

***THE JOURNAL OF
PARLIAMENTARY
INFORMATION***

**VOLUME XXX, No. 1
March, 1984**

THE JOURNAL OF PARLIAMENTARY INFORMATION

Vol. XXX, No. 1

March, 1984

CONTENTS

	PAGE
EDITORIAL NOTE ...	1
THIRD REGIONAL SEMINAR ON PARLIAMENTARY PRACTICE AND PROCEDURE FOR ASIA, SOUTH-EAST ASIA AND AFRICA REGIONS OF THE CPA.	
Welcome Address by Dr. Bal Ram Jakhar, Speaker, Lok Sabha. ...	2
Inaugural Address by Shri M. Hidayatullah, Vice-President of India and Chairman, Rajya Sabha. ...	5
ADDRESSES AND ARTICLES	
• Address by Dr. Bal Ram Jakhar, Speaker, Lok Sabha at the Presiding Officers' Conference. ...	7
Address by Dr. Bal Ram Jakhar, Speaker, Lok Sabha at the Seminar on "Financial Committees". ...	24
PARLIAMENTARY EVENTS AND ACTIVITIES	
Relinquishment of office of Secretary-General, Lok Sabha by Shri Avtar Singh Rikhy. ...	28
New Secretary-General, Lok Sabha ...	30
Conferences and Symposia ..	32
Parliamentary Delegations from Abroad ...	35
Bureau of Parliamentary Studies and Training ...	36
PRIVILEGE ISSUES ...	38
PROCEDURAL MATTERS ...	63

	PAGE
PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS ...	67
SESSIONAL REVIEW	
Lok Sabha ...	71
Rajya Sabha ...	96
State Legislatures ...	108
BOOK REVIEW	
Vernon Bogdanor and David Butler (Ed.) : <i>Democracy and Elections.</i> ...	
—R. R. Bhole	
RECENT LITERATURE OF PARLIAMENTARY INTEREST ...	114
APPENDICES	
I. Statement showing the work transacted during the Thirteenth Session of the Seventh Lok Sabha. ...	119
II. Statement showing the work transacted during the Hundred and Twenty-Eighth Session of the Rajya Sabha. ...	125
III. Statement showing the activities of the Legislatures of States and Union Territories during the period 1 October to 31 December, 1983. ...	131
IV. List of Bills passed by the Houses of Parliament and assented to by the President during the period 1 October to 31 December, 1983. ...	139
V. List of Bills passed by the State Legislatures during the period 1 October to 31 December, 1983. ...	140
VI. Ordinances issued by the Central and the State Governments during the period 1 October to 31 December, 1983. ...	147
VII. Party Position in Lok Sabha, Rajya Sabha and Legislatures of States and Union Territories. ...	158

CORRIGENDA

- Page 2, line 8, for 'Jaunary' read 'January'
- Page 6, line 17, for 'Duputy' read 'Deputy'
- Page 8, line 4 from bottom, for 'tonday' read 'today'
- Page 11, line 7, for 'perferences' read 'preferences'
- Page 25, line 17, for 'add' read 'and'
- Page 31, line 14, for 'Peresident' read 'President'
- Page 33, line 9 from bottom, for 'Persiding' read 'Presiding'
- Page 34, line 20, for 'held' read 'held in'
- Page 35, line 12, for 'hested' read 'hosted'
- Page 64, line 9, for 'Upholding' read 'Upholding the point
of order'
- Page 64, line 1 from bottom, for 'and' read 'and asked'
- Page 76, line 18, for 'Netice' read 'Notice'
- Page 76, line 18, for 'Sudair' read 'Sudhir'
- Page 78, line 5 in the footnote, for 'Inderjit'
read 'Indrajit'
- Page 90, line 21, for 'purpoose' read 'purpose'
- Page 96, line 2 from bottom, for 'meet' read 'met'
- Page 96, line 1 from bottom, for 'since' read 'sine'
- Page 99, line 3 in the footnote, for 'Bhaawt Jah'
read 'Bhagwat Jha'

EDITORIAL NOTE

The Third Regional Seminar on Parliamentary Practice and Procedure for Asia, South-East Asia and Africa Regions of the Commonwealth Parliamentary Association was held in New Delhi from 21 to 25 January, 1984 under the auspices of the Indian Parliamentary Group which functions as the India Branch of Commonwealth Parliamentary Association. The subjects discussed at the Seminar were "Time of the House : Focus on Important Issues" and "Financial Accountability to Parliament : How to make it more effective ?" We publish in this issue a feature on the Seminar which includes, besides the Inaugural Address by Shri M. Hidayatullah, Vice-President of India and Chairman, Rajya Sabha, the Welcome Address delivered by Dr. Bal Ram Jakhar, Speaker, Lok Sabha on the occasion.

We also include in this issue two Addresses by the Speaker of Lok Sabha —one at the Seminar on "Parliamentary Financial Committees" held in New Delhi in December 1983 and the other at the Conference of Presiding Officers of Legislative Bodies in India held in Bombay in January 1984.

The issue carries, as usual, the other regular features like notes on parliamentary privileges, procedural matters, parliamentary events and activities, parliamentary and constitutional developments in India and abroad and brief resume of the Sessions of the two Houses of Parliament and State Legislatures.

—Dr. Subhash C. Kashyap

**THIRD REGIONAL SEMINAR ON PARLIAMENTARY PRACTICE
AND PROCEDURE FOR ASIA, SOUTH-EAST ASIA AND
AFRICA REGIONS OF THE COMMONWEALTH
PARLIAMENTARY ASSOCIATION**

The Third Regional Seminar on Parliamentary Practice and Procedure for Asia, South-East Asia and Africa Regions of the Commonwealth Parliamentary Association was held in New Delhi at the Parliament House Annexe from 21 to 25 January, 1984. Dr. Bal Ram Jakhar, Speaker of Lok Sabha and President of the India Branch of the Commonwealth Parliamentary Association delivered the Welcome Address. The Seminar was inaugurated by Shri M. Hidayatullah, Vice-President of India and Chairman of Rajya Sabha. We reproduce below the Welcome Address of the Speaker of Lok Sabha and the Inaugural Address of the Chairman of Rajya Sabha.

—Editor

**WELCOME ADDRESS BY DR. BAL RAM JAKHAR, SPEAKER
OF LOK SABHA AND PRESIDENT OF THE INDIA BRANCH
OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION**

It is an honour and privilege to welcome you to this Seminar on Parliamentary Practice and Procedure. This is the Third Regional Seminar participated by the parliamentarians from Asia, South-East Asia and African regions of the Commonwealth Parliamentary Association held in New Delhi since October, 1980. We are extremely happy to be the host and happier still to find that parliamentarians from as many as 15 sister countries have responded. I hope our friends from abroad will find their stay in Delhi quite pleasant and their participation in the Seminar fruitful.

Also, I am particularly happy to bring to the notice of fellow delegates here that we have amongst ourselves Members of the CPA Working Party including the Chairman of the CPA Executive Committee. In the Working Party we shall be deliberating on the constitutional changes of the CPA and its working. My hearty welcome to them all,

We are living in a world in which all the countries are increasingly becoming interdependent. It is our common endeavour to ensure peace, progress and prosperity for all mankind. Parliamentary democracy is perhaps the best system that we have evolved so far and it guarantees progress with justice, liberty, equality and fraternity. Parliaments and Parliamentarians have therefore to continuously appraise the system and refine it further situation goes on changing from time to time and to meet a new situation, we have to evolve certain new ideas and that can be done when we gather together and thrash them out. That is what we are going to do today. The Commonwealth Parliamentary Association inspired by a common ideal is doing a commendable work. It is in this context that the Seminar assumes significance.

The topics chosen for discussion at this Seminar are of crucial importance in ensuring the effectiveness of our Parliaments. The Seminar would address itself to the general question of how best the time of the House could be utilised for focusing attention on important matters and the specific issue of how to make the financial accountability to Parliament more effective.

Friends, time is the essence of everything and time waits for none. The degree of fulfilment of the life of any person or forum is reckoned by the time that is spent purposefully. We should, therefore, realise the importance of time. In our great scripture, Bhagwad Gita, Lord describes Himself as Time thus: काल, कलयतामहम् (of recogners I am Time).

The time at the disposal of Parliament is limited and in modern times the responsibilities of Parliament are ever on the increase. Time was when Parliament's main function was to enact laws. Today our Governments are no longer merely administering law and order. We have embarked upon a massive socio-economic development of our countries and the governmental activities have thus increased vastly. In the changed situation the oversight of administration by Parliament has assumed enormous significance demanding more and more of its time. We have therefore, to have proper distribution of time for the exercise of the legislative and the oversight functions. In our system the Executive in order that it may work has to get the approval of Parliament for its legislative and financial proposals as well as policies and programmes, which entails considerable parliamentary time. It is also necessary that the private Members get adequate time. The trade-off between the time for Government business and the time for Private Members Business has to be reckoned with. Further, all shades of public opinion represented in Parliament ought to get adequate opportunity to have their say on all important matters, national and international.

It is indeed a difficult exercise to allocate the time of the House in a manner that keeps everybody satisfied and all needs fulfilled. We in Indian Parliament have an institutional device to allocate the time evolving a consensus. We have a Business Advisory Committee and a Committee on Private Members Bills and Resolutions. We have also evolved certain procedural innovations by which Members could find expression to their views on important matters otherwise than through discussions. The Seminar would undoubtedly go into the procedural and institutional devices adopted by various Parliaments and suggest improvements. There can, however, be no uniformity, for each Parliament depending on its size and magnitude of its work would have to evolve its own systems and procedures. But sharing of experience has a great value for all of us.

As time, money is also important. No Government can function without money and the power to authorise levy of tax and drawal of money vests in Parliament. This power of Parliament is central to its functions. Government therefore comes up with Budget before Parliament for its approval. Budget is not just a financial document. Budget in a planned economy such as ours is an instrument for the execution of the plan programmes. After the Budget is passed and implemented, the Executive has to furnish the Accounts duly audited. We in India have carried out certain reforms in that we have introduced performance Budgets and functional classifications of accounts. A comprehensive efficiency-*cum*-performance audit of plan schemes and projects has also been developed. These innovations are of a great help to the Parliament and its Financial Committees. However, I would recommend a continuous evaluation of the information system in order to improve the coverage and contents of the various documents placed before the House to enable a meaningful and informed scrutiny by Parliament.

Financial Committees play a crucial role in assisting the House in ensuring the accountability of the Executive. However, with the enormous increase in Governmental activities it would be wellnigh impossible for the Committees to cover the entire gamut of it in their examination on a year to year basis. They have necessarily to be selective in their approach and concentrate on systems rather than on individual transactions. Of late the Committee structure as such has been a topic of discussion in international parliamentary forums. This Seminar, I am sure, would discuss the ways and means of strengthening the Financial Committees.

I have taken quite a bit of your time. Our distinguished Vice-President has graciously found time to be with us today. He is a great scholar, noted for his wit and wisdom. May I now request you, Sir, to inaugurate the Seminar?

**INAUGURAL ADDRESS BY SHRI M. HIDAYATULLAH, VICE-PRESIDENT
OF INDIA AND CHAIRMAN OF RAJYA SABHA**

I join my esteemed friend the Speaker of the Lok Sabha in welcoming you to the Third Regional Seminar on Parliamentary Practice and Procedure. These Seminars are organised by the Indian Branch of the Commonwealth Parliamentary Association so that Parliamentarians and Legislators from Commonwealth Countries of Asia, South-East Asia and Africa can meet together and discuss important matters of concern common to all legislative bodies. I had the privilege of inaugurating the Second Regional Seminar held two years ago. I am glad that this year we have chosen this week for the Seminar because our guests, if they stay with us for one week more, will be able to join our celebration of the 34 Anniversary of our Republic Day and the colourful Beating Retreat which will follow.

The feeling of a large political and international family grew stronger recently when the heads of Commonwealth Governments assembled in this city for their biennial conference. It enabled them to hold discussions on the problems of the world which affect this great family of nations bound together into a Commonwealth. Now the Commonwealth Parliamentary Association is bringing together the heads and Members of Parliaments and Legislatures in this region thus welding the Commonwealth closer still.

It is hardly necessary for me to discourse at length on the importance of bodies that make laws for the people. They create the structure of society and control Governments which emerge in Parliamentary democracies. Their task is vital to society and if fittingly and properly executed leads to the well being of the people. There is no institution in a State which has such pervading influence as Parliament. Therefore, we hold these Seminars to find out how the best results can be achieved from these supreme bodies.

This Seminar will discuss two topics. The first is Time of the House with Focus on Important Issues. This will be discussed after my colleague Shri Shyam Lal Yadav has unfolded the problems through his key-note address. He will probably tell us how the time of the Legislative bodies should be so divided that Government may have time to complete what it intends to do in a session and also yield full opportunities for Members to bring before the House other matters of importance. Parliaments and Legislatures do not sit all the year round but have a few short sessions of a few weeks each. Therefore, it behoves the Members to conserve time so that more business can go through and others also get a chance. What really happens can be described through a famous true story which many must have known before. During Mr. Popham's speakership of the House of Commons

the Queen summoned him and said to him : "Now, Mr. Speaker, what has passed in the Commons' House." Mr. Popham replied : If it please your Majesty—Seven Weeks."

During my four and a half years in Parliament, I have attended the Question Hour. I have found verification of Abraham Lincoln's statement, that there are persons who can compress most words into the tiniest idea better than any man. Once Burke and Mr. David Hartly of the Ministry both rose simultaneously in the Commons and the Speaker gave the floor to Hartly who spoke for three hours while the Members slipped away one by one. At that point Hartly demanded that the Riot Act be read. Burke stood up and asked : 'For whom ? You have already dispersed the mob.'

If only honourable Members realised how much is spent per minute while Parliament sits they would realise also that they consume time at the cost of the Nation and leave less time for focus on Important Issues. My colleague the Deputy Chairman, who valiantly attempts to maintain this kind of focus will tell you how he does it.

The next topic is equally important. You will hear from Deputy Speaker about how the Financial Accountability to Parliament can be effective. All financial grants come from Parliament and not one rupee can be spent without Parliamentary appropriation of the money from the Consolidated Fund of the Nation. This money is raised from taxation and borrowing. Both the sources are ugly and so Parliament has not only the right but the duty of seeing that this money is not wasted or frittered away. Every rupee which is misspent is a rupee lost. I am sure the Hon'ble Deputy Speaker will tell us how nations live beyond their means and end up with their currency degraded. The habit of cutting the coat according to the cloth just does not exist because we have perfected the system of deficit financing. We cut a coat hoping to add the sleeves later and we never do. We make up for our wastefulness by taxation. It was Roosevelt who was offered a cruise by the billionaire Vincent Astor in his immense and luxurious yacht the Nourmahal. Roosevelt demurred and said that he did not want such an enormous vessel to be commissioned only for him. Astor replied that the yacht was commissioned all the year round, on which Roosevelt observed that taxes on the rich should be raised. It is this same President, who while talking to Winston Churchill across the Atlantic said to Winston "I must now hang up because my three minutes are over". How many of us would have done this. It will be good to see how financial accountability of others to Parliament can be made stronger to ensure that wasteful expenditure is brought under control. But we must make a beginning ourselves. With these few words I inaugurate the Seminar.

Thank you.

ADDRESS BY DR. BAL RAM JAKHAR, SPEAKER, LOK SABHA AT
THE CONFERENCE OF PRESIDING OFFICERS HELD AT BOMBAY
ON 2 JANUARY, 1984*

Friends,

I have great pleasure in joining our hosts, Shri Dighe and Shri Tilak, the distinguished Presiding officers of the Maharashtra Legislature, in extending to you all a very hearty welcome on the occasion of this annual Conference of Presiding Officers. Shri Dighe and Shri Tilak, the officers of the Legislature Secretariat and the Government of Maharashtra have taken every possible care to ensure that our stay here is enjoyable and fruitful.

As you know, we are meeting today in the historic city of Bombay which is not only the capital of this great State but also the world-renowned commercial capital of the country. The nerve-centre of Maharashtra, as indeed of the whole country, Bombay has been in the vanguard of our advancement in commerce, industry, trade, science, technology, art etc. It has indeed been a Gateway of India and into India, as rightly mentioned by Shri Dighe. Here people from all parts of the country live and work happily together. No wonder, therefore, that Bombay today has become the confluence of diverse cultures, which has given it a pre-eminent position as a cosmopolitan city in our country.

Maharashtra has produced great saints, scholars and statesmen, who continue to inspire people all over country. It has played a very prominent part in shaping the destinies of modern India. It has been in the forefront of our freedom struggle. It was here in Bombay that the famous "Quit India" resolution was passed in August 1942. As mentioned by Shri Dighe, we have had stalwarts from Maharashtra in every walk of life, be it, political or other fields. They are the people who have created history by their heroic deeds in the freedom struggle—the path-finders like Chhatrapati Shivaji, the legal luminaries like Lokmanya Tilak, Gopal Krishna Gokhale, Mahadev

*Edited version of the Address.

Ranade, Pherozeshah Mehta, Baba Saheb Ambedkar and others—who made valuable contributions in shaping the destiny of our country. Maharashtra has also had the distinction of producing eminent Sufi saints or the Bhakti cult people, who showed us the path for co-existence, brotherhood, respect for life, love for each other and the well-being for the entire humanity. Their teachings gave a new impetus to the freedom struggle in Maharashtra which, in turn, became a beacon light shining even to this day all over the country.

I am very grateful to you, Shri, Dighe and Shri Tilak, for having hosted this Conference. I know you have been put to certain discomfitures and inconveniences in view of the postponement of dates time and again, which became unavoidable. Better late than never, and here we are.

Friends, many of us, including myself, are entering this newly constructed imposing building of the Maharashtra Legislature for the first time. I am really impressed by the wonderful job that has been done. Congratulations to you and to the people of Maharashtra, on this achievement. I hope this Conference would be a happy precursor of many such conferences to be held here in the years to come.

My dear friends, you are the chosen few out of the elected representatives of our people. It is the parliamentarians and the legislators who are first elected by the people and we are later elected out of those, to guide the working of the Parliament and the Legislature in our country. So you are the cream, if I may say so. We are entrusted with the task of overseeing that the provisions of our Constitution, as laid down by the founding fathers, are carried out in the spirit in which they had envisaged it to be. As such, we the Presiding Officers, have a dual role and responsibility to perform and this casts a much greater burden on our shoulders. People outside might be having a feeling that the Speaker does not have much of an important part to play. But they are wrong. Speaker's position is one of the most important in the Legislature of a democratic society. You are, in fact, the pivot in the parliamentary system. It depends on you to make or mar the system. That is how I feel about it. We have got to engage ourselves in a constant exercise to think how best we can conduct our affairs so as to bring new laurels and glory, not only to the nation to which we belong but also to the parliamentary system of which we are the guardians and for which we have to provide the necessary safeguards.

We are meeting today in a restive atmosphere prevailing throughout the country. It is a strange paradox of our national scene that while on the one side we are going ahead with the modernisation of our socio-economic structure, on the other side, fissiparous and divisive tendencies are posing a

threat to the integrity and unity of our country. Secularism had been adopted by us consciously and deliberately as one of the foundations of our political structure, as a unifying force and a common denominator binding together a large variety of our communities and peoples. In our scheme of things, each and every religion has an honoured place. In our society every one enjoys equal opportunities to blossom and flourish. All our religious minorities have full freedom to practice their faith in an unfettered manner. As we have had a long tradition of respecting each other's religion and faith, it does not behove us to quarrel in the name of religion.

We have every reason to be proud of the patriotism of the common people of India. It is quite clear that there are forces, both within and outside our country, which are determined to undermine the integrity of our nation by exploiting the religious sentiments of our innocent people and thereby create chaos, confusion and instability. These forces are obviously envious of the stability of our democratic parliamentary system and the tremendous progress made by our country within the framework of this system. All of us must, therefore, act in unison and do everything possible to preserve the unity and integrity of our nation.

We are fortunate in having sound foundations for our parliamentary system which has been working successfully in our country ever since we attained independence. We should be proud of the fact that freedom of expression which we enjoy in India, both inside and outside the Legislatures, is a rare privilege. Despite many shortcomings, the parliamentary system continues to be the ideal and most practical system of government and we must remain ever vigilant to sustain it. Ours is the biggest democracy in the world. If we cannot protect and safeguard it, God and the posterity will not forgive us. Only yesterday we heard about the fall of the democratic system in a sister country in Africa. It is the fourth latest democracy in the world which has come tottering down. I had sensed it when I went to Africa last time. I had my fears but after the elections were held there I had thought that the system was perhaps going to stay. But ultimately it has come down.

The present time is, therefore, a time of crisis, I should say. I do not know why things should happen the way they are happening. There are repercussions throughout and the shadows fall on us as well. Everywhere you come across developments which are not in consonance with what we desire for betterment, for progress and for prosperity of mankind. This is something which we have to guard against. We have to be vigilant and safeguard our democratic institutions. This is the trust, bequeathed to us by our leaders and martyrs in the freedom struggle,

As Presiding Officers, it is our duty and in our interest to see that justice is done to each side of the House and each point of view is allowed to be heard. We should never be guided by partisan interests. Otherwise I may warn you, you may be doing the greatest harm to the very cause which you may be trying to protect or espouse. Even if you are loyal to your party you must be true to your own conscience and you must always project an image of yourself as a fearless person, never cowed down or over-awed by anybody, howsoever powerful. Members from both sides of the House must feel that their interests are safe in our hands. We have to abide by the rules framed by the House and the provisions laid down in the Constitution. That is how the integrity of the Speaker can be maintained. You must never let down the office because once you do so, nobody will be able to repair the damage.

As rightly pointed out by Shri Dighe, our own performance and behaviour should be exemplary. We must ponder on how to conduct ourselves so that our path is not clouded by ambiguity. All our actions should be above reproach. No doubt, we may have been elected on a certain party ticket. That has to be so because we have yet to develop a system under which we can do otherwise. That shows our helplessness. But out of that helplessness too we have to come out with flying colours. And, ultimately, we should not forget our duties towards our people. We are, after all, occupying our positions and places in our respective Legislatures for limited terms only and the people outside, our ultimate masters, are closely watching us. If we fail them, they are not going to spare us. The interests of our people should, therefore, always remain uppermost in our minds.

This world of ours is based on greed, for power and wealth, and that is why it has faced troubles time and again. We have not learnt anything from history. As you know, history repeats itself. Unconscious of this fact, we are committing the same mistakes all over again. People have a tendency to subjugate and dominate others. It is this ambition to dominate, which has created innumerable problems for mankind from time immemorial. This quest for supremacy by one section or the other is very bad.

Friends, once we give in to the divisive forces, forces which are bent upon capturing power by hook or by crook, forces which do not believe in the system of the ballot, and forces who do not believe that the people are our ultimate masters, they will overcome us and destroy us. In a situation like that, there will be no legislators and there will be no Speakers. There may be only stooges here and there. All freedoms are lost in such situation. We have, therefore, to be on guard to protect our system and not to lose all that we have achieved.

It is unfortunate that in the name of religion people are indulging in ugly things today. We divided this country, or rather we agreed to the division of this country, on communal lines. That is a fact. But we had certainly not opted for a communalistic approach. We created for ourselves a free society, secular society in which each and every religion enjoyed equal respect. Now, what is happening in our country? People are claiming preferences on the basis of religion. What do you think they are doing? Are they not having ulterior motives? Are they really nationalists in their hearts? No, not at all. They are actually trying to destroy and undermine the very basis, the very foundation of Indian secularism. Why can't they instead say: "We are Indians. These are our rights, and we must claim them." That would be the correct approach, not one based on considerations of caste, creed or religion. What the people are doing now is the very negation of secularism, the negation of democracy itself. We have got to fight against such forces. They are the worst enemies of freedom, democracy and secularism, in fact of all that is good for humanity.

Let us go to the temples, mosques, gurudwaras or churches, only to offer prayers and get some inspiration. Let us not misuse religion. I am sorry to observe that in the name of religion, the worst of horrors have been committed. I do not know why and for what purpose. We should not allow religion to get mixed up with politics and thus turn it into a divisive force. Religion on the other hand, should become a cementing force for different communities to live together in traditional peace and harmony in the true spirit. National integration, communal harmony and unity are precious legacies handed down to us and we must preserve them. Life is sacred and it is the bounden duty of all sane elements in society and the authorities to preserve it. I think all of you agree with me that if we have to exist, we must exist as Indians first and Indians last. There is no other alternative.

It is here that the parliamentarians and legislators can play a prominent role. We have to rise above sectarianism and, by our actions and behaviour, convince the people that our parliamentary institutions are expected to promote and protect the interests of the common man, particularly of the large unorganised segment of our population the illiterate small farmers and artisans, the workers and labourers in fields and factories and other economically backward classes. Is it not ironic that in spite of the phenomenal progress made by our country in various fields during the last three and a half decades, its fruits are yet to reach a large section of our people? Widening disparity between the urban rich and the rural poor has got to be bridged. For this, we shall have to reorient our attitudes and approach so as to play a more constructive role as interceders on behalf of the common man.

The affluent classes and the organised sections of our society, already, enjoy an affluence out of proportion to their numbers. It is the unorganised sector whose interests need to be promoted and protected. Being a farmer myself, I am fully aware of the trials and tribulations of the farming community in our country.

I feel that the authorities should have an imaginative approach and devise suitable modalities to cover the crushing losses that a farmer suffers due to natural calamities like cyclone, floods, drought etc. In the same category falls the extensive damage suffered by the crops due to pest infestation which does not allow the crop to bear fruit or ripen. There is an obvious need for redoubling our efforts with the help of research and applied knowledge to contain such pests and diseases and develop dependable high grade seeds which would provide sure basis for achieving the higher agricultural production and would also save the farmer from the disastrous consequences of the failure of a crop in which he has sunk all his wherewithal. There is obviously a need for adequately compensating the farmer when he suffers such calamitous losses.

The imaginative scheme outlined by the Prime Minister in her historic speech on 15 August, 1983 from the ramparts of the Red Fort to provide employment to unemployed rural people needs to be given substance. Concerted efforts need to be made by the authorities at the Centre and the State level and at the field level to evolve and finalise schemes which would provide durable and productive assets.

The population explosion is causing a lot of strain on the limited resources at our disposal. If our population had remained more or less what it was at the time of our independence, can you imagine the tremendous rate of progress we would have attained by now. This nagging problem of overpopulation, which has now touched about 700 million, has retarded our progress. In spite of this, the farmers of this country, the sons of the soil, have come forward and fed you. They accepted the challenge and succeeded in attaining self-sufficiency for the country. But have we ever been able to think about them and meet their requirements? We may be more interested or worried about Bombay, Delhi, Calcutta or any other city. But what about those who constitute 75% or so of our populations and are living in our villages? Have we ever given a thought to their problems? Do they have roads, drinking water facilities, street lights, good education, or even remunerative prices for their products?

Socialism is mentioned as one of our ideals in the Preamble of our Constitution. Does it mean that a few people only should enjoy more bene-

fits and the majority should not have equal rights and enjoy a share in the nation's prosperity? No doubt we have been quite emphatic about land reforms and have already done a lot of work in this direction. I am very proud of it. This has certainly given, a new impetus to our poorer sections, including farmers, but what have we actually done for bridging the prevailing wide gulf between the urban and the rural societies. I am not against anybody. It is not in my creed to be so, but one must be frank enough to speak the truth. Why can't we put a ceiling on urban property? Has anybody ever talked about it? The issue is still in the doldrums. We must be fair to all. Justice should be done to everybody. You have insurance schemes for factories, for vehicles, and for various undertakings but have you given any such cover to the poor farmers? Have you assured them of their livelihood? I have seen people groaning under the debt burdens. I have seen them struggling for their very existence at the time of natural calamities. Have you given anything to them by way of security against the vagaries of nature? Nothing. As custodians of parliamentary democracy, I exhort you to do something for these poor farmers. If you want peace and tranquility to prevail, you should take steps to bridge this yawning gap. We should work towards bringing about a real economic freedom and remove the yoke of poverty from the shoulders of our people. If we do not do this, we would be failing in our duty.

In 1972 when I entered the Punjab Vidhan Sabha for the first time as a Member, I took the usual oath that "I will abide by the Constitution and try to uphold it to the best of my ability", during the oath-taking ceremony. I still remember my first utterances in that august House, when I observed, by way of supplementing to my oath, that we must, according to our respective creed or religion, go to a mosque, or a gurudwara or a mandir, and dedicate ourselves to the cause of serving our people. I referred on that occasion to the opportunity given to me and the confidence reposed in me by the people and assured the House that I would be "true to them". I recalled this in order to reiterate that we should be true to the people who have elected us and regard ourselves as their servants and not as masters. Let the people feel that their interests are safe in our hands.

The disorderly scenes witnessed in certain legislatures, by God, put me to shame. While some parties are in power somewhere and in opposition elsewhere and *vice-versa*. I cannot understand why should the actions change? Why should their speeches and utterances change in accordance with the given time and situation? Why can't they play a fair game in order to uphold the Constitution, traditions and conventions and the rules of procedure.

What is Democracy ? You get together and discuss issues. Let the essence or the cream come out after a free and frank discussion. Sort it out and bring it to the fore. As I said, earlier, you have to cater to the needs of the people. You have to gauge their feelings and aspirations. People have a definite part to play in the democratic set-up. People who have chosen you must get the opportunity to see whether their elected representatives are duly discharging their mandate, or just catering for themselves. You should have something to show by way of results. People who are sitting on the branch of the tree should not unmindfully cut the very same branch. That is what Kalidas did in the olden days, when he was not enlightened. So, let us discuss, let us argue and let us try to persuade each other. I have said on the floor of my House, time and again—I am ready to submit myself to any cross-examination that I will not curb any discussion on the floor of the House howsoever unpleasant it may be for anybody. But let there be a discussion, let there be no fisticuffs. That is what democracy means. That is where democracy lies. That is how I feel about it. We must make it known to the legislators as well that we are not prepared to be cowed down by the ruling party or the opposition. The ruling party has the same rights as the opposition. We cannot discriminate between them. Let us have a fair play.

I need hardly tell my distinguished colleagues that Parliament and the State Legislatures are national fora and they must conduct themselves in a manner befitting the dignity of the nation. These are fora for reasoned debate and for persuading representatives of people to agree to a particular line of approach and action. It is evident that there is no scope for shouting or indulging in any kind of physical activity like 'dharna' etc. which, in fact, are self-defeating and cannot but cause harm to the standing of this important institution in the eyes of the public.

While there is no doubt that for healthy functioning of a democratic institution, Opposition parties have a vital role to play, this does not mean that the Ruling Party, to which the majority of Members belong, are to be denied the facility to state and defend their viewpoint. On both sides there has to be a spirit of tolerance and understanding. Both are equally responsible for ensuring that the norms are observed and that discussions take place in an orderly and well-regulated manner to serve the underlying objective of reaching decisions by discussion.

As Presiding Officers, it is our duty to judiciously and firmly apply and interpret the rules and procedures. I cannot overemphasise that we must continue to maintain the independence and dignity of our office and keep it immune from all pressures and influences.

I now come to the most important question raised by Shri Dighe. He has referred to the supremacy of the Legislature. I cannot compromise on this and I shall not compromise till my last breath that the legislature ever getting relegated to a secondary position. I must assure you that you are supreme. Nothing should be done which will in any way lower the prestige of the Legislature. If you submit yourselves to any kind of inspection by any other authority, then you are not supreme. Parliament and the legislatures represent the people of this country. As such they are the soul of India and that soul should reign supreme. There can be nothing in between.

I have observed time and again in my House and also given the rulings that Parliament and judiciary are supplementary and complementary to each other. Let us not, therefore, quarrel with each other. Let us also not interfere in each other's domain. Let us be supreme in our respective spheres. Whatever the problems or difficulties, whether we remain here or not, the traditions laid down by great men like Baba Saheb Ambedkar should be preserved at all costs.

As is customary, let me now refer to some important procedural and other developments that have taken place at the Centre since our last Conference. These may be of interest to you in dealing with similar situations or for improving upon your existing procedures.

You are perhaps aware of a practice in our House that when members are to lay some documents or papers on the Table of the House, they are required to record a certificate authenticating all such documents or papers. However, the text of the certificate to be recorded had neither been prescribed in the Rules of Procedure nor in the Directions by the Speaker. In order to bring about uniformity in the text of the certificates to be recorded by Members, I have issued a new direction on 9 May, 1983 (Direction 118A) providing for authentication of papers to be laid on the Table by private Members. The authentication can now be done by recording one of the certificates provided in the new direction, *viz.*, (i) 'I certify from my personal knowledge that this is the original document which is authentic'; (ii) 'I certify from my personal knowledge that this document is a true copy of the original which is authentic' (iii) 'I certify that the contents of this document are correct and based on authentic information'. Further, if the paper or document consists of more than one page, the Member concerned is required to put his signature with date on every page thereof.

The brutal killings and riots in Assam earlier this year caused widespread concern in the country and gave rise to several notices including those of an adjournment motion in Lok Sabha. The urgency of the problem required

that earliest opportunity should be made available for discussion of the subject. Accordingly, on 21 February, 1983 with the unanimous consent of the House, I dispensed with the Question Hour in order to enable the House to take up the discussion regarding the Assam situation on a statement made by the Minister of Home Affairs. I also expressed grief on behalf of the House on the loss of a large number of lives in that State. Thereafter, members stood in silence for a short while as a mark of respect to the departed souls. At the end of the discussion on the subject in response to suggestions from all sides of the House I placed before the House a resolution condemning the killings in Assam and appealing to the people to restore peace. The resolution was unanimously adopted by the House.

The disturbed situation in Punjab also figured on several occasions in the House. In view of the gravity of the situation and the widespread anxiety shared by members, the situation was discussed twice in April and July, 1983 on notices of adjournment motion. One particular point of procedure which needs to be mentioned here is that though the notice of the adjournment motion on 26 April, 1983 was admitted by me, the discussion could only be held on 27 April, 1983 as 26 April, 1983 had already been announced as the day for application of guillotine to all outstanding Demands for Grants at 1800 hrs. The motion that the Adjournment Motion might be taken up on the following day *i.e.* 27 April, 1983 instead of 26 April, 1983 was unanimously agreed to.

Another pertinent aspect of the disturbances in Punjab concerned the conflict between the Nirankaris sect and extremist section amongst the Sikhs. At one stage, the Nirankaris had threatened to send volunteers to Amritsar to face the extremists. It emerged during the course of the reply of the Minister of Home Affairs to the supplementaries on a Starred Question that if a Parliamentary Committee was constituted to go into the subject, it would help to promote understanding and avoid conflict. I am happy to say that in response to the appeal which was made in the House, the Nirankaris who were determined to send a sacrificial jatha to Amritsar gave up the idea. A Joint Committee consisting of 22 Members has since been constituted to bring about the desired reconciliation between Akalis and Nirankaris and suggest necessary measures.

An interesting situation arose on 6 April, 1983 when in response to a Calling Attention regarding abolition of capitation fee in educational institutions which included engineering and medical colleges, Members felt on hearing the statement made by the Deputy Minister of Education that both the senior Ministers of Health and Education should be present to answer clarificatory questions. I conceded the reasonableness of the demand and

postponed the Calling Attention to a later date viz. 28 April, 1983 when both the Ministers of Education and Health were present and answered the clarificatory questions.

Another subject of widespread concern was the reported attack in July, 1983 on Tamil-speaking people in Sri Lanka and on the residence of the acting High Commissioner and the staff members of the Indian High Commission. A Calling Attention notice on the subject was admitted for 27 July, 1983 but when it was reached in the House there was a demand from all sides that it should be converted into a discussion so that large number of members from all sides could participate in it. On the House agreeing to the suggestion, the Call Attention was converted into a short Duration discussion, but the five members whose names had already appeared on the Call Attention notice were given first priority for participation in the ensuing debate.

