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THE JOURNAL OF PARLIAMENTARY INFORMATION

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INFORMATION
(VOL. XXX, No. 3, September, 1984)

CORRIGENDA

- Page 371, line 20, for 'satisfied' read 'satisfied'
Page 371, line 21, for conmand' read 'command'
Page 378, line 11, for 'witnesses'
read 'witnesses'
Page 382, line 8, for 'witnesses'
read 'witnesses'
Page 383, line 1, for 'Parlia ant y'
read 'Parliamentary'
Page 385, line 9, for 'Departm nt'
read 'Department'
Page 385, line 11 from bottom, for 'pre-budge'
read 'pre-budget'
Page 387, line 5, for 'unbusinesslike'
read 'unbusinesslike'
Page 390, line 7 from bottom, for 'Aecording'
read 'According'
Page 399, line 13, for 'Speaker' read 'by the
Speaker'
Page 402, line 14, for 'imperatives'
read 'imperative'
Page 407, line 13, for 'ralief' read 'relief'
Page 412, line 1, for 'Bssides' read 'Besides'
Page 414, line 7 for 'Members illaged'
read 'Member alleged'

P. T. O.

- Page 417, line 7 from bottom, for 'Chairmain'
read 'Chairman'
- Page 418, line 14 from bottom, for 'decentra-
lisation' read 'decentralisation'
- Page 419, line 19, for 'Suddakarrao'
read 'Sudhakarrado'
- Page 435, line 5, for 'response' read 'response'
- Page 435, line 13 from bottom, for 'preseting'
read 'presenting'
- Page 437, line 4, for 'reprehensible'
read 'reprehensible'
- Page 440, line 11, for 'at' read 'as'
- Page 493, line 2, for 'when' read 'what the'
- Page 495, line 10, for 'oblized' read 'obliged'
- Page 495, line 14, for 'viceroas' read 'Viceroys'
- Page 495, line 10 from bottom, for 'tied'
read 'tide'
- Page 495, line 3 from bottom, for 'drow'
read 'draw'

OUR CONTRIBUTORS

Articles

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EDITORIAL NOTE

Democracy envisages peaceful transformation of society by the methods of argument, debate and collective decision. In modern democracies, the legislature, being the highest deliberative forum of the people through which they articulate and seek to realise their objectives, has to keep abreast of the changing societal needs and problems, and it is its responsibility to take timely and proper measures to bring out, or facilitate, peaceful social changes in response to the aspirations or mandate of the people. The Legislature seeks to discharge this responsibility by enacting suitable laws, laying down appropriate policies in important matters and ensuring their proper implementation by the Executive.

A somewhat unique feature of the Indian Parliament has been that it has effectively influenced the course of national events. Its intimate involvement in the social and economic progress of the community has led to a tremendous increase in the range and magnitude of its responsibilities. In pursuance of the Directive Principles, Parliament has over the years enacted a large number of socio-economic laws designed to improve the economic conditions of the poorer sections, to reduce economic and social disparities and generally to make for better management of the national economy as a whole. It has passed laws for the welfare of the women and the backward classes of the society. It has approved various five year plans and made laws for effecting land reforms. Through progressive measures of nationalisation and the like, various industries have been brought under the direct control of the people. Parliament has thus been a dynamic instrument of social engineering and a catalytic agent for social change.

In the opening article in this issue on "Parliament and Social Change" the Speaker of the Punjab Vidhan Sabha, Shri Brij Bhushan Mehra, while agreeing with the thesis that "democracy is the only resilient system which responds, accepts and permeates down to the grass-root level resulting in a voluntary and wilful involvement of the people to a large extent" goes on to suggest that "Parliament has to be a step ahead and anticipate the forces of change that are likely to take place and enact laws well in time to smoothen and facilitate the impending change".

The second article in the present issue is by Shri Amarendra Sarma, Speaker of the Tripura Legislative Assembly. He says : "The most vital aspect which needs emphasis is that whenever a member is elected he is the representative of the entire constituency and not only of the voters who have supported him and he must bear this fact in mind".

One is reminded of what two centuries ago, Burke had told his constituents :

"Parliament is a deliberative assembly of one nation, with one interest, that of the whole—where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole."

Edmund Burke would have thus liked to emphasise in no unmistakable words that once elected a Member of Parliament represents not only those in his constituency who voted for him, also not only his entire constituency but he represents the whole nation. Thus, a Member of Parliament in India, irrespective of the constituency that elects him, is a Member for the whole of India.

Shri Sarma feels aggrieved that when vested interests become predominant in the minds of the legislators they forget all about the fundamental problems and plight of the poor masses. One may recall what the Father of the Nation said in this regard :

"I will give you a talisman. Whenever you are in doubt, or when the self becomes too much with you, apply the following test : Recall the face of the poorest and the weakest man whom you may have seen, and ask yourself, if the step you contemplate is going to be of any use to him. Will he gain anything by it ? Will it restore him to a control over his own life and destiny ? In other words, will it lead to Swaraj for the hungry and spiritually starving millions ?

Then you will find your doubt and your self melting away."

Shri R.R. Morarka, a former Member of Parliament and former Chairman of the Public Accounts Committee, in his article on "Parliamentary Committees" analyses the committee structure in India making a sort of comparative study with the position obtaining in some countries. Iterating the oft-

repeated view that the complexities and vast growth of governmental activities have weighted the balance of power between the legislature and the executive, in favour of the executive, he expresses the hope that this balance would be restored by strengthening and improving the committee system. In this connection, readers may be interested to know that recently Hon'ble Speaker, Lok Sabha, Dr. Bal Ram Jakhur made some very significant and far reaching proposals regarding the constitution of Budget Committees to scrutinize the Demands for Grants of all Ministries and Departments in depth thereby ensuring better parliamentary scrutiny and surveillance.

We understand that our readers found the article on "Humour in Parliament" by Professor Madhu Dandavate published in the last issue enjoyable. Also, the new orientation of the contents of the Journal with greater emphasis on articles of parliamentary interest has been widely welcomed. This is gratifying. Suggestions for further improvements will be most welcome.

We hope the readers would find the new regular feature on "Wit and Humour in Parliament" being started with this issue interesting. We are grateful to the Tamil Nadu Legislative Assembly for contributing some excellent entries.

The issue carries the other regular features like parliamentary events and activities, parliamentary privileges, procedural matters, parliamentary and constitutional developments in India and abroad and brief resume of the sessions of the two Houses of Parliament and of the Legislatures of States and Union Territories.

We congratulate and offer our felicitations to Shri R. Venkataraman, on his recent election to the high office of the Vice-President of India and consequently as *ex-officio* Chairman of the Rajya Sabha. We also offer our felicitations to Dr. H. Thansange and Shri K. Sangchhum on their election as Speaker and Deputy Speaker respectively of the Mizoram Legislative Assembly, Shri Pyarelal on his election as Deputy Speaker of Madhya Pradesh Legislative Assembly and Shri M.P. Sivagnanam on his election as Chairman of the Tamil Nadu Legislative Council.

—Subhash C. Kashyap

PARLIAMENT AND SOCIAL CHANGE

BRIJ BHUSHAN MEHRA

Human society is an organic whole and is controlled by social usages, customs and enacted laws. As a dynamic organism, it is in a constant state of flux and change. If the change is well-directed, positive and wrought by a conscious and considered will, the society moves to a higher plateau of organisation bringing in its way better life and happiness to its constituents in a large measure. If there is no change, this organisation either gets stifled or enough pressure gets built up and the organisation explodes causing upheaval, turmoil and anarchy. Out of this turmoil, a new equilibrium, of course, will get established, but after causing extreme human misery and sufferings. Pressure for change is always inbuilt and if the vent for change is not provided by conscious effort, the pressure explodes. Change is a must and a natural phenomenon. The human ingenuity is measured only in relation to how it has effected the necessary change in the social set-up in the changing environment. Life is termed as a ceaseless change and nature as a constant motion. Cessation of change means decay and death. A dynamic and progressive society, as per natural law, is always under the process of change.

Social usages and customs are normally retarding factors. But the laws that society continuously formulates and enacts, provide the instrument and mechanism of social change. In a parliamentary democracy, these instruments are represented by the Parliament, which is an institution empowered to enact laws to provide social changes in society. There are different political systems of governance of the society and some are dictatorships of various types and others are parliamentary.

In a parliamentary system, people voluntarily give the role of governance to Parliament in order to shape their future better and to take care of their

problems and difficulties. Fortunately in India, after Independence, we have adopted a parliamentary system of the Westminster type as enshrined in the Constitution. India had to suffer the foreign rule for a thousand years when the society remained stultified and during this period only the rulers changed. The masses were seething with discontent and yearning for change to come. In the freedom struggle, the Nation under the leadership of stalwarts like Mahatma Gandhi, Pandit Jawaharlal Nehru and Sardar Vallabhbhai Patel saw the new horizon of change and the people participated fully in the struggle. When freedom was achieved, the country was given a Constitution, which enshrined and provided for all the elements of change, which were to be effected through Parliament. Parliament was to regulate society, its organisation and development, evolving it as an organic whole and moulding it into a strong nation. How far, as parliamentarians, we have been able to bring about social change, as enshrined in the Constitution, we shall be adjudged accordingly and Parliament mainly shall be relevant to that extent.

The finesse and subtlety of democracy lies in its allowing freedom of expression with concomitant difference of opinion, of course, within the parameters of the system. This always leads to a better appraisal of the working of the system and its serving the good of the masses for which it is designed. It is good that the *Journal of Parliamentary Information* calls for discussing and reflecting these problems. The more the system provides for analysis, introspection and appraisal, the more healthy and vibrant it would continue to remain. Fortunately in our country, the system is not subject to any political pressure or overlordship by the foreign powers. The independence of many of the countries had been compromised by their international and geo-political positions, but it goes to the credit of our leadership that we, as a functioning democracy, are not subject to these pulls and pressures of the outside forces. On the other hand, we are completely free to act on our own as we deem fit. If we have not been able to bring the necessary changes, it is our failure as parliamentarians or lack of determined will on our part.

The Preamble to the Constitution provides that India shall be a Sovereign, Socialist, Secular Democratic Republic which shall promote equality of status and opportunity among the citizens all of whom shall be equal. To promote the equality the Constitution makers felt, laws should be made which are equally applicable to all the citizens of India. That no law has been enacted even after 35 years of Independence in pursuance of the Directive Principle providing for a uniform civil code for all the citizens under article 44 of the Constitution is a matter of worry for all. Non-enactment of this law has created strains in

the body-politic of India leading to divisive tendencies and hampering the consolidation of the Indian nationhood. Today, in the absence of a common civil law many sects are demanding separate personal law. It, of course, goes to the credit of Sant Harchand Singh Longowal to demand either common civil law for the entire nation or separate personal law for the Sikhs. The logic is unassailable.

When we have provided for equality of sexes, any personal law, which militates against this equality should have been scrapped long ago. We have been tolerating inequality as parliamentarians and today one Shahnaz Sher has gone to the Supreme Court seeking redress against this inequality. If social change is not continuously brought about, then the society tends to get fragmented.

The most difficult and crucial problem that the country is facing today is the population explosion affecting our economy and social structure and leading to low standard of consumption for the poor masses inspite of our outstanding success in increasing agricultural production by about 300% and expanding public utilities at quite a fast speed. Now the biggest social change that is required, and is clamouring for enforcement, is how to control population by laws enacted by Parliament. No law, uniformly enforceable, can be enacted to check it, because of different personal laws. As such, to effect social change and to prevent the strain in the system because of population increase, the first step necessary is to enact a common civil law and thereafter enact laws, which can restrict the family for procreation to a specified maximum. If Parliament does not act determinedly and, in time, in this direction, the entire system will stand subverted. It has to muster necessary will, determination and strength in this regard.

We are living in a changing world, which is coming in the wake of technological innovations, which in turn has its impact on social relationships. Parliament has to be a step ahead and anticipate the forces of change that are likely to take place and enact laws well in time to smoothen and facilitate the impending change. Parliament should not become a victim of the situation and that can only be when it acts in advance of the change. If parliament develops inertia, its relevance will progressively get eroded and people's faith in democracy shall diminish. We must, therefore, act forthwith and determinedly to seek the necessary changes, which are overdue.

There is another aspect, which can be brought within the ambit of social change and that is the behavioural relationship between the constituents and their elected representatives. In any Government or democracy to be successful, it is imperative that the elected representatives set the standards of conduct of abiding by the law and show economic uprightness as only in that case the people would have respect for law. Both in political and economic fields, the parliamentarians must bring about necessary internal change wherever things have gone wrong.

It is a matter of pride that the country has been able to take rapid strides in various fields and achieve substantial success during the last 35 years, under the democratic working, with all the disparate pulls and tendencies. But we should never remain satisfied as no human institution is perfect and it always calls for improvement which cannot be effected until we subject the system to an indepth appraisal without partisan bias. The Nation must march towards higher equilibrium by effecting social change as and when needed, and democracy is the only resilient system which responds, accepts and permeates down to the grass root level resulting in voluntary and wilful involvement of the people to a large extent.

Shri Chintamani Panigrahi : ... Now, the Middle-Age is reborn in Punjab in Twentieth Century.

Mr. Deputy Speaker : It is because of the advancement of science and technology.
(*L.S. Deb.*, 2 August, 1984)

PROBLEMS AND PERSPECTIVES OF PARLIAMENTARIANS:
SOME ASPECTS

AMARENDRA SARMA

Index

The first and foremost problem of a parliamentarian is how to be an effective legislator. There are also some other problems before he seeks election. It is very difficult to contest the election on one's own initiative and backing. However, it does not mean that a citizen cannot contest the election independently. But, it is more convenient to contest the election with the help of some political party. The political parties have their own machinery and procedures to nominate candidates for contesting the election, due consideration being had to the position and popularity of the candidate in the constituency. Besides the influence of the political party and the strong organisations under its banner the character and personality of the candidate determine to some extent the way the vote will go in the election. A candidate has to project his personality effectively and agreeably into the minds and hearts of thousands of the people. In fact, personal contact pays more and a candidate and the nominating party have to create this contact effectively. The political record of a contesting candidate also plays a great role in his winning the election. On being nominated by a party, a candidate has to cross over the financial difficulties, which he has to face to meet his election expenses. Here also the party plays a great role.

The next phase of the problem comes after his election. After so much difficulty and hectic activities when a candidate becomes the Member of Parliament or State Legislature he has to play a dual role. In the legislature he is the representative of the masses and he has to participate in the legislative programmes of the State. He has also to maintain close contacts with his electors. After election the position of a legislator becomes unique. A legislator who is intelligent, industrious, sensitive, intensely interested in public policy and disposed to work in collegial efforts is generally successful. But a

newly elected legislator finds himself immersed in a vast sea of existing law and thousands of proposals. He is expected to know something about personnel programmes and multitude of governmental agencies. He has dual duties to perform—(i) duty to the State he belongs, and (ii) duty towards the people of his constituency. He has to think about the basic needs of the people and take steps to see that these are properly attended to by the government. To focus the needs of the people in the House and also to get redressal of their various problems, he must be equipped with the information about government policy, programme and must have facts and data to ventilate the grievances of the people in the legislature. But ordinary Members have little opportunity to have such information. The most vital and important means and weapon in the hands of legislator is the Question Hour. On various points and the requirements of the people he puts questions to the government and thus he may have the opportunity to get information on the basis of which he can work in the constituency and approach the electorate in general with his "say" in the constituency. It helps him a lot to gain popularity among his voters though gaining of popularity as an individual legislator should not be the sole motto—it is the party and the organisation that may get a strong fostering through his activities. But the problem which remains is that questions which a Member puts are not always properly replied. Replies sometimes become evasive and whenever treasury benches face any administrative or other difficulty, they have the tendency to conceal facts from the legislators. Intervention of the presiding officer in such cases becomes necessary, but the presiding officer also cannot compel the Ministers to reply to the question in the manner the Member likes. So, with whatever reply the Ministers on the floor of the House furnish the Members have to remain satisfied.

The other opportunity which the Members may avail of is through the notices of short discussion on matters of urgent public importance. The problem of any particular constituency also can be raised. Through such notices and replies of the Ministers the Members can also get information on the points raised in the notices and in the discussions. Besides, there are other devices of his getting information, e.g. notices for half-an-hour discussions, motions etc. though on some occasions, the government hesitates to reply to the points the Member raises. The effective and successful legislators, of course, through their approach to the administrative machinery can get some information concerning their constituencies. The study of economic, political and social journals along with different informative documents, published through government or non-government agencies, newspapers of different categories is also a helpful device in getting upto-date information. But it really becomes a problem for Members of ordinary calibre.

However, whatever information a parliamentarian receives through the House or through his personal approach to the administrative machinery or in other ways, if properly utilised may help to a great extent in solving the problems he faces in his constituency. But all these also depend on the willingness and good intention of the Members to solve the problems of the constituency they represent. The most vital aspect which needs emphasis is that whenever a Member is elected he is the representative of the entire constituency and not only of the voters who have supported him, and he must bear this fact in mind if he is willing to render some service to the people of his constituency. The whole attention of a legislator should centre round the question of upliftment and preservation of interests of the poorer sections, the toiling masses of our country, as they form the greater part of our society.

An effective legislator must be a good orator and also be conversant with the Rules of Procedure and Conduct of Business of the House and with the constitutional law and other common laws of the country which concern his day-to-day activities and also that of his electorate. His role in the legislature becomes successful with this background and with his initiative and interest to be a good parliamentarian.

Perhaps the most trying aspect of a State legislator's life is the frustration borne out of inadequate time to cope with the flood of issues and problems coming up in a session of the House—the heavy load of policy-oriented work that he faces and the short time in which it has to be accomplished. The average legislator is without staff assistance to conduct research and investigations, or even to write letters. There are few States that provide anything like adequate research assistance readily available to the Member that he needs. Such assistance is available to some extent to Members of Parliament.

Work in the Legislature : Legislature is the forum where the legislators can display their genius, skill and other abilities for the good of their constituencies and the State. Besides his participation in the proceedings of the House, his membership in the Committees in the legislature do afford a legislator opportunities for exchange of views and ideas with members of other political parties so as to educate themselves on the problems afflicting his constituency, the State and the country as a whole. It is the legislature where a Member has opportunities to do the greatest good to the people of his constituency and also of the State and the Nation, in accordance with the available facilities in the present set-up.

Nursing the constituency to which a legislator belongs is an essential duty

on his part. He must combine in himself the attributes of a social worker, orator and politician. He must have a spirit of service and above all sense of sacrifice and self-denial. The constituency being the centre of his activities should be his first concern and his success or failure as a legislator will depend largely on the attitude that the people of the constituency bear towards him and the measure of success or failure attained by him in wooing the people. He must be thoroughly conversant with the problems of his constituency, the hopes and aspirations of the people there and should have a clear grasp of the means by which they can be attained. His duties towards the people do not end after he succeeds in securing their vote; in fact they begin after his election. The elected representative is also concerned with the political party to which he is affiliated as the power of organisation that party may bring to bear on the issues involved, and above all with the character and the stage of development of the people inhabiting the area. He should be a practical man who should be able to find practical solutions to problems. In the conditions obtaining today, manifold problems are faced by the people and a legislator as the representative of the area is looked to for help in finding a solution to each such problem. There are demands of the people which are genuine and a legislator would hardly be in a position to meet all of them even though he may be satisfied about their genuineness. It would require all the persuasive ability that he may command to convince the people of the incapacity of the administration to meet their genuine demands at a time. He is very often required to attend to individual complaints the nature of which may vary from securing employment for an unemployed educated youth to the transfer of an erring local official. In all these cases, the success of a legislator will be measured in terms of his ability to educate the people in taking a reasonable line and restraining them from taking extreme attitudes. He should voice the grievances of the people through the media of newspapers, radio etc. The illiterate elector takes his ideas from direct personal contact. Therefore to be successful and effective, a legislator should nurse the constituency well.

Under present day conditions, party government has come to stay and no electorate favours a non-party man. It is for this reason that the number of independents is few and far between both at the State level and at the Centre. While party affiliation carries with it some definite advantages, it is not always an unmixed blessing. While it is, of course, a fact that membership of a political party confers some advantages in the matter of financing elections etc., it does bind him to party discipline and does not allow him unfettered freedom to pursue his own line of action to discharge his commitments to the electorate. A legislator is very often placed at a disadvantageous position to

reconcile the requirements of the constituency with those of the party. This puts him in an embarrassing position and unless his views prevail in the counsels of the party, he would find himself in difficulty.

A new legislator is faced with manifold problems, in the constituency, the party and the legislature. He has to keep the people of his constituency in good humour and has very often to bow to unreasonable demands or proposals not to his liking. He has to face the Members of his party and reconcile the conflicting interests of the party with those of the constituency. Unless a legislator can make the people recognise national interests as distinct from regional or State interests no government can formulate a national policy and the survival of a nation may at times be rendered difficult.

Most legislators do not have enough time to contribute to their legislative duties. It must be remembered, that their low salaries force them to hold other jobs, even while the legislature is in session. Lack of travelling facilities, means of communications and postal services go a long way in keeping them aloof from the masses whom they represent.

In the present democratic set up of the country Parliament and State Legislatures are the mirror of human aspirations. Those aspirations are fulfilled through the medium of the representatives of the people in Parliament and State Legislatures. But actually speaking the question arises if Parliament and State Legislatures really are the mirror of human aspirations. Are aspirations of the people being fulfilled through the medium of their representatives in a vast country like India? There are, of course, various difficulties for human hopes and aspirations being fulfilled through their representatives. The constituencies of our States are so large in size that it is not always possible for the Members to know each and every voter and also to come in contact with each and every body. It is always not possible for them to know what are the needs and requirements of the people they represent and also the conditions of the constituencies they belong to. The Members of Parliament as well as of the State Legislatures in spite of their sincerity and popularity cannot mitigate the problems of the people as a whole. The bureaucracy, on the one hand, stands to a great extent on a different footing. On the other hand, the representatives of the people themselves after return as M.P.s or M.L.A.s do not keep contact with their electorate and do not become aware of their problems and difficulties. It would not be out of place to say that many of the peoples representatives after their return become involved with vested interests and also become more interested in securing permits, licences etc. for the persons very close to them. When such vested interests become predominant in their mind they keep little interest for the poor masses

of the country. They do not get the opportunity to stand by the side of the people they represent nor do they think even a little for the masses. Such representatives of the people cannot fulfil human aspirations as a whole through the Parliament and the State Legislatures. Of course, there are exceptions. There are M.Ps and M.L.As who actually, work for the constituency, keep close contact with their electorate, stand by their side and try their best to solve their problems.

The representatives of the people before submitting nomination papers are to swear oath or affirmation according to the provisions of the Constitution. After being elected, some of them give value to the oath or affirmation they were administered whereas many other neglect. Similarly, after election the M.Ps and M.L.As are to swear oath/affirmation. If Parliament and State Legislatures are actually the mirror to focus hopes and aspirations of the people through the medium of the elected representatives, the legislators should play their roles properly and give up their vested interests and should not plead for only one section of the people, *i.e.* the richer section of the society. The M.Ps and the M L As have a great responsibility to the society, to the State and to the Nation as a whole and they should bear in mind that the responsibilities and duties entrusted to them, if successfully discharged, will be remembered by the people they represent even when they no longer remain M.Ps and M.L.As.

In the present set up of our social system, the hopes and aspirations of the people of the country are not represented properly through Parliament and State Legislatures. With the advancement of time, in many of the States in India the majority party securing minority votes are ruling the country. In one word they are represented not by the majority section of the people but by a fraction of the population. The representatives of the people, therefore, while thinking, of their electorate should think of the entire population. The Members of Parliament and State Legislature should bear in mind that after election they are responsible to the State and the Nation. Hence their behaviour, actions etc. inside and outside the legislatures have a great bearing and impact on the national situation. If it is possible then only hopes and aspirations of the people of the State and the country will be properly represented through Parliament and State Legislatures. The State Legislatures should not only be the watch dog of themselves but also of the people of the State and the Nation as a whole. In Parliament and State Legislatures the people are the source of powers and privileges of the Members. Thus they can convince the bureaucracy that they should have due regard to the policy determined by the State Legislatures and Parliament. If the elected representatives can play their role properly in the present set-up of the country then only their aspirations can be fulfilled and their aspiration should be the fulfilment of the aspirations of the people of the State and country as a whole.

PARLIAMENTARY COMMITTEES

Indexed

R. R. MORARJA

In a democratic form of government, whether it be federal or unitary set-up, whether the body that exercises sovereign power is called Parliament, Congress, or Diet, the elected representatives of the people have certain basic functions. These can be broadly categorised under three heads : (i) legislative; (ii) financial; (iii) investigative. At one time, legislative functions were considered more important and time-consuming as compared to financial and investigative functions. But the position has changed in the last few decades. In modern times, the role of the State is not confined to administering laws passed by the legislature and maintaining order. It has been extended to various other spheres. To ensure political, social and economic justice to the people, the State has had to take up additional responsibilities. It has to assume the role of planner, producer and regulator, regulating the production and distribution of the national product. This growth in the activities of the State has inevitably led to an increase in public expenditure as well as the executive power vested in the bureaucratic machinery and has consequently increased the responsibility of Parliament (legislature) to exercise more extensive and effective vigilance on the activities of the executive.

In a parliamentary democracy, the Parliament is sovereign and supreme. The Executive is accountable to the Parliament. The legislature controls the Executive. Ministers are in-charge of the different Departments of the State. Efficient and proper working of these Departments is essential to secure the basic objectives of State policy. With the complexity of government activities, the functions of Parliament in relation to financial control and investigative scrutiny have also become very complex requiring careful and detailed examination of various aspects of the formulation and implementation of policy and administrative action.

If one observes the way in which Parliament and the State Legislatures transact their business today, he will find that the House, as a whole, is not able to devote adequate time and attention to the complex administrative, legislative and executive problems that come before it. The time at the disposal of the House is limited and most of it is spent on dealing with proposals for legislation or for disposing of routine items on the Agenda papers. Since the proceedings of the House are open to the press, Members are often more concerned with the gallery rather than making an objective and incisive contribution to the subject matter. However, the highly technical nature of many of the financial and investigative functions of the legislature, makes it difficult for the House as a whole to deliberate and deal with them meaningfully and effectively.

Yet Parliament and the legislatures have to exercise the functions of control and scrutiny. This has led legislatures to depend on the Committee system. The purpose of the Committee system is to provide for the delegation of the responsibility to consider questions of detail or of a technical nature to representative select bodies of Members. Committees serve as the arms of the legislature or as instruments in the hands of the legislature. They provide for division of labour, thereby enabling different Members of the legislature to specialise in different areas of governmental responsibility so that the scrutiny of activities in each area can be meaningful and real. In fact, it has been observed for long that the real work of supervision and control is done in the Committees and not in the House. As early as 1885, President Woodrow Wilson of America remarked :

“The House sits, not for serious discussion, but to sanction the conclusions of its Committees as rapidly as possible. It legislates in its Committee rooms, not by determination of majorities but by the resolution of specially commissioned minorities so that it is not far from the truth to say that Congress in session is Congress on public exhibition, while Congress in its Committee rooms is Congress at work.”

In the last hundred years, the importance of the Committee system has increased manifold.

While the Committee system is common to all democratic States, the structure of the system differs from country to country. These differences reflect the different patterns that the evolution of parliamentary practices and procedure witnessed in different countries and the differences in constitutional

provisions relating to control, particularly, in respect of financial matters. One common feature, however, is that the Committees are creatures of the legislature and remain subordinate to it. They function under the authority of the legislature and present their reports to the House.

In some Parliaments, Committees are appointed for the life of the Parliament; in some they are appointed for one year and in some others, for each session.

In India, our Parliament has followed more or less, the rules of procedure of the British Parliament, and our State Legislatures have more or less adopted the rules of the Parliament. Each legislature prescribes the rules which govern the constitution, composition and functions of these Committees. In some cases, Committees are elected by the House, and in some cases, they are nominated by the Speaker or the Chairman in accordance with the rules of procedure. The composition of such Committees generally reflect the proportionate strength that the political parties have in the House.

GENERAL FUNCTIONS OF THE COMMITTEES

The Chairman of a Committee is usually a non-official member. In the case of some Committees like the Public Accounts Committee, Estimates Committees etc., rules provide that no Minister shall be a Member of the Committee. Since 1967-68 there is an understanding that the Chairman of the Public Accounts Committee will be from the Opposition.

Committees function on a non-party basis so that matters which come before them are considered in a dispassionate manner. It is for this reason that no minute of dissent is allowed to be appended. Reports are both unanimous and anonymous—no names are mentioned in the reports.

The powers and privileges of the Committees are analogous to those of the House and hence their breach or contempt can be punished in the same way as contempt of the House. The Committees function under the supervision and control of the Speaker. The Committees have the right to call for and examine the witnesses. They can also call for any information, documents, paper, etc. from government and government can decline to produce them only on the ground that the disclosure of the documents is against the national interest or is prejudicial to the security of the State. The proceedings

of the Committees are confidential and not open to the press. Documents which are produced before the Committees or their sub-Committees, the evidence tendered before the Committees or the discussions that take place in their sitting during the course of their work cannot be disclosed to outsiders. Any infringement of these rules can constitute a breach of privilege.

In the Centre, Ministers do not serve on these Committees. But even in State Committees, they should not serve as members.

The reports of these Committees are not discussed in either House on the ground that such discussion would introduce party politics and that would impair the importance of these Committees. Secondly, the confrontation in this scrutiny is between the legislature and the executive and not between the Government and the Opposition.

Several types of Committees can be distinguished as the constituents of Committee structure. There are Standing Committees, Statutory Committees, Select Committees, Joint Committees and like. There is a functional division also like Financial (PAC, EC and PUC), Procedural (Rules and Business Advisory), Privileges Committee, Amenities Committees (Housing, Members Salary and Allowances), Vigilance Committees (Delegated Legislation, Assurances Committee, Committee on Papers laid on the Table). In understanding the working of the Committee structure, one has to make a distinction between Parliamentary Committees and Government Committees. The Parliamentary Committees work under the direction of the Speaker. They report to Parliament. They have their own Chairmen, and the secretarial assistance that they need is provided by the Parliament Secretariat. Government committees have a different structure. Though they consist exclusively of elected Members of the legislature, they are presided over and controlled by Ministers. They do not function under the rules and procedures of Parliament, nor do they report to Parliament.

Some of the Committees of Parliament are elected under the system of proportional representation while others are nominated by the Speaker/Chairman.

Then, we have the government committees which are now known as Consultative Committees attached to each Ministry. They consist of Members of both the Houses and are presided over by the concerned Minister.

As I said earlier, the Committee structure differs from country to country and State to State. In some countries, this system is more powerful than in others. Let me briefly indicate the position in some countries.

UNITED KINGDOM

Both the Houses of Parliament have an organised and evolving system of Committees which comprises Committee of the whole House, Select Committees, Standing Committees and Joint Committees of both the Houses sitting and voting together.

Select Committees are constituted on party basis representing in proportion to their strength in the House. They are given power to summon witnesses, and produce documents. The sessional Select Committees of the House of Commons include the Committee of Public Accounts which examines all government appropriation accounts. The Expenditure Committee examines a wide range of issues arising in the field of public expenditure.

Although the Committee system has been quite old in the U.K., there is a lot of difference in the way in which the Parliament uses these Committees as compared to the American system. In the U.S.A. the Congress has chosen to operate through a number of autonomous Committees to carry on its constitutional functions. Parliament, on the other hand, has never agreed to allow its Committees such scope and power and they have always had to operate in the shadow of the House that created them.

The 1978 Committee on Procedures recommended new Committee structure designed to play a much more substantial part in the preparation and scrutinising of legislation, in examining the activities of the government and its debts and in the more thorough investigation of public expenditure generally. The Committee recommended a 'Public Bill Committee' which would examine the bill in details and from all aspects.

For the better examination of the activities of the government, the report recommended that twelve new Select Committees should be appointed in place of the Expenditure Committee and certain other existing Committees. To be of value, the Committees are provided with adequate staff and back-up resources for getting specialised assistance. Increased powers are given to the Committees to order the attendance of Ministers, including Secretaries of State.

The cumulative effect of the recommendation of these Committees is to change radically the procedures of Parliament to improve the knowledgeability and effectiveness of M. Ps. and improve the Parliamentary control over the government.

UNITED STATES OF AMERICA

The Committee system is most powerful in the USA. About ninety per cent of the work of the Congress is carried by the Committees. They have become the indispensable workshop of the Congress. There is a network of Committees consisting of Standing Committee, Special Committee, Joint Committee, the Foreign Affairs Committee, the Foreign Relations Committee, Judiciary Committee, Appropriation Committee, etc. Membership of some of these Committees is very prestigious and confers immense political power. The most coveted assignments are the Chairmanships of certain Committees like the Foreign Relations Committee, Finance Committee, the Appropriations Committee, the Armed Services Committee and the Ways and Means Committee. The Chairmen have prestigious office accommodation, residential accommodation, staff and a budget for the appointment of experts who carry on research and advise the respective committees. The Chairmanship generally goes by seniority. The Committee system is so powerful in the USA that President Woodrow Wilson said that there is no better way to describe the American form of government if one were to describe it in a single phrase "than by calling it a Government by the Chairman of the Standing Committee Congress."

GERMANY

The Committee structure of the Federal Republic of Germany has some very special features.

All the Bills are examined by Committee in every detail. Different points are stated, examined and settled in most cases by compromise. Among the Standing Committees the most important ones are :

- (a) Committee on Election Validation, Immunities and Rules of Procedure ;
- (b) Committee on all German and Berlin questions :
- (c) Budget Committee ;

- (d) Committee on appointment of Judges of Federal Constitutional Court and;
- (e) Committee on Federal Property.

The Committee on Election Validation follows judicial procedure. This Committee prepares a report which enables the Parliament (Bundestag) to decide whether a Member has lost his seat in Parliament.

The procedure followed by the Committee for electing Judges to the Federal Constitutional Court is covered by the Law on the Federal Constitutional Court.

The Budget Committee is the most important one and it has been made more powerful since 1965. All Budget proposals are forwarded to the Budget Committee for opinion. It was provided that the Federal Ministry could release credit only with the approval of the Budget Committee, that the credit provided may be used only in accordance with the economic plan approved by the Budget Committee. Changes in Federal Budget are admissible provided the Budget Committee authorises them.

It can authorise amendments to credit contracts with foreign countries. All the finance bills must be sent to this Committee to ascertain whether the bill is or is not compatible with the Budget and budgetary situation.

Then, there is a Defence Commission. If it believes that there is a violation of Federal Rights of soldiers or principles relating to the morale and leadership of forces are jeopardised, this Commission makes its report and the Defence Committee submits its report on the Commission's Report.

Then, there are Committees for investigation. Under the German Law, 25 percent or more Members can demand the appointment of an Investigation Committee on any subject. When such a Committee is constituted, Courts and administrative authorities are bound to render all assistance.

Another speciality of the German system is that a Parliamentary group is entitled at all times to exchange Committee Members or their Deputies.

The President of the Bundestag may attend all the Committees in an advisory capacity. This right was also granted to the Chairman of Parliamentary groups, though it does not apply in the case of Committees whose Members are elected by the Bundestag.

The Committees have a right to appoint what are known as rapporteurs to help them. If the subject under examination was of a particular complexity, more than one rapporteur may be appointed.

Generally, the Committee meetings are not open to public, and therefore if they so wish, the Committees may hold prior public information meetings to which various interested groups may be invited.

In short, the principles followed in German Parliament are that the Committee's sphere of work should correspond to Federal Government's function, as this is considered to be the most effective way of exercising Parliamentary control, particularly by the opposition on the executive authorities.

CANADA

The Committee system in the Canadian House of Commons had a chequered history. It never acquired the power or the crucial role that it acquired in the USA. The Committee procedures of the Canadian House of Commons were only indirectly influenced by the British Parliament. In the main, the procedures and practices that have obtained, developed indigenously since 1867.

The use of Committees in the Canadian House was irregular, intermittent and unsystematic and did little to relieve the growing congestion on the floor of the House. Historically, the Canadian House of Commons has used five types of Committees. Of these, the only type which is a replica of its British counterpart is the Committee of the Whole House. Standing Committees are established by standing orders; special Committees are appointed to deal with specific matters and once the matter is dealt with and completed, the Committee is disbanded. There are sessional Committees that are established for each session and Joint Committees that may be Standing Committees, Special Committees or Sessional Committees.

Historically, the number of Standing Committees set up by the Canadian House has tended to increase but the size of these Committees has decreased. The Diefenbaker administration of 1958-62 was marked by its desire to revive the role of Committees, particularly, the Standing Committees. When his Government came to power, Committees were looked upon as handy dumping grounds for issues that were regarded as inconvenient or politically volatile. Apart from their role in dealing with private legislation, Committees were being used in an essentially *ad hoc* fashion. The Diefenbaker administration

adopted a different attitude and wanted to make the Committee a useful Parliamentary device and not a mere tool to secure procrastination or ambiguity. In the early period, Committees of the Canadian Parliament were marked by long periods of inactivity; chairmen were always appointed from the ranks of the supporters of government. Yet, their reports were often ignored. The Diefenbaker government was pledged to a change in the situation. It made the Estimates Committee a Standing Committee, excluded Ministers from its membership and gave it powers to summon witnesses and papers. At the initiative of the government, an Opposition Member was elected Chairman of the Public Accounts Committee. It came to be acknowledged that the Committee had an annual task to perform in examining and commenting on the report of the Auditor General. The government also sought to make systematic use of other Standing Committees.

AUSTRALIA

The Committee structure in Australia has two peculiar features :

- (i) There is a Joint Committee of both the Houses on Broadcasting of Parliamentary Proceedings. This Committee reports on the days upon which and the periods during which the proceedings of both Houses shall be broadcast.
- (ii) There is a Joint Committee on Foreign Affairs and Defence generally and such matters as may be referred to the Committee by the Minister for Foreign Affairs, the Minister for Defence or by resolution of either House of the Parliament. It has three Sub-Committees.

But the surprising thing is that there is also a Standing Committee on the same subject, Foreign Affairs and Defence of the Senate alone.

What is the definition of work or demarcation of responsibility between these two Committees is somewhat obscure.

There is a Senate Standing Committee on Scrutiny of Bills. The Functions of the Committee are important. They are "to scrutinise and report on whether Bills introduced into the Senate or acts of Parliament trespass unduly on personal rights and liberties, make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers or upon non-reviewable administrative decisions, inappropriately delegate legislative power, or

insufficiently subject the exercise of legislative power to Parliamentary scrutiny.

