

THE JOURNAL OF PARLIAMENTARY INFORMATION

**VOLUME XXVII, No. 3
SEPTEMBER, 1981**

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EDITORIAL NOTE

The Third Conference of Chairmen of Committees on Subordinate Legislation, and the Second Conference of Chairmen of Committees on Government Assurances, of Parliament and State Legislatures in India were held recently in New Delhi. The Conferences were inaugurated by Dr. Bal Ram Jakhar, Speaker of Lok Sabha. We open this issue with features on the two Conferences which include, besides the inaugural addresses by the Speaker, the speeches delivered by the Chairmen of the respective Committees of Lok Sabha and Rajya Sabha on the occasion.

We also include in this issue an article on "Role and Position of the Leader of the House and Whips in Parliamentary Business" by Shri Pranab Mukherjee, Union Minister of Commerce, Steel and Mines and Leader of the House in Rajya Sabha. The article is based on a talk delivered by Shri Mukherjee to I.A.S. Probationers at an Appreciation Course in Parliamentary Processes and Procedures, organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat.

Besides these, the issue carries the regular features *inter alia* on Parliamentary privileges, procedural matters, parliamentary events and activities and constitutional and parliamentary developments in India and abroad.

Avtar Singh Rikhy

CONFERENCE OF CHAIRMEN OF COMMITTEES ON
SUBORDINATE LEGISLATION

The third Conference of Chairmen of Committees on Subordinate Legislation of Lok Sabha, Rajya Sabha and State Legislatures in India was held on 25 and 26 July 1981 in the Main Committee Room, Parliament House Annexe. It was inaugurated by Dr. Bal Ram Jakhar, Speaker of Lok Sabha. We reproduce below the inaugural address as well as the speeches delivered by the Chairmen of the Committees on Subordinate Legislation of Lok Sabha and Rajya Sabha on the occasion.

—Editor

INAUGURAL ADDRESS BY DR. BAL RAM JAKHAR, SPEAKER, LOK SABHA

It gives me great pleasure to welcome you all today to this Conference of Chairmen of Committees on Subordinate Legislation in our country. I understand that this is the third Conference of its kind, the two earlier ones having been held in 1960 and 1975, respectively. These meetings provide a useful forum for exchange of ideas and experiences and help solve the practical problems encountered by the Committees in their scrutiny of subordinate legislation.

With the growing range and complexity of governmental activities in the present day, legislation is no longer the simple affair that it used to be. As the time passes, life becomes more complex, knowledge becomes more comprehensive and with that everything becomes much larger in scope and we have to have a wider vision and a very searching eye to see what is what. In such a situation, it is not practicable for Parliament or a State Legislature, as a body, to deliberate upon, discuss and approve every detail of legislation, which may be necessary for proper administration. Apart

from the fact that our Parliament or State Legislatures just cannot manage to find all the time that would be needed for going into all such details, the need to meet unforeseen contingencies, the requirement of flexibility and, on occasions, the very technicality of the subject-matter make delegation by the Legislature of subsidiary or ancillary powers to subordinate authorities a practical necessity.

Even as subordinate legislation is now universally accepted as 'inevitable and indispensable', it is also generally agreed that there are real dangers or risks incidental to such arrangement. One such risk is that legislative enactments may tend to be skeletal, containing only the barest general principles and leaving wide discretion to the concerned department or authority not only to work out matters of detail, but also to regulate matters of substantive nature which may closely affect the rights and interests of citizens. This must be clearly and implicitly understood.

As the distinguished Chairmen know, delegation is permissible only when the legislative policy and principle are adequately laid down and the delegate is only empowered to carry out the subsidiary policy within the guidelines laid down by the Legislature. The supreme importance of the Parliament is not to be subverted in any case. As observed by the Supreme Court in one of its leading decisions on the subject of delegated legislation (*Gwalior Rayon Mills* case, AIR 1974 SC 1960), "it is not permissible to substitute in the matter of policy the views of individual officers or other authorities, however competent they may be, for that of the popular will as expressed by the representatives of the people." Peoples are the real masters of this country; they are the supreme rulers. Their wishes are only expressed by the representatives they have elected.

I hope the Executive would abjure the temptation of making a blanket provision in the statute empowering a designated department or subordinate authority to frame rules to carry out the purposes of the Act or extend its application to other areas with such modifications as may be deemed suitable. Such a tendency should be firmly curbed by exercising due vigilance at the time it comes up for consideration and scrutiny in the House.

Another risk inherent in the system of subordinate legislation is that officials in their zeal to achieve a particular result may impose an unreasonable burden on citizens by requiring them to comply with various conditions and formalities which might be unduly vexatious or even restrictive of individual rights and freedom. As members of the legislature, you might have come across certain difficulties in your own States as well. I was in the Punjab Legislature and I had to face such difficulties. We had passed certain laws pertaining to ceiling on land holdings, and the rules came and they were in contradiction with certain terms and that is where

the complexity begins and the difficulties arise. Therefore, it is very essential that we take it up and solve the problem even before it gets its root. It may also be that the power delegated may not be precisely defined and the Executive may stretch it to such limits as might not have been the intention of the Legislature. Such matters can be agitated before courts but they have occasion to consider only such of the rules and regulations as may be in issue in particular cases raised before them for adjudication.

It is, therefore, primarily for the Committee to keep a 'watchful and even jealous eye' on the delegation of rule-making powers and the way they are actually used by the subordinate authorities.

At the same time, the Committees have to remember that they are discharging a duty on behalf of the entire House and that once a decision is taken, even though by a majority it becomes the decision of the House. That is the accepted principle in a democratic polity. And so, as my illustrious predecessor, Mr. Speaker, Mavalankar had once observed in his address to the Lok Sabha Committee on Subordinate Legislation, "Every Member of the Committee is bound to work on the basis that the laws enacted and the policies laid down have emanated from the entire House; and, therefore, examination of implementation of those laws through rules, admits of no party consideration." I need hardly stress that the Committee may approach its task in an objective manner to see that these conform to certain basic norms.

My friend, Shri Mool Chand Daga, Chairman of the Committee on Subordinate Legislation of Lok Sabha will no doubt share with you, his first-hand experience and knowledge, about the working procedures of the Committee, the important guiding principles it has evolved over the years and also its achievements, difficulties or problems. And I am fully confident that his experience has been enriched by his visit overseas. He took part in the Commonwealth Conference of Delegated Legislation Committees held in Canberra (Australia) in September, 1980 and I understand that it was a very useful meeting and Shri Daga made a very valuable contribution. I would like, however, to touch upon one or two general points of interest to all of you.

Friends, as you know, an important safeguard against the assumption of arbitrary power by the Executive is the requirement that the rules framed by it in exercise of delegated powers be laid before the Legislature, thereby giving the latter an opportunity to go into the provisions of the rules and modify or even annul them if they are found to contain any unreasonable or inequitable provisions or to exceed the limits of delegation. The Lok Sabha Committee on Subordinate Legislation has all along endeavoured to ensure that rules, regulations etc. framed

under delegated authority are laid before each House of Parliament without avoidable delay. I am glad to say that in pursuance of a recommendation made by the Committee, the Union Government agreed to include suitable provisions in every Bill which seeks to delegate rule-making power to subordinate bodies.

The fact remains, however, that cases of inordinate delays in laying of rules or orders before Parliament do still occur. May be, most of you have a similar situation in your States. In this connection the Lok Sabha Committee on Subordinate Legislation (Third Report, Sixth Lok Sabha) very pertinently pointed out over three years ago that while the rules become operative as soon as they are published, Parliament's statutory right to modification/annulment, in terms of Statutes, becomes exercisable only after the rules are laid before Parliament. Thus, inordinate delays in laying of the rules result in depriving Parliament or the State Legislature, as the case may be, of their statutory right of modification/annulment for unduly long periods. It is, therefore, not only proper, but necessary that our Committees both at the Centre and in the States, should see that the rules, regulations etc. are laid before the House with all possible expedition.

Another matter to which I would like to refer relates to the rules or regulations framed by State Governments in exercise of powers delegated to them under Central statutes. As you know, several Central Acts dealing with matters enumerated in the Concurrent List as well as the Union List of the Seventh Schedule to the Constitution delegate rule-making power to State Governments. Barring only a few, these Acts do not contain the usual provisions for laying of 'Orders' framed thereunder by the State Governments either before State Legislatures or Parliament. Consequently, these 'Orders' largely escape legislative scrutiny by the Central or State Committees. The question as to who should scrutinise such rules etc. had been agitating the Lok Sabha Committee since 1959. The matter was raised on the floor of the House time and again. The issue also came up before the Conference of Chairmen of the Committees on Subordinate Legislation in 1975. Subsequently, the Lok Sabha Committee called for the views of all State Legislatures on the subject and also heard the Law Secretary of the Union Government. The Committee went in depth into the matter and dealt with *in extenso* the various legal issues involved and practical difficulties experienced in the process, and embodied its conclusions/observations in an exclusive Report—Twentieth Report (Sixth Lok Sabha)—presented to the House on 27 April, 1979. The Committee came to the conclusion that such rules may be examined by the Committees of State Legislatures.

I do hope this Conference will be able to take stock of the position in this regard and you, Honourable Chairman, will be able to find out

a practical and effective way to ensure that such a substantial segment of subordinate legislation framed by the State Governments does not remain unscrutinised.

I am happy to add that the Committee on Subordinate Legislation of Rajya Sabha has also made a very comprehensive and useful contribution to the parliamentary scrutiny of subordinate legislation. Shri Narasingha Prasad Nanda, Chairman of the Rajya Sabha Committee was also a participant at the Commonwealth Conference of Delegated Legislation Committees held in Australia in September, 1980. As I have mentioned earlier, it was a very successful Conference and our both the delegates Shri Daga and Shri Nanda made a very valuable contribution to the discussions held there. I have no doubt that this Conference will gain a lot from their knowledge.

With these words, I again welcome you all to this Conference and I wish your deliberations all success and happy stay in Delhi.

Thank you again very much.

SPEECH BY SHRI MOOL CHAND DAGA, CHAIRMAN, COMMITTEE ON
SUBORDINATE LEGISLATION OF LOK SABHA

On my own behalf and on behalf of my colleague Shri Nanda, I have great pleasure in welcoming you all to this Conference.

At the outset, let me express our gratitude to the Honourable Speaker for having so kindly agreed to inaugurate this Conference and give us the benefit of his guidance.

Hon'ble Speaker has already covered several important aspects relating to subordinate legislation *i.e.* how it has come to be 'inevitable and indispensable'; the inherent risks and dangers it is fraught with and, therefore, the need for providing adequate safeguards against the possible misuse or misapplication of rule-making powers by the Executive and the setting up of the Committees on Subordinate Legislation. As Chairman of the Committee on Subordinate Legislation, Lok Sabha, I deem it my duty to share with you my experiences in regard to the working of this Committee of Lok Sabha and wait eagerly to listen to your own views and experiences of the working of these Committees in our State Legislatures. This Conference will also afford us an opportunity to know and discuss the problems and difficulties faced by us in tackling diverse issues with which our Committees are concerned.

The main function of the Committee on Subordinate Legislation is to scrutinize and report to the House whether the powers to make regulations, rules, sub-rules, bye-laws etc.—referred to as 'Orders' for the sake of convenience—conferred by the Constitution or delegated by

Parliament are being properly exercised within such conferment or delegation. For this purpose, the Committee may examine all 'Orders' whether laid on the Table of the House or not, framed in pursuance of the provisions of the Constitution or a statute delegating power to a subordinate authority to make such 'Orders'. The Committee also examines Bills which seek to delegate powers to make 'Orders' with a view to seeing whether suitable provisions for laying of the 'Orders' on the Table of the House have been made therein. In fact, it was in pursuance of a recommendation of the Committee that the Government agreed to incorporate in every Bill involving proposals for delegation of rule-making power a provision to the effect that every rule made by the Central Government under an Act shall be laid before each House of Parliament within the time-limit prescribed.

The whole purpose in asking the Government to lay the 'Orders' framed under delegated power is to enable Parliament to see that they are within the limits laid down by it and do not contain any unreasonable or inequitable provisions not intended by Parliament. Parliament thus gets an opportunity to discuss the merits of the 'Orders' so that it may, if necessary, suggest modification or even annulment. Besides, the Speaker may also refer a Bill containing provisions for delegation of legislative powers to the Committee to examine the extent of the power sought to be delegated. And, in cases where powers are proposed to be delegated to State Governments or other authorities for bringing into operation any subsidiary provisions or for making any further 'Orders' the Committee examines the necessity for such delegation, as also the manner in which such powers are to be exercised by the subordinate authorities concerned. If the Committee come to the conclusion that the provisions contained in the Bill delegating legislative powers should be annulled wholly or in part, or should be amended in any respect, it reports its opinion together with the grounds thereof to the House before the Bill is taken up for consideration. The Committee may also bring to the notice of the House any other matter relating to 'Orders' or any question of subordinate legislation arising therefrom which it feels should be placed before the House.

Friends, I would like here to invite your attention to a specific provision in our Rules regarding Bills involving proposals for delegation of legislative power. I mean Rule 70 of the Rules of Procedure and Conduct of Business in Lok Sabha, which states, "A Bill involving proposals for the delegation of legislative power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character". Provisions of this Rule being mandatory, the Committee had in one of its Reports sought strict Executive compliance therewith in case

of every Bill which involves delegation of legislative power to the Central Government or to any other authority.

The Committee, in practice, scrutinizes all 'Orders' made by the government or any other subordinate authority ultimately responsible to the government, and which are published in the gazette or laid on the Table of the House.

Now, while examining an 'Order' the Committee considers in particular whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made; or contains matters which, in the opinion of the Committee should more properly be dealt with in an Act of Parliament; or it contains imposition of any tax; or it directly or indirectly bars the jurisdiction of the courts; or it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power; or it involves expenditure from the Consolidated Fund of India or the public revenues; or it appears to make unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made; or there appears to have been unjustifiable delay in its publication or in laying it before Parliament; or for any reason its form or purport calls for any elucidation.