Yet another occasion to convert a Calling Attention notice into a Short Duration Discussion arose on 12 August, 1983. The reported investment in Indian industries and takeover bids of Indian Companies by certain non-resident Indians, was the subject of a Calling Attention Notice, included in the List of Business for that day. On a request made in the House by Leaders of parties and Groups, it was agreed to convert it into a Short Duration Discussion which was held on 24 August, 1983. As on the earlier occasion, Members in whose names the Calling Attention notice had appeared earlier in the List of Business, were called upon to speak before other Members participated in the discussion.

As you might be aware, the present practice in regard to treatment of notices of questions for a sitting which is subsequently cancelled is that in case the decision regarding cancellation is taken before the Question Lists are circulated to Members, the questions for the day are treated as lapsed. But when a decision regarding cancellation of a sitting is taken after the circulation of the Question Lists, the answers to such questions are laid on the Table of the House on the next sitting day. Accordingly, the decision regarding cancellation of sittings fixed for 25 and 29 October, 1982 (Winter Session) and on March 11, 1983 (Budget Session) having been taken before the Question lists were circulated, the Questions received for these days were treated as lapsed. As, however, the Question Lists for 28 March, 1983 had already been circulated to Members by the time the decision for cancellation of sitting fixed for that day was taken, the answers to questions listed for that day were laid on the Table of the House on 30 March, 1983, the next sitting day.

There is also a practice in our House that when the Question Hour on a particular day is dispensed with, the Starred Questions for the day are also

treated as Unstarred and the answers thereof are printed in the proceedings of the day alongwith the answers of Unstarred Questions. On 21 February, 1983, when the Question Hour was dispensed with to provide time for discussion on the Assam situation, all the Starred Questions put down on the Order Paper for the day were treated as Unstarred and their answers were printed in the official report for the day together with the answers to the Unstarred Questions.

Let me now share with you some of the important privilege issues that arose in Lok Sabha after we met last. During the last Budget Session, I received notice of a question of privilege against the Minister of Energy and Petroleum for issuing notifications increasing the prices of certain petroleum products, just four days before the commencement of the Session. On 22 February, 1983, when I called upon the Minister of Energy and Petroleum to lay on the Table of the House, the relevant notifications, several members raised objections to the laying of the said notifications on the ground that it amounted to an impropriety and a contempt of the House. Thereupon, I made an observation that the Government had issued the notifications under the powers conferred on them by the relevant Act and the Rules framed thereunder and that the Members might write in that connection to the Committee on Papers Laid on the Table, if they so wished. I, however, shared the Member's feelings that "it would have been more appropriate to announce the increase in prices in the House as the Lok Sabha was scheduled to sit from 18 February, 1983".

In another case, I received notices of a question of privilege from two Members against the Minister of Home Affairs and the Minister of Law, Justice and Company Affairs for allegedly making wrong and misleading statements in regard to a Note stated to have been sent by the Chief Election Commissioner to the Government for postponing the elections after the first round of poll in Assam. One of the Members also sought my permission for laying a copy of the Note on the Table of the House. While withholding my consent to the matter being raised as a question of privilege, I observed that after carefully sifting the material contained in the notices and the material furnished by the Home Minister and the Law Minister, it was clear that the Note in question did not afford any factual basis for the inference that the Election Commission made any suggestion that the poll in Assam be postponed after the first round on 14 February, 1983. I reminded the House about the well established parliamentary practice and procedure and precedents according to which a breach of privilege can arise only when a Minister or a Member makes a false statement or an incorrect statement wilfully, deliberately and knowingly. In this particular case, the facts clearly indicated

that the statements of Ministers taken in the context of specific queries made by the Members in the House were factually not incorrect and there was thus no question of breach of privilege or contempt of the House. I, however, added a note of caution that greater care should have been taken to ascertain the facts in their entirety for taking up the issue on the floor of the House. I also felt that greater restraint should have been shown by the persons concerned and the high office of the Chief Election Commissioner should not have been brought in unnecessarily. Since there had been speculation about the contents and implications of the Note, I accorded permission to the Member to lay it on the Table of the House under Direction 117.

The Fourth Report of the Committee of Privileges regarding alleged manhandling of a Member and use of abusive language in respect of Members of Parliament by the police at Ghaziabad (U.P.), was presented to the House on 5 May, 1983. The Committee, after taking into consideration the totality of the circumstances of the case, expressed the view that the police personnel had used abusive language in respect of Members of Parliament in general and the Member concerned, in particular, and had assaulted him. The Committee, however recommended that in view of the unconditional and unqualified apologies tendered by the concerned officials, the dignity of the House would be best served by taking no further action in the matter by the House. The Committee were distressed to find that several cases regarding ill-treatment and assault by the police on the Members had been referred to it by the House. They, therefore, urged the Ministry of Home Affairs to issue strict instructions to all the authorities concerned to ensure that Members were not exposed to such ill-treatment and violence at the hands of the police authorities. I am glad to inform you that a circular letter, dated 24 June, 1983, has accordingly been issued, by the Ministry of Home Affairs to all State Governments and Union Territory Administrations containing instructions on the subject.

During the Monsoon Session, the Fifth Report of the Committee of Privileges regarding alleged misrepresentation of the proceedings of the House and casting of reflections on a Member in a news report and an article published in a news magazine, was presented to the House on 25 August, 1983. The Committee were of the view that the impugned news report and the article grossly misrepresented the proceedings of the House and cast serious reflections on the Member concerned, constituting a breach of privilege and contempt of the House. The Committee, however, recommended that the unconditional and unqualified apologies tendered by the editor of the newspaper and the author of the impugned article, and publication thereof by them, might be considered as adequate and no further action be taken by the House in the matter and it might be dropped.

At the last Conference, I had mentioned to you about the Conference of Chairmen of Committees of Public Undertakings having been held in New Delhi in April, 1982, I am glad to inform you that we had the pleasure of hosting two more Conferences – Conference of Chairmen of Estimates Committees and Conference of Chairmen of Public Accounts Committees in New Delhi in December, 1982 and February 1983, respectively. As you are well aware, the three Financial Committees together keep continuous vigil over the governmental activities. I have stressed on more than one occasion in the past the need for closer coordination between the Financial Committees at the Centre and the States so that important subjects are covered in a comprehensive and meaningful manner. It has to be appreciated that because of centralised planning and the provisions of the Constitution, the Central and State budgets and accounts have a bearing on one another. I am happy that this suggestion was taken up for discussion in right earnest in the latest Conferences of Chairmen of all the three Financial Committees, and a consensus was evolved to effect such coordination in the matter of selection of subjects and exchange of reports after presentation to the House.

A Conference of Chairmen of Committees on the Welfare of Scheduled Castes and Scheduled Tribes of Lok Sabha and State Legislatures was also held at New Delhi from 5 to 7 August, 1983. The Conference underlined the need for co-ordination between the Central and State Legislature Committees and discussed several important issues relating to the socio-economic development of the Scheduled Castes and Scheduled Tribes and the role of the Committees in facilitating the attainment of this laudable objective.

I have no doubt that such conferences of Chairmen of the Central and State Committees facilitate the sharing of experiences and adoption of a well-informed approach in matters of procedure as well as in the examination of subjects.

Another important Conference which was held in New Delhi and which I had the privilege to inaugurate in March 1983, was the Conference of Chairmen of Library Committees of Parliament and State Legislatures. Ever since I came to occupy the office of the Speaker, I have been keen in expanding and enriching the Parliament Library and its Research and Reference Services for the benefit of Members of Parliament. I attach a lot of importance to a well equipped Library where Members can study in comfort and have access to published documents or papers so as to better equip themselves for the discharge of their parliamentary duties. I have always welcomed visits of State Library Committee Chairmen and members to see our Library, Research and Reference Services at work. I have also extended facilities to their staff to get training in the Parliament Library from time to time. In this context, the

latest Conference went a long way in enabling the participants, most of them Speakers and Deputy Speakers of various State Legislatures, to have exchange of ideas regarding further development of Library services and to benefit from each other's experiences.

You will be glad to learn that we are shortly going to computerise some of the services of the Parliament Library for the benefit of Members of Parliament. The idea is to ensure quick retrieval of information by computerising to begin with, answers to selected questions asked in Parliament, Bills introduced and passed by the two Houses, important debates and discussions in Parliament, including statements by Ministers and reference queries received from Members and the material supplied in response thereto. The National Informatics Centre of the Electronics Commission have been entrusted with the responsibility of establishing a computer terminal in the Parliament House. When the terminal becomes fully operative, it would prove to be of significant assistance in handling the growing volume and complexity of relevant information for the benefit of our parliamentarians.

I mentioned to you last time that since the year 1981 we have started a practice of inviting some eminent personality to address Members of Parliament on the death anniversary of Pandit Jawaharlal Nehru, a great and noble son of India who made such a signal contribution to our freedom struggle, to the framing of our Constitution, to the establishment of a democratic parliamentary system and for laying sound foundations for a modern, forward-looking India. On 27 May, 1983, the 19th death anniversary of the great leader, we arranged a meeting under the auspices of the Indian Parliamentary Group which was addressed by Shri P. Shiv Shankar, Union Minister of Energy, who spoke on "Panditji's concept of development, secularism and social justice." A pictorial exhibition was also organised on the occasion. Likewise, on the 94th birth anniversary of Pandit Jawaharlal Nehru, the Indian Parliamentary Group organised another largely attended meeting which was addressed by Shri G. Parthasarathy, the eminent diplomat. He spoke on "Jawaharlal Nehru's contribution to Democracy, Socialism and Peace". An exhibition on "Nehru Nature and Environment" was also organised on this occasion.

There have been some changes recently in the Legislation regarding salaries, allowances and other facilities for our Members. The Parliament passed an amendment to the Salary, Allowances and Pension of Members of Parliament Act whereby the salary of Members has now been raised from Rs. 500/- to Rs. 750/- per month and the Daily Allowance from Rs. 51/- to Rs. 75/- for each day during any period of residence on duty. By another amendment to the same Act, the attendant of the Member has now been

entitled to travel in first class instead of II class by rail. The spouse of the Member is now entitled to travel by air or rail instead of by rail only from the usual place of residence to Delhi and back, once during a Session. Travelling allowance for road journey admissible to Members has also been increased from Re. 1/- to Rs. 1.30/ per kilometre.

The Bureau of Parliamentary Studies and Training whose activities and programmes have by now become quite familiar to all the State Legislatures, continued to maintain the tempo of its activities. Three Seminars, on the "Budgetary Process" "Parliamentary Questions" and "Financial Committees" were organised under the joint auspices of the Bureau and the Indian Parliamentary Group (IPG).

These Seminars were attended, in addition to Members of Parliament, by Members of many State Legislatures and the Associate Members of the IPG. I was particularly happy to see some of the Presiding Officers of State Assemblies participating in these Seminars and evincing keen interest in the proceedings.

With a view to providing a thorough grounding to the Middle Level Officers of Lok Sabha, Rajya Sabha and State Legislature Secretariats, the Bureau organised two Specialisation Courses for imparting training in the (i) Working of Financial Committees ; and (ii) Drafting of Private Members' Bills. Each Course was attended, besides officers of Lok Sabha and Rajya Sabha Secretariats, by 29 officers from various State Legislature Secretariats.

The Bureau also arranged, as usual, Attachment Programmes and Study Visits for Officers of State Legislature Secretariats, designed to familiarise them with the parliamentary practices and procedures. As many as seven officials from various State Legislature Secretariats, including those from Madhya Pradesh, Himachal Pradesh and Uttar Pradesh, received training under this programme. I hope the participants from the State Legislature Secretariats found the time spent with the Bureau useful and worthwhile. As in the past, the Bureau organised Appreciation Courses in Parliamentary Processes and Procedures for the benefit of senior officers of Government and Probationers of All-India and Central Services.

The Bureau has also been arranging Attachment Programmes for the benefit of senior and middle level officers from foreign parliaments and also officer-trainees from foreign countries. Last year, a batch of Officer-Trainees from the Civil Services Training Academy of Algeria and three officials from the National Secretariat of Nigerian Legislatures and the Administrative Staff College of Nigeria and an official from Rashtriya Panchayat Secretariat, Nepal, came to the Bureau for such training programmes.

I am happy to add that the success of the Seminars and other programmes organised by the Bureau of Parliamentary Studies and Training has been largely due to the enlightened guidance of Shri Om Mehta, an eminent parliamentarian, who held important portfolios as a Minister at the Centre and is now assisting us with the work of the Bureau since March, 1983, as an Honorary Advisor.

It is now my pleasant duty to once again convey our warmest appreciation to our distinguished hosts, Shri Dighe, and Shri Tilak for hosting this memorable conference and affording us an opportunity to spend some happy and useful days in the midst of fellow Presiding Officers. We are happy to place on record our appreciation of the services rendered by the two Secretaries of the Maharashtra Legislature, Shri G. S. Nande and Shri V. M. Subramanian, who took such meticulous interest and tied up all details of the Conference. We would also like to express our warm appreciation of the efforts made by the officers and staff of Maharashtra Legislature Secretariat to ensure the success of the Conference as also to look after our comfortable stay in Bombay.

I would be failing in my duty, if I do not place on record my appreciation for the whole-hearted co-operation and assistance extended by Chief Minister of Maharashtra Shri Vasantdada Patil, his Minister for Parliamentary Affairs and other colleagues in providing all facilities, assistance and cooperation to the Maharashtra Legislature Secretariat in hosting this Conference.

Ladies and Gentlemen, whatever I have spoken today, I can assure you, has come just out of my heart. I would like to be excused for the vehemence with which I have spoken. I have done this because I enjoy the affection and friendship of all of you. I have full confidence in your judgement and strength and courage to face the future. I am confident you will rise to the occasion and come out with flying colours.

Friends, I do hope that our deliberations here will be quite fruitful and many constructive and healthy suggestions would emerge so as to meet the challenges facing our nation on various fronts and for further strengthening our parliamentary system. Conferences like this provide valuable opportunities to us to come together in spite of our heavy pre-occupations and for evolving procedures for the smooth functioning of our parliamentary institutions.

I once again thank all the Chairmen and the Speakers of the State Legislatures for coming here. May God bless them with happiness and enable them to march forward, to better progress and prosperity.

**ADDRESS BY DR. BAL RAM JAKHAR, SPEAKER, LOK SABHA,
AT THE SEMINAR ON "FINANCIAL COMMITTEES" HELD IN
NEW DELHI ON 16 DECEMBER, 1983.***

I am glad that the Bureau of Parliamentary Studies and Training and the Indian Parliamentary Group have jointly organised this Seminar on the important subject of 'Financial Committees'.

Executive accountability to the Legislature is the essence of parliamentary democracy. In our system the Executive represented by the Council of Ministers is part of the Legislature and is accountable to it. Though the initiative in regard to policies, programmes and financial proposals rests with the Executive, the complementary function of critical scrutiny of these is performed by the Legislature. The Legislature can discharge this function effectively by means of purposive use of its procedures and a well structured Committee system. In the Committee system that has been adopted by us, the Financial Committees form a distinctive class by themselves. The Financial Committees are designed to ensure on behalf of the Legislature the Executive accountability in regard to the Budget and its implementation by Government Departments and public undertakings etc.

The power of the purse is what gives the Legislature its unique position. No money can be drawn by the Executive without the approval of the Legislature and no tax can be levied or collected without the authorisation of the Legislature. Having authorised the taxation proposals and having approved the spending, the Legislature has to get detailed accounts duly audited by the independent constitutional authority, the Comptroller and Auditor General of India. In scrutinising the Budget estimates and the accounts as well as the Audit Reports the Financial Committees play a vital role.

While the Estimates Committee is concerned with the estimates, the Public Accounts Committee is concerned with the accounts and audit Re-

*The Address was read out by Shri Shyam Lal Yadav, Deputy Chairman, Rajya Sabha.

ports. The Committee on Public Undertakings combines the functions of the Estimates Committee and the Public Accounts Committee in relation to public undertakings. The deterrent effect of these Committees is well known. The Committees have also given a host of constructive suggestions for economy and administrative reforms and even policy changes with a view to achieving the end results of the activities of Government better and quicker and at lesser cost. Thus, while keeping the Executive under check in regard to irregularities, waste and inefficiency, the Committees have thrown up constructive suggestions for proper implementation of policies and programmes, playing a critical and yet constructive role. They carry conviction with the Executive by an objective and nonpartisan examination of issues that come up before them and making unanimous Reports. Their appraisal is not merely financial ; they get into the socio-economic efficacy of the various programmes of Government. Their examination is not just post-mortem ; their conclusions and recommendations arrived at after examining the past and present activities have indeed great validity for the future. They have adequate powers and facilities to carry out their work. The only constraint seems to be the vastness of the field that comes within their scope.

With the proliferation of governmental activities consequent on our embarking on a planned socio-economic development of the country, the scope of the work of Financial Committees has enlarged a great deal. I must say the Committees have refined their procedures and methods of examination to suit the changing demand on them. There has been a shift in emphasis from individual transactions to systems. A system of efficiency-cum-performance audit as distinct from regularity and propriety audit has been evolved by the Comptroller and Auditor General of India. Further, the audit of public undertakings has been widened to cover technical aspects in association with the experts in the Audit Board. These innovations have been helpful to the Public Accounts Committee and the Committee on Public Undertakings.

Nevertheless, it is impossible for the Committees to review the entire activities of Government on a year to year basis. For instance, it is unreal to expect the Estimates Committee to examine and report on the Budget as a whole before it is approved by the Legislature. The Public Accounts Committee cannot examine the accounts and Audit Reports in their entirety nor can the Committee on Public Undertakings examine the working of all the public undertakings in a year. The Committees, therefore, rightly go about their work in a selective manner.

I for one do not think that there could be a cent per cent check by Parliamentary Committees. But the sample check exercised should be such

that it has the impact on the totality of the Government machinery. This requires effective coordination between the Committees. It is a moot point whether this coordination should be institutionalised or left to be effected informally. There may be differences in this regard among the States and between the States and the Centre. I am sure you will consider them.

I have stressed on several occasions that the coordination is necessary not only among the Financial Committees of a Legislature but also between the Financial Committees of the States and the Centre. The latter is also necessary because in our federal set up with a centralised planning there are many a link between the Central and State Budgets and accounts. A coordinated approach by the Committees of the State Legislatures and Parliament would make for overall assessment and hopefully result in bringing about improvement in the administration of the country in the interest of common man. I am glad that this idea which was first expressed in a Seminar here in December, 1981, was taken up by the Conferences of Chairmen of all Financial Committees held in Delhi during the last 20 months. This Seminar may like to explore this area further.

A view has been expressed that in view of the dominance in the Budget of items of expenditure charged on the Consolidated Fund and borrowing, which has not been regulated by law, having become a major source of financing, the financial oversight of Legislature has been diluted. I, however, feel that the Financial Committees could go into the charged items of expenditure to satisfy themselves that they have been correctly classified and incurred and that the Committees could examine the borrowings and repayments. The Seminar may like to go into these aspects in greater detail.

There is a suggestion that Legislature should be associated with the preparation of the Budget. I do not think this is a correct approach. The Legislature or its Committee like Estimates Committee ought to be concerned with the estimates presented to the House. There can be no sharing of the exclusive Executive responsibility of formulating the Budget, for it could compromise the position of the Legislature in critically scrutinising it later. I, however, feel that there should be adequate discussion and scrutiny of the Five Year Plans which substantially form the basis for annual Budget. In what manner could this be institutionalised is a matter which should be given a deep thought.

I had repeatedly suggested that the information system for effective monitoring and review of governmental activities was an area that should engage the attention of the Legislature and their Committees, particularly Financial Committees, with a view to refining the system for meaningful and informed control over the Executive. The quality and coverage of the

documents circulated with the Budget papers must receive special attention. Plan is an instrument of development and Budget is an instrument for the execution of the plan programmes. The manner in which the programmes are implemented should be adequately reflected in the various documents placed before the Legislature. There should be comprehensive data and information on all new schemes/projects or significant expansion of the existing ones to enable a critical scrutiny before approval by the Legislature. The Annual Reports of the Ministries/Departments and the public undertakings as well as the Performance Budgets should bring out clearly the performance vis-a-vis plan targets and objectives. In ensuring all this, the Financial Committees ought to be vigilant.

Friends, I do not wish to take much of your valuable time. There are eminent and experienced Members to share their experiences in this Seminar. With these words I am happy to inaugurate the Seminar.

PARLIAMENTARY EVENTS AND ACTIVITIES

RELINQUISHMENT OF OFFICE OF SECRETARY-GENERAL—LOK SABHA

BY SHRI AVTAR SINGH SIKHY

On 22 December, 1983, the Speaker, Dr. Bal Ram Jakhar, informing the Lok Sabha about the relinquishment of office of Secretary-General* by Shri Avtar Singh Rikhy with effect from 31 December, 1983, said that he had been the Secretary of Lok Sabha for the last six and half years. He came to the Lok Sabha Secretariat in 1956 as a Deputy Secretary and during his long period of service, he had served the institution with great distinction and shown a rare zeal for work and duty. He had greatly helped in the efficient functioning of the House and had always tendered sound advice to the Chair on procedural and other matters. The Speaker further said :

“Shri Rikhy has been associated with International Parliamentary Organisations like Inter-Parliamentary Union, Commonwealth Parliamentary Association, Association of Secretaries-General of Parliaments and has been a well recognised figure in these fora by dint of his dedicated work and suave manners. He has been taking keen interest in the Seminars and Symposia organised by the Bureau of Parliamentary Studies and Training in which not only the Members of Parliament, but Members of State Legislatures and Members of Inter-Parliamentary Group also have participated.

During his long stint with the financial committees, he was instrumental in strengthening the Committee System and making their reports pertinent and constructive.

Shri Rikhy had the unique distinction of not being absent from even a single sitting of the Lok Sabha during the entire period of six and half years and that is a record. In the true tradition of the Parliamentary officials, he has assiduously cultivated anonymity and has invariably put

*The Speaker appointed Shri Avtar Singh Rikhy as Secretary-General, Lok Sabha and Lok Sabha Secretariat with effect from 22 December, 1983.

the interest of the Institution above everything else. He has endeared himself by his courteous behaviour to one and all.

In appreciation of his long and distinguished record of services to the House and its Committees, I have appointed him as Honorary Officer of the House, following past precedents. This would be a fitting recognition of his services.

We shall miss him. We wish him well in the years to come and to serve the country in any other capacities."

The Prime Minister Shrimati Indira Gandhi, joining the Speaker in complimenting Shri Rikhy for his rendering valuable services to the House for six and half years, observed that he had made a useful contribution to Parliamentary work by his devotion to duty. He maintained the conventions and high traditions of "our Parliament". Congratulating him on the Speaker's calling him the Secretary-General, the Prime Minister extended to Shri Rikhy, her own and her party's good wishes for the years to come.

Offering felicitations and good wishes to Shri Rikhy, Shri Samar Mukherjee said that Shri Rikhy was most modest in his behaviour and was prompt in giving every possible help to Members of Parliament irrespective of their party affiliations. Shri Madhu Dandavate said that in view of his rich association with the Railways Shri Rikhy had made valuable contributions in the working of Estimates Committee when it examined the Department of Railways. As far as Shri Rikhy's work in the House was concerned, he tried to give all technical assistance to the Members irrespective of their party affiliations. Shri Atal Bihari Vajpayee said that Shri Rikhy showed extreme devotion to duty. It was due to the valuable contributions of the Lok Sabha Secretariat and the Officers like Shri Rikhy that the Public Accounts Committee, Estimates Committee and Public Undertakings Committee were making useful contribution. Shri Rikhy, he added, also promoted the traditions established by his predecessors and maintained cordial relations with Members. Shri C. T. Dhandapani said that Shri Rikhy was an effective and efficient Officer and rendered a very valuable service in organising Seminars from time to time for promoting Parliamentary system and strengthening democratic institutions. Joining in the felicitations, the Deputy Speaker, Shri G. Lakshmanan held that Shri Rikhy was a "symbol of duty, dignity and discipline" and he avoided egoism and anger.

Other Members who joined in offering felicitations to Shri Rikhy were Sarvashri Rasheed Masood, Ramavatar Shastri, Ram Lal Rahi, V. Kishore Chandra S. Deo, Chitta Basu, Saif-ud-Din Soz and Chandrajit Yadav.

NEW SECRETARY-GENERAL OF LOK SABHA

Consequent on the retirement of Shri Avtar Singh Rikhy as Secretary-General, Lok Sabha, the Speaker was pleased to appoint Dr. Subhash C. Kashyap as Secretary-General, Lok Sabha and Lok Sabha Secretariat with effect from 31 December, 1983 (afternoon).

Dr. Subhash C. Kashyap—A life Sketch

Born on 10 May, 1929 at Chandpur (Bijnor), U. P., Dr. Kashyap had his education and professional training at Chandpur, Meerut, Allahabad, Delhi, Washington D.C., London, Dallas and Geneva. He had an outstanding academic career and holds M. A. (First Class), LL. B. (First Class) and D. Phil. (Political Thought) degrees. He completed Advocate's training at the High Court and L.L. M. Course of Studies with specialisation in Constitutional Law. Also, he took a Diploma in Administrative Law, was a Fellow of the Academy of American and International Law, Southern Methodist University, Dallas, Texas (1966); U. S. Congressional Fellow of the APSA, Washington, D. C. (1965-66); and United Nations (UNDP) Fellow in 1977.

Honours and Awards : Dr. Kashyap had earned national and international renown as a constitutional and parliamentary expert much before he came to occupy the office of the Secretary-General. Described as "one of the eminent three who laid the foundations of parliamentary studies in this country", he had received many distinctions and honours within and outside India including the title of Commander and the degree of H.O.A. S.F. (Commander of the Honorary Order of the Academy of San Francisco), Sao Paulo, Brazil (1969) for services to constitutional and Parliamentary studies; Pandit Motilal Nehru Awards for the best books in the fields of Law and Political Science (1972 and 1973); Special Awards for books on the Conscience of the Constitution of India and the Dictionary of Political Science (1971); etc.

He was for some years Honorary Member, Faculty of Law, Marathwada University, Aurangabad; Member, Editorial/Advisory Boards (i) *ABC POL SCI*, Santa Barbara, California, (ii) *International Journal of Politics*, New York, and (iii) Sage Publications Series on Comparative Legislative Studies, London and Durham. From time to time, he was invited to lecture at universities in India and abroad and appointed examiner for LL.M. and Ph. D degrees of several universities.

Dr. Kashyap was Overseas Delegate to the National Conference of State Legislatures, 1966, Portland, Maine; Delegate and discussion initiator on

'Democracy and Development' at the XI World Conference of the Society of International Development, 1969 ; Member, U. K. (London) based Comparative Legislative Study Group and contributor on India to the cross-country study of Legislative Committees; and Key note speaker and rapporteur at the Inter-Parliamentary Union Symposium at Geneva on 'Information Needs of Parliamentarians', January, 1973. He participated as an expert in the IPU Symposium on 'Who Legislates in the Modern World' at Geneva. January, 1976 ; Presided at and participated in the Symposium on 'Legislatures and Human Rights' at Dublin (Ireland), September, 1976.

Social Service : Active in the national struggle for freedom from his early teens, he held several offices in the Students Congress, National Union of Students, World University Service, University Students Organisation, etc. Also, he was an active member of the Social Service League and of several trade unions in Allahabad. During 1949-50. he was the Peresident of the Allahabad University Union.

Professional Career : Dr. Kashyap began his professional career as a journalist and as an Assistant Professor at the University at Allahabad. He was editor of '*Parivartan*' (Daily), '*The Union*' (Weekly) and '*Prabhat*' (Monthly) during the late forties. Later, during 1967-1973 he edited the *Journal of Constitutional and Parliamentary Studies*, the *Loktantra Samiksha* and the *Conparlist*.

On the permanent staff of the Lok Sabha Secretariat since 1953, posts held by him included those of : (i) Chief Research Officer, (ii) Chief Librarian ; (iii) Officer on Special Duty ; (iv) Director, Parliament Library and Research, Reference, Documentation and Information Services and Bureau of Parliamentary Studies and Training ; (v) Joint Secretary. In early 1982, his services were requisitioned by the Inter-Parliamentary Union, Geneva, where he occupied the post of the Head of the International Centre for Parliamentary Documentation.

Earlier, on deputation with the Indian Institute of Public Administration as Chief Research Officer, he was incharge of the national project on the Framing of India's Constitution (with the Shiva Rao Committee). 1962-64 (five volumes).

Besides having vast experience of administering and heading institutions, Dr. Kashyap did pioneering work in the field of study and training in parliamentary institutions and procedures and orientation programmes for new legislators all over the country. In early sixties, he conceived of and organised the Institute of Constitutional and Parliamentary Studies and was its Director till 1973. Later, in early seventies, he designed the Parliament's

Bureau of Parliamentary Studies and Training and was its Director until 1977.

Travels :—Widely travelled in India and abroad on academic assignments, he made on the spot studies of the practical working of over fifty legislatures of the world and has been a participant and President or Keynote speaker at several international parliamentary and academic symposia etc.

Publications :—He has over three dozen published volumes to his credit. Some of the original works are : *Jawaharlal Nehru and the Constitution*, *Human Rights and Parliaments*, *Politics of Defection*, *Tryst with Freedom*, *Politics of Power*, *Dictionary of Political Science*, *The Unknown Nietzsche*, *Ministers and Legislators*, etc. He was closely associated with the preparation of Kaul & Shakhder's famous treatise on Parliamentary Procedure and Practice, particularly its 3rd revised edition. Before leaving the Inter-Parliamentary Union, he was engaged on the new edition of the highly prestigious IPU work on the *Parliaments of the World*. A number of his research papers and articles in twin fields of constitutional and Parliamentary Studies have been published from time to time in standard Indian and Foreign Journals including *The Table* (London), *The Parliamentarian* (London), *Islamic Quarterly* (Oxford), *The Asian Survey* (San-Francisco), *Journal of Political Studies*, *The Contemporary Review*, *The Indian Political Science Review*, etc.

CONFERENCES AND SYMPOSIA

Conference of Presiding Officers :—The Forty-eighth Conference of Presiding Officers of Legislative Bodies in India was held in Bombay (Maharashtra) on 2 and 3 January, 1984. Dr. Bal Ram Jakhar, Speaker of Lok Sabha and Chairman of the Conference, presided. Almost all the Presiding Officers of the Legislative Bodies in India as also the Deputy Chairman of Rajya Sabha and Deputy Speaker of Lok Sabha attended the Conference.

The Conference discussed the following points of the Agenda :

- (1) *Speaker* : For enjoying the confidence of the entire House, will it not be sound if the removal of the Speaker from his office is made possible by a resolution of the Assembly passed by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the Members of the Assembly present and voting ?
- (2) *Privileges* : Whether a Member of a State Legislature commits a breach of privilege in respect of the other House, the subject matter of which is not in any way connected with the business of the

House to which he belongs and also not while performing his duties as Member in the House? What are the norms to be followed in dealing with such cases?

(3) *Committees* : (i) Speaker's power to appoint a special committee of the House on a request from the Chief Minister or a Member of the Council of Ministers or a Member of the House to enquire into the allegations of special nature made outside the House when the House is not in session and in the absence of specific provisions in the Rules of Procedure and precedents for the appointment of such a Committee; and

(ii) Whether the Speaker has the discretion to constitute such a Committee with reference to the merits of the matter by exercising his residuary powers?

(4) *Jurisdiction of Courts* : What is the precise scope of clause (2) of Article 212 of the Constitution? If the Speaker issues an order pursuant to his powers in relation to the conduct of a session of the Legislature, maintenance of security in the Chamber, admission of strangers, including pressmen, to the galleries, or any other connected matter,

(a) can such an order be questioned in a court of law? and

(b) If a court entertains an application questioning such order and issues notice to the Speaker, what course of action should the Speaker take?

(5) *Rules of Procedure* : Need for a uniform set of Rules of Procedures and Conduct of Business in all the Legislatures in the country.

(6) *Legislature and Judiciary* : The relation of the Legislature with the Judiciary with special reference to Fundamental Rights as enshrined in the Constitution and Parliamentary Privileges.

(7) *Discretionary Fund* : Discretionary fund for Persiding Officers.

Conference of Secretaries : The Twenty-Ninth Conference of Secretaries of Legislative Bodies in India was held on 1 January, 1984. Shri Sudarshan Agarwal, Secretary-General, Rajya Sabha and Chairman of the Conference presided, Dr. Subhash C. Kashyap Secretary-General, Lok Sabha, Shri H. G. Paranjpe, Joint Secretary Lok Sabha Secretariat and Secretaries of almost all the State and Union Territory Legislatures attended the Conference.

After the welcome speech by Shri G. S. Nande, Secretary, Maharashtra Legislature, Shri Sudarshan Agarwal addressed the Conference.

The Conference discussed subjects of parliamentary and administrative interests.

Symposium on "Parliament, People and Administration" A Symposium on the subject of "Parliament People and Administration" was held in Vidhan Bhawan, Bombay on 4 January, 1984.

Dr. Bal Ram Jakhar, Speaker of Lok Sabha and the Chairman of the Conference of Presiding Officers, presided and delivered the opening address. The Inaugural Address was delivered by Shri Vasantdada Patil, Chief Minister of Maharashtra. The Deputy Chairman, Rajya Sabha, the Deputy Speaker, Lok Sabha, the Presiding Officers of State Legislatures, MPs., M. LAs. and M. L. Cs. from Maharashtra participated in the Symposium.

Seventh Conference of Speakers and Presiding Officers of Commonwealth Parliaments : The Seventh Conference of Speakers and Presiding Officers of Commonwealth Parliaments was held in Auckland (New Zealand) from 8 to 11 January, 1984. Dr. Bal Ram Jakhar, Speaker, Lok Sabha and Shri Shyam Lal Yadav, Deputy Chairman, Rajya Sabha attended the Conference.

Third Regional Seminar on Parliamentary Practice and Procedure : The Third Seminar on Parliamentary Practice and Procedure for the Commonwealth Parliamentary Association (CPA) Branches in Asia, South East Asia and Africa Regions was held New Delhi from 21 to 25 January, 1984 under the auspices of the Indian Parliamentary Group, which functions also as the India Branch of Commonwealth Parliamentary Association.

Shri M. Hidayatullah, Vice-President of India and Chairman, Rajya Sabha, inaugurated the Seminar on 21 January, 1984. Dr. Bal Ram Jakhar, Speaker, Lok Sabha delivered the Welcome Address.

The following subjects were discussed at the Seminar :—

1. Time of the House : Focus on important issues.
2. Financial Accountability to Parliament : How to make it effective ?

Shri Shyam Lal Yadav, Deputy Chairman, Rajya Sabha delivered the keynote address on "Time of the House : Focus on important issues" while Shri G. Lakshmanan, Deputy Speaker, Lok Sabha delivered the keynote address on "Financial Accountability to Parliament : How to make it effective ?"

Nineteen delegates from CPA Branches overseas viz., Sri Lanka, Tanzania, Zambia, Malaysia, Botswana, Malawi, Mauritius and Zimbabwe and

thirty nine delegates from the Parliament and State Legislatures in India, including a number of Presiding Officers participated in the Seminar.

After the Seminar, the delegates from overseas visited some places of historical, cultural and industrial interest in Delhi, Agra, Jaipur, Bombay and Madras.

PARLIAMENTARY DELEGATIONS FROM ABROAD

Mauritian Parliamentary Delegation : In response to an invitation from India, a Mauritian Parliamentary Delegation led by Hon. Chattradhari Daby, Speaker of the Legislative Assembly of Mauritius, visited India in November, 1983.

The delegation called on the Speaker, Lok Sabha on 15 November, 1983. The Speaker, Lok Sabha hosted a banquet in their honour on 15 November, 1983. A meeting between the visiting delegation and Members of our Parliament was held on 17 November, 1983.

Besides Delhi, the delegates visited some places of historical, cultural and industrial interest viz. Mathura, Agra, Hyderabad, Madras and Bombay.

Senegalese Parliamentary Delegation : In response to an invitation from India, a Senegalese Parliamentary Delegation led by Hon. Mr. Alioune Badara Mbengue, Vice President of the National Assembly of Senegal (i. e. Parliament of Senegal) visited India in November-December, 1983.