Then there are Standing Committees of the House of Representatives peculiar to Australia as for example, the Committee on Aboriginal Affairs and the Committee on Environment and Conservation.

It is interesting that the Senate has its own Estimates Committees, each in charge of a specific Department and each is independent of one another having its own Chairman. Each year, they scrutinise the estimates of the Government Departments.

Similar to this is the Committee of the House of Representatives called the Expenditure Committee. The terms of reference of Expenditure Committee are wide and one of the tasks assigned to this is to examine the relationship between the costs and benefits of implementing government programmes.

The Chairman of the Joint Committee of Public Accounts or his nominee is an ex-officio Member of the Expenditure Committee.

Then there is a Road Safety Committee, to report on the main causes of the present high level of the road toll in Australia which is the most effective means of achieving greater road safety.

SWEDEN

In Sweden where there is an unicameral system, there are 16 Standing Committees of Parliament (*Riksdag*). The most important of these Standing Committees is the one on Constitution. This Committee on Constitution is responsible among other things for scrutinising the constitutional and legal aspects of government decisions. The other Committees are set up to correspond to and cover the whole or part of a particular Ministry's field of action. Each Committee consists of 15 regular Members besides Deputies. The proceedings of these Committees are not public.

Every bill introduced in Parliament is referred to the appropriate Standing Committee for scrutiny. If there is a difference of opinion among the Committee Members which is not reconciled then, the minority Members can append a dissenting note.

About these Standing Committees, it is said :

“The Standing Committees are important because it is they who undertake the detailed scrutiny and amendment of all proposals. It is during the Committee stage, moreover, that agreements and compromises are reached between the political parties and groups in the Riksdag. The Committee system provides the Riksdag with its central political machinery, the public debates in the chamber itself being largely a political display that seldom has any direct effect on the subsequent vote.”

From all these it can be said that in most of the democracies of the world, their Committee structure corresponds to the entire Government sphere covering all the Government activity. It can also be said that the system provides both pre-budget and post-budget scrutinies.

THE COMMITTEE STRUCTURE IN INDIA

Absence of any means for pre-budget scrutiny is a major deficiency in our Committee structure. It was therefore realised that if the Committees were to make a substantial and positive contribution, there is a need for their reconstitution so as to cover the full range of government functions.

We have 12 Committees of the Lok Sabha, 9 of the Rajya Sabha and 8 Joint Committees of both the Houses. Among them, the important ones are the three that deal with financial matters, *i.e.* the Public Accounts Committee, Estimates Committee and Public Undertakings Committee. The main weakness of these Committees is that they are only doing *Post-mortem* work. In pre-Independence days, we had the standing Advisory and Standing Finance Committees which were examining the estimates of each Department before they were voted by the House.

Since it is not possible to deal with all parliamentary committees, in details, we shall confine to the review of our Financial Committees which are the most important ones.

The Financial Committee. The origin of the Financial Committees in India lies in the Montagu Chelmsford Reforms and the Government of India Act, 1919. The following Committees were constituted at that time :

(i) The Public Accounts Committee ; (ii) Standing Finance Committee ; and (iii) Standing Advisory Committee.

The Standing Advisory Committee was appointed for each Department of Government and consisted of about 12 members. Their function was advisory in character. They used to meet twice or thrice a year and examine the various estimates, schemes, projects and programmes of the Department concerned. The proposals of the Ministry which were votable items of expenditure were sent to the Finance Ministry and from there to the Standing Finance Committee. Very often, the Standing Finance Committee too remitted proposals to the Standing Advisory Committees if a proposal had come directly before it without previous consideration by the Advisory Committee. Sometimes a proposal was sent back to these Committees for further examination or some other action.

The Standing Finance Committee first consisted of 12, and then, 15 Members. The Finance Minister used to be the Chairman, and all other Members were elected by the Assembly. The Deputy Secretary of the Finance Department used to be its Secretary and its administrative control rested with the Finance Department. Its recommendations were advisory in character and not binding on the Government. Its reports were not submitted to the House. It examined only the votable expenditure and that too, items with above five lakhs of non-recurring and one lakh of recurring expenditure. This was the machinery that was set up by the Government not answerable to the legislature to examine expenditure before the same was incurred or even voted upon. We have not yet devised any such system of pre-budget scrutiny even though more than 30 years have passed since the abolition of these Committees and in these years, the government has become fully answerable to the House.

On 22 February, 1921, the then Finance Member, Mr. W.M. Hailey, while moving the motion for electing Members to this Committee, drew the distinction between the PAC and this Committee in the following words :

“I should say that the former will have operations which are of a post-mortem nature, that is to say, it will only deal with expenditure after it has been incurred. The Standing Finance Committee, on the other hand, will have to deal with proposals for expenditure before their sanction or come on to the Budget”.

This Committee came into being in 1921 and existed till 1952, but it was disbanded in that year on the plea that there was conflict and overlapping of functions with those of the Estimates Committee that was set up in 1950.

Experts have felt that there was no such conflict and that the very useful, though limited work which these Committees were doing, exercised a salutary check on the unlimited powers of expenditure in the hands of the executive. The Estimates Committee and the Public Accounts Committee, though Parliamentary Committees, did more *post-mortem* work than pre-natal. Many legislators and intellectuals have felt the need for such a previous scrutiny of estimates and have made proposals from time to time for the revival of these Committees but the Executive has so far resisted, and the result is that today, we have no scrutiny on any proposal for expenditure at any level by any parliamentary Committee before the expenditure is incurred. Attempts to entrust the Estimates Committee with the responsibility of the budget scrutiny before the Budget is finalised by government did not succeed on the ground that a parliamentary Committee ought to be concerned with Budget presented to Parliament. However, the Committee has not been undertaking scrutiny of the Budget and reporting to the House before the Budget is passed in Parliament, except once.

In order to make the Committee system more effective, the Kerala Legislative Assembly has recently introduced 13 Subjects Committees to cover the entire field of government activities. One hopes that this experiment would succeed and, if need be, necessary improvements would be introduced but the experiment would not be given up.

Public Accounts Committee : The First Public Accounts Committee (PAC) was set up in February, 1921. The maximum strength of the members was then fixed at 12, including the Chairman. Two-thirds of the Members were elected by the non-official Members of the Central Assembly, according to the principle of proportional representation, by means of single transferable vote, and the rest of the Members were nominated by the Governor-General. The Finance Member of the Viceroy's Executive Council was to be the *ex-officio* Chairman. Secretariat facilities had to be provided by the Finance Department and not by the Assembly. It was not therefore a parliamentary Committee in the true sense.

The Auditor-General attended the meetings of the Committee on invitation. The then Finance Member described the main functions of the Committee in the following words :

“It may be able to reveal the cases where expenditure has been incurred in hasty and unbusinesslike manner.”

The presence of the Finance Member, however, did not encourage the Members to discuss governmental activities freely. Sir Frederick Gauntlett, the first Auditor General was of the opinion that “though the Government, under the Act of 1919, was not made responsible to the Assembly, there was considerable value in the financial actions of the Government being subjected to a close scrutiny by a Committee of the Legislature”.

In the beginning, government did not accept that the Committee was competent to deal with receipts but later on, it accepted that the Committee could do so where matters relating to such receipts were mentioned in the Appropriation Report.

In the early stages of this Committee, the Government decided that “a Committee, of the Legislative Assembly, such as, the Public Accounts Committee, could not be called upon to deal with matters relating to irregularities in military expenditure, as the parent body itself, *viz.* the Assembly, was not empowered to vote that expenditure.” It was, therefore, agreed that under the prevailing circumstances, the Auditor General's report should be submitted direct to the Secretary of State, but copies placed before the PAC for their information.

In 1931, the Committee suggested that the Army Accounts Committee should consist of five Members, *viz.* the Finance Member, Finance Secretary and three Members to be nominated by the PAC from amongst its own Members. The suggestion was agreed to by the Government, and the PAC succeeded in bringing under its scrutiny non-votable expenditure as well.

When the country became independent in 1947, no substantial changes were made in the structure of the PAC except that all the Members had now to be elected by the Assembly itself. The Finance Minister still continued to be the Chairman, and the Committee continued to be staffed by the Finance Department. The Committee's control now extended to Defence Expenditure as well, as the head of expenditure itself had become a votable item. The Committee could now determine its own programme and agenda.

According to Ashok Chanda, the effectiveness of the Committee is largely determined by the thoroughness with which the audit examination is conducted and the value of the audit criticism, in turn, depends on the support it receives from the Committee.

The Speaker addressing the first meeting of the PAC of the Provisional Parliament observed that though the functions of the Committee were of a *post-mortem* type, they were important since they provided a weighty check on the slackness, negligence or absolutism of the executive.

The PAC is charged with the responsibility of ensuring that every item of expenditure is incurred in accordance with the rules laid down for the purpose. The functions of the PAC are to see :

- (i) that the monies that have been disbursed in the accounts have been legally available for the service or purpose to which they have been charged;
- (ii) that the expenditure conforms to the authority which governs it; and
- (iii) that every appropriation has been made in this behalf under rules framed by competent authority.

According to the Speaker, in discharging its crucial functions, the Committee should take an impartial stand and pass judgment without caring for persons; only then, would it be possible for the Committee to maintain morality in public finance. It was helped by the expert advice of the Comptroller and Auditor General.

It could send for papers and records and any information it considered relevant.

After the adoption of the Constitution, the Finance Minister ceased to be the Chairman of the Committee, and the Committee started to work under its own Chairman.

Control of public expenditure by Parliament is exercised at two stages, *viz.* at the stage of proposals, and at the stage of results. The scrutiny that the PAC carries out, comes in the second stage. Its objective is to ensure that money is actually spent on purposes for which it was granted and spent with due sense of economy. It examines the accounts to ensure that the will of Parliament had not been flouted by Government and that the basic concept

of financial propriety was observed in good conscience. Similar Committees were also set up at about the same time in the provincial legislatures.

In view of the repeated demands, the PAC Report on the accounts of 1927-28 was debated by the House on 31 March, 1930, and thereafter every year till 1943. The last report of the PAC which was discussed in the Central Assembly was on 31 October, 1946. This related to the accounts of 1943-44, and was discussed on a motion moved by Shri Liaquat Ali Khan.

In those days, Excess Grants were regarded as a grave lapse on the part of the government.

Sir Malcolm Hailey observed that after the Montford Reforms, the Government of India became responsive, if not responsible to public opinion and that its actions became indicative, if not reflective, of the popular view point. In fact, this is a tribute to the influence exercised by the Public Accounts Committee on the Government.

Between 1947 and 26 January, 1950, there was no change in the constitution of the PAC. The Finance Minister was the Chairman, and secretarial assistance was still provided by the Finance Department, and Members, except the Chairman, were elected. After the inauguration of the Constitution on 26 January, 1950, the administrative control of the Committee passed on to the Speaker. Secretarial functions were then taken over by Parliament Secretariat and every Member of the Committee was elected. The Committee then consisted of 15 Members. Later on, in 1954-55, its strength was increased to 22 by adding 7 Members from Rajya Sabha. The Chairmanship of the Committee was with the ruling party till 1966-67.

In U.K., the PAC dates from 1861, and the post of C. & A.G. from 1866. Both were inspired by Gladstone's search for financial economies.

The main figure behind the work of the PAC is the C. & A.G. with the distinction that, in the U.K., he gives the Committee a report of his own opinions and recommendations and he is an officer of the Parliament.

The Committee functions on non-party lines, and therefore, enjoys considerable prestige and authority. It acts as a deterrent to inefficiency and extravagance by the Departments. Its sole weakness is that it deals with only past accounts and past expenditure.

Estimates Committee : The Estimates Committee came into existence only after India became a sovereign Republic in 1950. The establishment of the Estimates Committee was delayed mainly because of the existence of the Standing Finance Committee which was constituted in 1921. Progressive opinion in India was not satisfied with that Committee mainly because it was a Government Committee and not a Parliamentary Committee.

So, on 8 April, 1938, Shri Ananthasayanam Ayyangar moved a resolution asking for the appointment of a Retrenchment Committee to reduce the total expenditure by ten per cent. An amendment was moved to this resolution by a European Member seeking to appoint an Estimates Committee but limiting its scope to civil administration. In support of the amendment, it was argued that unlike a Retrenchment Committee, an Estimates Committee would be able to exercise effective control over the detailed estimates of expenditure.

Sir James Grigg, the then Finance Member, approved this amendment and proposed an Estimates Committee consisting of 15 non-official Members, elected by the Assembly. The Committee was to elect its own Chairman. But its administrative control was not vested in the President of the Assembly. It was to report economies consistent with the policy implied in the estimates. The estimates were to be referred to the Committee after they had been presented to the Assembly and the Committee was to report only after the estimates had been voted. Its reports were to be submitted to the Assembly.

Sir James's proposal was intended to provide only the form of the Estimates Committee in U.K. but not its substance. Hence, this proposal was lost, and the resolution demanding a Retrenchment Committee was passed.

Then on 24 August, 1939, a member of the PAC again demanded the establishment of the Estimates Committee.

On 14 May, 1944, while moving a cut motion, Mohammad Yamin Khan demanded the setting up of an Estimates Committee. According to him, the work done by the PAC was of a *post mortem* nature and the examination by the Standing Finance Committee was of a pre-natal character. Participating in the debate, Sir F.E. James also supported the case for an Estimates Committee. But nothing happened.

After Independence, the issue was raised with fresh vigour. The then Finance Minister Shanmukham Chetty reviewed the history of the Standing

Finance Committee and pointed out that it was far more powerful than the Estimates Committee in Britain.

Soon after transfer of power, the subject came up again. Dr. John Matthai, the then Finance Minister, took the view that the Standing Finance Committee already in existence, was, in many ways, better than the Select Committee on Estimates that functioned in England. The suggestion for setting up an Estimates Committee was dropped once again.

In 1950, with the inauguration of the new Constitution, the demand was revived. It became more insistent with the support of the Speaker and his Secretariat. The Government appeared to oppose it, presumably fearing that too powerful Parliamentary Committees might have a crippling effect on Government Departments, but eventually, Government accepted the demand. As a result, the first Estimates Committee was elected by the Provisional Parliament on 10 April, 1950.

During the period 1950-52, *i.e.* the period of the Provisional Parliament, both the Committees, *i.e.* the Standing Finance Committee and the Estimates Committee existed side by side. There was a view that two different Committees were not needed and one could deal with the entire area of responsibility. Dr. John Matthai, supporting the case for the continuance of both the Committees said :

“The Standing Finance Committee is not really a Parliamentary Committee. It is a committee which is appointed by the House in response to the suggestion made by the Government, who desire to have an advisory committee composed of the Members of Parliament to advise them on new proposals of expenditure. The Estimates Committee is a Parliamentary Committee to advise the House and work under the direction of the Hon. Speaker.”

The Estimates Committee was to work as a Committee of an independent and supreme Parliament which enjoyed real power to control the Government in the field of finance.

Thus, between 1950 and 1952, we had three Financial Committees—the PAC, the Standing Finance Committee and the Estimates Committee. During this period, it appeared that our Parliament might develop a powerful system of Committees comparable to those that existed in France and the USA,

But, when the First Lok Sabha was constituted in 1952, the Standing Finance Committee and all the other standing advisory Committees were abolished,

In the beginning, the Estimates Committee consisted of 25 Members; but later on, the strength was increased to 30, elected every year by the House of the People. Rajya Sabha had no representation on this Committee, though in some States with bicameral system, the Members of the Upper House were also elected to this Committee. The Chairman was to be nominated by the Speaker, though in the U.K., the Chairman is elected by the committee. In some States in India, Financial Committees are still presided over by the Finance Minister. This is not a very healthy practice.

The officials of the Committee, belong to the Parliament Secretariat and are responsible to the Speaker. They cannot therefore be influenced by the Government or the Government party in the Committee.

This Committee has no expert like C. & A.G. In 1918, there was a proposal in the U.K. to consider the appointment of an Examiner of Estimates who could have a position analogous to that of the Comptroller and Auditor General. But nothing came out of it. Even now, the Committee does not have any experts as such, but is assisted by the staff of the Lok Sabha Secretariat who have gained wide experience and can therefore ably handle the work of the Estimates Committee.

Functions of the Estimates Committee : According to the rules, the Committee was constituted "for the examination of such of the estimates as may deem fit to the Committee or specially referred to it by the House of the Speaker". Its functions are as follows :

- (1) To report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates may be effected;
- (2) to suggest alternative policies in order to bring about efficiency and economy in administration;
- (3) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and finally
- (4) to suggest the form in which the estimates shall be presented to the Parliament.

From 1956, on the instructions of the Speaker, the Committee has started submitting Action Taken Reports to the House.

The Committee has to report "economies, improvements in organisation, efficiency or administrative reforms". It is empowered to suggest alternative policies in order to bring about efficiency and economy. It can examine not only the estimates presented to the House but even others. It is also entitled to examine the Supplementary Demands like all other demands.

The name "Estimates Committee" does not convey the full scope of the functions of the Committee. It is in fact, an economy Committee of Parliament. It never examines the estimates before they are presented. Records however, show that there was one such case when it examined the railway estimates before they were voted.

Mr. Basil Chubb is of opinion that this Committee is not concerned with increasing the amounts of goods and services for a given expenditure but with obtaining a given number of goods and services and achieving certain given ends at as low a cost as possible. Its main objective is economy. The legitimate purpose of an economy committee is to bring about the same services at a lesser cost or increased services at the same cost.

Where it is established that a particular policy is not leading to the expected results or is leading to waste, it is the duty of the Committee to suggest a change in the policy.

According to Shri M.N. Kaul, this Committee is competent to examine matters of policies settled by executive orders, because executive orders do not bind the Parliament. "If we exclude executive policies, then we practically exclude everything from the purview of the Estimates Committee."

The 1950-51 Committee came to the conclusion that the control of the Ministry of Finance was more rigid on minor items of expenditure and perhaps lax on major items and recommended that the item-wise control should be delegated to the heads of the Ministry and the Ministry of Finance should be left free to devote more attention and thought to the major proposals involving bulk expenditure.

In the 20th Report of the Committee (1957-58) on Budgetary Reform and the 21st Report on Planning Commission, the Committee again went into

policy matters. By way of Budgetary Reform, the Committee recommended that the financial year should commence from 1st October and the budget may be presented to Parliament in the latter half of August and voted by the end of September. Secondly, it recommended the revival of the Standing Finance Committee. Thirdly, the Committee doubted the desirability of the Prime Minister and other Cabinet Ministers being made formal members of the Planning Commission. These recommendations attracted lot of public attention and became a matter of public controversy, with the result that the Government asked its Law Department to examine the rights of the the Estimates Committee.

Ministers are not called as witnesses before the Committee.

The Speaker, Mr. G.V. Mavalankar, who attended the first sitting of the Estimates Committee hoped that the examination that the Committee conducted would be efficient and thorough enough to make the Government machinery alert and conscious that the vigilant eye of the Parliament was ever watchful of what was being proposed or done by the Executive, that it would lead to general efficiency in administration and that the observations of the Committee would provide salutary guidance for future estimates and policies.

In its first sitting held on 18 April, 1950, the Committee proposed in its draft rules that Supplementary Demands should be brought before the Committee before they are presented to Parliament. But Dr. John Matthai objected to the proposal on the ground that this function was being performed by the Standing Finance Committee ; that no such power was being exercised by the Committee in England; and that Supplementary Demand were placed before the House in the same way in which ordinary demands were presented.

The Standing Finance Committee was abolished in April, 1952. The question of taking up the examination of the Supplementary Demands again came up for consideration. The Committee felt that it would be enough if these Supplementary Demands were examined by the Committee after they were presented, but before they were voted.

The Committee decided in one of its meetings that as part of its normal duties, it should undertake a general examination and make a brief survey of budgets immediately after their presentation. Accordingly, the Committee examined the Railway Budget for 1956-57 presented to Parliament on 23 February, 1956. In its 23rd Report, the Committee observed that the interval

between the presentation of the Railway Budget and the commencement of the discussion or even voting was far too short for the Committee to make a more detailed examination of the Budget.

A similar experiment, on a large scale, was made by the Maharashtra State. They introduced a system of examining all the estimates after they were presented to the Assembly but before they were voted. Unfortunately, that experiment was given up without persistent efforts to work it, by removing the hurdles that had appeared.

In the U.K., on the other hand, the Estimates Committee frequently submits such reports to the House before the final vote on the estimates takes place. This enables the House to make use of the reports of the Committee. Such a system can be adopted in the U.K. because in that country, estimates are presented in February and are finally voted in July or in August. One fails to understand why we have not adopted a similar system in our country.

The Rules provide that if a Member remains absent from two or more consecutive sittings of the Committee without the permission of the Chairman, a motion can be brought in the House for the removal as such Member from the Committee. This rule is applicable to other Committees also but is seldom invoked. However, the attendance of some Members is poor. For instance, during 1981-82, out of 72 sittings of PAC, 13 Members attended less than half of the sittings. The number of such Members was 15 in Estimates Committee and 16 in Public Undertakings Committee.

The Deputy Speaker used to be the Chairman of the Estimates Committee in the beginning.

In England, the Select Committee on Estimates started much earlier. It is appointed at the beginning of each session. Till 1930, it enjoyed a poor reputation and was not taken seriously as a model for procedural development. The Estimates Committee re-established its eminence at the end of the Second World War. There was some overlapping with the work of the Public Accounts Committee. But the Estimates Committee was able to prove that it was an effective instrument of scrutiny to assess whether the Central administration was organized for the effective performance of its functions and whether the implementation of policy and the execution of the Government's expenditure programmes were carried out effectively. During this period, its membership was 49 and normally, it worked through six sub-Committees.

Our Estimates Committee examined only a few departments each year and that too restricted to some activities and not in its entirety. Even after 33 years of existence, a number of Departments have not been examined covering the entire estimates relating to them.

That a price was paid in terms of an ambiguity about the role of the Estimates Committee cannot be denied, and indeed, this was brought out sharply by Mr. Enoch Powell in his evidence to the Procedure Committee of 1964-66.

Public Undertakings Committee : As a result of the motion adopted by the Lok Sabha on 20 November, 1963, a separate Parliamentary Committee on Public Undertakings came into existence with the beginning of 1964-65 session. The motion envisaged a Committee of 15 Members—10 from the Lok Sabha and 5 from the Rajya Sabha.

This Committee was to take over the functions of both the Estimates Committee and the Public Accounts Committee *vis-a-vis* public undertakings. Even in 1954, the late Speaker Mr. G.V. Mavalankar had expressed the opinion that "The Estimates and the Public Accounts Committee are already overburdened with the work assigned to them, and find very little time to go into the working of the Corporations."

Before this Committee was appointed, the scrutiny of the Public Undertakings was being carried out, mainly by the Estimates Committee. Since the beginning of 1959-60, a regular Sub-Committee on public undertakings was constituted by the Estimates Committee. During the five years, from 1959-60 to 1964-65, the Committee investigated some undertakings in detail and conducted some general investigation on the basis of published annual accounts. It also reported on some general matters pertaining to all public undertakings like the preparation of budget estimates, presentation of annual reports and accounts, etc. and finally, it also examined some *ad hoc* subjects referred to it by the Speaker. For example, in its 87th Report (1959-60), it investigated "General Service Charges of Rourkela Steel Plant". During the five years for which the Sub-Committee functioned, it submitted about seven Reports every year.

Because of the ever expanding dimensions of our public sector involving huge public outlays, it became imperative to have a separate Committee to supervise and investigate the functioning of the Public Sector. In November

1959, a Congress Party Committee known as the Menon Committee, also recommended the setting up of a separate Parliamentary Committee.

On 24 November, 1961, Government came up with a motion for such a Committee to be called "Joint Committee on State Undertakings". On 10 August, 1962, a revised motion appeared on the agenda for setting up a separate Parliamentary Committee on State Undertakings. In this revised motion, it was proposed that the Members of the Council of States serving on the Committee would be "associate" members and that they would not sit on the Committee while it investigated matters, till then dealt with by the Estimates Committee. But this motion was not actually moved.

On 21 September, 1963, the Government moved yet another revised motion. It described the Committee as one belonging to the House. The word "joint" was dropped. The Members were to be elected for a period of five years, and 1/5th of the Members were to retire every year by rotation. In another motion moved by the Government on the same day, *i.e.* 21 September, 1963, the House recommended to the Council of States to nominate five of its Members to associate with the Committee. The motion was adopted on 20 November, 1963, and as a result, a separate Parliamentary Committee on Public Undertakings came into existence. The delay was mainly caused by the need to reconcile the competing claims of the two Houses.

In the U.K. where the public sector is not so large there is a Select Committee on Nationalized Industries. This was first established in 1951. After much argument, it was made a sessional Committee in 1956. It owed its existence to determined pressure from the Conservative back-benchers. This was mainly to get around the excess insulation of the nationalized industries from parliamentary pressure. It reflected a wider uneasiness about the extent to which State enterprises could be left to manage their own affairs, although, in practice, there was a great deal of ministerial responsibility for the working of these undertakings. Herbert Morrison saw this Committee as a serious threat to the concept of public corporation, but actually the Committee developed a relatively friendly and even protective relationship with the undertakings whose reports and accounts it scrutinized and investigated. The main target of the Committee was the Government Department, whose interference often tended to subvert the independence that these corporations were expected to enjoy.

In our country, there has been a constant dispute on questions of autonomy and accountability. The executive resents detailed enquiry and investiga-

tion into the working of individual undertakings, whereas the Parliament is very jealous about its right to enforce executive accountability to safeguard public interest and to keep watch on public finances. Interference by the Ministry and the Minister is both overt and covert latent and patent. One example is cited below. It relates to the infamous deal of Kuo Oil. The Public Corporation, viz. the Indian Oil Corporation objected to the fixed price deal; the Ministry also objected and yet against all this expert advice, and outside his normal duties, the Minister entered into this contract which ultimately resulted in huge loss to our country.

In addition to investigations into specific undertakings, the Committee has also tackled horizontal issues like Personnel Policies and Labour Management, Relations, Financial Management, Production Management, Materials Management, Foreign Collaboration Control System, etc. They have made about 20 reports on such studies.

These reports make a major contribution to providing parliament and the public with authentic information and comments on the performance of the public sector undertakings.

This Committee receives the C.& A.G.'s assistance for the study of such undertakings as have been investigated by him.

The Committee, so far, has examined upto 1982-83, 98 out of 225 undertakings. In some cases, more than once, and have submitted 332 reports including Action Taken Reports.

It is an unfortunate fact that this Committee in its 19 years' existence has not been able to examine a large number of undertakings even once. At the present rate of its scrutiny, it will take at least 20 years more to complete the first round. The second round for an undertaking will come only after about 20/25 years. This is undoubtedly a totally unsatisfactory situation. About the U.K. Committee, some one said :

“Attendance at meetings was always somewhat irregular, some members missing numerous meetings, some unable to find time to read the papers and many given to putting in an appearance before slipping out to attend to other matters. Inevitably, the burden has fallen on a minority of dedicated members and the Chairman.”

This is more true of the Indian Committee members.

I am told that in some States, Members of Assemblies are Chairmen or Managing Directors or serve as Directors on the Board of Public Sector Corporations. This practice, in my view, is not correct as it compromises the legislators' Position *vis-a-vis* the Executive.

General Features of the Committees : All these Committees function under a common code, that is,

- (a) under the supervision of the Speaker;
- (b) staffed by Lok Sabha Secretariat;
- (c) with a Chairman nominated by the Speaker;
- (d) they are not open to press or public;
- (e) the verbatim proceedings of the Committee are not available to the public—not even to the Members of Parliament, unless authorized Speaker;
- (f) they report to the House;
- (g) they can send for any paper or document and summon witnesses. Documents sought by the Committees can be withheld only on grounds of national security or public interest;
- (h) they can go on tour for “on the spot” study;
- (i) their reports are unanimous and anonymous;
- (j) their reports are never discussed in the House;
- (k) Members of these Committees are elected every year under the system of proportional representation,
- (l) Interested Members cannot take part in the proceedings when the subject concerned is under discussion;
- (m) Members cannot put questions in the House on subjects under examination by the Committee; and
- (n) no minister can be a Member of any of these Committees.

Conclusion

In my opinion, the result of all this Committee work have not yet had a major impact on the style of Government's functioning nor on the process of decision making. But the existence of these Committees and the process of inquiry have indeed helped to create a certain fear in the mind of the Executive and has compelled the observance of certain standards of conduct both in public service and in political life. The Committees have undoubtedly helped to reinforce the basic idea that the administration is accountable to and subordinate to Parliament.

The main criticism against the Committee system is that it does not achieve adequate specialized enquiry into the activities of the Departments and various aspects of government policy, and in this respect, it is inferior to the specialized Committee system that operates, for example, in the United States' Congress.

Even in the U.K. it is frequently suggested that the Committee system should be reformed by turning the existing Standing Committees into permanent specialist bodies. On the other hand, critics of specialised committees argue that specialization in itself need not necessarily be advantageous in that it can very often lead to narrowness of outlook.

The functioning of these Committees ought not to be regarded as a routine ritual. The bureaucracy has become impervious to and have developed perfect immunity to the criticism and indictment contained in the reports of the Committees. Officers are not worried because so far, very few, if any, have been really punished on the basis of the Committees' findings. It is said that in the U.K. when the PAC makes a sound like a suckling dove, the treasury while communicating the conclusions of the Committee' to the concerned authorities for action, roars like a Libyan lion. That seriousness is sadly lacking in our country.

Implementation of the recommendations of Committees leaves much to be desired. Government intimates to the concerned Committee about the action taken on its Report in that they communicate their acceptance or otherwise of the recommendations and give reasons for the non-acceptance. On that basis, an Action Taken Report is submitted to Parliament. But that is all. How many of those accepted recommendations have actually been implemented and when or how, nobody knows.

The result is obvious. The system does not improve. The same mistakes, same irregularities continue unabated often by the same Department and sometimes even by the same officer.

Another direction in which reform is imperative is reduction of the time lag between the date of the transaction and its scrutiny by the Committee. Sometimes this time lag is as long as six or seven years, and by the time the final action is taken, it is more than a decade. The result is that the guilty is never punished, and the system is never improved.

Our Committee system is neither extensive nor effective. Our experience tells us that the system needs reinforcement and reorientation.

We must devise a Committee structure which can at least :

- (a) scrutinise all the Bills after they are introduced, if not before;
- (b) scrutinise at least the major items of expenditure before they are voted;
- (c) supervise and ensure that the rule of law prevails, that there is no executive oppression, excesses or arbitrariness, etc.
- (d) that there is no strain on human liberty and freedom.

This can be achieved only by reviving the old Standing Committees and by creating new ones for (c) and (d) above and clothing them with full parliamentary authority. As mentioned earlier, after the Montagu-Chelmsford Reforms of 1919, in 1921, the Government constituted Standing Advisory Committees for all important Departments. Then, there was a Standing Finance Committee which had the responsibility of scrutinising the expenditure proposals of Government including Supplementary Demands before they were voted. However, these Committees were Committees of the Government, and not of Parliament. In March 1950, an Estimates Committee as a Parliamentary Committee was constituted. And so, sometime in 1952, the Standing Finance Committee and other Standing Advisory Committees were abolished in their place. The Government constituted, what were known as the "Informal Consultative Committees" for each Ministry. A very poor substitute indeed.

The Estimates Committee, as constituted today cannot undertake any

pre-budget scrutiny. The old Standing Finance Committee, on the other hand, could scrutinize the budget proposals before they were voted by the House. There should be Standing Committees, in respect of each Department and all the proposals in respect of each Department should first be scrutinized by the respective Standing Committee before they come up before the House for discussion. Such a procedure will ensure an in-depth and objective study of each proposal at the Committee level before the proposal comes for public discussion in the House. It should be noted here that for want of time, a large number of Demands for Grants are not discussed at all in the Lok Sabha. There were 67 such Demands out of a total of 109 for the year 1983-84 alone. In short :

- (1) There is an urgent necessity for reforming our Committee structure, particularly, the working of our Financial Committees. For this purpose, it is imperative that we constitute a Committee like the Procedure Committees in the U.K. They had several such Committees set up at irregular intervals, the latest being in 1976. That Committee submitted its report in 1978. We have not had any similar Committee in India. We must have one without delay to recommend a structure of Committees which would meet the changed needs of our welfare State committed to the strategy of planned development.
- (2) The Standing Advisory and Standing Finance Committee should be revived with necessary modifications and with full Parliamentary authority.

An experiment on this line is being made in Kerala, where each proposal is scrutinized before it is sent to the Assembly for open discussion. This experiment should be watched with interest, and if it is found that an in-depth objective assessment of any proposal is possible under such a Committee system, it could be adopted by the Centre and other States. This experiment must succeed.

- (3) There should be a Committee on Plan projects. It is most essential in view of the time and cost escalation of Plan projects which cannot always be justified.
- (4) There should also be a Committee on Ordinances. Even if it can not examine the urgency of ordinances before they are issued, it should

at least report to the House on the urgency and justification for an Ordinance, at least, after it is issued.

- (5) To save the time of both the Executive and Legislatures, it is desirable that as many Joint Committees should be formed as possible. e.g. The Subordinate Legislation Committee, the Committee on Assurances, Committee on Papers Laid, etc.

It is sometimes claimed that a greater number of such Committees would in fact, actually weaken Parliament's power to criticise the Executive by linking Parliament too closely with the Executive decisions.

A fear has been expressed in several quarters and the fear is well founded—that the complexities and vast growth of Governmental activities have weighed the balance of power between the Legislature and the Executive, in favour of the Executive. Let us hope that the balance of power would be restored by strengthening and improving the Committee system, for, therein lies our hope.

Shri Jagan Nath Kaushal : I think she is a very old parliamentarian. The Bill was introduced in the Rajya Sabha.

An Hon. Member. Experienced parliamentarian, Not old.

Mr. Speaker : I would have objected if he were to say "old lady".

(*L.S. Deb.*, 27 August, 1984)

WIT AND HUMOUR IN PARLIAMENT

[Parliament and Legislatures witness heated discussions not infrequently. But it is not all just heat; the discussions shed light as well and there are also lighter interludes. This feature, which we hope to continue, is the result of our endeavours to capture the moments of wit and humour and to share them with our readers.

—Editor]

LOK SABHA

On 28 February, 1984, while asking a supplementary on Starred Question No. 45, a Member (Shri Ravindra Varma) said :

“There is a complaint that Doordarshan is depending heavily on film and film-based material and on imported telecast programmes even on subjects like wild life, even though there is no dearth of wild life anywhere in this country.”

Prof. Madhu Dandavate, M.P., interjected to say that “There is no dearth (of wild life) in Parliament also”.

Amidst laughter over the remarks of the Member the Speaker humorously observed, “Nobody is objecting to it !”

(L.S. Deb., 28 February, 1984)

Shri Indrajit Gupta : In order to avoid trouble of this sort frequently, it is better Mr.keeps his mouth shut so that nobody can put words into his mouth.

(L.S. Deb., 2 March, 1984)

Shri Sunil Maitra : We support it.

Shri K. Brahmananda Reddy : Please do not spoil my request with your support. You should be helpful that way.

(L.S. Deb., 12 March, 1984)

Shri Biju Patnaik : Would the Minister kindly tell us when his telephone system is really going to work.

Shri V. N. Gadgil : It is working quite satisfactorily.
(Interruptions)

Shri Biju Patnaik : No, that is the most unsatisfactory answer that I have heard in this House.

(Interruptions)

Mr. Speaker : Whose satisfaction ?

Prof. Madhu Dandavate : We have a Government that works and a telephone that fails.

(L.S. Deb., 20 March, 1984)

(Regarding modernisation of Rourkela plant)

Shri Satyasadhan Chakraborty : What is the reaction of Government ?

Shri N.K.P. Salve : We act, we do not react.

(L.S. Deb., 21 March, 1984)

Dr. Subramaniam Swamy : Mr. Bhole has talked about the smuggling of heroin. He meant heroin and not heroine.

Shri R.R. Bhole : Mr. Subramaniam Swamy is very fond of heroines.

Mr. Speaker : He has passed that age now. Only you can talk about it.

(L.S. Deb., 21 March, 1984)

Shri Narayan Choubey :As you know and the House knows, Tihar Central Jail is a heaven for the very bad criminals and a torture chamber for the common persons.

Shri Ram Pyare Panika : We are not aware. Only Mr. Choubey can know.

Shri Sontosh Mohan Dev : I don't know why people go to jails.

Shri Narayan Choubey : Sir, Mr. Sontosh Mohan Dev says, why do people go to jails ? I want to know why he does not go to jail. He should go to jail.

Shri Sontosh Mohan Dev : He is fond of going to jails.

Mr. Speaker : Look here, I will like all of you to be here because I have to run this House.

(L.S. Deb., 21 March, 1984)

Shri Niren Ghosh : Of the nine dry docks in India five are located in Calcutta port as far as I know.

Prof. Madhu Dandavate : Calcutta is very dry.

Shri Niren Ghosh : Bombay is wet.

Shri Satyasadhan Chakraborty : That is why more sanity is found in Calcutta.

(L.S. Deb., 22 March, 1984)

Dr. Subramaniam Swamy : The Minister in his reply said that the unit in Maharashtra is in an advanced stage. I would like to know what exactly is the stage and whether the Chief Minister of Maharashtra has written to him recently.

Mr. Speaker : You do not understand advanced stage ?

Dr. Subramaniam Swamy : No, Sir. Is it in labour pains ? He is having labour problems everywhere.

(L.S. Deb., 27 March, 1984)

Shri Satish Agarwal : So far as the plight of tobacco chewer is concerned the Hon. Minister will kindly appreciate that the prices of chewing tobacco....

Mr. Deputy-Speaker : It is very harmful. Please stop it.

Shri Satish Agarwal : I know, Sir. Why is it harmful ? It is because the variety made available for chewing tobacco is of the lowest grade....

Prof. Madhu Dandavate : Tobacco affects the speech. So, during Zero Hour, it should be made available to Members !

Shri M. Ramgopal Reddy : Just now, Mr. Agrawal said that he had reduced consumption of tobacco. I think that is the reason why we are having glut. I want to know from the Minister whether he is going to take the help of Mr. Agarwal so that he may consume all the extra tobacco. If he consumes more, our glut may be over.

(L.S. Deb., 11 April, 1984)

Mr. Deputy Speaker : Shrimati Pramila Dandavate.

Shri Buta Singh : Before she starts reading her statement I have to raise a point of order. There had been a serious breach of a convention. The lady member should have been given the first chance.

