerable effort to improve foodgrain marketing in India. Some of their efforts, of course, have been more successful than others. The system is evolving through time with each change resulting in the need for more changes. There are policy debates surrounding several types of change and more issues and debates can be expected as the marketing system continues to evolve in the future.

A marketing system can be considered physically efficient if its four functions (transactions, storage, transport, and processing) are performed close to the minimum possible cost under the circumstances. India's foodgrain marketing system is low cost because it is generally competitive and progressive and because incomes and wages are generally low.

Competitiveness

Competition and the desire to maximise profits are the main forces driving firms to be efficient in a free enterprise economy. Non-efficient firms in a competitive environment are soon put out of business as their rivals, operating at lower cost, underbuy or undersell them. Indian foodgrain markets appear generally competitive by market structure standards; that is, by standards of structure, behaviour and performance. Farmers in the important foodgrain producing regions have many alternative buyers for their products; too many in most cases for effective collusion. Entry of new buyers into the markets is easy enough in most instances to discourage existing buyers from attracting them in with high margins. Cooperatives, found in most parts of India, serve as alternative non-profit outlets for farmers that might feel exploited by traders.

The behaviour of traders in most grain markets suggests active competition. The larger farmers in particular are solicited by several

traders for their gain and many farmers hire brokers to solicit offers from more traders. Sales in regulated markets are by supervised open auction. A wide variety of non-price inducements are offered by various traders making it difficult for traders to collude on price and non-price inducements.

Progressiveness

Overall, it appears India's foodgrain marketing system is progressive. It is changing fairly rapidly. The Indian government have played a unique role in introducing new technology in particular.

Processing: The greatest progress made in foodgrain processing in recent years has been in rice milling. In 1965 the Indian government, on the recommendation of a Ford Foundation team, introduced modern rice milling using rubber roller shellers, mechanical dryers, and bulk storage. The system has proved successful and is being expanded. Its most successful element, the rubber roller sheller, is replacing the under-run-disc shellers in many mills. Paddy dryers, separate from modern rice mills, have not proved as popular as expected because of the relatively high cost of their operation, the lack of awareness of farmers of their benefits (permits paddy to be harvested at high moisture levels thus reducing field shattering), and the lack of a high price premium for headrice (unbroken grains).

Storage: Grain storage in India is undergoing a considerable change. The most important innovations have been government-sponsored scientific bag storage, bulk handling, bulk storage in ports and regional storage centres, and new on-farm storage bins. The government-designed scientific bag storage appears to be a significant improvement over the traditional traders godowns. When constructed and managed properly they are nearly rodent-and-insect-free. Bulk handling and storage are used in a few places but appear to have difficulty in competing with scientific bag godowns utilising the traditional hard working bag handlers.

Transport: India has the world's second largest integrated railway system and a large network of roads. Bullock carts and railways are the largest haulers (tonne-miles) of foodgrains but there is a trend toward greater use of trucks and tractor-trolleys. The trend, however, is impeded by excessive taxation and regulation of trucks and tractor-trolleys, by the subsidisation railroads and by lack of development of roads, particularly in the hinterlands. The debate over the relative merits of railroads and trucking in developing countries has raged for

years and both sides have good arguments. It would appear, however, that trucking in India has been unduly discouraged by government policy.

Market Facilities and Transactions: In recent years foodgrain marketing facilities and transactions at the primary wholesale market level have undergone considerable change. This has largely been due to government initiative.

Low wages and consumer incomes

The Indian foodgrain marketing system is low cost in part because of low wage rates and low consumer incomes.

Low consumer incomes contribute to low foodgrain marketing system is generally labour intensive. As wages go up in India marketing costs can also be expected to increase.

Low consumer incomes contribute to low foodgrain marketing costs because low income consumers are unwilling to pay for many types of marketing services commonly performed in more developed countries. These services include high levels of processing, packaging, quality control, merchandising and promotion. All of these add to the cost of the product being marketed but may add little or nothing to its nutritive value.

Marketing costs, particularly those for processing and retailing, can be expected to increase in India as the country develops economically. As their incomes rise, Indians will demand more and better processing, packaging, and merchandising and will become more susceptible to brand advertising, a change some might think of dubious merit. The end result will be higher marketing costs and higher food prices.

AIRCRAFT HIJACKING AND INTERNATIONAL LAW by S. K. Agrawala; Published by N. M. Tripathi Pvt. Ltd., Bombay; 1973; 242 p.

This study by a university Professor of Law seeks to analyse and evaluate the provisions of the international conventions and other measures adopted from time to time to counteract the menace of hijacking (unlawful seizure), sabotage and destruction of aircraft. The author tries to assess their efficacy as preventive and punitive measures. He describes the distinctive characteristics of the offence of

aerial hijacking, considers questions of definition of the offence, discusses jurisdiction, extradition and prosecution of hijackers, the scope of the Tokyo, Hague and Montreal Conventions and other work done in the ICAO, U.N. and Regional organizations.

Legal issues arising out of the hijacking to and destruction of an Indian Airlines plane in Pakistan and the consequent suspension of overflights of Pakistani planes over Indian territory, have also been dealt with. The author also examines the important question of application of sanctions, in the light of the efforts made up-to-date, and makes a few suggestions.

The U.S. Proposal

Although the earliest hijackings were reported in the early Forties of this century, since the 1960s the incidence has been on the increase. Several organisations and individuals made proposals for combatting crimes in the air in the Fifties. To deal specifically with the problems of unlawful seizure, U.S.A. proposed in 1962 to have included in the Convention on the Legal Status of Aircraft, then being drafted, an article dealing with the crime of unlawful seizure. In the proposal was a very generally worded provision providing for extradition under existing extradition arrangements or prosecution of the hijacker, if the State's law provided for the prosecution of such offences, by the State having jurisdiction over the person. The U.S. proposal came too close to the time when the Tokyo 'Convention on Offences and Certain Other Acts Committed on Board Aircraft' was to be considered by the Diplomatic Conference. As such the U.S. proposal at that time was still-born.

Tokyo Convention

The Tokyo Convention, 1963 was intended as a general definition of jurisdiction over crimes in the air, under which hijacking was subsumed, but nothing therein constituted an effort to deal with the offence itself. It was not at all specifically aimed at aircraft hijacking. The Convention does not provide for the manner in which a hijacker should be dealt with, but only seeks to alleviate the consequences of an unlawful seizure for the passengers, the crew and the aircraft, by calling upon the state of landing to permit them to continue their journey as soon as practicable. Due to the unconcern and apathy of the states to accept even this limited obligation, the Convention came into effect after 6 years on December 4, 1969 on the deposit of the twelfth instrument of ratification, after repeated hijackings had become a cause of immediate concern.

The ICAO Resolution

The Sixteenth Assembly of the ICAO held in 1968 adopted a resolution which noted that the Tokyo Convention did not provide a complete remedy to the problems created by unlawful seizure, and the Council of the ICAO was requested to study other measures to cope with the problem. The Council referred the problem to the Legal Committee. A Sub-Committee of the Legal Committee prepared a Draft Convention. This draft was considered by Seventeenth Session of the Legal Committee which met at Montreal from February 9 to March 10, 1970 and a revised Draft Convention was adopted. This revised Draft was considered by the Diplomatic Conference at the Hague and the 'Convention for the Suppression of Unlawful Seizure of Aircraft' was adopted on December 16, 1970.

The Hague and Montreal Conventions

This (The Hague) Convention had only a limited application since it only covered hijacking in the air. Other acts of interference, like sabotage through placing of bombs on board aircraft and attacks on aircrafts on the ground or ground installations, which are equally, or even more dangerous, still needed to be covered. The extra-ordinary session of the ICAO Assembly, meeting in June 1970 at Montreal, therefore, called upon the Legal Committee to prepare a draft Convention on Unlawful Interference against International Civil Aviation. The Legal Committee prepared the Draft Convention at its eighteenth session (September-October, 1970). The Convention was concluded and signed at Montreal by the Diplomatic Conference on September 23, 1971 as 'Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation'.

Again, though these conventions mention the offences, establish the jurisdiction of States, create the obligations, they do not provide for effective measures or sanctions against a State found in breach of its obligations. This question too was raised at the Seventeenth (Extraordinary) Session of the ICAO Assembly and subsequently considered by the Legal Committee, but to an unsuccessful outcome.

Characteristics of Aircraft Hijacking

The offence of aircraft hijacking, has certain distinctive characteristics as compared to other crimes, national or international, which mark it out for special treatment. These, in brief, are:—

- (i) Hijacking not only endangers the safety of the plane and the lives of its crew and passengers, but also the safety of civil aviation generally.

Civil air transport is based on the confidence of the people of the world in its safety, efficiency and speed. International civil aviation is also a link in the promotion and preservation of friendly relations among states.

Since aerial hijacking terribly undermines such confidence of the people, and tends to interrupt this vital link, its suppression becomes a matter of deep international concern.

- (ii) The frequency with which the offence has been increasing during recent years is absolutely alarming and calls for a vigorous action, both at the national and international levels.
- (iii) Acts of hijacking in international flights can have no reference to the nationality of passengers and crew on board whose lives are endangered. However, in case of domestic flights it could become somewhat relevant for some countries.

The hijackers too have been from at least 32 different nationalities including Indian.

- (iv) By now aircraft of countries from all continents have been the victims of hijacking (though many more American planes have been involved than those of several countries put together).

Statistics show that no state's aircraft, whether engaged in international or in domestic traffic, is proof against hijacking.

- (v) Hijacking is a danger to the safety of the aircraft, crew, and passengers distinctly out of proportion to the realization of the motives of the hijacker. As such no considerations of political or other motives can exonerate the offence of the hijacker or saboteur.

As such, after the incidents of 1970, the threat to lives, planes and cargo is not merely imaginary and anticipated, but very real and actually experienced.

- (vi) By the very nature of hijacking, the hijackers will attempt to divert the airplanes beyond the exercise of national jurisdiction against them, and to a country whose international relationships are such that they may not be returned for prosecution...

Thus, if hijacking and unlawful interference with civil aviation have to be put an end to, it is clear that the plea of political offenders should not be available to a country for refusing extradition of a hijacker. If this is impossible of achievement, obligation to prosecute and punish hijackers by severe penalties should be imposed on all states without any exception whatsoever.

- (vii) About thrice the number of planes in domestic flights were the victims of hijacking as compared to those in international flights

between January 1969 to August 3, 1971. It is therefore necessary that all flights, wherever originating or ending, must be covered by whatever action is proposed.

- (viii) The normal problems of law enforcement are completely lacking so far as the offence of 'hijacking' is concerned, given agreed-upon jurisdiction. There is no difficulty in the identification and apprehension of the perpetrator. The only hurdle is the absence of a general governmental policy of punishing the hijackers.

However, if the planes and peoples are used as bargaining counters by the hijackers, attempts at their apprehension could, at times, endanger the safety of the planes and the passengers. But even in such cases, sooner or later, the hijackers do move within one national jurisdiction or the other.

- (ix) Though various methods of prevention of hijacking have been suggested, none of them are fool-proof. Besides creating certain constitutional and legal problems and causing inconvenience and loss of time, they are all ineffective if a person chooses to use some devices other than firearm, e.g. plastic toy guns or vials of nitroglycerine.

The International Air Transport Association (IATA) and the IFALPA have stated that there is almost no safe method of prevention or intervention of a determined hijacker from having his way once the aircraft is airborne. They and the airlines feel that complete compliance with the hijacker's demands is the best way to protect hundreds of lives and a multi-million dollar investment. And similar instructions are issued by them to their crew.

In the absence of effective means of prevention and intervention, deterrence can be the only practical solution. This deterrence could only be provided by the knowledge of certain prosecution and severe punishment at the end of the voyage.

Prosecution is possible either by the State of registration which would be most interested in punishing the offenders, to which the hijackers could be extradited, or if no extradition is possible the state of landing should itself prosecute and punish them. It is also important that such punishment be widely publicized.

- (x) The motive for hijacking during recent years has generally been political, though all sorts of varied motives have not been uncommon. Extortion has also been the motive in several cases of late.