The delegation called on the Speaker, Lok Sabha on 1 December, 1983. The Speaker, Lok Sabha hosted a banquet in their honour on the same day. A meeting between the visiting delegation and Members of our Parliament was held on 2 December, 1983.

Besides Delhi, the delegates visited some places of historical, cultural and industrial interest viz. Agra, Mysore and Bangalore.

Syrian Arab Republic Parliamentary Delegation : In response to an invitation from India, a Syrian Arab Republic Parliamentary Delegation led by His Excellency Mr. Mahmoud Al Zoubi, Speaker of the People's Council of the Syrian Arab Republic, visited India in December, 1983.

The delegation called on the Speaker, Lok Sabha on 5 December, 1983, and a meeting between the visiting delegation and Members of our Parliament was also held on that day. The Speaker, Lok Sabha hosted a banquet in their honour on the same day.

Besides Delhi, the delegates visited some places of historical, cultural and industrial interest viz. Mathura, Agra, Jaipur, Pune and Bombay.

BUREAU OF PARLIAMENTARY STUDIES & TRAINING

During the period 30 October to 31 December, 1983 the following Programmes/Courses were organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat :

Seminar on "Financial Committees" : A Seminar on "Financial Committees" was held under the joint auspices of the Bureau of Parliamentary Studies and Training and the Indian Parliamentary Group on 16, 17 and 18 December, 1983 in Committee Room (Main), Parliament House Annexe.

Besides the Members of Parliament and Indian Parliamentary Group (IPG), representatives from the State Legislatures also attended and participated in the Seminar.

In the absence of Dr. Bal Ram Jakhar, Speaker, Lok Sabha, his Inaugural Address was read out by Shri Shyam Lal Yadav, Deputy Chairman, Rajya Sabha on 16 December, 1983. The Seminar was attended by 29 Members of Parliament, 12 Members of IPG and 42 Members from the State Legislatures, including Shri T. S. Negi, Speaker Himachal Pradesh Vidhan Sabha and Shri Ved Pal, Deputy Speaker, Haryana Vidhan Sabha.

The following were the Panel Speakers :

1. Shri Satish Agarwal, M.P.
2. Shri Dinesh Goswamy, M.P.
3. Prof. N. G. Ranga, M.P., and
4. Shri Satyendra Narain Sinha, M.P.

Besides the above-mentioned Panel Speakers, in all two Members of Parliament, two Members of IPG and 30 Members of the State Legislatures took part in the discussion.

Appreciation Courses for Probationers/Officers of All India/Central Services : Three Appreciation Courses in Parliamentary processes and procedures viz. ; the Fourth Appreciation Course for Probationers of Indian Postal Service and P & T Accounts and Financial Service ; the Fourth Appreciation Course for Section/Desk Officers in the Ministries/Departments of the Government of India and the First Appreciation Course for Indian Police Service (IPS) Probationers were organised from 1 to 2 November, 1983, 3 to 11 November, 1983 and 21 to 26 November 1983 respectively.

Attachment Programmes An eight-week Attachment Programme was organised from 10 October to 3 December, 1983 for Shri Bal Ram Sapkota, Section Officer, Rashtriya Panchayat Secretariat, Nepal under Colombo Plan to enable him to study the processes and procedures as obtaining in the

Parliament and State Legislatures in India. Besides having attended the Sixteenth Appreciation Course in Parliamentary Processes and Procedures for Directors, Deputy Secretaries and Under-Secretaries to the Government of India as observer and attached to various Branches/Sections of Lok Sabha and Rajya Sabha Secretariats for the purpose, the trainee officer also served attachment with two State Legislature Secretariats to study the procedures obtaining there.

Four more Attachment Programmes were organised by the Bureau. Of these, two Attachment Programmes were for the participants in the (i) International Programme on Development Administration conducted by Institute of Secretariat Training and Management, New Delhi, and (ii) International Programme on Audit of Rural Development conducted by the office of the Comptroller and Auditor General of India and were organised from 18 to 19 November and 1 to 2 December, 1983 respectively. The third Attachment Programme was organised from 12 to 23 December, 1983 for two trainees from the Gujarat Legislature Secretariat for enabling them to study the working of Library and Reference, Research, Documentation and Information Service. The fourth Attachment Programme for Parliamentary Fellows of Institute of Constitutional and Parliamentary Studies, New Delhi was organised from 22 December, 1983 to 13 January, 1984.

Study Visits : The Bureau also organised 21 one-day Study Visits *inter alia* for a group of (i) participants attending a Refresher Course in Communication conducted by Indian Institute of Mass Communication, and (ii) Post-Graduate Students of Institute of Development Studies, Mysore University, Mysore.

PRIVILEGE ISSUES

RAJYA SABHA

Alleged misleading of the House by a Minister : On 8 December, 1983, the Chairman (Shri M. Hidayatullah) observed that on 17 November, 1982, a Member (Shri Satya Pal Malik) had given a notice of breach of privilege against the Minister of Finance, (Shri Pranab Mukherjee) for having deliberately misled the House in his reply to Unstarred Question No. 110 answered in Rajya Sabha on 15 November, 1983, regarding investments by non-resident Indians in the Reliance Textile Industries Limited.

The Chairman further observed that the said notice was presumably based on certain press reports to the effect that some of the companies mentioned by the Minister in his replies to Questions in the House in the month of July-August, 1983, did not exist in U.K. on the date when permission was given to them by the Reserve Bank of India to invest in the Reliance Textile Industries Limited. He had referred the matter to the Minister for his comments. The Minister in his reply had admitted that there was inaccuracy in describing the place of incorporation of those companies. The Companies were incorporated in the 'Isle of Man' and not in U.K. That unfortunately caused some confusion and resulted in raising a breach of privilege issue by the Member. The Minister had also corrected his replies to earlier Questions on the subject by laying a correcting statement on the Table of the House on 22 November, 1983.

In view of the above, the Chairman did not consider that there was any intention on the part of the Minister to mislead the House and withheld consent to the raising of the question as a breach of privilege.

STATE LEGISLATURES

MADHYA PRADESH VIDHAN SABHA

Alleged casting of reflections on and levelling of charges against the Speaker in articles published in three weekly magazines : A Member

(Shri Babulal Gaur) gave notice of a question of privilege against the Editor of *Blitz*, a weekly published from Bombay, for allegedly casting reflections on, and levelling of charges against, Shri Yagya Datt Sharma, the Speaker of the Madhya Pradesh Vidhan Sabha, in an article published in the issue of *Blitz* dated 4 September, 1982. On 25 September, 1982, when the Member sought to raise the matter in the House, the Speaker informed him that the matter was under his consideration.

On 30 September, 1982, the Speaker observed that after considering the reply received from the Editor of *Blitz*, he had referred the matter to the Committee of Privileges for examination and report.

Subsequently, Sarvashri Chaudhary Dilip Singh, Rana Natwar Singh, Rasool Ahmad Siddiqui, Ramashankar Chaudhary and Kapoorchand Ghuwara. Members, gave notice of a question of privilege against the Editor of *Ravivar*, a *Hindi* weekly published from Calcutta and Sarvashri Chaudhary Dilip Singh, Rana Natwar Singh, Rasool Ahmad Siddiqui and Ramashankar Chaudhary, Members, gave another notice of a question of privilege against the Editor of *Dinman*, a *Hindi* weekly published from Delhi, for allegedly casting reflections on, and levelling of charges against, the Speaker of the Vidhan Sabha in two articles published in their issues dated 10 and 31 October, 1982, respectively.

On 15 December, 1982, a motion seeking to refer these two matters to the Committee of Privileges, moved by the Chief Minister (Shri Arjun Singh) was adopted by the House by voice vote.

The Committee of Privileges, after hearing in person Sarvashri R. K. Karanjia, Surendra Pratap Singh and Shri Kanhaiyalal Nandan, Editors of *Blitz*, *Ravivar* and *Dinman* respectively, in their Third Report presented to the House on 5 April, 1983, *inter alia* observed that the Committee had asked the three editors to submit evidence and file affidavits, if they so wished, in support of the charges levelled against the Speaker. They were given the required time, but despite all that they did not adduce any evidence against the Speaker. They even did not file before the Committee, affidavits either of their own or of anybody else. That made it evident that none of these editors produced even an iota of evidence that would have proved that the Speaker had misused his position or earned property illegally.

The replies given by the three editors were examined by the Committee with reference to the freedom of expression available to the Press in India. In this connection, the Committee also considered the rulings of the Indian Parliament and that of the other Assemblies. The Committee positively

believed that the freedom of Press was the basis of democracy. However, the freedom of expression available to the Press was the same as was available to the citizens of India under Article 19(1) (a) of the Constitution of India and the limit of free expression for the Press was the same as was laid down for the citizens of the country. Beyond that no special privilege was conferred on the Press by the Constitution.

The Committee were of the opinion that no special privilege was available to the Speaker of the Assembly over and above those that were available to the other Members of the Assembly and that no such question, about violation of any special privilege of the Speaker, was before the Committee for consideration. However, the Committee believed, as had been admitted by Shri Karanjia in his reply, that 'the Speaker belongs to the whole House, irrespective of Parties'. Hence, the question before the Committee did not concern safeguarding the honour of a particular individual but it pertained to affording protection to the honour and status of the Presiding Officer of an institution which was a Constitutional entity and the soul of democracy. The Committee believed that the responsibility to maintain the honour and status of the Speaker and the House rested not only on the Members of the House, but it was to be shouldered also by the general public and the Press. Whenever charges, *sans* proof, alleging misuse of office by the Speaker of the House were published in insulting language and were circulated to the general public, that was bound to weigh on the minds of the Speaker and the Members and to adversely affect the smooth functioning of the House. Therefore, the Committee was of the opinion that the "use of objectionable language against the Speaker amounts to contempt of the House and is within the purview of the term Breach of privilege of the House."

In view of the Constitutional position and having studied the facts available in these cases, the Committee concluded that "all these editors have transgressed the rights conferred on them by the Constitution and they published objectionable matter against the Speaker without ascertaining the facts and without verifying the same and thereby brought into disrepute the honour, status and reputation of the House. Thus, Shri Karanjia, Shri Surendra Pratap Singh and Shri Kanhaiyalal Nandan are guilty of contempt and breach of privilege of the House."

In their statements before the Committee, all the three editors specifically admitted that neither was it their intention to commit contempt of the House and the Chair, nor they intended to do it now. The Committee, therefore, observed that it was likely that the editors were not aware of the Constitu-

tional limitations for publishing reports and news items about the Speaker and the House. Besides that they had shown gentleness and broad mindedness by appearing before the Committee. Bearing in mind these facts the Committee recommended that instead of imposing punishment on Sarvashri Karanjia, Surendra Pratap Singh and K. L. Nandan, the House might express its 'displeasure' because the three editors had specifically exceeded the rights conferred on them by the Constitution and had ignored their responsibilities. In view of these facts, the Committee recommended that these cases be dropped.

On 5 April, 1983, the Chief Minister (Shri Arjun Singh) moved a motion in the House for adopting the Report of the Committee of Privileges, which was passed by the House. In accordance with the recommendation of the Committee, the House also directed the three editors to publish the recommendations of the Committee in the next issues of their publications at a prominent place.

MAHARASHTRA LEGISLATIVE ASSEMBLY

Wearing of a cap with some inscription on it by a Member in the precincts of the House and the Chamber; and publication of a report in a newspaper allegedly highlighting the said incident : On 1 December, 1981, a Member (Shri Bhaurao Patil) gave notice of a question of privilege against another Member (Shri Nanubhai Patel) for wearing a cap with an inscription on it in the precincts of the House and the Chamber and also against the Editor, Printer and Publisher of *Tarun Bharat*, a *Marathi* daily of Nagpur, for publishing a report allegedly highlighting the said incident in its issue dated 1 December, 1981.

In his notice, the Member *inter alia* stated that Shri Nanubhai Patel had entered the House wearing a cap with inscription, 'Remove Corrupt Antulay' and cast reflections on the Chief Minister who was the Leader of the House and thus committed a breach of privilege and contempt of the House. The said daily also committed a breach of privilege and contempt of the House by giving publicity to such a Member who wore a cap with defamatory inscription.

On 18 December, 1981, after leave was granted by the Speaker (Shri Sharad Dighe) referred the matter to the Committee of Privileges for examination and report.

The Committee of Privileges, after hearing Shri Bhaurao Patil and Shri Nanubhai Patel and after considering the written explanation of

Shri M.G. Vaidya, Editor, Printer and Publisher of *Tarun Bharat*, in their Report, presented to the House on 11 March, 1983, reported *inter alia* that after considering the statements filed by the Member (Shri Nanubhai Patel) as also by Shri M.G. Vaidya, the Committee framed the following issues :

- “(i) Whether Shri Nanubhai Patel, MLA by wearing a cap with inscription against another Member (though may be Chief Minister) and remaining in the precincts and in the Chamber of the House has committed a breach of privilege and contempt of the House ?
- (ii) Whether the Editor, Printer and Publisher of ‘Tarun Bharat’, Nagpur, by publishing a news-item relating to the presence of Shri Nanubhai Patel, MLA with the cap aforesaid, in the precincts and in the Chamber of the House, has committed a breach of privilege and contempt of the House ?
- (iii) If so, what recommendation should be made in respect of the conduct of Shri Nanubhai Patel, MLA and the Editor, Printer and Publisher of ‘Tarun Bharat’, Nagpur ?”

Shri Bhaurao Patil deposed before the Committee that Shri Nanubhai Patel was sitting in the House with the objectionable cap even when the proceedings of the House commenced and removed it only after the Speaker (pursuant to some Members bringing the fact to his notice) specifically asked him to remove it. The Committee looked into the published proceedings of the day and found that the statement was not borne out by records. Shri Bhaurao Patil undertook to produce witnesses in support of his statements but eventually did not cite any witnesses.

On his own admission, Shri Nanubhai Patel wore the cap in the precincts of the House and was actually sitting in the House for some time though before the Speaker entered the House at the commencement of the sitting of the House on that day. That itself, notwithstanding the statement of Shri Bhaurao Patil which was not borne out by the official records of proceedings, was not in keeping with the decorum of the House and might technically involve a breach of privilege and contempt of the House.

The Committee, however, felt that the House should best consult its own dignity by ignoring Shri Nanubhai Patel's action and by not giving any undue importance to it. The Committee, therefore, recommended that the matter might be dropped.

In regard to the case against the newspaper the Committee were of the view that the Editor, Printer and Publisher of *Tarun Bharat*, Nagpur, Shri M.G. Vaidya, who happened to be a Member of the Maharashtra

Legislative Council, reported factually what took place in the House and its precincts without passing any adverse comment on any Member. The Committee, therefore, felt that no breach of privilege or contempt of the House was committed by the newspaper.

On 31 March, 1983, the Chief Minister (Shri Vasant Rao Patil) moved a motion, accepting the Report of the Privileges Committee, which was adopted by the House.

Alleged casting of reflections on the Speaker by a newspaper : On 11 December, 1981, some Members (Sarvashri Chimanrao Kadam, Yeshwant Sherekar and Dr. V. Subramanyam) gave notice of a question of privilege against the Editor, Printer and Publisher of *Maharashtra Times*, a *Marathi* Daily, for allegedly casting reflections on the Speaker (Shri Sharad Dighe) in an editorial published in the newspaper in its issue dated 10 December, 1981.

The impugned editorial read *inter alia* as follows .

“What should Shri Dighe do ?

In view of the unpleasant situation which hon. Speaker had to face on account of his own party colleagues and the Chief Minister in the Maharashtra State Assembly, it would be only proper if he would resign his post and maintain the prestige and decorum of the high office. Hon. Member Shri Gavit wished to make a statement in the House subsequent to his winning the Lok Sabha Election. But the hon. Speaker did not give his consent as there was no provision in the Rules of Procedure and Conduct of Business of the House which would enable Shri Gavit to make such a statement. He then passed on to the next question. The Chief Minister thereupon asked his Cabinet Colleague to resume his seat and urged the hon. Speaker to suspend the rule. The ruling party members created pandemonium in the House for sometime on account of which the Speaker had to adjourn the House. Shri Gavit was asked to make the statement under rule 57 of the Rules of Procedure and Conduct of Business of the House. Should it be construed that hon. Speaker was not aware of this rule earlier ? But the way the ruling was changed must have made it fairly clear to Shri Dighe what type of people are around him.

Even on earlier occasions also, Shri Suresh Jain had uttered derogatory and insulting words about the hon. Speaker. It was expected that he would reprimand Shri Jain and ask him to beg apology of the House. But except expunging the derogatory remarks of Shri Jain, the

Speaker did not initiate any other action. Advantage of this lenient attitude is being taken. Nana Sahib Kunte was the former Speaker of the Assembly. But nobody dared to make such insulting remarks about him.”

On 18 December, 1981, after leave was granted by the House, the Speaker referred the matter to the Committee of Privileges for investigation and report.

The Committee of Privileges considered the editorial as a whole and more particularly the portion marked by the Members who gave the notice of breach of privilege and came to the conclusion that there was a *prima facie* case of breach of privilege. It, therefore, decided to issue show cause notices to Shri Govind Talwalkar, the Editor and Shri T P. Pithavala, the Printer and Publisher of *Maharashtra Times*. In reply to the notice, Shri D.V. Gokhale, Executive Editor of the said Paper, informed that Shri Talwalkar who was out of India would be returning by mid August, 1982, and would be replying to the notice on his return. He requested that consideration of the matter might be deferred till his return. He, however, opined that the said writing was not of the kind as could be said to have impaired the dignity, integrity and authority of the Speaker. He emphasised that the Editor was always vigilant to ensure that the Speaker's dignity was never brought into odium and further asserted that even on second reading he did not feel that the said editorial had even remotely suggested any disrespect to the Speaker.

In his reply, dated 10 August, 1982, Shri Govind Talwalkar, Editor of the daily informed that the said editorial did not contain anything which amounted to contempt of the Speaker, but it was a mere repetition of what had happened in the House on that day and reported by all other newspapers. He further emphasised that the said editorial, in fact, aimed at maintaining and enhancing the dignity of the Speaker, let alone maligning him. He, therefore, felt that the question of breach of privilege based on the said editorial was beyond comprehension.

The Committee further considered the matter and felt that the explanations offered by the Executive Editor and the Editor could be accepted in as much as they had assured that by the editorial no disrespect was meant either to the Chair or to the person occupying it. The Committee was of the view that it was unfortunate that such a writing should have appeared in the newspaper and it would have been better if such article of doubtful taste had not been written at all. However, in view of the aforesaid assurances of the Editor that he did not mean any disrespect to the Chair or to the person occupying it and his intention was not to malign the prestige and dignity of

the Presiding Officer, the Committee felt that the matter might not be pursued further.

Accordingly, the Committee in their Report presented to the House on 10 March 1983 recommended that the matter of breach of privilege against the Editor and the Printer and Publisher of *Maharashtra Times* be dropped.

On 31 March, 1983, the Chief Minister (Shri Vansantrao Patil) moved a motion, accepting the Report of the Privileges Committee, which was adopted by the House.

UNION TERRITORIES

GOA, DAMAN AND DIU LEGISLATIVE ASSEMBLY

Alleged casting of aspersions on a Member by a Newspaper : On 16 October, 1980, the Speaker (Shri Froilano Machado) observed *inter alia* that on 9 October, 1980, his attention was invited by a Member (Shri Herculano Dourado) to a news item which had appeared in that day's issue of *West Coast Times* under the caption 'And Herculano's Comfort'. While raising the issue, the Member had also given a notice in writing as required by Rule 74 of the Rules of Procedure. The complaint received from the Member read as under :

"...Under Rule 74 of the Rules of Procedure and Conduct of Business of the Legislative Assembly, I wish to raise a question of breach of privilege and contempt of the House against the Editor and Publisher of *West Coast Times* for having published a news item under caption 'And Herculano's Comfort'.

On 8 October, 1980 at zero hour, I brought to the notice of this august House and Hon. Speaker that I am staying in Circuit House and on that particular day due to paucity of staff I was served lunch only at 2.20 p.m. and I had to attend Session at 2.30 p.m. I suggested that members may be accommodated in Tourist Hostel as members are not provided with transport. The Tourist Hotel being near to the Assembly Hall, the members can walk down to attend the Session. My suggestion was not for my personal comfort but to be punctual for attending this Assembly session in my capacity as M.L.A. *i.e.* as representative of the people.

The paper has reported that I complained that the food was not properly served, whereas my complaint was regarding delay in serving food.

It is my contention that the paper has distorted and suppressed my

statement regarding delay in serving food with malice and has given a headline in order to mislead its readers that I spoke about my comfort. The paper did not make a mention about my anxiety to attend the Session in time.

The Editor and Publisher of the paper is therefore guilty of breach of privilege and contempt of the House...”.

The Speaker observed that normally no restrictions were imposed on reporting the proceedings of the House. But when the debates were reported malafide *i.e.* when a wilful misrepresentation of the debate arose, the offender was liable to punishment for committing a breach of privilege and contempt of the House. In the instant case, as contended by the Member, he was convinced that the newspaper had distorted the speech of the Member and made no mention about the Member's complaint on the delay in serving food at Circuit House with malafide intention and had given a headline which misrepresented the Member's speech. The Member was anxious to get the food in time in order to be punctual in attending the Session which was his prime duty as a legislator. The Member's anxiety in attending the Session in time had been totally distorted by the newspaper and reported in an entirely different version which inferred that he was worried about his own comfort, and the reporting was in the nature of being derisive.

In view of the above, the Speaker observed that the impugned news item was thus a wilful misrepresentation of the speech of the Member and thus *prima facie* amounted to breach of privilege and contempt of the House. He had expected that on the very next day the newspaper would publish their apology and would give the correct version of the speech but to his surprise the issue of the *West Coast Times* dated 11 October, 1980, had published a cartoon stating in a sarcastic and derisive manner “with an advance apology” to the Hon. Member who is reported to have said “everyone is trying to take M.L As. lightly”. The cartoon sought to cast aspersion on the august House and its Members including the Speaker and aggravated the offence committed by the paper by its issue dated 9 October, 1980, which was raised by the Member.

The Speaker was of the view that it was not that the Speaker or the Members of the august House did not appreciate the sense of humour but in the particular case, the sense of humour had been maliciously misplaced. He was, therefore, of the opinion that the Editor, Publisher and Correspondent of the *West Coast Times* and the concerned cartoonist were guilty of breach of privilege and contempt of the House and, accordingly, he referred the Member's complaint as well as the above mentioned cartoon published in the issue of the

West Coast Times dated 11 October, 1980, with the title 'Assembly Session' to the Committee on Privileges for examination, investigation and report. The cartoon was referred *suo motu* in exercise of the powers vested in him under Rule 91 of the Rules of Procedure.

The Committee of Privileges examined after examining the Member (Shri Herculano Dourado) and Shri G.G. Kamat, Publisher of the newspaper. In their Report, presented to the House on 22 March, 1982, the Committee noted that in addition to the impugned news item and the cartoon referred to by the Speaker, the paper in its issue dated 17 October, 1980, had published on front page an article under caption 'An Explanation and Apologies'.

The Committee were of the opinion that by the sequence of their publications viz., (i) the impugned news item under caption 'And Herculano's Comfort'; (ii) the cartoon under caption 'Assembly Session'; and (iii) the article under caption 'An Explanation and Apologies', the newspaper had no doubt transgressed the boundaries of fair comment and thus committed breach of privilege and contempt of the House. But taking into consideration the facts that the publisher, when he appeared before the Committee, had tendered apology on his behalf and on behalf of the Editor (since the concerned Editor had resigned during the deliberations of the Committee); that the Chief Correspondent and the Cartoonist had also tendered apologies; and that the newspaper was not in existence at present, the Committee felt that the matter might be dropped.

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

Alleged casting of reflections on the Speaker and the Members by a newspaper : On 13 July, 1981, a Member (Shri Herculano Dourado) invited the attention of the House to an editorial* which appeared under the caption "A No-Confidence Motion" in *O Herald*, a Portuguese daily, in its issue dated 10 July, 1981, which read *inter alia* as follows :

"In the interview granted to the reporter of the English daily, both Babu and Willie (sic), when asked whether they regarded the Rane Government as stable, replied that the (ruling) party had 28 MLAs thereby implying that the stability of the Government was more than assured.

However, since the Legislative Assembly Session started three days back its work has not been conducted in peace and tranquillity. With

* Original in Portuguese.

only two Opposition MLAs, it is from the Treasury benches that the most violent attacks on the Government have been directed, however strange this may appear.

As if this sorry spectacle of attacks on the Government coming from its own side was not enough, we now have the request for tabling a no-confidence motion against the Dy. Speaker, signed by not less than 16 MLAs of the ruling party and therefore more than half on the majority of 28 MLAs.

× × ×

× × ×

× × ×

The ground for the no-confidence motion against Dy. Speaker Shri Desai is yet not known for the two or three times he occupied the Speaker's chair he showed himself to be not at all inferior, on the contrary to the Speaker Shri Froilano Machado who proved himself so often incapable of controlling the House as it happened last Tuesday when two MLAs were talking simultaneously and nothing could be heard.

Whatever may be the reasons for the no-confidence motion the latter has been already accepted and included in the agenda for 22nd inst, under the Regulation to decide whether to allow it or not. Once again we ask what does this mean, since the no-confidence motion demand being signed by 16 MLAs it will be allowed to be tabled and, when discussed, most probably passed ?

× × ×

× × ×

× × ×

For us, the introduction of such a no-confidence motion on the very second day of the Legislative Session, proves to the hilt that the said majority of 28 MLAs is illusory and does not guarantee at all the stability of the Government. The Congress MLAs are 28, it is true, but they form two distinct groups as is evident now.

Besides this motion of no-confidence against the Dy. Speaker we have witnessed on the same day itself a Congress MLA demanding the resignation of a Minister It is the Case of Dilkush Desai demanding Shri Zantye's resignation for the latter's alleged involvement in the functioning of S.S.C. Board.

If this has happened on the very first two days of the Legislative Assembly work what will happen in the remaining 20 odd days left since it is known that the current session will last till 27th inst. ? What will happen at the time when the so called Financial Statement for the fiscal

year 1981-82 or the Bill of Means are debated? Only the future can tell”.

Later in the day, the Speaker (Shri Froilano Machado) observed *inter alia* that he had read the full editorial as well as its official translation. It had been always held that speeches or writings casting reflections on the Speaker and Members in the discharge of their duties constituted breach of privilege and contempt of the House. From the plain reading of the editorial it could be seen that the editorial did cast aspersions on the Speaker regarding discharge of his duties as well as on some of the Members of the House in discharge of their duties and this *prima facie* constituted a breach of privilege and contempt of the House. He, therefore, under Rule 78 of the Rules of Procedure and Conduct of Business of the Goa, Daman and Diu Legislative Assembly, referred the editorial published in the *O Herald* in its issue dated 10 July 1981, to the Committee on Privileges for examination, investigation and report.

The Committee of Privileges heard Dr. Benicio Nunes, the Editor, Shri A C. Fernandes, the Publisher of the newspaper and Dr. Carmo de Azavedo the author of the impugned editorial. In their Report presented to the House on 13 January, 1983, the Committee reported *inter alia* that in this preliminary meeting held on 13 October, 1981, a point of academic interest was raised by some of the Members as to whether the Deputy Speaker could Preside over the meeting since the impugned editorial spoke in praise of him. the Committee, after having studied the matter, decided that he could preside over the meetings of the House even though the impugned editorial spoke in favour of him.

In his written explanation, Dr. Benicio Nunes, the Editor of the newspaper had stated that the article published on 10 July, 1981, was written by Dr. Carmo de Azavedo and he took knowledge of it only after it was published. He also contended that had the publisher followed his advice of requesting Dr. Azavedo to submit his articles to his appreciation before being handed over to the press section he would have avoided its publication.

As per the existing parliamentary practice and established conventions the Committee recommended to drop the matter as far as Dr. Benicio Nunes, the Editor, and Shri A.C. Fernandes, the Publisher, were concerned by accepting their apologies.

The Committee observed that Dr. Carmo Azavedo had not tendered apology. Moreover, the Committee noted that the tone, tenor and content of his written explanation had aggravated the offence committed by him insofar as

his written explanation was in bad taste, particularly the passage 'I, therefore, wonder when and how it was learnt, as you state, from Dr. Benicio Nunes that the impugned editorial was written by me. Was this information extracted from him under threat of dire consequence?' attributed motives to the Committee. Further the sentence 'In fact, the attempt now made to involve me in a privilege motion is nothing but a clear case of political vendetta, which if carried out, will do little credit to the Assembly' imputed serious allegation against the Speaker in the discharge of his duties. The Committee were, therefore, of the opinion that Dr. Carmo Azavedo had committed a serious Breach of Privilege and Contempt of the House. The Committee, however, did not wish to exercise their penal power with regard to the nature of punishment to be awarded to Dr. Carmo Azavedo and observed that they would like to leave it to the collective wisdom of the House to award such punishment as it might deem fit.

On 13 January, 1983, the House decided to take up the consideration of the Report on 18 January, 1983. The Speaker observed in the House on 18 January, 1983 as follows :

"There is consideration of report of the Committee on Privileges in the matter of breach of Privilege and contempt of the House arising out of publication of editorial under caption 'A mocao de desconfianca' in 'O Haraldo' dated 10 July, 1981. Before the Members should take it up, I have read the report. I would like to urge the Members that the vituperations, the defiant attitude of the person, deserve more compassion rather than condemnation and punishment. I do not think much importance should be given. At least I am convinced that this comes from a trivial mind. So, I would advise the Members not to urge for a discussion. You have recorded your displeasure. Let the matter rest as it is because such vituperations such defiant attitudes do not touch us. I hope the Members will take this into consideration. I am grateful that the Members raised it because they are very keen to maintain the decorum and dignity of this House and to maintain the respect of the Speaker, not as a person but as a Speaker and still man is not important, paper is not important, so let the matter rest".

The Chief Minister (Shri Pratap Singh Rane) then stated as follows :

"I am in full agreement with whatever you have stated...The chair is to be respected. If you have to respect the democratic institutions, there is a mutual respect between the fourth estate, the Government, the legislators and the judiciary. If somebody has flouted it, it has to be

taken very gravely. It is a sad thing that the person concerned has shown scant respect. However, although we attempted to take a severe note of this, as you have stated it is best to ignore it.”

The matter was thereafter closed.

HOUSE OF COMMONS (U.K.)

Criticising in the House a judgement delivered by a Judge : On 14 December, 1982, during the question time a Member (Mr. Nelson), asked¹ the Prime Minister (Mrs. Margaret Thatcher) the following question :

“Has my right hon. Friend seen reports today of the 12 month sentence, eight months of which have been suspended, which was passed at the Leeds crown court on a man who pleaded guilty to two charges of raping a girl who was only six years old? Does my right hon. Friend understand that most people will regard such a lenient sentence as wholly incomprehensible?”

The Prime Minister, while replying to the above question, stated² as follows :

“Yes, I do. Indeed, I am one such person. I have been in touch with the Lord Chancellor, as has my hon. Friend the Member for Sowerby (Mr. Thompson), and he has called for all the papers on this case to ascertain the facts. As an interim measure the Lord Chancellor has given instructions to all circuit administrators that in no circumstances is a charge of rape to be listed for hearing, except before one of the judges authorised to try murders or before a judge expressly approved by the Presiding judge of the circuit.

The Lord Chancellor fully supports the guidance given by the Lord Chief Justice to the effect that, except in wholly exceptional circumstances, rape always calls for an immediate custodial sentence and that the sentence must reflect the seriousness of the crime”.

A Member (Mr. Christopher Price) then sought to raise a point of order and stated³ as follows :

1. House of Commons Deb., 14 December, 1982, c. 123.

2. *Ibid.*, cc. 123-24.

3. *Ibid.*, c. 124.

“On several occasions in this House, Mr. Speaker, I have been told by you that it is out of order to criticise a judge who has made a certain decision...Is that ruling simply to be applied in one case and not in another? If it is the ruling, it should be applied to everyone, including the Prime Minister”.

Thereupon, the Speaker (Mr. George Thomas) observed⁴ as follows :

“The hon. Gentleman is quite correct. I have from time to time ruled that a judge can be criticised only if there is a motion on the Order Paper...I took the view that I did today because no judge was named. I do not know who it was. The hon. Gentleman may be satisfied that he has outlined what is normally the correct position...The hon. Member for Lewisham, West (Mr. Price) drew my attention to a breach of our rules, which I said had taken place. The responsibility is mine. I allowed the question. I believe I made a mistake, but I did allow it. Therefore, I can only say to the House that in future the rule will stand and be observed. I hope that that satisfies the House”.

On 15 December, 1982, the Speaker observed⁵ as follows :

“The House will recall the exchanges that took place yesterday afternoon on a judgement and sentence that had recently been given in a case of rape. On reading those exchanges today, I am satisfied that I needlessly took upon myself the blame for an irregularity that did not in fact occur. There is a firm distinction to be drawn between criticism of the character and conduct of a judge, which is out of order, except on a substantive motion, and of the substance of one of his judgements, which is quite permissible.

I drew the distinction very clearly on 19 July, 1977, in a ruling from which I venture to quote as yesterday it had gone from the mind of the House and myself. I said : ‘the rule is not so restrictive as some hon Members may think. It is not necessary to have a substantive motion before the House to allow Members to argue that a judge has made a mistake, that he was wrong, and the reasons for those contentions can be given within certain limits, provided that moderate language is used’.⁶

4. *Ibid.*, c. 124.

5. H.C. Deb , 15 December, 1982, c. 285.

6. H.C. Deb., 19 July, 1977, c. 1381.

On the other hand :

“Reflections on the judge’s character or motives cannot be made except on a motion. No charge of a personal nature can be raised except on a motion. Any suggestion that a judge should be dismissed can be made only on a motion’.⁷

Both the question raised by the hon. Member for Chichester (Mr. Nelson) yesterday and the Prime Minister’s reply fell quite clearly within the terms of the earlier part of that ruling.

I have felt bound to make this statement to the House today to ensure that nothing that happened yesterday will tend to inhibit hon. Members from exercising their right to criticism, which they have always enjoyed and which it is in the interests of the House that they should have freedom to enjoy.....The House will realise that the only mistake that I made yesterday was to say that I had made a mistake”.

HOUSE OF REPRESENTATIVES (AUSTRALIA)

Alleged denial to Members to have access to certain material kept in the Parliamentary Library pending a decision in a relevant matter before the High Court : On 27 November, 1980, a Member (Mr. Holding) sought to raise, with the Permission of the Speaker, a question of privilege in the House and stated⁸ *inter alia* as follows :

“I desire to raise a matter of privilege which arises out of an answer provided by you yesterday in respect of a question that I directed to you...The issue, as raised, concerns a question to you in the following terms :

- (1) Have the Presiding Officers had their attention drawn to the item headed ‘Safety First’ (The Overflow Column, *National Times*, 16 to 22 November 1980).

The answer to that is yes. The second question is :

- (2) Has the Parliamentary Library purchased a copy of the book *Documents on Australian Defence and Foreign Policy, 1968-1975* ; if so, is this book looked in a safe by order of the Parliamentary Librarian ?

7. H.C. Deb., 4 December, 1973, c. 1092.

8. House of Representatives, Deb, 27 November, 1980, pp. 130-31.

The answer is :

- (2) The Parliamentary Library received a copy of the book in questions part of a standing purchase order from book distributors and it was locked away on the advice of those book distributors pending a decision in a relevant matter before the High Court of Australia.

The Parliamentary Librarian was not personally aware of the acquisition or of the action taken until after the newspaper report appeared.

The third question I asked you, sir, was :

- (3) Has any injunction been served on the Parliamentary Library by the Government to prevent the circulation of this book to Members and Senators ?

The answer stated :

- (3) No injunction has been served on the Parliamentary Library, but the Parliamentary Librarian was given legal advice on Monday, 17 November 1980, that the book should not be circulated before the High Court decision was known.

Finally, I asked you, sir :

- (4) If not, will the Presiding Officers now order the release of this book for circulation to Members and Senators ?

The answer to that was :

- (4) Not at the present time.