As legislators, social workers and publicmen many of us might have personally experienced that the root cause of abuse of subordinate legislation lies in unfettered and unguided discretionary powers conferred on the Executive. Honourable Speaker has just now cautioned us in regard to the various dangers and risks that are inherent in such legislation. New problems, however, arise as the Committee proceeds with its duties from year to year. It has, therefore, to think, act and devise appropriate solutions to such problems and in the process evolve further guidelines. This, as you would all agree, is a continuous process. I may, however, briefly refer to some of the broad principles established by our Committee for the guidance of the Executive:

- (i) As far as possible, guidelines/criteria to be followed by the authority concerned for the exercise of discretionary powers vested in it should be laid down in the rules.
- (ii) In cases where the authority concerned deviates from a norm, it should be required to record in writing the reasons for such deviation.
- (iii) Before any adverse action is taken against a party, it should be given a reasonable opportunity of being heard; and after a decision adversely affecting a party has been taken it should have the right of appeal or representation, as the case may be.

- (iv) In order that the persons similarly placed are not treated differently, the powers of exemption/relaxation should be exercisable in respect of 'categories or classes of persons', as contrasted distinguished from individuals.
- (v) In cases where an authority concerned is vested with the power to suspend a licence or supplies, pending institution of regular proceedings, a maximum time-limit for suspension should be laid down in the rules.
- (vi) The provisions of rules which may make a citizen liable to a penalty should be well-defined, and not worded vaguely.
- (vii) In case of seizures and searches, suitable safeguards like the presence of witnesses, preparation of inventories of seized goods and giving a copy thereof to the persons concerned should be provided.
- (viii) In case of rules relating to disciplinary proceedings, not only the punishing powers of the competent authority should be precisely defined but the procedure to be followed by the competent authority also laid down in the rules.

I am in a happy position to say that the Committee of the Lok Sabha has been, since its inception in December 1953, working very smoothly. It has been a tradition with the Committee that all its decisions are unanimous, party affiliations not being allowed to affect its deliberations. It has so far presented 79 Reports, 6 in the First Lok Sabha, 13 in the Second Lok Sabha, 6 in the Third Lok Sabha, 7 in the Fourth Lok Sabha, 20 in the Fifth Lok Sabha, 21 in the Sixth Lok Sabha and 6 in the present Lok Sabha.

As you are aware, the Committee keeps a continuous watch on the implementation of recommendations by government and I feel happy to say that the recommendations of the Committee are normally implemented by the administrative Ministries concerned. A time-limit of six months has been fixed within which the ministries|departments are required to implement its recommendations. Where, however, the ministry is not in a position to implement or feels any difficulty in giving effect to a recommendation made by the Committee, it places its views before the Committee. The Committee in such cases may, if it thinks proper, either drop the recommendation or modify it. It is open to the Committee to reiterate their recommendation in a further Report to the House accordingly.

It is a matter of satisfaction for all of us that the Committee's impact on the Executive is clearly discernible. While drafting rules and regulations the Executive now keeps in mind the possible reactions of Parliament and the Committee. The preventive influence of the Committee is also equally

visible, for, the Executive is now careful enough to avoid repetition of the lapses pointed out by the Committee in its earlier Reports. So, we see that the Committee has become an effective instrument of Parliament.

Our task in this Committee is to ensure that the subordinate legislation framed by the Executive does not transgress the limits laid down in the statutes and also that it does not result in unnecessary harassment of the general public. As the Hon'able Speaker has said a little while ago we should not lose sight of the fact that the ultimate aim and end of all rules and regulations is to serve the larger public interest.

Friends, we hope to have a very fruitful exchange of views on the important issues that have been coming up before us during the course of our Committee work at the Centre and in the State Legislatures.

I welcome you once again and seek your cooperation in making this Conference a success.

**SPEECH BY SHRI NARASINGHA PRASAD NANDA, CHAIRMAN, COMMITTEE
ON SUBORDINATE LEGISLATION OF RAJYA SABHA**

Mr. Chairman, I am beholden to you for giving me this opportunity of summing up the very important deliberations by the Chairmen of the Committees on Subordinate Legislation of both Houses of Parliament and the various State Legislatures. In the course of our deliberations, we took decisions on many material points like framing and laying of statutory orders and fixing a time-limit for framing and laying of statutory instruments. We also took some decision regarding publication, the mode of publication, the manner of publication and the period for which the publication should be made. We also took a concrete decision on the constitution, the scope and functioning and on the term of the Committee on Subordinate Legislation. In this case, we recommended that the term of office should be two years instead of one year. We discussed some other points like desirability of having affirmative procedure but it was not possible to arrive at any conclusion obviously because a discussion on this procedure needed some earlier preparations on behalf of the various committees. I appreciate their decision and in any case we had the discussion and I hope the Chairmen of the various Committees on Subordinate Legislation will give some thought to this aspect of the matter. It will strengthen the hands of the Committees on Subordinate Legislation and it will add to their power and certainly it will not subtract from the power that they are now exercising. We also discussed certain questions regarding amendments, regulations, rules and, then, examination of statutory orders framed by State Governments under the Central Act and we took some decision on this point. We also discussed

whether amendment of statutory orders through executive orders should be permitted in any circumstances and whether the Committee should examine the rules framed under Ordinances and whether the Committee should go into the rules framed by autonomous bodies like the public undertakings, government companies and so on and so forth. We also discussed the feasibility and the desirability of prior scrutiny of rules and the regulations by these committees. We took decisions on questions regarding the right of appeal against exercise of discretion by executive authorities, the mode of publication that should be given to the recommendations of the committee, the follow-up action taken on the recommendations of the committee and finally we discussed the very interesting point on the question of the nomenclature of this committee, whether it should continue to be called the Committee on Subordinate Legislation. In the course of our discussion, a very interesting point was raised by Shri Raghunandan Prasad Chairman, Committee on Subordinate Legislation, Bihar Vidhan Sabha. A fundamental question was raised by him whether the report submitted by the Committee on Subordinate Legislation should be binding on the government or it is recommendatory in nature. In other words, he tried to define the character of a report by the Committee on Subordinate Legislation as of binding nature and the over-whelming view expressed was that it is of a recommendatory nature. In any case it appeared to me that there was a communication gap. In the course of our discussions and in many matters which were also discussed, it appeared that if a member stepped in to make a point, the point was not well taken. Sometimes it happens because of communication gap. In this connection, I will tell you a story on what happens in cases of communication gap. Once a Swedish lady wrote to a famous Dutch painter that she wanted to be painted in the nude. The painter promptly wrote back to say that he was not willing to do so. She again wrote to him pleading to be painted in the nude, and this time she offered him twice his usual fees. The painter wrote back to say that he had consulted his priest and he had advised against this proposal. The lady was very keen and she wrote for the third time offering four times his usual fees. This time the painter could not resist the temptation and wrote back to say, "Madam, I am willing to do so, but only on one condition—that I should be permitted to keep my socks on—because it is there that I hold my brushes". There was a complete communication gap; both were talking of two different things at the same time.

When we make a recommendation, we talk of something, but the ministry talks of something else. The problem of non-implementation arises only where a communication gap of this type comes.

We discussed another interesting point. Members will remember that I raised a point regarding framing of cryptic rules which affect the citizens

of the country. Shall I give an example of the kind of rules which are framed? These are two illustrations of the type of rules that are framed :—

In one case, in Great Britain, an effort was made to define precisely 'nuts' : and this was the definition given :

"In the Nuts (unground) (other than groundnuts) Order, the expression 'nuts' shall have reference to such nuts, other than groundnuts, as would, but for this amending order, not qualify as nuts (unground) (other than groundnuts) by reason of their being nuts (unground)".

To arrive at precision, this was the kind of definition given by them !

I will give another example from the Finance Act of 1966 in our own country. The definition of 'rounding off of income' was given. This is how they defined 'rounding off of income' :

"Subject to the provisions of sub-section (2), the amount of total income computed in accordance with the foregoing provisions of this Act shall be rounded off to the nearest multiple of Rs. 10 and for this purpose, any part of a rupee consisting of Paise shall be ignored and thereafter if such amount is not a multiple of 10, then, if the last figure in that amount is 5 or more, the amount shall be increased to the next higher amount which is a multiple of 10, and if the last figure is less than 5, the amount shall be reduced to the next lower amount which is a multiple of 10, and the amount so rounded off shall be deemed to be the total income of the assessee for the purposes of this Act."

I hope the Chairmen attending this conference have understood the full meaning of the expression 'rounding off of income'.

This is the kind of problem which the committee sometimes faces. That is why I suggested during the discussion that the rules framed should be in a very simple language and not cryptic or ambiguous or skeletal in nature.

I must say that we had a very interesting discussion. After all, this is a continuing process. This conference is not the last conference of the Chairmen of the Committees on Subordinate Legislation: there will be many more such conferences and new ideas will crop up to make the functioning of the committee more effective, more meaningful and really serviceable to the people in whose name all of us are here in this capacity.

Basically, I believe in the process of natural evolution. Rules and regulations and formulations which do not conform to the process of natural evolution somehow do not work. The experience in our country has been that, by adopting this process — the process of debate, discussion, consultation and persuasion—we have succeeded in getting 95 per cent of our recommendations accepted by the government: hardly five per cent of the

recommendations are not accepted by them. Therefore, we should not think whether the recommendations made by us are binding in nature or are recommendatory in character.

Before I conclude, Mr. Chairman, may I heartily thank you for conducting the deliberations of this committee with a great sense of humour and accommodation for the Chairmen of other Committees. May I also, through you, convey my sincere thanks to the Speaker who permitted you to organize this conference, and to the Secretary, the Additional Secretary and the staff attached to the Secretariat who have made this conference a grand success. I again thank you, Mr. Chairman, for the opportunity you gave me to sum up the deliberations of this Conference.

CONFERENCE OF CHAIRMEN OF COMMITTEES ON GOVERNMENT ASSURANCES

The Second Conference of Chairmen of Committees on Government Assurances of Parliament and State Legislatures in India was held on 22 and 23 August 1981 in the Main Committee Room, Parliament House Annexe. It was inaugurated by Dr. Bal Ram Jakhar, Speaker of Lok Sabha. We reproduce below the inaugural address by the Speaker as well as the speeches delivered by the Chairmen of the Committees on Government Assurances of Lok Sabha and Rajya Sabha on the occasion.

—Editor

INAUGURAL ADDRESS BY DR. BAL RAM JAKHAR, SPEAKER, LOK SABHA.

It gives me great pleasure to welcome you all today to this Conference of Chairmen of Committees on Government Assurances of Parliament and State Legislatures. This Conference is being held for the second time, having met once earlier in March, 1976. Our Chairmen of these Committees here Shri Jagannath Raoji and Shri Nageshwar Prasad Shahiji must be thanked for all this effort they have undertaken to provide us this opportunity to meet together and exchange our ideas. These meetings have indeed their practical utility as a forum for exchange of ideas and experiences and finding solutions to the common problems faced in the course of working of these Committees. It is only exchange of ideas that enriches our minds and we gain from each other's experience. If one had to go on his own one would have a one track mind; he would not learn anything from others. So, it is good that from time to time we must exchange ideas with each other.

In parliamentary democracies the Legislatures and the Executive are linked together closely by a whole network of relationships. The Executive is drawn from the Legislature. The check and influence that the

Legislature exercises over the Executive stems from the basic principle that the former embodies the will of the people and so it has a duty to oversee the way the approved policy is being carried out, so as to ensure that it remains in consonance with the urges and expectations of the people. Legislature holds, so to say, a standing brief on behalf of the common man and legislative oversight of the administration is meant to secure executive accountability to public.

When I was a kid, and I was aspiring to become a good rider of a horse, my father used to tell me, "You must be a good rider before you ride a horse, because the horse has got four eyes instead of two, two are visible as provided by God in front and two invisible are on its back. The minute you ride a horse, it will know whether you are a novice or an expert rider." The same is the case of Executive and Legislature. The Executive with whatever system, would know whether or not Legislature or its limbs were in a position to control it or were having the reins in their hands or they allow it to go stray wherever it might take you. So we must be aware of the fact that it is an onerous responsibility given to us and we must make use of it fully well and we must learn how to use it.

The procedures in our Legislatures are designed to afford adequate opportunities for the effective enforcement of ministerial responsibility. The legislative floor offers scope for the criticism and evaluation of administrative policies and programmes and for bringing to specific notice of Government matters of the hour exercising the public mind and eliciting their stand thereon, while an in-depth scrutiny and follow-up of governmental performance is carried on through a well-knit system of committees.

In our Committee constellation, the Committee on Government Assurances occupies an important place. It takes care of the stage between promise and performance. The Committee has to see that what is promised by our Ministers is implemented. It is not worth the salt, if the Ministers just say that they will do something and just forget about it. What is the benefit? In actual implementation and performance lie the key to development and progress of the country. The establishment of this Committee is an example of how, with some thought, legislative surveillance could always be strengthened and made more effective in numerous little ways. If you would recall, it was in the year 1949 that the Government at the Centre, for the first time made arrangements to extract from the proceedings, assurances, undertakings and promises of Ministers on the legislative floor and report to the House the action taken on them from time to time. This development, welcome, though it was, not completely satisfactory. For, there was no machinery of the House as such, to ascertain whether all the assurances given by the Ministers had

been extracted and, if so, whether they were being fulfilled by the Government within reasonable time and satisfactorily. To remedy this situation, it was our first Speaker Shri G. V. Mavalankar to whose vision and faith in the destiny of the Legislature as a people's institution we owe many things in our parliamentary life—who thought of a standing Parliamentary Committee for a systematic follow-up of ministerial assurances. Thus, the first Committee on Government Assurances came to be constituted in December, 1953. It was an important innovation, which has come to be much appreciated in our country and elsewhere, and our experience over the years, it would be agreed, has fully borne out its usefulness.

A feature of the working of this Committee at the Centre is the close association of the Department of Parliamentary Affairs with the task of the Committee. The Department of Parliamentary Affairs acts as a coordinating agency for the Ministries and Departments of the Government and maintains liaison with the Committee for prompt and proper implementation of the assurances. That is why we have Shri P. Venkatasubbaiah, Minister of State in the Department of Parliamentary Affairs sitting just by my side.