So far as motives other than political are concerned the other state may reasonably be expected to extradite him since it could have no interest in granting him asylum. It is the political motive

of the hijacker which generally leads to the grant of asylum to him. There is, therefore, all the more reason that this motivation ought to be curbed. It would however mean little to the mentally unbalanced desperados or hardened criminals.

- (xi) Mere municipal legislation by certain interested states providing for compulsory prosecution and punishment of hijackers landing in its territory or escaping to it, could not be a complete answer to the problem, since the states most willing to punish hijackers are not the ones wherein the hijackers generally land or escape to.

Therefore, only the imposition of an international obligation on all states to extradite or to punish, and consequent national legislation and action by all giving effect to such an obligation, could prove really fruitful.

Sanctions against Aerial Hijacking

It is generally agreed that there could be no alternatives to the preventive and punitive methods to combat the offences of aerial hijacking and other unlawful interference with civil aviation and its facilities. Experience also seems to prove that such methods if rigorously applied can bring down the incidence of such offences.

But preventive measures have their limitations and in any case they can never be a fool-proof guarantee against the occurrence of such offences. Therefore, the ICAO should keep on experimenting and researching with such measures and standards, filling in the gaps as and when they come to notice. A rigorous application of those recommended to the States must be ensured through an ICAO supervisory machinery. Airlines and states ought to qualify for international civil aviation only if they are able to provide these preventive devices. Proper and specific responsibility on the airlines, airport authorities and the domestic police for their application also ought to be delineated. Airlines must also work out the situations under which the armed guards on board could challenge the hijacker, without endangering the flight. Cases of pure deception have been several, giving encouragement even to extortioners.

As for the punitive measures, there must be compulsory extradition or prosecution and punishment with internationally determined severe penalties. Not all has been achieved through the Hague and Montreal Conventions which were within the reach of states had they been willing to accept more stringent obligations. The gaps which the Hague and the Montreal Convention leave even with respect to the limited obligations that they create, can, to a certain extent now,

be filled up by national legislation. It is obvious that national legislation alone could not be a complete answer to the problem. Only the imposition of international obligations on all states, and consequent national legislation to give effect to such obligations, could prove really fruitful. But the pattern of national legislation giving effect to the obligations under international conventions, as also covering all the points which have been left out or obligated by the conventions to be governed by domestic law, could be recommended through a Model Act, by the U.N. General Assembly or the ICAO to the states for adoption.

A Model Law on Hijacking

Some of the important points to be covered by such a Model Law could be: naming and defining the offences and all the elements of the definition (e.g. attempt, unlawful, intention, accomplice, about to occur etc) so as to remove all impediments in the path of extradition and for appreciation of the specific liabilities by all concerned; covering the offence wherever it is committed so as to make it punishable at least under the domestic law in cases which would not fall under the conventions; fixing priorities of jurisdiction as between the states interested; laying down comprehensive provisions for apprehending and taking the offender into custody and providing for his extradition to the requesting state according to the priorities fixed; defining the political offence precisely and as narrowly as possible; invariably providing for the prosecution and punishment of the offender if he is not extradited; and laying down clear norms which the competent authorities shall have to apply to decide upon prosecution (in certain states); making provision for the taking of measures to restore control of the aircraft in the hands of the commander; fixing penalties for all concerned if these obligations are violated or if the aircraft, passengers and crew are not permitted to continue their journey, or if the cargo is not returned in time; and providing for the transmission of all possible information to the ICAO regarding all acts of hijacking etc.

Offence against Humanity

As a matter of law and policy, the balance of opinion is convincingly not in favour of treating hijacking of aircraft or other serious interferences with civil aviation as a political offence under any circumstances. It is one of the basic elements of the newly emerging law that they constitute offence against humanity, with the necessary implication that the defence of 'political offence' would no longer be available. Political motivation or the plea that there was no other

means of escape from the country with whose political ideology the hijacker did not agree, could at best be taken into account as extenuating circumstances in assessing the penalty to be inflicted, but not as exonerating the liability as such. The conscience of the world community has yet to be aroused to realize it.

Political Questions

During recent years the problem of aircraft hijacking and other unlawful interferences with civil aviation has generally got inextricably mixed up with political questions. In some states (*e.g.*, in the Caribbean and the Middle East) the political conflict is so sharp that it is impossible for the states with weak regimes to themselves punish refugees from the opposing camp even if they entered illegally by hijacking aircraft. Much less can they punish partisans of their own political creed, which is oppressed ruthlessly in the opposing camp, when they come by hijacked aircraft. Any solution involving a change in this situation is viewed by such states in its economic and local political context, and that minimizes the will to do anything about hijacking. It certainly undermines any international legal regime created for combating the menace, right from the beginning—first the provisions of the Convention itself are diluted; next, it is not ratified or adhered to; and finally, every opportunity is sought to circumvent the obligations under it.

Sanctions against States

It is also becoming increasingly evident that sanctions must be applied against states which do not observe their international obligations (whether under conventions or under general international law), in this regard (*viz.*, providing for the care and safety of the passengers and crew of the hijacked aircraft, to enable them to continue their journey as soon as practicable, to return the aircraft and cargo to persons entitled, to extradite or to prosecute the offenders). Such sanctions could generally take the form of suspension of flights to and from the delinquent state.

The sanctions could be applied either through joint concerted action by the international aviation community as such, or by individual states. Naturally, suspension of flights by all, to and from a particular state, would cripple it completely, and therefore it is the most desirable one. But it seems unlikely that a convention on sanctions

would be entered into in the near future. Even if it is entered into, it is most unlikely that it would be widely adhered to or applied. The economic implications of the suspension of flights could be very serious not only for the state against which they are applied, but also for the ones which apply them *e.g.*, if the delinquent state is the one granting transit facilities to a majority of international airlines or is a big importer. The failure of the application of certain sanctions by U.N. against Rhodesia and South Africa (which had a much wider and intense political and emotional appeal), mainly due to the unwillingness of a few states to jeopardize their economic interest, is ample testimony of the lack of complete solidarity and cohesiveness in the international community at the present stage of its development.

Regional Sanctions

The role which the Regional Organisations could play in applying sanctions is certainly considerable. Regional action is also more feasible because of the community of interests and greater solidarity between the members of a regional organisation. The initiative taken by the Council of Europe must gain momentum. A block application of sanctions would certainly be more effective than the one by individual states.

Self-help by Private Organisations

The last alternative is self-help by private, non-governmental associations like the IFALPA, *e.g.*, in case of the El Al aircraft hijacked to Algeria in the summer of 1968 when the IFALPA boycott threat proved to be completely successful. It is undoubtedly the least satisfactory of the alternatives. But if no action becomes possible at the international or the national governmental level, such actions by private associations at least in cases where the safety of their members is directly involved, *e.g.*, when the crew of a hijacked aircraft are held as hostages, cannot be totally eliminated.

Trial of Hijackers by International Court

It has been suggested that one of the methods to make a convention on the subject of hijacking more acceptable to states is to provide for the trial of hijackers by an International Criminal Court, since the individual state would bear no immediate political responsibility for such trial and consequent punishment. The N.U. Secretary-General too has suggested that the crime should be brought before an international tribunal regardless of their nationality and irres-

pective of their political system. Anticipating the argument that not all nations will agree to international jurisdiction, he observed, 'National or federal justice took the same path and was confronted with the same difficulties at the beginning. These problems will be solved as more and more nations recognize the merit of the system and are ready to implement it. Perhaps the optimism of the Secretary-General has been a little too exaggerated. The suggestion is, no doubt, admirable, and could overcome most of the problems of jurisdiction and the political motivations in the refusal to extradite or to prosecute, but it is ahead of the times in which we are living. Even the jurisdiction of the International Court of Justice, which has been in existence for about half a century, has not as yet been accepted by the majority of the States. It seems unrealistic, therefore, to expect that for 'hijacking' alone punishment by an International tribunal would be acceptable to the states.

THE MYTH OF THE MIDDLE CLASS by Richard Parker; Published by Liveright, New York; 1972; 233 p.

In this book, an American economist presents an analysis of the contemporary American scene so far as the distribution of income and wealth is concerned. The author characterises as a myth the notion widely prevalent that the United States is a middle class society which is on the march to equality in income and wealth, with a benign dispersal of power among competing middle class groups who check and balance each other. He refutes the propaganda widely carried on by social scientists and public relations men in America that there are no longer any poor or that the poor are about to be elevated into affluence by benevolent government programmes and that the big rich are being eliminated by confiscatory taxes. The author asserts that the harsh socio-economic realities are: ineradicable poverty; a loophole-riddled tax system that favours the few truly wealthy; subsidies for large corporations, and wage controls for everyone but big executives and independent professionals, while prices continue to rise.

The Myth of America's Affluent Society

After World War II, it became popular to describe America as the Affluent Society and to believe that the unprecedented level of material abundance enjoyed by the middle class had made many traditional problems irrelevant. Poverty was declared an afterthought, and politics was said to be facing an "end of ideology." Gains in education and

technology and the growth of a new class of managers and professionals were supposed to be the first steps toward an automated society where leisure, not work, would be a burden.

All of this was a distortion of reality. The trends that were identified influenced a part, but not all of society. The negative aspects of the Affluent Society were downplayed or ignored. When poverty was "rediscovered" and malnutrition was shown to affect millions, they were treated as temporary paradoxes or oversights rather than as possibly endemic features of American society. This myth of the Affluent Society still enjoys wide popularity.

The effect has been a myopia which ignores or distorts serious issues of social justice. Today the combined wealth of the country's 200 richest citizens is greater than the Gross National Product of any nation in black Africa, yet the average factory worker takes home \$100 a week. The richest ten per cent of Americans enjoy more income year that the poorest half. Two per cent of the person's populace controls one-third of the nation's wealth while nearly half of American families have less than \$500 in savings and a fifth of American families have none.

Distortion of Reality

This situation is shocking because it defies not only the myth of the Affluent Society, but the more fundamental connection to America as a middle-class nation. America's image is of tree-lined suburbs and two-car garages. Yet one-third of the country still lives in poverty, and one-half lives below a budget that the government calls only "modestly comfortable." Somewhere there has been a profound distortion of reality.

This distortion stems from the very notion of the middle class, from the traditional American rejection of class terminology, and from the insistence upon equality as a prominent characteristic of American society.

But more important is the further distortion by members of what Jhon Kenneth Galbraith once called the New Class. Building on their own very special affluence after World War II, the members of this class have generalized their experience into the myth of an equalitarian, middle-class Affluent Society. Relieved by the end of the depression and the war, anxious to find good in an America they thought menaced by Communism, they made predictions about this country that have since proved drastically wrong.

For example, they predicted a lessening inequality of income and wealth as the economy grew; instead the distribution of income and wealth has remained virtually unchanged, and may even be worsening. They predicted the disappearance of poverty; instead the poor, despite misleading government statistics, are as numerous as ever and show little likelihood of disappearing in our lifetime. They predicted growing educational and work opportunities for all; instead, as late as 1985 only one in eight Americans will have graduated from college, although education is increasingly the sole means of achieving enjoyable, well-paying work.

Economic Equality

Since America is not simply the Affluent Society, since malnutrition and poverty coexist with enormous wealth, and since the middle class is a term which may describe a family that is only one step ahead of poverty or a family one step short of riches, the issue of economic equality remains as crucial as it was to Jefferson and Taine.

No change in situation

The situation is not changing in the Seventies inspite of anti-poverty programmes of the U.S. Government. The existence of hungry and abused men, women, and children in the midst of what is supposed to be the most prosperous and humane country on earth makes a mockery of American claims to "liberty and justice for all." Public rhetoric has occasionally admitted the presence of these human beings in our midst, but always with the promise that they would soon disappear, swept up eventually by the well-being that enfolds the rest of middle-class America.

In fact, the poor have not disappeared, but are now, and always have been, a basic feature of American society. Moreover, there are no signs that this situation is changing.