× × ×

× × ×

× × ×

My case rests, first of all, on the assumption that the acquisition of any book or written material by the Parliamentary Library for the use of honourable members makes that material the property of the Parliament. Secondly, I argue that once a book or written material becomes the property of the Parliament, any parliamentarian has a right of access to it.

× × ×

× × ×

× × ×

I ask you, Mr. Speaker, to concern yourself with these aspects of the matter. The Government has initiated proceedings in the court ; it is

represented in the court by its own Attorney-General's Department ; members of Parliament then have their rights of access to this material threatened and withdrawn simply because the matter is the subject of legal disputation on the basis of advice that must emanate from the same branch of the Executive that is involved in the proceedings. I believe that we are putting our own rights and our own privileges in jeopardy if we allow a course of action ever to occur in this Parliament where one branch of the Government can be the prosecutor in the courts in respect of a citizen or a publisher and, at the same time, can use presumably the same legal arguments to say that members of this House will not have access to material in the Parliamentary LibraryI am entitled to have access to material which is not the property of the Government but the property of this Parliament. It is the property of the Parliamentary Library and, therefore, in my view it ought to be available as of right to any member of this Parliament who wants it. If any member has his rights curtailed in that way I believe, Mr. Speaker, you ought to consider that as being an action which has a tendency to impair the independence and future performance of that member. I believe that my capacity as a member of this House to prepare material and have all the material available to me to judge properly the actions of the Government has been seriously impaired.....I ask you to rule on this matter as a matter of privilege”.

After hearing several other Members in the matter the Speaker (Sir Billy Snedden) observed⁹ *inter alia* as follows :

‘ Let me first draw the attention of the House to the nature of privilege. The nature of privilege is that there should be no interference whatsoever with the capacity of a member of the Parliament to carry out his duties in the Parliament. No Member of Parliament should be subject to any threat, nor should he be subject to any promise of favouritism which would interfere with the conduct of his business in the House. A member of the House must be able to speak the truth and demand the truth at all times without fear or favour. Hence the origin and the maintenance of privilege.....There is no doubt here that there is no suggestion that there is any subtraction from the independence of any member, except insofar as the honourable member for Melbourne Ports bases his claim on a subtraction from the information available to the member and whether that subtraction would amount

9. *Ibid.*, p. 133.

to a subtraction from the independence of the member. There, I think, lies the major issue in this case.

× × ×

× × ×

× × ×

The issue here is whether the absence of that information, which is possessed by the Library—namely the book—will have a tendency to impair the independence of any member in the future performance of his duty. I emphasise the words ‘independence’ and ‘future performance’. I have come to the conclusion that all considerations of propriety and courtesy that exist between this tripartition of power, namely the legislature, and another tripartition of power, namely the judiciary, would require that this House not take any action at this time which would in any way inhibit the outcome of that decision, unless I were satisfied that the absence of the information today would subtract significantly from the independence of a member in the future. I am not so satisfied. Therefore, I find that in this instance there is no *prima facie* issue of privilege such as would require that issue of privilege to take precedence over all other business”.

Mr. Holding then moved the following motion which was negatived by the House :

“That so much of the Standing Orders be suspended as would prevent the honourable member for Melbourne Ports referring to the Committee of Privileges the action of the withholding of information possessed by the Parliamentary Library from members of the House of Representatives”.

On 2 December, 1980, the Speaker observed¹⁰ as follows :

“.....Mr. Justice Mason declined to grant an injunction preventing publication of the book on the grounds of breach of confidentiality or a breach of the Crimes Act. We are left to consider the question as a matter concerning copyright upon which ground the injunction was granted. My further consideration since Thursday last, 27 November, when the matter was raised has led me to conclude that no issue of privilege is involved. My reading of Mr. Justice Mason’s judgement does nothing to subtract from this conclusion. His Honour granted an interim injunction which will prevent the distribution of the book. However that injunction is not directed to the Parliament nor any officer. Specifically there is no injunction directed to the Parliamen-

10. *Ibid.*, 2 December, 1980, pp. 230-31.

tary Librarian or any officer of the Parliamentary Library. It is apparent from the judgement of Justice Mason that the form of relief represented by the interim injunction, pending the determination of the issue of breach of copyright, is the best form of protecting the copyright owner as distinct from his being able later to obtain damages.

The issue here is whether members of Parliament should be deprived of material, namely a book, which they may put to use in the discharge of their Parliamentary duties when that material is in the possession of the Library. The immediate answer to that question is on its face that honourable members should not be so deprived. There is however another consideration, namely the propriety of such publication to honourable members against the background of the relationship between the judiciary and the legislature. Such consideration leads me to conclude that the action of Parliament to allow its members to be informed should not have the effect of broadening the distribution or publication of the book or the contents of the book which the Court's injunction is designed to arrest. It may be asked. To what use can the honourable member put his reading of the book if he cannot take copies? In the judgement of Mr. Justice Mason he drew distinction between comment on the ideas and material of copyright as distinct from reproducing the copyright. Accordingly, any honourable member would be entitled to make personal notes for use in debate should that arise. Members of Parliament can have access to the book without that consequence. Accordingly we, that is, the President and I, have directed the Parliamentary Librarian to put the book in the charge of the Head Librarian, Mr. MacLeen, to be available to any honourable senator or honourable member but will be not otherwise available. While honourable members or honourable senators have full freedom to read the book it is not to be copied because that would facilitate further publication which would be contrary to the spirit of the injunction. Because there is only one copy of the book for convenience of honourable members we have directed that it be not taken away from the reading room".

Mr. Holding then stated¹¹ *inter alia* as follows :

"Mr. Speaker, having listened carefully to your decision and reasons I seek to raise a matter of privilege and I ask you to refer this issue to

11. *Ibid.*, pp. 231-33,

the Privileges Committee.....Both the *Sydney Morning Herald* and the *Age* have indicated their intention to publish further material relating to the book as soon as possible so that there can be no doubt that the issues, as canvassed in that publication, will be very much a matter of public knowledge and very much the matter of public debate. We find ourselves in the difficult situation that it will be easier for us, as a matter of convenience and work, to rely upon the second hand account as published in the *Age* or the *Sydney Morning Herald* than to rely upon the material itself, which is available in the Parliament and ought, in my view, to be freely available to all members of the Parliament.

× × ×

× × ×

× × ×

Mr. Speaker, if you are prepared to accept my basic proposition that privilege flows to protect the right of a member of the Parliament to access to material in his own Parliamentary Library, a limited right of access is a limitation upon that right and is therefore a limitation upon the privileges of the Parliament. As Speaker, you are the custodian of those privileges.

× × ×

× × ×

× × ×

I believe that the issue raises a matter of such general importance that it ought to be referred to the Committee of Privileges so that it can, in its wisdom, come back to the Parliament with a statement as to the rights, duties and obligations cast upon members in respect of the use of material available from the Library and the obligations upon the Library to see that such material as is in its possession is freely available to members of Parliament under all circumstances”.

Thereupon, the Speaker observed as follows :

“Firstly, I do not find that there is any *prima facie* issue of privilege here as would warrant the issue of privilege taking precedence over all other business. For there to be an issue of privilege it must be established, to my satisfaction, on a *prima facie* judgement, that a member of the Parliament is unable to exercise his duties within the Parliament. The fact that a member of the Parliament does not possess information has never been held to be such as would interfere with his capacity to fulfil his duties in the Parliament.

Secondly, I must point out to the honourable gentleman that there is no limited right of access at all. There is complete access, as

I have indicated, to members and senators but not otherwise. Members and Senators can take whatever notes they wish for use in debate, if debate ensues. I am not willing to allow photocopying of the book because to do so would only enable the person taking the photocopying to publish portions of the book or for that matter, carried to the end degree, the whole of the book, which would be quite contrary to the injunction which is being continued by His Honour Mr. Justice Mason of the High Court of Australia after the *ex parte* injunction. After the hearing on motion he continued it on.

I had to balance the fact that this Parliament is bound by the law. If this Parliament attempts to put itself above the law, this Parliament will lose the respect of the people who elect the members to the Parliament. Never has privilege been used to put the Parliament above the law. It was attempted centuries ago but it was rejected. We cannot put ourselves above the law. As members of Parliament, there are certain things which we are entitled to do, so that we can carry out our duties as members. One thing we are not able to do is to insist that persons in possession of information must make it available to members of Parliament. The second is that we do not have the right to insist that orders of court, which apply to all the other citizens of this country, ought not to apply to citizens who happen to be members of the Parliament.

If there was a direct interference with the capacity of the honourable member for Melbourne Ports to carry out his duty, as a member of the Parliament, the matter would become an issue of privilege. He has not satisfied me of that, either on Thursday of last week or today. He has put his arguments in a way which carries no strength at all. He said that there should be free access as of right. There is free access. Whether it is as of right must be qualified and that is that the honourable member will not be put above the law by me. When he seeks to be put above the law and not to be influenced, subject to the injunction process that has been delivered by a Justice of the High Court, I do not accept it.

As to the fact that the *Age* or the *Sydney Morning Herald* has announced that it will print some material, that is a matter for each newspaper and for the courts; it is not a matter for this Parliament. The fact that either or both may publish some or all of the material is a matter for the courts to deal with. If either publishes some material it may not be in breach of the injunction because his Honour Mr. Justice Mason made the point that there is a difference between publishing the copyright and publishing material in relation to it. I have indicated to the honourable member that when he reads the book, if he chooses to do so, he may make notes. He will be

perfectly in order, within the concepts of the injunction, to make comment as to the material but not to publish the copyright. That is why I will not permit photocopies to be made of it.

I refer to the convenience of access. There being one copy, it is, of course, much better for it to be kept in one place so that all members can have access which they can arrange cordially among themselves. I deny the request of the honourable gentleman to refer this matter to the Committee of Privileges because I am not satisfied that there is a *prima facie* issue of privilege”.

Publication of an advertisement in a newspaper allegedly misleadingly purporting to show that the Prime Minister supported a particular product : On 20 October, 1981, the Prime Minister (Mr Malcolm Fraser) sought to raise a question of privilege and stated¹² as follows :

“I refer to a matter which might need to be examined as one of privilege. I do not want to raise it in a definitive way at the moment, but I want to bring it to the attention of the House. I refer to an advertisement which appear in the *Melbourne Herald* of 16 October at the bottom right hand corner of the front page The advertisement was inserted by Preston Motors, advertising Mitsubishi products, under the heading ‘P.M. votes Sigma No. 1’. The ‘PM’ could be construed as an abbreviation for Preston Motors, but I have not seen that company advertise the use of its initials in those terms. When I saw the advertisement I thought—other people who saw it thought likewise—that it was referring to something else when it used the initials ‘PM’.....I want to make it quite plain, firstly, that I do not vote any motor car No. 1 and, secondly, that I think the question of this kind of advertising ought to be examined”.

The Speaker (Mr. Billy Snedden) then observed¹³ as follows :

“I did see the advertisement. Although the honourable gentleman did not indicate to me that he would be raising the matter, I am not surprised that it has been raised. In the past there have been advertisements containing similar characteristics. I will take the matter under advertisement and report latter.”

Later in the day the Speaker observed¹⁴ as follows :

“Earlier today the Prime Minister (Mr. Malcolm Fraster) raised an

12. House of Representatives Deb., 20 October, 1981, p. 2174.

13. *Ibid.*

14. *Ibid.*, p. 2218.

issue of privilege. He drew the attention of the House to an advertisement which appeared on page 1 of the *Melbourne Herald* of 16 October 1981. The advertisement stated in bold lettering: 'P.M. Votes Sigma No. 1'. The text continued with the words: 'So join the PM'. To any person reading the advertisement, the first impression would be that the reference was to the Prime Minister and that he endorsed that particular make of motor car.

To some extent the advertisement is similar to one which appeared in newspapers in 1965 wherein the then Leader of the Opposition, Mr. Arthur Calwell, was purported to be advertising BMC products. It is obvious to me that unless some action is taken to examine the whole issue we would be inviting advertisers to attribute to any member of this House the support of any product. Accordingly, although the present case raises some complex matters relating to the application of privilege, I believe it is fitting that it should be carefully considered by the Privileges Committee. I am prepared to allow a motion to be moved forthwith to refer the matter to the Committee of Privileges."

The Prime Minister (Mr. Fraser) then stated¹⁵ as follows :

"Mr. Speaker, I support what you have said. Anyone seeing this advertisement would have to come to one conclusion. Not only does it say: 'PM votes Sigma No. 1', but also further down it says: 'So join the PM and drive Sigma—it's a real vote catcher'. The whole thrust of the advertisement is that the initials 'PM' refer to me. I think it is therefore appropriate for the matter to be examined, as you have so ruled, Mr Speaker, I therefore move :

'That the advertisement published in the *Melbourne Herald* of 16 October 1981 under the heading "P.M. Votes Sigma No. 1" be referred to the Committee of Privileges' "

After some discussion the motion was adopted¹⁶ by the House.

The Committee of Privileges, in their Report, presented to the House on 29 October, 1981, reported *inter alia* as follows :

- (i) "Having considered the Clerk's memorandum, and remarks made in the House of Representatives by Mr. Speaker in allowing precedence to the motion, and also related remarks made by

15. *Ibid.*, pp. 2218-19.

16. *Ibid.*, 2220.

Mr. Speaker in dealing with a further similar matter raised in the House on 27 October 1981, the Committee is of the opinion that this type of advertising could constitute a contempt.”

- (ii) “Concern was expressed at this type of advertising which purports to show Members of the House supporting a particular product. However, the Committee does not believe that this reference should be further inquired into by the Committee of Privileges. It further invites attention to its report on an article published in the *Sydney Daily Mirror* of 2 September 1981 presented to the House on 27 October 1981 where in it strongly recommended that a Joint Select Committee be established to inquire into all aspects of Parliamentary privilege. It is the Committee’s view that this type of advertising should be considered in the broader context of the inquiry to be conducted by the proposed joint select committee and recommends accordingly”.

On 29 October, 1981, while presenting the Report of the Committee to the House, the Chairman of the Committee of Privileges (Mr. Donald Cameron) stated¹⁷ as follows :

“Since the Committee completed its inquiry yesterday it has come to notice that the sponsor of the original advertisement has published an apology in the *Melbourne Herald* in which it makes it clear that the Prime Minister did not authorise the advertisement and is not associated with the organisation concerned or with the promotion of the Sigma motor car. The announcement went on to regret any embarrassment which the advertisement may have caused the Prime Minister.”

On 23 March, 1982, the House adopted¹⁸ a motion moved by the Leader of the House (Mr. Ian McCahon Sinclair) “that the House take note of the Report”.

17. *Ibid.*, 29 October, 1981, p. 2718.

18. *Ibid.*, 23 March, 1982, p. 1293.

PROCEDURAL MATTERS

LOK SABHA

No Minister can lay a paper on the Table on behalf of a Minister who is present in the House : On 15 November, 1983, the Minister of State for Home Affairs (Shri N.R. Laskar) sought to lay on the Table an explanatory statement giving reasons for immediate legislation by Punjab Disturbed Areas Ordinance, 1983, on behalf of the Minister of Home Affairs (Shri P. C. Sethi), who was present in the House. The Deputy-Speaker, who was in the Chair, agreed with the submission of two Members (Sarvashri Satish Agarwal and Somnath Chatterjee) that no other Minister could lay papers on behalf of Shri Sethi, who was also present in the House, even if intimation to that effect was sent to the Speaker in advance. Thereafter, Shri Sethi laid the explanatory statement on the Table of the House.

Quoting of press reports relating to a tapetranscript without making comments on the merits of the matter is permissible provided no allegation is made against any person : During his speech on 17 November, 1983 on a Short Duration Discussion on the need for electoral reforms with special reference to defections, a Member (Prof. Madhu Dandavate) quoted extensively from the tape-transcript of the conversation of certain Members of Karnataka Legislative Assembly which *inter-alia* dealt with the alleged involvement of certain Members of Lok Sabha including Central Ministers. Several Members submitted that the tape recorded version was no evidence in the eyes of law unless it was proved, and pleaded that it should not be allowed to go on record. The Chair thereupon observed that the Member could quote the press reports relating to the tape transcript without making comments on merits of that subject. He further observed that no allegations of defamatory nature could be made against anybody unless the Member had sent intimation in advance to that effect to the Speaker and the concerned Minister and the Chair had accorded him the requisite permission. The names of persons against whom allegations based on press reports were made by some Members were not allowed to go on record.

A matter which has been considered at a sitting of the Business Advisory Committee should not be raised in the House by a Member of the said Committee : A Member (Prof. K. K. Tewary) sought Speaker's permission on 18 November, 1983 for a discussion on the situation arising out of processions taken out throughout the country by *Ekatmata Vagya* people which had allegedly led to communal tension. Another Member (Shri Satish Agarwal) on a point of order objected to the raising of the matter which had been considered and disposed of at the sitting of the Business Advisory Committee, where Prof. Tewary was also present. Upholding the Speaker observed that a Member who had taken part in the meeting of the Business Advisory Committee should not raise the same matter in the House.

Taking of oath on the basis of a certificate furnished by the Election Commission in the absence of requisite documents from the Returning Officer in connection with election of a Member permitted : As per Section 67 of the Representation of People Act, 1951, the following relevant papers are required to be sent by the concerned Returning Officer to the Secretary-General of Lok Sabha in connection with the election of a Member in a by-election to Lok Sabha :

- (i) Declaration of result by Returning Officer ;
- (ii) Acknowledgement of certificate of election granted to Member ;
and
- (iii) Letter duly signed by the Returning Officer in confirmation of telegram intimating result of bye-election.

A telegram dated 15 October, 1983 was received from the Returning Officer, Sangli constituency of Maharashtra intimating that Smt. Shalinitai Vasantao Patil had been declared elected to Lok Sabha, in the by-election held on 13 October, 1983. The requisite documents referred to above were, however, not received. Smt. Patil, who had been issued the certificate of election by the Returning Officer, came to Lok Sabha on 18 November, 1983 for the purpose of taking oath. Since the required documents had not been received from the Returning Officer, she was requested to obtain necessary confirmation regarding her election from the Election Commission. On the basis of the certificate furnished by the Election Commission, the Speaker permitted Smt. Patil to take oath in the House on 18 November.

Consulting Officials in the Official Gallery from the Chamber held not proper : On 12 December, 1983, when a Member was found consulting officials in Official Gallery while standing in the Chamber, another Member took objection, whereupon the Speaker observed that it was not proper and

the Member concerned to have consultations outside the Chamber only. The Member thereupon immediately withdrew to his seat.

Re-designation of secretary, Lok Sabha as Secretary-General, Lok Sabha : On 22 December, 1983, the Speaker re-designated the Secretary of Lok Sabha (Shri Avtar Singh Rikhy) as Secretary-General of Lok Sabha.

STATE LEGISLATURES
TAMIL NADU LEGISLATIVE ASSEMBLY*

Point of order regarding inclusion of the name of a Member in the strength of his party when he has been prohibited by the Court to receive salary and exercise vote in the House disallowed : On 26 October, 1983, a Member raised a point of order whether it was proper for the Speaker to include the name of a Member in the strength of his party when his membership was being challenged in the Supreme Court and when the Supreme Court had granted an interim stay restraining him from exercising his voting right. It was further pointed out that if that Member's name was included in the strength of his party, then his party would become the largest single Opposition Party in the House and the Member being the Leader of that party would automatically become the Leader of the Opposition. Thereupon, the Chair, *inter alia*, observed that in the instant case the Supreme Court had imposed only two conditions *viz.*, prohibiting the Member from receiving his salary and exercising his vote in the House. There was no specific condition at all to exclude him in deciding the strength of his party. Barring the two conditions, the Member was automatically deemed to be a full-fledged Member and would be allowed as any other Member in all other respects. The Chair further observed that the inclusion of the name of the Member in his party was quite proper and there was no point of order.

Making of a statement by the Government to be allowed only if there was no adjournment motion or calling attention pending on the subject : On 27 October, 1983, a Member raised a point of order as to how a Minister could be allowed to make a statement on a matter about which the Member had given notice of an adjournment motion. While supporting him some Members argued that it resulted in depriving the right of Members to speak which was normally allowed when a notice of adjournment motion was taken up. They pleaded that such practice should not be repeated. The Government could be allowed to make a statement only if there was no adjournment motion or calling attention pending on the same subject. The Chair concurred with views expressed by the Members.

* Contributed by the Tamil Nadu Legislative Assembly Secretariat.

Making of allegations in the House by a Member without prior permission of the Chair not to be permitted : On 9 November, 1983, a Member made an allegation against a Minister in the course of his speech without the prior permission of the Speaker. He stated that he would take up the responsibility for the statement he had made in the House and was prepared to substantiate it.

In his ruling on 10 November, 1983, the Chair described two prerequisites to be followed by the Members before raising allegations against anybody *viz*, (i) The Member should apprise the Chair before hand (before two days) showing the basis of proof for the allegation proposed to be made. If the Speaker, after satisfying himself about the existence of *prima facie* case, permitted the Member to make the allegation, then only he could bring the same before the House ; and (ii) The Member should also give in writing advance notice to the Minister or Member concerned against whom the allegation was supposed to be made, after furnishing a copy of the allegation to the Speaker. Unless both these conditions were fulfilled the Speaker ruled that he shall not allow allegations to be made in the House. He further ruled that allegations made without the prior permission of the Chair would not form part of the proceedings of the House. However in the instant case, since the Member had already made the allegation and a doubt had arisen and since the Member had taken up the responsibility to prove the allegation he had made when questioned by the concerned Member the Chair ordered restoration of the proceedings already expunged, as an exceptional case.

Referring of a matter to the Privileges Committee is the sole prerogative of the Chair : On 10 November, 1983, a Member gave notice of a privilege matter against some dailies which published expunged portions of the proceedings of the House. The Member was allowed to make out his case. Some Members thereupon pointed out that it was the sole prerogative of the Speaker to refer *suo motu* any matter to the Privileges Committee, provided he considered that there was a *prima facie* case for such reference. It was further pointed out that if the Speaker decided to put the privilege motion to vote, he should ascertain the views of all the parties. Allowing only a particular Member who had given notice of the privilege motion to speak on the same in the House, was not proper. The Speaker agreed with the suggestion made by Members and *suo motu* referred the matter to the Privileges Committee.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS
(1 October to 31 December, 1983)

INDIA

DEVELOPMENTS AT THE CENTRE

By-elections to Rajya Sabha : Sarvashri Laxmi Narain and Shamim Ahmed Siddiqi of Congress (I) were declared elected, on 18 November, for the two Rajya Sabha seats from Delhi.¹

By-elections to Lok Sabha : In the by-elections to the Lok Sabha, held on 23 December, the Congress (I) candidate Shri Rizk Ram was declared elected from the Sonapat parliamentary constituency. Shri Banarsi Das of Janata Party was declared elected from the Bulandshahr constituency while Shri Pitambar Singh of CPI was declared elected from the Bettiah constituency.²

AROUND THE STATES

BIHAR

MLA's election set aside by the High Court : On 11 October, the Patna High Court declared void the election of Shri Vivekanand Giri to the State Legislative Assembly from the Runisaidpur constituency on the ground that the nomination papers filed by Shri Ram Kumar Jha had been improperly rejected.³

Expansion of the Ministry : Fifteen more Ministers were sworn in, on 27 October, by the State Governor, Shri A. R. Kidwai, raising the strength of the Ministry from 11 to 26. The new Cabinet Ministers were Sarvashri Umeshwar Prasad Verma, Budhdev Singh and Shrimati Prabhawati Gupta and the Ministers of State were Sarvashri Prem Narayan Garhwal, Bandi

1. *Indian Express*, 19 November, 1983.

2. *Times of India*, 25 December, 1983; *Indian Express*, 26 December, 1983, and *Hindustan Times*, 27 December, 1983.

3. *Indian Express*, 12 October, 1983.

Shankar Singh L. Tien, Brij Shankar Singh, Madan Prasad Singh, Mohindur Rehman, Muktidani Sumbrui, Mahabir Pawan, Khalid Rashid Sabah, Bandi Orkon, Krishna Nand Jha and Awadh Bihari Singh.⁴

By-election : The State Chief Minister, Shri Chandra Shekhar Singh, of Congress (I) was declared elected on 24 December, to the Legislative Assembly from Banka Assembly constituency in the by-election held on 23 December.⁵

GUJARAT

Resignation by a Minister : Shri Mahant Vijaydasi, Minister for Agriculture, resigned from the Council of Ministers on 23 November.⁶

HIMACHAL PRADESH

By-election : Shri Virbhadra Singh, Chief Minister of the State, was declared elected on 6 October to the State Legislative Assembly from the Jubbal-Kotkhai constituency in the by-election, held on 4 October.⁷

PUNJAB

Proclamation of President's rule : President rule was proclaimed under Article 356 of the Constitution in the State on 6 October following spurt in extremist violence there and the State Legislative Assembly was suspended.⁸

New Governor : Shri B. D. Pande, Governor of West Bengal, was appointed Governor of the State on 7 October in place of Shri A. P. Sharma who was appointed Governor of West Bengal. He was sworn in on 10 October.⁹

TAMIL NADU

MLA's election set aside by the Supreme Court : On 7 December, the election of Shri V. Rangarajan of All India Anna Dravida Munnetra Kazhagam (AIADMK) to Legislative Assembly from the Upiliapuram (reserved)

4. *Times of India*, 28 October, 1983.

5. *Ibid.*, 25, December, 1983.

6. *Indian Express*, 24 November, 1983.

7. *Hindustan Times*, 7 October, 1983.

8. *Ibid.*, 7 October, 1983.

9. *Times of India*, 8 October, 1983 and *Hindustan Times*, 11 October, 1983.

Constituency was set aside by the Supreme Court. The Supreme Court held that it appeared from the evidence that Shri Rangarajan did not belong to any Scheduled Tribe community for whom the constituency was reserved.¹⁰

WEST BENGAL

New Governor : Shri A. P. Sharma, Governor of Punjab, was appointed Governor of the State on 7 October, in place of Shri B. D. Pande who was appointed Governor of Punjab. He was sworn in on 10 October.¹¹

UNION TERRITORY

MIZORAM

Resignation by a Minister : Shri F. Malswma, Minister for Education, resigned from the Council of Ministers on 18 November.¹²

New Deputy Speaker : Shri Blakchungnuna of People's Conference was unanimously elected Deputy Speaker of the Legislative Assembly on 5 December.¹³

DEVELOPMENTS ABROAD

ARGENTINA

Election of the President : Mr. Raul Alfousin was elected President of the country on 31 October. He was sworn in on 10 December.¹⁴

BOLIVIA

Resignation by the Cabinet : On 14 December, the country's Cabinet resigned from the office following a 48-hour general strike which paralysed the country's economy.¹⁵

EL SALVADOR

New Constitution : A new Constitution was unanimously approved by the country's Parliament on 17 December.¹⁶

10. *Times of India*, 8 December, 1983.

11. *Times of India*, 8 October, 1983 and *Hindustan Times*, 11 October, 1983.

12. *Hindustan Times*, 20, November, 1983.

13. *Times of India*, 7 December, 1983.

14. *Indian Express*, 1 November, 1983 and *Hindustan Times*, 11 December, 1983.

15. *Indian Express*, 16, December, 1983.

16. *Hindustan Times*, 18 December, 1983.

IRELAND

Election of the President : Mr. Partrick Hillery was re-elected unopposed as the President of the country on 21 October for a further seven year term.¹⁷

MAURITIUS

New Governor-General : Sir Seewoosagar Ramgoolam took over as the new Governor-General of the country on 28 December, succeeding Mr. Dayendranath Burrenchobe.¹⁸

SOUTH KOREA

New Prime Minister : Mr. Chinpee Chong was appointed country's new Prime Minister on 14 October, in place of Mr. Kim Sang Hyup.¹⁹

TAIWAN

General elections : In the general elections for 71 elected seats of Parliament, the results of which were declared on 3 December, the ruling National Party won 62 seats as against six seats won by the opposition "Tangwai"—"Outside the Party". Rest three seats were won by Independents.²⁰

TURKEY

New Prime Minister : Mr. Turgut Ozal was sworn in as the Prime Minister of the country on 7 December.²¹

VENEZUELA

Election of the President : Mr. Jaime Lusinchi was declared elected on 5 December as the President of the country.²²

17. *Indian Express*, 24 October, 1983.

18. *Hindu*, 30 December, 1983.

19. *Times of India*, 15 October, 1983.

20. *Hindustan Times*, 5 December, 1983.

21. *Indian Express*, 8 December, 1983.

22. *Times of India*, 6 December, 1983.

SESSIONAL REVIEW

SEVENTH LOK SABHA

THIRTEENTH SESSION

The Thirteenth Session (Winter Session) of the Seventh Lok Sabha commenced on 15 November, 1983, and adjourned *sine die* on 22 December, 1983. A brief resume of the important discussions held and other business transacted during the Session is given below.

A. DISCUSSIONS

Import of animal tallow : Making a statement on 15 November, 1983, the Minister of Commerce and of the Department of Supply, Shri Vishwanath Pratap Singh, informed the House that in deference to the sentiments of the people, the Government issued the Import Trade Control Order on 24 August, 1983, prohibiting clearance for home consumption of beef, buffalo and pig tallow in any form imported into India. As a matter of abundant precaution, further orders were issued on 1 October, 1983, banning altogether the import of any other type of animal tallow for any purpose whatsoever. The Minister said that apart from tightening the regulatory provisions pertaining to import animal tallow, the enforcement machinery had also swung into action. The staff of the Chief Controller of Imports and Exports had carried out large number of inspections and wherever these inspections had shown any incriminating evidence, the grant of further import licences and allotment of imported material to the firms in question had been kept in abeyance for a period of six months during which investigations were expected to be completed. The number of such firms, he added, was 146 and in 11 cases, complaints had been lodged with the Central Bureau of Investigation. Proceedings had also been initiated under the Imports (Control) Order with a view to debarring the concerned persons and firms from receiving further import facilities on the basis of the alleged offence of unauthorised importation. The Government, he assured the House, would take stern action against those found guilty.

Raising a discussion on the statement of the Minister in the House on 22 December, 1983, Dr. Subramaniam Swamy pointed out that the tallow adulteration affected all religious groups and 50,000 tonnes of beef tallow had been used for adulterations since 1981. He demanded a judicial inquiry into the whole matter. Participating in the discussion, Dr. Karan Singh sought an assurance from the Government that the ban on the import of tallow would not be withdrawn and those responsible for the adulteration of vanaspati with animal tallow would be given severest punishment. Shri A. K. Roy said that Bharatiya Janata Party, Janata Party and Congress Party were encouraging communalism by exploiting the tallow issue.

Intervening in the discussion, the Minister of State in the Ministry of Food and Civil Supplies, Shri Bhagwat Jha Azad, said that between January-November, 1983, the Government had made 814 inspections on all the 92 factories and drew 4312 samples. The analysis of these samples had clearly proved that there had been no adulteration of vanaspati at the production level. The scare, he added, started on detection of two cases of adulteration of vanaspati and three cases of oil at traders' level in Punjab. The Government, he added, had taken all precautions in this regard and under the new order every vanaspati producer would have to display the contents on the container. All State Governments had been alerted and they were exercising control both at the production and at the traders' level.

Winding up the discussion, lasting for more than five hours, in which nine other Members* took part, the Minister of Commerce and of the Department of Supply, Shri Vishwanath Pratap Singh reiterated that the Government had totally banned the import of all animal tallow as "a measure of abundant precaution" in deference to the sentiments of people.

Blaming the Janata regime, Shri Singh said that with its advent, a sea-change came in the policy making on import and distribution of animal tallow. The changes which defeated the entire governmental policy of restricted import and distribution included the discontinuation of unichannel import by a government agency and grant of right to the traders to import directly animal tallow and making the licence transferable.

*Members who took part in the discussion were :

Sarvashri Krishna Chandra Pandey, Somnath Chatterjee, Acharya Bhagwan Dev, Uma Kant Mishra, Jaipal Singh Kasyap, Ram Pyare Panika, Krishna Kumar Goyal, Vijay Kumar Yadav and Saif-ud-Din Soz.

Dealing with the contention of a Member that the prices of animal tallow were higher than that of other oils during the Janata period, Shri Singh said that except for one month and for one oil, *i. e.* soyabean oil, in all the three years of Janata rule, the landed cost of tallow was lower than the prices of soyabean oil, rapeseed oil, palm oil, groundnut oil, mustard oil and cotton-seed oil.

Referring to the concern expressed by the Members about the soap and other industries being starved owing to total ban on import of tallow, the Minister said that the Government was looking into different alternatives of vegetable origin and affirmed that the industries would not starve on that account.

In regard to the demand about probe and judicial inquiry into the matter Shri Singh said that a writ had been filed in the Delhi High Court covering every facet of the issue. So far as the Government was concerned, it had the highest respect for the Judiciary and would abide by its decision. He, however, assured the House that if at any stage, the Government felt that it was in the interest of justice to inquire through any appropriate forum it would not hesitate to do it.

Statutory Resolution regarding approval of Presidential Proclamation in relation to the State of Punjab : On 15 November, 1983, moving the Statutory Resolution, the Minister of Home Affairs, Shri P. C. Sethi said that the atmosphere of public order in the State of Punjab had been vitiated on account of the illegal activities of the extremist, terrorist and secessionist elements. The Chief Minister of the State in his letter dated 6 October, 1983, to the Governor, had stated that he had reviewed the unfortunate developments in the State and felt that the situation called for an intervention of the Central Government for a temporary period to meet the requirements of the national security and integrity. Taking into account the prevailing situation in the State, the composition of the Assembly and the stand of the Shiromani Akali Dal, the Governor had come to the conclusion that the situation had arisen in which State Government could not be carried on in accordance with the provisions of the Constitution and recommended to the President of India for action under Article 356 (relating to the failure of constitutional machinery in the States) of the Constitution, and further suggested that the State Legislature might be kept under suspended animation, for the present.

The Central Government, Shri Sethi said, had considered the report of the Governor and the situation in Punjab and felt that there was no

alternative but to issue the proclamation under Article 356 of the Constitution and place the State Legislative Assembly under suspended animation to ensure that the President's rule was not prolonged beyond the period that was absolutely necessary.

Opposing the Resolution, Shri Indrajit Gupta asserted that the proclamation of the President's rule had not been issued in pursuance of the Governor's report, but on the basis of a letter of resignation from the Chief Minister to the Governor. The situation, therefore, did not justify or warrant the Centre taking-over in the name of constitutional breakdown. He appealed to the Akali leadership to call off their morcha and urged the Government to convene a tripartite conference and make a serious and sober attempt to settle the remaining outstanding issues.

Participating in the resumed discussion on 16 November, 1983, Shri Atal Bihari Vajpayee asked the Government to issue a White Paper detailing information about the extremists and the on aspect of foreign powers reported to be behind the situation in Punjab. He demanded the dissolution of the State Legislative Assembly, and setting up of a high power commission to enquire into the allegations of discrimination against Sikhs in Punjab.

Shri C. T. Dhandapani expressed the view that happenings in Punjab had become a threat to national integration and asked the Government to invite Akalis for the discussion to bring about peace and amity in the State.

Replying to a two-day discussion, in which 21 other Members* participated, the Minister of Home Affairs, Shri P.C. Sethi denied the allegation that settlement of various issues was not being arrived at in Punjab because the Prime Minister thought that by the solution of those issues, Akali Dal would gain strength. On the other hand, he claimed, the Prime Minister had been very keen to solve the Punjab problem right from the beginning. In support of his contention, Shri Sethi said that the imposition of the President's rule in Punjab, at a time when the Chief Minister was enjoying absolute majority showed that they were not interested in power alone but had kept the overall interest of the people and the nation uppermost.

*Members who took part in the discussion were :

Sarvasbri Satyasadhan Chakraborty, R.S. Sparrow, Ram Vilas Paswan, Xavier Arakal Chiranji Lal Sharma, Chitta Basu, G. S. Nihal Singh Wala, S. T. K. Jakkayan, Ram Pyare Panjka, R.L. Bhatia, Jagpal Singh, Sontosh Mohan Dev, Harikesh Bahadur, Keyur Bhushan, Uma Kant Mishra, Nathu Ram Mirdha, Ram Nagina Mishra, Abdul Rashid Kabuli, Ram Swarup Ram, Chandrajit Yadav and Sunder Singh.