I would pause here to stress what is usually lost sight of, or is not sufficiently recognised. As I said earlier, under the parliamentary system the Executive and the Legislature are working partners, two limbs of the same whole—it is like the flesh and the bones—who should act in close concert if they are to fully discharge their common obligations to the people. We enjoy the confidence of the people. We are beholden to them, we are trustees and if anything wrong goes with that trust, it is we who are to be blamed. And our Committees—be it the Assurances Committee or any other—are actually meant to be a kind of aid for improved performance. To take the example of the Committee on Government Assurances itself, it acts as a kind of remembrancer and thereby helps everyone to keep track as to what has been happening to the numerous assurances given on behalf of the Government from day to day. The basic approach of the Committee is not one of fault-finding but of ensuring timely governmental action, as should be apparent from a study of its procedures. It prompts the Government, it twits where it might be needed, to do it in time.

A unique feature about the assurances is that they do not lapse on the dissolution of Lok Sabha. While other Committees start with a clean slate after dissolution, the Committee on Government Assurances starts its work with examination of all assurances which remained pending at the time of dissolution and selects such of them for being pursued further as are of substantial character and public importance and have not lost their utility due to efflux of time. Thus, in a way, the work of the Committee is of a

continuous nature. Progress is a continuous phenomenon. It is not achieved in a day. It cannot be accomplished within a day. This continuous process must be kept on and on, with a persistent tenacity of purpose.

Friends, Legislatures today have to fulfil a new role expectation as interceders on behalf of the commonman. This role assumes special significance in a country like ours where, for historical and other reasons, the common folk tend to feel distant from the seats of authority. It is true that as legislators, as the representatives of the people, we have to see that the benefit accrues to the commonman, not to the privileged. Here, in our setup, we have got coterie, of organised people who enjoy the fruits of labour all the time, but the people who toil day in and day out and the rural masses in the villages are not cared for, their voice is not heard. It is a small coterie of vested interests and we have to guard this nation from this small coterie. It is our prime duty. We must realise what we are to do. We have become oblivious of the fact that the teeming millions of this nation are not cared for as they should have been, because a new organised class is taking over and we have to ward off this attack on the fundamental rights of 80 per cent of the people of India. The affluent class and the organised sections have their own lobbies and may be able to take care of themselves. That is what I wish to emphasise. It is the large unorganised segments of our population—the illiterate, the small farmers and artisans in our rural areas and the weaker sections of our society—who need to be specially looked after. The affluent have their own formulas. They want to have the cake all the time cut out for them, the others may go without it. We have a saying in Punjabi:

“तेरी मिले-न-मिले—मेरे दो बदन बों बें”

“The cow might not be prepared for giving milk. But you give me at least half the share.”

That is what they want. They do not care for the people who live in the villages, because they have never been there. They have not seen their tribulations. They have not seen the onerous duties which they have to perform and in what insurmountable and difficult circumstances they have to exist and survive to make this nation survive and fill our bellies. They have not been looked after well. That is why as Chairmen of the Committees on Government Assurances, you must look towards these people, and make them realise that we represent them, that we represent the masses of India and not the elite class which holds sway. It is the country's legislatures, as the people's institutions, that have to go to their aid, that have to keep a constant vigil and intervene, as necessary, so that the interests of these people do not go unsafeguarded. If the Legislatures are to fulfil this obligation, it can only be through the committees, who have the requisite

powers and whose procedures are adapted to go in depth into specific matters and come up with immediate and long-term remedies. If our Committees go about their tasks earnestly, they would truly have lived up to their role as limbs of the representative institution in the service of the people. That should be a dogma for us, a gospel for us, because when the day of reckoning comes, at least we have to answer to the Almighty whether we lived up to the trust the people had reposed in us. Otherwise, we will not be able to say that we were good people and we lived up to what we had been entrusted with.

Our Chairmen of the Committees in the two Houses of Parliament will be recounting some of the achievements and recent developments in working practices and procedures of their Committees. All of you would be having your own experiences to share. I have no doubt your deliberations here would throw up useful ideas and lines of approach leading to a more effective and purposeful functioning of the Committee throughout the country.

I welcome you all, once again, to this Conference and wish your deliberations all success. I again welcome you all and thank you.

SPEECH BY SHRI JAGANNATH RAO, CHAIRMAN, COMMITTEE ON GOVERNMENT ASSURANCES OF LOK SABHA

I deem it a great pleasure and privilege to extend on my own behalf and on behalf of my colleague Shri Nageshwar Prasad Shahi, Chairman of the Committee on Government Assurances of Rajya Sabha, a very hearty welcome to all of you assembled here this morning. At the outset, I must express our gratitude to the Hon'ble Speaker for finding time to be with us and inaugurating this Conference with his inspiring Address.

Friends, as the Hon'ble Speaker observed, we are meeting in this Conference after a period of five years. When the first Conference was convened in March 1976, it was greatly welcomed by the Chairmen of the Committees all over the country. In the years since then we have gained further experience in the working of the Committee and each one of our Committees during the period has been encountering problems, big or small of one kind or the other. This Conference of ours will now provide us a unique opportunity to exchange views and examine our problems against the backdrop of the wide spectrum of experience represented in our gathering here.

It would be recalled that at the 1976 Conference, consensus had been reached on a number of points for the effective functioning of Our Committee. The main thrust of the consensus was to bring about a sort of

uniformity in the procedures of our Committees throughout the country. At least one practical advantage in uniformity of procedure is that it helps create a common pool of experience for every one of us to draw upon, and benefit from, while seeking solutions to problems that come up in our individual Committees.

Friends, as Chairmen we are all undoubtedly familiar with the working of our respective Committees. It may, however, be of interest to you to have some idea about the functioning and achievements of the Assurances Committee at the Centre. Let me give you a brief account of the Lok Sabha Committee, of which I happen to be the Chairman. The functions of our Committee are laid down in Rule 323 of the Lok Sabha Rules, under which the Committee is required to scrutinize the assurances, promises, undertakings etc. given by the Ministers from time to time on the floor of the House and to report on the extent to which these assurances etc. have been implemented by the Government and where implemented, whether such implementation has taken place within the minimum time necessary for the purpose.

The task of our Committee, I must say, is much facilitated by the Department of Parliamentary Affairs of the Government of India which acts as the co-ordinating agency between the Ministries/Departments and the Committee on Government Assurances to ensure prompt implementation of the assurances.

The Department of Parliamentary Affairs sends to the concerned Ministries the statements of assurances culled, who in turn send statements showing action taken by them on the assurances to the Department of Parliamentary Affairs from time to time. These statements of action taken are laid by the Minister of Parliamentary Affairs on the Table of the House, usually twice during each Session of Lok Sabha once at the beginning and again towards the end, and during the longer Budget Session, four or more such statements may be laid. It is important to bear in mind that till such a statement is laid on the Table, an assurance is not treated as implemented.

After the statements are laid on the Table, copies thereof are placed in the Library for perusal by Members. Relevant extract from the statement is sent by the Department of Parliamentary Affairs to the Member in reply to whose question or remarks, the assurance was given. It is open to any Member to bring to the notice of the Committee that an assurance has not been adequately implemented. The Committee may of its own also examine whether there has been a complete and satisfactory implementation of the assurances or whether something further is required to be done, and whether any inordinate delay had occurred in implementation.

The Committee may also, if it considers necessary, call the officers of the concerned Ministries to give evidence before it as to the action taken in respect of particular assurances. I may mention here that the necessity for calling the representatives of the Ministries was felt keenly during the Fifth Lok Sabha, when, following a review of pending assurances, the Committee came to the conclusion that it might be necessary to examine the representatives of Ministries/Departments to go into the reasons for delay in implementation of the assurances in specific cases. This procedure of examining the representatives of Ministries etc. has, on the one hand, enabled the Committee to appreciate the practical difficulties of the Government Departments and, on the other, helped speed up implementation of assurances, thus bringing down the number of pending assurances.

It may be pointed out that the Committee has always frowned upon casualness of approach on the part of Departments and insisted that the assurances should be implemented with the normal time—limit of three months or extension obtained from the Committee in time. Requests for extension are, however, granted by the Committee in justified cases. Apart from this, requests are received from the Ministries for dropping of assurances in some cases on grounds of secrecy or public interest, and there have been occasions when the Committee has agreed with the Ministry concerned for dropping of the assurances and reported to the House accordingly.

Let me now give you an idea about the work done by the Lok Sabha Committee over the years. Since its inception in 1953, the Committee has kept track of thousands of assurances and has so far presented 43 reports to the House. The volume of work handled by the Committee has been steadily increasing. While the total number of assurances given was 5000 during the First Lok Sabha, it rose to 11000 during the Fourth Lok Sabha. It is a matter of gratification that out of a total of 7939 assurances culled out during the Fifth Lok Sabha only three are awaiting implementation. And, of the 3639 assurances culled out during the Sixth Lok Sabha all but 54 assurances have been implemented. During the five sessions of the present Lok Sabha held so far, 1880 assurances were culled out, of which 865 assurances have been implemented, leaving now a balance of 1015 pending assurances. This bare recital of figures should itself give some idea as to how vigorous and vigilant the Committee has been ever since its inception.

Before I conclude, I may perhaps refer to one or two developments of procedural interest pertaining to our Committee. The Committee has laid down that in all cases where implementation of an assurance has taken more than three months' time, the reasons for the delay should invariably

be indicated in the implementation statement laid before the House. The Committee has also recommended that in all cases where the collection of the information is likely to take a long time, instead of waiting for the collection of the entire information, whatever information is readily available should be laid on the Table of the House at the earliest possible opportunity, and the rest of the information could be laid piecemeal periodically, as and when it became available.

Friends, I am sure, all of you would agree that the Committee has, over the years, played an invaluable role in ensuring that assurances given by the Ministers on the floor of the House are followed up systematically and speedily and satisfactorily implemented. It is because of this Committee that the Ministers now exercise greater care in giving assurances and the administration shows greater alacrity in taking action thereon. Much of the success of our Committee in Lok Sabha I would attribute to the homogeneous manner in which it has always functioned.

In sum, the working of these Committees at the Centre and in the States has proved its practical utility. If the Committees continue to function as a true limb of the Legislature as a people's institution, as the hon'ble Speaker has rightly reminded us, it would have fulfilled its purpose.

Friends, I welcome you once again and I hope that our deliberations here would be quite fruitful.

Thank you.

SPEECH BY SHRI NAGESHWAR PRASAD SHAH, CHAIRMAN, COMMITTEE ON GOVERNMENT ASSURANCES* OF RAJYA SABHA*.

I deem it a great pleasure and privilege to speak to you at the conclusion of our Conference. I am also deeply grateful to the Hon'ble Speaker who was kind enough to find time to inaugurate this Conference yesterday.

This Conference is the second of its kind being held in Delhi after an interval of more than five years. The last Conference was held in March, 1976. I feel that the five year period is too long considering the various developments that have taken place in the country. I wish we had biennial conferences. Due to a gap of five years, I had mooted the idea that this Conference should be held as early as possible. I spoke to the Chairmen of Assurances Committees of Maharashtra, Gujarat and Tamil Nadu. Thereafter, I wrote to the Hon'ble Speaker and my colleague, the Chairman of this Conference. I am happy to say that the Conference is the outcome of these efforts.

*Spoke in Hindi.

This Conference has been fruitful and constructive in many ways. It gave us an opportunity not only to meet each other and renew our contacts but also to exchange views on matters which crop up in the functioning of the Committees on Government Assurances in Parliament as well as State Legislatures which we represent. To me personally, it was a rewarding experience to hear your enlightened and considered views on various items on the agenda. I learnt a good deal about the functioning of the Committees on Assurances of State Legislatures from these discussions.

As you are all aware, the Assurances Committee is an innovation of Indian Parliamentary system. It has a vital role to play in the democratic functioning. The time of Parliament and State Assemblies is very precious and there the discussions are often dominated by political and partisan interests. But in the functioning of the Committees, the above considerations become secondary and our deliberations are always inspired by constructive approach. That is why it has proved a major force in the strengthening of the democratic polity of the country and making the system more effective. An assurance to Parliament or a State Legislature by a Minister is a promise and a solemn undertaking. It is the moral responsibility of the Minister giving that assurance to see that it is fulfilled in letter and spirit. However, there may be occasions when such assurances might be overlooked or forgotten in the cobweb of bureaucratic machinery. It is for this purpose that our Committee has been set up so that the Executive is kept on its toes and the solemn undertaking given to the representatives of the people sitting in Parliament or State Legislatures are not treated lightly. Another function of this Committee is complementary in the sense that within the limited time at the disposal of the House, it is not possible to elicit all the information that a Member has in his mind. The Committee on Government Assurances makes good this deficiency and sees to it that full information is made available.

In our Shastras great importance has been attached to "RAJAGYA" and "RAJVACHANA". Indian thinkers have also glorified the sanctity of "RAJVACHANA". In this context, in the Indian democracy, the assurances given by the Government should be deemed paramount and sincere efforts should be made for their fulfilment. I am happy that Committees on Government Assurances of Parliament and the Legislatures are performing their duties with utmost sincerity.

I am very happy to tell you that the impact of our Committee has been very great on the Executive. A number of assurances which were pending when I took over as Chairman last year have been liquidated. When there is an inordinate delay on the part of the Ministry to fulfil assurances, we have devised a method to call the Secretaries of the Ministries to ascertain from them the reasons as to why delay is taking place in the fulfilment of assurances. This method establishes a rapport with

the Executive and a number of assurances are got fulfilled by such procedure. In fact, on a number of occasions when the heads of Ministries and Departments were called to discuss the matter in my chamber those heads had brought implementation statements with them concerning their assurances. Apart from this concrete achievement, the most important impact of this method is that the Ministries have started taking our Committee in all seriousness it deserves. The process of implementation has also accelerated and I am very happy to say that this method has worked very satisfactorily.

I had taken my Committee to many places in the country during the last year. We visited a number of places in order to see why delays were taking place in connection with some projects or matters in those places. In some cases, our purpose of the visit was to see for ourselves whether the assurances were really implemented fully and properly. We have thus functioned as watch-dog of the Executive which is the real function of our Committee. In this context, I would like to cite an example. One of our colleagues had suggested that if a run-way of Ahmedabad Airport were dismantled the traffic to the city would be greatly facilitated and the citizens would be inconvenienced. The Committee made an on-the-spot study and came to the conclusion that the run-way should be left undisturbed. One of the assurances placed before the Committee was that at entertainments in public functions the practice of serving biscuits manufactured by large and multinational companies should be discontinued and in its place biscuits manufactured by small scale industries should be served. I am happy that Government have issued orders in this regard. I am wishing to suggest that the Committee on Government Assurances in the process of watching the implementation of Assurances can also serve a lot of public interest.