To most people that statement will sound exaggerated. Since 1960 the number of officially defined poor people has steadily declined, and seems to be declining further still. The government has increased its expenditures to fight poverty and in the past decade has founded an agency specifically concerned with poverty's abolition. The country at large seems to be more aware than ever before of the existence of poverty, and more willing to do something about it.

But the statement must nevertheless be made, because Americans have developed over the years a temporizing attitude towards the co-existence of extreme poverty and extreme wealth. It is, as a friend once called it, the "new beginnings" approach to social change. According to the "new beginnings" approach, poverty (or any other social problem) is admitted to exist, but is immediately removed from the realm of social criticism by two corollaries. The first corollary states that the existing problem is bad, but is better than it was, say, fifty years ago. The second corollary is that however meagre the solution offered, it represents a "new beginning", a fundamental change in American consciousness and behaviour, a change that will presumably solve the problem under discussion.

Unfortunately for the poor, America seems to be constantly making new beginnings, only to slide rapidly into indifference and inaction.

Government's Budget for the Poor Unrealistic

The government's budget for the poor is unrealistic on many scores. It insists the poor should spend a third of their income on food, though the average family spends only 22 per cent of its income on food. It fails to take account of the overpricing and shoddy quality of food in poverty areas. It ignores the high costs of items such as housing and furniture (usually 10 per cent to 25 per cent higher in poverty neighbourhoods, according to one Census Bureau economist) which drive up expenses in the other two-thirds of its budget. In farm areas, the budget still relies heavily on the presumption that rural families produce much of their own food, although homegrown items have fallen from 70 per cent to 36 per cent of farm diets in the past twenty years. It makes no allowance for the higher education of poor children. It assumes no major medical expenses in the family, although most of the poor are inadequately covered by medical insurance. Finally, it does not even allow for a savings account, presuming rightly that the poor will have nothing to save.

Gross underestimation of Poverty

The natural result of the government's gross understanding of poverty is that poverty by the government's standards is disappearing from 1959 to 1969 the percentage of Americans officially classified as poor declined from 22 per cent to 12 per cent of the population. But the obvious question is whether this statistical sleight of hand deserves to be called a "notable victory".

For example, government's definition of poverty includes only the poorest of the American poor. Now consider how even those poor have been lifted from poverty. In 1959, the "poverty level" was \$3,000; ten years later it had been raised by \$721, or roughly 25 per cent to account for rises in the cost of living. But how well does the 25 per cent increase cover the actual rises in the cost of living?

Over the same ten years, the consumer price index rose almost 35 per cent; if rises in federal, state, and local taxes are added, economists estimate that American families required a 41 per cent increase in income just to maintain the same standard of living. In dollars, that meant that a family earning \$3,000 in 1959 needed \$4,365 in 1969 just to remain as poor as they started out. Similar figures apply to higher incomes.

The Waves of "New Beginnings" for the Poor

The inability of the poor, and most especially the hungry poor, to translate their needs into effective social results is neither new nor should it be surprising. It is the natural consequence of temporizing that makes the coexistence of extreme poverty and extreme wealth a natural fact of American life. It is always claimed that more Americans have become middle class and that poverty has declined. Then to dispose of the last hard core of poverty it is said that the people must work together for a "new beginning". The successive waves of "new beginnings" have no doubt begun with uniformly good intentions, but have ended with uniformly bad results. Thus the poor in America have been promised redemption from their poverty on innumerable occasions, only to find themselves forgotten a decade later.

AN ECONOMIC ANALYSIS OF THE INDIAN TEA INDUSTRY AND PUBLIC POLICY by M. Halayya; Published by Karnatak University; Dharwar; 1972; 245 p.

This is an exhaustive study of the tea industry in the context of the Indian economy. It covers all aspects of this industry and describes in detail its growth and its problems. The author, while depending mainly for his material on official documents and reports, has supplemented it by interviews and personal observations. In successive chapters he deals respectively with the structure of the Indian tea industry, employment and labour policy, tax structure and taxation policy, cost of production, prices and profitability, tea markets, the marketing of tea and public policy in regard to tea.

The author feels that the industry is hamstrung by a certain amount of indecisiveness, contradiction and lack of co-ordination in Government policy. He expresses the view that the Union Government has not been able to exercise sufficient authority over the State Government policies affecting the development of the industry.

Main Problems of the Tea Industry

According to him, the major problems facing the industry are: (i) relatively low growth of production; (ii) declining trend in exports; (iii) instability of prices and (iv) declining profitability. For putting the tea industry on a stable footing, so that it may grow at a faster rate and it may be able to face the challenges of the future the author has made some suggestions.

Government's Policy

The policy of the Government in looking upon the tea industry merely as a source of revenue and as an employer of labour needs revision. It should be looked upon, first and foremost, as an exports industry capable of earning a large amount of foreign exchange which is of vital importance to the development of the Indian economy.

It is important that the Centre and the States should follow an integrated and co-ordinated policy towards the tea industry. The Government of India must be able and willing to persuade the Governments of tea-growing States to follow such a policy.

The present antipathy in official circles to the tea industry is, to some extent, due to the British connections with it. There seems to be a feeling that the foreign-owned tea plantation companies are exploiting the industry for the material benefits of the U.K. This assumption is not justified. It is unfair to point an accusing finger at British planters for all the ills of the industry.

The allegation that non-Indian interests are taking away the profits and investing them elsewhere is questionable. A sound and mature policy should have as its aim the strengthening of the competitive position of Indian tea in the world market.

Development of the Industry

The general aim should be to undertake new planting at the rate of 3 per cent of the total area annually in the form of replanting, replacements and/or extension with good planting material.

The industry is faced with the problem of non-availability of suitable land for extensions. Therefore it is not desirable to lay any specific relationship between land under tea and that not under tea within a tea grant. Tea estates should be allowed to retain all land suitable for expansion and also allowed to retain sufficient land for ancillary purposes.

Quality seeds must be made available in adequate quantities and at reasonable prices to make replantation on an extensive scale possible.

Fertilizers should be ensured to the industry to reach estates by the end of December at the latest. Besides, the prices of fertilizers should not be increased.

Pesticides and weedicides should be available in sufficient quantities so that supplies could be obtained by the industry as and when required.

The Central Government should persuade the concerned State Governments to work out suitable schemes for adequate supply of water to irrigate the estates. The State Governments should also undertake surveys on the possibilities of harnessing sub-soil water in tea estates.

In the interest of efficient production, the policy relating to the import of machinery, spares, components, implements, tools and other essential supplies should be decided by the Government in consultation with the industry. The producer should not be made to bear a heavy import duty which directly goes to increase his production costs. A liberal import policy in this regard should be devised.

Efficient production also demands reasonable facilities for the expansion of manufacturing capacity which implies adequate allotment of building materials like structural steel. Coal is another item which should be made available at the appropriate time.

Development of the tea industry demands replantation on a fairly extensive scale. At present, a replantation subsidy of Rs. 35,000 per hectare in the plains and Rs. 4,500 per hectare in the hills is given. But what is required is a depreciation-cum-rehabilitation allowance since tea is a wasting asset. It will be an ideal source for replanting in particular and development in general.

It is necessary to set up an independent Authority on the model of the Kenya Tea Development Authority for the development of small units in the industry.

There is widespread adulteration of tea. Therefore, stringent anti-adulteration measures need to be undertaken.

The Tea Board

The Tea Board has not been able to fulfil the purpose for which it was established, namely, effective tea promotion. The promotion of Indian tea in the overseas market has been ineffective. The Board should be an autonomous body. Greater representation to producers is necessary. The size of the Board must be reduced considerably to make effective deliberation possible.

The policies of the Board should be backed up by adequate finance and professional skills.

The tenure of the Chairman of the Board should be at least five years.

The Board should have a permanent Deputy Chairman and appointment to this post should be left to the Board. Recruitment by open selections is the best.

While the tea cess may continue to be collected by the Government the total amount collected minus the collection charges must be credited to the Tea Fund account to be spent in accordance with the sanctioned budget.

The Board should have complete control over its staff and activities including those abroad.

Labour Policies

The policy of appeasement of labour by some of the Governments of the tea-growing States for political reasons is dangerous to the worker himself. The policy of placating labour should be given up.

In the context of rising wages, the only way to hold down labour cost is to improve labour productivity. This can be achieved to a large extent if the management is authorised to exercise a more effective disciplinary control and to make a flexible use of labour.

It is not fair to make the management of tea plantations supply foodgrains to labour at concessional rates especially because the issue of foodgrains by Government to estates is inadequate and irregular. No industry can be expected to carry such a burden as a normal and permanent feature. Hence, this requirement should be withdrawn immediately.

The Trade Unions Act (1926) and the Amendment Acts of 1947 and 1960 should be strictly enforced in tea plantations especially in regard to the safe custody of funds, submission of returns, maintenance of registers, issue of receipts for subscriptions, etc. The provision that any seven workers can form a union has encouraged the formation of a number of rival unions even at the slightest provocation. The provision needs to be changed. Whole-time trained secretaries should be required to be appointed for primary unions. Outsiders should not be allowed except in the case of primary unions. Only a single union should be permitted to function in a State.

The housing subsidy scheme has failed in practice. The Central Government must make funds available against loans and subsidies immediately. The cost of construction of houses for labour in plantations should be treated as revenue expenditure for purposes of income-tax.

The Central Board of Workers' Education should extend the Workers' Education Scheme to tea plantations.

Taxation, Cost of Production, Prices and Profitability

It is necessary that the Government should follow a prudent tax policy without exacting more and more from the industry. This calls for a greater amount of co-ordination between the Centre and the tea-growing States. Rationalization of the tax structure is urgently called for.

In the context of the declining price level in the external markets and the inability of Indian teas to compete effectively with the teas of other producing countries, it is imperative that the export duty on tea should be abolished forthwith. There should be no further increase in the excise duty on tea.

Government must devise ways and means to reduce the cost of production. The industry also should try to bring down the cost of production by introducing innovations both in the field and in the factory.

There must be a separate Plantation Code, since the conditions of work in plantations differ materially from those in urban industries. The Code must be a Central Act and State Governments should have no rule-making powers under it.

Tea plantations companies must be required to adopt a standardised method of account-keeping.

Since profitability has been declining considerably, the tea industry requires financial assistance for development as also for working capital. Advances on more liberal terms than at present should be made by the Tea Board and the Agricultural Refinance Corporation.

In the context of falling tea prices, the permanent remedy is to increase the world consumption of tea. Intensive research is necessary regarding new methods of using tea.

Marketing

Joint action by producing countries is necessary to arrest the fall in tea prices. An agreement to restrict production is not quite practicable. The alternative is (a) to devise an international export regulation scheme, and (b) to fix negotiated floor prices for tea exports. Ceylon and India may initiate the experiment. Other producing countries may be expected to join the agreement in due course.

Generic tea promotion is more productive because pooling of resources and combined and concerted drive for expanding the total tea market becomes possible.

Concentration on a selected group of blenders and packeteers will be more productive for India than a dispersed effort at propaganda for Indian tea based on quality.

The existing system of marketing which allows the producer four different alternatives of marketing his product is the best and there should be no interference with it. The defect in marketing of Indian teas does not lie in the marketing mechanism, but in the marketing environment created by a series of Government policies.

The allegation that tea auctions favour the brokers and that auction prices can be rigged is not supported by empirical evidence. Nor is it true to say that the existence of a small number of brokers and sharing the lots at auctions depress prices. Since auctions ensure effective operation of the market forces of supply and demand, they should not be interfered with.

The proposal of the Indo-Ceylon consortium of producers for blending and packeting will not have any material effect upon prices. Hence, too much reliance should not be placed on this scheme.

Bilateral trading with U.S.S.R., U.A.R., Sudan etc., has resulted in a displacement and not in an addition to Indian tea exports. It is true that these countries provide a support to the export market; all the same, they have imparted an element of instability as they could stop buying according to State policy.

Restriction on travel discourages the Indian exporters from maintaining close contact with overseas markets. It should be relaxed.

Internal consumption of tea is a factor of great importance to the supply and demand forces at work. This favourable force should be based on a positive policy of encouraging internal consumption.