Shri Sethi claimed that certain positive results had emerged from the President's rule in Punjab. The special combing operations and raids at selective places had led to the arrest of large number of undesirable persons and recovery of sizeable quantity of arms and ammunition. The State Administration, he added, was making all efforts to ensure that peace was maintained and law and order situation was controlled.

Defending the imposition of the President's rule in Punjab, Shri Sethi observed that there was nothing to suggest that the Governor of the State had not acted in his discretion in recommending the President's rule. The Minister also rejected the suggestion that wrong precedent had been created by the imposition of the President's rule. He recalled that in 1973, the then Chief Minister of the State of Uttar Pradesh commanding majority in the House had also recommended to the Governor for imposition of the President's rule in the State for a temporary period.

The Home Minister said that measures like the Armed Forces Special Powers Ordinance in relation to the State of Punjab and the Union Territory of Chandigarh, had been taken having regard to the duty that the State owed to the people to ensure that their life and property would be safe against murderers who had been recklessly killing and attacking innocent people.

Dismissing the allegation that the Government had been the cause of the failure of the talks, the Minister reiterated that it had always been the Government's endeavour to find a peaceful solution to the problem Punjab. Talks were held by the Akali Dal with the Prime Minister, the Committee of the Ministers and through informal negotiations at different times. The tripartite talks were also attempted. However, these talks remained inconclusive as representatives of the Shiromani Akali Dal chose to walk out of the last tripartite meeting. In an attempt to resolve some of the problems, the Prime Minister made certain announcement on 27 November, 1982, relating to religious demands. The Sarkaria Commission on Centre-State relations was also appointed. The Akali Dal leaders had been invited in the last week of May, 1983, for resumption of discussions, but they did not respond favourably. Subsequently, the Government offered to refer the two issues relating to sharing of waters of the Ravi-Beas and the settlement of the territorial disputes between the States of Punjab and Haryana, pending final decision, to the two tribunals. The Shiromani Akali Dal leaders had still not responded in a positive manner. The Prime Minister, Shri Sethi said, had recently reaffirmed the Government's stand that a settlement of the issues regarding Chandigarh and other demands should be found through discussions and negotiations. The Government, he added, had neither complica-

ated the issues at any time nor prevented a peaceful solution from being arrived at. On the other hand, the Akali Dal by changing their stand and modifying their demands from time to time had hampered the progress of a settled negotiation.

Rejecting the demand for setting up of a high power commission to enquire into the allegations against Sikhs and others, Shri Sethi held that Sikhs occupied important positions in all walks of life and the question of discrimination against them did not arise by any stretch of imagination.

Concluding, Shri Sethi appealed to the Akali Dal to condemn the cult of violence being spread by the extremists, dissociate themselves completely from such elements and come forward to find a peaceful solution to the Punjab problem. He also appealed to the Opposition to persuade the Akalis to agree for a negotiated settlement.

The Resolution regarding approval of Presidential Proclamation in relation to the State of Punjab was adopted.

Situation arising out of reported training camps for training of extremists of Punjab in its neighbouring areas : Making a statement on 2 December, 1983, in response to a Calling Attention Notice by Shri Sudair Giri, the Minister of Home Affairs, Shri P. C. Sethi, informed the House that the Government had received reports about the holding of training camps in the recent past in the neighbouring States of the Punjab. Since June, 1983, out of a total of 14 such camps, six had been held in the Jammu and Kashmir and two in the Himachal Pradesh. While these camps were ostensibly intended for imparting training in religious matters, it had been reported that inflammatory speeches preaching secessionist and sectarian views were made. In some camps, training in arms and wielding of *lathis* etc. was imparted and terrorist methods were eulogised. According to some reports with the Government, consignment of arms brought from a neighbouring country had reached some organisers of such camps in Guru Nanak Niwas, Amritsar. The concerned State Governments had been asked to take necessary steps in this regard and the situation was under close watch.

Shri Sethi drew the attention of the House to a Resolution passed by the General Assembly of the Shiromani Akali Dal on 29 November, 1983, reiterating party's faith in seeking a negotiated settlement on all issues while reaffirming its resolve to conduct struggles. The same Resolution stated that if the party's demands were not conceded by 26 January, 1984, Shiromani Akali Dal

would announce the next programme. The Government, he added, had always been willing to hold negotiations for meaningful settlement acceptable to all parties and the States concerned. It also hoped that wiser counsels would prevail with Akali leadership and they would not encourage such activities which impaired national unity and integrity.

The statement of the Minister was followed by a discussion on a motion moved by Shri Sudhir Giri. Initiating the discussion, Shri Sudhir Giri asserted that the Punjab problem was a complicated one and had to be solved on the negotiating table. Terrorist activities or any sort of coercion would not help in solving the problem. He asked the Government to publish a White Paper on the activities of the extremists and other happenings inside and outside Punjab.

Replying to a two-day discussion on 5 December, 1983, in which 13 other Members* participated, Shri Sethi reiterated that the Governments of the States of Jammu and Kashmir, Himachal Pradesh, Punjab, Uttar Pradesh and West Bengal, where the camps had been held, had been asked to ensure that no such arms training was given in any of the camps.

Shri Sethi said that the Government was prepared to have a dialogue with Akali leaders provided it was a meaningful dialogue on the issues and was not a one-sided affair.

As regards the territorial dispute, Shri Sethi indicated that the Government would take a decision with the consent of all the parties and the States concerned and would not take a unilateral decision in the matter.

Dealing with the demands of the Members for action against Shri Jarnail Singh Bhindranwale and other extremists; Shri Sethi informed the House that the matter would be dealt with at an appropriate level by a competent authority. He appealed to the Members to persuade the Akali Dal to dissociate themselves from the extremists, and Sant Longowal and Shri Gurucharan Singh Tohra should ask Shri Bhindranwale to leave the premises of Guru Nanak Niwas and surrender himself to the concerned authorities where cases had been registered against him. He also assured the Members that everything possible would be done to maintain the national integrity and national unity.

*Members who took part in the discussion were :

Sarvashri Harish Rawat, Ajit Kumar Mehta, Zainul Basher, Subramaniam Swamy, Rajesh Kumar Singh, G. L. Dogra, Suraj Bhan, P. K. Kodiyan, Harikesh Bahadur, Abdul Rashid Kabuli, P. Namgyal, Ram Vilas Paswan and Smt. Gurbinder Kaur Brar.

Referring to the reported statement of threat to Hindus in Punjab by Shri Bhindranwale, Shri Sethi said that on 1 December, 1983, Shri Bhindranwale made a statement making it clear to Hindus, especially in Punjab, that if Sikhs living in any other part of the country were uprooted, the Hindus should be ready to face death. Such a threat naturally created consternation in the country and had been unanimously condemned by the Members.

Shri Sethi said that it was unfortunate that Shri Bhindrawale had chosen to justify his objectionable remarks through another statement referring to a recent incident at Churu, where a small portion of one of the doors of a building under construction had been damaged. Such incidents and attempts of mischief deserved unequivocal condemnation. It was most unfortunate and deplorable that such an incident should have been made a pretext for ventilating communal hatred and inciting mass murder and violence by a person who had tried to seek protection for himself within the sanctuary of a holy shrine in the hope that he could thereby escape all consequences of his acts.

The Minister affirmed that the Government would take all necessary steps to deal with crime and instigation of crime wherever and by whomsoever it might be committed. The Government of Punjab had already registered cases against Shri Bhindranwale. He assured the Members that all citizens of India irrespective of caste, community or religion would have full and equal protection under the law and all opportunities of participation in civil life in any part of the country. The Government, he added, had condemned and felt equally pained at any attempt to harass or disturb Sikh, Hindu or any other community.

Reconstitution of the Parliamentary Committee to bring about reconciliation between Nirankaris and Akalis : On 8 December, 1983, the Speaker, Dr. Bal Ram Jakhar, made an announcement regarding reconstitution of the Committee*, formed on 26 August, 1983, to bring about reconciliation between Nirankaris and Akalis, with a view to make the Committee more representative in character and board-based; the Speaker said that he, in consultation with the Chairman of Rajya Sabha, had decided to increase the membership of the Committee from nine Members to 22 Members**. The Committee shall make a report to the Rajya Sabha.

*See JPI, Vol. XXIX, No. 3, September, 1983, p. 339.

**The Members are :

Sarvashri R.S. Sparrow, G.L. Dogra, Jagannath Kaushal, P.C. Sethi, Tayyab Hussain, Vikram Mahajan, Acharya Bhagwan Dev, Ratansingh Rajda, Satish Agarwal, C. T. Dhandapani, Inderjit Gupta, Harikesh Bahadur, Nathu Ram Mircha, Ebrahim Sulaiman Sait, and Chandrajit Yadav from Lok Sabha and Sarvashri Satpaul Mittal, M. C. Bhandare, Sukhdev Prasad, D.D. Basumatari, Harkishan Singh Surjeet, Sarup Singh and Smt. Margaret Alva from Rajya Sabha.

Need for Electoral Reforms with special reference to Defections : Raising a discussion on 17 November, 1983, Shri B.V. Desai said that defection was an aberration in a democracy and had to be fought. He sought a substantial contribution from the Opposition in the bringing of an anti-defection Bill.

Participating in the discussion, Professor Madhu Dandavate said that due to the failure of the Government to bring forward an anti-defection law, aberrations and distortions were taking place in the different States. He demanded a judicial inquiry or appointment of a Parliamentary Committee to go into the happening in the State of Karnataka. He urged that both the sides should sit together and evolve a common approach to the problem of defection. In order to improve the quality of the legislature and to eliminate the imbalances between the votes and the seats, he suggested the blending to the present electoral system with a system prevailing in Germany which would enable the experts in various fields being elected to the legislature.

Replying to the discussion, lasting for more than seven hours, in which 12 other Members* participated, the Minister of Law, Justice and Company Affairs, Shri Jagannath Kaushal, stated that existing electoral machinery had been set up after a good deal of deliberations in the Constituent Assembly and at the time when the Representation of Peoples' Act was passed. A large number of elections had taken place under the existing electoral law which, by and large, had demonstrated that the system was working well. Shri Kaushal added that certain defects had, however, been noticed on the working of present system and his predecessor had identified them. He made it clear that the Government did not want to tinker with the law which had stood the test of time, unless there was a consensus.

Referring to the Karnataka affair, Shri Kaushal said that these were complicated and disputed issues on which no conclusion was possible.

Dealing with a reference to law on defection, the Minister recalled that the matter had been before the House from 1967 but none of the two Bills introduced earlier in the House could be passed. There were different shades of defections and these had to be gone into. The Home Minister had gone into the whole matter and had also sought the opinion of the Electoral

*Members who took part in the discussion were :

Sarvashri Somnath Chatterjee, Kamal Nath, Rasheed Masood, Rajesh Pilot, C. M. Stephen, Ram Jethmalani, K. K. Tewari, Narayan Choubey, Chitta Basu, G. M. Banatwalla, P. Namgyal and Jamilur Rahman.

Reforms Committee. The matter he added, was at present before the Cabinet Sub-Committee which had already formulated certain tentative conclusions. Shri Kaushal assured the House that the Government would take the Members into confidence the moment the study was complete.

Price situation in the country: Making a statement on 22 November, 1983, the Minister of Finance, Shri Pranab Mukherjee, informed the House that the rate of increase in prices during May-July, 1983, was much more moderate than that of any of the previous four years. The developments since then had not been favourable and the seasonal decline in prices commencing from September, 1983, had been relatively weak. The increase in prices, the Minister added, reflected largely the aftereffects of the severe drought experienced in the previous kharif crop and effect of certain specific factors such as increase in international prices of tea.

The measures taken by the Government to contain the price rise, Shri Mukherjee said were :—decisions to import rice and wheat, stepping up the releases of foodgrains, sugar and edible oils through the public distribution system, reduction in fertiliser prices, increase in the cash reserve ratio from 7 per cent to 8.5 per cent in two phases and an intensive effort to maximise the kharif output. Besides, the prices of selected industrial products had also been reduced as a result of reduction in excise duties on some items facing demand recession.

Shri Mukherjee expressed the hope that the above measures and the bright prospects for the kharif crop would strengthen the seasonal decline in prices in the coming weeks. However, the behaviour of prices in the country, he added, was a complex matter and required continuous and close monitoring and surveillance. Even a small decline in the availability of specific items, or an unanticipated change in the domestic or international market could easily disturb the price situation.

The statement of the Minister was discussed in the House on the same day. Initiating the discussion, Dr. Subramaniam Swamy pointed out that the consumer price index was going up much faster than the wholesale price index. He demanded the removal of dual price system, abolition of the food zone system and identification of areas for bringing about tax reforms.

Replying to the discussion, lasting for six hours, in which 17 other

Members* participated Shri Pranab Mukherjee maintained that the situation on price front was not alarming and the Government had been able to keep the rate of inflation within manageable limits and were keeping a constant watch to ensure that it did not go beyond a Point. On the supply side, the Government had already taken short term and long-term measures by giving incentives to production. The steps taken to give remunerative prices to the growers were paying good dividends. The vulnerable sections of the society including the low-paid Government and Public Sector employees had been protected and insulated from the impact of rising prices.

Referring to the public distribution system. Shri Mukherjee said that it had to be strengthened by the State Governments in cooperation with the Central Government. The Government on its part wanted to bring more commodities under that system.

Shri Mukherjee did not agree with the observation of some Members that the Sixth Plan was in doldrum in financial terms. He hoped that the target of growth rate envisaged in the Plan would be achieved.

Dealing with the question of deficit financing, Shri Mukherjee said that nobody liked to have it to a considerable extent. In a developing economy, where resources had to be mopped up for huge developmental outlays, even the additional deficit financing could be allowed if a sizeable amount of that money was spent for development, he added.

Concluding, the Minister informed the House that in order to check growth of liquidity in the banking sector the Government had taken a decision of impounding 10 per cent incremental time deposits. He hoped that it would be possible to mop up excess liquidity with the latest decision.

Commonwealth Heads of Government Meeting : The Commonwealth Heads of Government Meeting (CHOGM) was held in New Delhi from 23-29 November, 1983. Making a statement on December 5, 1983, the Minister of External Affairs, Shri P. V. Narasimha Rao, informed the House that with

*Members who took part in the discussion were :

Sarvashri Narain Chand Parashar, Sunil Maitra, Chintamani Panigrahi, Rajesh Kumar Singh, Ram Singh Yadav, R. L. P. Verma, N. G. Ranga, Chitta Basu, P. Namgyal, T. Nagaratnam, K.A. Rajan, Girdhari Lal Vyas, Nathu Ram Ram Mirdha, Harish Rawat, R.N. Rakesh, Dileep Singh Bhuria and Saif-ud-Din Soz,

the participation of 42 out of 44 Members of the Commonwealth, it was the largest summit meeting in Commonwealth history. It provided a useful and timely opportunity to discuss the urgent issues relating to peace, disarmament and development. Shri Rao said that the Summit's attention was focussed on a few important issues *viz.*, the tense world political scene, the nuclear threat, the difficult global economic situation, the need for North-South Dialogue, and specific issues such as the independence of Namibia and the developments in Grenada and Cyprus.

Then Rao said that in her opening statement at CHOGM, the Prime Minister, Shrimati Indira Gandhi had outlined the major problems of peace and security, disarmament and development and had called upon the Commonwealth to be clear in its objectives but responsive to changing situations in dealing with the world problems through dialogue. India's views on important issues were adequately reflected in the CHOGM documents. The Prime Minister had felt that the Commonwealth must urge the United States and the Soviet Union to exert themselves with greater determination to break the stalemate in the negotiations on disarmament. The Goa Declaration on internal security called for the resumption of a genuine political dialogue to reduce tensions and achieve progress on disarmament in order to lift the menace of nuclear weapons from the world. There was consensus in the summit, on the problems of Cyprus, Namibia, the Indian Ocean and Central America and general understanding was there on Kampuchea and Afghanistan which had in the past proved to be very contentious issues. The decisions taken in New Delhi on South Africa, Shri Rao indicated, should contribute to the Namibian peoples struggle for independence and the black Africans' struggle against apartheid and racism. The condemnation of the Universal Declaration of Independence by the Turkish-Cypriot authorities and the Commonwealth's pledge of support for the independence, sovereignty, territorial integrity, unity and non-alignment of the Republic of Cyprus would reinforce the Commonwealth's call to all the States not to countenance the illegal secessionist entity.

India's principled and forthright position on the West Asia, Shri Rao pointed out, had not in any way been weakened by the paragraphs in the joint Communique relating to the subject. On the contrary, the Commonwealth meeting appreciated the successful efforts of the Non-aligned Mission in securing the ceasefire in northern Lebanon. Even on Grenada, which was a hotly debated issue during the Conference, the Commonwealth leaders called for the strict observance of the principles of independence, sovereignty and territorial integrity.

The New Delhi statement on Economic Action, Shri Rao said, was good on the whole even though it did not meet India's expectations. It called for a comprehensive review of the international monetary, financial and relevant trade issues and also underlined the urgency of the process of preparatory consultations to identify areas of potential agreement and areas requiring further consideration. It was India's expectation that such a step would eventually lead to the international conference with universal participation on money and finance for development which the Non-aligned Summit had called for.

Shri Rao pointed out that in order to stimulate a dialogue on long-term issues between developed and developing countries and to promote consensus, the Commonwealth meeting established a consultative group of eight nations consisting of official representatives from Britain, Canada, Fiji, India, New Zealand, Tanzania, Trinidad and Zimbabwe together with the Secretary-General. He announced that it would submit its report to the Finance Ministers before their meeting next year in Toronto.

Concluding, Sri Rao asserted that a world wide dialogue was absolutely necessary to pull the world away from nuclear catastrophe and to tackle urgent political and economic problems. India, he pointed out, had all along called for such an approach, not just for super powers but at all levels in order to create a climate of mutual understanding and confidence which alone could make a forward movement possible on a host of outstanding issues. Apart from the issues on the agenda of the Commonwealth meeting, India had also discussed with various visiting dignitaries the issues of bilateral interest and ways and means of promoting cooperation between India and these countries.

International Situation : On 6 December, 1983, the Minister of External Affairs, Shri P. V. Narasimha Rao moved the following Motion :

“That this House do consider the present international situation and the policy of the Government of India in relation thereto”.

Initiating the discussion on the Motion, Shri Satyasadhan Chakraborty took strong exception on the failure of CHOGM document to mention the name of the aggressor in Grenada. He urged the Government to give up economic dependence as that had led to compromise with the imperialist powers.

Participating in the debate, Shri Indrajit Gupta felt that the discussions and resolutions of the CHOGM had not reflected the view-point of India and there was no demand for the new economic order in the economic document. He asked the Government to spell out the strenuous efforts made by various countries for bringing out disengagement and peace in the Middle-East. Shri C.T. Dhandapani sought to know the proposals made by India to Sri Lanka for solving the problem of five Lakh stateless people there. Shri A. Neelalohithadasan Nadar suggested the creation of a new economic world order based on the pattern of socialist countries.

Replying to the discussion, lasting for more than seven hours, in which 14 other Members* participated, Shri Rao observed that since the Commonwealth was not like the Non-Aligned Movement, the concensus arrived at in the Commonwealth necessarily had to be different from what had been arrived at the non-aligned gathering. Shri Rao also admitted that the economic aspect of the Resolution or the Communique was on the whole not as good as India would have had it. All the same, India had not found anything which bogged her down in the document, although the non-aligned position to which India subscribed had not been fully reflected due to the composition of Commonwealth itself. Shri Rao, however, claimed that the Conference on Money and Finance with universal participation suggested earlier by the Non-Aligned Meet and now endorsed by the Commonwealth was a step in the direction of achieving a North-South Dialogue and also a forward movement.

On the issue of Namibia, Shri Rao said that the Commonwealth had subscribed to everything that had been said by the non-aligned. He added, that the participation of the two Members of the contact group in CHOGM augured well for the Namibian people's independence.

In the case of Grenada, Shri Rao said, the CHOGM had drawn attention to the preservation of the freedom of small States. They, however, could not summon courage to say that 'so and so' had done it. India wanted Grenada free from foreign intervention and presence of foreign troops and had her draft been accepted it would have conveyed the same thing in a different way, he added.

*Members who took part in the discussion were :

Sarvashri B. R. Bhagat, Rajesh Kumar Singh, Ratansinh Rajda, Rajesh Pilot, N. G. Ranga, Chandrajit Yadav, R.S. Sparrow, Braja Mohan Mohanty, Chitta Basu, Zainul Basher, G. M. Banatwalla. Santosh Mohan Dev, Ram Jethmalani and K. P. Unnikrishnan.

Referring to the situation in Cyprus, Shri Rao observed that everyone in CHOGM wanted the consensus on the issue. They felt that Unilateral Declaration of Independence by Turkish-Cyprists could not be tolerated and it should be deprecated and deplored.

Shri Rao admitted that there was a difference of opinion on the question of foreign troops in Lebanon and the same had been reflected in the Commonwealth Document. India, he added, was for the withdrawal of all foreign troops from Lebanon, but the Israeli troops had to withdraw first unconditionally, since they were the forces of aggression.

Referring to Sri Lanka, Shri Rao informed the House that during the second visit of the Prime Minister's special envoy, discussions were held mainly with President Jayewardene and the papers prepared during the first visit were further considered. A set of proposals was formulated on the basis of those talks reflecting the Sri Lankan Government's views. Both the papers, he pointed out, were the working papers for consideration by the two sides with a view to narrowing down difference. Shri Rao said that the President of Sri Lanka also had two meetings with the Prime Minister, Shrimati Indira Gandhi, at which the Tamil question was discussed. As a result of the discussion Sri Lankan Government had agreed for the establishment of enlarged Regional Councils through the amalgamation of District Councils within each Province. President Jayewardene would now place the proposals before the All-Party Conference to be convened by him. It was expected that the Tamil United Liberation Front (TULF) would be invited to participate in the said Conference. So far as the question of stateless persons was concerned, Shri Rao told the House that the Sri Lankan President had given a commitment that all of them would be given Sri Lankan citizenship.

Making a reference to the Palestinian problem, Shri Rao pointed out that it was at the root of the Middle East question and had been aggravated due to the differences in the PLO. The opposing side, which did not agree with Chairman Arafat, had assured the Non-Aligned Ministerial Group that they would defend the unity of the PLO as a whole and would take all necessary steps within the Palestinian framework to resolve by peaceful means all their internal differences.

Mid term appraisal of Sixth Five Year Plan : On 12 December, 1983, the Minister of Planning, Shri S.B. Chavan, moved the following motion for the consideration of the House :

“That this House takes note of the ‘Sixth Five Year Plan 1980-85—Mid-term Appraisal’ laid on the Table of the House on 19 August, 1983.”

Initiating the discussion, Shri Chavan said that the Government had reverted to the well established practice of having a Five Year Plan for guiding and directing the developmental practice as the concept of Rolling plan mooted by the previous Government was not found to be workable. The Sixth Five Year Plan, Shri Chavan added, started in extremely difficult circumstances and its first year was concerned mainly with containing the fall-out effects of the bad drought together with a poorly performing infrastructure. The damage to the economy was, however, significantly minimised principally by a careful programme of retrieving the damage of kharif crop in the rabi crop season, as well as maintaining the public sector investment programme in good measure. The average GDP growth of economy over the three years came to five per cent and the year 1983-84 would see a turn around both in agriculture and industry.

The Minister said that besides increasing resilience and self-reliance, the economy had to be strengthened by undertaking the necessary efforts in three other areas *viz.*, the making of necessary structural adjustments, the raising of resources and the management of balance of payments.

Shri Chavan said that in order to sustain levels of public sector investment, the Government had stepped up Central Plan outlay by an additional Rs. 1555 crores during the current year over the budgeted Plan outlay. The Minister hoped that the beneficial effects emanating from the increased outlay would be felt both in the early completion of projects in Sixth Plan and in laying a strong foundation for the Seventh Plan.

Participating in the resumed discussion on 13 December, 1983, Shri A.K. Roy sought priority for the development of agriculture and rural economy. He suggested that each Member of Parliament should be associated with the planning process.

Replying to the discussion on 14 December, 1983, in which 20 other Members* took part, Shri S.B. Chavan expressed the hope that it would be

*Members who took part in the discussion were :

Sarvashri E. Balanandan, Jagannath Rao, Rajesh Kumar Singh, Virdhi Chander Jain, Subramaniam Swamy, Narain Chand Parashar, Ram Pyare Pasika, Satish Agarwal, Balasheb Vikhe Patil, V. Kulandavelu, D.L. Baitba, Ram Lal Rabi, K.C. Sharma, G. Narasimha Reddy, Nathu Ram Mirdha, Ram Swarup Ram, Chitta Basu, Smt. Geeta Mukherjee, Smt. Jayanti Patnaik, and Smt. Vidya Chennupati.

possible to achieve the targeted growth rate of 5.2 per cent for the years 1983-84 and 1984-85. Shri Chavan said that the doubts expressed by the Members about the possibility of achieving the physical targets were unfounded. Barring about half a dozen areas, they were going to achieve the physical targets and the targets of some sectors would even be exceeded.

Shri Chavan agreed that efficiency had to be increased, cost estimates which were galloping had to be controlled and the projects already started had to be completed in time. He referred to the tendency in some States not only to start the approved projects at the fag end of the Plan, but a large number of irrigation and power projects were started without approval, proper scrutiny and financial provision. It was bound to delay matters and ultimately resulted into a kind of inflationary pressure on the total economy.

The Minister refuted the allegation that all resources were centred on the Central Government and the State Governments were not getting a fair deal. According to the Seventh Finance Commission, he added, the share of income tax, union excise duties and estate duty passed on to the States was 85 per cent, 40 per cent and 100 per cent respectively.

In addition to creating employment opportunities, the Minister said that the Government had undertaken various poverty elimination programmes like IRDP (Integrated Rural Development Programme), NREP (National Rural Employment Programme), the Scheduled Caste Component Plan, the Tribal Development Plan and the programmes for the development of desert areas and other hilly and backward areas.

The Motion was adopted.

National Health Policy : On 15 December, 1983, the Minister of Health and Family Welfare, Shri B. Shankaranand, moved a resolution for the approval of National Health Policy contained in a statement laid on the Table of the House on 2 November, 1982.

Initiating the discussion on 16 December, 1983, Shri Shankaranand said that the National Health Policy evolved by the Government was aimed at taking the services nearest to the doorsteps of the people and ensuring fuller participation of the community in the health development process. Steps had already been initiated under Sixth Five Year Plan and the New 20-Point Programme of the Prime Minister for implementation of the policy. Listing the achievements of the Policy, Shri Shankaranand said that the Leprosy Control Programme had been converted into 100 per cent. Centrally funded programme and a National Leprosy Eradication Board had been set up for

effectively implementing the recommendations of the National Leprosy Commission established for providing policy guidelines. A new strategy had been adopted for tackling tuberculosis by detecting as many cases as possible and bringing them under effective treatment. Efforts had also been stepped up to detect and control visual impairments through the National Programme for Control of Blindness.

The Policy, Shri Shankaranand claimed, laid emphasis on the development of Indian system of medicine and Homoeopathy and their involvement in Primary Health care. In order to facilitate the availability of genuine and effective Ayurvedic and Unani medicines, the Government had established the Indian Medicine Pharmaceutical Corporation Limited. It had already gone into commercial production. Considerable progress had been made in the preparation of separate pharmacopoeias for some of these systems.

With a view to checking adulteration of foodstuffs and making the enforcement of the Prevention of food adulteration laws more effective, the Minister said that the State Governments had been advised to establish separate Departments for prevention of food adulteration and strengthen laboratories and food inspection units. To ensure availability of reliable and effective drugs to the people, the Drugs and Cosmetics Act had been amended providing for severe punishment to those engaged in the import, manufacture and sale of spurious and sub-standard drugs. The Policy stressed on the need of medical research relevant to the needs of the society, he added.

Participating in the discussion, Shri A. Neelalohithadasan Nadar asked the Government to formulate suitable programme for taking care of the health of fishermen and scheduled castes and scheduled tribes in the coastal areas.

Replying to a three-day discussion on 22 December, 1983, in which 16 other Members* took part, Shri Shankarand said that the family planning would be entirely voluntary and the Government was opposed to any compulsion or any coercion in this regard.

Shri Shankaranand reiterated that the bedrock of the National Health Policy was the primary health care and the people's active participation and involvement. While formulating the Policy, the opinion of experts, various organisations, medical councils, etc. had been taken into consideration.

*Members who took part in the discussion were :

Sarvashri Rup Chand Pal, Jagannath Rao, Rajesh Kumar Singh, Krupasindhu Bhoi, Deen Bandhu Verma, J. S. Patil, Ram Pyare Panika, S.T.K. Jakkayan, Virdhi Chander Jain, Nathu Ram Mirdha, P. K. Kодиyan, Mool Chand Daga, Bishnu Prasad, Smt. Kishori Sinha, Smt. Jayanti Patnaik and Smt. Pramila Dandavate

The Minister expressed difficulty in providing employment to the annual turn out of 13,000 doctors in allopathy, about 5000 to 6000 in Ayurveda and another 4000 to 5000 in Homeopathy and Unani. The Government, he added were evolving a scheme of incentives to doctors to go to rural areas. A report of the Committee appointed for the purpose was under the consideration of the Government.

The Resolution was adopted.

B. LEGISLATIVE BUSINESS

*Statutory Resolution regarding disapproval of the Punjab Disturbed Areas Ordinance, Chandigarh Disturbed Areas Ordinance and the Armed Forces (Punjab and Chandigarh) Social Powers Ordinance and adoption of the Punjab Disturbed Areas Bill, 1983, the Chandigarh Disturbed Areas Bill, 1983 and the Armed Forces (Punjab and Chandigarh) Special Powers Bill 1983** : On 17 November, 1983, the Minister of Home Affairs, Shri P.C. Sethi, moved that (i) The Punjab Disturbed Areas Bill, 1983, (ii) The Chandigarh Disturbed Areas Bill, 1983, and (iii) The Armed Forces (Punjab and Chandigarh) Special Powers Bill, 1983, be taken into consideration.

Earlier, moving a Statutory Resolution regarding disapproval of the Punjab Disturbed Areas Ordinance, 1983, Shri K.A. Rajan felt that the Government was in a state of confrontation instead of settling the issues at a tripartite level. The promulgation of Ordinance, he contended, had not helped much. He urged the Government to give a serious thought to the matter and resolve the issues by holding talks with the Akalis.

Shri P.K. Kodiyan moved the Resolution for the disapproval of the Chandigarh Disturbed Areas Ordinance, 1983. Shri Indrajit Gupta moving the Resolution for disapproval of the Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983, stated that additional powers were not going to solve the problem. He called for an early meeting of National Integration Council to help bring about a better atmosphere.

Replying to the brief combined discussion, in which eight other Members** participated, Shri P.C. Sethi said that the extremist and secess-

*The Bills were introduced in the House on 15 November, 1983

**Members who took part in the discussion were :

Sarvashri Somnath Chatterjee, Mool Chand Daga, Swamy Indervesh, Virdhi Chander Jain, Subramaniam Swamy, Suraj Bhan, Ashfaq Husain and A.K. Roy.

ionist elements had been indulging in violent and illegal activities in the State of Punjab and the Union Territory of Chandigarh. These events raised an apprehension of extensive disturbance of public peace and tranquillity and commission of capital crimes. In order to enable the police forces and armed forces to handle the situation effectively, the Government had considered necessary to bring forward these measures.

Shri Sethi made it clear that under the Bills, the armed forces could act in the areas which had been declared as disturbed areas by the Government of that particular area and no power was transferred from the executive authority. All the activities which were usually in the hands of civil administration would even thereafter be in their hands. The powers conferred on armed forces and police under the Bills were in keeping with the provisions of the Constitution and Code of Criminal Procedure. He also assured the House that the powers would be used with extreme caution and care and with greatest discretion.

The Statutory Resolutions were negatived. The Motions for considerations of the Bills were adopted. The Bills were passed.

*Criminal Law (Amendment) Bill**, 1980 : On 18 November, 1983, moving that the Bill, as reported by the Joint Committee of both the Houses be taken into consideration, the Minister of State in the Ministry of Home Affairs, Shri P. Venkatasubbaiah said that the purpose of the Bill was to make the rape law more stringent. Towards that end, the Bill sought to make changes based principally on the consideration that the definition of rape should be amended to remove certain loopholes ; minimum punishment should be prescribed for rape, the prosecutrix should be protected from the glare of embarrassing publicity ; in certain cases of rape, the onus should be on the accused to prove that the sexual intercourse was with the consent of the woman. It also prohibited the printing and publication of any matters in relation to any court proceedings with respect to any such offence without the permission of the court.

Commending the Bill, Shri Venkatasubbaiah said that the offence of rape had been divided into two categories. For rape generally the minimum term of imprisonment of either description would be seven years. In the second category the minimum punishment would be of rigorous imprisonment of ten years. In that category would fall rape by policemen, or public servant on women in their custody or in the custody of their subordinates.

*The Bill was introduced (on 12 August, 1980) by then Minister of Home Affairs Giani Zail Singh.

Besides, provision had been made in the Bill to punish sexual inter-course by a man with his wife who lived separately from him without her consent.

The House held discussion on the Bill on two days viz., 21 November and 1 December, 1983.

Participating in the discussion on 1 December, 1983, Shri A.K. Roy felt that the entire national degeneration could not be stopped by bringing only one legislation.

Winding up the discussion on 1 December, 1983, in which 15 other Members* participated, Shri P. Venkatasubbaiah agreed with the suggestion that *Thanas* should have vigilance Committees with majority of women members and said that he would commend it to the State Governments. As regards the suggestion regarding summary trials in rape cases, the Minister said, the rape being a serious offence where the minimum punishment would now be seven years, summary trial will not meet the situation.

Sharing the concern expressed by the Members about unhealthy exhibition of a women's body in the media, the Minister said that he would draw the attention of the Information and Broadcasting Ministry to it. As regards restrictions on publicity about a rape case, the Minister made it clear that there was no blanket ban on it. The prohibition was only with regard to publication of the name or any matter that disclosed the identity of the victim. It was mainly intended to safeguard the victim so that she might not be subjected to a sort of social boycott. There was no bar in the publication of the name and other details which might disclose the identity of the victim with her consent, he added.

Defending the provision in the Bill relating to sexual intercourse by husband in certain circumstances, the Minister said that it was intended to discourage child marriages as far as practicable.

He ruled out the suggestion of awarding death sentence in the case of gang rape as it was fraught with a danger of rapists killing the victim.

The Motion for consideration was adopted and the Bill, as amended, was passed.

*Members who took part in the discussion were :

Sarvashri Amal Datta, Mool Chand Daga, Jaipal Singh Kashyap, Ram Singh Yadav, A. T. Patil, N. K. Shejwalkar, Braja Mohan Mohanty, Ram Lal Rahi, Nurul Islam, Girdhari Lal Vyas, Ram Jethmalani, Keyur Bhushan, Smt. Krishna Sahi, Smt. Pramila Dandavate and Smt. Geeta Mukherjee.

Criminal Law (Second Amendment) Bill 1983 : On 21 December, 1983, moving that the Bill, as passed by the Rajya Sabha, be taken into consideration, the Minister of State in the Ministry of Home Affairs, Shri P. Venkatasubbaiah, said that the Bill sought to plug certain loopholes in the law and was limited in scope and was not based on the recommendations of the Joint Committee on the working of the Dowry Prohibition Act. It inserted a provision in the IPC to punish the husband or any relative of the husband of the woman who subjected her to cruelty, with imprisonment for a term which might extend to three years and fine. To make the provision effective, the offence was being classified as cognizable and non-bailable and would cover the cases of cruelty on account of dowry or otherwise. The Code of Criminal Procedure, he added, was being amended to provide for compulsory post-mortem in all cases where a woman commits suicide or dies in circumstances raising a reasonable suspicion. Another important provision made in the Bill related to the law of evidence and provided that where a woman had committed suicide within a period of seven years from the date of her marriage and if it was shown that her husband or any relative of her husband had subjected her to cruelty, the Court might presume that such suicide had been abetted by them.