If I am not divulging any secret, I may tell you that recently we had visited Calcutta to see the progress of Metro Tube Railway. I am happy to inform you that we have received an assurance from the officials in-charge of the Project that Metro Tube Railway would come up earlier than the scheduled time. I feel that this is an achievement of our visit to Calcutta. Another achievement which could be highlighted is the problem of casual workers employed by the Railways. I understand that the wheels of Railways are moving very fast in regard to regularising these casual workers. While I am on this point of our visit to various places. I must express my sense of appreciation of the assistance rendered to the Committee by the Legislature Secretariats.

I am indeed grateful to all of you for actively participating in this Conference and for contributing to its successful conclusion. I hope your brief stay in Delhi has been comfortable.

I shall be failing in my duty if I do not express my sincere and grateful thanks to the Hon'ble Speaker of the Lok Sabha for inaugurating this Conference and making it lively by his illuminating address. The officers of the Lok Sabha and Rajya Sabha Secretariats who have assisted us in this Conference also deserve our appreciation and thanks for the sincere efforts they have made in making this Conference a success. The notes prepared on the Agenda by the Secretariats have been of immense assistance and value.

Friends, I once again thank you all and wish you success in your onerous task as Chairmen of Committees on Government Assurances.

ROLE AND POSITION OF THE LEADER OF THE HOUSE AND WHIPS IN PARLIAMENTARY BUSINESS*

PRANAB MUKHERJEE

In India, we have borrowed, by and large, the British parliamentary system of democracy and established a system of government in which the Executive and the Legislature are linked together. Under this system of government, one party, namely, the party which has got the majority in Parliament—or sometimes it happens that a group of parties, combined together, may get the majority, in which case that group—rules and the other party or a group of parties sit in the Opposition. But, in a very real sense, it is both the Government Party and the Opposition who contribute to the success of parliamentary democracy.

Here I would like to emphasize that while it is becoming common to talk about party Government in Britain, it is worth remembering that the English Parliament is a very ancient law-making body—probably, one of the oldest legislative and deliberative bodies in the world; if I understand correctly, perhaps we count the days of Parliament from the date of signing of the Magna Carta sometime in 1215—while the origins of organised political parties in British politics are relatively recent. Those who have studied the English constitutional history are no doubt aware that, although the members of the House of Commons were divided into two groups, namely, “Cavaliers” and “Roundheads” during the Great Revolution in the 17th Century leading to the execution of King Charles I, these groups could not be regarded as political parties at all. A modern authority has even gone to the extent of asserting that, though two party names, “Whigs”

*Adapted from the talk by the author to the Indian Administrative Service Probationers under the auspices of the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat on 18 February, 1981.

and "Tories" had been current since the later part of the 17th Century, it is a dangerous illusion to assume that anything remotely resembling a two-party system existed in the House of Commons before 18th Century.

There are differences among scholars as to the point of origin of the British political parties. Political parties were first acknowledged by Burke in 1769; other authorities see the origins of the parties in "Whigs" and "Tories" groups in the late 17th Century but a number of other authorities trace the growth of the British political parties to the Reforms Act, 1832 and the Reforms Act of 1867 which led to a vast expansion of the electorate of England and made the House of Commons very much broad-based. Any how, the fact remains that Parliament as an institution existed much before the growth of the political parties in Britain.

In India, however, the position is just the reverse. Before Parliament was constituted in 1952 under the new Constitution, there was the provisional Parliament, from 26 January, 1950 to the constitution of the First Lok Sabha in 1952. Before that, there were the Constituent Assembly from 1946 to 1950 and the Central Legislature under the Government of India Act of 1919. All these bodies were legislative and deliberative bodies and had parliamentary character although all these bodies were elected on a restricted franchise. But the political parties here in India are of earlier origin and can be safely traced to 1885 when the Indian National Congress came into existence.

For nearly a century now, this party has been dominating the Indian political scene and has functioned within the two Houses of Central Legislature and in the Legislative Assemblies of the Provinces, which were the units of self-governing institutions before Independence, and in Parliament thereafter. Therefore, the point which I desire to drive at is that in England, Parliament existed before the coming in of the political parties but in Indian political parties started their functioning long before.

As in England, ours is also essentially a participatory democracy in the sense that more and more members are permitted and encouraged to take part in the debates and discussions before the government's policy in different spheres is finalised. In order to render this participation of members more real, effective and meaningful, there are several instruments of control and it is here that the offices of the Leader of the House and Whips in various parties come to acquire a special significance.

I would like to deal with the Leader of the House at first. In England, the member of the government who is primarily responsible to the Prime Minister for the arrangement of the government business in the House of Commons is known as the Leader of the House. The title does not appear

to have become established until about the middle of the 19th Century although the institution is much older. The leadership of the House in the British parliamentary system is not a statutory office nor is the leader formally appointed by the Crown and, as Jennings points out, the British Constitution has a way of creating offices without legislation and without any formal decision. For this reason the post has usually been held along with another office. Until 1942, the Prime Minister, if a member of the House of Commons, generally himself acted as Leader of the House and since 1922 his day-to-day duties were formally carried out by a Deputy Leader. But since 1942, however, the Prime Minister of England is no longer the Leader of the House and it is a regular practice there to have a Minister of the Crown of the House of Commons specifically appointed by the Prime Minister as Leader. In England, the Leader of the House controls the arrangements of the business of that House and each week after the programme of business has been arranged, the Leader of the House states the business of the following week in answer to a question put by the Leader of the Opposition. He also moves procedural motions about the business of the House from time to time. In the absence of the Prime Minister, the Leader of the House of Commons has the responsibility of expressing the sense of the House of Commons on formal occasions like moving Motions of Thanks or congratulations.

The main spheres of responsibilities of the Leader of the House are as follows:

- (i) time has to be found for the debate on the Queen's speech;
- (ii) financial legislation must be completed by the beginning of August and important laws must be passed in time; and
- (iii) time has to be found for such contingencies as debates on votes of censure or on motions put down by the Government or adjournment debates under Standing Order No. 9 of the Standing Orders of the House of Commons, 1981.

All these are the responsibilities of the Leader of the House. His function, however, is not limited to the fixing of subjects or setting down the order of Government business alone. Though the organisation of the debate in the House is left to the discretion of the Speaker, the Leader of the House has also some responsibility in the matter to the Whips. He has to decide which Minister has to speak or intervene and at what point of time, on a measure before the House or when a closure motion should be admitted or when it is desirable for the Prime Minister to speak on a motion. His business, however, is not confined to government business alone. The government must come to a decision on private members' motions and Bills and it is for the Leader of the House to decide whether

the Whips are to be put against this business or in support of this business or whether the questions should be left to free vote. These decisions are taken by the government on the recommendations of the Leader of the House. Finally, the Leader of the House is an active representative on behalf of the House when some important event of national or international importance like the death of a distinguished statesman in the country or outside or any important development concerning the Royal family takes place.

The Leader of the House leads the House behind the Speaker and in company with the Leader of the Opposition to listen to the Queen's speech (which he has drafted earlier) in the House of Lords. He proposes the election or re-election of the Speaker and moves a vote of thanks when the Speaker retires. In short, when the House speaks as a corporate body, he speaks on its behalf. To sum up, the Leader of the House, in the words of Mr. Gladstone, "suggests, and in a degree, fixes the course of all principal matters of business, supervise and keeps in harmony the actions of his colleagues, takes the initiative in matters of ceremonial procedure and advises the House in every difficulty as it arises".

In India, the position with regard to the Leader of the House is somewhat different. Here the Prime Minister is invariably the Leader of the House. In theory he is also a leader of the majority party of the Lok Sabha but in practice he is the leader of the Parliamentary Party consisting of members of both Houses in which capacity he functions as Prime Minister. Thus, during their tenure* as Prime Ministers, Shri Jawaharlal Nehru and Shri Lal Bahadur Shastri were the Leaders of the House in Lok Sabha. The position underwent some change for a short time in January, 1966 when Shrimati Indira Gandhi, a member of the Rajya Sabha was elected the Leader of the Congress Parliamentary Party and became Prime Minister.

This necessitated the appointment of a separate Leader of the House in Lok Sabha and Shri Satya Narayan Sinha, Minister of Parliamentary Affairs, was appointed Leader of the House. This position continued from 18th January, 1966 till 24th March, 1967 when Shrimati Gandhi was herself elected to the Lok Sabha. Since then, it is the Prime Minister who is invariably the Leader of the Lok Sabha.

Under Rule 2* of the Rules of Procedure and Conduct of Business in Lok Sabha 1980, it is clear that there should be a Leader of the Lok Sabha and the functions or duties of the Leader of the House are defined

*The rule lays down: "Leader of the House means Prime Minister if he is a member of the House, or a Minister who is a member of the House and is nominated by the Prime Minister to function as the leader of the House".

in the Rules of Procedure itself. Although in the Rules of Procedure of the Rajya Sabha, there is no specific mention as to how the Leader will be appointed, but over a period of years, we have developed a convention that the Leader of the Rajya Sabha, is appointed by the Prime Minister from amongst a member of his cabinet. It will be of interest to glance through the following list of Leaders of the House in the Rajya Sabha appointed since 1952 when the Rajya Sabha was for the first time constituted under the new Constitution:—

Name	Period
1. Shri N. Gopala Swami Ayyangar	May 1952 to February 1953
2. Shri Charu Chandra Biswas	February 1953 to November 1954
3. Shri Lal Bahadur Shastri	November 1954 to March 1955
4. Shri Govind Ballabh Pant	March 1955 to February 1961
5. Hafiz Mohammad Ibrahim	February 1961 to August 1963
6. Shri Yeshwantrao Balwantrao Chavan	August 1963 to December 1963
7. Shri Jaisukhlal Hathi	February 1964 to March 1964
8. Shri Mahomadali Currim Chagla	March 1964 to November 1967
9. Shri Jaisukhlal Hathi	November 1967 to November 1969
10. Shri Kodardas Kalidas Shah	November 1969 to May 1971
11. Shri Uma Shankar Dikshit	May 1971 to December 1975
12. Shri Kamalapati Tripathi	December 1975 to March 1977
13. Shri Lal K. Advani	March 1977 to August 1979
14. Shri K.C. Pant	August 1979 to January 1980
15. Shri Pranab Mukherjee	Since January 1980

The Leader of the House is an important parliamentary functionary and exercises direct influence on the course of parliamentary business. The whole policy of the government, especially in so far as it is expressed in the inner life of the House and in measures dealing with the course of its business, is concentrated in his person.

The arrangement of government business is the ultimate responsibility of the Leader of the House, though the details are settled, subject to his

approval, by the Chief Whip. The Leader of the House makes proposals for the dates of summoning and prorogation of the House for the approval of the Chair. He has to draw up the programme of official business to be transacted in the Session of Parliament, namely Bills, motions, discussions on general specific subjects like five-year-plans, foreign policy, economic or industrial policy and other important state activities. He fixes *inter se* priorities for various items of business to ensure their smooth passage. After settling tentative programme for the whole session, he maps out weekly and daily programme depending upon the state of progress of work and announces the programme to the members in advance every week. He is a member of the Business Advisory Committee which determines the allocation of time for government Bills and other business on the basis of suggestions made by or received from him from time to time.

Here also there is a departure from British practice in our system. The Leader of the Lok Sabha, viz., Prime Minister, never sits in the Business Advisory Committee; he or she is represented by the Minister for Parliamentary Affairs in the Business Advisory Committee. As regards Rajya Sabha we have developed a convention that the Leader of the House in Rajya Sabha must be a member of the Business Advisory Committee.

The Leader of the House shapes the course and content of legislation in as much as he is often the final voice in deciding as to what amendments will be acceptable, what private members' Bill will receive/support of the government, and whether a question should be left to a free vote. Leader of the House may, therefore, be said to be perhaps the most influential figure in the entire legislative process.

Here too we have made a slight departure from the British practice. Usually in the British parliamentary system in regard to the attitude which the government will take towards the private members' business, either a Bill or a motion or a Resolution, will be determined by the Prime Minister in consultation with the Leader of the House. But in India apart from the Leader of the House there is a small committee of the Cabinet known as the Cabinet Committee on Parliamentary Affairs. The Committee consists *inter alia* the Leader of the House in the Lok Sabha i.e. the Prime Minister as Chairman of the Committee and Leader of the other House i.e. the Rajya Sabha as a member of the Committee. This Committee determines what attitude government should take towards private members' business and it is not exclusively left to the discretion of the Leader of the House as is done in the British system.

The Leader of the House deals with procedural matters relating to the business of the House and advises the House in every difficulty as it arises. For that purpose he is usually present either in the House or in his room and has the right to address the House whenever he likes.

He is supplied in advance with a copy of the personal statement which a member may make in explanation of his resignation from the office of Minister. He can move, or delegate his functions to any other member to move, a motion that the seat of a member should be declared vacant under clause (4) of article 101 of the Constitution. The Leader of the House can request the Presiding Officer to fix a day or part thereof for sitting of the House in secret. He can move or authorise any other member to move a motion that the proceedings of the House during a secret sitting be no longer treated as secret. He is available to the Presiding Officer for consultation on behalf of the government. He is consulted by the Chair in regard to the arrangement of government business and allotment of days or allocation of time for discussion of the matters referred to in the President's Address to the House under article 87(1); transaction of private members' business on any day other than a Friday. Here also normally Friday is fixed for private members' business and alternately on one Friday we discuss Bills and on another Friday we take up Resolutions. Of course, there is a little difference between the practice in the Lok Sabha and in the Rajya Sabha. In the Lok Sabha, the government business can be transacted up to 3.30 P.M. But, in the Rajya Sabha, immediately after the Question Hour and Calling Attention discussion, if any, we switch over to the private members' business. We do not take up any government business on Friday.

The Leader of the House is consulted by the Chair also in regard to discussion on and voting of the Demands for Grants; discussion of "No-day-yet-named Motions"; discussion on matters of urgent public importance for short duration; and also consideration and passing of an amendment to any regulation, rule, sub-rule, bye-law, etc. laid before the House.