Mr. Deputy Speaker : That can be taken note of.

Prof. Madhu Dandavate : That is why we have allowed Mrs. Gandhi to be the Prime Minister of the country.

Shri Buta Singh : That is why Smt. Pramila Dandavate should have got the first chance and Prof. Madhu Dandavate the second chance.

Mr. Deputy Speaker : That being taken note of by the Chair..... I suggest that if both the couple get a chance Shrimati Pramila Dandavate should be given the first chance and Prof. Dandavate next.

Shri Buta Singh : I think you will be having a great relief during the Zero hour.

Mr. Deputy Speaker : You should have been called earlier to which I think Prof. Dandavate agrees.

Prof. Madhu Dandavate : In the interest of peace at home I do not mind.

(L. S. Deb., 21 April, 1984)

Mr. Speaker : Mr. Lakkappa, you are a very seasoned parliamentarian.

Some Hon. Members : No, no.

Mr. Speaker : All are good parliamentarians.....

Shri Atal Bihari Vajpayee : Sir, did you say seasoned parliamentarian or seasonal parliamentarian ?

(L.S. Deb., 25 April, 1984)

Shri Krishna Chandra Halder :I would like to point out that the Hon. Minister is very short-sighted. He has no planning for the future.

Mr. Speaker : Did you get it checked up whether he has got his lenses or not ?

Shri Krishna Chandra Halder : Sir, from his answer, I was able to check it up.

Mr. Speaker : I thought that you were referring to his eye-sight.

Shri Krishna Chandra Halder : No, Sir.

Shri Somnath Chatterjee : Administrative eye-sight.

(*L.S. Deb.* , 26 April, 1984)

Shri Shivraj V. Patil : As far as the creation of voltage is concerned, I will inform the Hon. Member later on.

Prof. Madhu Dandavate : The voltage may be laid on the Table of the House.

Shri Shivraj V. Patil : I will lay on the Table of the House and on the lap of the Hon. Member.

Mr. Speaker : Don't electrocute him !

(*L.S. Deb.*, 2 May, 1984)

Shri P. U. Thungon :It has been our effort to implement the provisions (in regard to prohibition) which are enshrined in the Constitution.

Prof. Madhu Dandavate : People are drinking to the health of the Constitution.

(*L.S. Deb.*, 3 May, 1984)

Mr. Speaker : Mr. Minister, before you answer that, I will ask you a question : Are you prepared to have such a smart member of my Parliament to act in these films ?

Dr. Subramaniam Swamy : Do you want me to leave this House, Sir ?

Shri Buta Singh : This film should then be entitled "No, Swamy".

Dr. Subramaniam Swamy : *Sant ki Jai*.

(*L.S. Deb.*, 8 May, 1984)

Prof. Madhu Dandavate : For the last three years, I am getting this answer that talks are in progress.....Why don't you get me clarification, Sir ? I have asked this question four times but have got the same reply.

Mr. Speaker : What a consistency ?

Prof. Madhu Dandavate : Consistency in delaying the talks.

(*L.S. Deb.*, 8 May, 1984)

Dr. Subramaniam Swamy :Is the Government going to amend the three-language formula ?

Mr. Speaker : I think, this is a premature question.

Shri Chandrajit Yadav : Now, my mature question.

Mr. Speaker : Dr. Subramaniam Swamy is mature, but his question is immature.

(*L.S. Deb.*, 9 May, 1984)

STATE LEGISLATURES

TAMIL NADU LEGISLATIVE ASSEMBLY*

On 11 March, 1983, the Tamil Nadu Electronic Corporation had exhibited a show of different types of watches manufactured by them, at the lounge. On the same day, when the electric clocks in the House failed to function due to load shedding, a Member enquired as to which watch should be followed, for the watches of the Members showed different timings.

Availing that opportunity the Minister for Industries amidst laughter said that if the Members used the electronic watches manufactured by the Tamil Nadu Electronic Corporation, which had come for sales every one's watch would show the correct time.

(*Tamil Nadu L.A. Deb.*, 11 March, 1983)

* Contributed by the Tamil Nadu Legislative Assembly Secretariat.

When the Deputy Leader of the Opposition quoted that King Pandiyan Neduchezhian ended his life as soon as he came to know that a great wrong had been done in his regime, the Chair jocularly remarked that if it were to be followed, everyone would have to end his life.

(Tamil Nadu L.A. Deb., 28 March, 1983)

When the Minister for Transport rose to reply to the points raised by the Members during the consideration stage of a Bill, the Chair wanted him to be brief. The Minister said that if he had to be brief he would have to stop in the middle, for Members had spoken for a long time.

Thereupon, the Chair jocularly remarked "Bus can go a long way. But the subject need not be extended to that extent".

(Tamil Nadu L.A. Deb., 7 March, 1984)

The Minister for the Welfare of Backward Classes said that he felt sore when certain Members were critical of the Nutritious Meals Scheme. He jocularly said that if he had been supplied with nutritious meals during his school days he would not be so weak but would have grown up very strong.

(Tamil Nadu L.A. Deb., 28 March, 1984)

PARLIAMENTARY EVENTS AND ACTIVITIES

INDIAN PARLIAMENTARY DELEGATIONS ABROAD

Parliamentary Delegation to Australia : On the invitation of the Parliament of Australia, an Indian Parliamentary Delegation led by Shri G. Lakshmanan, Deputy Speaker, Lok Sabha, visited Australia from 22 May to 1 June, 1984. Besides the leader, the Delegation consisted of Shri Mallikarjun, Deputy Minister in the Department of Sports, in the Ministry of Works and Housing and in the Department of Parliamentary Affairs, Shri Nurul Islam, M.P., Shri Thazhai M. Karunanithi, M.P., Shri Mahendra Prasad, M.P., Shri R. Mohanrangam, M.P., Shri Chintamani Panigrahi, M.P., and Shri T. Chandrasekara Reddy, M.P., Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha, was Secretary to the Delegation.

Parliamentary Delegation to Netherlands : On the invitation of the States General (Parliament) of the Netherlands, an Indian Parliamentary Delegation led by Dr. Bal Ram Jakhar, Speaker, Lok Sabha, visited the Netherlands from 3 to 10 June, 1984. Besides the leader, the Delegation consisted of Shri Anand Singh, M.P., Shri Murlidhar Chandrakant Bhandare, M.P., Shri M.S. Gurupadaswamy, M.P., Shri D. Pullaiah, M.P., Shri Rajesh Kumar Singh, M.P. and Shri V.S. Vijayaraghavan, M.P., Shri Sudarshan Agarwal, Secretary-General, Rajya Sabha, was Secretary to the Delegation.

Parliamentary Delegation to U.S.S.R. : On the invitation of the Supreme Soviet (Parliament) of the U.S.S.R., an Indian Parliamentary Delegation led by Dr. Bal Ram Jakhar, Speaker, Lok Sabha, visited U.S.S.R. from 19 to 26

June, 1984. Besides the leader, the Delegation consisted of Shri Pyare Lal Khandelwal, M.P., Shri Rameshwar Neekhra, M.P., Shri Ananda Pathak, M.P., Shri K.L.N. Prasad, M.P., Shri T.M. Sawant, M.P. and Shri S.A. Dorai Sebastian, M.P.. Dr. Subhash C. Kashyap, Secretary-General, Lok Sabha, was Secretary to the Delegation.

PARLIAMENTARY DELEGATIONS FROM ABROAD

Canadian Parliamentary Delegation : In response to an invitation from India, a Canadian Parliamentary Delegation led by Hon'ble Louis Dasmarais, M.P., Chairman of the Canadian Branch of the Commonwealth Parliamentary Association visited India in April, 1984. The Delegation called on Shri M. Hidayatullah, Vice-President of India and Chairman, Rajya Sabha and Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 23 April, 1984. A meeting between the Delegation and some Members of the Parliament of India was held on that day. Dr. Jakhar hosted a banquet in their honour on the same day. Besides Delhi, the delegates also visited some places of historical, cultural and industrial interest, viz. Agra, Bangalore, Goa and Bombay.

DEATH ANNIVERSARY OF SHRI JAWAHARLAL NEHRU

A meeting on the occasion of the 20th Death Anniversary of Shri Jawaharlal Nehru, first Prime Minister of India, was held under the auspices of the Indian Parliamentary Group on 26 May, 1984 in Parliament House Annexe. Dr. Bal Ram Jakhar, Speaker, Lok Sabha presided. Shri B.R. Nanda addressed the meeting.

BUREAU OF PARLIAMENTARY STUDIES & TRAINING

During the period 3 May to 30 June, 1984, the following Programmes/Courses were organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat :

Appreciation Courses for Probationers/Officers of All India/Central Services : Two Appreciation Courses, viz. the First Appreciation Course for Indian Railway Traffic Service Probationers and the Seventeenth Appreciation Course for Officers of the rank of Director, Deputy-Secretary and Under Secretary to the Government of India were organised by the Bureau from 21 to 26 May, 1984 and 4 to 7 June, 1984 respectively.

Training Courses for Officers of Lok Sabha and State Legislature Secretariats : Two Training courses, one for Middle Level Officers of Lok Sabha and State Legislature Secretariats on the Working of Committee on the Welfare of Scheduled Castes and Scheduled Tribes and the second for Middle Level Officers of Lok Sabha and State Legislature Secretariats on the Working of Financial Committees were organised by the Bureau from 7 to 19 May, 1984 and 11 to 26 June, 1984 respectively.

Study Visits : The Bureau also organised four one-day Study Visits for, among others Sales Tax Officers, attending an Advanced Course in Sales-Tax Administration at National Institute of Public Finance and Policy, New Delhi.

Shri Satyasadhan Chakraborty : ...The end of our activities is "man". Otherwise there is no meaning in these activities.

Mr. Deputy Speaker : Some may disagree with your view. When you say the end is "man", somebody will say, it is God.

Shri Satyasadhan Chakraborty : Even the saints of our land have said, to see the man is to see the God. It was Karam Chand Gandhi who said, God appears in the shape of food for poor man in India.

(L.S. Deb., 6 August, 1984)

PRIVILEGE ISSUES

LOK SABHA

Alleged assault on and use of abusive remarks against a Member by Police :
On 22 December, 1981, a Member (Shri Satyanarayan Jatiya) made a statement under rule 377 of the Rules of Procedure and Conduct of Business in Lok Sabha regarding alleged assault on him and use of abusive remarks against him by the police at Ujjain, Madhya Pradesh, on 15 December, 1981.

In his statement the Member alleged *inter alia* that the Superintendent of Police, Ujjain, Shri H.P. Singh detained him forcibly. He was insulted repeatedly and was grievously hit again and again. The S.P. used abusive and derogatory language against him. He was prevented from taking part in the proceedings of Lok Sabha. He said that the said police officer had deprived him from discharging his duties as a people's representative in Lok Sabha. Therefore, justice should be done immediately so that nobody might dare, in future, to behave in such a rude and unjust manner with the people's representatives. In view of the seriousness of the incident, the Member requested the Speaker that steps might be taken to extend full safety and protection to him, Members of his family and his friends against any attempt on the part of the police officer to further harm them. He further requested the Speaker and the House to refer the matter to the Committee of Privileges.

Thereafter, the Speaker (Dr. Bal Ram Jakhar) observed as follows :

“In this connection, I would like to observe that it is a breach of privilege and contempt of the House to obstruct or molest a Member while in the execution of his Parliamentary duties, that is, while he is attending the House or when he is coming to or going from the House. Similarly, to molest a Member on account of his conduct in

Parliament is a breach of privilege. It has been held earlier by my distinguished predecessors that an assault on or misbehaviour with a Member unconnected with his Parliamentary work or mere discourtesy by the police or officers of the Government are not matters of privilege, and such complaints should be referred by Members to the Ministers direct.

However, I find that in the present case, the Government's version of the facts is different from the version given by Shri Satyanarayan Jatiya in the House. I have, therefore, no objection, if a motion is moved for referring the matter to the Committee of Privileges".

Another Member (Shri Suraj Bhan) then moved the following motion which was adopted by the House :

"That the matter relating to the statement made on the floor of the House by Shri Satyanarayan Jatiya concerning assault on him by the Police at Ujjain on 15th December, 1981, be referred to the Committee of Privileges for examination and report."

The Committee of Privileges, after examining the Member (Shri Satyanarayan Jatiya), (Shri H.P. Singh, the then Superintendent of Police, Ujjain, Shri Ajit Raizada, the then District Magistrate, Ujjain, Shri Babulal Jain, ex-Minister, Government of Madhya Pradesh and Shri Arun Jain, local representative of *Nai Duniya* a Hindi daily, in their Eighth Report presented to the House on 9 May, 1984, reported *inter alia* that Shri Jatiya in his oral evidence before the Committee deposed that the Government's version that his injuries were self-inflicted was incorrect and contrary to the facts. When he was told that the State Government in their factual note had stated that he fell down while climbing the platform and sustained injuries, Shri Jatiya replied that this was entirely incorrect. In reply to a specific question whether the S.P. himself had inflicted any injury on him, Shri Jatiya said that it was the police who inflicted injuries on him and the S.P. had caught hold of his hands.

The Committee noted that Shri H.P. Singh, the S.P., had denied the allegations made by Shri Satyanarayan Jatiya, M.P., against him. While Shri Jatiya alleged that Shri Singh had caught hold of both of his hands and ordered the policemen to lathi charge him, Shri Singh said that he had not given any such orders to his constables and instead he had saved Shri Jatiya. Shri Singh, however, conceded that Shri Jatiya might have been hit once or twice

by the police constables who were chasing the crowd with batons in their hands. Shri Singh had also denied the allegation of Shri Jatiya that he had used abusive language against him.

The Committee found that the position stated in the factual note furnished by the Government of Madhya Pradesh had been contradicted by Shri Babu Lal Jain, ex-Minister and Shri Arun Jain, local representative of *Nai Duniya* who were cited in the factual note in supports of the position stated therein.

After careful consideration of the evidence and other documents before the Committee, the Committee found that the evidence given by Shri Singh and the factual note furnished by the Government of Madhya Pradesh were not impressing and expressed the view that they were not able to controvert the allegations made by Shri Jatiya. The Committee found no reason why Shri Jatiya should have made the allegations against the S.P. without any basis. The Committee came to the conclusion that Shri Jatiya had been assaulted and beaten by the policemen under the orders of the S.P. Shri Singh. Further, Shri Singh also used abusive language in respect of Shri Jatiya which was highly derogatory against a Member of Parliament.

The Committee decided that Shri H.P. Singh, the S.P., be called again before the Committee and given an opportunity to explain, what he had to say in the matter in view of the above findings of the Committee. When Shri Singh was apprised of the findings of the Committee, he expressed his sincere regrets and tendered unconditional and unqualified apology for lapses on his part.

In view of the unconditional and unqualified apology tendered by Shri Singh the Committee recommended that no further action need be taken by the House in the matter and it might be dropped.

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

Making of an important announcement by a Minister outside the House while the House was in session : On 2 April, 1984, the Deputy Speaker (Shri G. Lakshmanan) observed as follows :

“Shri Mani Ram Bagri has given notice of a question of privilege regarding announcement made by the Home Minister outside the

House about 'Government's approval' of Akalis' demand to amend Article 25 of the Constitution.

It is well established that no question of privilege is involved if statements on matters of public interest are not first made in the House and are made outside. However, such actions are against conventions and propriety. Therefore, it would have been more appropriate to announce this in the House first.

The Home Minister is making a statement today in the House on this matter. May I request the Home Minister to explain whether this matter was so urgent that he could not wait till the House met today?"

Later in the day, when the Minister of Home Affairs (Shri P.C. Sethi) made a statement in the House regarding "Akalis' Demands concerning Article 25 of the Constitution and incidental matters", a Member (Shri Ram Vilas Paswan) again sought to raise the matter. The Minister of Home Affairs then stated that because the agitation there was to start on 2 April, 1984 and Parliament was closed on 31 March and 1 April, 1984, he had to issue the statement so that they had an opportunity to withdraw the agitation.

The matter was, thereafter, treated as closed.

STATE LEGISLATURES

MAHARASHTRA VIDHAN PARISHAD

Alleged misleading of the House by a Minister : On 25 March, 1983, the Chairmain (Shri J.S. Tilak) observed* in the House that on 23 March, 1983 a Member (Shri Pramod Navalkar) had given notice of a question of privilege arising out of reply given by the Education Minister regarding the bifurcation of the Bombay University.

In his notice the Member stated that on 14 March, 1983, in reply to Question No. 18266 the Education Minister (Shri Sudhakar Naik) had informed that the Vice-Chancellor of the Bombay University, Professor Ram

*Original in Marathi,

Joshi, had sent a proposal to the Government regarding bifurcation of the University. The Minister had reiterated this while replying to his supplementary question. He further stated that he was a member of the Senate of Bombay University and its Executive Council. On his inquiry, the Vice-Chancellor had told him that he had not forwarded any proposal regarding bifurcation of the University to the Government. Neither the Senate nor the Executive Council had passed a resolution to that effect. In spite of this factual position, the Education Minister had misled the House by saying that the Vice-Chancellor had proposed bifurcation of the University. This amounted to a breach of privilege of this House. He, therefore, requested the Chairman to refer the matter to the Committee of Privileges.

When asked by the Chairman to explain the position, the Education Minister stated *inter alia* that Professor Ram Joshi, Vice-Chancellor of Bombay University, had sent a note to the Committee appointed for the setting up of Konkan University. The said note was appended as Appendix C to the report of Konkan University Committee. A copy of this note was sent by the Chief Secretary to the Secretary of Education Department on 7 November, 1982 for consideration. In his note, the Vice-Chancellor had elaborated the problems caused by the expansion of the University. The note dealt with the demand of a separate University for Greater Bombay. The note also outlined the nature of the new University. It had also been suggested that the State Government should consult the University Grants Commission in examining this proposal. Till the proposal was finalised, some measures of decentralisation of the present administration be adopted.

The Minister further stated that it appeared from the note of the Vice-Chancellor that another University should be set up to conduct graduate courses with a view to reducing expansion of the Bombay University. In view of this, it had been stated in reply to Starred Question No. 18266 that there was a proposal from the Vice-Chancellor regarding bifurcation of Bombay University. He had never stated in the discussion on this question that the Vice-chancellor had made the above statement on behalf of the University and considering the above position, it would be seen that the reply given by him had not misled the House.

Thereupon, the Chairman observed as under :

“The question is whether the Government has received a proposal for bifurcation of the University from the Vice-Chancellor and

the reply is that such a note was received by the Government. The Chief Secretary received the note from the Vice-Chancellor who forwarded it to the Minister. I have carefully gone through the note and it does repeatedly mention about bifurcation of the University.....There was no intention to deliberately mislead the House in this matter.....He himself had forwarded the note to the Chief Secretary. There is Chief Secretary's noting on it. There is the noting of the Education Minister also. So it appears that the Education Minister did not have any deliberate intention of misleading the House by his reply. I, therefore, do not give my consent to raise this matter as a question of privilege”.

Alleged misleading of the House by a Minister : On 20 April, 1983, the Chairman (Shri J.S. Tilak) observed* in the House that two Members (Sarvashri T.N. Matade and R.H. Shinde) had given a notice of question of privilege. In their notice the Members had stated that another Member (Shrimati Kumud Ranganekar) had asked a supplementary question to Starred Question No. 19652 on 11 April, 1983 about the amount of loss that the Board for Textbooks had to incur and the number of its employees who had been suspended. The Members alleged that the Education Minister (Shri Suddakarrao Naik) specifically replied that information regarding the exact amount of loss was not readily available and that no employee had been suspended. In reality, two employees of the Board, viz. Shri Jadhav from Aurangabad and Shri Vaidya from Bombay had been suspended. In spite of this the Minister replied that nobody had been suspended. He had concealed the information from the House and misled it by giving incorrect information which amounted to a breach of privilege of the House. The Members requested the Chairman to refer the matter to the Committee of Privileges.

In his explanation called for by the Chairman the Education Minister stated *inter alia* that in reply to the above mentioned question he had stated that no employee of the Board for Textbooks had been suspended. While making the statement, he had no intention of concealing certain information and misleading the August House. He further stated that after the Press Conference held by Shri Devlekar on 31 January, 1983, no employee of the Board had been suspended on the basis of allegations made by Shri Devlekar. That was his intention in giving that reply. Shri D.P. Jadhav, Stores Superintendent, Aurangabad, was suspended on 15 December, 1982, as there was a

* Original in Marathi.

prima facie case against him relating to production of note books. A departmental action was in progress against him. The suspension of another employee Shri R.V. Vaidya had nothing to do with the cases brought to light by Shri Devlekar. Shri Vaidya was suspended on 16 January, 1983, because he was unauthorisedly absent from his duty from that date.

Thereupon the Chairman observed as under :

“From the explanation of the Minister, it appears that he had no intention of concealing the information. While replying to supplementary question regarding the extent of loss of Board for Textbooks and suspension of its employees, he replied that nobody had been suspended. In view of this, it is clear that he had no intention of concealing certain information from the House. The question of breach of privilege, therefore, does not arise. Therefore, I withhold my consent to the raising of this matter as a question of privilege”.

UTTAR PRADESH VIDHAN SABHA

Publication by a Newspaper of a Misleading news-report about the Proceedings of the House : On 1 March, 1982, the Deputy Speaker (Shri Yadavendra Singh) observed* in the House that on 22 January, 1982, two Members (Sarvasri Mueed Ahmed and Prabhakar Nath Dwivedi) had given notice of a question of privilege against the publisher and the Editor of *Dainik Jagran*, Lucknow. In their notice the Members had stated that a news item* captioned ‘Furore and sharp exchanges in Vidhan Sabha’, published in the issue of 22 January, 1982, of the said newspaper had alleged that on 21 January, 1982, when a Member (Shri Mohan Singh) through a supplementary to a short notice question, wanted to know the rent of the land, *i. e.* the land allotted to ‘Jeevan Marg Shiksha Kendra’, the Minister of Urban Development (Shri Goyal) could not answer it. The Members had contended that the above wrong, misleading and baseless report had been published deliberately.

The Deputy Speaker sought a clarification in this regard from the publisher and the Editor of *Dainik Jagran*. The Chief Sub-Editor of the said newspaper had informed him *vide* his letter of 22 February, 1982, that in the news item some wrong and misleading facts had been published due to printer’s devil,

* Original in Hindi.

which he had regretted. They had also published in their issue of 23 February, 1982, a contradiction of the earlier report.

In the circumstances and in view of the regret expressed by the Sub-Editor of the newspaper the Deputy Speaker felt that there was no need to pursue the matter further and it may be treated as closed.

Holding of meetings of a Government Committee of which legislators were also members, by an officer during the Session : On 1 March, 1982, the Deputy Speaker (Shri Yadavendra Singh) observed* in the House that on 3 February, 1982, two Members (Dr. Shivanand Nautiyal and Shri Narendra Singh Bhandari) had given notices of a question of privilege against the District Panchayat Raj Officer, Pauri Garhwal, wherein they had stated that in spite of clear instructions issued by the Chief Secretary to all Divisional Commissioners, Heads of Departments and District Magistrates on 21 February, 1979 that the meetings of various Committees with legislators also as members should not be convened on such dates during the period when sittings of the Houses of the legislature were fixed, the District Panchayat Raj Officer, Pauri Garhwal convened two meetings of the Steering Committee under the National Rural Employment Programme on 16 January and 3 February, 1982, respectively, on a very short notice during the session period of the legislative Assembly so that the Members of legislative Assembly from the area might not be able to attend these meetings and the District Panchayat Raj Officer could take decisions in the above mentioned important committee without consulting them. According to the Members, the above mentioned officer had thus totally ignored them and tried to deprive them from performing their duties.

The Deputy Speaker further said that he had requested the Minister for Rural Development to furnish facts. The Minister *vide* his letter of 10 February, 1982, had informed him that according to the information received from the District Magistrate, Pauri Garhwal, it was considered necessary to call the two meetings in question, on 16 January and 2 February, 1982, since it was to be ensured that in view of the priority of the programme the funds allocated under the concerned programme were utilised by 31 March, 1982. The Minister had stated in the said letter that the District Magistrate had admitted that the decision to call the meeting on 16 January, 1982, was taken at the sitting held on 18 December, 1981, before the commencement of the session of the Legislative Assembly and it did not occur, before the date of the meeting that the Members of Legislative Assembly would not be able to attend the meeting due to the commencement of the session. The Minister had further

* Original in Hindi.

stated that the decision to call the meeting on 3 February, 1982 had been taken at the sitting held on 16 January, 1982, and although the formal notice could be finalised on 28 January, 1982, this meeting was cancelled on the request of legislators before its sitting. In the end it had been conveyed that the District Magistrate had regretted the inconvenience caused to the Members and also clarified that the intention behind convening these meetings was never to avoid the involvement of the Members in decisions of the Committee.

The Deputy Speaker further observed that it was significant that the Members had complained not of obstruction in their work connected with the Legislative Assembly or any of its committees, but that the meetings of Steering Committee under the National Rural Employment Programme were fixed on such dates that the Members, who were also the members of that Committee, could not attend those meetings. The above committee, was a government committee and as regards the question of calling the meetings of the Committee during the session of the Assembly was concerned, the circumstances in which the meetings in question had to be called, had been explained by the administration and the concerned officer had also expressed regret for the inconvenience caused to the Members.

Concluding the Deputy Speaker expressed the view that the question of breach of privilege could arise only if a Member was obstructed from attending to the work of the House or any of its committees. Therefore, in the aforesaid circumstances, he did not give consent to raise this matter as a question of privilege in the House.

Alleged casting of reflections on a Minister by a newspaper : On 2 March, 1982, the Deputy Speaker (Shri Yadavendra Singh) observed* in the House that a Member (Shri Ram Govind Chaudhary) had given notice of a question of privilege against the Editor, Assistant Editor, Manager and Assistant Manager of *Faizabad Ki Awaaz*, a weekly newspaper published from Faizabad. The Member had stated that the above newspaper had published a news item on the front page of its issue of 22 February, 1982, under the caption 'Bungling on large scale, Misappropriation of Lakhs of Rupees, Dismiss the Minister concerned' wherein certain allegations had been made against the Minister of Animal Husbandry and Dairy (Shri Bhanu Pratap Singh). It had been alleged that the publication of the above news item had not only lowered the prestige of the Minister but it also amounted to a contempt of the House.

* Original in Hindi.

The Deputy Speaker further observed that the notice in question was based only on the allegatory news item published in the said newspaper. On several occasions, observations had been made by the Chair that permission to raise a privilege issue was not given if it was based merely on a newspaper report. This issue did not relate to the proceedings of the House or any of its committees and if some allegations were made against any Minister outside the House, he could himself contradict them. He, therefore, did not give consent to raise this matter as a question of privilege in the House.

Holding of a meeting of a Government Committee of which legislators were also Members, by an Officer during the session : On 2 March, 1982, the Deputy Speaker (Shri Yadavendra Singh) observed* in the House that a Member (Shri Vidya Sagar Nautiyal) had given notice of question of privilege against the Land Conservation Officer, Tehri Garhwal. In his notice the Member had stated that on 20 February, 1982, when the House was in session, the said officer informed him and two other Members through a letter that a meeting of the District Land and Water Conservation Committee Tehri Garhwal, had been fixed for 1 March, 1982, and that he had thus tried to prevent him and two other Members from participating in the proceedings of the House.

Referring to his own ruling delivered on 1 March, 1982, wherein he had stated that a question of breach of privilege could arise only when a Member was obstructed or prevented from attending to the work connected with the House or any of its committee, the Deputy Speaker observed that the issue in question related to the meeting of a Government Committee and it was not incumbent upon such of its members, who were also Members of the Legislative Assembly, to attend such a meeting by abstaining from the sittings of the House.

In view of the above, the Deputy Speaker did not allow the matter to be raised as a question of privilege but expected the Government to ensure full compliance with its earlier direction that the meetings of the Government Committees, with legislators also as its members, should not be convened when the House was in session.

Alleged misbehaviour with and obstruction to a Member by certain police officials while he was coming to the House : On 2 March, 1982, the Deputy Speaker (Shri Yadavendra Singh) observed* in the House that on 28 January, 1982, a Member (S'ri Naresh Chandra Agarwal) had given notice of a ques-

* Original in Hindi.

tion of privilege against Shri Brahmdin Pal, a Sub-Inspector and two constables. In his notice the Member had alleged that on 28 January, 1982, when he was coming to attend the session of the Assembly, the Sub-Inspector and the two constables present at the gate stopped him and misbehaved with him and also snatched his bag and said 'many MLAs roam about, what can you do'.

In this matter, the Deputy Speaker had called for the factual position from the Government. The Minister of State, Secretariat Administration, informed him *vide* his letter of 19 February, 1982, that an enquiry into the matter by *Pratisar Nirikshak, Suraksha*, Uttar Pradesh Secretariat, had revealed that Shri Brahmdin Pal, the Sub-Inspector, did not misbehave with the Member, on 28 January, 1982. While enclosing the report of the above enquiry, the Minister had stated in the said letter that the driver of the scooter, which the Member was riding, was requested by the Sub-Inspector to obtain an admission card since he did not possess it and was not allowed to go inside without the admission card. It had also been stated in the enquiry report that the allegations of the Member that the guard and the Sub-Inspector stopped him, misbehaved with him and snatched his bag, were not true.

The Deputy Speaker further observed that a question of breach of privilege arose when a Member was obstructed while proceeding to attend the session of the Assembly or if he was harassed. In this case, as explained by the Government while giving the factual position, the Member was stopped by the police posted at the gate of the 'Vidhan Bhawan' in discharge of their duties, to ask the driver of the scooter which the Member was riding, to show his admission card. The Member had also not given any rational ground to show that he was stopped with the intention of obstructing him from attending the session of the Legislative Assembly.

In view of the above, the Deputy Speaker did not give consent to raise this matter as a question of privilege and observed that directions have been given on several occasions by the Chair, and the Government had also issued instructions accordingly, that while dealing with legislators one should be courteous and humble. In spite of it, complaints of such behaviour with Members by Government officers and employees had been received. He, however, expected the Government to ensure that the earlier directions and orders were complied with fully and such incidents did not recur.

HOUSE OF REPRESENTATIVES, (AUSTRALIA)

Alleged discrimination against and intimidation of a public servant in his public service employment because of evidence given by him before a sub-Committee of a Parliamentary Committee : On 1 April, 1980, a Member (Mr Fry) sought to raise a question of privilege and stated¹ as follows :

"I have been approached by a constituent, Mr. David Berthelsen, with a complaint that he is being discriminated against and intimidated in his employment with the Commonwealth Public Service as a direct result of evidence he gave before the Joint Committee on Foreign Affairs and Defence. Mr. Berthelsen has provided me with copies of a number of documents which I believe may constitute a case of breach of privilege for a witness giving evidence before a Committee of the Parliament. These documents include a statutory declaration and copies of correspondence between Mr. Berthelsen and his employers, the Commonwealth Public Service. As I believe that this case has serious implications for the protection of Public Service witnesses appearing before Parliamentary committees and for the freedom of committees to call such witnesses, it would be appreciated if you would examine these documents at your earliest convenience, Mr. Speaker, and advise the House of your views".

The Speaker (Sir Billy Snedden) then requested the Member to provide the documents to the Clerk and observed that he would give his ruling after examining them.

Later the same day, the Speaker observed² as follows :

"Earlier today the honourable member for Fraser (Mr. Fry) raised as a matter of privilege the alleged discrimination and intimidation in his employment within the Auditor-General's office in the Public Service of Mr. David Berthelsen. The matter is alleged to have arisen out of evidence given by Mr. Berthelsen to a Sub-committee of the Joint Committee on Foreign Affairs and Defence in its inquiry into defence procurement. I have noted that on 19 March the honourable member for Kennedy (Mr. Katter) on behalf of the Joint Committee on Foreign Affairs and Defence made a statement to the House in relation to certain allegations of intimidation by the Department of Defence against a witness. In that statement the

1. *House of Representatives, Deb.*, 1 April, 1980, p. 1507.

2. *Ibid.*, p. 1556.

honourable member informed the House that on the evidence available, the Sub-committee could not establish that such intimidation had taken place. I should emphasise that that was an allegation of intimidation by the Department of Defence.

In raising the matter today the honourable member for Fraser informed the House that Mr. Berthelsen had complained that he was being discriminated against and intimidated in his present employment in the office of the Auditor General. I have carefully examined the papers presented today. I am limited in my consideration to the material before me. It is not my role to become an investigator or to draw any conclusion except from the material before me. From the information contained in that material and what was said by the honourable member for Fraser, I am unable to conclude that a *Prima facie* case of breach of privilege exists."

On 23 April, 1980, Mr. Fry stated³ as follows :

"On 1 April, I raised a matter of privilege on behalf of Mr. David Berthelsen, who claimed that he was being discriminated against and intimidated in his employment in the Public Service as a result of giving evidence before a Sub-committee of the Joint Committee on Foreign Affairs and Defence. On that occasion I submitted material to you. After consideration of that material you ruled that you were unable to conclude that a *prima facie* case of breach of privilege existed. Mr. Speaker, I now submit further material, which I would like you to consider, to support Mr. Berthelsen's claims. I believe that these documents indicate that certain actions have been taken against Mr. Berthelsen for having criticised security arrangements in the Department of Defence in evidence given to the Sub-committee. These documents also show, in my view that officers of the Department of Defence and the Auditor-General's Department have collaborated in those actions in a way which constitutes a breach of the privilege which Mr. Berthelsen considered he was entitled to in giving evidence before the Sub-committee. I also believe that Mr. Berthelsen acted from the highest motivation and in the public interest in attempting to alert a committee of this Parliament to what he regarded as serious deficiencies in the security arrangements of the computer system of a government

3, *Ibid.*, 23 April, 1980, p. 2135.

department which he became aware of in the course of his duties. The experience of Mr. Berthelsen does, I believe, raise important questions of principle concerning the freedom of public servants to give evidence before committees of the Parliament and the freedom of those committees to call witnesses as well as the principles involved in the manner in which senior public servants should respond to criticism of their administration. I would appreciate your early consideration of this material”.

The Speaker then requested the Member to provide the papers to the Clerk and informed the House that he would give his ruling after considering them. Later, the Speaker observed⁴ as follows :

“This morning the honourable member for Fraser (Mr. Fry) rose on a matter of privilege. He referred to a matter which he had first raised in the House on 1 April, 1980, concerning the alleged discrimination and intimidation in his employment in the Public Service of Mr. David Berthelsen because of evidence given by him to a Sub-committee of the Joint Committee on Foreign Affairs and Defence. On that occasion I stated that, from the material placed before me, I was unable to conclude that a *prima facie* case of breach of privilege existed. The honourable member for Fraser this morning presented additional material which he asked me to consider in relation to the matter. I have examined this new material. The issue here raised impinges upon a fundamental principle of privilege, that is freedom of witnesses before a committee of the Parliament. The claim is based upon a considerable volume of material and potential evidence. I have concluded that it would be proper for the Privileges Committee to examine the issue of principle raised against the facts to be elicited in this case for the future guidance of the Parliament and to determine whether any wrong has been done which amounts to a breach of privilege. Accordingly, if the honourable member for Fraser wishes to move a motion to refer the matter to the Committee of Privileges, I am prepared to allow the motion to take precedence of other business”.

Mr. Fry thereupon moved the following motion which was adopted⁵ by the House :

“That the matter of the alleged discrimination and intimidation of

4. *Ibid.*, p. 2195.

5. *Ibid.*

Mr. David Berthelsen in his public service employment because of evidence given by him to a sub-committee of the Joint Committee on Foreign Affairs and Defence be referred to the Committee of Privileges”.

The Committee of Privileges, after hearing Mr. Berthelsen, the Auditor-General (Mr. D. Steele Craik) officers of the Auditor-General office, the former Secretary of the Department of Defence (Sir Arthur Tanga), officers of the Department of Defence and an officer of the Public Service Board, in their Report, presented to the House on 11 September, 1980, reported *inter alia* as follows :

- (i) “The matters referred to the Committee related to the alleged discrimination and intimidation of a witness who had presented evidence both orally and in writing to a Sub-committee of the Joint Committee on Foreign Affairs and Defence—a Committee consisting of both Senators and Members of the House of Representatives established by resolution of both Houses”.
- (ii) “Before proceeding with its inquiry the Committee gave consideration to the question of its jurisdiction in respect of matters arising from an inquiry conducted by a Joint Committee of the Parliament. In doing so it noted that in 1973 a previous Committee of Privileges of the House of Representatives apparently did not hesitate to investigate a matter of privilege which had been raised in the House relating to an inquiry undertaken by the Joint Committee on Prices”.
- (iii) “having given careful consideration to this matter and in particular, to the provisions of Sections 49 and 50 of the Constitution, the Committee was satisfied that it had jurisdiction and resolved to proceed with the inquiry”.
- (iv) “The Committee saw two possible issues of privilege being involved—firstly, the right of the Parliament to seek and obtain information required in the proper execution of its investigatory role and, secondly, the necessity to protect witnesses and prospective witnesses before committees of the Parliament from molestation, intimidation and discrimination or threats of such action.”

- (v) *“Allegations involving the Department of Defence : Mr. Berthelsen was appointed to the Department of Defence on 4 April, 1977. While still an employee of that Department he responded to press advertisements by the Sub-committee on Defence Matters and on 19 August, 1978 lodged a written submission with the Sub-committee in respect of its inquiry into defence procurement policy”.*
- (vi) *“He began duty in the Auditor-General’s Office on 11 September 1978. On 12 October 1978, having been informed that he was to be called to give oral evidence before the Sub-committee, Mr. Berthelsen provided a senior officer of the Auditor-General’s Office with a copy of his written submission to the Sub-committee. On 18 October, 1978 he gave the Acting Auditor-General an undertaking that he would inform the Sub-committee that he was appearing before it as a private citizen and not as an officer of the Auditor-General’s Office”.*
- (vii) *“Mr. Berthelsen appeared before the Sub-committee at a public hearing on 24 October, 1978. He honoured his undertaking given to the Acting Auditor-General. His evidence, which was critical of aspects of Department of Defence administration, received a good deal of media publicity. It was confirmed to the Committee of privileges that his evidence disclosed no material of a classified nature”.*
- (viii) *“On the day after his appearance before the Sub-committee Mr. Berthelsen was visited at the Auditor-General’s Office by a senior security officer of the Department of Defence who had been instructed by the Director of Defence Security to call on Mr. Berthelsen and recover his security pass to the Russell Offices. This pass had not been surrendered by Mr. Berthelsen upon his ceasing duty in the Department of Defence. Mr. Berthelsen was also asked to sign a Declaration of Secrecy (Form XP 101) acknowledging his understanding of the requirement for continuing secrecy in respect of information that had come into his possession while an officer of the Department of Defence. In addition he was handed a blank Official Secrecy Declaration form (Form XP 100), a copy of which he had completed on taking up duty in the Department of Defence, together with an 8-page printed statement containing extracts*

from the Laws of the Commonwealth setting out the principal obligations of persons who acquire information in the course of their duties as Commonwealth employees”.