Research

Research and development should be viewed as complementary activities by the Government. Both agricultural and industrial research are necessary if the quality of the final product should improve and if the cost of production is to be reduced. Government should set aside larger amounts for capital and recurring expenditure of the Tocklai Experimental Station and the Scientific Department of the United Planters' Association of Southern India without expanding its control over these institutions. If necessary, a tea research cess may be imposed on the industry and the whole amount minus the collection charges may be spent exclusively for research.

The tea research institutions are experiencing difficulty in getting essential scientific equipments on account of import restrictions. The import policy in regard to scientific equipments needs to be liberalized.

Intensive research is necessary (a) to improve methods of manufacture and (b) to find out new methods of making a good cup of tea.

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APPENDICES

- I. Statement showing the work transacted during the Eighth Session of Fifth Lok Sabha.
- II. Statement showing the work transacted during the Eighty-Fifth Session of Rajya Sabha.
- III. Statement showing the Activities of the State Legislatures during the period 1st April, 1973 to 30th June, 1973.
- IV. List of Bills passed by Houses of Parliament and assented to by the President during the period 1st May, 1973 to 31st August, 1973.
- V. List of Bills passed by the State Legislatures during the period 1st April, 1973 to 30th June, 1973.
- VI. Ordinances issued by the Central Government during the period 1st May to 31st August, 1973 and State Governments during the period 1st April, 1973 to 30th June, 1973.
- VII. Party Position in Parliament and State Legislatures:—
 - A. (i) Lok Sabha (State-wise).
(ii) Lok Sabha (Party-wise).
 - B. (i) Rajya Sabha (State-wise).
(ii) Rajya Sabha (Party-wise).
 - C. State Legislative Assemblies.

APPENDIX I

Statement showing the work transacted during the Eighth Session of the Fifth Lok Sabha

1. Period of the Session—	23rd July to 5th September, 1973.	
2. Number of meetings held—		31
3. Total number of sitting hours—	213 hours and 52 minutes.	
4. Number of divisions held—		21
5. <i>Government Bills :</i>		
(i) Pending at the commencement of the Session		25
(ii) Introduced		9
(iii) Laid on the Table as passed by Rajya Sabha		8
(iv) Returned by Rajya Sabha with any amendment / recommendation and laid on the Table		Nil
(v) Referred to Select Committee		Nil
(vi) Referred to Joint Committee		Nil
(vii) Reported by Select Committee		Nil
(viii) Reported by Joint Committee		1
(ix) Discussed		20
(x) Passed		19
(xi) Withdrawn		Nil
(xii) Negatived		Nil
(xiii) Part-discussed		Nil
(xiv) Discussion postponed		1
(xv) Returned by Rajya Sabha without any recommendation		7
(xvi) Motion for concurrence to refer to the Bills to Joint Committee adopted		Nil
(xvii) Pending at the end of the Session		23
6. <i>Private Members' Bills :</i>		
(i) Pending at the commencement of the Session		114
(ii) Introduced		21
(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		4
(vii) Passed		Nil
(viii) Withdrawn		1
(ix) Negatived		2
(x) Circulated for eliciting opinion		Nil
(xi) Part-discussed		1

(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Removed from the Register of Pending Bills	Nil
(xvi) Pending at the end of the session	132

7. Number of Discussions held under Rule 193 :
(Matters of Urgent Public Importance)

(i) Notices received	177
(ii) Admitted	7
(iii) Discussion held	7

8. Number of Statements made under Rule 197 :
(Calling-attention to matters of urgent public importance)

Statements made by Ministers	19
--	----

9. Half-an-hour discussions held	13
--	----

10. Statutory Resolutions :

(i) Notices received	7
(ii) Admitted	5
(iii) Moved	5
(iv) Adopted	5
(v) Negatived	Nil
(vi) Withdrawn	Nil

11. Government Resolutions :

(i) Notices received	} Nil
(ii) Admitted	
(iii) Moved	
(iv) Adopted	

12. Private Members' Resolutions :

(i) Received	8
(ii) Admitted	8
(iii) Discussed	4
(iv) Withdrawn	2
(v) Negatived	1
(vi) Adopted	Nil
(vii) Part-discussed	1
(viii) Discussion postponed	Nil

13. Government Motions :

(i) Notices received	3
(ii) Admitted	3
(iii) Moved	1
(iv) Adopted	Nil
(v) Discussed	1 (Part-discussed)

14. Private Members' Motions :

(i) Received	267
(ii) Admitted	120
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Discussed	Nil
(vi) Negatived	Nil
(vii) Part-discussed	Nil
(viii) Withdrawn	Nil

15. Motions Re: Modification of Statutory Rule :

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

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

17. Total number of Visitors' Passes issued during the session] 24061

18. Maximum number of Visitors' Passes issued on any single day, and date on which issued 1756 on 30-8-1973

19. Number of Adjournment Motions :

(i) Brought before the House	2
(ii) Admitted and discussed	1
(iii) Barred in view of adjournment Motion admitted on the subject	8
(iv) Consent withheld by Speaker outside the House	54
(v) Consent given by Speaker but leave not granted by House	1

20. Total Number of Questions Admitted :

(i) Starred	541
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	5,288
(iii) Short-notice questions	7

21. Parliamentary Committees :

Serial No.	Name of the Committee	No. of sittings held during the period 1-5-73 to 31-8-73	No. of reports presented during the session
(1)	(2)	(3)	(4)
(i)	Business Advisory Committee	4	4
(ii)	Committee on Absence of Members from the sittings of the House	2	2

(1)	(2)	(3)	(4)
(iii)	Committee on Government Assurances . . . . .	..	1
(iv)	Committee on Petitions	4	1
(v)	Committee on Private Members Bills and Resolutions . . . . .	..	4
(vi)	Committee on Privileges	11	2
(vii)	Committee on Public Undertaking	12	1
(viii)	Committee on Subordinate Legislation	8	2
(ix)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	7	4
(x)	Estimates Committee	11	..
(xi)	General Purposes Committee	1	..
(xii)	Public Accounts Committee	15	1
(xiii)	Railway Convention Committee	1	..
(xiv)	Rules Committee	1	1
	<i>Joint/Select Committees</i>		
(xv)	Joint Committee on Offices of Profit	4	1
(xvi)	Joint Committee on Salaries and Allowances of Members of Parliament	3	..
(xvii)	Joint Committee on the Companies (Amendment) Bill, 1972	12	..
(xviii)	Joint Committee on the Disturbed Areas (Special Courts) Bill, 1972	4	..
(xix)	Joint Committee on the Mines (Amendment) Bill, 1972	9	1
(xx)	Joint Committee on the National Library Bill, 1972	6	..
(xxi)	Joint Committee on the Presidential and Vice-Presidential — Elections (Amendment) Bills, 1972	6	..
(xxii)	Joint Committee on the Untouchability (Offence) Amendment and Miscellaneous Provisions Bill, 1972	4	1
(xxiii)	Select Committee on the Taxation Laws (Amendment) Bill, 1973	6	..
(B)	<i>Parliamentary Committees created during the Session :</i>		One
	The Committee of Parliament to advise the Chairmen of Rajya Sabha and the Speaker of Lok Sabha on the question of pay structure applicable to officers and staff of Rajya Sabha and Lok Sabha Secretariats.		
22.	<i>Number of Members Granted Leave of Absence</i>	4	
23.	<i>Petitions Presented</i>	Nil	

24. Names of new members sworn with dates and Constituencies :

Name of the member Sworn	Date on which sworn	Constituency
Shri K. Maya Thevar	24-7-1973	Dindigul (Tamil Nadu)

APPENDIX II

Statement showing the work transacted during the Eighty-Fifth Session of Rajya Sabha

1. Period of the Session	July 23, 1973 to September 4, 1973.	
2. Number of meetings held		29
3. Total number of sitting hours	169 Hours 48 Minutes (Excluding Lunch Break)	
4. Number of divisions held	3 (Three)	
5. <i>Government Bills :</i>		
(i) Pending at the commencement of the Session		7
(ii) Introduced		8
(iii) Laid on the Table as passed by Lok Sabha		17
(iv) Returned by Lok Sabha with any amendment		..
(v) Referred to Select Committee by Rajya Sabha		..
(vi) Referred to Joint Committee by Rajya Sabha		..
(vii) Reported by Select Committee		..
(viii) Reported by Joint Committee		1
(ix) Discussed		24
(x) Passed		24
(xi) Withdrawn		..
(xii) Negotived		..
(xiii) Part—Discussed		..
(xiv) Returned by Rajya Sabha without any recommendation		7
(xv) Discussion postponed		..
(xvi) Pending at the end of the Session		7
6. <i>Private Members Bills :</i>		
(i) Pending at the commencement of the Session		51
(ii) Introduced		6
(iii) Laid on the Table as passed by Lok Sabha		..
(iv) Returned by Lok Sabha with any amendment and laid on the Table		..

(v) Reported by Joint Committee . . . . .	..
(vi) Discussed	4
(vii) Withdrawn	3
(viii) Passed . . . . .	..
(ix) Negatived . . . . .	..
(x) Circulated for eliciting opinion . . . . .	..
(xi) Part—Discussed	1
(xii) Discussion postponed . . . . .	..
(xiii) Motion for circulation of Bill negatived . . . . .	..
(xiv) Referred to Select Committee . . . . .	..
(xv) Pending at the end of the Session	51
7. <i>Number of Discussions held under Rules 176 :</i> <i>(Matters of Urgent Public Importance)</i>	
(i) Notices received	13
(ii) Admitted	3
(iii) Discussion held	3
8. <i>Number of Statements made under Rule 180 :</i> <i>(Calling-attention to matters of Urgent Public Importance)</i>	
Statements made by Ministers	22
9. Half-an-Hour discussions held	2
10. <i>Statutory Resolutions :</i>	
(i) Notices received	4
(ii) Admitted	4
(iii) Moved	4
(iv) Adopted	4
(v) Negatived	Nil
(vi) Withdrawn	Nil
11. <i>Government Resolutions :</i>	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1

12. *Private Members' Resolution :*

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

13. *Government Motions :*

(i) Notices received	. . . . .	2
(ii) Admitted	. . . . .	2
(iii) Moved . . . . .	. . . . .	1
(iv) Adopted	. . . . .	Nil
(v) Part—Discussed	. . . . .	Nil

14. *Private Members' Motions :*

(i) Received	. . . . .	45
(ii) Admitted	. . . . .	39
(iii) Moved	. . . . .	1
(iv) Adopted	. . . . .	Nil
(v) Part—discussed	. . . . .	Nil
(vi) Negatived	. . . . .	1
(vii) Withdrawn	. . . . .	Nil

15. *Motions regarding modification of Statutory Rule :*

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

16. Number of Parliamentary Committee created, if any, during the session Nil
17. Total number of Visitors' Passes 4280
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued 255 on 30-8-1973
19. Number of Motions for Papers under Rule 175 :
- | | |
|--|-------|
| (i) Brought before the House | } Nil |
| (ii) Admitted and discussed | |
20. Total Number of Questions Admitted :
- | | |
|--|------|
| (i) Starred | 792 |
| (ii) Unstarred (including Starred Questions) | 1456 |
| (iii) Short-notice Questions | 1 |
21. Discussion on the working of the Ministries—
(Ministry of Education, Social Welfare & Culture) 1
22. Working of Parliamentary Committees :

Name of Committee	No. of meetings held during the period from 1-5-73 to 4-9-73	No. of Reports presented during the session
1	2	3
(i) Public Accounts Committee	Nil	1
(ii) Committee on Public Undertakings	Nil	Nil
(iii) Business Advisory Committee	3	Nil
(iv) Committee on Subordinate Legislation	2	Nil
(v) Committee on Petitions	3	1
(vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	Nil	14
(vii) Committee of Privileges	Nil	Nil
(viii) Committee on Rules	Nil	Nil
(ix) Joint Committee on Offices of Profit	Nil	1
(x) Committee on Government Assurances	7	1