As a matter of convention, the Leader of the House is generally consulted when a motion for suspension of Member from the service of the House is moved, or a question involving a breach of privilege, either of a member or of the House, or of a committee, is raised in the House.

Here also we have a slightly different practice. In the Lok Sabha normally the Leader of the House (or, in other words, the Prime Minister) is not a member of the Privileges Committee. But, in respect of whatever decision the Privileges Committee may take, it is the responsibility of the Prime Minister, as Leader of the House, to move a motion in the Lok Sabha, for approval of the House. But in the Rajya Sabha, by convention, the Leader of the House is also a member of the Privileges Committee. In respect of whatever decision the Privileges Committee may take, it is the responsibility of the Leader of the House, as a spokesman of the House, to move a motion in the Rajya Sabha for the approval of the House.

In his day-to-day activities, the Leader of the House acts as leader of his party, but, on occasions, he acts as the spokesman and representative of the whole House. The chief occasions of his doing so are when the House as a whole desires to define its position towards some external body, as for instance, in the case of a difference with the other House where there is some complaint of breach of privilege of the House against any outside body or agency or when it is desired to give expression to the feelings of the House on some event of importance in home or foreign Affairs. And when the House speaks as a corporate body, the Leader speaks on its behalf.

The responsibility of the Leader of the House is not only to the government and its supporters in the House, but to the Opposition and to the House as a whole. He maintains liaison between the government and the Opposition groups in the House. He is the guardian of the legitimate rights of the Opposition as well as those of the government. As such, he should be among the foremost champions of the rights and privileges of the House as a whole. He has to see that the House is not denied, despite pressure from any quarters, its rightful opportunities.

Now I come to the subject of 'Whips'. This expression is borrowed from the 'hunting-field'. Its parliamentary application can be traced to the great parliamentary orator Burke, who in a debate in the House of Commons, described how the King's Ministers had made great efforts to bring their followers together and how they had sent for their friends to the North and to Paris, for "whipping them in". This particular phrase used by Burke has since been adopted in parliamentary proceedings and it soon caught the public fancy and became popular. In a legislative body, based on Westminster model not only the fate of a particular measure under consideration, but the very life of the Council of Ministers itself, depends upon the result of a single division. When the division bell rings, about three minutes are being given to the members to rush into the chamber from the lobbies, from the library, etc. Yet, the government or any party, cannot take it for granted, that its followers would always be present in sufficient number in the precincts of the House to vote at the time of a division. The duty of keeping the members of a party on hand, so to say, accordingly devolves upon the Whips.

In the parliamentary form of government, a party has got its own internal organisation inside parliament and is served by a number of officials (known as Whips), chosen from members of the party itself.

In fact, I may say, that the efficient and smooth working of parliamentary democracy itself depends to a very large extent on the Whips of the party in power, and the party or parties in the Opposition.

The main function of the Whips is—as stated by me earlier,—to keep members of their party within the sound and range of the division bell whenever any important business is under consideration in the House. Whips are responsible for the attendance of the members at the time of important divisions. During sessions, the Whips of different parties send to their supporters periodic notices, also sometimes called ‘Whips’ warning them as to when important divisions are expected, telling them the hour when a vote will probably take place and requesting them to be in attendance at that time. The importance of the division is indicated by underscoring the notice by a number of lines, or a couple of very thick lines. Sometimes we call them two-line whips or three-line whips.

The Whips have to know their men. This involves a close contact with all members and knowledge of their interests, special aptitudes, qualities and potentialities. In the interest of quality of debate and deliberations, the Whips take these aspects into account while sending the list of speakers to the chair. They keep members supplied with information about the business of the House and enforce party discipline. Being constantly in touch with the members in the lobbies etc. of the House, the Whips, acting as intermediaries between the leaders and the rank and file of their parties, normally keep the former in touch with the currents of opinion not only within their own party (and thereby nip any incipient revolt in the bud) but also to some extent with the opinions of other parties inside the House. And it is through the Whips that members of a party come to know about their leader’s view and the plans which the leader thinks it necessary or expedient to initiate. The Whips are the active agents within the parties—a channel of communication whereby one party negotiates with another concerning topics for debates or conduct of business in the House. In the U.K., the Government Chief Whip and the Opposition Chief Whip constitute what are known as the ‘usual channels’ whereby negotiations are carried on regarding conduct of public business in Parliament.

It has been aptly said that the Whips are not only shock-absorbers, but also indicators of the party; they are not only advisers to the leader, but also the binding-force in the party; they are not only barometers of the different regions and opinions but also the counsellors of members.

The Chief Whip of the government party in Lok Sabha is the Minister of Parliamentary Affairs himself. The Chief Whip is directly responsible to the Leader of the House. It is a part of his duties to advise the government on parliamentary business and to maintain a close liaison with Ministers in regard to parliamentary business affecting their ministries and departments.

The Chief Whip is the eyes and ears of the Leader of the party so far as the members are concerned. He conveys the wishes of the Leader to the members of the party and keeps the Leader informed of the current opinion in the party as also the moods and inclinations of individual member when these deserve special notice. During sessions, in his capacity as adviser to the Leader, he normally meets the Prime Minister not only for one set interview daily but also several times in the course of the day for brief consultations.

The Chief Whip is assisted by one Minister of State and two Deputy Ministers. With their assistance, he controls the members of the party in power and ensures that during sittings there is quorum in the House, and that adequate number of members of the party is present at the time of voting. For this purpose, he sends them advance intimation through the familiar system of ordinary one, two and three-line whips to indicate the extent of urgency attaching to the vote on a particular measure before the House.

Apart from making the House and keeping the House, the Chief Whip has the whip hand in shaping the course, tone and tenor of debate on special occasions for he selects the speakers from his party and hands over a list to the Speaker for facilitating the process of 'catching his eye'. The responsibility of keeping everybody at his post and keeping his party united, strong and well-knit, falls on him. He selects members for select committees and other parliamentary and government assignments keeping in view the background, experience, aptitude, qualifications, etc. of members of his party. This gives him quite a wide power of patronage which comes handy in keeping the party members amenable to his influence.

During the course of actual working, Whips of the government and of parties in the opposition come into contact with each other to sort out matters of common interest and to understand and accommodate each other on many crucial occasions when it is convenient for both sides to arrive at mutual understanding. Even in the matter of selection of members of the Opposition for select committees, contact between Whips of the government and the Opposition becomes important.

Whips of the ruling party as well as those of the Opposition play a very significant role in the smooth and efficient functioning of parliamentary democracy. Apart from their normal duties of making and keeping the House, they are required to establish and maintain, through a tactful handling of situations, good and amicable relations between the Government and the Opposition benches—a pre-requisite for the smooth running of parliamentary business.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

CONFERENCE OF CHAIRMEN OF COMMITTEES ON SUBORDINATE LEGISLATION: The Third Conference of Chairmen of Committees on Subordinate Legislation of Lok Sabha, Rajya Sabha and State Legislatures in India was held at New Delhi on 25 & 26 July, 1981. Besides the Chairmen of Committees on Subordinate Legislation at the Centre, 15 Chairmen from the States attended the Conference. The Conference was inaugurated by Dr. Bal Ram Jakhar, Speaker, Lok Sabha. The inaugural address was followed by an address by the Chairman of the Conference, Shri Mool Chand Daga, M.P.

The Conference discussed matters pertaining to the following aspects relating to subordinate legislation:—

1. Farming and laying the Statutory Orders.
2. Publication of Statutory Orders in the gazette.
3. Constitution, scope of functions and terms of the Committee.
4. Consideration of amendments to rules, regulations, etc.
5. Examination of Statutory Orders framed by State Governments under the Central Acts.
6. Provision in statutes for 'laying' of orders.
7. Implementation of Statutory Orders.
8. Amendment of Statutory Orders through Executive Orders.
9. Framing of rules, etc. under ordinances.
10. Rules and regulations framed by autonomous bodies and bodies subordinate to government.
11. Expert legal advice for the Committee.
12. Scrutiny of rules, regulations etc. at the draft stage.
13. Limits of subordinate legislation.

14. Right of appeal against exercise of discretion by Executive Authority.
15. Publicity to the recommendations of the Committee.
16. Implementation of recommendations of the Committee.
17. Nomenclature of the Committee.

Shri Narsingha Prasad Nanda, Chairman, Committee on Subordinate Legislation of Rajya Sabha and Co-Chairman of the Conference addressed the concluding session of the Conference.

INDIAN PARLIAMENTARY DELEGATIONS ABROAD

Parliamentary Delegation to Sri Lanka: On the invitation of the Sri Lanka Branch of Commonwealth Parliamentary Association, an Indian Parliamentary Delegation led by Dr. Bal Ram Jakhar, Speaker, Lok Sabha visited Sri Lanka in June, 1981 to participate in the 50th anniversary celebration of their country having gone to polls on the basis of adult suffrage to elect members to the First State Council. Besides the Leader, the delegation consisted of Shri Kusuma Krishna Murthy, M.P. and Shri Lakhan Singh, M.P., Shri Avtar Singh Rikhy, Secretary, Lok Sabha was Secretary to the delegation.

Parliamentary Delegation to U.K.: In response to an invitation received from the U.K. Branch of the Commonwealth Parliamentary Association (CPA), an Indian Parliamentary Delegation led by Dr. Bal Ram Jakhar, Speaker of Lok Sabha visited U.K. from 30 June to 10 July, 1981. Besides the Leader, the delegation consisted of Shri Bishma Narain Singh, Minister of Parliamentary Affairs and Works & Housing (Deputy Leader), Smt. Geeta Mukherjee, M.P., Dr. Rudra Pratap Singh, M.P., Shri Shivendra Bahadur Singh, M.P. and Shri Harkishan Singh Surjeet, M.P., Shri Avtar Singh Rikhy, Secretary, Lok Sabha was Secretary to the delegation.

Besides the delegates from India Branch (Main), the delegation comprised the following members from CPA State Branches in India viz., Shri Syed Abdul Mansur Habibullah, Speaker, West Bengal Legislative Assembly, Shri R. S. Gavai, Chairman, Maharashtra Legislative Council, Shri Syed Mukassir Shah, Chairman, Andhra Pradesh Legislative Council and Col. Rao Ram Singh, Speaker, Haryana Vidhan Sabha.

Visit of Speaker, Lok Sabha to Maldives: On the invitation of the Citizens Majlis (Parliament) of the Republic of Maldives, Dr. Bal Ram Jakhar, Speaker, Lok Sabha visited Maldives on 26 and 27 June, 1981.

Visit of Speaker, Lok Sabha to Cyprus: On the invitation of Cyprus Parliament, Dr. Bal Ram Jakhar, Speaker, Lok Sabha and Shri Avtar Singh Rikhy, Secretary, Lok Sabha visited Cyprus from 11 to 13 July, 1981.

PARLIAMENTARY DELEGATIONS FROM ABROAD

Parliamentary Delegation from Democratic People's Republic of Korea:

In response to an invitation from India, a 7-member Parliamentary Delegation from Democratic People's Republic of Korea, led by H.E. Mr. Hwang Jang Yop, Chairman of the Standing Committee of the Supreme People's Assembly of the Democratic People's Republic of Korea visited India in June, 1981.

The delegation called on the Speaker, Lok Sabha on 3 June, 1981. The Speaker, Lok Sabha hosted a dinner party in their honour on 4 June, 1981. A meeting was held on 3 June, 1981 between the delegation and Members of Parliament.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period 1 June to 31 July, 1981 the following programmes/courses were organised by the Bureau of Parliamentary Studies and Training.

Fifth Appreciation Course for the Probationers of the Indian Customs and Central Excise Service: The Fifth Appreciation Course for the Probationers of the Indian Customs and Central Excise Service (1979 Batch) was held from 16 to 22 July, 1981. The Course, attended by 45 probationers, was inaugurated by Prof. H.N. Mukherjee, Honorary Adviser, Bureau of Parliamentary Studies and Training on 16 July, 1981. Prof. Mukherjee also delivered the opening lecture on "Evolution of Parliamentary Institutions vis-a-vis Indian National Movement".

During the six-day Course, there were in all fifteen talks. The probationers were addressed by Shri S. S. Sisodia, Minister of State for Finance, Shri Satish Agarwal, M.P. and Chairman, Public Accounts Committee, Shri Sudarshan Agarwal, Secretary-General, Rajya Sabha; Shri S. Venkatesan, Chairman, Central Board of Customs and Excise; Dr. R. B. Jain, Professor, Indian Institute of Public Administration; and by senior officers of the Lok Sabha and Rajya Sabha Secretariats. The course concluded on 22nd July, 1981 with the Question-Answer Session, presided over by Shri Avtar Singh Rikhy, Secretary, Lok Sabha.

First Appreciation Course in Parliamentary Processes and Procedures for Section Officers in the Ministries/Departments of the Government of India: The First Appreciation Course in Parliamentary Processes and Procedures for Section Officers in the Ministries/Departments of the Government of India was organised from 29 June to 4 July, 1981. The lecture sessions during the six-day Course were held in the forenoons only, to enable the participants to attend to their normal work in their respective offices in the afternoons. The course was designed to provide to the participating

officers an exposure to the institution of parliament and to enable them to improve their functional and supervisory skills in parliamentary work. Thirty-one participants attended the course.

The Course was inaugurated by Prof. H.N. Mukherjee, Honorary Adviser, Bureau of Parliamentary Studies and Training, with an opening lecture on "Parliament in the Indian Polity". In all, there were 10 talks on various aspects of parliamentary processes and procedures delivered by senior officers of the Parliament and the Government of India. A Question-Answer session, presided over by Prof. H. N. Mukherjee, Honorary Adviser, was held at the end of the Course.

Attachment Programme for State Legislature Secretariat Officials: As the request of the Orissa Legislative Assembly Secretariat, an 'Attachment' Programme was organised for a batch of three officers of that Secretariat from 8 to 20 June, 1981. During the period of their training, the trainee-officers, Sarvashri B. K. Mohanty, Section Officer, U.N. Khatai, Grade I Assistant and B. Kar Grade I Assistant, were attached with the Question Branches of the Lok Sabha Secretariat to enable them to familiarise themselves with the processes and procedures relating to Parliamentary Questions.