- (ix) “The Committee received evidence that it is normal practice for security passes to the Russell Offices to be surrendered by employees when ceasing duty in the Department of Defence. It was further advised that it is normal practice for a Declaration of Secrecy to be completed by those employees at the same time. Where an employee fails in his or her responsibility to return the pass or is not requested to complete the Declaration at the time of leaving the Department, the former employee is written to, if his or her address is known, and a request conveyed for the return of the pass and the completion of the Declaration of Secrecy form”.
- (x) “The Senior Security Officer involved (now the Chief Security Adviser in the Office of Industrial Security, Defence Security Branch) stated under examination that he had not visited other former employees who had failed to return their passes as this was not routine procedure to do so. In this instance he had been directed to visit Mr. Berthelsen personally and retrieve his pass”.
- (xi) “Mr. Berthelsen claimed to have felt intimidated by this action of the Department of Defence. He felt further intimidated on 26 October 1978 when the Minister Assisting the Minister for Defence made critical references in the House of Representatives concerning the evidence given to, and witnesses before the Sub-committee. He was convinced that this was an attempt by the Department of Defence to discredit him and his evidence to the Sub-committee”.
- (xii) “On 10 November 1978, Mr. Berthelsen wrote to the Chairman of the Sub-committee complaining of intimidation by the Department of Defence. His complaint was heard by the Sub-committee at an *in camera* hearing on 30 November 1978. The Chairman of the Sub-committee reported to the House of Representatives on 19 March 1980 that the Sub-committee had determined that on the evidence available to it, could not establish that such intimidation had taken place”.

- (xiii) "The 29 November 1978 edition of the *Lauria Oakes* Report contained a front page lead article headed 'How Defence deals with its critics'. The article disclosed that the then Secretary of the Department of Defence (Sir Arthur Tange) had written to the Auditor-General (Mr. D. Steele Craik) in relation to Mr. Berthelsen's evidence to the Sub-Committee. The article contained verbatim extracts from two confidential minutes written by the Deputy Secretary of the Department of Defence (Mr. M. G. Cowie) to Sir Arthur Tange, at Sir Arthur's request, given an analysis of Mr. Craik's letter and providing advice on what further action should be taken in respect of Mr. Berthelsen's evidence to the Sub-committee."
- (xiv) "Mr. Berthelsen was concerned to learn from the publication of the action being taken at the highest levels of the Department of Defence. For its part, the Committee of Privileges is concerned that these papers which had a very limited circulation within the Department of Defence were revealed to the Press from within the senior levels of that Department."
- (xv) "*Allegations involving the Auditor-General's Office* : The Auditor-General defended Mr. Berthelsen's position following representation from the Secretary, Department of Defence after Mr. Berthelsen's initial evidence to the Sub-Committee on 24 October, 1978. Mr. Berthelsen had shown a copy of his submission to a senior officer of the Auditor-General's Office and had made it clear to the Sub-Committee that he was appearing before it as a private citizen. He had revealed no confidential material and had breached no Commonwealth law."
- (xvi) "At the *in camera* hearing on 30 November, 1978 to hear his allegations, Mr. Berthelsen handed to the Secretary of the Sub-committee written replies to certain questions which had been directed to him at the hearing on 24 October 1978. When it later appeared to Mr. Berthelsen that these answers may not have been distributed to members of the Sub-committee, nor published as evidence by the Sub-committee, he took the opportunity of revising them and forwarded these to the Sub-committee on 4 April 1979. He made further revisions to these answers in letters to the Sub-committee on 2 and 3 May, 1979. The Sub-

committee incorporated the revised answer in the *Hansard transcript* of its public hearing of 25 July 1979. The revised answers of 4 April 1979, which were also critical of aspects of defence administration, improperly came into the hands of the Press and were the subject of an article appearing in the *Bulletin* of 24 April 1979. The journalist concerned has made a statutory declaration, at Mr. Berthelsen's request, clearing Mr. Berthelsen of responsibility for this disclosure."

- (xvii) "On 25 July, 1979 the then Secretary of the Department of Defence, Sir Arthur Tange, and the Chief of Defence Staff, Admiral Sir Antony Synnot, presented evidence to a public hearing of the Sub-committee. Part of their evidence dealt with Mr. Berthelsen's evidence of 24 October, 1978 and his revised written answers."
- (xviii) "On learning of the evidence that had been given by Sir Arthur and Sir Anthony, Mr. Berthelsen again wrote to the Sub-committee on 2 October, 1979 forwarding a ten page paper responding to their evidence. In this paper Mr. Berthelsen referred to the evidence of the Department of Defence including specific references to cassettes and the existence of a secret Chiefs-of-Staff Committee Minute No. 31/1974 concerning the transmission of data. Mr. Berthelsen's paper was the subject of comment on the ABC 'PM' broadcast of 19 November 1979 and was referred to in the *Bulletin* dated 4 December, 1979 published on 28 November, 1979. These events 'triggered off' a response in the Auditor-General's Office about Mr. Berthelsen's employment".
- (xix) "An immediate investigation was begun in the Department of Defence to ascertain whether Mr. Berthelsen had access to the highly classified document. Within the Auditor-General's Office Mr. Berthelsen was called before a meeting of senior officers. He was told that the purpose of the meeting was to enable the Office to form an opinion on whether any act may have been breached and to enable the Office to respond quickly to any communication from the Department of Defence. At the request of the Auditor-General's Office, Mr. Berthelsen completed a Statutory Declaration to the effect that he had not 'at any time since the date of my taking up duty in the Auditor-General's

Office, viz. 11 September, 1978, either in my capacity as an officer employed in the Auditor-General's Office or otherwise sighted or inspected or had in my possession' the Chiefs-of-Staff Committee Minute No. 31/1974".

- (xx) "Investigations by the Auditor-General's Office revealed that no copy of the Minute was held in that Office and consequently Mr. Berthelsen could not have had access to it in that Office. The Department of Defence satisfied itself that Mr. Berthelsen had not had access to the Minute whilst employed in that Department and that 'there is a distinct probability that (he) is not aware of the contents of the COSC Minute'—facts which were confirmed by Mr. Berthelsen in his evidence to the Committee of Privileges. However, the Auditor-General was obviously gravely concerned at the effect the continuing publicity surrounding Mr. Berthelsen's communications with the Sub-committee was having on the relationship of the Auditor-General's Office with its client department, especially the Department of Defence".
- (xxi) "On 30 November, 1979 the Auditor-General discussed Mr. Berthelsen's situation with a First Assistant Auditor-General. As a consequence of that discussion the Auditor-General decided that it would be in the best interests of the Auditor-General's Office if Mr. Berthelsen could be placed in a less sensitive area elsewhere in the Public Service".
- (xxii) "At the date of this Report Mr. Berthelsen is still employed in the Auditor-General's Office. Whilst it is clear that the Auditor-General would prefer to see Mr. Berthelsen located in another area of the Public Service, he informed the Committee that, if Mr. Berthelsen 'could improve his work performance, confine himself to the task in hand and get a balance between what I regard as a duty as a public servant and his duty as a citizen I would have no real problems with him."
- (xxiii) "The first question which the Committee considered was : Did members of the Department of Defence individually or collectively attempt to intimidate Mr. Berthelsen in respect of his evidence before the Sub-committee on Defence Matters ?"

- (xxiv) "Many issues were raised and on one only, namely the recovery of the security pass, does the Committee make a finding that the actions complained of by Mr. Berthelsen were in no way improper nor could they constitute a breach of privilege".
- (xxv) "Mr. Berthelsen's allegations were varied and extremely detailed. In essence, he asserted that there was a clear and consistent pattern of conduct by the Department of Defence to intimidate him as the direct result of his appearances before, and submission of documents to, the Sub-committee on Defence Matters. This Committee is satisfied that Mr. Berthelsen's original appearance before the Sub-committee on Defence Matter on 24 October, 1978 did evoke a powerful response within the Department of Defence".
- (xxvi) "On the very day Mr. Berthelsen gave evidence, a detailed report on his employment with the Department of Defence was called for; the acting Defence Liaison Officer reported the details of Mr. Berthelsen's evidence on 25 October, and subsequently, the Senior Security Officer of the Department commented in his written report 'I feel that he (Berthelsen) won't be threatened easily'; the next day (26 October), Mr. Berthelsen's credibility was attacked in the House by the Minister Assisting the Minister for Defence. Also on that day a senior officer in the Department of Defence prepared, at the Secretary's request, a draft letter to be sent to the Auditor-General by the Secretary: this draft stated, *inter alia*, that Mr. Berthelsen's appearance before the sub-committee on Defence Matters was 'grossly irregular'."
- (xxvii) "The Committee is satisfied that the publication of the article 'How Defence deals with its critics' in the *Lauria Oakes Report* dated 29 November, 1978 (which as mentioned above contained verbatim extracts from Mr. Cowie's minutes of 8 and 10 November, 1978) was the direct result of deliberate leaks from within the Department of Defence itself. The publication of these minutes clearly revealed the thinking of those in the highest echelons of the Department of Defence. The Committee is unable to conclude whether the leaks were committed to further harm Mr. Berthelsen or whether the perpetrator made the docu-

ments public because he or she did not approve of the manner in which the Department of Defence was responding to Mr. Berthelsen's appearance before the Sub-Committee on Defence Matters".

(xxviii) "The collective response within the Department was clearly an excessive reaction and, to that extent, improper. In fairness it should also be noted that in the judgment of the Committee, Mr. Berthelsen by certain later actions in 1979—particularly his gratuitous and provocative reference to the Chiefs-of-Staff Committee Minute No. 31/1974—was to some extent the author of his own continuing misfortune".

(xxix) "On the evidence the Committee is unable to make a positive finding of breach of privilege *against any individual member of the Department of Defence, past or present*".

(xxx) "The Second question considered by the Committee was : Did the office of the Auditor-General discriminate against or intimidate Mr. Berthelsen ?"

(xxxi) "The Committee noted that the Auditor-General's Office had raised no objection to Mr. Berthelsen's appearance before the Sub-committee on Defence Matters on 24 October 1978. After presenting the Office with a copy of his written submission, the Office recognised his right to appear before the sub-committee as a private citizen. As previously observed, the Committee noted that the Auditor-General had defended Mr. Berthelsen's position in a letter dated 6 November 1978 after the propriety of his action had been questioned by the then Secretary of the Department of Defence."

(xxxii) "The Auditor-General's Office had also taken no action in respect of the submission by Mr. Berthelsen of revised written answers to the sub-committee, extracts of which had been improperly and prematurely published in the *Bulletin* of 24 April 1979."

(xxxiii) "Did the action taken by the Auditor-General following publi-

city surrounding Mr. Berthelsen's reference to the secret Chiefs-of-Staff Committee Minute No. 31/1974 in his further letter to the Sub-committee of 2 October 1979 amount to discrimination and intimidation of him in his Public Service employment?"

- (xxxiv) "In considering this question the Committee has had to give careful consideration to the position of the Auditor-General. His is an extremely onerous position. He is responsible for audits of all Commonwealth Departments and authorities and for furnishing reports on those audits to the Parliament. Whilst he is given extensive powers under the Audit Act to enable him to carry out his responsibilities he is still dependent to a large degree on the co-operation he receives from client departments and authorities. A number of witnesses from the Auditor-General's Office made it clear to the Committee that without these good relations, Departments, if they so wished, could effectively frustrate the operations of the Auditor-General."
- (xxxv) "Continuing publicity surrounding Mr. Berthelsen and his submissions to the Sub-committee were, in the eyes of the Auditor-General, damaging his client relationship with the Department of Defence. The *Bulletin's* revelation of Mr. Berthelsen's reference to the secret Chiefs-of-Staff Committee Minute No. 31/1974 was a cause of great concern to the Department of Defence. After this was drawn to the attention of the Auditor-General he was apprehensive that the relations of his Office with the Department of Defence might be seriously at risk. The Auditor-General felt the need to maintain good working relationships not only with the Department of Defence but with all client departments and authorities. This was the determining factor in his decision to seek Mr. Berthelsen's transfer to a less sensitive area of the Public Service."
- (xxxvi) "The Auditor-General had taken no objection to Mr. Berthelsen having given evidence to the Sub-committee. However, the seemingly endless media publicity surrounding his later communications with the Sub-committee was of considerable concern to the Auditor-General. Had not Mr. Berthelsen's confidential communication to the Committee on 2 October, 1979 been illegally released to the Press the Committee believes that

the Auditor-General would not have made a decision to seek Mr. Berthelsen's transfer. In this respect the Committee is bound to observe that the action of the person or person who released this communication to the Press is particularly reprehensible and clearly did Mr. Berthelsen a great disservice."

(xxxvii) "*What constitutes 'evidence'* : The Sub-committee on Defence Matters forwarded to Mr. Berthelsen a copy of the evidence of Sir Arthur Tange and Sir Anthony Synnot but did not invite comment. Mr. Berthelsen responded by letter dated 2 October 1979. This letter and its attachment were not sought nor formally received as evidence. The sub-committee had 'taken note' of the contents of his letter and this letter was the subject of correspondence by the Sub-committee on 20 December 1979. The Secretary, Attorney-General's Department has advised that 'the letter dated 2 October 1979 and its attachment did not partake of the character of 'evidence' within the meaning of the privilege in question'. If this opinion prevails, unauthorised release of the letter and its attachment did not, and could not, amount to a breach of parliamentary privilege. However, the unauthorised disclosure and publication of Mr Berthelsen's letter and its attachment dated 2 October, 1979 is to be deplored."

(xxxviii) "There are two ways in which the word 'evidence' can be defined. One is the narrow technical definitions as something which is formally 'received in evidence' by a court, Parliamentary Committee or tribunal and where the material and its author is immune from legal suit. The other is the broad definitions of evidence as in common speech, that is, what a person says or writes of what he knows whether or not it is formally received."

(xxxix) "The Committee is bound to apply the law of privilege to the technical definition of 'evidence' and future Parliamentary Committees would be well advised to keep this point in mind. Accordingly, information correspondence—not admitted into evidence—should be avoided."

(xl) "Pursuant to the terms of reference a question of considerable

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concern to the Committee was whether or not Mr. Berthelsen was actually threatened with the option of being placed on the unattached list, Mr. Berthelsen claims that he was so threatened. Officers of the Auditor-General's Office deny having done so."

- (xli) "The Committee is satisfied that Mr. Berthelsen became convinced that this action was contemplated and was concerned for his future in the Public Service. The Committee is not satisfied that a veiled reference to placement on the unattached list, or comments that may have been interpreted as such, was not made to Mr. Berthelsen. That Mr. Berthelsen could not be placed on the unattached list without his approval and the consent of the Public Service Board is, for all intents and purposes, irrelevant to the fact that an implication may have been established. The Committee observes that a significant number of the public servants who gave evidence to it were not familiar with their rights in respect of placement on the unattached list."
- (xlii) "The Committee is satisfied that in the totality of the situation in the Auditor-General's Office Mr. Berthelsen suffered disadvantage in respect of his career prospects in the Public Service. The Committee is of the opinion that this is not so much the direct result of his having given evidence to the Sub-committee on Defence Matters but rather because of a certain notoriety which has attached to Mr. Berthelsen due principally to accumulating media publicity about his involvement with the Sub-committee and the effect that this might have on the relationship between the Auditor-General's Office and its clients."
- (xliii) "Whilst the Committee is unable to conclude that there has been a breach of Parliamentary Privilege committed by any person, it is concerned at the position in which Mr. Berthelsen finds himself. It invites the attention of the Public Service Board to the circumstances of this case and to the disadvantages faced by Mr. Berthelsen as a consequence. It recommends that the Public Service Board should do all within its power to

restore Mr. Berthelsen's career prospects in the Public Service and to ensure that he suffers no further disadvantage as a consequence of the circumstances of this case."

(xlv) (a) "On the evidence available to it, the Committee is not satisfied that a breach of Parliamentary Privilege has been proved against any person.

(b) The Committee is satisfied, however, that Mr. David E. Berthelsen has been disadvantaged in his career prospects in the Public Service, particularly because of accumulating media publicity about his involvement with the Sub-committee and the effect that this might have on the relationship between the Auditor-General's Office and its clients."

(xlv) "The Committee recommends that the attention of the Public Service Board be drawn to the circumstances of this case and that the Public Service Board should do all within its power to restore Mr. Berthelsen's career prospects in the Public Service and to ensure that he suffers no further disadvantage as a result of this case."

(xlvi) "*Prospective witnesses before Parliamentary Committees*: The Committee declares that it will deal most seriously with any matters which are referred to it involving tampering, intimidation, discrimination or threats thereof, involving witnesses or prospective witnesses before Committees of the Parliament."

(xlvii) "The Committee is concerned at the possibility that future witnesses might be deterred from appearing before Committee of the Parliament for fear that action may be taken against them for so doing. The Parliament has a clear responsibility to monitor executive administration closely. It does so to a large extent through its committees whose activities depend largely on the availability and willingness of competent witnesses to appear before them. If the Parliament fails to provide the protection to which these witnesses and prospective witnesses are entitled, the effectiveness of the Committees, and through them, the Parliament and the nation, will suffer. The Committee of Privileges is determined that this should not happen."

(xlvi) "The Committee believes that the Parliament should consider the enactment of a Parliamentary Witnesses Protection Act which would both provide for the prosecution of persons who tamper with, intimidate or discriminate against witnesses who give (or have given) evidence before a Parliamentary Committee or the House and also provide a statutory cause of action in which witnesses who have suffered intimidation or discrimination would have the right to sue for damages those responsible for the said intimidation and/or discrimination. In respect to actions against such persons, their Departments may also be joined as Defendants and may also be vicariously liable to compensate by way of damages the witness so intimidated and/or discriminated against."

(xlix) "It has also been pointed out that there is no mechanism by which breach of privilege can be referred for examination when the Parliament is not sitting and the particular circumstances of a case may require some urgent action to be taken. Consideration should be given to conferring power on the Speaker to make an interim referral of an issue to the Committee of Privileges, such action to be referred to the House for its approval at the first opportunity."

On 11 September, 1980, the House took up consideration of the Report of the Committee of Privileges. The discussion was, however, not concluded on that day and the consideration of the Report was made an Order of the Day, for 17 September, 1980.

On 17 September, 1980, when discussion on the Report of the Committee was resumed, the Minister for Health (Mr. Mackellar) moved⁶ the following motion which was adopted after some discussion :

"That—

(1) this House, recognising the need for extensive consideration by the House of the Report from the Committee of Privileges relating to the alleged discrimination and intimidation of Mr. David E. Berthelsen, in his public Service employment, because of evidence, given by him to a Sub-committee of the Joint Committee on Foreign Affairs and Defence, is of the opinion that the report should be considered early in the Thirty Second Parliament and,

6. *Ibid.*, 17 September, 1980, p. 1936.

(2) Order of the Day, No. 2, privilege relating to a report of the Privileges Committee be discharged”.

On 18 November, 1981, the Leader of the House (Mr. Sinclair) moved⁷ the following motion in the House which was adopted after some discussion :

“That, unless otherwise ordered, the following standing orders be adopted for the remainder of this Session :

‘97 A. *Privilege matter raised when House not sitting* : During a period when the House is not sitting and is not expected to meet for a further period of at least 2 weeks, a Member may bring to the attention of the Speaker a matter of privilege which has arisen since the House last met and which he proposes should be referred to the Committee of Privileges. If Mr. Speaker is satisfied that a *prima facie* case of breach of privilege has been made out and the matter is one upon which urgent action should be taken, he shall refer it forthwith to the Committee of Privileges : Provided that any referral by Mr. Speaker in accordance with the foregoing provisions of this standing order shall be reported to the House by Mr. Speaker at its next sitting whereupon the Member who raised the matter shall be required to move forthwith, without notice, that such referral be endorsed by the House, should such motion be negatived, the Committee of Privileges shall take no further action in respect of the matter.

97B. *Power to send for persons, papers and records* : Where a matter is referred to the Committee of Privileges by Mr. Speaker in accordance with the provisions of standing order 97 A, the Committee of Privileges shall have power to send for persons, papers and records relating to that inquiry’.”

7. *Ibid.*, 18 November, 1981, p. 3076.

PROCEDURAL MATTERS

LOK SABHA

Presence of Leader of the House during obituary references : On 30 March, 1984, after the Deputy Speaker (Shri G. Lakshmanan) who was in the Chair, made obituary references to the passing away of two former Members, a Member (Professor Madhu Dandavate) submitted that the convention regarding the presence of the Leader of the House during obituary references should not be given up. The Minister of Parliamentary Affairs clarifying the position said that ordinarily the Leader of the House remained present when obituary references were made to the passing away of some sitting Members and also in the case of high dignitaries. Thereupon, the Deputy Speaker observed that there was no set practice regarding presence of the leader of the House during obituary references in all cases and held that the Minister of Parliamentary Affairs represented the Government.

Laying of Papers : On 4 April, 1984, the Minister of Home Affairs (Shri P. C. Sethi) while replying to the debate on a short Duration Discussion regarding Akalis' demands concerning amendment of article 25 of the Constitution and incidental matters, referred to a letter received from Shiromani Akali Dal (Longowal Group). The letter *inter alia* made a mention of the need for a separate personal law for Sikhs. Several Members belonging to the Opposition demanded that the communication under reference might be laid on the Table of the House. The Minister of Energy (Shri P. Shiv Shankar) submitted that under rule 368 of the Rules of Procedure and Conduct of Business in Lok Sabha it was not obligatory on the part of the Minister concerned to lay the said communication on the Table as he did not quote therefrom. Disallowing the points of order raised by the Members, the Speaker (Dr. Bal Ram Jakhar) *inter alia* observed that he could not ask the Minister to lay on the Table a document of which he had given only a gist to the House without actually quoting from it.

Communication from the Prime Minister regarding a matter mentioned in the House : On 24 April, 1984, a Member (Professor Madhu Dandavate) sought to make submission regarding an adjournment motion given notice of by him regarding certain remarks alleged to have been made by the Prime Minister (Shrimati Indira Gandhi) outside the House. The Speaker withheld his consent to raising of the matter in the House. Observing that it was neither a policy statement nor it related to the business of the House. Next day, with the House agreeing, the Speaker read out the contents of a letter received from the Prime Minister refuting the Press reports attributed to her. When several Members objected to the procedure that was adopted and submitted that the Prime Minister could have clarified the position herself in the House, the Speaker observed that he had passed on the information to the Members with their consent.

Discussion on statements of Non-Members : On 30 April, 1984, some Members (Professor K.K. Tewary, Shri Pratap Bhanu Sharma and others) sought Chair's permission to raise a matter regarding statements made outside the House by certain individuals who were not Members of the House, about extremists' activities in the State of Punjab. The Speaker (Dr. Bal Ram Jakhar) withholding his permission observed that the statements made outside the House by certain individuals, who were not Members of the House, could not be discussed in the House.

STATE LEGISLATURES

GUJARAT LEGISLATIVE ASSEMBLY*

Sitting of Members in Visitors Gallery : On 28 March, 1984, a Member (Shri Dinsha Patel) drew the attention of the Chair about Mahant Shri Vijaydasji, a sitting Member and former Minister of Agriculture, taking seat in the visitor's gallery of the House and raised a point of propriety on this issue. Giving his ruling the Speaker observed that it was not proper for a senior Member to sit in the gallery.

UTTAR PRADESH VIDHAN SABHA**

Governor's Address being read out by Speaker : On 13 February, 1984, when the Speaker rose to read out the Address of the Governor to both the Houses, a Member (Shri Rajendra Kumar Gupta) while referring to article 176 of the Constitution, raised a point of order that the Governor's Address read out by the Speaker could not be treated as his Address. Since the Governor did not address the House, there was no justification in reading it

* Contributed by Gujarat Legislature Secretariat.

** Contributed by the Uttar Pradesh Vidhan Sabha Secretariat.

out and accordingly further proceedings of the House were not in order. After listening to several Members and the Minister of Parliamentary Affairs, the Speaker disallowed the point of order and observed that the entire proceedings were in accordance with the rules since he read out the Address of the Governor, with his permission after he had started to deliver his Address.

Adjournment of session and prorogation of the House by Governor : On 15 February, 1984, a Member (Shri Mohan Singh) referring to article 174 of the Constitution, raised a point of propriety that constitutional procedure was not followed when the session summoned on 27 January, 1984, was adjourned by the Governor as only the Speaker was competent to adjourn the House.

After listening to another Member and the Minister of Parliamentary Affairs, the Speaker said that the Governor had adjourned the session which was summoned to condole the death of Shri Baijnath Kureel, as the opposition parties had made a written request to adjourn the session of the House and the Governor had accepted the request. Explaining that adjournment orders included also the order to prorogue the House, the Speaker rejected the point of order raised by the Member.

Permission to introduce a Bill without financial memorandum, papers etc. : On 15, February, 1984, when the Minister of Agriculture was called upon to introduce the Uttar Pradesh Agricultural Products Marketing (Amendment) Bill, 1984, a Member (Shri Hukam Singh) referring to article 246 of the Constitution, said that the excise duty which was being imposed on the farmers through the Bill could not be imposed on them as a copy of the decision of the court on the basis of which the Bill was being brought, had not been made available. Another Member (Shri Gauri Shankar Bhaiya) referring to rule 118 of the Rules of Procedure and Conduct of Business of the Uttar Pradesh Legislative Assembly urged the Speaker not to allow introduction of the Bill as no financial memorandum has been attached to it. Shri Rajendra Kumar Gupta said that the tax was being imposed on the farmers through the Bill in violation of the earlier decisions of the House. The Leader of the Opposition and the Chief Minister also expressed their views in this regard.

Referring to a previous ruling given by the Chair, the Speaker observed that only the court could decide about the constitutionality of a Bill. He further observed that since no expenditure was involved through the Bill, no financial memorandum was necessary and the demand of papers connected

with the Bill could be made after its introduction. The Speaker accorded permission for introduction of the Bill.

Making of Policy announcement in the House when in session : On 1 March, 1984, a Member (Shri Rajendra Kumar Gupta) raising a point of order said that the Minister of Transport has made announcements on 16 and 24 February, 1984, about Government's policy regarding reduction in bus fares outside the house which was against the rulings given by the Speaker earlier. Another Member (Shri Riyasat Hussain) submitted that there was no mention in the Budget regarding reduction in bus fares and therefore making a policy announcement outside the House during the session, after the Budget had been presented amounted to contempt of the House as well as of the decision of the Cabinet.

After the Minister of Transport and the Minister of Parliamentary Affairs expressed their views in this regard, the Speaker referring to a decision given by the Chair on 28 April, 1978, said that a point of order could not be raised on the basis of reports published in newspapers. However, if the House was in session the announcement regarding Government's policy should be made in the House itself. So far as the question of announcement being made after presentation of the Budget was concerned, the Speaker observed that such announcements could be made at the time when Demands for Grants were placed before the House or while replying to the general debate on Budget proposals.

Point of order to relate to business before the House : On 23 March, 1984, a Member (Shri Hukam Singh) while raising a point of order said that on 22 March, 1984, at the time of introduction of the Official Language (Amendment) Bill, 1984, contradictory views expressed by the Minister of Parliamentary Affairs and the Minister of Excise had created a constitutional crisis and it was not possible to know which Minister's views should be taken as the views of the Cabinet. Several other Members argued that since the Bill introduced on behalf of the government had been opposed by a Member of the Council of Ministers, the principal of "Collective responsibility" had been violated. The secrecy of the Council of Ministers too had been violated and that the Minister should tender his resignation.

After the Members expressed their views, the Speaker while giving his ruling observed that on that day at the stage of introduction of the said Bill, the Excise Minister had expressed his individual views by taking part in the

debate on an academic level and he had also said that in case there was a voting, he would support the Bill.

Referring to a previous ruling that a point of order should relate to the business before the House, the speaker observed that when the Bill had already been introduced on 22 March, 1984, and the House had also given its assent to it, there seemed to be no justification for this point of order. He therefore rejected it.

Minister's discretion to give information : On 27 March, 1984, the Speaker informed the House that on 20 and 21 March, 1984, some Members (Sarvashri Ram Swarup Verma, Rajendra Kumar Gupta and Riyasat Hussain) had raised a point of order on not answering their questions on the ground of public interest and secrecy.

Giving his ruling, the Speaker said that the practice of not answering a question by the Members of the Council of Ministers on the ground of secrecy and public interest was not a new thing. He said that it was true that in parliamentary procedure questions had vital importance and the purpose of the Question Hour was to elicit necessary information from administration on matters of public interest. But as per Rules of Procedure this right was not unlimited. Rule 38 (3) provided that a Minister could refuse to give the information asked for, if in his opinion, it was not in public interest, to do so. From the word "Minister's opinion", it was clear that it would depend upon the Minister's discretion whether to give or not to give the information asked for and that in a specific matter the Minister could not be compelled to answer. However, continuous efforts should be made by the government to ensure that relevant and authentic replies were given to the questions put by Members and rule 38 (3) should be resorted to in rare cases.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS
(1 April to 30 June, 1984)

INDIA

DEVELOPMENTS AT THE CENTRE

Nominations to Rajya Sabha : Sarvashri K. Ramamurthy and Ghulam Rasool Kar and Professor (Shrimati) Asima Chatterjee were nominated to Rajya Sabha by the President Giani Zail Singh on 8 May.¹

Resignation by Members : Shri Tayyab Hussain, Member from Faridabad constituency, resigned from the Lok Sabha seat, on 5 June, following his election to the Haryana State Assembly.

Shri Amarender Singh resigned his seat in Lok Sabha and his resignation was accepted by the Speaker from 18 July.²

AROUND THE STATES

ASSAM

New Governor : Shri Bhisma Narain Singh was sworn in, on 15 April, as the Governor of the State.³

BIHAR

Expansion of Ministry : The state Council of Ministers was expanded on 31 May with the swearing in, of three Cabinet Ministers, seven Ministers of State and five Deputy Ministers, thus raising the strength of the Ministry to 40. The allocation of the portfolios among the new Ministers was as follows :

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1. *Times of India*, 9 May, 1984.
 2. *Lok Sabha Bulletin Part II*, 19 July, 1984.
 3. *Hindustan Times*, 16 April, 1984.

Cabinet Ministers :

Shri Dinesh Kumar Singh : *Minor Irrigation and Animal Husbandry*;
 Shri Mohammad Hussain Azad : *Food, Supplies, Transport and Waqf*;
 Shri Sheoachandra Jha : *Planning and Development*.

Ministers of State :

Shri Teneshwar Azad : *Revenue and Relief* ; Shri Karuneshwar Singh : *Rural Development and Panchayat* ; Shri Avadesh Kumar Singh : *Public Health and Engineering Department* ; Shri Bhola Singh : *Home* ; Shri Gourji Shankar Pande : *Forest and Excise* ; Shri Ramdeo Rao : *Parliamentary Affairs and Higher Education* ; Shri Mohammad Ishaq : *Finance*.

Deputy Ministers :

Shri Ranjit Singh : *Irrigation and Power* ; Shri Sharfraz Ahmed ; *Primary Education* ; Shri Jagdish Mandal : *Food and Supply* ; Shri Sanjeev Prasad Tony : *Buildings and Jails* ; and Shri Jitan Manjhi : *Welfare and Housing*.⁴

HARYANA

Resignation by a Minister : Shri Brij Mohan Singh, Minister for Excise and Taxation, resigned on 30 May, from the Ministry in the wake of his being unseated by the Punjab and Haryana High Court.⁵

New Governor : Shri S.M.H. Burney was appointed, on 31 May, as the Governor of the State, in place of Shri G.D. Tapase. He was sworn in, on 14 June.⁶

HIMACHAL PRADESH

Expansion of Ministry : One Cabinet Minister, nine Ministers of State and two Deputy Ministers were sworn in, on 14 April, by the State Governor Shri Hokeshe Sema, raising the strength of the Ministry to 19. The allocation of the portfolios was as follows :

4. *Indian Express*, 1 June, 1984, and *Times of India*, 6 June, 1984.

5. *Tribune*, 31 May, 1984.

6. *Hindustan Times*, 1 June, 1984, and *Hindu*, 15 June, 1984.

Cabinet Ministers :

Shri Virbhadra Singh, Chief Minister : *General Administration, Home, Finance, Power and Public Relations* ; Shri Sukh Ram : *Public Works, Housing, Excise and Taxation* ; Shri Sant Ram : *Education, Irrigation and Public Health*; Shri Guman Singh : *Agriculture and Elections* ; Shri Shiv Kumar : *Revenue and Transport* ; Shri Sat Mahajan : *Industries, Labour and Employment*, Shri Devi Singh : *Forest Conservation and Tribal Development* ; Shri J. B. Khachi : *Cooperation and Planning*.

Ministers of State :

Shri Daulat Ram Sankhayan : *Animal Husbandry and Fisheries* ; Shri Mansa Ram : *Local Self Government*; Shri Rangila Ram Rao : *Law, Ayurveda and Welfare*; Shri Gulab Singh : *Food and Civil Supplies*; Shri Vijayendra Singh : *Health and Family Welfare*; Shri Dharam Singh : *Panchayat*; Shrimati Chandresh Kumari : *Tourism and Parliamentary Affairs*, Shrimati Vidya Stokes : *Rural Integrated Development*; Shri Sagar Chand Nayyar : *Science and Technology, Technical Education, Vocational and Industrial Training*.

Deputy Ministers :

Shri Gangu Ram : *attached to the Minister of Education*; Shri Chander Kumar : *attached to the Chief Minister*.⁷

JAMMU AND KASHMIR

New Governor : Shri Jagmohan was sworn in as Governor of the State on 26 April.⁸

MADHYA PRADESH

New Deputy Speaker : Shri Pyarelal was elected, on 6 April, as Deputy Speaker of the State Legislative Assembly, defeating Shri Nagin Kochar.⁹

New Governor : Shri K.M. Chandy was sworn in as the Governor of the State on 15 May.¹⁰

7. *Indian Express*, 15 April, 1984.

8. *Ibid*, 27 April, 1984.

9. *Times of India*, 7 April, 1984.

10. *Statesman*, 16 May, 1984.

MAHARASHTRA

Resignation by Deputy Chief Minister : Shri Ramrao Adik, Deputy Chief Minister, resigned on 18 April from the Council of Ministers.¹¹

MANIPUR

New Governor : General K.V. Krishna Rao, former Chief of Army Staff, was appointed, on 31 May, as the Governor of the State. He was sworn in, on 13 June.¹²

MEGHALAYA

New Governor : Shri Bhisma Narain Singh was sworn in, on 16 April, as the Governor of the State.¹³

NAGALAND

New Governor : General K.V. Krishna Rao was appointed as the Governor of Nagaland also on 31 May. He was sworn in on 13 June.¹⁴

PUNJAB

New Governor : Shri K.T. Satarawala, Lt. Governor of Goa, was appointed Governor of the State on 2 July following the resignation of Shri B.D. Pandey on 29 June. Shri Satarawala was sworn in, on 3 July.¹⁵

SIKKIM

New Ministry : A new Ministry, headed by Shri B.B. Gurung was sworn in, on 11 May, by the State Governor Shri Homi J. H. Taleyarkhan. Earlier, the Ministry, headed by Shri Narbahadur Bhandari, was dismissed by the Governor when the Chief Minister refused to resign on his own.¹⁶

Imposition of President's rule : The State Legislative Assembly was dissolved and President's rule was imposed in the State on 25 May.¹⁷

11. *Hindu*, 19 April, 1984.

12. *Hindustan Times*, 1 June, 1984, and *Hindu*, 14 June, 1984.

13. *National Herald*, 17 April, 1984.

14. *Hindustan Times*, 1 June, 1984, and *Hindu*, 14 June, 1984.

15. *Tribune*, 30 June, 1984; *Statesman*, 3 July, 1984, and *Hindustan Times*, 4, July, 1984.

16. *Hindustan Times*, 12 May, 1984.

17. *Indian Express*, 26 May, 1984.

New Governor : Shri Kona Prabhakar Rao, Lt. Governor of Pondicherry, was appointed Governor of the State on 31 May. He was sworn in on 18 June.¹⁸

TAMIL NADU

Election of Chairman : Shri M.P. Sivagnanam was unanimously re-elected as the Chairman of the State Legislative Council on 25 April.¹⁹

TRIPURA

New Governor : General K.V. Krishna Rao was appointed Governor of Tripura also on 31 May. He was sworn in, on 13 June.²⁰

UTTAR PRADESH

Resignation by Minister : Shri Chandra Mohan Singh Negi, Minister of State for Hill Development, resigned from the Council of Ministers on 30 June.²¹

UNION TERRITORIES

DELHI

New Lt. Governor : Shri P.G. Gavai was sworn in as Lt. Governor of this union territory on 26 April, succeeding Shri Jagmohan.²²

MIZORAM

General election : On 25 April, elections were held for 30 Member Legislative Assembly. The Congress (I) got an absolute majority by winning 20 seats as against eight seats won by People's Conference. Mizoram Convention got one seat²³. One independent candidate was also elected.

New Ministry : A new four-member Ministry, headed by Shri Lalthanhawla was sworn in, on 5 May by the Lt. Governor Shri H.S. Dubey. Two

18. *Hindustan Times*, 1 and 19 June, 1984.

19. *Hindu*, 26 April, 1984.

20. *Hindustan Times*, 1 June, 1984 and *Hindu*, 14 June, 1984.

21. *Indian Express*, 1 July, 1984.

22. *Hindustan Times*, 27 April, 1984.