1	2	3
(xi) Joint Committee on the Plantations (Labour) Amendment Bill, 1973	5	Nil
(xii) Joint Committee on the Indian Penal Code (Amendment) Bill, 1973	18	Nil
<hr/>		
23. Number of Members granted leave of absence	Two	
24. Petitions presented	One	
25. Number of New Members sworn with Dates :		
<hr/>		
<i>Sr. No.</i>	<i>Name of Members Sworn</i>	<i>Date on which sworn</i>
<hr/>		
1	Shri D. K. Borooah	23-7-73
<hr/>		

APPENDIX III (i)

Statement showing the activities of the State legislatures during the period 1st April, 1973 to 30th June, 1973

Sessions held	Bills Passed		No. of Questions				Committee at Work				No. of Reports presented	
	Govt.	Pri- vate	Starred		Unstarred		Short Notice		Name of the Com- mittee	Sittings held		No. of Reports presented
			Recd.	Admtd.	Recd.	Admtd.	Recd.	Admtd.				
1	2	3	4	5	6	7	8	9	10	11	12	
One (4-6-73 to 19-7-73) —29 sittings.	6		1518	1490	131	130	65	39	Business Advisory Committee.	3	..	
									Committee on Government Assurances	1	..	
									Estimates Committee	1	..	
									House Committee/ Members' Accommodation Committee.	1	..	
									Rules Committees	2	1	
									Select Committees			
									(a) The Assam Urban Immovable Property (Ceiling) Bill, 1972.	2	1	

Assam Legislative Assembly

Delhi Metropolitan Council

One (16-4-73 to 1-5-73)	2	..	1471*	240	..	865	5	5	Business Advisory Committee	1	2
—13 sittings.									Committee on Government Assurances	4	1
									Committee on Private Members' Bills and Resolutions	2	2
									Rules Committee	3	..
									<i>Joint/Select</i> Committee	9	1

Appendices

Goa, Daman and Diu Legislative Assembly

One** (23-2-73 to 12-4-73)	7	..	723	490	31	63†	19	13††	Business Advisory Committee	(4)	(3)
—31 sittings.									Committee on Government Assurances	1(3)	(1)
									Committee on Privileges	(3)	(1)

* Notices received for Starred Questions were treated as Unstarred.

** Total number of notices received for Starred and Unstarred Questions.

† Relates to the period 1-1-73 to 31-3-73.

†† Out of this 32 notices were treated as Starred Questions.

‡ Out of this 5 notices were treated as Starred Questions.

Notes : The figures in brackets in cols. 11 and 12 relate to the period 1-1-73 to 31-3-73.

1	2	3	4	5	6	7	8	9	10	11	12
..	642	308	..	..	Committee on Sub-ordinate Legislation	(1)	..
..	Estimates Committee	2(3)	(1)
..	Library Committee	1(2)	..
..	Public Accounts Committee	1(8)	..
..	Rules Committee	(3)	..
<i>Gujarat Legislative Assembly</i>											
..	642	308	..	..	Committee on Public Undertakings	4	..
..	Committee on Absence of Members	1	1
..	Committee on Government Assurances	1	..
..	Estimates Committee	6	..
..	Public Accounts Committee	1	..
..	Rules Committee	1	1
..	Select Committee on Gujarat Agricultural lands Ceiling (Amendment) Bill 1972	8	..

Haryana Vidhan Sabha

9	..	t	1	..	3	..	Business Advisory Committee	4	4
							Committee on the Welfare of Scheduled Castes and Scheduled Tribes	4	..
							Estimates Committee	1	..
							Public Accounts Committee	4	..

Himachal Pradesh Vidhan Sabha

..	..	..	..	..	..	..	Committee on Government Assurances	6	..
							Committee on Subordinate Legislation	5	..
							Committee on the Welfare of Scheduled Castes and Scheduled Tribes	6	..
							Committee on Public Undertakings	5	..
							Estimates Committee	10	..
							Public Accounts Committee	14	..

On 25-6-73 and 26-6-73*
—2 sittings.

*In continuation of the session adjourned on 6-4-73 see J.P.I. Vol. XIX No. 3 (July 1973) p. 836.

I	2	3	4	5	6	7	8	9	10	11	12
	6		803	633	506	393	24	13			
									Committee on Sub-ordinate Legislation . . .	2	..
									Committee on Public Undertakings	2	..
									Estimates Committee	2	..
									Public Accounts Committee . . .	7	
									Select Committees :		
									(i) Select Committee on a Bill to amend the J & K Shops and Establishment Act, 1966 . . .	4	
									(ii) Select Committee on a Bill to amend the J & K Houses and Shops Rent Control Act, 1966 . . .	3	
									(iii) Select Committee on a Bill to amend the J & K Right of Prior Purchase Act, Samvat 1993 . . .	2	..

One (26-2-73
to 7-4-73)
—27 sittings.

*Jammu & Kashmir Legislative Council**

One (26-2-73 to 7-4-73) —22 sittings.	14	1	455	392	134	112	16	15	Business Advisory Committee.	6	5
									Rules Committee	1	1

Kerala Legislative Assembly

One (11-6-73 to 11-7-73) —21 sit- tings.	11	..	2894†	2304	2812	2185	10	1	Business Advisory Committee.	2	1
									Committee on Gov- ernment Assu- rances	3	..
									Committee on Peti- tions	4	..
									Committee on Pri- vate Members' Bills and Reso- lutions	4	5
									Committee on Pub- lic Undertakings	12	..
									Committee on Pri- vileges. . . . .	..	..
									Committee on Sub- ordinate Legis- lation.	5	..

*Relates to the period 1-1-73 to 31-3-73.

†Owing to the chubbing of questions there was only a total of 1066 questions appeared in the List of Starred Questions and 1910 in the List of Unstarred questions.

1	2	3	4	5	6	7	8	9	10	11	12
									Estimates Committee	8	
									House Committee/ Members' Accommodation Committee	3	..
									Library Committee	2	
									Public Accounts Committee	13	
									Rules Committee . . . . .	..
									<i>Joint/Select Committee :</i>		
									1. The Kerala Medical Practitioners Bill, 1972	5	..
									2. The Kerala University Bill, 1972 and the Calicut University Bill, 1972	8	..
									3. The Kerala Chitties Bill, 1972	8	1
									4. The Kerala Agricultural Workers Bill, 1972	8	..

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One* (26-2-73 to 7-4-73) 25 sittings]	19	..	5862@	2228	..	1315	37	7	Business Advisory Committee	2(5)	2(5)
									Committee on Govern- ment Assur- ances	1(2)	..
									Committee on Peti- tions	1(5)	1
									Committee on Pri- vate Members' Bills and Reso- lutions	1(4)	1(5)
									Committee on Pri- vileges	(2)	1
									Committee on Pub- lic Undertakings	5(1)	..
									Committee on Sub- ordinate Legis- lation	2(3)	1
									Estimates Committee	3(3)	(2)
									House Committee/ Members, Accom- modation Com- mittee	1(2)	..

Note : The figures in brackets in cols. 11 & 12 relate to the period 1-1-73 to 31-3-73.

*There was no session during the period from 7-4-73 to 30-6-73.

@ Includes notices received for both starred and Unstarred Questions.

	1	2	3	4	5	6	7	8	9	10	11	12
										Library Committee	(1)	
										Public Accounts Committee	2(8)	(1)
										Select Committees :		
										Madhya Pradesh Bhiksha Vriti Ni- varan Vidheyak, 1972.	2(8)	
										Madhya Pradesh Nagar Palika Nigam (Amend- ment) Bill, 1973 .	2	
										Select Committee on Madhya Pra- desh Nagar Palika (Amendment) Bill, 1973 .	2	
<i>Mysore Legislative Assembly</i>												
										18 Business Advisory Committee	4	
										Committee on Pri- vate Members, Bills and Reso- lutions	2	2
										Committee on Pub- lic Undertakings .	7	2
One from (9-4-73 to 3-5-73) and From (10- 5-73 to 1-6- 73) — 40-sittings	9	..	133	111	46	37	50	18				

	1	2	3	4	5	6	7	8	9	10	11	12
Public Accounts Committee											3	..
<i>Joint Committees :</i>												
1. Joint Select Committee on the Mysore State Agricultural Universities Bill, 1973											1	..
2. Joint Select Committees on the Mysore State Universities Bill, 1973.											1	..
<i>Pondicherry Legislative Assembly</i>												
Business Advisory Committee on Government Assurances											1	1
Committee on Delegated Legislation . . . . .											..	1
Estimates Committee											17	11*
Public Accounts Committee											13	2
Rules Committee											2	1
One (26-3-73 to 28-4-73) — 21 sittings	10	36	36	36	5					

Appendices

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Punjab Vidhan Sabha

Nil	..	54**	7**	Committee on Government Assurances	9	..
	Committee on Petitions	1	..
					..	Committee on Public Undertakings	2	..
					..	Committee on Subordinate Legislation	1	..
					9	Legislation	9	..
					1	Estimates Committee	1	..
					1	General Purposes Committee	1	..
					1	House Committee/ Members Accommodation Committee	1	..
					2	Library Committee	2	..
					8	Public Accounts Committee	8	..
One† (From 16-2-73 to 6-4-73) —5 sittings	2	2	127†	2	126†	Business Advisory Committee	1	1
				..	..	Committee on Government Assurances	24	..

Rajasthan Legislative Assembly

*Includes 4 interim Reports.
 **Had not been dealt with till receipt of information.
 †Part of the Budget Session. The figures given above relate to the period 1-4-73 to 30-6-73.
 ‡See also J.P.I. Vol. XIX, No. 3, July 1973, p. 948.

		<i>Tamil Nadu Legislative Council*</i>										
One**j (Commenced from 2-2-1973) —33 sittings	12	..	613	239	30	29	10	6	Select Committee of the Rajasthan Tenancy Bill, 1972	4	..	
									Business Advisory Committee	6	..	
									Committee on Gov- ernment Assur- ances	1	..	
									Committee on Pri- vileges	5	..	
									Rules Committee	1	..	
	<i>Tripura Legislative Assembly</i>											
										Nil		
										Committee on Gov- ernment Assur- ances	4	..
										Committee on Peti- tions	1	..
										Committee on Sub- ordinate Legis- lation	1	..
									Estimates Com- mittee	8	..	
									House Committee/ Members Accom- modation Com- mittee	1	..	

*Relates to the period 1-1-73 to 31-3-73.

**The Session continued beyond 31-3-73.

Appendices

Committee on Public Undertakings .	6	2
Estimates Committee	5	3
Public Accounts Committee . .	10	2

Uttar Pradesh Legislative Council

One (2-4-73 to 17-5-73) — 23 sittings	5	—	576	212	..	33	5	5
							Business Advisory Committee . .	5
							Committee on Government Assurances .	10
							Committee on Petitions . .	2
							Committee on Privileges . .	1
							Committee on Ruling Committee	6
							Committee on Public Undertakings .	4
							Committee on Cultural Affairs .	1
							Committees on Administrative Delays	1

*The session had commenced on 12-12-72.
 See J. P. I. Vol. No. 2 pp. 466 and 556 and No. 3, pp. 761 and 851
 The figures given above relate to the period 1-4-73 to 30-6-73

APPENDIX IV

List of Bills passed by the Houses of Parliament and assented to by the President during the period 1st May, 1973 to 31st August, 1973

S. No.	Title of Bill	Date of assent by the President
1.	The Appropriation (No. 2) Bill, 1973	5-5-1973
2.	The Orissa State Legislature (Delegation of Powers) Bill, 1973	10-5-1973
3.	The Finance Bill, 1973	11-5-1973
4.	The Central Excises and Salt (Amendment) Bill, 1973	19-5-1973
5.	The Manipur State Legislature (Delegation of Powers) Bill 1973	19-5-1973
6.	The North-Eastern Hill University Bill, 1973	26-5-1973
7.	The Cinematograph (Amendment) Bill, 1973	28-5-1973
8.	The Coal Mines (Nationalisation) Bill, 1973	30-5-1973
9.	The Apprentices (Amendment) Bill, 1973	7-6-1973
10.	The Manipur Appropriation Bill, 1973	31-7-1973
11.	The Andhra Pradesh Appropriation (No. 2) Bill, 1973	31-7-1973
12.	The Orissa Appropriation (No. 2) Bill, 1973	31-7-1973
13.	The Mysore State (Alteration of Name) Bill, 1973	21-8-1973
14.	The National Co-operative Development Corporation (Amendment) Bill, 1973	21-8-1973
15.	The Uttar Pradesh State Legislature (Delegation of Powers) Bill, 1973	22-8-1973
16.	The Laccadive, Minicoy, and Amindivi Islands (Alteration) of Name (Bill, 1973	26-8-1973
17.	The Appropriation (No. 3) Bill, 1973	28-8-1973

APPENDIX V

List of Bills passed by the State Legislatures during the period 1st April, 1973 to 30th June, 1973.