In-Service Training Course for the officers and staff of Parliament Secretariats: Under its scheme for imparting in-service training to the officers and staff of the Parliament Secretariats, the Bureau conducted a Training Course for the benefit of the newly-recruited staff of the Lok Sabha Secretariat from 1 to 31 July, 1981. The Course, in which twelve junior-level members of staff participated, was designed to enable the participants to attain the required standard of proficiency on their jobs.

PRIVILEGES ISSUES

LOK SABHA

Reported statement by a Chief Minister regarding the policy of reservation for Scheduled Castes and Scheduled Tribes on which Lok Sabha had passed a Resolution unanimously: On 21 April, 1981, the Deputy Speaker (Shri G. Lakshmanan) informed the House he had received notice of a question of privilege from two Members against the Chief Minister of Gujarat for a statement reported to have been made by him that the policy of reservation being a matter of vital importance, a Commission ought to be appointed to examine that issue. The Members' contention was that as a unanimous resolution had already been passed by Lok Sabha* in favour of the policy of reservation, the reported statement by the Chief Minister had lowered the dignity of the House.

Withholding his consent to the notice, the Deputy Speaker observed that he had considered the matter but did not find anything derogatory to the House in the reported statement of the Chief Minister of Gujarat. Moreover, the Deputy Speaker pointed out, the Chief Minister of Gujarat was a member of another Legislature, and according to well established practice, a question of privilege might not normally be raised against him in the Lok Sabha.

The matter was thereafter treated as closed.

Alleged derogatory remarks about members of Parliament by the Chief Justice and another judge of the Supreme Court during the proceedings in a case: On 8 May, 1981, the Speaker (Shri Bal Ram Jakhar) informed the House that Shri Ram Vilas Paswan and two other members had given notices of a question of privilege against the Chief Justice of India, Shri

*Passed on 18 March, 1981. For details see *Journal of Parliamentary Information* vol. XXVII, No. 1 March, 1981, pp. 76-77.

Y. V. Chandrachud and another Judge, Shri V. D. Tulzapurkar for allegedly making the following remarks (as reported in a newspaper report) during the proceedings on a case in the Supreme Court:

“...those who address the nation in Parliament do so with an equal sense of responsibility... Just because they are in Parliament they can say anything they like because they are immune... they are supposed to be enlivening the debates of the House by saying that all that judges do is to sit back in their chairs.”

The Speaker added that he had received a factual note from the Ministry of Law and that he had also gone through the Lok Sabha proceedings where a member had referred in pointed terms to the performance of the Supreme Court.

The Speaker then observed:

“While members of this House enjoy freedom of speech as enshrined in the Constitution, we have to remind ourselves that it has to conform to the Rules of Procedure and Conduct of Business in Lok Sabha as well as the restrictions which are mentioned on discussion in Parliament on certain matters. I would like to recall in this context Article 121 of the Constitution which specifically provides that ‘no discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or a High Court in the discharge of his duties except upon a motion for presenting an address to the President praying for the removal of the judge as hereinafter provided’.

The Constitution has allotted specific duties and responsibilities to Parliament as well as to the Supreme Court and the High Courts and we have to have mutual respect for each other. It would be in the best interests if democratic norms and traditions set down in the Constitution are meticulously observed and those connected with these institutions do not over-step their limits, so that the ideal concept enshrined in the Constitution remains a living reality and does not become an illusion.

I have no manner of doubt that with the strong tradition of democracy laid down in our country these institutions would supplement and complement each other and become a source of strength to the nation as a whole.”

The matter was then treated as closed.

RAJYA SABHA

Misreporting of a member's speech by a newspaper: On 17 March, 1981, Shri B. D. Khobragade had referred in the House to a statement made by Shri A. R. Antulay regarding the creation of Vishal Gomantak State. The *Hindustan Samachar* circulated a report to the effect that Shri Khobragade had stated in the House that Shri Antulay's statement could

create tension and a ban should be imposed by Government on making such statements.

Shri B. D. Khobragade gave notice of breach of privilege against the *Hindustan Samachar*, which circulated the report and *Loksatta*, a Marathi Daily from Bombay which had carried the news report, for distorting and misreporting his speech.

On 29 April, 1981, the Vice Chairman (Shri Arvind Ganesh Kulkarni) informed the House that on a perusal of Shri Khobragade's statement, it was found that he had not made any such statement as attributed to him by the news agency. An explanation of the news-agency *Hindustan Samachar* was accordingly sought in the matter, who by a news-item published in the *Loksatta* on 22 April, 1981, expressed regret for the misreporting which according to the news agency had occurred owing to inadvertence. In view of the publication of the regret and the disclaimer of any intention on its part to cause any embarrassment to Shri B. D. Khobragade, the Vice-Chairman observed:

“...if the House agrees, the matter may be treated as closed. I do hope and trust that *Hindustan Samachar* would be more careful in reporting members' speeches so that such situations are avoided. I hope the House agrees.”

The matter was then treated as closed.

PROCEDURAL MATTERS

LOK SABHA

Adjournment Motion during discussion on President's Address allowed: On 19 February, 1981, the Speaker gave his consent to the moving of an adjournment motion regarding 'Hooch' drink deaths in Delhi, given notice of by a Member. Before giving his consent, the Speaker observed that normally when debate on President's Address was taking place, there was hardly any justification for an adjournment motion to discuss a specific matter, as all matters could be covered in that debate. However, having regard to the tragic loss of lives and in view of the fact that even in Delhi this a second incident of its nature during the course of the year, he gave his consent, to the moving of the adjournment motion.

When leave of the House was asked for and was not opposed, the Speaker informed the House that leave was granted and the motion would be taken up in the House at 16.00 hrs. on the same day. The motion was discussed for over three hours at the end of which it was negated by a voice vote.

Secret documents quoted in the House treated as laid on the Table after verification from the Ministry concerned: On 2 April, 1981, a Member (Shri K. P. Unnikrishnan) while speaking on the Demands for Grants of the Ministry of Petroleum, Chemicals & Fertilizers, referred to and quoted from certain official notings and Report regarding prequalifications of Engineering Consultants for the Nitrogenous Fertilizer Complex to be erected in South of Bombay, about which he had given prior intimation to the Speaker. When Chairman (Shri Chintamani Panigrahi), before calling the member to speak, inquired of him whether he was prepared to take responsibility for the veracity of those documents, the Member accepted responsibility and after concluding his speech, authenticated those documents and handed them at the Table for being laid.

As documents were of a secret nature, they were referred to the concerned Ministry for comments with regard to authenticity thereof. On receipt of reply from the Ministry, they were treated as papers laid on the Table.

Allegations against a Minister, being a 'Person in high authority' not permissible:—On 9 April, 1981 while speaking on the Demands for Grants of the Ministry of Defence, when a Member made certain allegations against Shri C.P.N. Singh, Minister of State in the Departments of Science and Technology, who was earlier Minister of State for Defence, an objection was raised by a Member to the allegations being made against a Minister. The Deputy Speaker observed that Shri Unnikrishnan had already written to the Speaker and taken responsibility and had also undertaken to abide by the rules. Thereupon, the Minister of Law rising on a point of order submitted that Rule 353 (relating to procedure regarding allegations against any person) would not apply to the instant case, which was covered by Rule 352(v) under which a Member, while speaking, should not reflect upon the conduct of persons in high authority unless discussion was based on a substantive motion drawn in proper terms. A Minister came under the category of 'persons in high authority' and as such, no reflection upon his conduct could be made.

The Deputy Speaker in his ruling observed that conduct of the Judges of Supreme Court and High Courts, Comptroller and Auditor-General, Ministers and Statutory Authorities could be discussed only on an appropriate motion, drawn in a form approved by the Speaker and therefore the Member should not mention the name of the Minister or reflect on his conduct.

STATE LEGISLATURES

TAMILNADU LEGISLATIVE ASSEMBLY

Admissibility of Calling Attention Notice on a matter sub-judice: On 29 January, 1981 a Member (Shri N.S.V. Chithan) raised a point of order that the Calling Attention Notice in respect of the appointment of a new Chief Justice of Tamil Nadu should not be allowed to be taken up in the House as the matter was *sub judice*, since a case regarding the transfer of the Chief Justice to the High Court of some other State had already been referred to the Constitution Bench of the Supreme Court and it would be a bad precedent if a discussion thereon was permitted by the Chair.

The Speaker ruled that the matter had been raised under Rule 54, just for seeking clarification. He further said that the contents of the letter written by the Chief Minister of Tamil Nadu voicing his objection to the appointment, as Chief Justice, of a person who did not know the

official language of the State had already been published in the Press and was therefore known to everybody. No new problem was therefore likely to arise by permitting a discussion on the matter. Further, he said, the matter raised in the House was not connected with the subject-matter of the case pending before the Supreme Court, namely the transfer of a Chief Justice to another High Court. He, therefore, held that the matter could be raised in the House.

Announcement regarding policy matters by officials on the eve of discussion on Demand for Grants: On 13 May, 1981 after the Question Hour, the Speaker informed the Assembly of the receipt of a privilege motion given notice of by four Members (Sarvashri R. Novaneethkrishna Pandian, P. Theertharaman, S. N. Ramaswamy and E. Muthuramalingam) regarding the announcement through the Press of a Policy matter by an official of the Home Department, on the eve of the discussion on the Demand for Grants of that Department.

Citing the earlier rulings on the subject, the Speaker observed that though by convention, announcements regarding Government policies should be made only in the House if it was in session, any deviation from it would not constitute a breach of privilege of the House. He, however, ruled that it was not a proper practice for the officials to announce policy matters to the Press, especially on the eve of a discussion in the House on the Demands for Grants relating to that particular Department, and desired that in future, such instances should be avoided and the Departments should be cautious in this regard.

UTTAR PRADESH LEGISLATIVE ASSEMBLY

Motion of Thanks on the Governor's Address—Implications in the Legislative Council: The U.P. Legislative Assembly had adopted a Motion of Thanks on the Governor's Address. On 19th February, 1981 a Member (Shri Mohan Singh) raised a point of order in the Assembly that in the other House the Motion of Thanks had been adopted with amendments containing admonition of the Government and, therefore, the Government had no moral justification to continue in office.

Disallowing the point of order, the Speaker observed that under Article 164(2) of the Constitution, the Council of Ministers was responsible to the Legislative Assembly and the Motion of Thanks on President's Address had been duly passed by the Legislative Assembly. Failure to get the Motion passed in the Legislative Council without amendments did not therefore have any effect on the Council of Ministers.

Issue of Identity Cards to Ministers: On 23 March, 1981 a Member (Shri Mohan Singh) raised a question of propriety with regard to the issuing of Identity Cards, valid upto 1985, to the Ministers of the Government. The Member's contention was that since Ministers worked during the pleasure of the Governor, mention of the period of validity on the Identity Cards was not in consonance with the provisions of the Constitution, thereby a doubt had arisen, the Member argued, as to the right of the House or its Members to remove the Council of Ministers before 1985 through a no-confidence motion and about the prerogative of the Governor to allow the Ministers to continue in office during his pleasure.

Disallowing the question of propriety, the Speaker ruled that the period of validity mentioned on the Identity Cards did not in any way affect the rights of the Members to bring a no-confidence motion against the Government. He further observed that it was written on the Identity Cards that as soon as the Minister gave up the charge, the same was to be returned. The very purpose of issuing Identity Cards to Ministers, the Speaker explained, was to establish their Identity to those who might not have known them.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 May to 31 July, 1981)

DEVELOPMENTS AT THE CENTRE

INDIA

By-election to Lok Sabha and Legislative Assemblies: In the By-elections held on June 14 for seven Lok Sabha seats (five from Uttar Pradesh and one each from Orissa and West Bengal), the Congress (I) won five Lok Sabha seats (four from U.P. and one from Orissa) and the CPI (M) one seat (from West Bengal). Re-poll was ordered by the Election Commission for the seventh seat viz. the Garhwal Parliamentary Constituency in the State of Uttar Pradesh.

By-elections were also held for the 23 Assembly seats in various States—Uttar Pradesh (8), Bihar (6), West Bengal (8) and Karnataka (1). The Congress (I) won 15 seats (U.P.—7; Bihar—5; West Bengal—2 and Karnataka—1) followed by CPI (M)—5 (all from West Bengal) and CPI—1 (from West Bengal) Two seats were won by Independents (one each from U.P. and Bihar)¹.

The Election Commission orders re-poll in a Parliamentary Constituency : On 20 June, 1981, the Election Commission of India, ordered a re-poll in the entire Garhwal Parliamentary Constituency in the State of Uttar Pradesh, where a by-election to fill the vacant seat in Lok Sabha was held on 14 June, 1981. In his order cancelling the election, the Chief Election Commissioner observed that 'Haryana Police, had been deployed in the constituency on a large scale. The Commission which is vested with the superintendence, direction and control of the elections has not even been

¹ *Times of India*, June 15; *Hindustan Times*, June 17 and 18 *Patriot*, June 17, 1981.

informed of the deployment of the Police force from outside and the presence of outside force has naturally vitiated the free and fair conduct of the poll in the Constituency. . . . There is need that outside State forces must first be withdrawn and normal peace and law and order must be restored before any repoll, selective or total is held."²

Recognition of Congress (I) as the real Indian National Congress : Recognising the Congress (I) led by Smt. Indira Gandhi as the real Indian National Congress, the Chief Election Commissioner of India, in his Order dated 23 July 1981 held that—

- (a) the group led by Smt. Indira Gandhi as the President and known by the name Indian National Congress (I) shall be recognised for the purpose of the Symbols Order as the Indian National Congress, a recognised national party;
- (b) the symbol "Hand" shall continue to be the reserved symbol for the said party unless that party applies for the revival of the frozen symbol "Calf and Cow"; and
- (c) the group in the Indian National Congress led by Shri Devraj Urs and known by the name Indian National Congress (U), shall be de-recognised. The said party shall, however, have the liberty to approach the Commission for recognition with a different name and style and if such application is made, the same shall be considered on its merits under the Symbols Order."³

AROUND THE STATES

ASSAM

Resignation by Ministry: The 7-month old Congress (I) Ministry headed by Smt. Anwara Taimur resigned on 28 June, when the Budget Session of the Legislative Assembly was scheduled to begin the next day, i.e. June 29.

On 30 June, by a proclamation signed by President Sanjiva Reddy under Article 356 of the Constitution, the State was brought under the President's rule. The Legislative Assembly was kept under suspended animation.⁴

² Quoted from the Orders of the Chief Election Commissioner of India, 20 June, 1981.