Winding up the discussion, in which 15 other Members* took part, Shri Venkatasubbaiah asserted that while the main emphasis of the Bill was with regard to cruelty against women and harassment of women, it included dowry offences also as one of the cruelties being perpetrated on women.

Dealing with the suggestion regarding appointment of women officers to conduct cases relating to crime against women, the Minister explained that the Government could not make any discrimination between one person or the other on the basis of sex. The appointment of more women judges in the States, Judicial Service could be made on the basis of relevant considerations like propriety, efficiency, suitability of women for such appointment. It would not be correct, he added, to hold that women judges could alone do more justice to women victims. The Government, however, wished that whenever women judges were available, they might be appointed by the High Court to preside over the court to try cases relating to crime against women. The State Governments and the Union Territories had, however, been requested to constitute district advisory committees having a fair representation of women to assist in the investigations.

*Members who took part in the discussion were :

Sarvashri N. K. Shejwalkar, Ram Kinkar, Sunder Singh, Kishan Datt Sultanpuri, M. Satyanarayana Rao, Ram Singh Yadav, Ram Lal Rahi, S. T. K. Jakkayan, Virdhi Chander Jain, Girdhari Lal Vyas, Smt. Suseela Gopalan, Smt. Vidya Chennupati, Smt. Gurbrinder Kaur Brar, Smt. Pramila Dandavate and Smt. Geeta Mukherjee.

The Minister further stated that instructions had been issued to the police officers to take serious notice of all cases of suicide or death in suspicious circumstances of young married women in the first ten years of their marriage. The special magistrates had also been detailed for recording the dying declaration in such cases. All women who were victims of these offences were entitled to free legal aid, he added.

As regards trial of offences of rape etc. by the Court of Sessions, the Minister said that though there was no provision in the Cr. P.C. to establish such special Courts, yet the High Court at the instance of the State Government could earmark one or more of the existing Courts for trial of such cases. The Delhi High Court, he added, had earmarked the Session Judge for the trial of all cases pertaining to dowry deaths.

Motion for consideration of the Bill was adopted and the Bill was passed.

*Statutory Resolution regarding disapproval of the Textile Undertakings (Taking Over of Management) Ordinance and the adoption of the Textile Undertakings (Taking Over of Management) Bill *, 1983 :* On 7 December, 1983, moving that the Bill be taken into consideration, the Minister of Commerce and of the Department of Supply, Shri Vishwanath Pratap Singh, said that the financial condition of the textile units in question had been in a bad shape even before the strike. In order to save the investment of the financial institutions and to provide an occasion for further investments, the Government had come to the conclusion that it was necessary to take them over.

Earlier moving a Statutory Resolution for disapproval of the Textile Undertakings (Taking Over of Management) Ordinance, Shri Satyanarayan Jaytiya said that the sick mills that were taken over owed Rs. 60 crores to cotton suppliers and others. An amount of Rs. 25 crores of financial institutions was also outstanding. That was not good. He, therefore, wanted the Government to clarify the position regarding the liabilities of these mills and also to ensure better working conditions for workers working there.

The House held a combined discussion on the Statutory Resolution and the Bill. Taking part in the discussion, Shri Indrajit Gupta demanded the nationalisation of textile industry. He also held that the loaded responsibility of producing controlled and standard cloth was one of the factors for the poor financial working of National Textile Corporation Ltd. (NTC)

* The Bill was introduced in the House on 22 November, 1983, by the Minister of Commerce and of the Department of Supply, Shri Vishwanath Pratap Singh.

Shri Maganbhai Barot asked the Government to amend the Bill to include the take over of the four Ahmedabad Mills closed due to mismanagement.

Replying to a two-day discussion on 8 December, 1983, in which 23 other Members* took part, Shri Vishwanath Pratap Singh agreed with the Members that it was time to go deep into the malaise threatening the entire textile industry having a sizeable section in the public sector. He said that not only sickness was to be monitored, but advance action had to be taken in coordination with the financial institutions. The Government, he added, would strengthen the monitoring cell in the Commerce Ministry. In the case of 22 sick mills under the NTC, the Government would constitute a Committee for identification of the steps to be taken to bring them back to health.

Shri Singh informed the House that the total liability of 13 textile mills taken over by the Government came to Rs. 110 crores and a further sum of Rs. 140 crores would be required for modernisation.

After Shri Jatiya replied to the debate, the Statutory Resolution was negatived, the Motion for consideration of the Bill was adopted and the Bill was passed.

Statutory Resolution regarding disapproval of the Illegal Migrants (Determination by Tribunals) Ordinance, and adoption of the Illegal Migrants (Determination by Tribunals) Bill, 1983* : On 14 December, 1983, moving that the Bill be taken into consideration, the Minister of Home Affairs, Shri P.C. Sethi, informed the House that the influx of foreigners into Assam and other parts of the Eastern and North-Eastern regions of the country had been a matter of deep concern and was detrimental to the interests of the public. Detection and deportation of such migrants had been a continuous process. After taking into account the need for speedy detection of genuine citizens of India, the President had promulgated, on 15 October, 1983, the Illegal Migrants (Determination by Tribunals) Ordinance, 1983. The Bill, he said, sought to provide for the establishment of the Tribunals for the detection in a fair manner of the question whether a person was an illegal migrant and sought to define the expression illegal migrants 'in terms of consensus'. It

*Those who took part in the discussion were :

Sarvasbhai Era Moban, P. Shanmugam, Jagpal Singh, Balkrishna Wasnik, Ratansinh Rajda, Harish Rawat, Asfaq Husain, M. Ram Gopal Reddy, Ram Singh Yadav, Rup Chand Pal, Zainul Basher, Baburao Paranjpe, Y.S. Mahajan, Chitta Basu, R.R. Bhole, Chandrajit Yadav, Pratap Bhanu Sharma, Mool Chand Daga, Ram Pyare Panika, R.P. Gaewad, Kishan Datt Sultanpuri, Hiralal R. Parmar and Smt. Shalini Patil.

**The Bill was introduced by the Minister of Home Affairs, Shri P.C. Sethi, on 22 November, 1983.

aimed at speeding up the detection and expulsion of post 24 March 1971 entrants and made provisions for constituting an Appellate Tribunal. The enactment, he added, would be applicable to Assam, to begin with but could be extended to the whole of India by notification whenever the Government felt necessary.

Earlier moving Statutory Resolution for disapproval of the **Illegal Migrants (Determination by Tribunals) Ordinance, 1983**, Shri P.K. Kodiyan suggested that the Government should start negotiations with all sections of the people, in Assam, including All Assam Students Union (AASU) leaders to decide upon the question of foreigners' emigration during the early period *i.e.* 1961-71.

The House held combined discussion on two-days *viz.*, 14 and 15 December, 1983. Shri A.K. Roy taking part in the discussion, on 15 December, 1983, was of the view that the problem of foreigners in Assam was not going to be solved through the establishment of the tribunals.

Replying to the discussion, in which 12 other Members* participated, Shri Sethi informed the House that the Government had been alive to the genuine concern of the people of the State of Assam on the issue of foreigners and had taken various measures in that regard, which included the erection of a barbed wire fencing along the Indo-Bangladesh border, construction of a broad jeepable track along side the wire fencing and raising of three additional battalions of the Border Security Force to strengthen the border outposts. These measures, he added, would go a long way in preventing illegal entry of foreigners.

Regarding the question of resumption of the talks. Shri Sethi pointed out that the Government had made it clear that its doors were open for negotiations. However, in view of the resumption of agitation by All Assam Students Union and All Assam Gana Sangram Parishad the efforts made by the State Government to restore normalcy had received a setback. In such an atmosphere, the resumption of talks did not seem to have any relevance, he held.

Shri Sethi described the situation in Assam as extremely complex and said that the State Government was trying its best to restore normalcy. The need of the hour, he observed, was to strengthen the feeling of cooperation

*Members who took part in the discussion were :

Sarvashri Ram Lal Rahi, Sontosh Mohan Dev, Somnath Chatterjee, Nurul Islam, Jagpal Singh, Harish Rawat, Ravindra Verma, Bhubaneshwar Bhuyan, Chitta Basu, Manoranjan Bhakta, Ram Jethmalani and Mool Chand Daga.

and to find a solution to the problem amicably and eschew doing or saying anything which would incite ill feelings.

The Statutory Resolution was negatived, the Motion for consideration of the Bill was adopted and the Bill was passed.

C. THE QUESTION HOUR

In all 14,580 notices of Questions (10,608 Starred, 3928 Unstarred and 44 Short Notice Questions) were received during the Session. Out of these Questions, 449 were listed as Starred (including one Question which appeared through Supplementary list) and 5111 as Unstarred (including six Questions which appeared through Supplementary lists). No Short Notice Question was admitted during the Session.

Daily Average of Questions : Each of the lists of Starred Questions contained 20 Questions except those of 21 November, 1983, and 6, 7, 19, 20 and 22 December, 1983, which contained 21 Questions each and that of 16 and 21 December, 1983, which contained 22 Questions each. On an average, 5.14 Questions were orally answered daily on the floor of the House. The maximum number of Starred Questions orally answered was 7 on 15 and 21 December, 1983 and the minimum number of Questions orally answered was 3 on 16 November, 1983.

Half-an-Hour Discussions : In all 65 notices of Half-an-Hour Discussions were received during the Session. Out of these, 17 notices were admitted and seven were discussed on the floor the House.

D. OBITUARY REERENCES

During the Session, obituary references were made to the passing away of Sarvashri B.R. Nahata and Mohd. Yusuf, sitting Members, and Sarvashri Uttam Chand Ram Chand Bogawat, Mohan Nayak, Gauri Shankar Singh, C.H. Mohammad Koya, Beni Shankar Sharma, Anand Chand, Sita Ram Jajoo, A.C. George, Shahnawaz Khan and Dr, Devi Singh, all Ex-Members. The Members stood in silence for a short while as a mark of respect to the deceased.

RAJYA SABHA

HUNDRED AND TWENTY-EIGHTH SESSION*

The Rajya Sabha meet for its Hundred and Twenty-Eighth Session on 15 November, 1983 and adjourned *since die* on 22 December, 1983. As in the

*Contributed by the Research and Library Section, Rajya Sabha Secretariat,

previous Sessions, discussion of issues through Calling Attention, Short Duration Discussions, Half-an-Hour Discussions, Ministerial Statements, Government Motions, Statutory Resolutions etc. dominated the proceedings of the House during this Session also. Through these devices the House discussed various burning and topical issues of diverse nature. Some of the important issues on which discussion took place were : the electoral reforms and defection bids in Karnataka; President Rule in Punjab and threat to Hindus by Sant Bhindranwale; import of gun-parts by some persons in Jammu and Kashmir; import of animal tallow and its alleged use in the manufacture of vanaspati; CHOGM and current international situation; discovery of defence espionage ring; international racket in fake currency notes; changes in the law relating to rape and to curb dowry deaths; mid-term appraisal of Sixth Five-Year Plan; repromulgation of ordinances by some States; and investment by non-residents of Indian origin in Indian Companies. Besides, the House also approved a number of Government Bills replacing Ordinances. Prominent among them were the three Bills on Punjab, the Sick Textiles Mills Takeover Bill and Determination of Illegal Migrants Tribunal Bill. A resume of some of the important discussions held and business transacted during the Session is given below.

A. DISCUSSIONS

Resolution seeking approval of the proclamation issued by the President in relation to the State of the Punjab and Motion seeking revocation of the said proclamation : On 15 November, 1983, the House discussed the President's Proclamation* in regard to the State of Punjab when the Home Minister, P.C. Sethi, moved the following Resolution : "That this House approves the proclamation issued by the President on 6th October, 1983, under Article 356 of the Constitution, in relation to the State of Punjab."

Speaking on the Resolution, the Minister said that the atmosphere in Punjab was vitiated on account of activities of the extremist and secessionist elements to such an extent that the Chief Minister of Punjab had suggested that the intervention of Central Government for a temporary period to meet the requirements of national security and integrity was absolutely essential. The Central Government considered the report of the Governor on the situation in Punjab and felt that there was no alternative but to issue Proclamation and place the State Assembly under suspended animation. As such the Proclamation under Article 356 of the Constitution was issued on 6 October, 1983 and the State Assembly was placed under suspended animation.

*Laid on the Table of the House on 15 November, 1983.

Shri Shiva Chandra Jha simultaneously moved a Motion for the revocation of the aforesaid Proclamation.

On 16 November 1983, the Minister of Home Affairs, Shri P.C. Sethi, replying to the debate, said that it had been Government's endeavour to find a peaceful solution to the problem in Punjab and various rounds of talks were held with the representatives of the Shiromani Akali Dal in the past. Many other efforts were made by Government to get the Akali Dal to arrive at an understanding. The Prime Minister made various announcements relating to the religious demands on 27 February, 1983. Government had also appointed the Sarkaria Commission on Centre-State relations. The Minister pointed out that he had invited the Akali leaders to resume discussion in the last week of May 1983, but unfortunately they did not respond favourably to his invitation. Despite Government's clear offer to refer the two pending issues to a tribunal, the Shiromani Akali Dal leaders had not responded in a positive manner.

The Minister appealed to the leaders of the Opposition to advise the Akali Dal leaders to respond to the offers of the Government.

On the same day Shri Shiva Chandra Jha, replying to the debate* on his Motion, said that the statement made by the Governor of Punjab that the shortage of speedy vehicles was coming in the way of apprehending bank robbers and other criminals, established the fact that the Darbara Singh Government had failed to mobilise its administrative machinery for taking action against the criminal elements in Punjab. He observed that the Akalis were basically a peace-loving people but the talks between the Government and the Akalis had not borne any fruit so far because the intentions of the Government were not honest.

The Statutory Resolution seeking approval of President's Proclamation was adopted and the motion moved by Shri Shiva Chandra Jha was barred.

Import of animal tallow : On 16 November 1983, Shri Jagdish Prasad Mathur, raising a discussion on the statement made by the Minister of Commerce on 15 November, 1983, regarding the import of animal tallow, said that if a Hindu was shocked at the mere mention of beef tallow and a Muslim was shocked likewise at the mention of pork tallow it was not the

*Other members who took part in the discussion were : Sarvashri Sultan Singh, P N. Sukul, Harkishan Singh Surjeet, Ladli Mohan Nigam, Murlidhar Chandrakant Bhandare, Dr. Bhai Mahavir, Smt. Amarjit Kaur, Shri Aladi Aruna *alias* V. Arunachalam, Dr. Sarup Singh, Sarvashri M. Kalyanasundaram, Sat Paul Mittal, Khushwant Singh, Madan Bhatia, G.C. Bhattacharya, and Gulam Mohi-u-dDin Shawl.

sign of backwardness of either a Hindu or a Muslim. It was a question of religious sentiments. It was unfortunate that when the question of animal tallow was raised, the Government converted it into a political issue. The main issue was as to why the Government had played with the sentiments of Hindus and Muslims in this regard. When the issue of beef and pork tallow was initially raised, the Minister of Commerce had stated in the Lok Sabha on 25 July, 1983, that there had been imports of animal tallow but there was no scope for its being used for adulteration of vanaspati. But four days after this statement, the Minister again made a statement that there was a possibility of tallow being mixed with vanaspati and that the Government would apprehend the culprits in this regard. The Member posed the question as to why the Government did not take any action against the culprits during the period from 25 July till October, 1983.

Shri Mathur alleged that the Punjab and Sind Bank advanced Rs. 25 crores to the Shubh Vanaspati people though they had a letter of credit for Rs. 588.83 lakhs only and their property was not worth more than a few lakhs of rupees. This loan was granted in contravention of all rules and regulations. The Government should rise above politics and take stern action against the companies which had indulged in malpractices, the Member demanded.

The Minister of Commerce, Shri Vishwanath Pratap Singh, replying to the discussion,* said that the import of tallow was brought on O.G.L. under Janata Party's rule by the Import Trade Control Order dated 3 April, 1978. There was highly restrictive policy on import of tallow during the Congress rule earlier. It was not on O.G.L. list. It was a canalised item. From this policy of restriction, from year to year there had been an opening of the gates towards imports of animal tallow. The Minister said that while he had got the information regarding Bombay consignment, information about the Madras consignment would be placed on the Table of the House. The Bombay consignment was also for 10,000 tonnes. M/s. Jain Shubh Vanaspati had requested for reshipment of 10,700 metric tonnes of beef tallow. The importer had been asked to produce a no-objection certificate from the Reserve Bank of India. This case was sent to CCI for comments by the Department of Economic Affairs. They had been informed that in this case

*Other Members who took part in the discussion were : Sarvashri Ramanand Yadav and Ladli Mohan Nigam, Dr. Rafiq Zakaria, Sarvashri Sukomal Sen, J. K. Jain and Bhaawt JahAzad, Minister of State in the Ministry of Food and Civil Supplies, P.N. Sukul, Smt. Vijaya Raje Scindia, Sarvashri Rameshwar Singh, M. Kalyanasundaram, A.G. Kulkarni and Gulam Rasool Matto.

permission for re-export could not be given as the import was clearly unauthorised and this consignment was liable to confiscation. This was the latest position. With the total ban on tallow import, however, the issue was a closed one.

Need for urgent electoral reforms with special reference to defections :
On the 18 November* 1983, Shri A.G. Kulkarni called the attention of the Minister of Law, Justice and Company Affairs to the need for urgent electoral reforms with special reference to defections.

Making a statement on the subject, the Minister of Law, Justice and Company Affairs, Shri Jagannath Kaushal, observed that the successful functioning of the democratic system as envisaged by our Constitution depended upon a sound electoral system and the Government had to be receptive to any proposals or suggestions for electoral reforms which it received from any quarters. This was a matter in respect of which there was no room for complacency. At the same time, having regard to the fact that the electoral system had been functioning well one should be careful in making any changes in the system.

Tracing the earlier efforts of the Government to take initiative in the matter, the Minister said that as early as in 1967, a high level Committee was constituted by the Government in pursuance of the Resolution passed by the Lok Sabha in August 1967, to go into the problem of defections. The report of the Committee was placed before the Houses of Parliament in February 1969. In December 1970, a Conference of Opposition Leaders in Parliament was convened by the Prime Minister to discuss the draft of certain legislative provisions for dealing with defections. In 1973, a Bill for amending the Constitution for providing for disqualification on the ground of defection was introduced and it was referred to a Joint Committee. This Bill was, however, vehemently opposed by well-informed persons like Dr. H.N. Kunzru, who in his evidence before the Joint Committee characterised the Bill as without any parallel worth mentioning and as trampling on the conscience and freedom of opinion and as representing political tyranny of the highest order and a kind of totalitarianism. In 1978† another attempt was made by Government to introduce a Bill for amending the Constitution for providing for disqualification on the ground of defection. Opposing the introduction of the Bill Shri Madhu Limaye had taken exactly the the same stand. He had

*The discussion continued on 21 November, 1983 also.

† The Bill of 1973 as referred to the Joint Committee lapsed by reason of the dissolution of the Lok Sabha.

characterised the Bill which was sought to be introduced as the most sinister Bill. In his view, the Bill represented dictatorship and bossism.

When views of this nature were expressed with respect to a proposal, the matter had to be considered in great depth. Likewise, the other important proposals for electoral reforms under consideration also involved serious implications which were required to be considered carefully. Any attempt to rush through such proposals would do more damage than good, the Minister commented. He stated that a Committee of the Cabinet had recently considered the matter in depth and had formulated certain tentative views on the subject.

Replying to the points raised by Members, the Minister stated that the Government was as much interested in trying to improve the electoral process as anybody else. He observed that the elections, by and large, took place properly, although there might be loopholes here and there which could be plugged.

The Minister offered to share with the Opposition the tentative proposals of the cabinet committee. His thinking, however, was that he should come to the Opposition when the Government had comprehensive thinking on the whole matter. He concluded that there had been delay, but delay did not mean lack of good faith.

Motion regarding present International situation : On 7 December, 1983, the Minister of External Affairs, Shri P.V. Narasimha Rao, moved the following motion :

“That the present international situation and the policy of the Government of India in relation there to be taken into consideration.”

Replying to the discussion*, the Minister said that nobody had claimed that the Commonwealth Heads of Government Meeting (CHOGM) had completely met the aspirations of people. India could not but have global aspirations. If India did not have global aspirations, she would be shrinking into a regional or even a local power or a local entity, which the Chairman of the Non-Aligned Movement could not afford to do.

*Other Members who took part in the discussion were : Sarvashri Syed Shahabuddin, Buddha Priya Maurya, Sukomal Sen, Shyam Sunder Mohapatra, Jaswant Singh, K. C. Pant, and Indradeep Sinha, Smt. Margaret Alva, Sarvashri Rameshwar Singh, Dinesh Goswami, Bhuvnesh Chaturvedi, Madan Bhatia, V. Gopalsamy, and G.C. Bhattacharya, Smt. Usha Mehrotra, Sarvashri Vitthalrao Madhavrao Jadhav, Ghulam Rasool Matto, P.N. Sukul and Ladli Mohan Nigam.

Referring to the economic side of the CHOGM, the Minister expressed confidence that the Members would have read the documents and that they might not have found anything in the CHOGM document on the economic side which ran counter to the Non-Aligned document. If it had been against the thrust of the Non-Aligned, India would have certainly recorded its reservation ; but there was nothing like that.

The Minister observed that there had been certain different formulations in the CHOGM meeting but there had never been a compromise with the basic stand of the country. On Lebanon for example, India had made it very clear that she could not equate the Israeli troops with others because Israeli troops were aggressors and they must withdraw first. Some countries differed but this difference was to be accepted.

About Sri Lanka, the Minister informed that the President of that country had two meetings with the Indian Prime Minister wherein he discussed the question of Tamilians in Sri Lanka. There was going to be an all party conference where he hoped the Tamil United Liberation Front (TULF) leaders would also be invited for discussing the various conference proposals for solving their problems.

So far as the British Councils were concerned, they functioned, as part of the British High Commission and therefore enjoyed all the rights, privileges and immunities of the diplomatic mission.

The Minister asserted that he would like to take non-alignment both as a value and as a policy postulate emanating from the value because he believed that unless non-alignment was conceived as a value a country could not be really non-aligned in the true sense of the term.

Motion regarding Mid-Term Appraisal of Sixth Five-Year Plan, 1980-85 : On 15 December, 1983, the Minister of Planning, Shri S.B. Chavan, moved the following Motion :

“That the Mid-term Appraisal of the Sixth Five-Year Plan-1980-85, laid on the Table of the Rajya Sabha on the 19th August, 1983, be taken into consideration.”

Speaking on the Motion, the Minister said that the year 1979-80 had one of the worst droughts witnessed in recent memory and it had severely affected agriculture, which was the most important component of India's economy, and which powerfully affected the rest of the economy. Over and above these internal strains, the world economy in general was going through a heavy recession which affected India's export earnings. The second oil

shock of late 1979 and early 1980, was far more severe than the first oil shock of 1973-74. It was to the credit of the inherent strength of India's economy that there was almost complete recovery with GDP growing by 7.9 per cent in 1980-81.

Industrial production which increased by a little over 4 per cent in 1980-81, showed a further increase of 8.6 per cent in 1981-82 but due to the set back in 1982-83 the increase in industrial production would be of the order of 3.7 per cent. This, however, was expected to pick up as a result of the better performance of the economy in 1983-84. For the next few years, the nation would have to consider a degree of austerity in order to fulfil the international debt service obligations, the Minister added.

On 19 December, 1983, the Minister of Planning, Shri S.B. Chavan continuing his unfinished speech* of 15 December, 1983, said that he was aware of the fact that the Mid-term appraisal had been slightly delayed. Some Members were right in pointing out that if it had been submitted slightly earlier, then the corrective actions, which in fact were called for, could have been thought of by the Government. Since the Mid-term review was undertaken, some of the things which Government had anticipated had come true and that was why some corrective action had become necessary. The Minister pointed out that in his introductory speech itself he had mentioned that Rs. 1,555 crores were immediately provided for 1983-84 and corrective action had already started.

Regarding the Seventh Five-Year Plan, the Minister informed that Working Groups had been appointed and almost 100 to 105 Working Groups were trying to find out as to what remedial action was required and what shape and form the Seventh Five-Year Plan should take. The Minister added that an approach paper would also be prepared.

In the Sixth Five-Year Plan, Government had taken a growth rate of 5.2 per cent and now the projection was that about 5 per cent might be reached. So far as agricultural production was concerned the projection of the Sixth Five-Year Plan was 149 to 154 million tonnes and now the Mid-Term Appraisal showed an estimate of 146 to 148 million tonnes. The estimate of 1983-84 agricultural production was going to reach the figure of

*Other Members who took part in the discussion were : Sarvashri Ghanshyambhai Oza, P N. Sukul, Nirmal Chatterjee and Santosh Kumar Sahu, Dr. Bhai Mahavir, Sarvashri B. Krishna Mohan, Indradeep Sinha, G. Swamy Naik, Dr. Malcolm S. Adiseshiah, Sarvashri Ajit Kumar Sharma, H. Hanumanthappa, Ghulam Rasool Matto, B. Satyanarayan Reddy and Shiva Chandra Jha.

142 million tonnes at the end of this year. The projected figure for electricity generation was 19,606 MWs and India's new appraisal was that it would be able to reach about 14,000 to 14,500 MWs.

About land reforms, the total estimated surplus land was 53,11,240 acres, of which land distributed up to 22 November, 1983 came to 20,40,382 acres. Assistance for land improvement was Rs. 1000 per hectare—50 per cent to be shared by the State and 50 per cent to be given by the Central Government.

As regards employment generation, the Minister informed that the back-log was 12 million people. New addition to the labour force was going to be of the order of 34 million and in all it came to 46 million standard persons. In fact it was not chronic unemployment which was a great determining factor in this, but partial unemployment was a great thing which, in fact, deserved to get attention. If that was taken into account India not only would be able to achieve during the Sixth Plan the employment target of 34 million but would be slightly exceeding it. The Minister warned that the entire exercise of the Five-Year Plan or the Annual Plan would be completely nullified if the rate at which population was growing was allowed to continue ; then it would be the end of everything. In order to cope with the problem, India would have to emphasize the family planning aspect on a voluntary basis.

Promulgation by States of substantially the same Ordinances without replacing them by Acts of Legislatures : On the 22 December, 1983, Shri Lal K. Advani called the attention of the Minister of Home Affairs to the device employed in some States of promulgating substantially the same Ordinances again and again under Article 213 of the Constitution without replacing them by Acts of Legislatures of the States concerned, and wanted to know about the action taken by Government in the matter.

Making a Statement on the subject, the Minister of State in the Ministry of Home Affairs, Shri P. Venkatasubbaiah, said that according to the provisions contained in article 213 (1) of the Constitution, if at any time, except when the Legislative Assembly of a State was in session or where there was a Legislative Council in a State, except when both Houses of the Legislatures were in session, the Governor was satisfied that circumstances existed which rendered it necessary for him to take immediate action, he might promulgate such Ordinances as the circumstances appeared to him to require.

The Constitution did not lay down any limit on the number of times substantially the same Ordinance would be promulgated by the Governor,

The criterion laid down was that “the Governor should be satisfied that circumstances exist which make it necessary for him to take immediate action and promulgate an Ordinance. Whether such circumstances prevail as make it necessary for him to take such action is a matter for the Governor to decide.”

The Union Government was concerned only with those Ordinances which were sent by the Governors of States for the instructions of the President under Article 213 (1) (a) and (b) of the Constitution. When substantially the same Ordinance was sent repeatedly by the Governor of a State for instructions of the President, the State Government was advised to take action to convert it into an Act at the earliest.

Replying to the discussion, the Minister said that as far as the Central Government was concerned, there had been no occasion during the last about 33 years when it had to resort to re-promulgation of an Ordinance. In States too very isolated cases of such re-promulgation had taken place. In one or two States such aberrations had taken place.

He further stated that the role of the Central Government in such matters was very limited. It could only advise the State Governments and that too keeping in view the federal aspect of the Constitution. In 1980, the Home Minister had written a letter to the Chief Minister of Bihar requesting him to replace the Ordinances issued by State Government by Acts. Whenever, it was warranted, the Central Government gave such advice to the States.

B. LEGISLATIVE BUSINESS

*The Criminal Law (Amendment) Bill, 1983** : On 5 December, 1983 Minister of State in the Ministry of Home Affairs, Shri P. Venkatasubbaiah, while moving the motion for the consideration of the Bill said that sharing the concern of the Members about rape cases, the Criminal Law (Amendment) Bill, 1980 had been introduced in the Lok Sabha on 12 August, 1980. Since the Bill sought to make far reaching and important changes in the law relating to rape, it was referred to a Joint Committee of both Houses on 23 December, 1980. The Committee subjected the provisions of the Bill to a close scrutiny and as a result to the time and effort spent by it, had made very valuable recommendations.

The purpose of the Bill was to make the rape law more stringent without jeopardising considerations of fair trial and to create conditions in

*The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on 2 December, 1983.

which the victim was not inhibited by fear or embarrassment to prosecute the offender. Towards this end, the Bill sought to (1) amend the definition of rape to remove certain loopholes and inadequacies and to provide that consent of a woman to sexual intercourse would be vitiated, (2) to prescribe the minimum punishment for rape, (3) to protect the prosecutrix from the glare of embarrassing publicity ; and (4) to put onus in certain cases of rape, like rape by a police officer within the limits of his police station, on the accused to prove that the sexual intercourse was with the consent of the woman.

The motion for consideration of the Bill was adopted, the clauses etc. were adopted and the Bill was passed on 6 December, 1983.

The Criminal Law (Second Amendment Bill, 1983* : On 6 December, 1983, the Minister of State in the Ministry of Home Affairs, Shri P. Venkatasubbaiah, moving the motion for the consideration of the Bill, said that the Government were deeply concerned over the rising incidence of death of women in unnatural circumstances. A large number of such deaths were on account of the demand of dowry. Sustained action on different planes-legislative, administrative and social-was necessary to meet the situation. The Dowry Prohibition Act, as it existed, had not proved effective. Changes in that law on the basis of the report of the Joint Committee were separately under the consideration of the Law Ministry. The general criminal law, at present, did not contain specific provisions to deal with a situation in which a woman was subjected to harassment or cruelty for inability to meet demands of her in-laws and it was often as a result of such harassment that a woman was driven to committing suicide. The Bill, therefore, inserted a provision in the IPC to punish the husband or any relative of the husband of the woman who subjected her to cruelty with imprisonment for a term, which might extend to 3 years and fine.

The motion for reference of the Bill to a Select Committee of the House was negatived. The motion for consideration of the Bill was adopted, the clauses etc., were adopted and the Bill, as amended, was passed.

*Statutory Resolution Seeking Disapproval of the Illegal Migrants (Determination by Tribunals) Ordinance, 1983, and the Illegal Migrants (Determination by Tribunals) Bill,** 1983* : On 19 December, 1983, Shri Jaswant Singh, moved the following Resolution :

“That this House disapproves of the Illegal Migrants (Determination by Tribunals) Ordinance, 1983 (No. 8 of 1983) promulgated by the President on the 15th December, 1983”

*The Bill was introduced in the Rajya Sabha on 8 August, 1983.

**The Bill, as passed by Lok Sabha, was laid on the Table on 16 December, 1983.

Speaking on the Resolution, the Member said that there were valid and sound reasons for opposing the ordinance. This measure was yet another example of Government omission. Establishment of Tribunals for detection of illegal migrants was an important demand put forward during the tripartite talks conducted many a time before the unfortunate carnage that took place in Assam where in about 5,000 people were massacred. During the entire pendency of the negotiations not once the Government took its own initiative for the settlement of the problem.

The Minister of Home Affairs, Shri P.C. Sethi, moving the motion for consideration of the Bill, said that the Government had considered it necessary to start the process of detection and expulsion of the migrants who came to India on or after 25 March, 1971 in terms of the consensus arrived at in the negotiations with the ASSU and AAGSP. In Ordinance incorporating a modified scheme to deal with the detection and expulsion of illegal migrants was promulgated by the President on 15 October, 1983. The present Bill sought to replace the Ordinance.

The Statutory Resolution seeking disapproval of the Illegal Migrants (Determination by Tribunals) Ordinance, 1983 was negatived.

The motion for reference of the Bill to a Select Committee of the House was also negatived.

The motion for consideration of the Bill was adopted, the clauses etc. were adopted and the Bill was passed.

C. THE QUESTION HOUR

During the Session “6214 notices of Questions (5694 Starred and 520 Unstarred) and 9 Short Notice Questions were received. Out of total 432 Starred Questions and 3264 Unstarred Questions were admitted. No Short Notice Question was admitted. After the lists of Questions were printed, 11 Starred and 87 Unstarred Questions were transferred from one Ministry to another.

Daily Average of Questions : Each of the lists of Starred Questions contained 19 to 21 Questions. On an average 5 Questions were orally answered on the floor of the House, per sitting. The maximum number of Questions orally answered was 10 on 16 December, 1983 and the minimum number of Questions orally answered was 2 on 16 November and 6 December, 1983.

The minimum number of Questions admitted in the Unstarred Questions list was 104 on 14 December, 1983 and their maximum number was 203 on 7 December, 1983. Their average came to 148 per sitting.

Half-an-Hour Discussion : In all 16 notices of Half-an-Hour Discussion were received during the Session and out of these, only one was admitted and discussed in the House.

Statements correcting answers to Questions : In all 7 statements correcting answers to Questions answered in the House were made/laid by the Ministers.

D. OBITUARY REFERENCES

During the Session, the Chairman made references to the passing away of Sarva Shri Indra Singh, Anand Chand and Mriganka Mohan Sur all ex-Members and Shri Sadashiv Bagaitkar, a sitting Member. Members stood in silence for a short while as a mark of respect to the deceased.

STATE LEGISLATURES

GUJARAT LEGISLATIVE ASSEMBLY*

The Ninth Session of the Sixth Gujarat Legislative Assembly commenced on 5 September, 1983, and concluded on 23 September, 1983.

Financial Business : On 6 September 1983, the Finance Minister presented Supplementary Demands for the current financial year amounting to Rs. 63,77,76,000/-.

Acceptance of the Report of a Parliamentary Committee regarding alleged police atrocities at Vijaynagar : A 15-Member Parliamentary Committee nominated** by the Speaker on 22 February, 1983, to inquire into the alleged police atrocities at Vijaynagar, Sabarkantha District, presented its Report to the House on 21 September, 1983. In its report, the Committee observed that the Sub-Inspector of Police, other police officers and local officers who were in-charge of law and order, had not acted properly and promptly. When the Chairman of the Committee moved a motion that the Report of the Committee be taken into consideration, the Minister for Home and Parliamentary Affairs announced that the Government accepted the Report of the Committee. The Report was then unanimously accepted by the House.

HIMACHAL PRADESH VIDHAN SABHA@

(i) FOURTH SESSION

The Fourth Session of the Fifth Himachal Pradesh Vidhan Sabha commenced on 18 August, 1983, and concluded on 24 August, 1983.

*Contributed by the Gujarat Legislative Assembly Secretariat.

**See JPI, Vol. XXIX, No. 3, September 1983, pp. 384-85.

@Contributed by the Himachal Pradesh Vidhan Sabha Secretariat.

✓ **Motion of No-Confidence in the Council of Ministers :** On 22 August, 1983, the Leader of the Opposition (Shri Shanta Kumar) moved a motion of No-Confidence in the Council of Ministers. The motion was discussed by the Vidhan Sabha and negatived on the same day.

Financial Business : On 18 August 1983, the Chief Minister and the Finance Minister (Shri Virbhadra Singh) presented the Supplementary Demands for Grants (First Batch) for the year 1983-84 amounting to Rs. 43, 75, 10, 135/-. The Chief Minister also presented Excess Demands Over Grants and Appropriations for the financial years 1974-75 and 1975-76 amounting to Rs. 60, 68, 486/- and Rs. 12, 75, 38, 012/- respectively. Beginning on 23 August, 1983, the general discussion on the Supplementary Budget, 1983-84 (First Batch) lasted till 24 August, 1983 on which day the Demands for Grants were voted in full. Excess Demands Over Grants and Appropriations for the years 1974-75 and 1975-76 were also voted and passed in full by the House on 24 August, 1983. The three related Appropriation Bills were introduced, considered and passed on the same day.