Assam Legislative Assembly

1. The Assam Appropriation (No. II) Bill, 1973.
2. The Assam Contingency Fund (Augmentation of Corpus) Bill, 1973.
3. The Assam Appropriation (No. III) Bill, 1973.
4. The Assam Cooperative Societies (Amendment) Bill, 1973.
5. The Assam Secondary Education (Amendment) Bill, 1973.
6. The Assam Panchayati Raj (Amendment) Bill, 1973.

Bihar Legislative Council*

1. Bihar Appropriation (Vote on Account) Bill, 1973.
2. Bihar Appropriation Bill, 1973.
3. Bihar Entertainment tax (Amendment) Bill, 1973.
4. Bihar (Transported by Public Carrier Passenger and Goods Taxation (Amendment) Bill, 1973.
- **5. Bihar Sales Tax (Amendment) Bill, 1973.
6. Bihar Excise Duty (Amendment) Bill, 1973.
7. Bihar Entertainment Tax, Court Fees and Stamp (Surcharge Amendment) Amendment Bill, 1973.
8. Bihar Appropriation (Additional Expenditure for 1960-61, 1961-62 and 1962-63) Bill, 1973.
9. Bihar Land Reforms (Ceiling on Land and Acquisition of Surplus Land) (Amendment) Bill, 1973.

Delhi Metropolitan Council

1. Delhi Development (Amendment) Bill, 1973.
2. Delhi Agricultural Produce Marketing (Regulation) Bill, 1973.

Goa Daman and Diu Legislative Assembly

- **1. The Goa, Daman and Diu Barge Tax Bill, 1972.
2. The Goa, Daman and Diu Supplementary Appropriation Bill, 1973.
- **3. The Goa, Daman and Diu Sales Tax (Amendment) Bill, 1973.

*Original in Hindi. Relate to the period 1-1-1973 to 4-4-1973.

**Bills awaiting assent.

- *4. The Goa, Daman and Diu (Legislative Diploma No. 1761) Amendment Bill, 1973.
- 5. The Goa, Daman and Diu Appropriation (Vote on Account) Bill, 1973.
- *6. The Goa, Daman and Diu Appropriation Bill, 1973.
- *7. The Goa, Daman and Diu Excise Duty (Amendment) Bill, 1973.

Haryana Vidhan Sabha

- 1. The Punjab Urban Immovable property Tax (Haryana Amendment) Bill, 1973:
- 2. The Punjab Entertainments Duty (Haryana Amendment) Bill, 1973.
- 3. The Indian Forest (Haryana Second Amendment) Bill, 1973.
- 4. The Punjab Excise (Haryana Amendment) Bill, 1973.
- 5. The Punjab Khadi and Village Industries Board (Haryana Amendment) Bill, 1973.
- *6. The Indian Stamp (Haryana Amendment) Bill, 1973.
- *7. The Registration (Haryana Amendment) Bill, 1973.
- *8. The Haryana Requisitioning and Acquisition of Immovable Property Bill, 1973.
- 9. The Punjab Agricultural Produce Markets (Haryana Second Amendment) Bill, 1973.

Jammu and Kashmir Legislative Assembly

- 1. A Bill to amend Jammu and Kashmir Co-operative Societies Act, 1960.
- 2. A Bill to amend the J & K Electricity (Supply) Act, 1971.
- 3. A Bill to amend the Jammu & Kashmir Government Aid to Agriculturists and Land Improvement Act, 1973.
- 4. A Bill to amend the J & K Municipal Act, Samvat 2008 and the J & K Town Area Act, Samvat 2011.
- 5. A Bill to prevent the Introduction, spread or reappearance of plant diseases, pests, parasites and noxious weeds.
- 6. A Bill to amend the Salaries and Allowances of the Members of the J & K State Legislature Act, 1960.

Jammu and Kashmir Legislative Council**

- 1. The Jammu and Kashmir Appropriation Bill, 1973.
- 2. A Bill to amend the Jammu and Kashmir Khadi and Village Industries Board Act, 1965.
- 3. The Jammu and Kashmir Appropriation (No. 2) Bill, 1973.
- 4. A Bill to amend the Jammu and Kashmir Village Panchayat Act.

*Bills awaiting assent.

**Relates to the period 1-1-73 to 31-3-73.

5. A Bill provide for the better administration of Sikh Gurdawaras in Jammu and Kashmir State and their properties wherever situate.
6. A Bill to amend the Jammu and Kashmir Universities Act, 1969.
7. A Bill to amend the Jammu and Kashmir Cooperative Societies Act, 1960.
8. A Bill to amend the Jammu and Kashmir Municipal Act, Samvat 2008 and the Jammu and Kashmir Town Area Act Samvat 2011.
9. A Bill to amend the Jammu and Kashmir Government Aid to Agriculturists and Land Improvement Act, 1993.
10. A Bill to amend the Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960.
11. A Bill to prevent the introduction spread or reappearance of Plant disease, Pests, Parasites and noxious weeds.
12. A Bill to amend the Jammu and Kashmir Electricity (Supply) Act, 1971.
13. A Bill to amend the Jammu and Kashmir Land Grants (Amendment) Bill, 1973.
14. A Bill to amend the Jammu and Kashmir Big Landed Abolition Act, Samvat 2007.
15. The Jammu and Kashmir Consolidation of Holdings (Amendment) Bill, 1973.

Kerala Legislative Assembly

1. The Indian Partnership (Kerala Amendment) Bill, 1973.
2. The Prohibition (Amendment) Bill, 1971.
3. The Kerala Land Development (Amendment) Bill, 1972.
4. The Kerala Civil Courts (Amendment) Bill, 1971.
5. The Kerala Agricultural Universities (Amendment) Bill, 1973.
6. The Payment of Salaries and Allowances (Amendment) Bill, 1973.
7. The Kerala Motor Vehicle Taxation (Amendment) Bill, 1973.
8. The Kerala Appropriation (No. 2) Bill, 1973.
9. The Kerala Gaming (Amendment) Bill, 1971.
10. The Kerala Public Service Commission (Additional Functions as respects services under Local Authorities) Bill, 1971.
11. The Kerala Appropriation (No. 3) Bill, 1973.

Madhya Pradesh Vidhan Sabha*

1. Madhya Pradesh Nurse Midwife, Assistant Nurse Midwife and Health Visitor Registration Bill, 1972.
2. Madhya Pradesh Land Revenue Code (Amendment) Bill, 1972.
3. Madhya Pradesh Nursing Home and Gynaecological Establishments (Registration and Licencing) Bill, 1973.

*Original in Hindi Relates to the period 1-1-73 to 31-3-73.

4. Madhya Pradesh Entertainment Tax and Advertisement Tax (Amendment) Bill, 1973.
5. Madhya Pradesh Municipality (Amendment) Bill, 1973.
6. Madhya Pradesh Appropriation Bill, 1973.
7. Madhya Pradesh City and Village Investment Bill, 1973.
8. Madhya Pradesh Institute of Medical Education (Control) Bill, 1973.
9. Madhya Pradesh Speaker and Deputy Speaker (Pay and Allowances) Amendment Bill, 1973.
10. Madhya Pradesh Primary School, Middle School, and Secondary Education (Provision regarding Text Books) Bill, 1973.
11. Madhya Pradesh Higher Education Grant Commission Bill, 1973.
12. Madhya Pradesh Appropriation (S. No. 2) Bill, 1973.
13. Madhya Pradesh Finance Bill, 1973.
14. Madhya Pradesh Forest Land Perpetual Lease Revocation Bill, 1973.
15. Madhya Pradesh Land Revenue Code (Amendment) Bill, 1973.
16. Madhya Pradesh University Bill, 1973.
17. Madhya Pradesh Panchayat (Amendment) Bill, 1973.
18. Madhya Pradesh Municipal Corporation (Amendment) Bill, 1973.
19. Madhya Pradesh Land Revenue (Surcharge) Amendment Bill, 1973.

Mysore Legislative Assembly

1. The Mysore Appropriation (No. 2) Bill, 1973.
- *2. The Charitable Endowments (Mysore Amendment) Bill, 1973.
- *3. The Mysore Agricultural Debtors' (Temporary Protection) Bill, 1973.
4. The Mysore Co-operative Societies (Amendment) Bill, 1973.
5. The Mysore High Court (Amendment) Bill, 1973.
- *6. The Mysore Inams Abolition Laws (Amendment) Bill, 1973.
7. The Mysore Appropriation (No. 3) Bill, 1973.
- *8. The Mysore Land Reforms (Amendment) Bill, 1973.

Mysore Legislative Council

1. The Mysore Appropriation (No. 2) Bill, 1973.
- *2. The Charitable Endowments (Mysore Amendment) Bill, 1973.
3. The Mysore Agricultural Debtors' (Temporary Protection) Bill, 1973.
4. The Mysore Co-operative Societies (Amendment) Bill, 1973.
5. The Mysore Appropriation (No. 3) Bill, 1973.
6. The Mysore High Court (Amendment) Bill, 1973.

*Bills awaiting assent.

- *7. The Mysore Inams Abolition Laws (Amendment) Bill, 1973.
- *8. The Mysore Land Reforms (Amendment) Bill, 1973.

Pondicherry Legislative Assembly

- 1. The Pondicherry Pawn Brokers (Amendment) Bill, 1973.
- 2. The Pondicherry Revenue Recovery (Amendment) Bill, 1973.
- 3. The Appropriation (No. I) Bill, 1973.
- 4. The Appropriation (Vote on Account) Bill, 1973.
- 5. The Appropriation (No. II) Bill, 1973.
- 6. The Appropriation (No. III) Bill, 1973.
- 7. The Pondicherry Municipalities Bill, 1973.
- 8. The Pondicherry Hindu and Commons Panchayats Bill, 1973.
- 9. The Pondicherry Hindu Religious Institution (Amendment) Bill, 1973.
- 10. The Pondicherry Cultivating Tenants (Payment of Fair Rent) (Amendment) Bill, 1973.

Rajasthan

- 1. The Rajasthan Agricultural Produce Markets (Amendment) Bill, 1973.
- 2. The Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Bill, 1973.

Tamil Nadu Legislative Council†

- 1. The Tamil Nadu Appropriation (No. 2) Bill, 1973.
- 2. The Tamil Nadu Appropriation (No. 3) Bill, 1973.
- 3. The Tamil Nadu Water Supply and Drainage Board (Amendment) Bill, 1973.
- 4. The Tamil Nadu District Municipalities (Amendment) Bill, 1973.
- 5. The Public Wakfs (Extension of Limitation) Tamil Nadu Amendment Bill, 1973.
- 6. The Tamil Nadu Buildings (Lease and Rent Control) Amendment Bill, 1973.
- 7. The Presidency Small Cause Courts (Tamil Nadu Amendment) Bill, 1973.
- 8. The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Bill, 1973.
- 9. The Tamil Nadu Cultivating Tenants (Right to Purchase Land Owners' Rights) Bill, 1973.
- 10. The Tamil Nadu General Sales Tax (Amendment) Bill, 1973.
- 11. The Madras City Tenants' Protection (Amendment) Bill, 1973.
- 12. The Tamil Nadu Public Men (Criminal Misconduct) Bill, 1973.