³ Orders of the Chief Election Commissioner, 23 July, 1981 pp. 16-17.

⁴ Times of India, 29 June and Statesman, 1 July, 1981.

KARNATAKA

Suspension of 27 MLAs : On 23 June, Twenty-seven Members of the Opposition were suspended from the Legislative Assembly for the current session by the Speaker, Mr. K. H. Ranganath for "indulging in gross disorderly behaviour".⁵

MADHYA PRADESH

Reorganisation of the Ministry: On 29 June, the Governor, on the advice of the Chief Minister, dropped 3 Ministers, elevated 7 Ministers of State to Cabinet rank and added an equal number of Ministers of State.⁶

MANIPUR

New Ministry: An eight-member Congress (I) Ministry headed by Mr. Rishang Keishing was sworn in on 19 June, ending 111 days of President's rule in the State.⁷

MEGHALAYA

New Chief Minister: Following the resignation, on 7 May, of Shri B. B. Lyngdoh, Captain Williamson Sangama took over as the new Chief Minister of the State. The outgoing Chief Minister vacated office in pursuance of an agreement reached two years ago among the partners of the ruling United Meghalaya Parliamentary Democratic Forum to the effect that after two years he would vacate the office enabling Captain Sangama to take over as the new Chief Minister.⁸

RAJASTHAN

New Ministry: Following the resignation tendered by Shri Jagannath Pabadia on 11 July, Shri Shiv Charan Mathur was sworn in on 14 July as the new Chief Minister of the State. 18 Ministers were sworn in on 19 July and the allocation of portfolios was as follows :

Cabinet Ministers:

Shri Shiv Charan Mathur, Chief Minister: Appointments, Administrative Reforms, General Administration, Political Affairs, Cabinet Secretariat, Home, Industry, Public Undertakings, Planning, Economics and Statistics, Anti-Corruption, State Motor Garage and Linguistic Minorities; Shri Paras Ram Maderna: Irrigation, Public Health, Engineering, Revenue and Land Reforms.

5. *Times of India*, 24 June 1981.

6. *National Herald*, 30 June and 1 July, 1981.

7. *Times of India*, 20 June, 1981.

8. *Statesman*, 8 May, 1981.

Energy, Flood and Famine Relief; Shri Chandan Mal Baid: Finance, Taxation, Excise, Education, Bhasha Vibhag and Waqf; Shri Brij Sunder Sharma : Law and Judiciary, Election, Labour and Parliamentary Affairs; Shri Chogalal Kanwaria : Medical and Health, Family Welfare Department and Ayurveda; Smt. Kamla: Agriculture, Animal Husbandry, including Dairies.

Ministers of State:

Shri Jai Kishan Sharma : Transport, Housing, Vocational Training and Employment, Technical Education (all independent) and Public Works Department; Shri Narendra Singh Bharti : Rajasthan Canal Project, Tourism and Art, Culture and Archaeology (all independent); Shri Shriram Gotewala: Local Self-Government, Town Planning and Public Relations (all independent); Shri Ghasi Ram Yadav : Food and Civil Supplies, Civil Defence and Devasthan (all independent); Shri Praduman Singh: Mines (independent), Home Anti-Corruption, Industries and Public Undertakings; Shri Sheesh Ram Ola; Panchayati Raj, Community Development, Ground Water, Antodaya and Sainik Kalyan (all independent); Shri Chet Ram Meena: PWD, Social Welfare and Tribal Welfare (all independent) Flood and Famine Relief; Shri Govind Singh Gujar: Forests, Sheep and Wool (independent), Irrigation; Shri Dinesh Rai Dang: Rehabilitation, Khadi Gramodyog Jail, Printing and Stationery (all independent); Shri Rampal Upadhyaya: Co-operation (independent), Agriculture and Animal Husbandry.

Deputy Ministers:

Shri Bulaki Das Kalla : Planning, Economics, Statistics, and Education; Shri Govind Anolla : Excise and Tribal Area Development; Smt. Kamla Bhil: Medical and Health and Animal Husbandry.⁹

SIKKIM

Merger of ruling Party with Congress (I): The ruling Sikkim Parliament, with a strength of 22 Members in the 32-member Legislative Assembly, merged with the Congress (I) on 7 July.¹⁰

TAMIL NADU

Enhanced allowances for Legislators : The Tamil Nadu Payment of Salaries Act was amended to *inter alia* provide with effect from 1 May 1981, the payment of Compensatory Allowance of Rs. 400/- p.m. to Members of the State Legislatures, against the existing Allowance of Rs. 350/- p.m.

With effect from 1 May 1981, the Telephone Allowance admissible to a Member was raised to Rs. 250/- p.m. if he owned a telephone (in addition to reimbursement of quarterly rent of a sum of Rs. 175/- towards telephone) and Rs. 300/- p.m. if he had no telephone at his residence.

⁹ Deccan Chronicle, 12 July; and Hindustan Times, 23 July, 1981.

¹⁰ National Herald, 8 July, 1981.

An Allowance of Rs. 100/- p.m., now payable to the family of a Member who dies while in office, was enhanced to Rs. 250/- p.m. with effect from 30 June, 1977.

As against coupons of the value of Rs. 2,000/- issued to them annually, the legislators would, hence forward, get coupons of the value of Rs. 2,500/- for their free rail travel by any class and by any Railway in India.

The amendment also made provision for free travel facilities in State Transport Corporation buses for spouses of the male Members, and for any other relative, in the case of lady Members.¹¹

WEST BENGAL

Results of the biennial elections: In the biennial elections for six seats to the Rajya Sabha from West Bengal, five candidates of the ruling Left Front and an Independent were declared elected to Rajya Sabha on 1 July.

UNION TERRITORIES

ARUNACHAL PRADESH

New Lt. Governor : Shri Harishankar Dubey was sworn in as the new Lt. Governor of the Union territory on 23 July.¹²

DEVELOPMENTS ABROAD

AFGHANISTAN

New Prime Minister : On 11 June, Mr. Babrak Karmal who was till then holding the posts of President as well as Prime Minister, named Mr. Fultan Ali Keshmund as the new Prime Minister of the country.¹⁴

BANGLADESH

Assassination of President: Army rebels led by Major-General Manzur Ahmed, assassinated President Zia-ur-Rehman on 30 May in an attempt coup, when the President was on a visit to Chittagong.

On 1 June, the Acting President Mr. Abdus Sattar proclaimed a state of emergency and suspended most of the civil rights, citing threat to the country's security from "internal disturbances."¹⁵

¹¹ Information furnished by the State Legislature Secretariat.

¹² Statesman, 3 July, 1981.

¹³ Patriot, July 25, 1981.

¹⁴ Asian Recorder, 1981, p. 16111.

¹⁵ Asian Recorder, 1981, p. 16099.

BARBADOS

Re-election of Prime Minister: Mr. Tom Adams was re-elected Prime Minister for a second term on 19 June, following the victory of his Labour Party in the general elections.¹⁶

CHINA

Resignation by Chairman of the Communist Party : The Chairman of the Communist Party, Mr. Hua Guofeng resigned from his post on 29 June and was replaced by Mr. Yaobang.¹⁷

CYPRUS

General Elections : In the elections to the 35-member House of Representatives announced on 26 May, the Communist Akel Party and the Democratic Relly Party won 12 seats each. The ruling Democratic Party led by President Spyros Kyprianon secured eight seats and the remaining three seats were won by the Socialist Party.¹⁸

DJIBOUTI

Re-election of President: President Hassan Gouled Aptidon was re-elected unopposed on 12 June, for a further six-year term.¹⁹

ECUADOR

Death of President : On 24 May, President Jaime Roldos Aquilera was killed in an air-crash along with his wife, Defence Minister Mr. Marcos Subia, and two of his military aides. Immediately thereafter, Vice-President Mr. Osvaldo Hurtado assumed charge of the presidency.²⁰

FRANCE

Presidential election : The Socialist Party Chief Mr. Francois Mitterrand became the new President of France for a 7-year term on 10 May when he defeated Mr. Valery Giscard Estaing in the Presidential election.

On 21 May, he appointed Mr. Pierre Mauroy as the new Prime Minister replacing Mr. Edmond Barre.²¹

¹⁶. *Times of India*, 20 June, 1981.

¹⁷. *International Herald Tribune (Hongkong)*, 30 June, 1981.

¹⁸. *Statesman*, 28 May, 1981.

¹⁹. *Times of India*, 15 July, 1981.

²⁰. *Hindustan Times*, 26 May, 1981.

²¹. *Times of India*. 11 and 22 May 1981.

IRAN

Dismissal of President : President Abolhassan Bani-Sadr, the first elected President of Iran after 25 centuries of monarchy, was dismissed, on 22 June, by the Supreme Revolutionary Leader, Ayatollah Khomeini. Earlier, on 21 June, the Parliament had voted overwhelmingly declaring Mr. Bani-Sadr incompetent to hold office.

After his dismissal, Mr. Bani-Sadr remained in hiding for nearly seven weeks and thereafter escaped to France on 29 July, where he was granted political asylum by the French Government.²²

New President : Mr. Mohammed Ali Rajai was officially declared as the new President of Iran on 28 July. Mr. Rajai, a candidate of the Ruling Islamic Republican Party, secured 81 percent of the total votes, in the election held on 24 July²³

IRELAND

New Prime Minister: On 30 June, the Parliament elected, by 81 votes to 78, Mr. Fitzerland as the new Prime Minister. On the same day, he announced the formation of a new coalition Government dominated by his Fine Gael Party.²⁴

ISRAEL

General Elections : In the General Elections held on 30 June for the 120-seat *Knesset* (Parliament), the Likud Bloc Party of Prime Minister Menachem Begin and the Opposition Labour Party won 48 seats each. The number of seats won by other parties were : the National Religious Party—6; Agudat Yisrael—4; Communists—4; Tami Party—3; Shinui—2; Tehiya—2; and Citizens Rights Movement and Moshe Dayan's Telem Party one each. The remaining one seat was to be decided by the military vote.

Following the elections, Prime Minister Mr. Menachem Begin formed a new Government with the support of Socialist and religious parties.²⁵

KAMPUCHEA

New President : The National Assembly announced on 27 June a new government, naming Mr. Heng Samrin as President of the Council of State, thereby giving him the top position in the ruling hierarchy.²⁶

22. *Times of India*, 23 June; *International Herald Tribune*, 30 July, 1981.

23. *National Herald*, 29 July, 1981.

24. *Times of India*, 21 July, 1981.

25. *International Herald Tribune*. (Hongkong), 5 July, 1981.

26. *Times of India*, 28 June, 1981.

MALAYSIA

Proclamation of new Sultan : On May 11, Mr. Tunku Mahmood Alhaj Idris Almarhum Sultan Ismail was proclaimed the fourth Sultan of the State to succeed his father, who passed away on 10 May.²⁷

NEPAL

Appointment of new Prime Minister : On 16 June, King Birendra appointed, on the recommendation of the Rashtriya Panchayat, Mr. Surya Bahadur Thapa as the new Prime Minister.²⁸

PHILIPPINES

Re-election of President: On 21 June, President Ferdinand F. Marcos was declared winner by the Parliament, of the Presidential election held on 16 June.

He was sworn in for a further six-year term on 29 June.²⁹

POLAND

New Polish Politbureau : The Communist Party Central Committee elected a new enlarged Politbureau on 19 July.

Earlier Mr. Stanislaw Kania had won a vote of confidence for his leadership, when he was re-elected as First Secretary to the Party's Central Committee, defeating Mr. Barcikowski by 1311 votes to 568 votes.³⁰

SEYCHELLES

Re-election of President : President France Rene Albert was re-elected to his post on 11 July at the third Congress of the ruling Progressive People's Front.³¹

SINGAPORE

Death of President : President Benjamin Sheares, who became the second Head of State in 1971 succeeding the late Mr. Yusof Ishak, passed away on 12 May.³²

27. *Hindustan Times*, 12 May, 1981.

28. *Times of India*, 17 June, 1981.

29. *Times of India (Bombay)*, 22 June, 1981; *The Hindu*, 1 July, 1981.

30. *Patriot*, 20 July, 1981.

31. *Tribune*, 13 July, 1981.

32. *Asian Recorder*, 1981, p. 16119.

SWEDEN

New Coalition Government : On 19 May, Parliament confirmed the caretaker Prime Minister Mr. Thorbjoern Faellidin as head of a new minority Central Liberal coalition Government, replacing his three-party coalition Government which had earlier fallen on the issue of tax-reforms.⁸³

UNITED STATES

First Woman Judge of the Supreme Court : On 7 July, President Reagan nominated Judge Sandra D. O'Connor of the Arizona Court of Appeals, to become the first woman justice of the U.S. Supreme Court.⁸⁴

YUGOSLAVIA

New President: On 15 May, Mr. Sergej Kraigher was elected to the annually rotating post of President of the collective State Presidency of Yugoslavia vice Mr. Cvijetin Mijatovic, who held this post since May 1980.⁸⁵

⁸³. *Statesman*, 20 May, 1981.

⁸⁴. *International Herald Tribune*, 8 July, 1981.

⁸⁵. *Keesing's Contemporary Archives*, p. 30938.

SESSIONAL REVIEW

SEVENTH LOK SABHA

SIXTH SESSION

The Sixth Session of the Seventh Lok Sabha commenced on 17 August, 1981. A brief resume of some of the important discussions held and other business transacted in this session upto 28 August, 1981 is given below.

A. DISCUSSIONS

Successful launching of APPLE: Making a statement on 17 August, 1981 in response to a Calling Attention Notice by Shri Manoranjan Bhakta, the Minister of State in the Department of Science and Technology, Electronics and Environment, Shri C. P. N. Singh said that APPLE (Ariane Passenger Payload Experiment) was the first Indian experimental three-axis body established satellite to be placed into the geo-stationary orbit. It represented an important step in the efforts of Indian scientists to put outer space progressively to use for the welfare of the people. The spacecraft, designed and developed by the Indian Space Research Organisation was launched by the third developmental flight of ARIANE from Kourou, French Guyana on 19 June, 1981 into a geo-synchronous transfer orbit. APPLE now looked constantly towards the centre of India. The first national TV hook-up demonstrations using APPLE had already been carried out on 13, 14 and 15 August, 1981.