23. *Statesman*, 26 April, 1984; *Tribune*, 30 April, 1984; *Hindustan Times*, 1 May, 1984 and *Hindu*, 30 June, 1984.

more Ministers were sworn in on 16 June, raising the strength of the Ministry to six.²⁴

New Speaker and Deputy Speaker : On 9 May, Dr. H. Thansange and Shri K. Sangchhum were unanimously elected as the Speaker and Deputy Speaker of the Legislative Assembly respectively.²⁵

DEVELOPMENTS ABROAD

BOLIVIA

Resignation by Government : The Government resigned from the office on 7 April.²⁶

CANADA

New Governor-General : Mr. Jeanne Sauve took over as the Governor-General on 14 May.²⁷

New Prime Minister : Mr. John Turner was sworn in, on 30 June, as Prime Minister, succeeding Mr. Pierre Trudeau.²⁸

COLOMBIA

Declaration of emergency : A state of emergency was declared, on 1 May, in the country following the killing of Justice Minister Mr. Rodrigo Lara Bomila.²⁹

EGYPT

General elections : The ruling National Democratic Party won 391 seats out of 448 seats in the general elections to the People's Assembly, held on 27 May. The remaining 57 seats were won by WAFD Party.³⁰

Death of the Prime Minister : Mr. Fouad Mohieddin, Prime Minister,

24. *Statesman*, 6 May, 1984 and *Times of India*, 17 June, 1984.

25. *Information received from the Mizoram Legislative Assembly Secretariat*.

26. *Statesman*, 9 April, 1984 and *Indian Express*, 9 April, 1984.

27. *Hindustan Times*, 16 May, 1984.

28. *Indian Express*, 1 July, 1984.

29. *Ibid.*, 2 May, 1984.

30. *Hindustan Times*, 30 May, 1984.

passed away on 5 June. Mr. Kamal Hassan Ali, Foreign Minister, took over as the Acting Prime Minister.³¹

EL SALVADOR

Election of President : Mr. Jose Napoleon Duarte was elected President on 11 May.³²

FEDERAL REPUBLIC OF GERMANY

New President : Mr. Richard Von Weizsaecher was elected President on 23 May.³³

GUINEA

New President and Prime Minister : Colonel Lansane Conte and Colonel Diara Traore took over, on 5 April, as new President and Prime Minister respectively.³⁴

LEBANON

New Prime Minister : Mr. Rashid Karami was named Prime Minister on 26 April.³⁵

MALAWI

Dissolution of Cabinet : On 2 April, President Kamuzu Banda dissolved the Cabinet and reverted to himself all the ministerial portfolios.³⁶

PANAMA

Election of President : Mr. Nicolas Ardite Barletta was declared elected as President on 16 May.³⁷

PERU

New Prime Minister : On 11 April, President Fernando Belaunde Terry

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31. *Times of India*, 6 June, 1984.
 32. *Ibid*, 13 May, 1984.
 33. *Hindustan Times*, 24 May, 1984.
 34. *Times of India*, 6 April, 1984.
 35. *Hindustan Times*, 27 April, 1984.
 36. *Times of India*, 5 April, 1984.
 37. *Ibid*, 17 May, 1984.

appointed Mr. Sandro Mariutegui as the Prime Minister following the resignation of Mr. Fernando Schwalb on 9 April.³⁸

Declaration of emergency : A state of emergency was declared throughout the country on 8 June to preserve public order and security in view of the situation provoked by a strike of teachers and civil servants.³⁹

SUDAN

Declaration of emergency : A state of emergency was declared throughout the country on 29 April by the President Jaffar Nimeiri.⁴⁰

TAIWAN

New Prime Minister : On 21 May, President Chiang Ching-Kuo appointed Mr. Yu Kuo-Hwe as Prime Minister in place of Mr. Sun Yun-Suam who resigned on 15 May.⁴¹

TANZANIA

New Prime Minister : Mr. Salim Ahmed Salim, Foreign Minister, was appointed as Prime Minister, on 26 April, following the death of Mr. Edward Sokoine on 12 April.⁴²

U.S.S.R.

Election of President : Mr. Konstantin Chernenko, General Secretary of the Communist Party, was elected President on 11 April, at a joint session of the two Houses of the Supreme Soviet.⁴³

YUGOSLAVIA

New President : Mr. Veselin Djuranvic was sworn in, on 15 May, as the President.⁴⁴

38. *Statesman*, 11 April, 1984 and *Times of India*, 12 April, 1984.

39. *Hindustan Times*, 10 June, 1984.

40. *Statesman*, 30 April, 1984.

41. *Hindu*, 16 May, 1984 and *Indian Express*, 22 May, 1984.

42. *Times of India*, 13 and 27 April, 1984.

43. *Ibid*, 12 April, 1984.

44. *Ibid*, 16 May, 1984.

SESSIONAL REVIEW

SEVENTH LOK SABHA

FOURTEENTH SESSION

The Fourteenth Session (Budget Session) of the Seventh Lok Sabha which commenced on 23 February, 1984 adjourned *sine die* on May 9, 1984. A brief resume of some of the discussions held during the period 23 February to 31 March, 1984 of this Session has been published in the June, 1984 issue of the *Journal*. A brief resume of the discussions held and other business transacted during the remaining period of the Session is given below :

A. DISCUSSIONS

Demand for amendment of article 25 of the Constitution : Making a statement on 2 April, 1984, the Minister of Home Affairs, Shri P.C. Sethi informed the House that in recent weeks, Shiromani Akali Dal had been carrying on an agitation to secure amendment to article 25 of the Constitution for which the Government had not received any formal communication from them till 18 March, 1984. The issue had also neither been discussed in any of the earlier talks nor figured in their list of demands. The Government, he added had always maintained that article 25 was a recognition of the distinct identity of the Sikh Community. Keeping in view some misgivings among members of the Akali Dal that the wordings of Explanation II of article 25 (2) (b) of the Constitution did not reflect the distinct identity of the Sikh community, he had stated on 31 March that the Government was prepared to consult the Shiromani Gurudwara Prabandhak Committee (SGPC) and other representatives of the Sikh community as well as legal experts and undertake such legislation by way of amendment as might be necessary to remove doubts on

this point. The leaders of the Akali Dal had responded to his appeal and withdrew the proposed agitation from 2 April, 1984.

The House held a discussion on the statement on 4 April, 1984. Initiating the discussion, Professor Madhu Dandavate felt that article 25 of the Constitution made it very clear that the Sikhs had a separate identity as a community and a religious group. If there was any suspicion, the matter could be referred to the Attorney-General, legal experts and could even be got examined by the Supreme Court.

Participating in the discussion, Shri Atal Bihari Vajpayee said that the Home Minister had surrendered himself before the Akali leaders on the issue of the amendment of article 25 and did not even inform the opposition before making the offer. Shri Indrajit Gupta pointed out that the purpose of Akalis seeking a distinction from the Hindu community and claiming a separate personal law, was to disinherit women from the right to property. He urged the Government not to surrender to Akali Dal extremism and not to allow religious separatism to get the upper hand. Shri C. T. Dhandapani demanded appointment of a Commission to find out persons responsible for the killings in the State of Punjab.

Replying to the six-hour discussion in which 13 other Members* participated, the Minister of Home Affairs, Shri P. C. Sethi reiterated that the Government was ready to find a solution to the Punjab problem through negotiations and if necessary would take the help of the Opposition in this regard. As regards article 25 of the Constitution, Shri Sethi said that the Government would like to consider the case in consultation with the SGPC, Akali leaders and the legal experts and thereafter, it would be brought before Parliament.

On 17 April, 1984, making a statement on burning of railway stations in Punjab and the shooting of some persons at Amritsar, the Minister of Home Affairs, Shri P. C. Sethi informed the House that according to reports received from the State Government, the terrorists made attempts to burn railway property at 38 railway stations in 8 districts of Punjab during the night of 14-15 April, 1984 and damaged one more railway station in Ropar district on the

* Other Members who took part in the discussion were: Sarvashri R. S. Sparrow, Satyasadhan Chakraborty, K. K. Tewari, G. S. Nihalsinghwal, Swami Indervesh, Sontosh Mohan Dev, R. N. Rakesh, Sunder Singh, K. P. Unnikrishnan, Chitta Basu, Chandrajit Yadav and Abdul Rasheed Kabuli and Shrimati Rajendra Kumari Bajpai.

subsequent night. In most of these incidents miscreants entered the station building and set fire to records and furniture. The All India Sikh Students Federation (AISSF) and their sympathisers, the Minister said, were believed to be responsible for these acts and 144 AISSF activists had been arrested in this connection so far. Shri Sethi added that the State Government was undertaking redeployment of forces to check extremist activities and all possible efforts were also being made to apprehend the culprits.

The above statement of the Minister was a subject matter of discussion in the House on 18 April, 1984. Initiating the discussion, Dr. Subramaniam Swamy suggested regular visits by the Parliamentary Committees to the various towns in Punjab.

Taking part in the discussion, Shri Indrajit Gupta felt that attitude of the Government, treating the Akali Party as the sole representative of the Sikh community, was not correct. He asked the Government to come forward with proposals and solutions on the issue of Chandigarh, division of river water and other issues about territorial matters.

Replying to the discussion, lasting for nearly 4 hours, in which 12 other Members* participated, the Minister of Home Affairs, Shri P. C. Sethi said that Punjab problem was a national one and not of any party or State. The attempt of the Government had been to find out a solution to any outstanding issues through negotiations. But it would, at no cost, tolerate Khalistan.

Referring to acts of violence and terrorism perpetrated by extremist groups and organisations, Shri Sethi affirmed that the Government intended to stand firm in dealing with the terrorists and would spare no efforts to contain and eradicate their activities. He, however, appealed to all the political parties to work for generation of strong public support and co-operation in this behalf.

As regards involvement of foreign agencies in the incidents in Punjab, Shri Sethi informed the House that the Government had been receiving reports of extremists' contact with Pakistan over a period of time and there was

* Other Members who took part in the discussion were : Sarvaashri B. R. Bhagat, Somnath Chatterjee, R. L. Bhatia, Mani Ram Bagri, G. S. Nihalsinghwalla, K. K. Tewari, Suraj Bhan, Rajesh Pilot, Harish Kumar Gangwar, Santosh Mohan Dev, Uttam Rathod and V. Kulandajvelu.

evidence of smuggling of arms from Pakistan across the western border, some of which found their way into the extremists' hands.

Detailing the various measures taken against the recent arson at the railway stations, Shri Sethi said that para-military forces had been inducted into Punjab and were being deployed as special task forces in each district to combat terrorism. The communications and mobility of the local police was being constantly improved. The Administration had also taken a series of measures for protection of banks and railway tracks.

Situation in Sri Lanka: Making a statement on 3 April, 1984, the Minister of State in the Ministry of External Affairs, Shri A. A. Rahim, said that the situation in Sri Lanka was again becoming tense and the spate of violent incidents in the Northern and Eastern provinces, in which the lives of innocent people had been lost, had caused deep concern and anguish in India, especially in the state of Tamil Nadu. Nothing substantial had emerged from the deliberations of the Conference of All Political Parties, social and religious groups convened by Sri Lankan President Mr. Jayewardene. It was, however, hoped that the existing stalemate would be broken when discussions were resumed on 9 May.

Describing allegations of caches of arms or training camps on Indian territory as baseless, Shri Rahim reaffirmed that India posed no threat to that country and reiterated India's commitment to Sri Lanka's unity and integrity and her opposition to secession and all forms of violence.

On 6 April, 1984, the House held a discussion on the reported decision of the Government of Sri Lanka to impose military rule in Jaffna, and the renewed spate of killings of the Tamilians of Indian origin there.

Initiating the discussion, Shri Rasheed Masood advocated for imposition of economic sanctions against Sri Lanka. He also held that reported handing over of Trincomalee harbour by Sri Lanka to U.S.A. would pose a great danger to the security of India.

Taking part in the discussion, Shri C. T. Dhandapani alleged that the Sri Lankan Government had calculatively planned and wanted to liquidate the Tamil population.

Replying to the discussion, in which 13 other Members* participated,

* Other Members who took part in the discussion were : Sarvashri B. D. Singh, Ramavatar Shastri, Ram Vilas Paswan, Abdul Rashid Kabuli, Era Anbarasu, M. M. Lawrence; K. Mayathevar, Braja Mohan Mohanty, Satish Agarwal, R. V. Swaminathan, C. Chinnaswamy, Chitta Basu and K. T. Kosalram.

the Minister of External Affairs, Shri P. V. Narasimha Rao informed the House that the security forces had launched a major search and combing operation and there were reports of large-scale arrests. A growing atmosphere of confrontation in Jaffna and Trincomalee was evident. It was unfortunate that in such a tense atmosphere, senior leaders of the United National Party, particularly the Prime Minister had chosen to contribute to an anti-India build-up to which the local media had given prominent coverage. India, on her part, he added, had reiterated her commitment to Sri Lanka's unity and integrity and had stressed the urgency of continuing the political dialogue with seriousness so that a viable political settlement could be arrived at.

As regards stateless persons, Shri Rao informed the House that a consensus had been reached at the All Parties' Conference that Sri Lankan citizenship would be conferred on all remaining stateless persons of Indian origin and their natural increase. Later, the Prime Minister of Sri Lanka had announced in Parliament that the decision would be placed before the people at a national referendum. The exact position was, however, not known.

First Indian in Space : In a statement made on 4 April, 1984, the Prime Minister, Shrimati Indira Gandhi, expressed pride and pleasure on behalf of the entire House at Squadron Leader Rakesh Sharma being the first Indian to go into space and said that it was a great achievement. She also expressed her good wishes to Ravish Malhotra who had not gone but had gone through the difficult training along with Rakesh Sharma.

Situation arising out of incidents over fencing on the Indo-Bangladesh border : On 26 April, 1984, raising a discussion, Shri R.N. Rakesh said that the fencing on the Indo-Bangladesh border was necessary to check infiltration from Bangladesh and urged that the work should be completed immediately.

Making a statement on the subject, the Minister of Home Affairs, Shri P.C. Sethi, informed the House that infiltration of persons had been taking place from erstwhile East Pakistan (now Bangladesh) into India right from the time of the partition of India in 1947. In the context of acute problem in Assam and reports of infiltration in West Bengal and other States bordering Bangladesh, a set of measures was formulated by the Government of India, which *inter alia* included construction of a physical barrier in the form of a barbed wire fencing along the stretch of 3200 kms. of Indo-Bangladesh border; construction of a network of roads along the border; intensifying

patrolling by the Border Security Force (BSF) on the border; establishment of more BSF outpost etc.

The Government of Bangladesh, Shri Sethi said, had submitted two notes to the Indian High Commission on 2 April, 1984, incorrectly claiming that the fence was being erected on ground zero.

The barbed wire fencing, Shri Sethi pointed out, was being erected within the Indian territory in order to check illegal and unauthorised crossing as well as smuggling of goods, with provision, however, for Lawful traffic at checkpoints and it was not contrary to the 1975 border guidelines with Bangladesh. India did not want any sort of conflict with Bangladesh and hoped that Bangladesh would respect India's sovereignty and right to raise fence on Indian side of the border.

Opposing the fencing, Shri A.K. Roy said that it was against the Indian culture. Fencing and friendship could not go together, he added.

Replying to the discussion in which 12 other Members* participated, Shri Sethi said that the barbed wire fencing was not a defensive work but only a protective work to check infiltration and was in accordance with the Indo-Bangladesh Agreement of 1975. Besides, the rationale for construction of the barbed wire fence was explained to the Bangladesh authorities in detail by India's Foreign Minister, during his visit to Dhaka in August 1983 and subsequently during diplomatic contacts several times. Shri Sethi also denied the allegation of interference in the internal affairs of any country.

Concluding, Shri Sethi affirmed that the Government would make all diplomatic efforts to convince the Government of Bangladesh about the necessity to erect the barbed wire fence to check infiltration. At the same time, India would try to build friendly relations with Bangladesh.

Pakistani troop movements in occupied Kashmir : Making a statement on 4 May, 1984, the Minister of Defence, Shri R. Venkataraman informed the House that Government was aware of Pakistan troop movements in Northern Pakistan occupied Kashmir and a careful watch was being kept on their activities. He assured the Members that their armed forces were fully pre-

*Other Members who participated in the discussion were Sarvashri Madhavrao Scindia, Chandrajit Yadav, Satyasadhan Chakraborty, Bhubaneswar Bhuyan, Jagpal Singh, Braja Mohan Mohanty, Ratanginh Rajda, Ram Jethmalani, Rajesh Pilot, Abdul Rashid Kabuli and Chitta Basu and Shrimati Geeta Mukherjee.

pared to meet the threat escalating in that area or anywhere else in Jammu and Kashmir.

Concluding, Shri Venkataraman affirmed that India was committed to a policy of cooperation and harmony with Pakistan and sincerely hoped that Pakistan too would not take action which would disrupt peace and tranquillity and cause a set back to the efforts to improve relations with them.

International situation : On 9 May, 1984, 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 advocated for development of good relations with the neighbouring countries.

Participating in the discussion, Shri C. T. Dhandapani said that it was the moral obligation of the Government to protect the people of Indian origin in Sri Lanka and ensure that the dialogue which was taking place was not going to be fruitless. Shri Indrajit Gupta stressed the need of maintaining good relations with the neighbours. Shri Maganbhai Barot said that the whole world looked up to India as to how she solved her problem with Sri Lanka, Bangladesh and Pakistan.

Replying to the discussion in which 9 other Members* participated, Shri P.V. Narasimha Rao supported the withdrawal of foreign troops from Afghanistan and said that conditions for such withdrawal needed to be created as a result of finding the political solution.

Referring to Sri Lanka, Shri Rao stated that the Minister of Sri Lanka while in Delhi recently had affirmed that there could be no military solution to the ethnic problem but only a political one. As regards Sri Lankan Government notification proclaiming the establishment of the Surveillance Zone and Territorial Zone, Shri Rao said that its Provisions were not consistent with Indo-Sri Lanka Maritime Agreement of 1974 and they had taken up the matter with the Government of Sri Lanka.

In regard to the question of maintaining equidistance with the two power blocks, Shri Rao contended that Non-Alignment and equidistance could

*Other Members who took part in the discussion were : Sarvashri Braja Mohan Mohanty, Rajesh Kumar Singh, R.R. Bhole, Subramaniam Swamy, R.L. Bhatia, Suraj Bhan, Era Anbarasu, B.R. Bhagat and Ashfaq Husain.

not go together and assured the House that India was not leaning on either side.

After the Minister replied to the debate, the substitute motion moved by Dr. Subramaniam Swamy was negatived.

B. LEGISLATIVE BUSINESS

*Finance Bill, 1984** : On 18 April, 1984, moving that the Bill be taken into consideration, the Finance Minister, Shri Pranab Mukherjee announced concessions in tax proposals amounting to Rs. 22.02 crores mainly to benefit paper and textile industry. In order to provide greater incentive to taxpayers to make large deposits under the National Deposit Scheme, he proposed an additional exemption up to Rs. 2000 in respect of interest on such deposits and similarly provide exemption up to Rs. 25000 under the Wealth Tax Act.

The discussion on the Bill was held on 18, 19, 21 and 23 April, 1984. Participating in the resumed discussion on 23 April, Shri C.T. Dhandapani, suggested that there should be a proper monitoring system of the Government in regard to the allotment and grants given by the Central Government to public sector and other areas.

Winding up the four-day discussion in which 32 other Members** participated, Shri Pranab Mukherjee informed the House that the growth rate in the first four years of the Sixth Plan had been 5.4 per cent on an average as against a target of 5.2 per cent. He further stated that 8.8 million families had been brought above the poverty line during the first three years under the Integrated Rural Development programme.

*The Bill was introduced by the Minister of Finance, Shri Pranab Mukherjee on 29 February, 1984.

**Other Members who took part in the discussion were : Sarvashri Somnath Chatterjee, Ram Singh Yadav, Bhogendra Jha, Saif-ud-Din Soz, V.S. Vijayaraghavan, K. Pradhani, Mool Chand Daga, Chintamani Panigrahi, K.P. Tewari, Arjun Sethi, Ram Pyare Panika, Nurul Islam, Virdhi Chander Jain, Bhubaneswar Bhuyan, Maganbhai Barot, Keyur Bhushan, Chintamani Jena, P. Namgyal, A.K. Balan, D.P. Yadav, N.G. Ranga, S.T.K. Jakkayan, Dileep Singh Bhuria, Satish Agarwal, Chandulal Chandrakar, G.L. Dogra, George Fernandes, K. Lakkappa, H.N. Bahuguna, Rasheed Maood, Chandrajit Yadav and Shrimati Krishna Sahi.

Dealing with a suggestion regarding payment of unemployment allowance, Shri Mukherjee felt that the solution to the problem of unemployment was in creating jobs in the rural areas through certain positive programmes.

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

*The National Security (Amendment) Bill, 1984** : On 25 April, 1984, moving that the Bill be taken into consideration, the Minister of State in the Ministry of Home Affairs, Shri P. Venkatasubbaiah said that the Bill, sought to amend the National Security Act, 1980, in its application to the State of Punjab and the Union Territory of Chandigarh, to increase from ten to fifteen days the maximum period within which grounds of detention might in exceptional circumstances be communicated to the detenu; to provide in certain cases for detention of persons without obtaining the opinion of the advisory board for a period of more than three months but not exceeding six months from the date of their detention; to provide also in such cases for a longer maximum period of detention and to make the necessary consequential amendments in the Act.

Earlier, moving the Statutory Resolution regarding disapproval of the National Security (Amendment) Ordinance, 1984, promulgated by the President on 5 April, 1984, Shri Suraj Bhan contended that there was no dearth of powers in the hands of the Government to deal with the Punjab situation but it lacked political will to solve it.

Winding up a brief discussion in which 11 other Members** participated the Minister of State in the Ministry of Home Affairs, Shri P. Venkatasubbaiah, maintained that in promulgating the ordinance, there was neither constitutional impropriety of the Government nor did it involve infringement of the Fundamental Rights of the citizens. The provision of the Bill, he assured the House, would not be used for political vindictiveness.

The Statutory Resolution was negatived and the Bill was passed.

*The Bill was introduced by the Minister of State in the Ministry of Home Affairs, Shrimati Ram Dulari Sinha on 23 April, 1984.

**Other Members who took part in the discussion were : Sarvashri Somnath Chatterjee, R.S. Sparrow, Rajesh Kumar Singh, Rizaq Ram, Ravindra Varma, Chiranji Lal Sharma, Chitta Basu, Harikesh Bahadur, Narayan Choubey, Saif-ud-Din Soz and Chandrajit Yadav.

*Payment of Gratuity (Amendment) Bill, 1982** : On 24 February, 1984, moving that the Bill be taken into consideration, the Minister of State in the Ministry of Labour and Rehabilitation, Shri Dharmavir, said that the Bill sought to extend the benefit of gratuity to persons drawing wages upto Rs. 1600 a month including those holding administrative and managerial posts. It also provided to treat the regular workers of seasonal establishments at par with regular workers of non-seasonal establishments and pay them gratuity equal to 15 days pay in a year. Provision was also being made to appoint inspectors for the effective implementation of the Act.

Taking part in the resumed discussion on 26 April, 1984, Shri A.K. Roy suggested that there should be a provision for the payment of gratuity within a stipulated period.

Winding up the discussion in which 18 other Members** participated, the Minister of Labour and Rehabilitation, Shri Veerendra Patil, said that the Bill would remove certain difficulties in the implementation of the existing Act.

Dealing with the suggestion regarding fixing of time limit for payment of gratuity, Shri Patil said that it was not possible to have it as a part of statute. The Government, if possible, would issue some administrative instructions or orders to ensure that cases were disposed of within a time limit.

The Bill, as amended, was passed.

*Punjab State Legislature (Delegation of Powers) Bill, 1984*** : On 3 May, 1984, moving that the Bill be taken into consideration, the Minister of State in the Ministry of Home Affairs, Shri P. Venkatasubbaiah said that the Bill sought to confer on the President the power of the State Legislature to make laws in respect of the State of the Punjab. It also provided for the constitution of a Consultative Committee consisting of 30 and 15 Members from Lok

*The Bill was introduced by the Minister of Labour and Rehabilitation, Shri Veerendra Patil, on 19 October, 1982.

**Other Members who took part in the discussion were : Sarvashri M.M. Lawrence, K. Ramamurthy, A. Kalanidhi, Mool Chand Daga, Rajesh Kumar Singh, K.A. Rajan, B.K. Nair, Ram Vilas Paswan, R.L.P. Verma, Ram Lal Rahi, Girdhari Lal Vyas, Abdul Rashid Kabuli, Subodh Sen, Era Mohan, Satyanarayan Jatiya, Harikesh Bahadur, Braja Mohan Mohanty and Ajit Kumar Mehta.

***The Bill was introduced by the Minister of Home Affairs, Shri P.C. Sethi on 30 April, 1984.

Sabha and Rajya Sabha respectively and empower Parliament to direct modification in the laws made by the President, if considered necessary.

Winding up a brief discussion, in which 6 Members* participated, Shri Venkatasubbaiah made it clear that the Government never identified the Akalis with the entire Sikh community. He assured the House that the Government would take all possible steps to contain violence.

The Bill was passed.

*Banking Service Commission Bill, 1984*** : On 8 May, 1984, moving that the Bill be taken into consideration, the Deputy Minister in the Ministry of Finance, Shri Janardhana Poojari said that the Government had proposed to set up a Central Statutory Commission consisting of a full time Chairman and not more than eight members which would be entrusted with the responsibility of making direct recruitment to the junior scale officers in all public sector banks and also direct recruitment of officers at other levels as and when the banks desired to go in for direct recruitment at higher levels. The proposed Banking Service Commission, he expressed the hope, would streamline and rationalise the recruitment system for the public sector banks as a whole.

Winding up a brief discussion, in which 5 Members*** participated, Shri Poojary reiterated that in order to have efficient and speedier process in the recruitment, they had taken over the officers' recruitment process from the Banking Service Recruitment Board. The main objective of a centralised Commission was to have the selection process more objective, more independent and more impartial.

The Bill was passed.

C. THE QUESTION HOUR

In all, 25,829 notices of Questions (17,479 Starred, 8,285 Unstarred and 65 Short Notice Questions) were received during the Session. Out of these,

*Other Members who took part in the discussion were, Sarvashri Satyasadhan Chakraborty, Jagpal Singh, Ajit Kumar Mehta, Ramavatar Shastri, Ashfaq Hussain and Abdul Rashid Kabuli.

**The Bill was introduced by the Minister of Finance, Shri Pranab Mukherjee on 7 May, 1984.

***Other Members who participated in the discussion were : Sarvashri T.R. Shamma Rup Chand Pal, G.M. Banatwalla, Mool Chand Daga and Satish Agarwal,

1013 were listed as Starred and 10,692 as Unstarred (including four Questions which appeared through supplementary lists of Questions). 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 7, 13, 21, 22, 26, 27, 28, 29 and 30 March, 1984, 2, 11 and 30 April, 1984, 2, 3 and 8 May, 1984 which contained 21 Questions each and that of 6 April, 1984 which contained 22 Questions and those of 5, 27 April, 1984 and 7 May, 1984 which contained 23 Questions each and that of 9 May, 1984 which contained 24 Questions and that of 4 April, 1984 which contained 25 Questions. The Questions in excess of 20 in these lists were postponed or transferred Questions. On an average, six Questions were orally answered, per sitting, on the floor of the House. Maximum number of Starred Questions orally answered was 10 on 28 March, 1984 and the minimum number of Questions orally answered was 3 on 14 March and 2 April, 1984.

Half-an-Hour Discussion : In all, 139 notices of Half-an-Hour Discussions, were received during the Session. Out of these, 21 notices were admitted and five were discussed on the floor of the House.

D. OBITUARY REFERENCES

During the period, obituary references were made to the passing away of Shri V.N. Tewari, sitting member of Rajya Sabha and Sarvashri Hari Ram Nathany, Shivdutt Upadhyaya, Yogesh Chandra Murmu, Shantilal Harjivan Shah, Kamakhya Prasad Tripathi and Jaspat Roy Kapoor and Shrimati Gopikatai Marutao Kannamwar, all Ex-Members. The Members stood in silence for a short while as a mark of respect to the deceased.

RAJYA SABHA

HUNDRED AND THIRTIETH SESSION*

The Rajya Sabha met for its hundred and thirtieth Session on 23 April, 1984 and adjourned *sine die* on 10 May, 1984. Some of the important subjects discussed during the Session are briefly mentioned below :

A. DISCUSSIONS

Working of Ministry of Energy : On April 23, 1984, Shri Dipen Ghosh,

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

initiating the discussion said that the Central Government had given little attention to make good the shortfall in generation of electricity and production of coal or crude to meet the increasing demands of a developing country.

The major drawback in the planning for power generation and supply was the regional imbalance. During the last 30 years there had been an increase in the installed capacity of 20.25 per cent in the western region, 29.05 per cent in the northern region and 23.06 per cent in the southern region while it was only 8.54 per cent in the eastern region. This showed that there was no proper planning of region-wise investment. Industrial growth could take place only when there was power. Unless there was hydel power generation it was very difficult to meet the shortage by introducing energy rationing. India had a great potential for generation of hydel power. More than 80 per cent of this potential was still remaining unutilised.

He suggested that the Central Government must review the price policy and put an end to the practice of increasing the administered prices. He also suggested that the practice of payment of royalty on coal on the basis of quantum should be discontinued and the coal producing States should be given royalty *ad valorem*.

Replying to the discussion*, the Minister of Energy, Shri P. Shiv Shankar said that many strides had been made in the energy sector. The policy that had been pursued by the Energy Ministry *inter alia* envisaged accelerated exploitation of indigenous energy resources, management of demand, substitution of oil by electricity and coal, energy conservation, exploitation of renewable resources of energy and intensification of research and development of new energy technologies.

Referring to the complaint, made by some Members that there had been an imbalance in the growth of the capacity of power generation, he said that the imbalance was for variegated reasons. If each State took care of proper power development these imbalances would not exist. The super thermal power stations that had been set up in different States and were likely to be set up in some other States in the region which might suffer otherwise. If the power was supplied from the Central project according to

* Other Members who took part in the discussion were : Kumari Jayalalitha, Sarvaswari Sushil Chand Mohunta, Ashwani Kumar, Chaturanan Mishra, Ram Bhagat Paswan, S.W. Dhabe, Murlidhar Chandrakant Bhandare, Satya Pal Malik, Kamalendu Bhattacharjee, Hukmdeo Narayan Yadav, Ghulam Rasool Matto and T. Chandrasekhar Reddy.

the deficit of the States, then the States would become Mere Parasites, the Minister added.

Concluding, he said that the location of the nuclear power station had not yet been finally decided. As regards drilling in the Godavari sector, he stated that work was going on at a great speed and they had been getting quite good results.

Working of Ministry of Industry: On 8 May, 1984, Shri Hukmdeo Narayan Yadav, Initiating the discussion said that in the matter of industrial development the country had deviated from the path shown by the Father of the Nation, Mahatma Gandhi who had advocated that topmost priority should be given to the setting up of small-scale and cottage industries so that maximum number of people could be gainfully employed.

The Government should ensure that the items which could be produced by hand should not be allowed to be manufactured by machines. The Government should also see that the medium and big industries did not interfere with the village and cottage industries so that the village artisans could carry on their age-old traditional vocations without interruption. The Government should announce new industrial policy, with special emphasis on development of village and cottage industries, the Member demanded.

Replying to the discussion* on 9 May, 1984, the Minister of Industry, Shri Narayan Datt Tiwari said that the Government wanted to encourage the setting up of industries in backward and 'no industry' areas in pursuance of the policy laid down in the Industrial Policy Resolution of 1956. Now, for the first time, in the history of industrial development, Government had also included Category 'C' districts for central capital subsidy, so that all areas should have the chance to get subsidy from the Centre. This positive dispensation would help all those backward areas in those States which did not have any 'no industry districts', the Minister assured the House.

*Other Members who took part in the discussion were: Sarvashri J.K. Jain, R. Mohanarangam, Santosh Kumar Sahu, Suresh Kalmadi, Yalla Sesi Bhushana Rao, Rameshwar Thakur, Jerlie E. Tariang, Ghulam Rasool Matto, Vithalrao Madhavrao Jadhav, Ramanand Yadav, Ram Bhagat Paswan, Ghan Shyam Singh, Vijoy Krishna Handique, R. K. Jaichandra Singh, Sohan Lal Dhushiya, Shanti Tyagi, Ram Pujan Patel, M.M. Jacob, S.B.P. Pattabhi Rama Rao, T. Chandrasekhar Reddy, G. Swamy Naik, Hashim Raza Abidi Allahabadi, Kamalendu Bhattacharjee and Pawan Kumar Bansal.

There was now a whole scheme for non-resident Indians to facilitate their coming home and establishing industries. The Minister hoped that, in Kerala which had the largest number of non-resident Indians working abroad, they should take advantage of this special facility.

The Government had decided to set up a high-powered committee to look into the question of modernisation of small scale industries. The Government was also thinking of recommending to the State Governments that they could set up divisional small industries corporations in the States, the Minister informed the House.

Working of Ministries of Education and Culture and Special Welfare : On 5 May, 1984, Shri Sudhakar Pandey, initiating the discussion, said that in 1951 when the first 5 year Plan was framed, 7 per cent of the total budget was earmarked for education. At present only three per cent of the total budget was being spent on education and it should be appreciated that although the percentage allocation for education had been reduced, work in the field of education had increased creditably.

The Universities of Visva-Bharati, Aligarh and Banaras were established with some ideals and national feeling. An Act for Banaras Hindu University should be brought forward on the lines of the Visva-Bharati Act so that there was no chaos in the University from any quarter, the Member demanded.

Replying to the discussion*, the Minister of State in the Ministries of Education and Culture and Social Welfare, Shrimati Sheila Kaul said that the Government's basic objective was to reflect in education, the development, integration and prosperity of the country that could be shared by all equitably and by the criteria of social justice. The Government was committed to raise the status of women. In the Sixth Plan, for the first time a separate chapter on women's development was included to focus attention on issues concerning women. There had been an all-round improvement in the condition and status of women, she added.

The Government had given high priority to the spread of literacy in the

*Other members who took part in the discussion were : Kumari Jayalalitha, Shrimati Pratibha Singh, Dr. (Smt.) Sarojini Mahishi, Shri Anand Sharma, Shrimati Kanak Mukherjee, Sarvashri Husen Dalwai, Jagdambi Prasad Yadav and Shankarrao Narayanarao Deshmukh, Prof. C. Lakshmana, Dr. Mohd. Hashim Kidwai, Sarvashri Shankar Prasad Mitra, P.N. Sukul, Virendra Verma, Jagannath Sitaram Akarte, Kamalendu Bhattacharjee, S.W. Dhabe, C. Haridas and Dharam Chander Prashant.

15 to 35 age-group which was included both in the minimum needs programme and the new 20-Point Programme as one of the major strategies to achieve the objective of universalisation of education. The thrust of the adult education programme was primarily in the rural areas. Government schools had the same type of education, the Minister told the House.

In February, 1983, the Government appointed two National Commissions on Teachers : One for School education and the other for higher education, to advise the Government on various aspects relevant to the teaching community. These Commissions were currently engaged in analysing the data and formulating their recommendations, she informed the House.

Reported killing of Tamilians of Indian origin in Sri Lanka : On 7 May, 1984, Shri V. Copalsamy called the attention of the Minister of External Affairs to the situation arising out of the recently reported killing of Tamilians of Indian origin in Sri Lanka and wanted to know about the action taken by the Government in the matter.

Making a statement on the subject, the Minister of External Affairs, Shri P.V. Narasimha Rao said that there had been several violent incidents in the Northern and Eastern Provinces of Sri Lanka in April, effecting the lives of innocent people. The senseless killings had caused deep anguish throughout India, particularly in Tamil Nadu. The Government had conveyed to the Government of Sri Lanka India's concern at these developments and held detailed discussions with the Sri Lanka Minister for National Security, Shri Lalith Athulathmudali, who had paid a 3-day visit to New Delhi from 12 to 15 April, 1984. The latter had agreed to review the situation immediately on his return to Sri Lanka and consider what measures could be taken to defuse tension. He also affirmed that the Sri Lankan Government was fully aware that a solution could only be found politically and not through military means, he informed the House.

The uncertain future of the stateless persons of Indian origin in Sri Lanka was discussed and a consensus had been reached at the All Parties Conference to grant citizenship to the stateless persons left over from the 1964 and 1974 Agreements.

Replying to the points raised by Members, he said that the policy of the Government of India continued to be what it had been before. It called for a political solution. At the same time it conformed to the well-established

norms of international behaviour. The policy had found a consensus and it would continue to be followed by the Government of India.

Developments along Indo-Pak borders : On 8 May, 1984, Shri Jaswant Singh called the attention of the Minister of Defence to the threat posed to India's security on account of developments along Indo-Pak borders and Pakistan's nuclear programmes.

Making a statement on the subject, the Minister of Defence, Shri R. Venkataraman said that India had been steadfastly pursuing a policy of peaceful co-existence with its neighbours and was making continuous efforts to improve relations with them. A few days back, Pakistani helicopters and fighter aircraft had intruded into Indian air space about which protests had been lodged. Pakistani troops had been resorting to unprovoked firing across the Line of Control. But for the utmost restraint exercised by Indian troops, this could have led to escalation.

The Government were fully aware of the gravity of the situation and the armed forces were fully prepared to meet any contingency. The Minister hoped that Pakistan would reciprocate India's efforts to improve relations and would not do anything detrimental to such efforts.

Replying to the points raised by Members, the Minister conceded that it was the duty of the Government to keep its defence preparedness at its peak, irrespective of the intentions, professed, expressed, or implied of the neighbouring country.

B. LEGISLATIVE BUSINESS

*The Payment of Gratuity (Amendment) Bill, 1984 and the Payment of Gratuity (Second Amendment) Bill, 1984** : On 30 April, 1984, the Minister of Labour and Rehabilitation, Shri Veerendra Patil, moving the motion for consideration of the Bills, said that the payment of Gratuity Act, 1972 provided for payment of gratuity to the employees, employed in factories, mines, oilfields and plantations, ports, railway companies, shops or other establishments and for matters connected therewith or incidental thereto. The provisions of the Act were brought into force with effect from 16 September, 1972. The working of the Act since its enforcement in 1972 brought to light the need for

* The Bills, as passed by the Lok Sabha, were laid on the Table of the House on 27 April, 1984.

certain amendments. Suggestions in this regard had been received from the State Governments and organisations of employers and employees etc. The matter was also discussed in the Labour Ministers' Conference held in July, 1980. On the basis of various suggestions and recommendations certain amendments were proposed to be carried out in the Act. Some of the more important proposals provided for raising the wage limit for coverage under the Act from Rs. 1000 to Rs. 1600 per month; payment of gratuity to the permanent employees of seasonal establishments, etc. It was also to amend the definition of the expressing continuous service suitably in the light of the Supreme Court Judgement.