*Bills awaiting assent.

†Relates to the period 1-1-73 to 31-3-73.

Tamil Nadu Legislative Council

- *1. The Presidency Small Cause Courts (Tamil Nadu Amendment) Bill, 1973.
- *2. The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Bill, 1973.
- *3. The Tamil Nadu Cultivating Tenants (Right to Purchase Land Owners' Rights) Bill, 1973.
- *4. The Tamil Nadu General Sales Tax (Amendment) Bill, 1973.
- *5. The Madras City Tenants' Protection (Amendment) Bill, 1973.
- *6. The Tamil Nadu Public Men (Criminal Misconduct) Bill, 1973.

Uttar Pradesh Legislative Assembly

- *1. U. P. Agricultural Credit Bill, 1973.
2. The U. P. ceiling on Property (Temporary Restriction on Transfer) (Second Amendment) Bill, 1973.
3. The U. P. Tendu Patta (Vyapar Viniyaman) (Second Amendment) Bill, 1973.
4. The U. P. Appropriation Bill, 1973.

Uttar Pradesh Legislative Council

- *1. Uttar Pradesh Rajya Vishvavidyalaya Vidheyak, 1972.
- *2. Uttar Pradesh Sahri Sampatti (Adhiktam Seema) Vidheyak, 1972.
3. Uttar Pradesh Adhiktam Sampatti Seema (Avtaran par Asthai Nirbandhan) (Second Amendment) Vidheyak, 1973.
4. Uttar Pradesh Viniyog Vidheyak, 1973.
5. Uttar Pradesh Tendu Patta (Vyapar Viniyaman) (Second Amendment) Vidheyak, 1973.

West Bengal Legislative Assembly

1. The Calcutta Municipal (Second Amendment) Bill, 1973.
2. The Departmental Proceedings (Enforcement of Attendance of Witnesses and Production of Documents) Bill, 1973.
- *3. The West Bengal Agricultural Credit Operations Bill, 1973.
4. The Bengal Public Demands Recovery (Amendment) Bill, 1973.
5. The Calcutta Municipal (Amendment) Bill, 1973.
- *6. The West Bengal Housing Board (Amendment) Bill, 1973.
7. The Sri Ramkrishna Sarada Vidya Mahapitha (Amendment) Bill, 1973.
8. The West Bengal Taxation Laws (Second Amendment) Bill, 1973.
9. The West Bengal Estates Acquisition (Second Amendment) Bill, 1973.

*Bills awaiting assent.

10. The West Bengal Board of Secondary Education (Amendment) Bill, 1973.
- *11. The West Bengal Primary Education Bill, 1973, as reported by the Select Committee.
12. The Bengal Finance (Sales Tax) (Amendment) Bill, 1973.

APPENDIX VI

*Ordinances issued by the Central and State Governments during the period
1st April, 1973 to 30th June, 1973*

Sl. No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
1	2	3	4	5	6
Central*					
‡ Nil					
States					
<i>Assam†</i>					
1	The Assam Panchayati Raj (Amendment) Bill, 1973.	21-5-73	4-6-73	29-6-73	Replaced by legislation.
2	The Assam Cooperative Societies (Amendment) Ordinance, 1973.	Do.	Do.	Do.	Do.]
3	The Assam Contingency Fund (Augmentation of Corpus) (No. 2) Ordinance, 1973.	Do.	Do.	Do.	Do.]
4	The Assam Appropriation (No. 2) Ordinance, 1973.	Do.	Do.	28-6-73	Do.
<i>Bihar†</i>					
1	Bihar Excise Duty (Third Amendment) Ordinance, 1972.	23-9-72			
2	Bihar District Boards and Local Boards (Control and Management) (Fourth Amendment) Ordinance, 1972.	Do.			
3	Bihar Panchayat Samiti and Zila Parishad (Fourth Amendment) Ordinance, 1972.	Do.			
4	Bihar Panchayat Raj (Third Amendment and Validation) Ordinance, 1972.	Do.			

*Relating to the period 1-5-73 to 31-8-73.

†Relates to the period 1-1-73 to 4-4-73.

1	2	3	4	5	6
5	Bihar Khadi and Gramodyog (Third Amendment) Ordinance, 1972	23-9-72			
6	Bihar State Industries (Third Amendment) Ordinance, 1972.	Do.			
7	Indian Stamp (Bihar Third Amendment) Ordinance, 1972.	Do.			
8	Bihar Entertainment Tax, Court Fee and Stamp (Surcharge Amendment) Third Amendment Ordinance, 1972.	Do.			
9	Mithila University Third Ordinance, 1972	Do.			
10	Bihar State University Laws and School Laws (Third Amendment & Repeal) Ordinance, 1972.	Do.			
11	Bihar State Universities (Patna, Bihar, Bhagalpur, Ranchi and Magadh University) (Control and Management) Third Ordinance, 1972	Do.			
12	Bihar School Examination Board (Third Amendment) Ordinance, 1972.	Do.			
13	Anugraha Narain Sinha Institute of Social Studies (Third Amendment) Ordinance, 1972.	Do.			
14	Bihar Primary Education (Third Amendment) Ordinance, 1972.	Do.			
15	Bihar Municipalities (Third Amendment) Ordinance, 1972.	Do.			
16	Patna Municipal Corporation (Third Amendment) Ordinance, 1972.	Do.			

1	2	3	4	5	6
17	Bihar Land and Water Conservation and Development of Land Third Ordinance, 1972	23-9-72			
18	Bihar Entertainment Tax (Fourth Amendment) Ordinance, 1972.	Do.			
19	Bihar Motor Spirit (Taxation on Sale) (Fourth Amendment) Ordinance, 1972.	Do.			
20	Bihar Sales Tax (Third Amendment) Ordinance, 1972.	Do.			
21	Bihar Children Third Ordinance, 1972.	24-9-72			
22	Chota Nagpur and Santal Parganas Autonomous Development Authority (Third Amendment) Ordinance, 1972.	23-9-72			
23	Bihar Hindu Religious Trusts (Amendment) Ordinance, 1972.	Do.			
24	Bihar Motor Vehicles Taxation (Third Amendment) Ordinance, 1972.	Do.			
25	Motor Vehicles (Bihar Fourth Amendment) Ordinance, 1972.	Do.			
26	Bihar Institute of Medical Education (Regulation and Control) Third Amendment Ordinance, 1972.	Do.			
27	Bihar Health Service Third Ordinance, 1972.	Do.			
28	Patliputra Medical College (Taking over of Management) Third Ordinance, 1972.	24-9-72			
29	Bihar Shops and Establishments (Fourth Amendment) Ordinance, 1972.	Do.			

1	2	3	4	5	6
30	Bihar Industrial Development Authority Third Ordinance, 1972.	24-9-72			
31	Bihar Pay and Allowances of Ministers (Fifth Amendment) Ordinance, 1972.	23-9-72			
32	Bihar Pay and Allowances of Deputy Ministers (Fifth Amendment) Ordinance, 1972.	Do.			
33	Bihar Legislative (Pay and Allowances of Officers) (Fourth Amendment) Ordinance, 1972.	Do.			
34	Bihar Land Revenue (Exemption from Payment) (Third Amendment) Ordinance, 1972.	Do.			
35	Bihar Public Bhang Procurement (Fourth Amendment) Ordinance, 1972.	Do.			
36	Bihar Tenancy (Third Amendment) Ordinance, 1972.	Do.			
37	Chota Nagpur Tenancy (Third Amendment) Ordinance, 1972.	Do.			
38	Bihar Houses (Lease, Rent and Eviction) (Third Amendment) Ordinance, 1972.	24-9-72			
39	Bihar Agriculture Produce Marketing (Fourth Amendment) Ordinance, 1972.	Do.			
40	Bihar Ancient Monuments and Archaeological Sites and Remains Fourth Ordinance, 1972.	Do.			
41	Kendu Leaves (Trade Control) Fourth Ordinance, 1972.	Do.			

1	2	3	4	5	6
42	Bihar Gramdan (Fourth Amendment) Ordinance, 1972.	24-9-72			
43	Bihar Land Reforms (Validation and Third Amendment) Ordinance, 1972.	Do.			
44	Bihar Co-operative Societies (Third Amendment) Ordinance, 1972	Do.			
45	Bihar Sugarcane (Regulation of Supply and Procurement) Third Ordinance, 1972.	Do.			
46	Bihar (Transported by Public Carrier) Passenger and Goods Taxation (Third Amendment) Ordinance. 1972.	24-11-72			
47	Bihar Ceiling on Property (Temporary Restriction on Transfer) Ordinance, 1972.	4-10-72			
48	Bihar Irrigation and Lift Irrigation (Second Amendment) Ordinance, 1972.	9-10-72			
49	Bihar State Housing Board Third Ordinance, 1972.	12-10-72			
50	Bihar Moneylender (Transaction Regulation) (Amendment) Ordinance, 1972.	26-10-72			
51	Bihar Pay and Allowances of Ministers (Sixth Amendment) Ordinance, 1972.	7-11-72			
52	Bihar Pay and Allowances of Deputy Ministers (Sixth Amendment) Ordinance, 1972.	Do.			
53	Bihar Legislature (Pay and Allowances of Officers) (Fifth Amendment) Ordinance, 1972.	Do.			

1	2	3	4	5	6
54	Bihar Excise Duty (Fourth Amendment) Ordinance, 1972.	7-12-72			
55	Bihar Municipalities (Fourth Amendment) Ordinance, 1972.	9-12-72			
56	Bihar Ceiling on Property (Temporary Restriction on Transfer) (Amendment) Ordinance, 1972.	31-12-72			
57	Rajendra Agriculture University (Amendment) Ordinance, 1973.	12-1-73			
58	Bihar Lokayukta Ordinance, 1973.	12-1-73			
59	Bihar District Boards and Local Boards (Control and Management) Ordinance, 1973.	20-2-73			
60	Bihar Panchayat Raj (Validation) Ordinance, 1973.	21-2-73			
61	Bihar Panchayat Samiti and Zila Parishad (Amendment and Validation) Ordinance, 1973	21-2-73			
<i>Kerala</i>					
1	The Kerala Agricultural University (Amendment) Ordinance, 1973				
2	The Payment of Salaries and Allowances (Amendment) Ordinance, 1973.				
3	The Kerala Motor Vehicles Taxation (Amendment) Ordinance, 1973.				
<i>Madhya Pradesh*</i>					
1	Madhya Pradesh Panchayat (Amendment) Ordinance, 1973	10-1-73	27-2-73		Replaced by Legislation.

*Related to the period 1-1-73 to 31-3-73. Original in Hindi.

1	2	3	4	5	6
2	Madhya Pradesh City and Village Investment Ordinance, 1973	15-1-73	27-2-73		Replaced by Legislation
3	Madhya Pradesh Institute of Medical Education (Control) Ordinance, 1973	18-1-73	Do.		Do.
4	Madhya Pradesh Entertainment Tax and Advertisement Tax (Amendment) Ordinance, 1973	[27-1-73	Do.		Do.
<i>Mysore</i>					
1	The Mysore State Civil Services (Regulation of Promotion, Pay & Pension) Ordinance, 1973	29-6-73			..
2	The Mysore State Agricultural Lands (Prohibition of Alienation) Ordinance, 1973	Do.			..
3	The Mysore Land Revenue (Amendment) Ordinance, 1973	Do.	..	..	..
<i>Punjab</i>					
1	The Punjab Municipal (Amendment) Ordinance, 1973	[17-5-73	..	..	..
2	The Punjab Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1973	11-6-73			..
3	The Punjab General Sales Tax (Amendment) Ordinance, 1973	4-7-73	..	..	..
<i>Rajasthan</i>					
1	The Rajasthan Lands & Buildings Tax (Amendment) Ordinance, 1973	23-6-73	..	..	..
<i>Uttar Pradesh</i>					
1	Uttar Pradesh Nagar Niyojan tatha Vikas Adhyadesh, 1973	12-6-73	..		..