Legislative Business : In all, 10 official Bills were considered and passed by the House. These included "The Himachal Pradesh Lokayukta Bill, 1983", which provides for the appointment and functions of the *Lokayukta*, an institution to inquire into the allegations against certain high dignitaries and others and for matters connected therewith.

Question Hour : During the Session, notices of 493 Starred and 108 Unstarred Questions were received out of which 467, (280 Starred and 187 Unstarred Questions) were admitted and listed. As many as Starred and 4 Unstarred Questions which were postponed from the previous Session were also listed. Notices of 9 Short Notice Questions were received, out of which only 3 were listed. In all, 119 Questions (including 3 Short Notice Questions) reached the stage of oral answer giving an average of 24 Questions per sitting.

Obituary References : Obituary references were made on the passing away of Shri Aminnudin Ahmed Khan, former Governor of the State of Himachal Pradesh (1977-81) and Wazir Kartar Singh, a former Member of the Himachal Pradesh Legislative Assembly (1967-72).

(ii) FIFTH SESSION

The Fifth Session of the Himachal Pradesh Vidhan Sabha commenced on 22 December, 1983, and ended on 24 December, 1983.

Adoption of a Government resolution regarding raising of borrowing limits of State Electricity Board : On 24 December, 1983, Shri Virbhadra

Singh, the Chief Minister, moved a Government resolution regarding raising of borrowing limit of Himachal Pradesh State Electricity Board under Section 65 of the Electricity (Supply) Act, 1948 (Central Act No. 54 of 1948). It was adopted by the House on the same day.

Legislative Business : During the Session, the House considered and passed three Bills, including "The Himachal Pradesh Prevention of Specific Corrupt Practices Bill, 1983", which provides for punishment for specific corrupt practices resorted to by persons serving in connection with the affairs of the State, of public undertakings, local authorities, cooperative societies or other institutions/organisations aided or set up by the State Government and by some other persons in their dealings with the State Government and aforesaid bodies with a view to eradicate and effectively prevent such practices and for other miscellaneous matters connected therewith.

Question Hour : During the Session, notices of 301 Starred and 66 Unstarred Questions were tabled, out of which 303 Questions (141 Starred and 162 Unstarred) were admitted and listed. 13 Starred (nine from the previous) Session and 12 Unstarred (six from the previous Session) Questions were listed as postponed Questions. Notices of four Short Notice Questions were received, out of which only two were listed. In all 65 Questions reached the stage of oral answer, giving an average of 32.5 Questions per sitting, as Questions had been fixed for two sittings only.

Obituary Reference : Obituary reference was made on the passing away of Shri Anand Chand, a former Member of Fourth Vidhan Sabha (1977-82).

RAJASTHAN LEGISLATIVE ASSEMBLY*

The Monsoon Session of the Rajasthan Legislative Assembly commenced on 5 September, 1983, and ended on 9 September, 1983.

Question Hour : During the Session, 168 Starred Questions and 232 Unstarred Questions were listed for answer.

Half-an-Hour Discussion : Two notices of half-an-hour discussion were admitted during the Session.

Obituary Reference : During the Session, obituary references were made to the passing away of Sardar Hukam Singh, former Governor of Rajasthan, a sitting Member (Shri Lachoo Ram) and eight Ex-Members.

*Contributed by the Rajasthan Legislative Assembly Secretariat.

BOOK REVIEW

DEMOCRACY AND ELECTIONS. Edited by Vernon Bogdanor and David Butler. Published by Cambridge University Press, Cambridge, 1983, 267 pages.

The book "Democracy and Elections" is edited by Prof. Vernon Bogdanor and Prof. David Butler, well-known fellows of the Oxford Colleges. Many of the chapters in this book were actually first delivered at a Seminar by different scholars who are either fellows or lecturers in one or the other Colleges of the English Universities. The Seminar was conducted at Nuffield College, Oxford in Hilary Term, 1982. Each of the chapters therefore, is by a different author and the subject is an analysis of the main electoral system of different kinds of democracies of the E.E.C. countries—United Kingdom, France, Germany, Italy, Scandinavia, Benelux, Republic of Ireland, Greece, and Japan and the European Parliament. Prof. Vernon Bogdanor has also written the last concluding chapter—"Conclusion—Electoral Systems and Party Systems". The papers in the book provide studies of different countries to show the influence of electoral system on the number of parties, as well as to show its significance on the stability of Government, on aggravation of factionalism in the parties and the sort of representation to different sections of the society. I think it is a good factual analysis providing a mine of information on electoral system for a representative Government of the people, by the people and for the people in a country.

The learned authors while dealing with the plurality system of votes, the majority system of votes, the proportionate system (single transferable vote) and the list system, described many kinds of list systems, proportionate systems, plurality systems and the advantages and disadvantages flowing from these systems. The list system, according to them, is of different kinds: Free list which is practised in Switzerland and Luxembourg flexibility list, which is practised in Belgium, closed list which is practised in West Germany and Israel and open list which is practised in Finland and Italy. The proportionate system of Ireland and Malta are also examined in detail and there are some interesting details of the variants of the Westminster model in the United Kingdom. The learned authors have shown the impact of majority system in Britain and other Commonwealth countries including India and United States. The majority system, as we know, is the

first-past-the-post voting. It is fascinating to read the analysis resulting in the relations between seats and votes roughly expressed in the Cube Law* between 1931—64. The analytical result of the Westminster model also shows that after 1964 the ratio of A : B is equal to seats $A^2 : B^2$. The consequences of the first-past-the post in voting are full of such paradox. This is the paradox which ended Shrimati Indira Gandhi's emergency in 1977 and again restored her to full power in 1980. The Congress Party's votes were 44 per cent in 1971 and it won 68 per cent of the seats in the Lok Sabha. The same Party's votes in 1977 were 34 per cent but the seats were equal to 28 per cent. With the votes polled in 1980 of 43 per cent, the Congress won 67 per cent of the seats.

Whereas the relationship between votes and seats in Republic of Ireland, which follows the proportionate system and single transferable voting, tends towards proportionality, the proportion system of Japan has different tendency. In Japan there is no mechanism for transferring votes from one candidate to another and there is only one vote. Those elected in 3 member, 4 member or 5 member constituencies are those who get largest number of votes. This system protects the minority, if they are concentrated in one constituency. The case of European Parliament makes an interesting reading because it is a Parliament of many countries with diversity of national electoral system. The result of the use by each country of its own electoral system for electing its representative in Parliament is very significant and the political composition of the European Parliament is, naturally, its reflection in variety. There were efforts to secure a common electoral system, but they have not yet succeeded.

The result of the probing analyses by the authors shows what impact of the majority as well as the other system is on the politics and the parties in the country and what—the effect on the political practice of each country is. It is doubtful whether a change in the electoral system could itself be sufficient to achieve a radical transformation of the habits or of behaviour of the parties or of revolutionising the social pattern of the society. The electoral system may not even be the cause for political stability. But the authors think so.

I think it is a good reference book for studying the influence of different electoral systems upon the number of parties and the seats and its effects upon the political stability of a country. The systems of Ireland, Italy

*The 'Cube Law' states : 'If votes are divided in the ratio A : B, seats will be divided $A^3 : B^3$ '.

and Japan are worth studying for the choice of candidates while the studies in plurality system, majority system, semi-proportional system, single transferable system are good for seats. Party List system, in the matter of representation of women is useful. Under the Party List system of Finland, Denmark, Norway, Sweden and some other countries, the proportional representation for women is considerably higher than under the plurality system. Single transferable system of Ireland and Malta gives them only marginal representation, while under the majority system of France and Italy, there is hardly any representation about women.

I think Japan's model may suit the people of India and of course to stop corruption all over. There should not only be a ceiling to the expenses of our elections, but also that Government should pay a large part of it. The authors 'forte' is factual analysis. But despite all this, it is a useful contribution as a reference to the current debate in India on the electoral system's reforms. It provides also a mine of information on the systems. It would have helped the reader considerably if the conclusion was more precise and clear.

R.R. BHOLE, M.P.

I. BOOKS

Baral, Lok Raj : *Nepal's Politics of Referendum : A Study of Group Personalities and Trends*. New Delhi, Vikas Publishing House Pvt. Ltd. 1983.

Bhardwaj, R.K. : *Parliamentary Democracy and Legislators*. New Delhi, National Publishing House, 1983.

Bireh, Anthony H. : *The British system of Government*. London, George Allen & Unwin, 1983.

Bogdanor, Vernon and Butler, David : *Democracy and Elections; Electoral Systems and their Political Consequences*. Cambridge, Cambridge University Press, 1983.

Budge, Ian and Others : *The New British Political System; Government and Society in the 1980s*. London, Longman, 1983.

Duncan, Graeme : *Democratic Theory and Practice*. Cambridge, Cambridge University Press, 1983.

Gandhi, Arun : *The Morarji Papers; Fall of the Janata Government*. New Delhi, Vision Books, 1983.

Gauga, O.P. : *Constitutionalism in a Changing Society*. New Delhi, Gitanjali, 1983.

Gellner Ernest : *Nations and Nationalism*. Oxford, Basil Blackwell, 1983.

Gyford, John and James, Mari : *National Parties and Local Politics*. London, George Allen & Unwin, 1983.

Jackson, P.M. : *The Political Economy of Bureaucracy*. New Delhi, Heritage Publishers, 1983.

Leys, Colin : *Politics in Britain; Art Introduction*. London, Heinemann Educational Books, 1983.

Marshall, Edmund : *Parliament and the Public*. London, The Macmillan, 1982.

Misra, B.B. : *District Administration and Rural Development in India; Policy Objectives and Administrative Change in Historical Perspective*. Delhi, Oxford University Press, 1983.

Pant, H.G. : *Constitutional System in India; Continuity & Change*. New Delhi, Vasudha Publications, 1983.

Patil, S.H. : *Gandhi and Swaraj*. New Delhi, Deep & Deep Publications, 1983.

Patil, V.T. : *Studies on Gandhi*. New Delhi, Sterling Publishers, 1983.

Polsby, Nelson, W. : *Consequences of Party Reform*. Oxford, Oxford University Press, 1983.

Sharma, M.P. : *The Concept of Equality in the Indian Constitution*. Aligarh, Aman Publications, 1983.

Vishwakarma, M.P. : *New Soviet Constitution*. New Delhi, Classical Publishing Co., 1983.

Wadhwa, D.C. : *Re-promulgation of Ordinances: A Fraud on the Constitution of India*. Pune, Gokhale Institute of Politics and Economics, 1983.

II. ARTICLES

Abraham, R.S. : Dealing with Defections ; Importance of Political Norms. *Times of India*, 25 November, 1983.

Advani, L.K. : Money in Elections. *Illustrated Weekly of India*, 4 December, 1983.

Agarwala, Virendra : Planning Commission; Removing Constitutional Distortions. *Pioneer*, 2 October, 1983. (Stresses the need for making Planning Commission an independent body for improving relations between the Centre and States).

Banerjee, Gautam : It is for Lawyers to Make Law Serve the People. *Amrita Bazar Patrika*, 1 December, 1983 (Emphasises the need to change the legal system in India).

Bhagat, B.R. : Human Rights; A Survey of Recent Developments. *Foreign Affairs Reports* June-July 1983.

Bhambhri, C.P. : Working a System. *Patriot*, 23 October, 1983 (Studies the working of the Constitution under Indian parliamentary system).

Bhoja Rao, K. : Legal Aid to the Poor; A Sacred Obligation of the State. *Deccan Chronicle*, 28 October, 1983. (Emphasises the need for enough and competent lawyers to provide legal aid to the poor).

Chandrachud, Y.V. : Challenges to the Judiciary. *Akashvani*, 16 November, 1983.

Dev Dutt : How Guardians of Freedom Conspired against Democracy. *Janata*, 27 November, 1983. (Critically comments on the promulgation of a number of ordinances).

Eshwar Anand, V. : Voting for Democracy; Restoring Faith in Elections. (in two parts). *Statesman*, 4 and 5 November, 1983. (Stresses the need for electoral reforms in India).

Inderjit : Leaders fail Parliament. *Searchlight*, 20 December, 1983. (Reviews the working of Parliament in India).

Inderjit : Rajya Sabha's role. *Tribune*, 22 November, 1983. (Analyses the role and importance of Rajya Sabha).

Jain, R.B. : Parliament and Policy in India; The Accountability Syndrome. *Indian Journal of Public Administration*. July-September 1983. (Analyses the role of Indian Parliament in policy making.)

Kapur, Pratap : Quest for a National Consensus. *Free Press Journal*, 31 October, 1983. (Analyses the problems of national political consensus.)

Katyial, K.K. : After the Fanfare; The Grim Realities. *Hindu*, 29 November, 1983. (Analyses the political problems of India.)

Katyial, K.K. : Electoral System Changes; How Relevant the German Experience. *Hindu*, 14 November, 1983. (Critically examines the present electoral system in India and suggests ways to reform the system).

Katyial, K.K. : Worthwhile Exercise in Self-introspection. *Hindu*, 7 November, 1983. (Comments on the activities of various political groups inside the legislatures in India).

Khanna, K.C. : Divided Judiciary ; Traditionalists *versus* Activists *Times of India*, 18 October, 1983 (Discusses the future of Judiciary in India.)

Kidwai, Anser : Alliances-Old and New. *National Herald*, 20 October, 1983. (Comments on the opposition parties unity efforts in India).

Krishna Iyer, V.R. : Challenges to the Judiciary. *Akashwani*, 16 November, 1983.

Mahajan, Krishan : Lawless Day. *Hindustan times*, 5 December, 1983. (Stresses on the need for legal reforms in India).

Menon, N.C. : Need for a New Direction. *Hindustan Times*, 21 December, 1983. (Examines the present political scene in India.)

Nauriya, Anil : Constitutionalism as Political Escapism; Restructuring Centre-State Relations. *Economic and Political Weekly*, 19 November, 1983.

Padmanabha Rau, K.V. : Case Against the Transfer of Judges. *Hindu*, 4 October, 1983.

Ramanathan, G. : Conundrum of Anti-defection Laws. *Hindu* 4 October, 1983. (Discusses the anti-defection law and the implications of constitutional amendment bill on anti-defection).

Roy, Ranajit : Money Politics; An Old Tradition. *Business Standard*, 27 November, 1983. (Analyses the role of money in election in India).

Sahgal, Nayantara : Democracy Adrift; Creating a Convincing Alternative, *Statesman*, 8 October, 1983, (Critically examines the working of democracy in India).

Satwik, P.K. : Democracy and Responsibility, *National Herald*, 28 October, 1983. (Reviews the working of democracy in India).

Sengupta, Bhabani : Pride that every Indian may feel. *Amrtia Bazar Patrika*, 8 November, 1983. (Analyses the performance of Indian democracy

during the last 37 years and the achievement made by India during this period).

Singh, D.N. : Importance of being Mr. President. *Free Press Journal*, 28 October, 1983. (Analyses the powers of the President in India.)

Sivrama Krishna, M.S. : Scope and Implications of 46th Amendment. *Hindu*, 11 October, 1983.

Sundar Rajan, K.R. : Effectiveness of Parliament. *Tribune*, 21 November, 1983. (Comments on the recent debate in Parliament on defections in the light of happenings in Karnataka).

APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE THIRTEENTH SESSION OF THE SEVENTH LOK SABHA

1. PERIOD OF THE SESSION	15 November to 22 December, 1983
2. NUMBER OF SITTINGS HELD	22
3. TOTAL NUMBER OF SITTING HOURS	171 hours and 58 minutes
4. NUMBER OF DIVISIONS HELD	... 3
5. GOVERNMENT BILLS	
(i) Pending at the commencement of the Session	... 20
(ii) Introduced	... 15
(iii) Laid on the Table as passed by Rajya Sabha	... 4
(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	... 1
(vii) Reported by Select Committee	... Nil
(viii) Reported by Joint Committee	... 1
(ix) Discussed	... 18
(x) Passed	... 17
(xi) Withdrawn	... Nil
(xii) Negatived	... Nil
(xiii) Part-discussed	... Nil
(xiv) Discussion postponed	... Nil
(xv) Returned by Rajya Sabha without any recommendation	... 2
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	... Nil
(xvii) Pending at the end of the Session	... 22

6. PRIVATE MEMBERS, BILLS

(i) Pending at the commencement of the Session	...	323
(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	...	2
(vii) Passed	...	Nil
(viii) Withdrawn	...	Nil
(ix) Negatived	...	1
(x) Circulated for eliciting opinion	...	Nil
(xi) Part-discussed	...	1
(xii) Discussion postponed	...	Nil
(xiii) Motion for circulation of Bill negatived	...	Nil
(xiv) Referred to Select Committee	...	Nil
(xv) Removed from the Register of Pending Bills	...	Nil
(xvi) Pending at the end of the Session	...	313

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193**(MATTERS OF URGENT PUBLIC IMPORTANCE)**

(i) Notices received	...	432
(ii) Admitted	...	4
(iii) Discussion held	5 (one Calling Attention converted into Discussion)	

8. NUMBER OF STATEMENTS MADE UNDER RULE 197**(CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE)**

STATEMENT MADE BY MINISTERS	...	15
-----------------------------	-----	----

9. MOTION OF NO-CONFIDENCE IN COUNCILS OF MINISTERS

(i) Notices received	...	Nil
(ii) Admitted and Discussed	...	Nil
(iii) Barred	...	Nil

01. HALF-AN-HOUR DISCUSSIONS HELD		7
11. STATUTORY RESOLUTIONS		
(i) Notices received	...	49
(ii) Admitted	...	8
(iii) Moved	...	8
(iv) Adopted	...	1
(v) Negatived	...	7
(vi) Withdrawn	...	Nil
12. GOVERNMENT RESOLUTIONS :		
(i) Notices received	...	1
(ii) Admitted	...	1
(iii) Moved	...	1
(iv) Adopted	...	1
13. PRIVATE MEMBERS' RESOLUTIONS :		
(i) Received	...	6
(ii) Admitted	...	6
(iii) Discussed	...	2
(iv) Withdrawn	...	Nil
(v) Negatived	...	1
(vi) Adopted	...	Nil
(vii) Part-discussed	...	1
(viii) Discussions postponed	...	Nil
14. GOVERNMENT MOTIONS :		
(i) Notices received	...	2
(ii) Admitted	...	2
(iii) Discussed	...	2
(iv) Adopted	...	1
15. PRIVATE MEMBERS' MOTIONS		
(i) Notices received	...	996
(ii) Admitted	...	272
(iii) Moved	...	Nil

(iv) Discussed	...	Nil
(v) Adopted	...	Nil
(vi) Negatived	...	Nil
(vii) Part-discussed	...	Nil
(viii) Withdrawn	...	Nil
16. MOTIONS RE: MODIFICATION OF STATUTORY RULE :		
(i) Received	...	Nil
(ii) Admitted	...	Nil
(iii) Moved	...	Nil
(iv) Discussed	...	Nil
(v) Adopted	...	Nil
(vi) Negatived	...	Nil
(vii) Part-discussed	...	Nil
(viii) Withdrawn	...	Nil
17. NUMBER OF PARLIAMENTARY COMMITTEES :		
CREATED, IF ANY, DURING THE SESSION	...	Nil
18. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION	...	18,283
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	...	1,176 on 21.12.83
20. NUMBER OF ADJOURNMENT MOTIONS		
(i) Brought before the House	...	Nil
(ii) Admitted and discussed	...	Nil
(iii) Barred in view of adjournment motion admitted on the subject	...	Nil
(iv) Consent withheld by Speaker outside the House	...	338
(v) Consent given by Speaker but leave not granted by the House	...	Nil
21. TOTAL NUMBER OF QUESTIONS ADMITTED		
(i) Starred	...	449
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	...	5111
(iii) Short-Notice Questions	...	Nil

22. WORKING OF PARLIAMENTARY COMMITTEES :

Sl. No.	Name of the Committee	No. of sittings held during the period 1 October to 31 December, 1983	No. of Reports presented to the House during the Session
1	2	3	4
(i)	Business Advisory Committee	4	4
(ii)	Committee on Absence of Members	1	1
(iii)	Committee on Public Undertakings	17	...
(iv)	Committee on Papers laid on the Table	4	1
(v)	Committee on Petitions	2	1
(vi)	Committee on Private Member's Bills and Resolutions	4	4
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	...	...
(viii)	Committee of Privileges	5	2
(ix)	Committee on Government Assurances	1	...
(x)	Committee on Subordinate Legislation	8	4
(xi)	Estimates Committee	36	6
(xii)	General Purposes Committee	1	...
(xiii)	House Committee	1	...
(xiv)	Accommodation Sub-Committee of House Committee	1	...
(xv)	Public Accounts Committee	19	5
(xvi)	Railway Convention Committee	6	...

1	2	3	4
(xvii)	Rules Committee	...	...
JOINT/SELECT COMMITTEES			
(i)	Joint Committee on Offices of Profit	4	1
(ii)	Joint Committee of the Houses to Examine the question of working of Dowry Prohibition Act, 1961,	...	...
(iii)	Joint Committee on Salaries and Allowances of Members of Parliament.	1	...
(iv)	Joint Committee on the Marriage Laws (Amendment) Bill, 1981.	3	1
(v)	Joint Committee of Chairman, House Committees of both the Houses of Parliament.	...	...
23.	NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	...	5
24.	PETITIONS PRESENTED	...	Nil
25.	NUMBER OF NEW MEMBERS SWORN WITH DATE		
	No. of Members Sworn		Date on which Sworn
	1		18.11.83

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE HUNDRED AND TWENTY EIGHTH SESSION OF RAJYA SABHA

1. PERIOD OF THE SESSION	...	15 November to 22 December, 1983.
2. NUMBER OF SITTINGS HELD	...	22
3. TOTAL NUMBER OF SITTING HOURS	...	142 hours and 38 minutes. (excluding lunch break).
4. NUMBER OF DIVISIONS HELD	...	1
5. GOVERNMENT BILLS		
(i) Pending at the commencement of the Session	...	10
(ii) Introduced	...	4
(iii) Laid on the Table as passed by Lok Sabha	...	14
(iv) Returned by Lok Sabha with any amend- ment	...	Nil
(v) Referred to Select Committee by Rajya Sabha	...	Nil
(vi) Referred to Joint Committee by Rajya Sabha	...	Nil
(vii) Reported by Select Committee	...	Nil
(viii) Reported by Joint Committee	...	Nil
(ix) Discussed	...	19
(x) Passed	...	17
(xi) Withdrawn	...	Nil
(xii) Negatived	...	Nil
(xiii) Part-discussed	...	Nil
(xiv) Returned by Rajya Sabha without any re- commendation	...	2

(xv) Discussion postponed	...	Nil
(xvi) Pending at the end of the Session	...	9
6. PRIVATE MEMBERS' BILLS		
(i) Pending at the commencement of the Session	...	81
(ii) Introduced	...	13
(iii) Laid on the Table as passed by Lok Sabha	...	Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table	...	Nil
(v) Reported by Joint Committee	...	Nil
(vi) Discussed	...	3
(vii) Withdrawn	...	Nil
(viii) Passed	...	Nil
(ix) Negatived	...	2
(x) Circulated for eliciting opinion	...	Nil
(xi) Part-discussed	...	1
(xii) Discussion postponed	...	Nil
(xiii) Motion for circulation of Bill negatived	...	Nil
(xiv) Referred to Select Committee	...	Nil
(xv) Lapsed due to retirement/death of Member-in-charge of the Bill	...	2
(xvi) Pending at the end of the Session	...	90
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (MATTERS OF URGENT PUBLIC IMPORTANCE)		
(i) Notices received	...	6
(ii) Admitted	...	1
(iii) Discussion held	...	1
8. NUMBER OF STATEMENTS MADE UNDER RULE 180 (CALLING-ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE).		
Statements made by Ministers	...	15
9. HALF-AN-HOUR DISCUSSION HELD	...	1

10. STATUTORY RESOLUTIONS

(i) Notices received	...	9
(ii) Admitted	...	9
(iii) Moved	...	9
(iv) Adopted	...	Nil
(v) Negatived	...	9
(vi) Withdrawn	...	Nil

11. GOVERNMENT RESOLUTIONS

(i) Notices received	...	1
(ii) Admitted	...	1
(iii) Moved	...	1
(iv) Adopted	...	1

12. PRIVATE MEMBERS' RESOLUTIONS

(i) Received	...	6
(ii) Admitted	...	6
(iii) Discussed	...	2
(iv) Withdrawn	...	1
(v) Negatived	...	Nil
(vi) Adopted	...	Nil
(vii) Part-discussed	...	1
(viii) Discussion postponed	...	Nil

13. GOVERNMENT MOTIONS

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

14. PRIVATE MEMBERS' MOTIONS

(i) Received	...	220
(ii) Admitted	...	220
(iii) Moved	...	Nil

(iv) Adopted	...	Nil
(v) Part-discussed	...	Nil
(vi) Negatived	...	Nil
(vii) Withdrawn	...	Nil
15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE		
(i) Received	...	2
(ii) Admitted	...	2
(iii) Moved	...	Nil
(iv) Adopted	...	Nil
(v) Negatived	...	Nil
(vi) Withdrawn	...	Nil
(vii) Part-discussed	...	Nil
16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY, DURING THE SESSION		
	...	Nil
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED		
	...	2373
18. TOTAL NUMBER OF VISITORS		
	...	3557
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED		
	...	331 on 22.12.83
20. MAXIMUM NUMBER OF VISITORS ON ANY SINGLE DAY AND DATE ON WHICH VISITED		
	...	415 on 22.12.83
21. TOTAL NUMBER OF QUESTIONS ADMITTED		
(i) Starred	...	432
(ii) Unstarred	...	3,264
(iii) Short-Notice Questions	...	Nil
22. DISCUSSIONS ON THE WORKING OF THE MINISTRIES		
	...	Nil

23. WORKING OF PARLIAMENTARY COMMITTEES

Name of the Committee	No. of meetings held during the period from 1 October to 31 December, 1983.	No. of Reports presented during the Session.
(i) Public Accounts Committee	*	*
(ii) Committee on Public Undertakings	*	*
(iii) Business Advisory Committee	2	—
(iv) Committee on Subordinate Legislation	12	4
(v) Committee on Petitions	7	—
(vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	*	*
(vii) Committee of Privileges	1	—
(viii) Committee on Rules	—	—
(ix) Joint Committee on Offices of Profit	*	*
(x) Committee on Government Assurances	5	1
(xi) Committee on Papers Laid on the Table of the House	1	3
(xii) Joint Committee on the Indian Veterinary Council Bill, 1981.	4	—
(xiii) Joint Committee on the Mental Health Bill, 1981.	9	—

*See *Supra* Appendix 1, Col. 22.

24. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE ... 3
25. PETITIONS PRESENTED ... Nil
26. NAMES OF NEW MEMBERS SWORN WITH DATES

S. No.	Name of Member Sworn	Date on which Sworn
1.	Dr. (Shrimati) Sarojini Mahishi	15-11-83
2.	Shri Laxmi Narain	21-11-83
3.	Shri Shamim Ahmed	22-11-83

27. OBITUARY REFERENCES

S. No.	Name	Sitting Member/Ex-Member
1.	Shri Sadashiv Bagaitkar	Sitting Member
2.	Shri Inder Singh	Ex-Member
3.	Shri Anand Chand	-do-
4.	Shri Mriganka Mohan Sur	-do-

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER, 1-83

1	2	3	4	5	6	7	8
Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
<i>States</i>							
Andhra Pradesh L.C.	11.8.83 to 20.9.83	21	(9)	...	98(44)	...	344(168)
Andhra Pradesh L.A.	10.8.83 to 19.9.83	29	32(6)	...	950(724)(a)	(351)(b)1	042(50)
Assam L.A.	...	...	...	...	...	...	...
Bihar L.C.	12.12.83 to 13.12.83	2	(3)	...	...	...	...
Bihar L.A.	8.12.83 to 13.12.83	4	6(5)	9	2126(452)(c)	(795)	(32)
Gujarat L.A.	...	...	...	...	...	...	...
Haryana L.A.	...	...	...	...	...	...	...
Himachal Pradesh L.A.	22.12.83 to 24.12.83	3	3(3)	...	301(141)	66(162)(d)	3(2)
Jammu & Kashmir L.C.	...	...	...	...	...	...	...
Jammu & Kashmir L.A.	...	...	...	...	...	...	...
Karnataka L.C.	...	...	...	...	...	...	...
Karnataka L.A.	...	...	...	...	...	...	...

1	2	3	4	5	6	7	8
Kerala L.A.	...	...	...	...	...	...	...
Madhya Pradesh L.A.	...	...	...	...	...	...	...
Maharashtra L.C.	...	...	...	—	...	...	...
Maharashtra L.A.	...	...	...	...	...	...	...
Manipur L.A.	26.9.83 to 4.10.83	7	6(6)	...	150(131)	15	30(18)
Meghalaya L.A.	...	...	...	...	...	...	...
Nagaland L.A.	...	...	...	...	...	...	...
Orissa L.A.	...	...	...	...	...	...	...
Punjab L.A.	...	...	...	...	...	...	...
Rajasthan L.A.	...	...	...	...	...	...	...
Sikkim	...	...	...	...	...	...	...
Tamil Nadu L.C.	26.10.83 to 23.11.83	10	(24)	1	114(67)	3(3)	4(4)
Tamil Nadu L.A.	24.10.83 to 18.11.83	18	23(23)	...	609(1 6)	158(158)	23(20)
Tripura L.A.	7.10.83 to 11.10.83 and 16.12.83 to 26.12.83	3 and 7	7(7)	...	654(441)(e)	5(82)(f)	2
Uttar Pradesh L.C.	...	...	...	...	...	...	...
Uttar Pradesh L.A.	...	...	...	...	...	...	...
West Bengal L.A.	25.8.83 to 22.9.83	11	32(32)	...	800(483)	217(198)	12(1)

1	2	3	4	5	6	7	8
<i>Union Territories</i>							
Arunachal Pradesh L.A.
Delhi Metropolitan Council
Goa, Daman and Diu L.A.
Mizoram L.A.	5.12.83	1	...	...	...	...	...
Pondicherry L.A.

Union Territories

Arunachal Pradesh L.A.

Delhi Metropolitan

Council

Goa, Daman and Diu L.A.

Mizoram L.A.

Pondicherry L.A.

Notes : (i) Figures in Cols. 4 and 5 indicate the number respectively of Government and Private Members' Bills introduced with the number of Bills passed in brackets.

(ii) Figures in Cols. 6, 7 and 8 indicate the number of Notices received followed by the number of Notices admitted in brackets.

(a) The figure 724 includes 472 Notices received as Short Notice Questions.

(b) The figure 351 includes 138 Notices received as Short Notice Questions and 213 received as Starred Questions.

(c) The figures 2126 includes Notices received as Starred Questions, Unstarred Questions and Short Notice Questions.

(d) The figure 162 includes 114 Notices received as Starred Questions.

(e) The figure 441 includes 1 Notice received as Short Notice Question.

(f) The figure 82 includes 77 Notice received as Starred Questions.

APPENDIX-III (Contd.)
COMMITTEES AT WORK/NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Business Advisory Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on Govt. Assurances	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on Petitions	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on Private Members' Bills and Resolutions	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on Privileges	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on Public Undertakings	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on Subordinate Legislation	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Committee on the Welfare of SC and ST	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Estimates Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
General Purposes Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
House/Accommodation Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Library Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Public Accounts Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rules Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Joint/Select Committee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Other Committees	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
States																
Andhra Pradesh L.C.	7(7)	5	1	...	2(2)	...	...	...	...	...	...	...	...	...	4(2)	...
Andhra Pradesh L.A.*	4(4)	24	3	...	5(1)	33	13	64(1)(b)	45	...	1	23	64	...	16(c)	42
Assam L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bihar L.C.	2(2)	26	30	...	5	...	30(1)	...	...	...	30	30	...	...	...	9(3)

States

Andhra Pradesh L.C.

Andhra Pradesh L.A.*

Assam L.A.

Bihar L.C.

4(2)

(a)

16(c)

(d)

9(3)

(e)

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Delhi Metropolitan Council	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Goa, Daman and Diu L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mizoram L.A.	1	1	...	...	1	...	...	...	10	...	1	...	6	...	...	...
Pondicherry L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

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

*This information pertains to the period from 1 July to 31 December, 1983.

- (a) Select Committee on the Andhra Pradesh Panchayat Samitis and Zila Parishads (Amendment) Bill, 1983—2(1) and Select Committee on the Andhra Pradesh Municipalities (Amendment) Bill, 1983—2(1).
- (b) Committee on the Welfare of Scheduled Castes—39 sittings, and Committee on Welfare of Scheduled Tribes—25(1).
- (c) Select Committee on the Hindu Succession (Andhra Pradesh Amendment) Bill, 1983—16 sittings.
- (d) Committee on the Welfare of Backward Classes—42 sittings.
- (e) Question and Calling Attention Committee—9(3).
- (f) Committee on the Welfare of Scheduled Castes—2 sittings and Committee on Welfare of Scheduled Tribes—3 sittings.
- (g) Panchayati Raj Committee—3 sittings; Committee on the Welfare of Socially and Educationally Backward Classes, Nomadic Tribes and Denotified Tribes—4 sittings and Members' Allowances Rules Committee—2 sittings.

- (h) Committee on Papers Laid on the Table of the House—2 sittings.
- (i) Joint Select Committee on the Karnataka Education Bill, 1983—14 sittings.
- (j) The Karnataka Zila Parishads, Mandal Panchayats and Nyaya Panchayats Bill, 1983—12 sittings.
- (k) Select Committee on Lukuyas Vidheyak, 1983—5 sittings.
- (l) Committee to enquire into the conditions precedent to death of Shri Abdul Rehman Faruqui. M.L.A.—1(1).
- (m) Committee of the Welfare of Scheduled Castes—29 sittings and Committee on the Welfare of Scheduled Tribes—34 sittings.
- (n) Estimates Committee(A)—44 sittings and Estimates Committee(B)—52 sittings.
- (o) Press Advisory Committee—1 sitting.
- (p) Joint Select Committee on the Tamil Nadu Patta Pass Book Bill, 1981 - 2(1) and Joint Select Committee on the Tamil Nadu Prevention of Cow Slaughter and Animal Preservation Bill, 1982—1 sitting.
- (q) Select Committee on U.P. Krishi Evam Prodyogik Vishwavidyalaya (Amendment) Bill, 1981—2 sittings.
- (r) Compilation of Rulings Committee—26 sittings; Financial and Administrative Delays Committee—9 sittings; Parliamentary Studies Committee—13 sittings; Shramik Basti Committee—15 sittings, and Parliamentary and Social Goodwill Committee—9 sittings.
- (s) Accomodation Advisory and Kitchen Committee—1 sitting
- (t) Select Committee on the Aruanchal Pradesh Motor Vehicle Taxation Bill, 1982—2 sittings.

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND
ASSENTED TO BY THE PRESIDENT DURING THE PERIOD
1 OCTOBER, 1983 to 31 DECEMBER, 1983.