Replying to the debate that took place thereafter, Shri Veerendra Patil said that it was not correct to say that Government was delaying such legislations which were meant for the benefit of the workers only to help the employers. The purpose behind these two legislations was to help the workers, not the employers. So far as the Payment of Gratuity (Second Amendment) Bill was concerned this was necessitated because of the judgement of the Supreme Court. Amendments made in the Principal Act by Sections 3 and 4 should be deemed to have been made when the Supreme Court delivered the judgement and would, therefore, take retrospective effect. The purpose was that, between the date of the judgement and the passing of this Bill, if any worker was entitled to any gratuity, he should not be deprived. The Government wanted to safeguard the interests of the workers. These Bills were not comprehensive and had been brought forward only to remove certain difficulties which had arisen due to the Supreme Court Judgement.

It appeared that there was a lot of confusion about continuous service. If the establishment was closed, the worker was not responsible, it was construed as 'continuous service'. Even if the worker had gone on strike, then also it was considered as continuous service. The existing definition of 'continuous service' under the payment of Gratuity Act was similar to the one under the Industrial Disputes Act, 1947, he clarified.

The Motion for consideration of the Payment of Gratuity (Amendment) Bill, 1984 and the motion for consideration of the Payment of Gratuity (Second Amendment) Bill, 1984 and the clauses etc., were, thereafter, adopted and the Bills were passed.

*The Appropriation (No. 3) Bill, 1984** : On 25 April, 1984, the Minister of State in the Ministry of Finance, Shri S. M. Krishna, moving the motion

* The Bill, as passed by the Lok Sabha, was laid on the Table of the House on 23 April, 1984.

for consideration of the Bill, said that the Bill provided for withdrawal out of the Consolidated Fund of India of the amounts required to meet the expenditure for the year 1984-85 charged on the Fund as well as the grants voted by the Lok Sabha.

While gross disbursement of Rs. 176,930 crores were provided in the Bill, after setting off recoveries and transactions in the nature of accounting adjustments the net provisions aggregated to Rs. 42536 crores. Of this, Rs. 25360 crores or 60 per cent was for developmental expenditure, including Rs. 16470 crores for Central, State and Union Territory Plans. The provisions for Defence expenditure at Rs. 6800 crores constituted about 16 per cent. Interest payments accounted for 13 per cent, statutory and other transfers to State and Union Territory Governments 4 per cent and the balance 7 per cent was for normal administrative and other expenditure. The amount provided in the Bill was inclusive of the sums already authorised in the Appropriation (Vote on Account) Act, 1984, the Minister informed.

Replying to the debate that ensued the Minister said that the Planning Commission continued to be headed by the Prime Minister, and the seniormost Ministers representing the economic Ministries, including the Finance Minister, were part of the Planning Commission. Planning Process had not been given the go-by. The present Government had re-established the credibility of the Planning Commission in the country since 1980 when it came to power.

The Government had conceded that the Centre-State relationship had to be given a second look and the Sarkaria Commission had already been appointed in this regard. The Government continued to be responsive to the needs of the people of this country, the Minister stated.

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

*The Finance Bill, 1984** : On 2 May, 1984, the Minister of Finance, Shri Pranab Kumar Mukherjee, moving the motion for consideration of the Bill, said that during the general discussion on the Budget as also thereafter, Members from both the Houses had made valuable suggestions in regard to the various provisions of the Bill. A number of suggestions were also made by trade and industry and other organisations etc. After careful consideration of all these suggestions by the Government, certain amendments to some of

* The Bill, as passed by the Lok Sabha was laid on the Table of the House on 25 April, 1984.

the provisions in the Bill were moved in the Lok Sabha which had been accepted and incorporated in the Bills as passed by the Lok Sabha.

Some changes had also been made in the provisions of the Bill relating to contributions to so-called welfare funds for employees. As the provisions in the Bill, as introduced, applied only in respect of contributions to a trust or fund, it could be circumvented by making contributions to such new companies, instead of trusts or funds. The scope of the provisions in the Bill had, therefore, been extended to contributions made by the employers to companies, associations of persons, bodies of individuals, societies registered under the Societies Registration Act and other institutions, besides trusts or funds.

Under the Bill, as introduced, all charitable and religious trusts including those entitled to exemption under Section 10 of the Income-tax Act, would have forfeited exemption from the wealth-tax, if they contravened the provisions of the Income-tax Act. The provisions in the Bill relating to forfeiture of exemption from wealth tax in the case of charitable and religious trusts had been brought in line with the corresponding provisions contained in the Income-tax Act.

The Bill sought to enlarge the list of specified financial assets to include deposits under the National Deposit Scheme. With a view to providing a greater incentive for making larger deposits under the Scheme, the provision in the Bill had been amended to provide an additional exemption up to Rs. 2,000 in respect of the interest on such deposits. The Bill had also been amended similarly to provide an additional exemption under the Wealth-tax Act in respect of such deposits up to Rs. 25,000. The Bill had been amended to provide that in the case of persons carrying on business, the requirement of compulsory audit would apply only if the annual turnover in business exceeded Rs. 40 lakhs.

He further Stated that he had indicated in his Budget Speech the intention to set up an expert Committee to go into the question of change in the financial year. It had since been decided that this Committee would be headed by Shri L. K. Jha, Chairman of the Economic Administration Reform Commission.

Replying to the debate, Shri Mukherjee said that the principles behind the budget proposals were to provide incentives for savings and investment

and disincentives for expenditure, particularly wasteful expenditure. As regards planning, the Government had pursued a policy which was consistent and it had deliberately avoided frequent switch on and switch-off of policy, despite tremendous difficulties.

Special privileges to non-residents for investment were given and those special privileges had paid rich dividends. Except three States all other States were reaching their plan targets in nominal terms. A few of them had failed and they had failed because of their own mistakes, he observed.

Concluding his reply, the Minister stated that one of the points made was as to why the tax base was so narrow. In a country like India, it was bound to be narrow because only forty-six lakh people filed returns. Tax collection was not getting reduced. Every year the figure of Tax collection was increasing. Indirect tax increase was bound to take place in the process of rapid industrialisation.

The motion for consideration of the Bill was adopted. The clauses etc. were adopted and the Bill was returned on 3 May, 1984.

C. THE QUESTION HOUR

During the Session, 2833 notices of Questions (2678 Starred and 155 Unstarred) and 10 Short Notice Questions were received. Out of these, 235 Starred Question and 1302 Unstarred Questions were admitted. No Short Notice Question was admitted. After the lists of Questions were printed 11 Starred and 39 Unstarred Questions were transferred from one Ministry to another.

Daily Average of Questions: Each of the lists of Starred Questions contained 17 to 23 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 9 on 8 May, 1984 and the minimum number of Questions orally answered was 1 on 23 April, 1984.

The minimum number of Questions admitted in the Unstarred Questions list was 61 on 25 April, 1984 and their maximum number was 221 on 8 May, 1984. Their average came to 109.

Half-an-Hour Discussion: In all 14 notices of Half-an-Hour Discussions were received during the Session and out of these, only 1 on Parity of pension between pre-1979 and post-1979 Defence Services pensioners was admitted and discussed on the floor of the House on 5 May, 1984.

Statements correcting answers to Questions : In all 5 statements correcting answers to Questions answered in the House were made/laid by Ministers concerned.

D. OBITUARY REFERENCES

During the Session, the Chairman made references to the passing away of Sarvashri Santosh Mitra and V.N. Tiwari, sitting Members and Sarvashri Shiv Dutt Upadhyaya, S.D. Khobragade, Mahabir Das and Jaspat Roy Kapoor, all Ex-Members. The House stood in silence for a short while as a mark of respect to the deceased.

STATE LEGISLATURES

BIHAR LEGISLATIVE COUNCIL*

The Budget Session of the Bihar Legislative Council commenced on 13 March, 1984 with an address by the Governor to the Members of both the Houses of Bihar Legislature, assembled together in a joint session. The Session concluded on 3 April, 1984.

Abolition of Wealth Tax cess from agricultural land : A Government resolution regarding abolition of wealth tax cess from agricultural land was moved by the Minister of Education, Shri Nagendra Jha and adopted by the House on 30 March, 1984.

KARNATAKA LEGISLATIVE ASSEMBLY**

Resolution regarding violence in the State of Punjab and Haryana : The following resolution, regarding violence in the States of Punjab and Haryana was adopted by the House on 23 February, 1984 :

“This House representing four crores of people of Karnataka feels deeply concerned, as does every Indian about the out-break of violence in the States of Punjab and Haryana which has resulted in the senseless killings of innocent people and destruction of properties and even desecration of places of worship. The people of these States have great tradition of valour, sacrifice and communal amity. Whatever might be the problems, every attempt should be

* Contributed by the Bihar Legislative Council Secretariat.

** Contributed by the Karnataka Legislative Assembly Secretariat.

made to solve them peacefully through negotiations. Violence will only beget more violence and will not lead to any settlement of disputes.

This House most fervently appeals to the people of both Punjab and Haryana to eschew all kinds of violence and create an atmosphere of peace, tranquility and harmony conducive for the solution of the problems, so that national unity, integrity and solidarity are maintained.”

Resolution regarding Karnataka Electricity Board : The following resolution in pursuance to sub-section (3) of section 65 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948) was adopted by the House on 8 June, 1984.

“WHEREAS under sub-section (3) of section 65 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948) approval of the State Legislative Assembly is required for fixing a higher maximum amount than rupees ten crores which the Karnataka Electricity Board may, at any time have on loan under sub-section (1) of the said section;

AND WHEREAS by the resolution passed by the Karnataka Legislative Assembly on the 27th of August, 1974, approval was accorded to the proposal of the State Government to fix rupees one hundred and fifty crores as the maximum amount which the Karnataka Electricity Board may, at any time, have on loan;

AND WHEREAS in Order No. PWD 84 EEB 73, dated 10 September, 1974 issued in pursuance of sub-section (3) of section 65 of the said Act, the Government of Karnataka fixed, with effect from 27th August, 1974, rupees One hundred and fifty crores as the maximum amount which the Karnataka Electricity Board may, at any time, have on loan under sub-section (1) of the said section;

AND WHEREAS the Government of Karnataka proposes to fix rupees three hundred crores as the maximum amount which the Karnataka Electricity Board may, at any time, have on loan under sub-section (1) of the said section;

NOW, THEREFORE the Karnataka Legislative Assembly hereby accords approval to the proposal of the State Government to fix under sub-section (3) of section 65 of the said Act, rupees three

hundred crores as the maximum amount which the Karnataka Electricity Board, may, at any time, have on loan under sub-section (1) of the said section."

MADHYA PRADESH LEGISLATIVE ASSEMBLY*

The Budget Session of the Madhya Pradesh Legislative Assembly commenced on 1 March, 1984, with an Address by the Governor. A Motion of Thanks on the Address was moved on the same day which was adopted on 12 March, 1984. The Session concluded on 23 April, 1984.

Amendment of Estate Duty Law : On 23 April, 1984, a statutory resolution, in pursuance to article 252 of the Constitution of India was passed by the House, authorising Parliament to amend Sampda Sulk Adhinyam, 1953.

Financial Business : The Budget Estimates for the year 1984-85 were presented by the Finance Minister on 5 March, 1984. Individual Demands for Grant were voted by the House on 19 April, 1984. The Appropriation Bill was introduced on 19 April, 1984 and passed on 20 April, 1984.

Bill regarding ownership right to Slum Dwellers of Madhya Pradesh : The House passed a Bill conferring ownership rights to the Slum Dwellers of the land and huts in which they live. The Slum Dwellers, number about 40 lakhs who are mostly urban poor, will be benefited as a result of this legislation.

RAJASTHAN LEGISLATIVE ASSEMBLY**

The Budget Session of the Rajasthan Legislative Assembly commenced on 5 March, 1984 with an address by the Governor. A Motion of Thanks on the address was discussed and adopted by the House. The Session concluded on 20 April, 1984.

Resolution on constituting Planning Board : A resolution, under clause (1) of article 252 of Constitution of India, as slightly amended, was adopted empowering Parliament to make law constituting a Planning Board pertaining to the National Capital Region, covering some portion of the State of Rajasthan.

*Contributed by the Madhya Pradesh Legislative Assembly Secretariat.

**Contributed by the Rajasthan Legislative Assembly Secretariat.

Obituary References : During the Session, obituary references were made to the passing away of Shri Sobha Ram, sitting Member and former Chief Minister of the then Matsya Union, Mr. Andropou, President of U.S.S.R. and eight ex-Members. Tributes were paid to the departed souls.

TAMIL NADU LEGISLATIVE ASSEMBLY*

The Session of the Tamil Nadu Legislative Assembly commenced on 14 February, 1984 and was adjourned *sine die* on 28 April, 1984.

Resolution on prevention and control of water pollution : The following resolution was adopted by the House :

“Whereas in pursuance of resolutions passed under clause (1) of Article 252 of the Constitution of India, by all the Houses of the Legislatures of States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal to the effect that the matters relating to prevention and control of water pollution and maintenance or restoration of wholesomeness of water should be regulated in those States by Parliament by law, Parliament has enacted the Water (Prevention and Control of Pollution) Act, 1974 (Central Act, 6 of 1974);

And whereas in pursuance of a resolution passed under clause (1) of Article 252 of the Constitution of India by both Houses of the Tamil Nadu Legislature, the said Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) had been adopted in the State of Tamil Nadu and the same had come into force in the State of Tamil Nadu with effect from the 31st August 1981;

And Whereas in pursuance of clause (1) of Article 252 of the Constitution read with clause (2) thereof resolutions have been passed by the Legislative Assemblies of the States of Assam, Haryana, and West Bengal to the effect that the said Act should be amended by an Act of of Parliament for certain purposes;

And whereas by virtue of the said resolutions Parliament has enacted the Water (Prevention and Control of Pollution) Amendment Act, 1978 (Central Act 44 of 1978).

*Contributed by the Tamil Nadu Legislative Assembly Secretariat.

And whereas it is considered necessary to adopt the amendments made to the Water (Prevention and Control of Pollution) Act, 1974 by the Water (Prevention and Control of Pollution) Amendment Act, 1978, in the State of Tamil Nadu;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 252 of the Constitution read with clause (2) thereof, this Assembly hereby resolves that the amendments made to the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), by the Water (Prevention and Control of Pollution) Amendment Act, 1978 (Central Act 44 of 1978) be adopted in the State of Tamil Nadu”.

Amendment of Estate Duty Law : The House also adopted a resolution in pursuance of article 252 of the Constitution of India, empowering Parliament to amend further the Estate Duty Act, 1953 in so far as it affected agricultural land.

UTTAR PRADESH LEGISLATIVE ASSEMBLY*

The Budget session of Uttar Pradesh Legislative Assembly commenced on 13 February, 1984 and was adjourned *sine die* on 18 April, 1984.

Amendment of Estate Deputy Law : On 23 March, 1984 the Finance Minister moved a resolution in pursuance of article 252 of Constitution of India, authorising Parliament to amend the Estate Duty Act, 1953 in so far as it related to agricultural land. The resolution was adopted on the same day.

WEST BENGAL LEGISLATIVE ASSEMBLY**

Resolution for removal of Speaker : A resolution, under article 179 (C) of the Constitution of India for removal of the Speaker was moved by Shri Abdul Sattar on the following grounds :

1. arbitrarily disallowing questions and supplementary questions likely to cause acute embarrassment to the Chief Minister, other Ministers, top C.P.I. (M) leaders and high Government officials,
2. wilfully disallowing all types of adjournment motions intending to

* Contributed by the Uttar Pradesh Legislative Assembly Secretariat.

** Contributed by the West Bengal Legislative Assembly Secretariat.

discuss issues of Public importance and problems concerning the people of the State and affecting them seriously,

3. creating an ugly and unprecedented record by repressing the Members of the Opposition by ordering them to be mercilessly, beaten in the House, by the police in the guise of Security Staff,
4. abusing the powers to allow privilege motions and other motions and at the same time disallowing privilege motions based on genuine and reasonably sound grounds based on documentary evidences, tabled by the Members of the Opposition,
5. contradicting his own rulings to allow the Government to vilify the Opposition at the cost of the Public Exchequer.
6. regulating the proceedings and abusing the discretionary powers in such manner as to prevent exposure of the Government's incompetence and misdeeds and to bring about the suppression of the Opposition,
7. illegally usurping the privileges guaranteed by the Constitution of India to Members of the Legislative Assembly,
8. misrepresenting and misinterpreting the Rules and Procedure of the House and certain provisions of the Constitution of India,
9. ceasing to maintain an impartial attitude necessary to command the confidence of all sections of the House,
10. disregarding the rights of the Members of the Opposition and making pronouncements, giving rulings calculated to affect and undermine the rights and privileges of the Members of the Opposition,
11. openly espousing the version of the Government on all controversial matters as against information supplied by the Members of the Opposition,
12. violating the agreement reached on the 14th March, 1984 between the Chief Minister, Leader of the Opposition and the Speaker, whereafter the Government was allowed to publish *maḥāḥiḍe* and

concocted documents maliming the Opposition, though the Members of the Opposition were not allowed to make even a simple reference to the incidents which led to the impass from 8th March, 1984,

13. allowing the Members of the treasury benches to attempt to kill one of the seniormost Members of the Opposition on the floor of the House and subsequently disallowing a bonafide and genuine privilege issue on the matter,
14. misusing and abusing the powers to enforce discipline in the House,
15. failure to maintain the supreme interest of decency, decorum and dignity of the House,
16. failure to apply an unbiased mind to the delinérations of the House,
17. depriving Opposition Members of the opportunity of effectively ventilating the grievances of the people.

The resolution was negated on a division.

UNION TERRITORY LEGISLATURES

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY*

The Budget session of Arunachal Pradesh Legislative Assembly commenced on 26 March, 1984 with an address by the administrator. A motion of Thanks on the address was moved and adopted on 28 March, 1984.

Financial Business : The Annual Financial Statement (Budget Estimates) of the Government of Arunachal Pradesh for the year 1984-85 was presented to the House on 26 March, 1984. All the Demands for Grants were voted in full. The Supplementary Demands for Grants for the year 1983-84 were also voted in full.

* Contributed by the Arunachal Pradesh Legislative Assembly Secretariat.

BOOK REVIEWS

RE-PROMULGATION OF ORDINANCES : A FRAUD ON THE CONSTITUTION OF INDIA. By Dr. D.C. Wadhwa. Published by Gokhale Institute of Politics and Economics, Pune, 1983, Pages 259, Rs. 95.00.

Gokhale Institute of Politics and Economics, Pune, is one of the leading institutions in the matter of research on several important subjects. Dr. D. C. Wadhwa is a member of the research staff of this Institute and he has written this book called, "Re-promulgation of Ordinances—a Fraud on the Constitution of India". This book is a study in the constitutionality of the re-promulgation of ordinances in the State of Bihar. The Governors of Bihar under governments formed by different political parties including the Congress Party have been extending the lives of ordinances by a process known as 're-promulgation' to evade the limitation as to the duration of these ordinances as provided in the Constitution.

Bihar is one of our biggest States noted for poverty amongst plenty and for corruption at almost every level and soaked with illiteracy. On the top of all this mal-administration, the author in this book has attempted to show how different governments have supplanted for long years the usual and normal legislative process and followed a course which for all practical purposes is against the basic principles of parliamentary democracy.

The study consists of nine chapters. The first chapter deals with the scope of the study, the problems and the importance of the questions involved. The second chapter deals with the maximum life of an ordinance according to the constitutional provisions. The third chapter deals with the *modus operandi* of re-promulgation of the ordinances.

An ordinance is promulgated by the Governor due to some extraordinary situation when there is no session of the State Legislature. It has the force of

a law and is a purely temporary measure with a statutorily short life of six weeks till the commencement of the session of a State Legislature. Within six weeks of the commencement, the Legislature must pass a law to replace the ordinance if the continuance of the substance of the ordinance is thought to be desirable. Neither the Governor nor the Legislature can extend the life of any ordinance. The *modus operandi* followed in Bihar was that immediately at the conclusion of each session of the State Legislature which was less than six weeks, the Heads of the Departments, Secretaries and other officers were informed about the date of prorogation of the State Legislature and were asked to take immediate action for getting all the concerned Ordinances re-promulgated before the date of their expiry without the approval of the Council of Ministers—because that is not necessary. The Law Department then used to prepare two lists of ordinances to be re-promulgated. The ordinances in the first list were to be promulgated with the approval of the Governor and those in the second list after receiving the consent of the President of India. The Governor used to approve and sign them soon after they were submitted to him. The reason for not enacting an Ordinance into an Act given in each letter of the Ministry of Home Affairs, was almost the same, *viz.* the State Legislature had been busy with the discussion on Governor's Address, Budget, and passing the Appropriation Bill, or that it was preoccupied with passing the Supplementary Budget; though sometimes the only reason given was want of time.

The fourth chapter deals with some judgments including the judgment of the Dacca High Court delivered in the year 1949 under the provisions of section 88 of the Government of India Act, 1935. It was held that the Governor cannot continue an ordinance by another ordinance so as to evade the provisions of clause (a) of sub-section (2) of that section. An ordinance according to the Dacca High Court must expire at the latest with the expiry of six weeks from the date of the reassembly of the Legislature as provided in the Government of India Act.

The fifth chapter deals with two judgments of the Patna High Court delivered in 1972 and 1975. The Patna High Court appears to have rejected the argument of the Petitioner's Counsel that it was not permissible under the Constitution for the Government of Bihar to go on ruling the State by successive ordinances. The High Court held that since an ordinance is given the same force and effect as an Act of Legislature, it is not for the Court to declare such an ordinance *ultra vires* on any score. According to the learned judges the Court's power is not coextensive with that of the Legislature because it was for the Legislature of the State to disapprove the ordinance.

The sixth chapter deals with the present position of the Supreme Court on the subject. It appears that no matter as would appropriately seek for the judgment of the Supreme Court on the problem of re-promulgation of ordinances went before it and that therefore there is no judgment of the Supreme Court on this problem.

The seventh chapter describes the duration of the Central Ordinances whereas the eighth chapter discusses the rule of interpretation and the fraud, according to the learned author, played by the re-promulgation of ordinances in the realm of constitutional law. The ninth chapter is a proposal for an amendment of the Constitution. The learned author has also appended 30 Tables and some of them are important. He gives in the tables the number of ordinances promulgated by the Governor of Bihar from 1950 to 1981 and the number of Acts made by the Legislature during that period. He also gives average number of ordinances promulgated per month by State governments of the different political parties in Bihar from 1972 to 1981. There is also one table on the lives of the ordinances promulgated from 1950 to 1981 under article 213 of the Constitution of India. Some of them continued even for 14 years and more. A list of the lives of the ordinances promulgated by the President of India from 26 January, 1950, to 31 January, 1981, is also given by the author. A few of them continued for more than four and five years.

A study of the book gives a sad picture of how the Bihar Ministries have been working from the years 1950 to 1981. Our Constitution gives us a socialistic and democratic way of life. It not only provides that our Fundamental Rights should be one of the basic features of the Constitution, but also gives a rule of law to all of us. In other words, the activities and conduct of the people should be governed by rule of law. An ordinance is a very exceptional weapon which is resorted to in extraordinary circumstances and only when the matters are very urgent and important. In fact according to the Constitution everything should be done by enactment of a law and nothing by ordinances. An ordinance can be promulgated only when there is no session of the legislature; only when the matter is urgent can an ordinance be promulgated for controlling the activities etc, which are the subject matter of the ordinance. But immediately the legislature is convened, a Bill has to be introduced within six weeks of the convening of the session and the ordinance has to be substituted by a Bill passed in the legislature. In other words, an ordinance is only a temporary measure for the purpose of meeting certain urgent circumstances or activities and it cannot continue after the session is convened; a Bill has to be passed by the Legislature within six weeks. But the governments and that too of all parties threw overboard and ignored this rule of law

and evaded in an underhand manner the healthy provisions of our Constitution.

I think the Dacca High Court had very rightly held that such evasion of the constitutional provisions is like committing a fraud on it. I wish the learned author had also dealt with the ethical side of such deliberate evasion of the democratic principles and provisions of our Constitution. The Constitution-makers did visualise such brazen faced breach of this important rule of the Constitution and therefore hedged the ordinance with conditions and limitations. The government is neither competent ethically nor constitutionally to flout this law. What cannot be done directly according to the Constitution cannot also be done indirectly by underhand dealings. I only hope things will improve soon in Bihar. I commend this book to every reader who wants the rule of law to be supreme in our country.

—R.R. BHOLE

STRONG DEMOCRACY : PARTICIPATORY POLITICS FOR A NEW AGE. By Benjamin R. Barber. Published By University of California Press, Berkeley Los Angeles, London 1984. Pages 320.

The author, Professor Benjamin Barber is a professor of political science at Rutgers University. He has written quite a few books and this book was begun under a grant from the Council for International Exchange of Scholars (the Fulbright Council) and completed under a fellowship from the John Simon Guggenheim Foundation. He started his work in the year 1976 and was assisted by the Essex University as well as New York Institute for the Humanities. He completed this work in the year 1982. He attended some international congresses in Berlin, Moscow, Rio de Janeiro and also some seminars in different Universities of America at the advance stage of writing this book.

As the title shows, the author examines the political theory of democracy with special reference to the participatory politics in this age. After examining the assumptions on the theory of democracy he goes on to argue whether the assumptions and implications result in freedom and liberty to citizens as well as in the self-governing institutions for all. He calls the theory of democracy as a liberal theory because it guarantees liberty and in reverse he argues that if there is a guaranteed liberty then it secures democracy. His perspective, however frequently echoes capitalism. It is an analysis on the liberal and more liberal construction of the theory of democracy and the rights under the system. Democracy, as we know, can be considered in many ways; there can be a wide interpretation as well a narrow interpretation that would make difference, and sometimes more on the connotation of the term liberty and even personal liberty. He has, however, not dealt with liberty with a constraint which he ought to have done. Liberty does not certainly mean freedom from restraint of any kind and from any quarter. A citizen in a democracy cannot

have such a liberty and he can be conferred immunities only subject to some restraints.

He seems to be dissatisfied with the Presidential form of democracy in which he lives, but at the same time he shows a thinly-veiled hostility to the leftist view during the course of most of his discussions. He sets out in the last chapter, "The Real Present: Institutionalising strong Democracy in the Modern world" a framework with the criteria that it should be realistic and workable, it should have safeguards for individuals and minorities lest the community abuses its power. He advocates a programme of participatory reforms like public interest groups by organising Neighbourhood Assemblies Referendum Process, Common Action Service, Democracy in the workplace etc. The idea is that he wants in this framework, to involve all the individuals not only at the local level, but also at the national level in activities like common talk, decision taking and action oriented work. He has freely cited the opinion of a very large number of political and social scientists such as Slinozu, Hobbes, Robert Nozick, Marx and Rousseau, Berk, Bentham and host of other scientists some of them with antiquated views. His style of expression and description in substantial parts of his analysis, however, are pedagogic and to a reader, the description would appear to be more complex; in my view many times it is hard to understand what exactly the author is driving at.

The author rightly claims as a whole by his analysis that America should not be of the mighty which crushes the weak but should be a land where everyone—poor white, Red Indians and Negroes and others—is free. According to him in a 'strong democracy' there should be a government of the citizens in place of government of professionals. While aiming at this goal and for involving the citizens of the country, he has made it a major theme of his book and analysed the system of voting, the political alienations like the less and less of voters turn out, distrust of politicians, apathy to common cause, more and more preference for things private and the growing paralysis of public institutions. His view is that the systematic deterioration in the results and consequences of democracy, is on account of liberalism—a liberal view of democracy. After discussing his analysis on democracy *versus* liberalism, he concludes that democracy has been compromised by liberal institutions and says that the liberal philosophy has become a source of weakness to democracy. He says that democracy can therefore survive only by finding its own forms of institutions which would be devoid of excess of liberalism. Therefore, what he calls 'strong or participatory democracy' is needed and, more and more participation of people for its success is necessary. Now, it is true that democracy is for the benefit of all the citizens. But many a time due to the inadequate performance of the representatives of the people in the Parliament with little or no accountability, the result is not helpful for developing all sections of the nation as

well as the country. I think he is right when he says that democracy should be made more representative and that the representations should be chosen with an undertaking of accountability as well as of showing efficiency. His theory for democracy demanding that it should entail more of a right to be governed in accordance with peoples interest rather than of representatives is, I think, the right theory. But in practice at least in some democracies the government is run more to safeguard their own interest rather than the interests of the people at large. It is true that 'strong democracy' can make a citizen free and to be free we need a strong democracy. But for making a democracy strong, there are hundred and one hurdles and they are more in the nature of internal struggle for power than in the nature of some external forces. Such is our experience.

He has divided his book into two parts, part one starting with 'Thin Democracy' with arguments against liberalism and the second part starting with 'Strong Democracy' with arguments for citizenship. While analysing the nature, of the 'Thin Democracy' as well as the 'Strong Democracy' and while dealing with the excess of liberalism *versus* the democracy, he explains that the crisis in liberal democracy is on account of the plea that the world has become ungovernable and that no leader or party or constitution can control the industrialised society. He points out also with despair the accounts and results of the working of the machines, computers and bureaucracies. But that is because we let loose power hungry forces. His style however appears to become more and more rhetoric and confounding instead of giving a vivid picture to demonstrate his own ideas in simple words. It is possible he might be using the language of some experts on political scientists but if a book has to be read and understood by the citizens at large, he should at least be able to know where exactly he is driving at and how he compares the 'Thin Democracy' with 'Strong Democracy' and also the excess of liberalism with participatory politics for a new age. The author appears to have studied his subject well and made considerable research but it is presented in a way that it would be hardly possible for a student of politics to understand the thesis fully.

—R.R. BHOLE

TOWARDS SOCIAL REVOLUTION : A CASE FOR ECONOMIC DEMOCRACY. By Vasant Sathe. Published by Vikas Publishing House Pvt. Ltd., New Delhi, 984, 240 pages, Rs. 125.

As the title indicates that it is an ambitious work. The first chapter is a foray into cosmology and philosophy; it explains the author's attitude towards religion and gives his general view of life. He comes to the refreshing conclusion that scientific humanism alone can harmonise the spiritual and scientific attitudes towards life. It would not be in conflict with the value system of established religions. It has the capacity to solve the majority of

human problems : "Thus the universal religion of the modern age should be the religion of scientific humanism". In stating his philosophy, Shri Sathe makes out a strong case for free inquiry, *i.e.*, the capacity and will to question with an open and inquiring mind, as "the touchstone or reference point and the parameter of all knowledge".

Then follows a chapter in which the author traces the historical evolution of the political system in India. In the process he expresses views against the caste system and in favour of secularism. He then sets out to inquire whether the objectives of the Constitution, *viz.* liberty, justice, equality and fraternity are being achieved by the political and economic structure we have adopted.

To sustain democracy Shri Sathe makes out a case for a two party-system and for providing opportunities to the elected representatives of the people to participate effectively not only in the formulation but also in the implementation of the policies and programmes. "Today, we find that the whole political apparatus, namely, the political parties as well as the legislatures, is becoming more of a formality and a superficial entity, existing as if to fulfil a ritual of democracy rather than being an effective instrument of social change, both in terms of policy-making and implementation". With the same object in view Shri Sathe makes important suggestions for changes in the parliamentary structure; such as (1) the Committee system which would allow Members of Parliament to meet in smaller groups or committees according to their inclinations or knowledge of subjects and in which the legislative process could be discussed in greater length; (2) the presidential system of Government, under which the President and the Prime Minister could be elected directly by the people with the mandate and sanction of the entire nation; and (3) a party system which would provide avenues of promotion for party workers, such as, putting them as members on the Managing Boards of various institutions which get finances from the public financing institutions.

The main corpus of the book deals with the economic system of India, its problems and the proposals for its reorganisation to preserve democracy and ensure the well-being of the whole population.

After 30 years of planning what have we achieved ? "We have virtually created a small island of prosperity in a sea of poverty where a small section of the population has all the benefits of modern civilisation. The picture of our national economy is best symbolised by a metropolitan city like Bombay where one can find a vertical growth of skyscrapers and five star hotels surrounded by the horizontal, spreading and proliferating slums teeming with the poor."

In spite of this, the author admits, there has been a marked change in the general conditions of living compared with what obtained before Independence. This change is reflected in the increase in average life expectancy from 27 to 54 years in three decades.

After an analysis of the consumption data provided by the National Sample Survey (1973-74), the growth of the parallel economy, and the working of the public and private sectors, the author takes a look at the poverty profile of the economy and asks how far the 20 Point Programme can help in alleviating the sufferings of the people? "The time-bound 20-Point Programme aims at ameliorating the conditions of the poor and the underprivileged. It is essential that this process becomes a self sustained one". But according to the author the present planning design does not provide for such a mechanism.

After a discursive treatment of some more aspects of the Indian economy the author comes to the main thesis in this book, the remedy for the economic malady.

The author believes that exploitation of labour, the accumulation of black money and distortions in distribution can be prevented by organising economic activity, *i.e.* every economic sector, in such a way that its management shall be in the hands of equal representatives of the three factors of production, *viz* the entrepreneur, the financing institution which represents social capital and labour. This structure shall cover not only the organised sectors in the country, both public and private, but the entire economic activity in every single field. It shall prevent the misappropriation of the net surplus by the entrepreneur, which under the new order shall belong to the people, *i.e.* the State. The State then can reinvest the surplus in such a way as to bring about a balanced development and thus ensure the production of essential commodities to secure a minimum decent level of existence to all members of the society.

This means there will be only one economic sector in the country, *viz.* the national sector. Each productive unit will be affiliated to the national federation in its own field which will formulate the policies and programmes for the growth of industrial or other activity according to the priorities and requirements of the people. Such a system will considerably reduce the functions of the State and much of the bureaucracy will have to be tagged on as an integral part to one or the other productive or distributive sector and will not have, as at present, a role where it has all the power to say 'yes' or 'no'

and to interfere at every stage but without any responsibility for the implementation of policies and programmes.”

All the suggestions necessary for such economic transformation are summarised on pages 194 to 199. It is claimed that “all these suggestions would help the country become not only the largest political democracy but also the largest economic democracy, at least in the developing world. As we progress under the new pattern and as more surplus is generated faster through the productive and distributive activities, more avenues of growth will emerge, enriching the life of the whole people of the country”.

Shri Sathe has a been in his bonnet. All those who welcome its humming as well as those who are afraid that it might sting, should come together in a nationwide debate on his proposals for a social revolution. The author has considerable experience of political life and economic administration at the highest level and the nation should benefit by his well considered suggestions in these fields.

—Y.S. MAHAJAN

TRANSFER AND TRANSFORMATION : POLITICAL INSTITUTIONS IN THE NEW COMMONWEALTH. Edited by Peter Lyon & James Manor. Published by Leicester University Press. 1983, pages 299, £ 25.

‘Transfer’ in the political parlour may mean the transfer of power whereas ‘transformation’ is inclined towards suggesting an abstract change which may vary from one political institution to another. The book, “Transfer and Transformation : Political Institutions in the New Commonwealth”, deals with a variety of things transfer of power, authority, institution, traditions and the system of government, including the bureaucratic habits. But how durable these can be if there is no underlying process of transformation, in the positive direction.

As is the proverb in the case of the seed and the tree—whether the seed should be there prior to the tree or the tree prior to the seed, to give the seed itself, so is the case with the transfer and the transformation. If transformation of political institutions in the positive direction can be achieved even after transfer of power, it is worth having. “The transfer of power and transformation of political institutions in the Commonwealth” deals with countries politically liberated in the last half a century, viz. India, Pakistan, Sri Lanka, Bangladesh, some of the South Asian and African countries.

This collection of essays in honour of W.H. Morris Jones who gave much of his time in the study and writing on India, rightly depicts the trans-

formation in political institutions in India. Morris-Jones wrote in 1977, "Indian politics sometimes looks like a world on its own. Yet it is part of wider political worlds and any student of its affairs has to be aware of these contexts".

From 1940 onwards the successive British governments expressed their intention to guide the colonies towards self-government, the actual transfer of power came to India in 1947, after a mass movement of non-cooperation with the then British government. In 1957, Ghana and Malaya became independent. The transfer of power and the decolonization process is spread over a period of four decades as far as the British are concerned. To and by 1983 the number of colonies liberated and then enrolled as members in the Commonwealth goes up to forty-seven. In 1982, the Falkland Islands case has reminded the British and the other powers that the residual colonial responsibilities are too costly.

Transfer of power need not always bring about a favourable transformation. Continuity and change, development and decay form part of the process. Morris-Jones wrote about India in 1977 :

"India has to her credit remarkable political achievements since independence and the greatest of these is the creation of the foundations for a system of accountable government. It lost its way in the years preceding 1977 but retraced its steps before it was too late...it remains a system capable of response and change, capable therefore of its own improvement".

The three essays in the first section give the challenging and contrasting interpretations of India's past, present and future. India which stood as a leading case of moderate statehood and democratic polity suffered a set-back during emergency, 1975—77. "There was a rapid erosion of institutions", says Shri Rajni Kothari, "with too much stress on leadership and too little on institutions, their integrity and authority". Myron Weiner's essay on the fate of liberal institutions in India, with the title "Wounded Tiger" poses before the reader a serious problem regarding the major threat to these institutions. He thinks that the main challenge would be from the incumbency *coup* mounted by individuals in power who feel weak and endangered.

Ainslie Embree who deals with "Emergency as a signpost to India's future", says a swift review of contemporary India's press, judiciary, trade unions and universities reveals a system which lacks "ancillary institutions" capable of with standing arbitrary encroachments by a would-be authoritarian government".

By and large, all the essays on Indian political institutions are inclined to depict, when the authors consider to be deterioration.

The next three essays in the second section deal with elections, symbols and party identification, the electoral process amidst awakening and decay in India, and the civilian succession and the 1981 presidential election in Bangladesh.

Bruce Graham concludes by saying "the defects of the symbol system are such that the time has surely come for the Election Commission to review its criteria for the recognition of parties and for the reservation of symbols.

The second essay of James Manor surprisingly says that in India 'Awakening and decay are simultaneous and both are at work in India'. Awakening has dawned in the neglected sections of the society and decay has stepped into the institutions.

The essay on Bangladesh is, so to say, an informed commentary on the main national political events occurring in Bangladesh in the second half of 1981. It also depicts a perspective on Bangladesh before and after, as well as during the brief period of Abdus Sattar's Presidency.