1	2	3	4	5	6
2	Uttar Pradesh Nagar Mahapalika Sanshodhan Adhyadesh, 1973	12-6-73			
3	Uttar Pradesh Jal Sambharan tatha Sever Vyavastha Adhyadesh, 1973	Do.			
4	Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhyadesh, 1973	Do.			
5	Uttar Pradesh Rajya Lok Seva Ayog (Prakriya Ka Vinyaman) tatha Karya Sanchalan Adhyadesh, 1973	Do.			
6	Uttar Pradesh Vidhan Mandal (Anharta Nivaran) (Sanshodhan) Adhyadesh, 1973	Do.			
7	Uttar Pradesh Rajya Vishwa Vidyalaya Adhyadesh, 1973	Do.			
8	Uttar Pradesh Bikri Kar (Sanshodhan) Adyadesh, 1973	Do.]			

APPENDIX VII
A. PARTY POSITION IN LOK SABHA

(I) State-wise

(As on September 1, 1973)

Name of the State	Seats	Cong.	CPI(M)	CPI	J. S.	DMK	Other Parties	Unattached	Total
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh	41	37	1	1	..		2(a)	..	41
Assam	14	14		..	..		..	..	14
Bihar	53	38		5	2		6(b)	1	52 (1 vacant)
Gujarat	24	12					9(c)	2	23 (1 vacant)
Haryana	9	7		..	1			1	9
Himachal Pradesh	4	4		..	..		..	..	4
Jammu and Kashmir	6	5	..	..	..		..	1	6
Kerala	19	6	2	3	..		7(d)	1	19
Madhya Pradesh	37	21		..	10		5(e)	..	36 (1 vacant)
Maharashtra	45	39					2(f)	1	43 (3 vacant)
Manipur	2	2		..			..	..	2
Meghalaya	2	..		..			..	2	2
Mysore	27	27		..			..	..	27
Nagaland	1	..		..			1(g)	..	1
Orissa	20	14		1			5(h)	..	20
Punjab	13	9		1			..	1	11 (1 vacant)
Rajasthan	23	15		..	3	..	4(i)	1	23
Tamil Nadu	39	9		3	..	19	7(j)	..	38 (1 vacant)
Tripura	2	..	2	..	..			..	2
Uttar Pradesh	85	73	..	5	4			2	84 (1 vacant)
West Bengal	40	15	20	3			2(k)		40
Union Territories :									
Andaman and Nicobar Islands	1	1	..	..	..	..	..	..	1
Arunachal Pradesh	1	1	..	..	..	..	..	..	1(l)
Chandigarh	1	1	..	..	..	..	..	..	1
Dadra and Nagar Haveli	1	1	..	..	..	..	..	..	1
Delhi	7	7	..	..	..	..	..	..	7
Goa, Daman and Diu	2	1	..	..	..	..	1(m)	..	2
Laccadive, Minicoy and Amindivi Islands	1	1	..	..	..	..	..	..	1
Mizoram	1	..	..	..	..	..	..	1	1
Pondicherry	1	..	..	..	..	..	..	..	1 (1 vacant)
Anglo-Indian	2	..	..	..	..	..	2(n)	..	2
TOTAL	524	360	25	22	20	19	53	14	513* (excluding Speaker and 10 vacancies)

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

(a) Telengana Praja Samiti		(h) Swatantra UIPG	3 2
(b) Socialist Party		(i) Swatantra UIPG	2 2
Congress (O)	1		
UIPG	1	(j) Muslim League Forward Block Congress (O) Ann. D.M.K.	1 1 1 4
(c) Swatantra Congress (O)	2 7	(k) Socialist Party Revolutionary Socialist Party	1 1
(d) Muslim League Revolutionary Socialist Party Kerala Congress	2 2 3	(l) Nominated by the President	1
(e) Socialist Party UIPG	1 4	(m) UIPG	1
(f) Socialist Party Forward Block	1 1		
(g) UIPG	1	(n) UIPG	2 (nominated by the President)

A. PARTY POSITION IN LOK SABHA

(M) Party-wise

(As on September 1, 1973)

<i>Name of the Party</i>	<i>Strength</i>
Congress Party	360
C.P.I. (M)	25
C.P.I. .	22
Jan Sangh	20
D.M.K.	19
<i>Other Parties :</i>	
U.I.P.G.	13
Congress (O)	11
Swatantra .	7
Socialist Party	5
Anna D.M.K.	4
Muslim League . . .	3
Revolutionary Socialist Party .	3
Kerala Congress :	3
Forward Block .	2
Telengana Praja Samiti	2
Unattached	14
Vacancies	10
TOTAL	523 (excluding Speaker)

B. PARTY POSITION IN RAJYA SABHA

(1) State-wise

(As on September 1, 1973)

	No. of Seats	CONG.	CONG(O)	JS	DMK	CPI	SWA	CPI(M)	M	S.P. (L)	BKD	SP	AKALI DAL	APHLC	FB(M)	MPP	PSP	Rep.	SMS	RSP	MUP	ADMK	IND	nominated	Vacancies	
A.P.	18	14	..	..	1	..	1	..	..	1	..	..	1	..	..	..	..	..	1	..	..	..	..	3	..	..
Assam	7	6	..	..	..	..	..	..	..	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	1
Bihar	22	13	1	1	..	3	..	..	..	2	..	1	..	..	..	..	1	..	..	..	..	..	..	1	..	..
Gujarat	11	8	1	1	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	1
Haryana	5	4	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Himachal Pradesh	3	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
J. & K.	4	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Kerala	9	1	..	..	2	..	3	1	..	..	1	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..
Madhya Pradesh	16	11	1	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..
Maharashtra	19	13	..	..	1	..	..	..	..	..	1	1	..	..	..	..	..	1	1	..	..	..	1	..	..	..
Manipur	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..
Meghalaya	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..
Mysore	12	6	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	4	..	..
Nagaland	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Orissa	10	4	..	..	..	6	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Punjab	7	4	1	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..
Rajasthan	10	6	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..
Tamil Nadu	18	1	1	9	1	1	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	..
Tripura	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
U. P.	34	14	7	5	1	..	..	..	..	1	3	..	..	..	..	..	..	..	..	..	..	..	2	..	1	..
W. Bengal	16	7	..	..	3	4	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	1	..	..	..
Arunachal Pradesh	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..
Delhi	3	1	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Mizoram	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..
Pondicherry	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Nominated	12	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	10	..
	243	124	14	14	10	10	9	8	4	3	4	3	2	1	1	1	1	1	1	1	1	1	2	15	11	2

B. PARTY POSITION IN RAJYA SABHA

(ii) Party-wise

(As on September 1, 1973)

<i>Name of the Party</i>	<i>Strength</i>
Congress	124
Congress (O)	14
Jan Sangh	14
D.M.K.	10
C.F.I.	10
Swatantra	9
C.F.I. (M)	8
<i>Other Parties :</i>	
Muslim League	4
B.K.D.	3
S. P. (L)	4
Akali Dal	2
S. P.	3
A.P.H.L.C.	1
R. P.	1
M. P. P.	1
F. B. (M)	1
R. S. P.	1
S. M. S.	1
P. S. P.	1
A.D.M.K.	2
Independent	15
Others |	12
Vacancies	2
TOTAL	243

C. PARTY POSITION IN STATE LEGISLATIVE ASSEMBLIES

States	Seats	Cong	Cong.O	Swat. Js	CPI	CPI-(M)	SP	PSP	Other Parties	Ind	Nom.	DMK	Total	
I	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Assam (as on 30-6-73)	114	94	..	1	...	3	..	4	..	5(a)	6	..	..	114(b)
Bihar (as on 22-1-73)	319	172	27	1	24	35	..	34	..	9(c)	14	1	..	319(d)
Gujarat (as on 30-6-73)	168	139	16	..	3	1	..	..	..	..	8	..	..	168(e)
Haryana (as 30-6-73)	81	52	5	..	2	..	..	..	..	6(f)	16	..	..	81
Himachal Pradesh (as on 30-6-73)	68	54	..	..	5	..	1	..	..	..	8	..	..	68
Kerala (as on 11-6-73)	134	35	3	..	..	16	32	7	2	36(g)	4	..	..	134(h)
Madhya Pradesh (as on 1-5-73)	297	228	..	..	42	5	..	4	..	..	12	1	..	297(i)
Manipur (as on 30-6-73)	60	17	..	..	..	5	..	3	..	14(j)	20	..	..	60(k)
Meghalaya (as on 30-4-73)	60	10	..	..	..	..	..	..	..	44(l)	5	..	..	60(m)
Mysore (as on 30-6-73)	217	164	24	..	..	3	..	2	..	1(n)	21	..	..	217(o)
Nagaland (as on 16-4-73)	52	..	..	..	..	..	..	..	..	51(p)	1	..	..	52
Punjab (as on 30-6-73)	104	68	..	..	..	10	1	..	..	25(q)	..	..	..	104
Rajasthan (as on 30-6-73)	184	144	1	11	7	4	..	4	..	..	11	..	..	184(r)
Tamil Nadu (as on 18-5-73)	235	6	12	6	..	8	..	..	..	25(s)	1	1	175	235(t)
Tripura (as on 30-6-73)	60	41	..	..	..	1	16	..	..	..	2(u)	..	..	60
Uttar Pradesh (as on 25-7-73)	426	271	38	1	39	4	1	3	..	66(v)	3	..	..	426(w)
West Bengal (as on 30-6-73)	281	214	2	..	..	36	13	..	..	8(x)	4(y)	1	..	281(z)
Delhi (as on 30-7-73)	61	49	2	..	..	5	3	..	..	1(aa)	1	..	..	61
Goa, Daman Diu (as on 30-6-73)	30	1	..	..	..	..	..	..	..	28(bb)	1	..	..	30(cc)
Mizoram (as on 16-4-73)	33	6	..	..	..	..	..	..	..	21(dd)	..	..	..	33
Pondicherry (as on 30-6-73)	30	7	3	..	..	3	..	..	..	..	1	..	16	30

*Refers to Delhi Metropolitan Council.

- (a) Peoples Democratic Party 3 ; Revolutionary Communist Party of India 1 ; Plans Tribal Council. 1.
- (b) Vacant—1.
- (c) Includes All India Jharkhand 3 ; Hul Jharkhand—2 ; Progressive Hul Jharkhand—1 ; Jharkhand (N.E. Horo Group)—1 ; Hindustani Soshit Dal—2.
- (d) Vacant—1 ; Includes Hon. Speaker.
- (e) Vacant—1
- (f) Includes Vishal Haryana Party—3 ; Progressive Independent Party—2 ; Includes Kerala Congress—13 ; Muslim League—11 ; Revolutionary Socialist Party—6 ; Kerala Socialist Party—2 ; Praja Socialist Party—2 ; Karshak Tozhiali Party—2.
- (h) Includes Hon. Speaker.
- (i) Vacant—4 ; includes Hon. Speaker.
- (j) Includes M.P.P.—14.
- (k) Vacant—1.
- (l) Includes A.P.H.L.C.—38 ; H.S.P.D.P.—6
- (m) Vacant—1.
- (n) Janata Paksha.
- (o) Vacant—1 ; Includes Hon. Speaker.
- (p) Includes Nagaland Nationalist Organisation—31 ; United Democratic Front—22.
- (q) Shiromani Akali Dal—25
- (r) Vacant. 2.
- (s) Tamil Arasu Kazhagam—1 ; Forward Bloc—7 ; Muslim League—6 Anna Dravida Munetra Kazhagam—11.
- (t) Vacant—1.
- (u) Supported by CP(M).
- (v) Includes B.K.D.—42 ; Unattached—2 ; (Speaker & Deputy Speaker) and Other parties—22.
- (w) Vacant—4.
- (x) Includes R.S.P.—33 ; Socialist Unity Centre—1 ; Workers Party—1 ; Gorkha League—2 ; Muslim League—1.
- (y) Includes Speaker.
- (z) Vacant—2
- (aa) Muslim League.
- (bb) Includes Maharashtra Gomantak Party—18 ; United Goans—10
- (cc) Includes Hon. Speaker.
- (dd) Mizo Union—21.