S. No.	Title of the Bill	Date of assent by the President
1.	The Punjab Disturbed Areas Bill, 1983.	8-12-1983
2.	The Chandigarh Disturbed Areas Bill, 1983.	8-12-1983
3.	The Armed Forces (Punjab and Chandigarh) Special Powers Bill, 1983.	8-12-1983
4.	The Dangerous Machines (Regulation) Bill, 1983.	14-12-1983
5.	The Appropriation (No 5) Bill, 1983.	21-12-1983
6.	The Appropriation (Railways) No. 5 Bill, 1983.	25-12-1983
7.	The Tea (Amendment) Bill, 1983.	25-12-1983
8.	The Illegal Migrants (Determination by Tribunals) Bill, 1983.	25-12-1983
9.	The Textile Undertakings (Taking Over of Management) Bill, 1983.	25-12-1983
10.	The Transformer and Switchgear Limited (Acquisition and Transfer of Undertakings) Bill, 1983.	25-12-1983
11.	The Mines (Amendment) Bill, 1983.	25-12-1983
12.	The Criminal Law (Amendment) Bill, 1983.	25-12-1983
13.	The Indian Railways (Amendment) Bill, 1983.	25-12-1983
14.	The Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) (Second Amendment) Bill, 1983.	25-12-1983
15.	The Criminal Law (Second Amendment) Bill, 1983.	25-12-1983
16.	The Lepers (Delhi, Andaman, and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh Repeal) Bill, 1983.	30-12-1983
17.	The Public Financial Institutions (Obligation as to Fidelity and Secrecy) Bill, 1983.	30-12-1983.

APPENDIX V

LIST OF BILLS PASSED BY THE LEGISLATURES OF STATES DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER, 1983. ANDHRA PRADESH LEGISLATIVE COUNCIL

1. The Andhra Pradesh Panchayat Samitis and Zila Parishads (Amendment) Bill, 1983.
2. The Andhra Pradesh Municipalities (Amendment) Bill, 1983.
3. The Andhra Pradesh Horse Race (Abolition of Turf Agencies) Bill, 1983.
4. The Andhra Pradesh Appropriation (No. 2) Bill, 1983.
5. The Andhra Pradesh State Handloom Weavers Cooperative Society Limited (Merger of Certain Cooperative Societies) Bill, 1983.
6. The Andhra Pradesh Cooperative Spinning Mills (Regulation) Bill, 1983.
7. Sri Padmavathi Mahila Viswavidyalayam Bill, 1983.

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

1. The Andhra Pradesh Public Employment (Regulation of Superannuation) Bill, 1983.
2. The Andhra Pradesh Horse Race (Abolition of Turf Agencies) Bill, 1983.
3. The Andhra Pradesh State Handloom Weavers Cooperative Societies Limited (Merger of Certain Cooperative Societies) Bill, 1983.
4. The Andhra Pradesh Cooperative Spinning Mills (Regulation) Bill, 1983.
5. Sri Padmavathi Mahila Viswavidyalayam Bill, 1983.
6. The Andhra Pradesh Appropriation (No. 2) Bill, 1983.

BIHAR LEGISLATIVE COUNCIL

1. Bihar UKH (Aapurti Evam Kharid Ka Viniyaman Sanshodhan) Vidheyak, 1983.

2. Prantiya Laghuvad Nyayalaya (Bihar Sanshodhan) Vidheyak, 1983.
3. Bengal, Agra Tatha Assam, Vyavhar Nyayalaya (Bihar Sanshodhan) Vidheyak, 1983.

BIHAR LEGISLATIVE ASSEMBLY

1. The Bengal, Agra and Assam Civil Court (Bihar Amendment) Bill, 1983.
2. The Provincial Small Cause Courts (Bihar Amendment) Bill, 1983.
3. The Bihar Sugarcane (Supply and Regulation) (Amendment) Bill, 1983.
4. The Bihar Money Lenders (Amendment) Bill, 1983.
5. The Bihar State Engineering and Pharmacy Educational Institution (Regulation and Control) (Amendment) Bill, 1983.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

- *1. The Himachal Pradesh University (Amendment) Bill, 1983.
- *2. The Himachal Pradesh Town & Country Planning (Amendment) Bill, 1983.
- *3. The Himachal Pradesh Prevention of Specific Corrupt Practices Bill, 1983.

MADHYA PRADESH LEGISLATIVE ASSEMBLY

1. Madhya Pradesh Vinirdishat Brashat Acharan Nivaran (Sanshodhan) Vidheyak, 1983.
2. Madhya Pradesh Samanya Vikray Kar (Dwitia Sanshodhan) Vidheyak, 1983.
3. Audhogik Vivad (Madhya Pradesh Sanshodhan) Vidheyak, 1983.
4. Madhya Pradesh Anusuchit Jati/Anusuchit Janjati Tatha Pichhara Varg Ayog Vidheyak, 1983.
5. Madhya Pradesh Manoranjan Shulka Tatha Vigyapan Kar (Sanshodhan) Vidheyak, 1983.
6. Madhya Pradesh Samanya Vikray Kar (Tritiya Sanshodhan) Vidheyak, 1983.

MANIPUR LEGISLATIVE ASSEMBLY

1. The Manipur Professions, Traders, Callings and Employment Taxation (Second Amendment) Bill, 1983,
2. The manipur Panchayati Raj (Third Amendment) Bill, 1983.
3. The Salaries and Allowances of Members of the Legislative Assembly (Manipur) (Eighth Amendment) Bill, 1983.
4. The Manipur Secondary Education (Third Amendment) Bill, 1983.
5. The Salaries and Allowances of Ministers (Manipur) (Fifth Amendment) Bill, 1983.
- *6. The Code of Criminal Procedure (Manipur Amendment) Bill, 1983.

TAMIL NADU LEGISLATIVE COUNCIL

1. The Tamil Nadu Contingency Fund (Amendment) Bill, 1983.
2. The Bharathiar University (Amendment) Bill, 1983.
3. The Madras University and Madurai-Kamaraj University (Amendment) Bill, 1983.
4. The Tamil Nadu Panchayats (Appointment of Special Officers) (Second Amendment) Bill, 1983.
5. The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) (Second Amendment) Bill, 1983.
6. The Tamil Nadu Panchayats (Second Amendment) Bill, 1983.
7. The Madurai city Municipal Corporation (Amendment) Bill, 1983.
8. The Tamilnadu Panchayats (Third Amendment) Bill, 1983.
- *9. The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Validation) Bill, 1983.
- *10. The Payment of Gratuity (Tamil Nadu Amendment) Bill, 1983.

*Awaiting assent.

- *11. The Tamil Nadu Agricultural Produce Markets (Second Amendment) Bill, 1983.
- *12. The Tamil Nadu Patta Pass Book Bill, 1983.
- *13. The Tamil Nadu Urban Land (Ceiling and Regulation) (Amendment) Bill, 1983.
- *14. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) (Amendment) Bill, 1983.
- *15. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) (Second Amendment) Bill, 1983.
- *16. The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1983.
- 17. The Tamil Nadu Entertainments Tax (Fourth Amendment) Bill, 1983.
- 18. The Tamil Nadu Pawn Brokers (Amendment) Bill, 1983.
- *19. The Tamil Nadu Debt Relief (Second Amendment) Bill, 1983.
- 20. The Tamil Nadu Prohibition (Second Amendment) Bill, 1983.
- 21. The Tamil Nadu Appropriation (No. 4) Bill, 1983.
- 22. The Tamil Nadu Appropriation (No. 5) Bill, 1983.
- 23. The Tamil Nadu Appropriation (No. 6) Bill, 1983.
- 24. The Tamil Nadu Appropriation (No. 7) Bill, 1983.

TAMIL NADU LEGISLATIVE ASSEMBLY

- 1. The Tamil Nadu Pawn Brokers (Amendment) Bill, 1983.
- *2. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) (Amendment) Bill, 1983.
- 3. The Bharathiar University (Amendment) Bill, 1983.
- *4. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) (Second Amendment) Bill. 1983.
- 5. The Tamil Nadu Prohibition (Second Amendment) Bill, 1983.
- 6. The Tamil Nadu Contingency Fund (Amendment) Bill, 1983.

*Awaiting assent.

7. The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Validation) Bill, 1983.
8. The Madras University and the Madurai-Kamraj University (Amendment) Bill, 1983.
9. The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1983.
10. The Tamil Nadu Entertainments Tax (Fourth Amendment) Bill, 1983.
11. The Tamil Nadu Debt Relief (Second Amendment) Bill, 1983.
12. The Tamil Nadu Appropriation (No. 4) Bill, 1983.
13. The Tamil Nadu Appropriation (No. 5) Bill, 1983.
14. The Tamil Nadu Appropriation (No. 6) Bill, 1983.
15. The Tamil Nadu Appropriation (No. 7) Bill, 1983.
16. The Tamil Nadu Panchayats (Appointment of Special Officers) (Second Amendment) Bill, 1983.
17. The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) (Second Amendment) Bill, 1983.
18. The Tamil Nadu Panchayats (Second Amendment) Bill, 1983.
19. The Tamil Nadu Panchayats (Third Amendment) Bill, 1983.
20. The Madurai City Municipal Corporation (Amendment) Bill 1983.
- *21. The Tamil Nadu Urban Land (Ceiling and Regulation) (Amendment) Bill, 1983.
- *22. The Payment of Gratuity (Tamil Nadu Amendment) Bill, 1983.
23. The Tamil Nadu Agricultural Produce Markets (Second Amendment) Bill, 1983.
- *24. The Tamil Nadu Patta Pass Book Bill, 1983.

TRIPURA LEGISLATIVE ASSEMBLY

1. Tripura Appropriation (No. 4) Bill, 1983.
2. Tripura Appropriation (No. 5) Bill, 1983.

*Awaiting Assent

3. Tripura Panchayats Bill, 1983.
4. Tripura Appropriation (No. 6) Bill, 1983.
5. Tripura State Rifles Bill, 1983.
6. Tripura Agricultural Produce Markets (Amendment) Bill, 1983.
7. Tripura Buildings (Lease & Rent Control) (Second Amendment) Bill, 1983.

WEST BENGAL LEGISLATIVE ASSEMBLY

1. The West Bengal Panchayat (Second Amendment) Bill, 1983.
- *2. The Bengal Excise (Amendment) Bill, 1983.
3. The Bengal Municipal (Amendment) Bill, 1983.
4. The West Bengal Board of Secondary Education (Amendment) Bill, 1983.
5. The Burdwan University (Amendment) Bill, 1983.
6. The Calcutta University (Amendment) Bill, 1983.
- *7. The West Bengal Land (Requisition and Acquisition) (Amendment) Bill, 1983.
- *8. The West Bengal Criminal Law (Special Courts) (Amendment) Bill, 1983.
- *9. The Howrah Improvement (Amendment) Bill, 1983.
- *10. The Culcutta Improvement (Amendment) Bill, 1983.
11. The West Bengal National Volunteer Force (Amendment) Bill, 1983.
12. The Calcutta Municipal Corporation (Amendment) Bill, 1983.
13. The Howrah Municipal Corporation (Amendment) Bill, 1983.
14. The North Bengal University (Amendment) Bill, 1983.
15. The Kalyani University (Amendment) Bill, 1983.
16. The Jadavpur University (Second Amendment) Bill, 1983.
17. The Calcutta University (Second Amendment) Bill, 1983.
18. The Rabindra Bharati (Second Amendment) Bill, 1983.
- *19. The Industrial Disputes (West Bengal Amendmend) Bill, 1983.
- *20. The West Bengal Khadi and Village Industries Board (Amendment) Bill, 1983.

*Awaiting assent,

- *21. The West Bengal Non-Government Educational Institutions and Local Authorities (Control of Provident Fund of Employees) Bill, 1983.
- *22. The West Bengal Primary Education (Amendment) Bill, 1983.
- *23. The Indian Electricity (West Bengal Amendment) Bill, 1983.
- 24. The West Bengal Nationalised Text Books (Amendment) Bill, 1983.
- *25. The Eastern Distilleries (Private) Limited (Acquisition and Transfer of Undertakings) Bill, 1983.
- 26. The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Bill, 1983.
- *27. The Trade Unions (West Bengal Amendment) Bill, 1983.
- *28. The West Bengal Premises Requisition and control (Temporary Provisions) (Amendment) Bill, 1983.
- 29. The West Bengal Taxation Laws (Second Amendment) Bill, 1983.
- 30. The Bengal Legislative Assembly (Members' Emoluments) (Amendment) Bill, 1983.
- 31. The West Bengal Salaries and Allowances (Amendment) Bill, 1983.
- 32. The West Bengal Appropriation (Excess Expenditure, 1968-69, 1969-70, 1970-71, 1971-72, 1972-73 and 1973-74) Bill, 1974.

*Awaiting assent.

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL AND STATE GOVERNMENTS DURING THE PERIOD
1 OCTOBER TO 31 DECEMBER, 1983

Sl. No.	Subject	Date of promulgation	Date on which laid before the House	Date of Cessation	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
1.	The Punjab Disturbed Areas Ordinance, 1983 (No. 5 of 1983).	7 16.1983	15.11.1983	—	Replaced by Legislation.
2.	The Chandigarh Disturbed Areas Ordinance, 1983 (No. 6 of 1983)	-do-	-do-	—	-do-
3.	The Tea (Amendment) Ordinance, 1983 (No. 7 of 1983).	-do-	-do-	—	-do-
4.	The Illegal Migrants (Determination by Tribunals) Ordinance, 1983 (No. 8 of 1983).	15.10.1983	-do-	—	-do-
5.	The Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983 (No. 9 of 1983).	-do-	-do-	—	-do-
6.	The Textile Undertakings (Taking Over of Management) Ordinance, 1983 (No. 10 of 1983).	18.10.1983	-do-	—	-do-

1	2	3	4	5	6
---	---	---	---	---	---

7.	The Transformer and Switchgear Limited (Acquisition and Transfer of Undertakings) Ordinance, 1983 (No. 11 of 1983).	8.11.1983	-do-	-	-do-
----	---	-----------	------	---	------

STATE GOVERNMENTS
ANDHRA PRADESH

1.	The Andhra Pradesh General Sales Tax (Amendment) Ordinance, 1983.	8.7.83	12.8.83	21.9.83	-
2.	The Hyderabad Municipal Corporations (Amendment) Ordinance, 1983.	15.7.83	-do-	-do-	-
3.	The Hyderabad Metropolitan Water Supply and Sewerage Board Repealing Ordinance, 1983.	21.7.83	-do-	-do-	-
4.	The Andhra Pradesh State Handloom Weavers Cooperative Society Limited, (Merger of Certain Cooperative Societies) Ordinance, 1983.	22.7.83	-do-	-do-	Replaced by legislation
5.	The Andhra Pradesh Cooperative Spinning Mills (Regulation) Ordinance, 1983.	-do-	-do-	-do-	-do-
6.	The Andhra Pradesh Societies Registration Act (Andhra Pradesh Amendment) Ordinance, 1983.	23.7.83	-do-	-do-	-
7.	The Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) (Amendment) Ordinance, 1983.	-do-	-do-	-do-	-

1	2	3	4	5	6
8.	The Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) (Second Amendment) Ordinance, 1983 (No. 18 of 1983).	27.7.83	-do-	-do-	-
9.	The Andhra Pradesh General Sales Tax (Second Amendment) Ordinance, 1983.	20.9.83	-	-	-
10.	The Andhra Pradesh Motor Vehicles Taxation (Second Amendment) Ordinance, 1983.	-do-	-	-	-
11.	The Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Second Amendment) Ordinance, 1983, (No. 21 of 1983).	-do-	-	-	-
12.	The Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) (Third Amendment) Ordinance, 1983. (No. 22 of 1983)	-do-	-	-	-
13.	The Hyderabad Municipal Corporation (Second Amendment) Ordinance, 1983.	-do-	-	-	-
14.	The Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Ordinance, 1983.	-do-	-	-	-
15.	The Hyderabad Municipal Corporation (Second Amendment) Ordinance, 1983.	24. 9.83	-	-	-

1	2	3	4	5	6
16.	The Andhra Pradesh Panchayat Samitis and Zila Parishads (Third Amendment) Ordinance, 1983.	22.11.83	—	—	—
17.	The Andhra Pradesh Panchayat Samitis and Zila Parishads (Fourth Amendment) Ordinance, 1983.	26.11.83	—	—	—
18.	The Andhra Pradesh Societies Registration Act (Andhra Pradesh Second Amendment) Ordinance, 1983.	1.12.83	—	—	—
19.	The Andhra Pradesh Payment of Salaries and Removal of Disqualifications (Amendment) Ordinance, 1983.	23.12.83	—	—	—
20.	The Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) (Fifth Amendment) Ordinance, 1983.	24.12.83	—	—	—
21.	The Andhra Pradesh Entertainments Tax (Amendment) Ordinance, 1983.	29.12.83	—	—	—
22.	The Andhra Pradesh Irrigation Utilisation and Command Area Development Ordinance, 1983.	31.12.83	—	—	—

1	2	3	4	5	6
---	---	---	---	---	---

BIHAR

- | | | | | | |
|----|--|----------|----|----|----|
| 1. | The Bihar Contingency Fund (Second Amendment) Ordinance, 1983. | 12.8.83 | -- | -- | -- |
| 2. | Shrimati Radhika Sinha Institute and Sachidanand Sinha Library (Taking over of Management) (Second) Ordinance, 1983. | 13.8.83 | -- | -- | -- |
| 3. | The Bihar Intermediate Education Council (Third) Ordinance, 1983. | 17.8.83 | -- | -- | -- |
| 4. | The Bihar Forest Produce (Trade Regulation) (Third) Ordinance, 1983. | 18.8.83 | -- | -- | -- |
| 5. | The Bihar Bricks Supply (Control) (Third) Ordinance, 1983. | -do- | -- | -- | -- |
| 6. | The State Engineering and Pharmacy Educational Institution (Regulation and Control) (Amendment) Ordinance, 1983. | 11 10.83 | -- | -- | -- |
| 7. | Indira Gandhi Ayurvedic Sansthan Ordinance, 1983. | 18.11.83 | -- | -- | -- |
| 8. | Kumar Dhuvi Engineering Works Ltd. (K.E.W.) (Taking over of Management) Ordinance, 1983. | 2.12.83 | -- | -- | -- |

1	2	3	4	5	6
---	---	---	---	---	---

GUJARAT

- | | | | | | |
|----|---|----------|---|---|---|
| 1. | The Gujarat Tax on Luxuries (Hotels and Lodgings Houses) (Amendment) Ordinance, 1983. | 25.11.83 | — | — | — |
| 2. | The Bombay Tenancy and Agricultural Lands) (Gujarat Amendment) Ordinance, 1983. | 19.12.83 | — | — | — |
| 3. | The Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Ordinance, 1983. | -do- | — | — | — |
| 4. | The Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 1983. | 26.12.83 | — | — | — |

HIMACHAL PRADESH

- | | | | | | |
|----|--|----------|----------|----------|---|
| 1. | The Himachal Pradesh Town & Country Planning (Amendment) Ordinance, 1983. | 15-10-83 | 22-12-83 | 23-12-83 | — |
| 2. | The Himachal Pradesh University (Amendment) Ordinance, 1983. | 28-10-83 | -do- | -do- | — |
| 3. | The Himachal Pradesh Prevention of Specific Corrupt Practices Ordinance, 1983. | -do- | -do- | 24-12-83 | — |

KARNATAKA

- | | | | | | |
|----|--|---------|---|---|---|
| 1. | The Karnataka Electricity (Taxation on Consumption) (Amendment) Ordinance, 1983. | 2-11-83 | — | — | — |
|----|--|---------|---|---|---|

1	2	3	4	5	6
2.	The Karnataka State Universities (Amendment) Ordinance, 1983.	24-11-83	—	—	—
3.	The Karnataka Silk Worm Seed, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) (Amendment) Ordinance, 1983.	2-12-83	—	—	—
4.	The Karnataka Educational Institutions (Prohibition of Capitation Fee) Ordinance, 1983.	13-12-83	—	—	—
5.	The Karnataka Inams Abolition Laws (Amendment) Ordinance, 1983.	20-1 -83	—	—	—
MADHYA PRADESH					
1.	The Madhya Pradesh Lok Seva Ayog (Prakriya Ka Vinyaman) Adhyadesh, 1983.	21-10-83	—	—	—
2.	The Madhya Pradesh Lok Abhikaranon Ke Madhyam se Bis Sutriya Karyakram Ka Karyanvayan (Sanshodhan) Adhyadesh, 1983.	-do-	—	—	—
3.	The Madhya Pradesh Upkar (Sanshodhan) Adhyadesh, 1983.	15-11-83	—	—	—
4.	The Madhya Pradesh Cooperative Societies (Amendment) Ordinance, 1983.	2-12-83	—	—	—
5.	The Madhya Pradesh Kashthe Chiran (Vinyaman) Adhyadesh, 1983.	15-12-83	—	—	—

1	2	3	4	5	6
---	---	---	---	---	---

MANIPUR

- | | | | | | |
|----|--|---------|---------|---------|---|
| 1. | The Manipur Secondary Education (Third Amendment) Ordinance, 1983. | 5-5-83 | 26-9-83 | 3-11-83 | — |
| 2. | The Manipur Professions, Trades, Callings and Employment Taxation (Second Amendment) Ordinance, 1983. | 21-5-83 | -do- | -do- | — |
| 3. | The Salaries and Allowances of Members of the Legislative Assembly (Manipur) (Eighth Amendment) Ordinance, 1983. | 26-8-83 | -do- | -do- | — |
| 4. | The Manipur Panchayati Raj (Third Amendment) Ordinance, 1983. | 13-9-83 | -do- | -do- | — |

RAJASTHAN

- | | | | | | |
|----|---|----------|---|---|---|
| 1. | The Rajasthan Universities Teachers and Officers (Special Conditions of Service) (Amendment) Ordinance, 1983. | 3-10-83 | — | — | — |
| 2. | The Mohan Lal Sukhadia University (Second Amendment) Ordinance, 1983. | 15-10-83 | — | — | — |
| 3. | The Industrial Disputes (Rajasthan Amendment) Ordinance, 1983. | 21-10-83 | — | — | — |

1	2	3	4	5	6
TAMIL NADU					
1.	The Tamil Nadu Cooperative Societies (Appointment of Special Officers) (Second Amendment) Ordinance, 1983.	8-12-83	—	—	—
2.	The Madras City Police and the Tamil Nadu District Police (Second Amendment) Ordinance, 1983.	16-12-83	—	—	—
3.	The Pachaiyappa's Trust (Taking over of Management) (Second Amendment) Ordinance, 1983.	21-12-83	—	—	—
4.	The Madura Sugars Limited (Acquisition and Transfer of Undertaking) Ordinance, 1983.	26-12-83	—	—	—
5.	The Tamil Nadu Agricultural Produce Markets and the Tamil Nadu Agricultural Produce Markets (Amendment and Special Provisions) Amendment Ordinance, 1983.	do.	—	—	—
UTTAR PRADESH					
1.	The Uttar Pradesh Krishi Utpadan Mandi (Amendment) Ordinance, 1983.	4-10-83	—	—	—
2.	The Uttar Pradesh Kshetra Samitis and Zila Parishad (Chaturth Sanshodhan) Adhyadesh, 1983.	12-10-83	—	—	—

1	2	3	4	5	6
3.	The Intermediate Education (Amendment) (Second) Ordinance, 1983.	-do-	—	—	—
4	The Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Amendment (Second) Ordinance, 1983.	-do-	—	—	—
5.	The Uttar Pradesh Official Language (Amendment) (Third) Ordinance, 1983.	-do-	—	—	—
6.	The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) (Tritiya) Adhyadesh, 1983.	-do-	—	—	—
7.	The Uttar Pradesh Sales Tax (Third Amendment) Ordinance, 1983.	-do-	—	—	—
8.	The Uttar Pradesh Local-Self Government Laws (Amendment) Ordinance, 1983.	12-12-83	—	—	—
9.	The Uttar Pradesh Urban Local-Self Government Laws (Third Amendment) Ordinance, 1983.	26-12-83	—	—	—
WEST BENGAL					
1.	The Bengal Municipal (Amendment) Ordinance, 1983.	14-7-83	26-8-83	7-1 -83	Replaced by legislation
2.	The Burdwan University (Amendment) Ordinance, 1983.	16-7-83	-do-	-do-	-do-

1	2	3	4	5	6
3.	The Rabindra Bharati (Second Amendment) Ordinance, 1983.	5-8-83	-do-	-do-	-do-
4.	The North Bengal University (Amendment) Ordinance, 1983.	-do-	-do-	-do-	-do-
5.	The Jadavpur University (Second Amendment) Ordinance, 1983.	-do-	-do-	-do-	-do-
6.	The Kalyani University (Amendment) Ordinance, 1983.	-do-	-do-	-do-	-do-
7.	The Calcutta University (Second (Amendment) Ordinance, 1983.	-do-	-do-	-do-	-do-

APPENDIX VII

A. PARTY POSITION IN LOK SABHA (AS ON 6 FEBRUARY, 1984)

Sl. No.	Name of State/ Union Territories	Seats	Cong. (I)	CPI (M)	Lok Dal	Janata	BJP	Other Parties	Un-attached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12
STATES											
1.	Andhra Pradesh	42	38	...	...	...	...	3(a)	1	42	...
2.	Assam	14	7	...	...	...	...	...	...	7	7
3.	Bihar	54	30	...	...	7	2	9(b)	3	51	3
4.	Gujarat	26	23	...	...	1	...	...	2	26	...
5.	Haryana	10	6	...	2	1	1	...	...	10	...
6.	Himachal Pradesh	4	3	...	...	...	...	...	...	3	1
7.	Jammu and Kashmir	6	2	...	...	...	...	3(c)	1	6	...
8.	Karnataka	28	26	...	...	1	...	...	...	27	1
9.	Kerala	20	6	6	...	...	...	6(d)	2	20	...
10.	Madhya Pradesh	40	32	...	...	...	6	...	1	39	1
11.	Maharashtra	48	39	...	...	6	...	...	...	47	1
12.	Manipur	2	1	...	...	...	...	1(e)	...	2	...
13.	Meghalaya	2	1	...	...	...	...	...	1	2	...

1	2	3	4	5	6	7	8	9	10	11	12
30. Mizoram	1	...	...	...	...	...	...	...	1	1	...
31. Pondicherry	1	1	...	...	...	...	...	...	...	1	...
32. Nominated (Anglo-Indian)	2	...	...	...	...	...	...	...	2	2	...
		544	349	36	25	22	16	63	17	528*	15

*Excluding the Speaker.

- (a) Congress (S) -1 ; Telugu Desam-2.
- (b) Congress (S) -2 ; CPI-6 ; Congress (J) -1.
- (c) National Conference-3.
- (d) Congress (S) -1 ; CPI -2 ; Muslim League-2 ; DSP-1.
- (e) CPI-1.
- (f) Congress (S) -1.
- (g) AIADMK-3 ; Muslim League-1 ; D.M.K.-14.
- (h) CPI-1 ; DSP-8 ; Janavadi-2 ; Congress (J) -1.
- (i) RSP-4 ; Forward Block -3 ; CPI -3.

B. PARTY POSITION IN RAJYA SABHA (AS ON 1 JANUARY, 1984)

Sl. No.	States/Union Territories	Seats	Cong. (I)	Janata	C.P.I. (M)	B.J.P.	Other Parties	Un-attached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11
STATES										
1.	Andhra Pradesh	18	16	1	—	—	1(a)	—	18	—
2.	Assam	7	3	2	—	—	2(b)	—	7	—
3.	Bihar	22	12	4	—	3	3(c)	—	22	—
4.	Gujarat	11	8	2	—	—	—	1	11	—
5.	Haryana	5	3	1	—	—	1(d)	—	5	—
6.	Himachal Pradesh	3	2	—	—	1	—	—	3	—
7.	Jammu and Kashmir	4	—	—	—	—	—	1	4	—
8.	Karnataka	12	11	1	—	—	—	—	12	—
9.	Kerala	9	3	—	3	—	3(f)	—	9	—
10.	Madhya Pradesh	16	10	2	—	4	—	—	16	—
11.	Maharashtra	19	12	1	—	—	4(g)	1	18	1
12.	Manipur	1	1	—	—	—	—	—	1	—
13.	Meghalaya	1	1	—	—	—	—	—	1	—
14.	Nagaland	1	—	—	—	—	1(h)	—	1	—
15.	Orissa	10	8	2	—	—	—	—	10	—
16.	Punjab	7	3	—	1	—	3(i)	—	7	—
17.	Rajasthan	10	7	1	—	2	—	—	10	—
18.	Sikkim	1	1	—	—	—	—	—	—	—

1	2	3	4	5	6	7	8	9	10	11
19.	Tamil Nadu	18	3	1	—	—	14(j)	—	18	—
20.	Tripura	1	—	—	1	—	—	—	1	—
21.	Uttar Pradesh	34	22	2	—	3	7(k)	—	34	—
22.	West Bengal	16	—	—	10	—	5(l)	1	16	—
	UNION TERRITORIES									
23.	Arunachal Pradesh	1	1	—	—	—	—	—	1	—
24.	Delhi	3	2	—	—	1	—	—	3	—
25.	Mizoram	1	—	—	—	—	—	1	1	—
26.	Pondicherry	1	—	—	—	—	—	—	—	1
27.	Nominated	*12	4	—	—	—	—	8	12	—
		244	133	20	15	14	47	13	242	2

* Out of 12 Nominated Members, 4 joined Congress (I).

- (a) Telegu Desam—1.
 (b) Socialist—1; Assam Jatiyatavadi Dal—1.
 (c) C.P.I.—3.
 (d) Lok Dal (C)—1.
 (e) National Conference—3.
 (f) K.C.—1; M.L.—1; Janata (G)—1.
 (g) Congress (S)—3; R.P.I. (Khobragade)—1.
 (h) U.D.F. (Nagaland)—1.
 (i) Akali Dal—3.
 (j) C.P.I.—1; AIADMK—9; DMK—4.
 (k) Janavadi—1; Lok Dal (C)—5; D.S.P.—1;
 (l) F.B.—2; C.P.I.—1; R.S.P.—2

C. PARTY POSITION IN LEGISLATURES OF STATES AND UNION TERRITORIES

State/Union Territory	Seats	Cong.(I)	Janata	Lok Dal	BJP	Cong (S)	CPI(M)	CPI	Other	Ind.	Parties		Total	Vacancies
											9	10		
1	2	3	4	5	6	7	8	9	10	11	12	13	13	
States														
Andhra Pradesh L.C. (As on 31.10.83)	90	56	1	...	6	...	1	2	9(a)	7	82	8	8	
Andhra Pradesh L.A. (As on 1.1.84)	295	60	1	...	4	...	5	5	215(b)	3	293	2	2	
Assam L.A. (As on 3.9.83)	126	98	...	...	...	1	2	1	3(c)	4	109	17	17	
Bihar L.C. (As on 1.1.84.)	96	31	11	1	1	1	...	5	4(d)	2	56	40	40	
Bihar L.A. (As on 31.12.83)	325	195	37	15	23	5	6	21	17(e)	5	324*	...	...
Gujarat L.A. (As on 31.12.83)	182	141	16	...	12	...	...	...	7(f)	6	182	...	...
Haryana L.A. (As on 31.12.83)	90	58	9	15	6	...	...	...	1(g)	...	89*	...	...
Himachal Pradesh L.A. (As on 1.1.84)	68	36	2	...	28	...	...	...	...	...	66*	1	1	

State/Union Territory	Seats Cong.(I)	Janata	Lok Dal	BJP	Cong.(S)	CPI(M)	CPI	Other Parties					Total Vacancies
								8	9	10	11	12		13
1	2	3	4	5	6	7	8	9	10	11	12	13	13
Jammu and Kashmir L.C.													
(As on 1.1.83)	36	1	...	...	...	...	...	...	31(h)	1	33	3	3
Jammu and Kashmir L.A.													
(As on 1.1.84)	78	26	...	...	...	...	...	...	50(i)	1	77	1	1
Karnataka L.C.													
(As on 1.1.84)	63	24	7	...	4	...	...	...	...	6	41*	21	21
Karnataka L.A.													
(As on 1.1.84)	225	81	96	...	18	...	3	3	1(j)	22	224*	...	...
Kerala L.A.													
(As on 1.7.83)	141	34	4	...	...	6	30	13	46(k)	7	140*	...	...
Madhya Pradesh L.A.													
(As on 1.1.84)	321	245	1	1	62	...	...	2	2(l)	6	319	2	2
Manipur L.A.													
(As on 1.10.83)	60	44	1	...	...	...	1	5	8(o)	1	60	...	...
Meghalaya L.A.													
(As on 1.10.83)	60	...	...	...	...	...	...	...	59(p)	...	59*	...	...
Nagaland L.A.													
(As on 1.10.83)	60	36	...	...	...	...	...	...	24(q)	...	60	...	...

1	2	3	4	5	6	7	8	9	10	11	12	13
Union Territories												
Arunachal Pradesh L.A. (As on 1.1.84)	33	28	...	...	...	...	...	...	2(z)	2	33	...
Delhi Metropolitan Council (As on 1.4.83)	61	38	1	2	19	...	...	...	...	...	60*	...
Goa, Daman and Diu L.A. (As on 1.10.83)	30	16	...	...	...	...	...	...	10(aa)	4	30	...
Mizoram L.A. (As on 1.10.83)	33	8	...	...	...	...	...	...	25(bb)	...	33	...
Pondicherry L.A.**												
Tirpurra L.A. (As on 1.1.84)	60	12	...	...	...	...	37	...	8(v)	3	60	...

* Excluding the Speaker/Chairman.

** Pondicherry Legislative Assembly is under dissolution.

(a) Telugu Desam-5 and Progressive Democratic Front-4.

(b) Telugu Desam-200; Progressive Democratic Front-8; Majlis-Ittehad-Ul-Muslimeen-4; Sanjay Vichar Manch-2 and Nominated-1.

- (c) Plains Tribals Councils of Assam-3.
- (d) Congress (J)-1; Bihar Janata Party-2, and Jharkhand Mukti Morcha-1.
- (e) Forward Bloc-1; Jharkhand Mukti Morcha-14; S.U.C.I.-1 and Nominated-1.
- (f) Rashtria Congress-7.
- (g) Indian National Congress (J)-1
- (h) National Conference-30 and others-1.
- (i) National Conference-46; Nominated-2; P. Con.-1 and P.P.-1.
- (j) All India Anna Dravida Munnetra Kazhagam (A.I.A.D.M.K.)-1.
- (k) Indian Union Muslim League-14; Kerala Congress (J)-8; Kerla Congress-6; Janata (G)-4; National Democratic Party-4; All India Muslim League-4; Revolutionary Socialist Party-4 and Socialist Republican Party-2.
- (l) Republican Party of India (R.P.I.) (Khobragade)-1 and Nominated 1.
- (m) Peasants and Workers Party-3; Republican Party of India (R.P.I.) (Gavai Group)-1; Republican Party of India (R.P.I.) (Kamble Group)-1 and Shiv Sena-3.
- (n) Peasants and Workers Party-8 and R.P.I. (Khobragade Group)-1.
- (o) M.P.P.-4, and P.L.P.-4.
- (p) Meghalaya Democratic Front-37, and Meghalaya United Parliamentary Party-22.
- (q) Nagaland National Democratic Party-23, and Nagaland People's Party-1.
- (r) Shiromani Akali Dal (L)-33; Shiromani Akali Dal (T)-2, and All India Communist Party-1.
- (s) Sikkim Congress (R)-2; Sikkim Prajatantra Congress-1; Himali Congress-1 and Sikkim United Council-2.

- (t) A.I.A.D.M.K.-Dravida Munnetera Kazhagam (D.M.K.)-3; Teachers-Graduates Progressive Front-3; Indian Union Muslim League-1 and United Party-1.
- (u) A.I.A.D.M.K.-132; D.M.K.-31; All India Forward Bloc-3; and Nominated-1.
- (v) R.S.P.-2 and Tripura Upajati Juba Samiti-6.
- (w) Lok Tantrik Samjvadi Dal-3; Shikshak Dal-3; and Nirdaliya Vidhayak Paksha-4.
- (x) Rashtriya Lok Tantrik Morcha-63; Democratic Socialist Party-6; Congress (J)-3; Soshit Samaj Dal-1; and Unattached-1.
- (y) Forward Bloc-27; Revolutionary Socialist Party-19; West Bengal Socialist Party-3; Democratic Socialist Party-2; Revolutionary Communist Party of India-2; Forward Bloc (Marxist)-2; Socialist Unity Centre of India-2; and Nominated-1.
- (z) People's Party of Arunachal Pradesh-3.
- (aa) Goa Congress-8; and Maharashtrawadi Gomantak Party-2.
- (bb) People's Conference (P.C.)-24; and Mizo Union-1.