The next three essays by scholars refer to the socio-economic bases in Ghana, ethnic politics and support for the political parties in Uganda, and the continuity and change in the African parties of Zimbabwe during the struggle for majority rule. Richard Rathbone stresses the high speed of change and its uneven impact and distribution throughout Ghana. Twaddle's essay marks his focus on the tribalism, party and ethnic identity in Uganda in the context of the shattered economy of the post-Amin period. John Day gives a graphic picture of the continuity and change in the African parties of Zimbabwe in the years 1956 to 1979. How and why the nature of the parties alter? Why do parties adopt new strategies to achieve the same end? The author himself poses many questions and tries to answer them.

Part Four of the book consists of essays on bureaucracies and change, Along with the process of transformation, the orientation and outlook of bureaucracies has also got to be changed. This being the permanent executive, people do have the contact with it to get their work done.

Richard Crook's study of bureaucracy and politics in Ghana, especially during the years 1957-1966, marks the methods of a one-party state. Giving a description of different aspects of personal dictatorship and also of an agency for power struggle, Crook comments on the "level jumping, selection of office holders, patronage and problems of authority."

Keith Panter-Briek tells in his essay pertaining to institutionalisation :

"If there are institutions which have been inherited, they have to be adapted; if for certain purposes there are no institutions they have to be created. For change is everywhere and seems to be the only thing that cannot be avoided; yet change to be purposeful and controlled has to be channelled."

Part five on 'Institutional Adaptation and Decay' gives a graphic picture of two countries small in size, viz. Sri Lanka and Pakistan. Sri Lanka known as Ceylon since independence in 1948 until 1972, with the change of its constitution from monarchy to republic, was renamed as Sri Lanka. The new President with enhanced powers, inaugurated the Second Republic with a modified new name "Democratic Socialist Republic of Sri Lanka". Since 1977, according to Howard Wriggins, "The Jayewardene Government had moved boldly to overcome what had come to be seen as certain liabilities in the Westminster model". One has got to wait and see the development.

If kind fairies (Jawaharlal Nehru, Sardar Vallabhbhai Patel and Lord Louis Mountbatten) attended as mid-wives the birth of independence in India, in August 1947, surely the malign spirits presided over Pakistan's emergence. Who was responsible for the swift decay in Pakistan? Or was Pakistan blighted from birth? The author argues that the institutions of 1947 were not of themselves markedly deficient or inappropriate, the faults lay rather in the repeatedly demonstrated ineptitude of the politicians who failed to work with the right spirit.

The two essays on comparative Perspectives—one by Anthony Low, the other by Bruce Miller—deal with the comparisons and sequences and the significance of certain events in the recent history of Asia: Bruce Miller rethinks of the institutional elements—the remnants of British origin which may be influencing the policy-making in the countries which are now members of the new Commonwealth. To what extent their being in the Commonwealth has affected their foreign policy? Over a period of years whether there is progress or decay in the institutions is a very significant matter.

Essays in the comparative study of transformation in the Political institutions of the member countries of the new Commonwealth, in the post-independence era, throw much light on the action and reaction of politicians, people and bureaucrats. Assessment of the changing political institutions in the broader perspective provides the necessary guidelines to the ambitious politicians and also to the bureaucrats. The essays are not the exercise of academicians in the library: they are the result of a thorough study of the Political institu-

tions in the changing process—a mature reflection on and reassessment of transfer of powers, in the middle of twentieth century.

— DR. SAROJINI MAHISHI

THE CENTRAL LEGISLATURE IN INDIA, 1909-1935. By. Dr. R.P. Singh
Published By Naya Prokash, Calcutta, 1984; Pages 268; Rs. 90.00

Dr. R. P. Singh, author of the book "*The Central Legislature in India (1909-1935)*" has made a valuable contribution to the study of the intricate process of Constitutional Reforms in India. There are several work by eminent writers about Indian struggle for freedom and the Constitutional Reforms which the alien rulers were obliged to introduce under pressure of social and political conditions. So the main theme is familiar. But what is of special interest about Dr. Singh's appraisal is the sharp focus under which he brings a multitude of details relating to various phases of constitutional development.

His narration of the roles of successive Secretaries of State and viceroas pinpointing how if one of the two was a little liberal in regard to the quantum or nature of reform, the other would try to whittle down, his analysis how Lord Morley differed from Lord Minto or Montagu from Chelmsford gives an insight into evolution of British thinking on the question of Reforms. Dr. Singh has dwelt at length on the proceedings of the three Round Table Conferences, the proposals about the Federation of British India and Princely India the White Paper of March, 1933, The Report of the Joint Parliamentary Committee, and the final enactment of the Government of India Act, 1935, and the various suggestions about the composition of and the mode of election to the Central Legislature.

The book deals with the tussle of power between the Executive and the legislature inherent in the Reform Schemes of 1909, 1919 and 1935. The author has gone through an extensive variety of papers and materials, both archival and non-archival, as the long Bibliography shows. His work has thus become a source book. Without agreeing with some of the author's opinions, interpretations or conclusions, one cannot but be at one with him that the Reforms, which were primarily aimed at stemming the tide of the freedom battle proved each time inadequate to meet the national aspiration. The piecemeal changes in the apparatus of government under the 1919 scheme failed to satisfy the needs of the situation. The demand for revision of the Constitution, emphasising the control of the internal affairs in the Central Government leaving foreign relations and defence in the hands of the British, was the Swarajist response to share power with the British.

The Nehru Constitution, which was the first all India effort to draw up a national Constitution, Dr. Singh observes, provided a point of departure for the Muslims from the process of collective-thinking. The prejudice of the fra-

mers of the British policy against the possibility of Indian control of the Centre vitiated the constitution of the Central Legislature. The greatest indictment of the 1935 Act's Central plan was that it was against the logical sequence of the constitutional advancement which the rulers themselves had declared in 1917. The efforts of Lord Irwin to follow the montagu line of constitutional process found no support in Britain.

Dr. Singh points out that the White Paper of March, 1933, and the Report of the Joint Select Committee published in November, 1934, between them represent the outcome of constitutional discussions started since the appointment of the Simon Commission in 1927, and mark the ultimate victory of the rightist reactionary elements in Britain and in India. The federal part of the Constitution never came into being. With the outbreak of the war on 11 September, 1939, the Viceroy announced the suspension of the Federation.

Some inaccuracies appear to have crept in Chapter 7 "the Federal structure" of Dr. Singh's book; where he describes the three day debate in the Central Legislative Assembly on the J.P.C. Report. The debate took place on February 4, 6, and 7, 1935, and not on February 4, 5 and 6 as the author writes. Also the reply to the debate, which ended on February 7, was not given by Sir Henry Craik, the Home Member, but by Sir Nripendra Nath Sircar, who initiated the debate on February 4 with a motion for taking into consideration the Report of the J.P.C. Sir Henry Craik, of course, intervened in the debate.

The author has recorded the votings that took place on the conclusion of this historic debate. It was an exciting scene witnessed in the House on that occasion. There were two principle amendments to the official motion those of Bhulabhai Desai, Leader of the Congress Party and of M. A. Jinnah,, Leader of the Independent Party. Desai's amendment fell into two parts, the first part wholly rejecting the entire reforms both in regard to the provincial scheme and the Central scheme. The second part pointed out the unsatisfactory nature of the communal Award and appealed to the House not to express any opinion on it. Jinnah's amendment consisted of three parts. The first part accepted the Communal Award. The second part characterised the provincial Autonomy Scheme as most unsatisfactory, and the third part described the all India Federation Scheme as fundamentally bad and totally unacceptable.

The first part of Desai's amendment was negatived by 72 votes against 61, and the second part by 84 votes against 44. Jinnah's amendment accepting the Communal Award was adopted by 68 votes against 15, the Congress Party remaining neutral and the government party voting in favour of it. It is to be noted that Sir Nripen Sircar, who had pronounced views about the Communal Award, did not vote though he was the Leader of the government party either

on the motion of Desai or Jinnah on this issue. Jinnah proved to be a master strategist by pressing on the floor of the House that the parts two and three of his amendment should be put to the House together, and carried it by 74 votes against 58 with the support of the Congress Party and against the opposition of the government party. If the parts two and three of his amendment had been put separately, as he had desired earlier in the day at the party leaders' meeting called by the President, Sir Abdur Rahim, the voting would have been different. The debate and the votings reflected the reactions of the country to the Federal scheme in no uncertain terms.

The author in the Preface to his book has said that British politicians refused to share power with India at the Centre. He has rightly observed that behind the fragmented Legislature at the Centre which emerged under the 1935 Act, lay the Imperial reluctance to hand over power to Indian hands. It was not a mere question of British reluctance. It can be more truly stated that the British rulers at no time contemplated to give up their hold over India. They did not even remotely indicate at what distant future India would attain Dominion status. They never entertained any idea of transferring power, whatever the complexion of the government in Britain-Labour, Liberal or Conservative. The promise of "progressive realisation of self-Government" was as vague as hollow. The talk of 'the White Man's Burden', the economic exploitation and impoverishment of India, the Imperial preferences in trade, and the use of the Indian Army to advance Imperial interests were all pointers as to what was the goal of British rule or what was India's destiny under it. The Defence Secretary Tottenham once arrogantly remarked in the Central Legislative Assembly that none but a congenital idiot would think that the Army would ever be fully Indianised. It may be recalled that the war time British Prime Minister, Mr. Churchill declared that he had not become the first servant of his Majesty's Government to preside over the liquidation of the British Empire.

The fact that subsequently the labour Prime Minister, Mr. Attlee set a deadline for withdrawal of British authority was altogether a different story. It was primarily due to the compulsion of post-war circumstances, and the realisation that it was no longer possible to keep India under subjugation relying on the loyalty of the Indian Army. The Quit India movement within the country and the INA movement outside the country had laid the road for India's independence.

The position till 1935 was that the Central Legislature was invested with no responsibility whatsoever. The Executive was irremovable, and the Opposition though composed of elected majority had no power to replace the government. Yet it must be admitted that the outstanding reasons for the success of parliamentary institutions were the legacy of these institutions left by the

British regime. The Swarajists under the leadership of Motilal Nehru had created an impact which seemed to shake the British lion. It was said of Vithalbai Patel, the President of the Central Assembly that no Speaker of any Parliament had ever exercised so much power and authority as Patel. The traditions of the Swarajists were followed by the Congress Party when it returned to the Central Legislature under the leadership of Bhubabhai Desai. Subject India had produced a galaxy of most talented parliamentarians who would be a glory to any parliament anywhere including the Mother of Parliaments.

—A. N. DAS

Prof. Madhu Dandavate : When we speak of national integration in this land of Gandhiji, let us realise that national integration can never mean merely the territorial integration of India ; it is essentially the total integration of minds.

Shri B. R. Bhagat : Hearts.

Prof. Madhu Dandavate : Mind includes heart also, biologically speaking.

(*L. S. Deb.*, 24 July, 1984)

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APPENDIX I

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

1. Period of the Session—23 February to 9 May, 1984		
2. Number of sittings held—52		
3. Total Number of sitting hours—376 hours and 55 minutes		
4. Number of divisions held—3		
5. GOVERNMENT BILLS :		
(i) Pending at the commencement of the session	...	22
(ii) Introduced	...	31
(iii) Laid on the Table as passed by Rajya Sabha	...	6
(iv) Returned by Rajya Sabha with any amendment/ recommendation and laid on the Table	...	1
(v) Referred to Select Committee	...	Nil
(vi) Referred to Joint Committee	...	Nil
(vii) Reported by Select Committee	...	Nil
(viii) Reported by Joint Committee	...	Nil
(ix) Discussed	...	43
(x) Passed	...	43
(xi) Withdrawn	...	Nil
(xii) Negatived	...	Nil
(xiii) Part-discussed	...	Nil
(xiv) Discussion postponed	...	Nil
(xv) Returned by Rajya Sabha without any recommendation	...	16

(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	...	Nil
(xvii) Pending at the end of the Session	...	17
6. PRIVATE MEMBERS BILLS :		
(i) Pending at the commencement of the Session	...	343
(ii) Introduced	...	20
(iii) Laid on the Table as passed by Rajya Sabha	...	...
(iv) Returned by Rajya Sabha with any amendment and laid on the Table	...	...
(v) Reported by Select Committee	...	...
(vi) Discussed	...	3
(vii) Passed	...	...
(viii) Withdrawn	...	2
(ix) Negatived	...	...
(x) Circulated for eliciting opinion	...	...
(xi) Part-discussed	...	1
(xii) Discussion postponed	...	...
(xiii) Motion for circulation of Bill negatived	...	...
(xiv) Referred to Select Committee	...	...
(xv) Removed from the Register of Pending Bills	...	...
(xvi) Pending at the end of the Session	...	361
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (Matters of Urgent Public Importance)		
(i) Notices received	...	455
(ii) Admitted	...	14
(iii) Discussion held	...	8
8. NUMBER OF STATEMENT MADE UNDER RULE 197 : (Calling-attention to Matters of Urgent Public Importance) Statements made by Ministers		
	...	28

9. MOTION OF NO CONFIDENCE IN COUNCIL OF MINISTERS

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

10. HALF-AN-HOUR DISCUSSIONS HELD : ... 5

11. STATUTORY RESOLUTIONS :

(i) Notices received	...	28
(ii) Admitted	...	6
(iii) Moved	...	6
(iv) Adopted	...	1
(v) Negatived	...	5
(vi) Withdrawn	...	...

12. GOVERNMENT RESOLUTIONS :

(i) Notices received	...	2
(ii) Admitted	...	2
(iii) Moved	...	2
(iv) Adopted	...	2

13. PRIVATE MEMBERS' RESOLUTIONS :

(i) Received	...	15
(ii) Admitted	...	15
(iii) Discussed	...	3
(iv) Adopted	...	...
(v) Negatived	...	2
(vi) Withdrawn	...	...
(vii) Part discussed	...	1
(viii) Discussions postponed	...	...

14. GOVERNMENT MOTIONS :

(i) Notices received	...	2
(ii) Admitted	...	2
(iii) Discussed	...	1
(iv) Adopted	...	...

15. PRIVATE MEMBERS' MOTIONS :

(i) Notices received	...	888
(ii) Admitted	...	261
(iii) Moved	...	Nil
(iv) Discussed	...	Nil
(v) Adopted	...	Nil
(vi) Negatived	...	Nil
(vii) Withdrawn	...	Nil
(viii) Part-discussed	...	Nil

16. MOTIONS RE-MODIFICATION OF STATUTORY RULE :

(i) Received	...	5
(ii) Admitted	...	2
(iii) Moved	...	Nil
(iv) Discussed	...	Nil
(v) Adopted	...	Nil
(vi) Negatived	...	Nil
(vii) Withdrawn	...	Nil
(viii) Part-discussed	...	Nil

17. Number of Parliamentary Committees created, if any during the Session.

... Nil

18. Total number of Visitors' Passes issued during the Session.

... 31,086

19.	Maximum number of Visitors' Passes issued on any single day, and date on which issued.	... 909 ... on 19-4-84
20.	NUMBER OF ADJOURNMENT MOTIONS :	
	(i) Brought before the House	... 34
	(ii) Admitted and discussed	... 1
	(iii) Barred in view of adjournment motion admitted on the subject	... 33
	(iv) Consent withheld by Speaker outside the House	... 452
	(v) Consent given by Speaker but leave not granted by the House.	... Nil
21.	TOTAL NUMBER OF QUESTIONS ADMITTED :	
	(i) Starred	... 1013
	(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	... 10,692
	(iii) Short Notice Questions	... Nil
22.	WORKING OF PARLIAMENTARY COMMITTEES	

Sl. No.	Name of the Committee	No. of sittings held during the period 1 April to 30 June, 1984	No. of Reports presented to the House during the Session
1	2	3	4
(i)	Business Advisory Committee	4	8
(ii)	Committee on Absence of Members	1	1
(iii)	Committee on Public Undertakings	10	19
(iv)	Committee on Papers Laid on the Table	5	5

1	2	3	4
(v)	Committee on Petitions	6	3
(vi)	Committee on Private Members' Bills and Resolutions	4	8
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	8	14
(viii)	Committee on Privileges	3	1
(ix)	Committee on Government Assurances	1	2
(x)	Committee on Subordinate Legislation	6	1
(xi)	Estimates Committee	18	25
(xii)	General Purposes Committee	1	...
(xiii)	House Committee	2	...
(xiv)	Accommodation Subcommittee of House Committee	...	...
(xv)	Public Accounts Committee	10	43
(xvi)	Railway Convention Committee	6	2
(xvii)	Rules Committee	...	...
JOINT/SELECT COMMITTEES			
(i)	Joint Committee on Offices of Profit	6	3
(ii)	Joint Committee on Salaries and Allowances of Members of Parliament	1	...

1	2	3	4
(iii) Joint Committee of Chairmen, House Committees of both the Houses of Parliament		...	...
(iv) Joint Committee on the Life Insurance Corporation Bill, 1983.		15	...
23. Number of Members granted leave of absence			6
24. Petitions presented			1
25. Number of new Members sworn with date			
<i>No. of Members sworn</i>	3		<i>Date on which sworn</i>
			23-2-84

APPENDIX II

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

1. Period of the Session	...23 April to 10 May, 1984.	
2. Number of Meetings held	...14.	
3. Total Number of Sitting Hours	...93 hours & 32 minutes (exclu- ding lunch break)	
4. Number of Divisions held	...Nil.	
5. GOVERNMENT BILLS		
(i) Pending at the commencement of the Session	...	8
(ii) Introduced	...	5
(iii) Laid on the Table as passed by Lok Sabha	...	22
(iv) Returned by Lok Sabha with any amendment	...	1
(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	...	24
(x) Passed	...	18
(xi) Withdrawn	...	Nil
		513

(xii) Negated	...	Nil
(xiii) Part-Discussed	...	Nil
(xiv) Returned by Rajya Sabha without any recommendation	...	6
(xv) Discussion postponed	...	Nil
(xvi) Pending at the end of the Session	...	11

6. PRIVATE MEMBERS BILLS

(i) Pending at the commencement of the Session	...	28
(ii) Introduced	...	2
(iii) Laid on the Table as passed by Lok Sabha	...	Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table	...	Nil
(v) Reported by Joint Committee	...	Nil
(vi) Discussed	...	1
(vii) Withdrawn	...	1
(viii) Passed	...	Nil
(ix) Negated	...	Nil
(x) Circulated for eliciting opinion	...	Nil
(xi) Part-discussed	...	Nil
(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.	...	Nil

(xvi) Pending at the end of the Session	...	29
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (MATTERS OF URGENT PUBLIC IMPORTANCE)		
(i) Notices received	...	Nil
(ii) Admitted	...	Nil
(iii) Discussion held	...	Nil
8. NUMBER OF STATEMENTS MADE UNDER RULE 180 (CALLING-ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE)		
Statements made by Ministers	...	8
9. HALF-AN-HOUR DISCUSSION HELD	...	1
10. STATUTORY RESOLUTIONS		
(i) Notices received	...	1
(ii) Admitted	...	1
(iii) Moved	...	1
(iv) Adopted	...	Nil
(v) Negatived	...	1
(vi) Withdrawn	...	Nil
11. GOVERNMENT RESOLUTIONS		
(i) Notices received	...	Nil
(ii) Admitted	...	Nil
(iii) Moved	...	Nil
(iv) Adopted	...	Nil
12. PRIVATE MEMBERS' RESOLUTIONS		
(i) Received	...	3
(ii) Admitted	...	3

(iii) Discussed	1 (discussion inconclusion)
(iv) Withdrawn	... Nil
(v) Negatived	... Nil
(vi) Adopted	... Nil
(vii) Part-discussed	... Nil
(viii) Discussion postponed	... Nil
13. GOVERNMENT MOTIONS	
(i) Notices received	... Nil
(ii) Admitted	... Nil
(iii) Moved	... Nil
(iv) Adopted	... Nil
(v) Partdiscussed	... Nil
14. PRIVATE MEMBERS' MOTIONS	
(i) Received	... 33
(ii) Admitted	.. 33
(iii) Moved	... Nil
(iv) Adopted	... Nil
(v) Partdiscussed	... Nil
(vi) Negatived	... Nil
(vii) Withdrawn	... Nil
15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE	
(i) Received	... 2
(ii) Admitted	... 2
(iii) Moved	... 1
(iv) Adopted	... Nil
(v) Negatived	... Nil
(vi) Withdrawn	... 1

(vii) Part-discussed	...	Nil
16. Number of Parliamentary Committees created, if any during the session.	...	Nil
17. Total number of Visitors' Passes Issued	...	2689
18. Total number of persons visited	...	2721
19. Maximum number of Visitors' Passes issued on any single day, and date on which issued	...	534 on 23 April, 1984
20. Maximum no. of persons visited on any single day and date on which visited	...	534 on 23.4.84
21. TOTAL NUMBER OF QUESTIONS ADMITTED		
(i) Starred	...	235
(ii) Unstarred	...	1302
(iii) Short-Notice Questions	...	Nil
22. DISCUSSION ON THE WORKING OF THE MINISTRIES		
1. Ministry of Energy		3
2. Ministries of Education & Culture & Social Welfare		
3. Ministry of Industry.		
23. WORKING OF PARLIAMENTARY COMMITTEES		

Name of Committee	No. of meetings held during the period 1 April to 30 June, 1984	No. of Reports presented during the Session.
(i) Public Accounts Committee	— 1	1
(ii) Committee on Public Undertakings	— 1	1
(iii) Business Advisory Committee	— 2	...

(iv) Committee on Subordinate Legislation	9	...
(v) Committee on Petition	7	2
(vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	*	*
(vii) Committee of Privileges	2	...
(viii) Committee on Rules	2	...
(ix) Joint Committee on Offices of Profit	*	*
(x) Committee on Government Assurances	5	...
(xi) Committee on Papers Laid on the Table	2	1
(xii) Joint Committee on the Mental Health Bill, 1981	1	...
(xiii) Parliamentary Committee for Reconciliation between the Nirankaris and the Akalis	1	...
24. Number of Members granted leave of absence	1	
25. Petition presented	Nil	
26. NUMBER OF NEW MEMBERS SWORN WITH DATES		

S. No.	Name of Members sworn	Date on which sworn
1	2	3
1.	Prof. C. Lakshmanna	23 April, 1984
2.	Shri Puttapaga Radhakrishna	-do-
3.	Shri Yalla Sesi Bhushana Rao	-do-
4.	Shri B. Satyanarayan Reddy	-do-
5.	Shri T. Chandrasekhar Reddy	-do-

*See *Supra* Appendix 1, Col. 22

1	2	3
6.	Shri Parvathaneni Upendra	23 April, 1984
7.	Shri Kamalendu Bhattacharjee	-do-
8.	Shri Bhubeswar Kalita	-do-
9.	Shri Prithibi Majhi	-do-
10.	Shri Kailash Pati Mishra	-do-
11.	Shri Chaturanan Mishra	-do-
12.	Thakur Kamakhya Prasad Singh	-do-
13.	Shri Rameshwar Thakur	-do-
14.	Shri Rajni Ranjan Sahu	-do-
15.	Shri Durga Prasad Jamuda	-do-
16.	Shri Bandhu Mahto	-do-
17.	Shri Mirza Irshadbaig Aiyubbaig	-do-
18.	Shri Raof Valiullah	-do-
19.	Shri Shanker Sinh Vaghela	-do-
20.	Shri M.P. Kaushik	-do-
21.	Shri Mukhtiar Singh	-do-
22.	Shri Anand Sharma	-do-
23.	Shri K.G. Thimme Gowda	-do-
24.	Shri M. L. Kollur	-do-
25.	Shri M.S. Gurupadaswamy	-do-
26.	Shri Bhagatram Manhar	-do-
27.	Shri Suresh Pachouri	-do-
28.	Thakur Jagatpal Singh	-do-
29.	Shri Chandrika Prashad Tripathi	-do-
30.	Shri Husen Dalwai	-do-
31.	Shri Jagesh Desai	-do-

1	2	3
32.	Shri Shankarrao Narayanrao Deshmukh	-do-
33.	Shrimati Sadha Vijay Joshi	-do-
34.	Dr. Bapu Kaldute	-do-
35.	Prof. N. M. Kamble	-do-
36.	Shri R.K. Jaichandra Singh	-do-
37.	Shri Jerlie E. Tariang	-do-
38.	Shri Ganeshwar Kusum	-do-
39.	Shri Subas Mohanty	-do-
40.	Shri K. Vasudeva Panicker	-do-
41.	Shri Sunil Kumar Pattanaik	-do-
42.	Shri Pawan Kumark Bansal	-do-
43.	Shri Darbara Singh	-do-
44.	Shri Bhim Raj	-do-
45.	Shrimati Shanti Pahadia	-do-
46.	Shri Krishna Kumar Birla	-do-
47.	Shri V. Gopalsamy	-do-
48.	Miss Jayalalitha	-do-
49.	Shri Valampuri John	-do-
50.	Shri N. Rajangam	-do-
51.	Shri V. Ramanathan	-do-
52.	Shri T. Thangabalu	-do-
53.	Shri Arun Singh	-do-
54.	Dr. Mohd. Hashim Kidwai	-do-
55.	Shri Sohan Lal Dhusia	-do-
56.	Shri Govind Das	-do-
57.	Shri Sheo Kumar Mishra	-do-

1	2	3
58.	Shri Satya Prakash Malviya	23 April, 1984
59.	Shri Narendra Singh	-do-
60.	Shri Bir Bhadra Pratap Singh	-do-
61.	Shri P.N. Sukul	-do-
62.	Shri Virendra Verma	-do-
63.	Shri Ram Chandra Vikal	-do-
64.	Shri Amarprasad Chakraborty	-do-
65.	Shrimati Kanok Mukherjee	-do-
66.	Shri Mostafa Bin Quasem	-do-
67.	Shri Badri Narayan Pradhan	-do-
68.	Shri Deba Prasad Roy	-do-
69.	Shri Vishwa Bandhu Gupta	-do-
70.	Shri Chimanlal Amichandbhai Mehta	24 April, 1984
71.	Dr. (Shrimati) Sarojini Mahishi	-do-
72.	Shrimati Vijaya Raje Scindia	25 April, 1984
73.	Shri N.K.P. Salve	5 May, 1984
74.	Prof. (Mrs.) Asima Chatterjee	9 May, 1984
75.	Shri K. Ramamurthy	-do-
76.	Shri Ghulam Rasool Kar	-do-

27. OBITUARY REFERENCES

S. No.	Name	Sitting Member/ Ex-Member
1.	Shri Santosh Mitra	Sitting Member
2.	Shri V.N. Tiwari	-do-
3.	Shri Shiv Dutt Upadhyaya	Ex-Member
4.	Shri B. D. Khobragade	-do-
5.	Shri Mahabir Das	-do-
6.	Shri Jaspal Ray Kapoor	-do-

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF STATES AND UNION TERRITORIES DURING
THE PERIOD 1 APRIL TO 30 JUNE, 1984.

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
<i>States</i>							
Andhra Pradesh L.C.	...	...	...	...	...	...	...
Andhra Pradesh L.A.	25.6.84 to 29.6.84	5	7(15)	3	267(95)(a)	(68)(b)	93(20)
Assam L.A.	...	...	...	...	...	...	...
Bihar L.C.	...	...	...	...	...	...	...
Bihar L.A.	...	...	...	...	...	...	...
Gujarat L.A.	...	...	...	...	...	...	...
Haryana L.A.	...	...	...	...	...	...	...
Himachal Pradesh L.A.	...	...	...	...	...	...	...
Jammu & Kashmir L.C.	...	...	...	...	...	...	...
Jammu & Kashmir L.A.	...	...	...	...	...	...	...
Karnataka L.C.	28.6.84	1	(6)	...	...	...	1(1)
Karnataka L.A.	8.6.84	1	3(7)	...	...	...	10(6)

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.	9.5.84 to 10.5.84	2	...	...	...	...	...
Pondicherry L.A.

Note : (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 95 includes 36 Notices received as Short Notice Questions.

(b) The figure 68 includes 11 Notices received as Short Notice Questions and 57 Notices received as Starred Questions.

(c) The figure 3808 includes Notices received as Starred and Unstarred Questions.

(d) The figure 5596 includes Notices received as Starred and Unstarred 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 Committee
Andhra Pradesh L.C.
Andhra Pradesh L.A.	3(3)	6	...	...	3	7	2(1)	6(a)	7(1)	...	...	1	8(6)	...	10(v)(b)	3(1)(c)
Assam L.A.	1	1	1	...	...	3	2	5	3	...	2	2	8	...	...	1(d)
Bihar L.C.

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Bihar L.A.	1	91	110	30	...	111	31	39	...	...	...	61	89	60	...	290(7)(e)
Gujarat L.A.	...	10	...	...	2	3	1	5(f)	3	...	2	1	10	...	...	4(g)
Haryana L.A.	...	7	6	...	8	13	7	6	6	...	2	2	11	...	...	...
Himachal Pradesh L.A.	...	6	2	...	...	6	6	8	10	...	2	2	10	2	...	...
Jammu & Kashmir L.C.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jammu & Kashmir L.A.	...	2	...	...	2	7	4	...	...	...	...	...	...	...	...	...
Karnataka L.C.	2	6	...	...	4	...	...	...	...	...	...	...	...	...	...	...
Karnataka L.A.	3	1	1	(1)	...	6	2(1)	...	1(1)	...	1	1(1)	6(2)	...	...	1(h)
Kerala L.A.**	...	9(1)	11	4(1)	...	20(7)	11(2)	11	23(5)	...	8	10	23(19)	...	...	72(10)(i)
Madhya Pradesh L.A.**	4(4)	3	6(1)	2(5)	3(1)	9(5)	5(1)	3	7(1)	1	2	1	9(6)	...	10(j)	...
Maharashtra L.C.*	4(3)	...	...	4(4)	...	...	...	...	...	...	...	...	...	...	...	...
Maharashtra L.A.*	7(6)	...	...	6(6)	...	...	19	34(k)	9(2)	...	1	...	25(1)	...	5(1)	45(2)(1)
Manipur L.A.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Meghalaya L.A.	1	6(1)	...	...	...	8	...	...	5	...	...	...	9	...	...	...
Nagaland L.A.	...	...	...	...	...	...	...	...	1	...	...	1	1	...	...	...

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Goa, Daman & Diu L.A.
Mizoram L.A.	2	...	...	1	...	2	...	...	...
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 January to 31 March, 1984.

•• This information pertains to the period from 1 January to 30 June, 1984.

- (a) Committee on Welfare of Scheduled Castes—4 sittings and Committee on Welfare of Scheduled Tribes—2 sittings.
- (b) Select Committee on the Hindu Succession (A.P. Amendment) Bill, 1983.—3(1) ; Joint Select Committee on A.P. Urban Areas Police Bill, 1984—4 sittings and Joint Select Committee on A.P. Abolition of Posts of Part time Village Officers Bill, 1984—3 sittings.
- (c) Amenities Committee—2 sittings and Committee on Welfare of Backward Classes—1(1).
- (d) E.R.C. (Adhoc Committee)—1 sitting.
- (e) Nivedan Committee—30 sittings ; Panchaya Committee—167 sittings and Question and Calling Attention Committee—93(7).
- (f) Committee on Welfare of Scheduled Castes—2 sittings and Committee on Welfare of Scheduled Tribes—3 sittings.

- (g) Panchayati Raj Committee—4 sittings ;
- (h) Committee on the Welfare of Backward Classes—1 sitting.
- (i) Subject Committees 1 to x -72(10).
- (j) Select Committee on M.P. Lok Niyas Vidheyak, 1983—7 sittings and Select Committee on M.P. Upphokta Sanrakshan Vidheyak—3 sittings.
- (k) Committee on the Welfare of Scheduled Castes—11 sittings ; Committee on the Welfare of Scheduled Tribes - 14 sittings and Committee on the Welfare of Vimukta Jatis & Notified Tribes—9 sittings.
- (l) E.G.S. Committee—12(2) ; Panchayati Raj Committee—19 sittings and Catering Committee -14 sittings.
- (m) Committee on Welfare of Scheduled Castes—15 sittings and Committee on Welfare of Scheduled Tribes 20 sittings.
- (n) Estimates Committee (A) -22 sittings and Estimates Committee(B)—20 sittings.
- (o) Rules Sub-Committee—15 sittings.
- (p) Press Advisory Committee—1 sitting.
- (q) Select Committee on the Tamil Nadu Agricultural Income Tax (Amendment) Bill, 1981 —1 sitting.
- (r) Committee on Delegated Legislation—2 sittings and Committee on Welfare of Scheduled Tribes—2 sittings.
- (s) Select Committee on U.P. Krishi Evam Prodyogik Vishwa-vidalaya (Sanshodhan) Vidheyak 1981 —1 sitting.

- (t) **Financial Administrative Delay Committee—15 sittings; Parliamentary and social Goodwill Committee—3 sittings; Compilation of Ruling Committee—5 sittings and parliamentary Studies Committee—5 sittings.**
- (u) **Select Committee on U.P. Legislature (Member' Emoluments and Pension) (Amendment) Bill, 1983—1 sitting and sub-Committee of Select Committee on U.P. Legislature (Members' Emoluments and Pension (Amendment) Bill, 1983—2 sittings.**
- (v) **Accommodation Advisory and Kitchen Committee—2 sittings; Parliamentary Research, Reference and Studies Committee—3 sittings; Question and Reference Committee—14 sittings and Committee constituted to inquire the conduct of Shri Mohd. Azam, Khan, M.L.A. on the occasion of Governor's Address—3 sittings.**
- (w) **Select Committee on the West Bengal Panchayat (Amendment) Bill, 1984—3 sittings.**

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD 1 APRIL TO 30 JUNE, 1984

S. No.	Title of the Bill	Date of assent by the President
1	2	3
1.	The Appropriation (No. 3) Bill, 1984	8.5.84
2.	The Government of Union Territories (Amendment) Bill, 1984	8.5.84
3.	The Oilfields (Regulation and Development) Amendment Bill, 1984.	11.5.84
4.	The Finance Bill, 1984	11.5.84
5.	The Workmen's Compensation (Amendment) Bill 1984	12.5.84
6.	The Punjab Commercial Crops Cess (Amendment) Bill, 1984.	12.5.84
7.	The National Security (Amendment) Bill, 1984	18.5.84
8.	The Payment of Gratuity (Amendment) Bill, 1984	18.5.84
9.	The Payment of Gratuity (Second Amendment) Bill, 1984	18.5.84
10.	The Union Duties of Excise (Distribution) Amendment Bill, 1984	18.5.84
11.	The Union Duties of Excise (Electricity) Distribution (Amendment) Bill, 1984.	18.5.84
12.	The Additional Duties of Excise (Goods of Special Importace Amendment Bill, 1984.	18.5.84
13.	The Monopolies and Restrictive Trade Practices (Amendment) Bill, 1984.	21.5.84
14.	The Visva-Bharati (Amendment) Bill, 1984	21.5.84

1	2	3
15.	The Estate Duty (Distribution) Amendment Bill, 1984	23.5.84
16.	The Mogul Line Limited (Acquisition of Shares) Bill, 1984.	23.5.84
17.	The Essential Commodities (Amendment) Bill, 1984.	26.5.84
18.	The Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 1984.	26.5.84
19.	The Punjab State Legislature (Delegation of Powers) Bill, 1984.	26.5.84
20.	The Delhi Rent Control (Amendment) Bill, 1984	26.5.84
21.	The Delhi Development (Amendment) Bill, 1984	27.5.84
22.	The Punjab Municipal (New Delhi Amendment) Bill, 1984.	27.5.84
23.	The Export (Quality Control and Inspection) Amendment Bill, 1984.	27.5.84
24.	The Merchant Shipping, (Amendment) Bill, 1984.	27.5.84
25.	The Delhi Municipal Corporation (Amendment) Bill, 1984.	26.8.84
26.	The Aluminium Corporation of India Limited (Acquisition and Transfer of Aluminium Undertaking) Bill, 1984.	26.8.84
27.	The Banking Service Commission Bill, 1984	26.8.84

APPENDIX V

LIST OF BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD 1 APRIL TO 30 JUNE, 1984

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

1. The Andhra Pradesh Contingency Fund (Amendment) Bill, 1983.
2. The Andhra Pradesh Appropriation (No. 2) 1984.
3. The Andhra Pradesh Entertainments Tax (Amendments) Bill, 1984.
4. The Andhra Pradesh Prevention of Dangerous Activities of Communal Offenders Bill, 1984.
5. The Andhra Pradesh Payment of Salaries and Removal of Disqualification (Second Amendment) Bill, 1984.
- *6. The Indian Electricity (A.P. Amendment) Bill, 1984.
7. The Andhra Pradesh Civil Courts (Amendment) Bill, 1983.
8. The Andhra Pradesh (Telangana Area) Small Causes Courts (Amendment) Bill, 1984.
9. The Andhra Pradesh Cinemas (Regulations) (Amendment) Bill, 1984.
10. The Andhra Pradesh Motor Vehicles Taxation (Second Amendment) Bill, 1983.
11. The Andhra Pradesh Courts Fees and Suits Valuation (Amendment) Bill, 1983.
12. The Andhra Pradesh Agricultural Indebtedness (Relief) (Amendment) Bill, 1983.
13. The Andhra Pradesh State Electricity Board (Recovery of Dues) Bill, 1984.
14. The Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 1983.
15. The Hyderabad Municipal Corporations (Amendment) Bill, 1983.

*Awaiting assent.

ASSAM LEGISLATIVE ASSEMBLY

1. **The Assam Irrigation Bill, 1983**
2. **The Assam Agricultural University (Amendment) Bill, 1984.**
3. **The Assam Higher Secondary Education Bill, 1984.**
4. **The Assam Land Revenue Reassessment (Amendment) Bill, 1984.**
5. **The Assam Fixation of Ceiling on Land Holdings (Amendment) Bill, 1984.**
6. **The Assam Ministers ; Minister of State and Deputy Ministers' Salaries and Allowances (Amendment) Bill, 1984.**

JAMMU AND KASHMIR LEGISLATIVE COUNCIL

1. **The J & K Houses and Shops Rent Control Act, 1966.**
2. **A Bill to Amend the Registration Act Smvt, 1960.**
3. **The J&K State Legislature Members Pension Bill, 1984.**
4. **The Jammu and Kashmir Land Revenue (Amendment) Bill, 1984.**
5. **A Bill to Amend the J&K General Sales Tax Act, 1972.**
6. **The Jammu and Kashmir Education Bill, 1984.**
7. **A Bill to repeal the J&K Lumbardari Act, 1972.**
8. **A Bill to amend the Transfer of Property Act Smvt 1977.**
9. **A Bill to amend the J&K Wakfs Act, 1978.**
10. **A Bill to amend the J&K Employees Provident Funds Act, 1961.**
11. **A Bill to Provide for Regulation and Control of Private Colleges in the State.**
12. **A Bill to amend the J&K Passengers Tax Act, 1983.**
13. **The J&K Appropriation Bill, 1984.**
14. **The J&K Appropriation (No. 2) Bill, 1984.**
15. **The J&K Appropriation (No. 3) Bill, 1984.**
16. **The J&K Appropriation (No. 4) Bill, 1984.**
17. **The J&K Appropriation (No. 5) Bill, 1984.**
18. **The J&K Appropriation (No. 6) Bill, 1984.**

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY

1. **The Jammu and Kashmir Land Revenue (Amendment) Bill, 1984.**

2. **The Jammu and Kashmir General Sales Tax (Amendment) Bill, 1984.**
3. **The Jammu and Kashmir Education Bill, 1984.**
4. **The Jammu and Kashmir Private Colleges (Regulations and Control) Bill, 1984.**
5. **The Jammu and Kashmir Passengers Taxation (Amendment) Bill, 1984.**
6. **The Jammu and Kashmir Lambardari (Repeal) Bill, 1984.**
7. **The Transfer of Property (Amendment), Bill, 1934.**
8. **The Jammu and Kashmir Wakfs (Amendment) Bill 1984.**
9. **The Jammu and Kashmir Employees Provident Funds (Amendment) 1984.**

KARNATAKA LEGISLATIVE COUNCIL

1. **The Karnataka Zila Parishad, Taluk Panchayat Samitis, Mandals Panchayats and Nayaya Pachayats Bills, 1983.**
2. **The Karnataka Education Bill, 1933.**
3. **The Karnataka Municipalities (Amendment) Bill, 1940.**
4. **The Mysore (Religious and Charitable) Inams Abolition (Karnataka Amendment) Bill, 1984.**
5. **The Karnataka Municipal Corporations and Certain other Law. (Amendment) Bill, 1984.**
6. **The Registration (Karnataka Amendment) Bill, 1984.**

KARNATAKA LEGISLATIVE ASSEMBLY

1. **The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1984.**
2. **The Public Wakfs (Extension of Limitation) Karnataka (Amendment) Bill, 1983.**
3. **The Karnataka Ministers' Salaries, Allowances (Amendment) Bill, 1983.**
4. **The Electricity (Supply) (Karnataka Amendment) Bill, 1980.**
5. **The Bangalore Water Supply and Sewerage (Amendment) Bill, 1984.**
6. **The Agricultural Credit Operations and Miscellaneous Provisions (Amendment) Bill, 1984.**
7. **The public Libraries (Amendment) Bill, 1984.**

8. The Bangalore Development Authority (Amendment) Bill, 1984.
9. The Karnataka Electricity (Taxation on Consumption) (Amendment) Bill, 1984.
10. The Code of Criminal Procedure (Amendment) Bill, 1983.
11. The Karnataka Court Fees and Suits Valuation (Amendment) Bill, 1983.
12. The Karnataka Improvements Boards (Amendment) Bill, 1983.
13. The Karnataka Open Places (Prevention of Disfigurement) (Amendment) Bill, 1983.
14. The Karnataka Advocate's Welfare Fund (Amendment) Bill, 1983.
15. The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands (Amendment) Bill, 1984.
16. The Karnataka Silk Worm Seeds, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sales) (Amendment) Bill, 1984.
17. The Karnataka Forest (Amendment) Bill, 1984.
18. The Karnataka Educational Institutions (Prohibition of Capitation Fees) (Amendment) Bill, 1984.
19. The Karnataka Lokayukta Bill, 1984.
20. The Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Bill, 1984.
21. The Mineral Right and Tax Bill, 1984.
22. The Karnataka Agricultural Credit Pass Book, 1984.
23. The Karnataka Land Reforms (Amendment) Bill, 1984.
24. The Karnataka Inams Abolition Laws (Amendment) Bill, 1984.
25. The State Universities (Amendment) Bill, 1984.
26. The Rent Control (Amendment) Bill, 1984.
27. The Karnataka Appropriation Bill, 1984.
28. The Contingency Fund (Amendment) Bill, 1984.
29. The Cooperative Societies (Amendment) Bill, 1984.

30. The Karnataka Municipal Corporations and Certain Other Laws (Amendment) Bill, 1984.
31. The Karnataka Land Revenue (Amendment) Bill, 1984.
32. The Karnataka Appropriation Bill (No. 2) 1984.
33. The Karnataka Intertainments Tax (Amendment) Bill, 1984.
34. The Karnataka Sales Tax (Amendment) Bill, 1984.
35. The Karnataka Village Offices Abolition (Amendment) Bill, 1984.
36. The Karnataka Certain Inams Abolition (Amendment) Bill, 1984.
37. The Karnataka Appropriation (No. 3) Bill, 1984.
38. The Karnataka Appropriation (No. 4) Bill, 1984.
39. The Mysore Religious and Charitable Inams Abolition (Karnataka Amendment) Bill, 1984.
40. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1984.
41. The Karnataka Municipalities (Amendment) Bill, 1984.
42. The Bangalore Metropolitan Region Development Authority Bill, 1984.
43. The Registration (Karnataka Amendment) Bill, 1984.
44. The Karnataka Zila Parishads, Taluk Panchayat Samitis, Mandal Panchayats and Nayaya Panchayats Bill, 1983.
45. The Karnataka Education Bill, 1983.

KERALA LEGISLATIVE ASSEMBLY

1. The Kerala Appropriation Bill, 1984.
2. The Kerala Appropriation (No. 2) Bill, 1984,
3. The Kerala Appropriation (No. 3) Bill, 1984.
4. The Kerala Appropriation (No. 4) Bill, 1984.
5. The Kera's Appropriation (No. 5) Bill, 1984.
6. The Kerala Appropriation (No. 6) Bill, 1984.
7. The Kerala Appropriation (No. 7) Bill, 1984.
8. The Kerala Appropriation (No. 8) Bill, 1984.

9. The Kerala Appropriation (Vote on Account) Bill, 1984.
10. The Kerala State Corporative Agricultural Development Banks, Bill, 1984.

MADHYA PRADESH LEGISLATIVE ASSEMBLY

1. The Madhya Pradesh Lok Abhikaranon Ke Madhyam Se Bis Sutriya Karyakram Ka Karyanvayan (Sanshodhan) Vidheyak, 1984.
2. The Indian Stamp (Madhya Pradesh Amendment) Bill, 1984.
3. The Madhya Pradesh Upkar (Sanshodhan) Vidheyak, 1984.
4. The Madhya Pradesh Lokayukta Evam Up-Lokayukta (Sanshodhan) Vidheyak, 1984.
5. The Madhya Pradesh Lok Seva Ayog (Prakriya Ka Viniyaman) Vidheyak, 1984.
6. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Bill, 1984.
7. The Madhya Pradesh Kashtha Chiran (Viniyaman) Vidheyak, 1984.
8. The Madhya Pradesh Cooperative Societies (Amendment) Bill, 1984.
9. The Madhya Pradesh Appropriation (No. 1) Bill, 1984.
10. The Jaora Sugar Mills Tatha Seth Govindram Sugar Mills (Upkramon Ka Arjan Aur Antaran) Vidheyak, 1984.
11. The Madhya Pradesh Recognised Examinations (Amendment) Bill, 1984.
12. The Madhya Pradesh Vishwavidyalaya (Sanshodhan) Vidheyak, 1984.
13. The Madhya Pradesh Appropriation (Vote on Account) Bill, 1984.
14. The Madhya Pradesh Nagariya Kshetron Ke Bhumi Hin Vyakti (Pattadhriti Adhikaron Ka Pradan Kiya Jana) Vidheyak, 1984.
15. The Madhya Pradesh Sarvajanik Dharmik Bhavan Tatha Sthan Viniyaman Vidheyak, 1984.

16. The Madhya Pradesh Anusuchit Jati Tatha Anusuchit Jan Jati Rin Sahayatya (Sanshodhan Tatha Vidhimanyakaran) Vidheyak, 1984.
17. The Madhya Pradesh Panchayat (Sanshodhan) Vidheyak, 1984.
18. The Madhya Pradesh Viniyog (No. 2) Vidheyak, 1984.
19. The Madhya Pradesh Vishesh Pulis Sthapana (Sanshodhan) Vidheyka, 1984.
20. The Madhya Pradesh Lokayukta Evam Up-Lokayukta (Sanshodhan) Vidheyak, 1984.
21. The Madhya Pradesh Karadhan (Sanshodhan) Vidheyak, 1984.
22. The Madhya Pradesh Upkar (Sanshodhan) Vidheyak, 1984.
23. The Madhya Pradesh Lok Dhan (Shodhya Rashiyon Ki Wasuli) (Sanshodhan) Vidheyak, 1983.
24. Civil Prakriya Sanhita (Madhya Pradesh Sanshodhan) Vidheyak, 1983.
25. The Madhya Pradesh Vishwavidyalaya (Sanshodhan) Vidheyak, 1983.
26. The Madhya Pradesh Ayurvedic, Unani Tatha Prakritik Chikitsa Vyavasayi (Sanshodhan) Vidheyak, 1983.
27. The Madhya Pradesh Kushtha Niyantaran (Nirsan) Vidheyak 1983.

MAHARASHTRA LEGISLATIVE COUNCIL

1. The Maharashtra Medical Council (Amendment) Bill, 1984.
2. The Maharashtra Agriculture Produce Marketing (Regulation) (Amendment) Bill, 1984.
3. The Bombay Municipal Corporation, Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Bill, 1984.
4. The Maharashtra Workmen's Minimum House Rent Allowance Bill, 1983.
5. The Maharashtra (Supplementary) Appropriation Bill, 1984.

6. The Maharashtra Sales Tax (Amendment and Validating Provisions) Bill, 1984.
7. The Maharashtra Appropriation (Vote on Account) Bill, 1984.
8. The Bombay Entertainments Duty (Amendment and Retrospective Levy of Duty), 1984.
9. The Maharashtra Universities (Second Amendment) Bill, 1984.
10. The Maharashtra Appropriation Bill, 1984.

MAHARASHTRA LEGISLATIVE ASSEMBLY

1. The Maharashtra Workmen's Minimum House Rent Allowance Bill 1983.
2. The Maharashtra Universities (Amendment) Bill, 1984.
3. The Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Bill, 1984.
4. The Bombay Municipal Corporation, Bombay Provincial Municipal Corporations, City of Nagpur Corporation and Maharashtra Municipalities (Amendment) Bill, 1984.
5. The Maharashtra Sales Tax (Amendment and Validating Provisions) Bill, 1984.
6. The Maharashtra (Supplementary) Appropriation Bill, 1984.
7. The Maharashtra Appropriation (Vote on Account) Bill, 1984.
8. The Bombay Entertainments Duty (Amendment and Retrospective Levy of Duty) Bill, 1984.
9. The Maharashtra Appropriation Bill, 1983.
10. The Maharashtra Medical Council (Amendment) Bill, 1984.

MEGHALAYA LEGISLATIVE ASSEMBLY

1. The Meghalaya Appropriation (No. II) Bill, 1984.
- *2. The Shillong Commerce College (Taking over of Management) Bill 1984.

*Awaiting assent.

TAMIL NADU LEGISLATIVE ASSEMBLY

1. The Tamil Nadu Payment of Salaries (Amendment) Bill, 1984.
2. The Tamil Nadu Cinemas (Regulation) Amendment Bill, 1984.
3. The Madura Sugars Limited (Acquisition and Transfer of Undertaking) Bill, 1984.
4. Tamil Nadu Panchayats (Appointment of Special Officers) (Amendment) Bill, 1984.
5. The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) Amendment Bill, 1984.
6. The Tamil Nadu Panchayats (Amendment) Bill, 1984.
7. The Tamil Nadu Municipal Councils (Appointment of Special Officers) Amendment Bill, 1984.
8. The Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Bill, 1984.
9. The Pachaiyappa's Trust (Taking over of Management) (Amendment) Bill, 1984.
10. The Tamil Nadu Stage Carriages and Contract Carriage (Acquisition) (Amendment) Bill, 1984.
11. The Tamil Nadu General Sales Tax (Amendment) Bill, 1984.
12. The Mother Teresa Women's University Bill, 1984.
13. The Tamil Nadu Cooperative Societies (Appointment of Special Officers) (Amendment) Bill, 1984.
14. Tamil Nadu Agricultural Produce Markets and the Tamil Nadu Agricultural Produce Markets (Amendment and Special Provisions) (Amendment) Bill, 1984.
- *15. The Indian Penal Code and the Code of Criminal Procedure (Tamil Nadu Amendment) Bill, 1984.
- *16. The Tamil Nadu Cultivating Tenants (Special Provisions) Bill, 1984.
- *17. The Tamil Nadu Flood Affected Areas Cultivating Tenants (Temporary Relief) Bill, 1984.

*Awaiting assent.

18. The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1984.
19. The Tamil Nadu Appropriation (Vote on Account) Bill, 1984.
20. The Tamil Nadu Appropriation Bill, 1984.
21. The Tamil Nadu Debt Relief (Amendment) Bill, 1984.
22. The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Bill, 1984.
23. The Tamil Nadu Entertainments Tax (Second Amendment) Bill, 1984.
24. The Tamil Nadu General Sales Tax (Third Amendment) Bill, 1984.
25. The Tamil Nadu General Sales Tax (Fourth Amendment) Bill, 1984.
26. The Tamil Nadu Additional Sales Tax (Amendment) Bill, 1984.
27. The Tamil Nadu Appropriation (No 2) Bill, 1984.
28. The Madras City Police and the Tamil Nadu District Police (Second Amendment) Bill, 1983.

WEST BENGAL LEGISLATIVE ASSEMBLY

1. The Hooghly River Bridge (Amendment) Bill, 1984.
- *2. The National Iron and Steel Company Limited (Acquisition) and Transfer of Undertakings) Bill, 1984.
- *3. The Saraswaty Press Limited (Acquisition and Transfer of Undertaking) Bill, 1984.
- *4. The Britania Engineering Company Limited (Titagarh Unit) (Acquisition and Transfer of Undertakings) Bill, 1984.
- *5. The West Bengal Inland Fisheries Bill, 1984.

*Awaiting assent.

6. The West Bengal National Volunteer Force (Amendment) Bill, 1984.
- *7. The Midnapur Homeopathic Medical College and Hospital (Takings over of Management and Subsequent Acquisition) Bill 1984.
- *8. The Industrial Disputes (West Bengal Amendment) Bill, 1984.
9. The Calcutta Municipal Corporation (Second Amendment) Bill 1984.
- *10 The Indian Electricity(West Bengal Amendment) Bill, 1984.
- *11. The West Bengal Cattle Licensing (Amendment) Bill, 1984.
- *12. The West Bengal Government Premises (Regulation of Occupancy) Bill, 1984.
13. The Bengal Electricity Duty (Amendment) Bill, 1984.
14. The West Bengal Appropriation (No. 2) Bill, 1984.

*Awaiting assent.

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL AND STATE GOVERNMENTS DURING THE PERIOD 1 APRIL TO 30 JUNE, 1984

S. 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 National Security (Amendment) Ordinance, 1984 (No. 5 of 1984)	5-4-84	5-4-84	—	Replaced by Legislation
2.	The National Security (Second Amendment) Ordinance, 1984 (No. 6 of 1984).	21-6-84	23-7-84	—	-do-
3.	The Hooghly Docking and Engineering Company Limited (Acquisition and Transfer of Undertakings) Ordinance, 1984 (No. 7 of 1984).	28-6-84	-do-	—	-do-

STATE GOVERNMENTS

ANDHRA PRADESH

1. The Andhra Pradesh Districts (Formation) (Third Amendment) Ordinance, 1984.	27-4-84	2-5-84	-	-
2. The Andhra Pradesh Abolition of Posts of Part-time Village Officers (Third) Ordinance, 1984.	-do-	-do-	-	-
3. The Andhra Pradesh Entertainments Tax (Second Amendment) Ordinance, 1984.	-do-	-do-	-	-
4. The Andhra Pradesh Payment of Salaries and Removal of Disqualifications (Second Amendment) Ordinance, 1984.	-do-	-do-	-	-
5. The Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Second) Ordinance, 1984.	-do-	-do-	-	-

1	2	3	4	5	6
6.	The Andhra Pradesh Payment of Salaries and Removal of Disqualifications (Third Amendment) Ordinance, 1984.	7-6-84	25-6-84	—	—
7.	The Andhra Pradesh Abolition of Posts of Part-time Village Officers (Fourth) Ordinance, 1984.	-do-	-do-	—	—
8.	The Andhra Pradesh Districts (Formation) (Fourth Amendment) Ordinance, 1984.	-do-	-d)-	—	—
GUJARAT					
1.	The Gujarat Legislative Assembly Members (Removal of Disqualification) Ordinance, 1984.	13-4-84	—	—	—
2.	The Gujarat Panchayats (Amendment) Ordinance, 1984.	4-6-84	—	—	—
3.	The Industrial Disputes (Gujarat Amendment) Ordinance 1984.	7-6-84	—	—	—
4.	The Gujarat Contingency Fund (Temporary Increase) Ordinance, 1984.	22-6-84	—	—	—

5. The Bombay Provincial Municipal Corporations (Gujarat Second (Amendment) Ordinance, 1984. — — — 27-6-84

HIMACHAL PRADESH

1. The Himachal Pradesh Preservation of Forests and Maintenance of Supplies of Essential Commodities Ordinance, 1984. — — — 23-6-84

KARNATAKA

1. The Karnataka Industrial Establishments (National and Festival Holidays) (Amendment) Ordinance, 1984. — — — 28-4-84
2. The Karnataka Khadi & Village Industries (Amendment) Ordinance, 1984. — — — 31-5-84
3. The Karnataka Land Revenue (Amendment) Ordinance, 1984. — — — 6-6-84

1	2	3	4	5	6
		KERALA			
1.	The Kerala Municipalities (Amendment) Ordinance, 1984.	5-1-84	5-3-84	13-4-84	Another Ordinance was issued.
2.	The University Laws (Amendment) Ordinance, 1984.	6-1-84	-do-	-do-	-do-
3.	The Kerala Education (Amendment) Ordinance, 1984.	-do-	-do-	-do-	-do-
4.	The Kerala Motor Transport Workers' Welfare Societies (Amendment) Ordinance, 1984.	4-1-84	-do-	-do-	-do-
5.	The Kerala Fishermen Welfare Societies (Amendment) Ordinance, 1984.	5-1--84	-do-	-do-	Another Ordinance was issued.
6.	The Irrigation Laws (Amendment) Ordinance, 1984.	-do-	-do-	-do-	-do-
7.	The Kerala Revenue Recovery (Amendment) Ordinance, 1984.	-do-	-do-	-do-	-do-
8.	The Kerala Survey and Boundaries (Amendment) Ordinance, 1984.	-do-	-do-	-do-	-do-

9. The Kerala Civil Courts (Amendment) Ordinance, 1984.	-do-	-do-	-do-	-do-
10. The Kerala Tolls (Amendment) Ordinance, 1984.	-do-	-do-	-do-	-do-
11. The Kerala Public Buildings (Eviction of Unauthorised Occupants) (Amendment) Ordinance, 1984.	5-1-84	5-3-84	13-4-84	-do-
12. The Gandhiji University Ordinance, 1984.	7-1-84	-do-	-do-	-do-
13. The Abkari (Amendment) Ordinance, 1984.	-do-	-do-	-do-	-do-
14. The Kerala Water and Waste Water Ordinance, 1984	1-2-84	-do-	-do-	-do-
15. The Kerala Preservation of Trees Ordinance, 1984.	15-2-84	-do-	-do-	-do-
16. The Kerala Grandhasals Sangham (Taking over of Management) (Amendment) Ordinance, 1984.	-do-	-do-	-do-	-do-
17. The Kerala Private Forests (Vesting and Assignment) (Amendment) Ordinance, 1984	16-2-84	-do-	-do-	-do-

1	2	3	4	5	5
18.	The Kerala Labour Welfare Fund (Amendment) Ordinance, 1984.		23-2-84	-do-	-do-
19.	The Kerala Cashew Factories (Acquisition) (Amendment) Ordinance, 1984		28-2-84	7-3-84	-do-
20.	The Kerala Provisional Collection of Revenues Ordinance, 1984.		1-3-84	-do-	-do-
21.	The Kerala Labour Welfare Fund (Amendment) Ordinance, 1984		9-4-84	18 6-84	—
22.	The Kerala Tolls (Amendment) Ordinance, 1984.		10-4-84	-do-	—
23.	The Kerala Public Buildings (Eviction of Unauthorised Occupants) (Amendment) Ordinance, 1984.		-do-	-do-	—
24.	The Kerala Fisherman Welfare Societies (Amendment) Ordinance, 1984.		9-4-84	-do-	—
25.	The Irrigation Laws (Amendment) Ordinance, 1984.		11-4-84	-do-	—
26.	The Kerala Education (Amendment) Ordinance, 1984.		13-4-84	-do-	—

27. The Kerala Civil Court (Amendment) Ordinance, 1974.	12-4-84	-do-	-
28. The Kerala Revenue Recovery (Amendment) Ordinance, 1984.	-do-	-do-	-
29. The Kerala Survey and Boundaries (Amendment) Ordinance, 1984.	-do-	18-4-84	-
30. The Kerala Preservation of Trees Ordinance, 1984.	13-4-84	-do-	-
31. The Kerala Private Forests (Vesting and Assignment) Ordinance, 1984.	13-4-84	18-4-84	-
32. The Kerala Provisional Collection of Revenues Ordinance, 1984.	-do-	-do-	-
33. The Abkari (Amendment) Ordinance, 1984	-do-	-do-	-
34. The Gandhiji University Ordinance, 1984	-do-	-do-	-
35. The University Laws (Amendment) Ordinance, 1984.	-do-	-do-	-
36. The Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1984	-do-	-do-	-

1	2	3	4	5	6
37.	The Kerala Water and Waste Water Ordinance, 1984.	-do-	-do-	-	-
38.	The Kerala Cashew Factories (Acquisition) (Amendment) Ordinance, 1984.	-do-	-do-	-	-
39.	The Kerala Cashew Factories (Requisitioning) (Amendment) Ordinance, 1984.	4-5-84	-do-	-	-
40.	The Kerala Essential Articles Control Ordinance, 1984.	12-5-84	-do-	-	-
	MADHYA PRADESH				
1.	The Madhya Pradesh Lok Seva Ayog (Prakriya Ke Viniyaman) Adhyadesh, 1983	21-10-83	2-3-84	-	Replaced by Legislation
2.	The Madhya Pradesh Lok Abhikaranon Ke Madhyam Se Bis Sutriya Karyakrama Ka Karyanvayan (Sanshodhan) Adhyadesh, 1983.	-do-	-do-	-	-do-
3.	The Madhya Pradesh Up-Kar (Sansodhan) Adhyadesh, 1983.	15-11-83	-do-	-	-do-
4.	The Madhya Pradesh Sahakari Society (Sansodhan) Adhyadesh, 1983.	2-12-83	-do-	-	-do-
5.	The Madhya Pradesh Kashtha Chiran (Viniyaman) Adhyadesh, 1983.	15-12-83	-do-	-	-do-

6. The Indian Stamp (Madhya Pradesh Amendment) Ordinance, 1984.	19-1-84	-do-	-do-
7. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Ordinance, 1984.	24-1-84	-do-	-do-
8. The Madhya Pradesh Lokayukta Evam Up-Lokayukta (Sanahodhan) Adhyadesh, 1984.	29-1-84	-do-	-do-
9. The Jaora Sugar Mills Tatha Seth Govindram Sugar Mills (Upkramon Ka Arjan Aur Antaran) Adhyadesh, 1984.	17-2-84	-do-	-do-
10. The Madhya Pradesh Recognised Examinations (Amendment) Ordinance, 1984.	27-2-84	-do-	-do-
11. The Madhya Pradesh Municipal Corporation (Amendment) Ordinance, 1984.	24-4-84	-	-
12. The Madhya Pradesh Nagariya Kasbetro Ke Bhoomihin Vyakti (Pattadhriti Adhikaron Ka Pradan Kiya Jana) (Sansodhan) Adhyadesh, 1984.	1-5-84	-	-
13. The Madhya Pradesh Prashasanik Adhikaron Adhyadesh, 1984.	26-5-84	-	-

1	2	3	4	5	6
	14. The Madhya Pradesh Anugrahik Tatha Sevarth Nagad Anudan Sampati (Sanshodhan) Adhyadesh, 1984.	11-6-84	--	--	--
	MAHARASHTRA				
	1. The Bombay Entertainments Duty (Amendment) Ordinance, 1983.	29-12-83	12-3-84	21-4-84	Replaced by Legislation
	2. The Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Ordinance, 1984.	6-1-84	12-3-84	19-4-84	-do-
	TAMIL NADU				
	1. The Tamil Nadu Cinemas (Regulations) Amendment Ordinance, 1984.	6-1-84	--	--	Replaced by Legislation
	2. The Tamil Nadu Exhibition of Film on Television Screen through Video Cassette Recorders (Regulations) Ordinance, 1984.	14-1-84	--	--	-do-
	3. The Tamil Nadu Payment of Salaries (Amendment) Ordinance, 1984.	-do-	--	--	-do-
	4. The Tamil Nadu Stage Carriages and Con-tract Carriages (Aquisition) (Amendment) Ordinance, 1984.	28-1-84	--	--	-do-

5. The Tamil Nadu Women's University Ordinance, 1984	-do-	-	-	-do-
6. The Madras City Municipal Corporation (Amendment) Ordinance, 1984	30-5-84	-	-	-
7. The Coimbatore City Municipal Corporation (Amendment) Ordinance, 1984.	-do-	-	-	-
8. The Tamil Nadu Municipal Councils (Appointment of Special Officers) (Second Amendment) Ordinance, 1984.	-do-	-	-	-
9. The Tamil Nadu Panchayats Union Councils (Appointment of Special Officers (Second Amendment) Ordinance, 1984.	-do-	-	-	-
10. The Tamil Nadu Panchayats (Appointment of Special Officers) (Second Amendment) Ordinance, 1984.	-do-	-	-	-
11. The Tamil Nadu Panchayats (Second Amendment) Ordinance, 1984.	-do-	-	-	-
12. The Tamil Nadu Agricultural Produce Markets (Amendment) Ordinance, 1984.	-do-	-	-	-

1	2	3	4	5	6
	UTTAR PRADESH				
1.	The Uttar Pradesh Sales Tax (Amendment) (Second) Ordinance, 1984.	7-5-84	-	-	-
2.	The Uttar Pradesh Urban Buildings (Regulation of Letting Rent and Eviction) (Amendment) (Second) Ordinance, 1984.	-do-	-	-	-
3.	The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) (Dwitya) Adhyadesh, 1984.	-do-	-	-	-
4.	The Uttar Pradesh Promotion and Protecting of Fruit Trees (Regulation of Harmful Establishments and Housing Schemes) Ordinance, 1984.	15-5-84	-	-	-
5.	The Uttar Pradesh Krishi Utpadan Mandisamitis (Alpakalik Vyavastha) (Sanshodhan) Adhyadesh, 1984.	21-5-84	-	-	-
6.	The Uttar Pradesh Excise (Amendment) Ordinance, 1984.	30-5-84	-	-	-
7.	The Uttar Pradesh Krishi Utpadan Mandi (Amendment) Ordinance, 1984.	11-6-84	-	-	-
8.	The Uttar Pradesh Cooperative Societies (Amendment) Ordinance, 1984.	29-6-84	-	-	-

APPENDIX VII

A. PARTY POSITION IN LOK SABHA (AS ON 1 AUGUST, 1984)

Sl. No.	Name of States/ Union Territories	Seats	Cong.(I)	CPI(M)	Lok Dal	Janata	BJP	Other Parties	Unatta-ched	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12
(i) 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	...	1(c)	1	26	...
5.	Haryana	10	5	...	2	1	1	...	...	9	1
6.	Himachal Pradesh	4	3	...	...	...	...	...	...	3	1
7.	Jammu and Kashmir	6	2	...	...	...	...	3(d)	1	6	...
8.	Karnataka	28	25	...	...	1	...	...	...	26	2
9.	Kerala	20	6	6	...	...	...	6(e)	2	20	...
10.	Madhya Pradesh	40	31	...	...	...	6	...	1	38	2
11.	Maharashtra	48	39	...	...	5	2	...	1	47	1
12.	Manipur	2	1	...	...	...	...	1(f)	...	2	...

	1	2	3	4	5	6	7	8	9	10	11	12
13. Meghalaya	2	1	...	...	...	...	...	...	...	1	2	...
14. Nagaland	1	1	...	...	...	...	...	...	...	...	1	...
15. Orissa	21	20	...	...	...	...	1	...	...	...	21	...
16. Punjab	13	9	...	...	...	...	...	...	...	1	10*	2
17. Rajasthan	25	18	...	...	...	1	2	3	1(g)	...	25	...
18. Sikkim	1	1	...	...	...	...	...	...	...	...	1	...
19. Tamil Nadu	39	20	...	...	...	...	...	...	18(g)	1	39	...
20. Tripura	2	...	...	...	2	...	...	...	...	...	2	...
21. Uttar Pradesh	85	47	...	...	...	20	3	1	14(i)	...	85	...
22. West Bengal	42	4	...	...	28	...	...	...	10(j)	...	42	...
(ii) UNION TERRITORIES												
23. Andaman and Nicobar	1	1	...	...	...	...	...	...	...	...	1	...
24. Arunachal Pradesh	2	2	...	...	...	...	...	...	...	...	2	...
25. Chandigarh	1	1	...	...	...	...	...	...	...	...	1	...
26. Dadra and Nagar Haveli	1	1	...	...	...	...	...	...	...	...	1	...
27. Delhi	7	6	...	...	...	...	...	1	...	...	7	...
28. Gos, Daman & Diu	2	1	...	...	...	...	...	...	...	1	2	...

29. Lakshadweep	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...
30. Mizoram	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...
31. Pondicherry	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...
32. Nominated (Anglo-Indian)	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...
	544	345	36	23	21	16	66	17	524*	19									

* Excluding to Speaker

(a) Congress(S)-1; Telugu Desam-2.

(b) Congress(S)-2; CPI-6; Congress(J)-1.

(c) Rashtriya Sanjay Manch-1.

(d) National Conference-3.

(e) Congress(S)-1; CPI-2; Muslim League-2; DSP-1.

(f) CPI-1.

(g) Congress(S)-1.

(h) AIADMK-3; Muslim League-1; D.M.K.-14.

(i) CPI-1; DSP-8; Janavadi-2; Congress(J)-1; Rashtriya Sanjay Manch-2.

(j) RSP-4; Forward Block-3; CPI-3.

19. Tamil Nadu	18	3	...	...	...	15(h)	...	18	...
20. Tripura	1	...	...	1	...	...	...	1	...
21. Uttar Pradesh	34	28	...	...	...	5(i)	1	34	...
22. West Bengal	16	1	...	9	...	4(j)	1	15	1
UNION TERRITORIES									
23. Arunachal Pradesh	1	1	...	...	...	...	...	1	...
24. Delhi	3	3	..	...	...	...	...	3	...
25. Mizoram	1	...	...	...	...	...	1	1	..
26. Pondicherry	1	...	...	...	...	...	...	...	1
27. Nominated	12	4	...	...	...	...	6	10	2
	244	152	9	13	8	45	12	239	5

(a) Telugu Desam—5; National Democratic Party—1.

(b) C.P.I.—3; Lok Dal (c)—1.

(c) National Conference—3.

(d) K.C.—1; M.L.—1; Janata (g)—1.

(e) Congress (S)—2.

(f) Naga National Democratic Party—1.

(g) Akali Dal—2.

(h) C.P.I.—1; AIADMK—11; DMK—3.

(i) Janavadi—1; Lok Dal (C)—4.

(j) F.B.—2; C.P.I.—1; R.S.P.—1.

C. PARTY POSITION IN LEGISLATURES OF STATES AND UNION TERRITORIES

State/Union Territory	Seats (I)	Cong.	Janata	Lok Dal	BJP	Cong. (S)	Cong. (M)	CPI	CPI	Other Parties	Ind.	Total Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13
STATES												
Andhra Pradesh L.C. (As on 31-10-83)	90	56	1	...	6	...	1	2	9(a)	7	82	8
Andhra Pradesh L.A. (As on 1-7-84)	295	58	1	...	4	...	4	5	215(b)	6	293	2
Assam L.A. (As on 1-7-84)	126	98	...	...	...	1	2	1	2(c)	5	109	17
Bihar L.C. (As on 1-4-84)	96	31	11	1	2	1	...	5	2(d)	2	55	41
Bihar L.A. (As on 30-6-84)	325	194	37	15	23	5	6	21	17(e)	6	324*	...
Gujarat L.A. (As on 1-7-84)	182	141	16	...	13	...	...	...	6(f)	6	182	...
Haryana L.A. (As on 30-6-84)	90	57	9	15	6	...	...	...	2(g)	...	89*	...

Himachal Pradesh L.A. (As on 7-7-84)	68	37	2	...	28	...	...	...	...	67*	...
Jammu & Kashmir L.C. (As on 1-4-84)	36	3	...	...	...	...	...	31(h)	1	35	1
Jammu & Kashmir L.A. (As on 1-7-84)	78	26	...	...	...	...	...	50(i)	1	77	1
Karnataka L.C. (As on 1-7-84)	63	24	7	...	4	...	...	...	6	41*	21
Karnataka L.A. (As on 1-7-84)	225	83	98	...	18	...	3	3	1(j)	17	223*
Kerala L.A. (As on 1-7-84)	141	32	4	...	...	6	30	12	49(k)	7	140*
Madhya Pradesh L.A. (As on 30-6-84)	321	242	1	1	63	...	...	2	2(l)	6	317*
Maharashtra L.C. (As on 31-7-83)	78	40	4	...	7	3	...	...	8(m)	9	71
Maharashtra L.A. (As on 31-7-83)	289	235	14	...	14	9	2	2	9(n)	3	288

	1	2	3	4	5	6	7	8	9	10	11	12	13
Manipur L.A. (As on 1-10-83)	60	44	1	...	...	...	...	1	5	8(o)	1	60	...
Meghalaya L.A. (As on 1-7-84)	60	...	...	...	...	...	...	...	...	59(p)	...	59*	...
Nagaland L.A. (As on 31-7-84)	60	36	...	...	...	...	...	...	...	23(q)	1	60	...
Punjab L.A. (As on 30-6-84)	117	64	...	...	1	...	...	4	8	35(r)	1	113	4
Rajasthan L.A. (As on 1-7-84)	200	148	9	4	32	3	1	1	1	...	1	199	1
Sikkim L.A. (As on 1-4-84)	32	28	...	...	...	...	...	...	...	4(s)	...	32	...
Tamil Nadu L.C. (As on 30-6-84)	63	5	...	...	...	...	...	...	1	33(t)	2	41*	21
Tamil Nadu L.A. (As on 16-6-84)	235	33	...	...	...	...	...	11	8	172(u)	9	233*	1
Tripura L.A. (As on 1-7-84)	60	12	...	...	...	...	...	37	...	8(v)	3	60	...

Uttar Pradesh L.C. (As on 1-7-84)	108	37	...	10	3	...	...	2	15(w)	2	69	39
Uttar Pradesh L.A. (As on 1-7-84)	426	322	10	...	...	2	1	6	74(x)	11	426	...
West Bengal L.A. (As on 1-7-84)	295	56	...	...	...	...	170	7	58(y)	3	294	1
UNION TERRITORIES												
Arunachal Pradesh L.A. (As on 1-7-8)	33	28	...	...	...	...	...	...	3(a)	2	33	...
Delhi Metropolitan Council (As on 1-4-83)	61	38	1	2	19	...	...	...	...	...	60*	...
Goa, Daman & Diu L.A. (As on 1-4-84)	30	17	...	...	...	...	...	...	12(aa)	1	30	...
Mizoram L.A. (As on 1-7-84)	30	20	...	...	...	...	...	...	9(bb)	1	30	...
Pondicherry L.A.**												

* 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—7, Majlis—Ittehad-ul-Muslimeen—4; Sanjay Vihar Manch—2; Marxist Communist Party—1 and Nominated—1.
- (c) Plains Tribals Council of Assam—2.
- (d) Bihar Janata Party—1 and Jharkhand Mukti Morcha—1.
- (e) Forward Bloc—1; Jharkhand Mukti Morcha—14; S.U.C.I.—1 and nominated—1.
- (f) Rashtriya Congress—6.
- (g) Indian National Congress (J)—2.
- (h) National Conference—30 and Others—1.
- (i) National Conference—48; Panthers—Party—1 and People's Conference—1.
- (j) All India Anna Dravida Munnetra Kazhagam (AIADMK)—1.
- (k) Indian Union Muslim League—14; Kerala Congress (J) —8; Kerala Congress—6; Janata (led by Shrimati M. Kamalan) —3; National Democratic Party—4; All India Muslim League—4; Revolutionary Socialist Party—4; Socialist Republican Party—3 and Legislature Group led by Shri Cyriac John—3.
- (l) Republican Party of India [RPI (Khobragade)] — 1 and nominated—1.
- (m) Peasants and Workers Party—3; Republican Party of India (RPI) (Gavai Group)—1; Republican Party of India (RPI) (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.

- (r) Shiromani Akali Dal (L)—2; Shiromani Akali Dal (T)—2 and All India Communist Party—1.
- (s) Sikkim Congress (R)—2; Sikkim Prajatantra Congress—1 and Sikkim United Council—1.
- (t) AIADMK—23; Dravida Munnetra Kazhagam (DMK)—5; Teachers-Graduates Progressive Front—4; and Gandhi-Kamaraj National Congress—1.
- (u) AIADMK—133; DMK—32; All India Forward Bloc—3; Gandhi Kamaraj National Congress—3 and Nominated—1.
- (v) R.S.P.—2 and Tripura Upajati Juba Samiti—6.
- (w) Lok Tantrik Smajvadi Dal—2; Shikshak Dal—7; Nirdaliya Vidhayak Paksba—4 and Rashtriya Shikshak Dal—2.
- (x) Rashtriya Lok Tantrik Morcha—64; Democratic Socialist Party—6; Congress (J)—2; Soshit Samaj Dal—1 and Unattached—1.
- (y) Forward Bloc—28; Revolutionary Socialist Party—18; 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; Maharashtrawadi Gomantak Party (MGP)—2 and MGP (Separate Group)—2.
- (bb) People's Conference (P.C.)—8 and Mizo Convention (M.C.)—1.