Answering questions, the Minister said that the thrust given by the Prime Minister to the Department of Science and Technology and various scientific agencies was aimed at bringing about a change in the life of common man and developing a scientific temperament in the country. APPLE, he added, would give a fillip to the various other satellites that were proposed to be put up to benefit both the urban and the rural people.

Intervening in the discussion, the Prime Minister, Shrimati Indira Gandhi stated that the most important utilisation of APPLE was emergency communication in disaster affected areas so as to be able to help in rapid relief work. It would give advance warning of calamities such as cyclone etc. which would be of enormous value in saving human lives as well as property. Besides, it could be used for educational programmes in universities and technological institutions.

The House, thereafter, unanimously adopted the following motion moved by Shrimati Gandhi:

“Having heard the statement on the launching of the Apple and the inauguration of the Utilization Experimental Programme, this House places on record its deep appreciation of the dedicated work and patriotic zeal of our scientists, engineers, technicians and workers on this great achievement in the sphere of space technology”.

Train Accidents: In a statement made on 17 August, 1981, the Union Minister of Railways, Shri Kedar Pandey informed the House that three major train accidents—an accident between Badla Ghat and Dhamara Ghat station of North Eastern Railway; a collision in South Eastern Railway; and a derailment in Western Railway—had occurred during the recess period of Parliament. Every accident was viewed seriously and enquired into thoroughly not only to punish the guilty but also to ascertain the causes and to take measures necessary to prevent recurrence of similar accidents. Besides, the government in their quest for safety appointed three high powered committees to examine the remedial measures. These committees made many useful suggestions which were implemented.

Since the majority of the train accidents was ultimately traceable to the failure of the human element, the Minister added that Safety Organisation on the Railways had been carrying out intensive safety campaign to ensure that the staff did not violate rules or indulge in short cut methods which could lead to accidents. Moreover a special safety team comprising Joint Directors from various disciplines had been constituted recently under the direct charge of the Railway Board to carry out field checks.

The matter again came up for discussion in the House later during the day on an Adjournment Motion moved by Shri Jyotirmoy Bosu. Initiating the discussion, Shri Bosu pleaded for constitution of a parliamentary committee to examine the railways and submit a report to the House for taking proper action. Professor Madhu Dandavate stressed the need of giving top-most priority to the renewal of 6,000 Kms of track which had outlived its life. He suggested that no trains should be moved without guards. The automatic warning system, which was operating in some

sectors of railways, should also be introduced on the rest of the routes. Shri Jaipal Singh Kasbhyap suggested that steps should be taken to improve the railway administration.

In a brief intervention, the Minister of State in the Ministry of Railways, Shri C. K. Jaffer Sharief said that it was the earnest desire of the Government to improve the railway system and ensure safe journey for the people.

Intervening in the discussion, which lasted for more than three hours and in which 14* members took part, the Minister of Railways, Shri Kedar Pandey stated that efforts were being made to reduce the railway accidents to the minimum. A high powered committee had been constituted to look into all the relevant issues concerning railways. Out of Rs. 5100 crores allotted in the Sixth Five-Year Plan for improvement of railways, 49 per cent would be spent on renewal and replacement of rolling stock. New coaches were being manufactured. A coach repair factory was being set up at Tirupati and a new coach factory was proposed to be set up at Allahabad. Referring to recent rail accidents, Shri Pandey said they had occurred either due to human error or natural causes. In one case it was due to sabotage. Wherever human error was responsible for railway accidents, action had been taken against the staff concerned. After Shri Jyotirmoy Bosu replied to the discussion, the motion was negatived.

Serious famine and drought conditions in some States: Making a statement in response to a Calling Attention Notice by Shri Mool Chand Daga on 18 August, 1981, the Minister of Agriculture and Rural Reconstruction and Irrigation and Civil Supplies, Shri Rao Birendra Singh informed the House that although monsoon during the year 1980 was more or less satisfactory, drought conditions prevailed in the post-monsoon season in the States of Rajasthan, Andhra Pradesh, Haryana, Karnataka, Maharashtra and Tamil Nadu. Central teams visited all these States and as a result of decisions taken on their reports, an expenditure of Rs. 70.45 crores was approved for purposes of central assistance during 1980-81. The same drought conditions continued in the above States (excluding Maharashtra) during the pre-monsoon period in 1981. At the request of State Governments, central teams again visited the States concerned during April-May, 1981 and on the basis of their reports, an expenditure of Rs. 121.13 crores was approved for purposes of central assistance. The Minister added that the twelve-point programme for drought management suggested by the

*The members who took part in the discussion were Sarvashri Acharya Bhagwan Dev, Chandra Shekhar Singh, Vishan Dutt Sultanpuri, Chandrajit Yadav, Chintamani Panigrahi, Dhanik Lal Mandal, Zainul Basher, Xavier Arakal, Narayan Choubey, R. P. Yadav, Viwanath Sharma and Dr. Vasant Kumar Pandit.

Prime Minister during the severe drought of 1979-80 continued to provide the basic strategy and guidance at all levels for meeting the drought situation. A Crop Weather Watch Group at the Centre had been continuously monitoring the situation and suggesting the remedial measures to the State Governments. With the onset of monsoon, Shri Pandey said, the distress of the people in the drought affected areas had ended.

Answering questions, the Minister agreed that the relief provided to the weaker sections, particularly in the rural areas, under the famine code—as it existed in all States in India—was not enough. He stated that it is not possible for the Government of India to fully insure against damages and losses in all natural calamities. For providing immediate relief every State Government had at its disposal a margin money which was quite substantial. The Government, he added, had decided to establish a Water Resources Development Agency to survey all the rivers in the peninsula and suggested the best utilization of their waters for irrigation in the drought prone areas in all the States in the South.

Racial violence and attack on Tamils in Sri Lanka: Making a statement on 19 August, 1981 in response to a Calling Attention Notice by Shri Ram Vilas Paswan, the Minister of External Affairs, Shri P. V. Narasimha Rao informed the House that during the election campaign for the District Development Councils in Sri Lanka in May-June, 1981 communal violence broke out in Jaffna area, leading to a number of casualties and considerable destruction of property. A state of emergency was declared and the situation was eventually brought under control with the help of armed forces. There had been a recurrence of communal violence in the last few days and the main victims were Tamils, majority of whom were workers of the estates. There had been numerous incidents of arson, looting and violence and the Government of Sri Lanka had again declared an emergency and the armed forces had been called in to control the situation. The Government of Sri Lanka had also set up a machinery for the rehabilitation of those affected in the recent incidents. In view of the confused situation, the Minister said that it had not been possible to obtain detailed information about the number of Indian nationals affected. Shri Rao assured the House that the Government was in constant touch with the Government of Sri Lanka and had expressed its concern to them. The Government of Sri Lanka, in turn, had stated that they viewed these events with utmost seriousness and were determined to restore normalcy.

Statutory Resolution re: approval of Presidential Proclamation in relation to the State of Assam and Assam Budget 1981-82: Moving a statutory Resolution for approval of the Proclamation issued by the President on 30 June, 1981 under article 356 of the Constitution in relation to the State of Assam, the Minister of Home Affairs, Giani Zail Singh said on

20 August, 1981 that Shrimati Anwara Taimur, Chief Minister of Assam has submitted the resignation of her Ministry to the Governor of Assam on 28 June, 1981. The Governor, in his report to the President, had recommended the issue of Proclamation and the State Assembly being kept under suspended animation.

Commending the Statutory Resolution to the House, the Minister said that the political situation in Assam was still fluid and no Ministry would be able to assume office till 31 August, 1981 by which time the present Proclamation would have expired.

On 20, 21 and 24 August, the House held a combined discussion on the Statutory Resolution and Assam Budget in which 16 members participated.*

In a brief intervention, Gianj Zail Singh ruled out elections in Assam in the present situation.

Referring to the Assam problem, the Home Minister said that the negotiations had been conducted in a very congenial manner. He expressed the hope that the outcome of negotiations would be acceptable to all and give satisfaction to different political and social organisations. The Government, he added, was trying to find a permanent solution to Assam problem keeping in view humanitarian grounds, national and international agreements and commitments and ensuring against infiltration by foreigners.

Participating in the discussion, Shri Jaipal Singh Kashyap said that Assam problem was a national problem and it could be solved only by setting up an all-party government there. Shri Atal Bihari Vajpayee pleaded that Government should take the opposition parties into confidence about the negotiations that were going on with the agitation leaders.

Replying to the discussion on the Statutory Resolution, the Minister of State in the Ministry of Home Affairs and Department of Parliamentary Affairs, Shri P. Venkatasubbaiah, said that it was not correct that the opposition had not been consulted by the Government on the Assam problem. The Prime Minister had discussed this problem with the opposition parties at length a number of times. The Government, he assured, would consult the opposition parties at the appropriate time in future well.

Replying to the discussion, the Minister of Finance, Shri R. Venkataraman said that the Government would try to solve the Assam problem

*Those who took part in the discussion were Sarvashri Satyasadhan Chakraborty, Sontosh Mohan Dev, G. L. Dogra, Jagpal Singh, Zainul Bashir, Chintamani Panigrahi, R. L. P. Verma, Chandrajit Yadav, G. M. Banatwalla, H. K. L. Bhagat, Harish Chandra Singh Rawat, Chitta Basu, Ravindra Verma and Smt. Geeta Mukherjee.

on humanitarian basis and would find a solution acceptable to the Assam agitators and the entire House. He stated that the prolonged agitation in Assam had done a lot of damage to Assam and its economy. He informed the House that Assam received the best consideration from the Central Government. It received not only its due share but a little extra because of its geographical and historical situation. In the Sixth Five-Year Plan, the per capita assistance to Assam was Rs. 565, as against the per capita assistance of Rs. 258 to all the States put together.

The Statutory Resolution was adopted. All the Demands for Grants (Assam) for 1981-82 were voted in full and the Assam Appropriation Bill was passed.

Electoral Reforms. On 20 August, 1981, Professor Madhu Dandavate moved the following motion:

“That this House recommends that urgent steps be taken to effect electoral reforms so as to improve upon the present electoral processes and make them free from any drawbacks and shortcomings”.

Initiating the debate, Professor Dandavate contended that three elements *viz.* fearless Parliament, independent judiciary and free Election Commission, were extremely important for the development of electoral processes and functioning of parliamentary democracy. He pleaded for the implementation of the recommendations of the Tarkunde Committee on Electoral Reforms. Among the various other suggestions made by Shri Dandavate were democratisation of Election Commission, state funding of election expenses, introduction of modern gadgets, evolving a system aimed at building up a relationship between the number of votes polled and number of seats secured, issuing of identity cards to voters and adoption of anti-defection measures.

Shri C. T. Dhandapani suggested fixing up of minimum qualification for recognition of a political party and setting up of an independent body in each State under the Election Commissioner for preparation of electoral rolls. Shri Indrajit Gupta wished that the Election Commission should have been kept informed of the induction of police force from outside for the Garhwal poll. He advocated the system of proportional representation, acceptance of the principle of right of recall, independent machinery for the Election Commission and lowering of voting age to 18 years.

Intervening in the discussion lasting for nearly five hours, in which 13 members* participated, the Minister of Law, Justice and Company

*The members who took part in the discussion were: Sarvashi Mohan Lal Sukhadia, Somnath Chatterjee, Arif Mohammad Khan, Rashid Masood, H.K. L. Bhagat, Jagan Nath Kaushal, Satyanarayan Jatiya, Jagdish Tytler, K. Lakkappa, Harikesh Bahadur and G. M. Banatwalla.

Affairs, Shri P. Shiv Shankar told the House that the electoral reforms were under the active consideration of the Government. The Prime Minister had advised him to hold discussions with the leaders of various political parties after coming to certain provisional conclusions. It was a time-consuming affair and the Government had to take into consideration each and every aspect emerging from the experience of past 30 years for the purpose of bringing about change in the Representation of the People Act. He assured the House that the Government will come forth with comprehensive electoral reforms as early as possible.

Dealing with the recent elections in Garhwal, Shri Shiv Shanker informed the House that the Election Commission had set aside the entire poll on the ground of the presence of the Haryana police. There was no rule or law, he added, which warranted that either information had to be given or permission of the Chief Election Commissioner had to be sought, if forces were deployed from outside for the purpose of election.

After Shri Madhu Dandavate replied to the debate the motion was negatived.

LEGISLATIVE BUSINESS

Export-Import Bank of India Bill: Moving a motion for consideration of the Export Import Bank of India Bill on 17 August, 1981, the Minister of Finance, Shri R. Venkataraman said that in view of the growing import bill and the need to expand export, the Government had decided to set up an Export Import Bank. Apart from coordinating the activities of other institutions engaged in financing exports, the Bank could also adopt innovative approaches necessary to meet the needs of the contemplated expansion in foreign trade and of the exporting community.

The Bank would extend refinance facilities to commercial banks, undertake counselling services, merchant banking and development banking functions and finance promotional activities. Subject to overall control by the Government, the Bank would raise foreign exchange loans, as and when required.

The discussion continued for two days. Participating in the resumed discussion on 18 August, 1981, Shri C. T. Dhandapani suggested that the information relating to the functions of the Bank should be laid on the Table of the House. He further suggested that no retired persons be nominated to the Board of Directors of the Bank. Shri A. Neelakrishnan Nadar demanded nationalisation of import and export trade. Shri Jaipal Singh Kashyap said that besides the trading community, other interests should also be represented in the management of the proposed Bank. He suggested that the Bill be referred to a Select Committee for thorough scrutiny.

Intervening in the discussion, the Deputy Minister in the Ministry of Finance, Shri Maganbhai Barot said that with the establishment of EXIM Bank, India would be joining some of the world's advanced countries like U.S.A. and Japan which had set up similar banks. Giving details about the purpose of the proposed Bank, he said that to begin with it would be looking after the work not being done by the international finance wing of the IDBI. It was an attempt to coordinate the work of IDBI and the commercial banks engaged in export-import work and to set up in the country an institution to which one could look for expert knowledge, advice, finance and all kinds of assistance.

Replying to the two-day discussion in which 14 members participated*, Shri Venkataraman said that the Government was not doing away with cash assistance and subsidies for exports. He stated that the immediate function of the Bank was to finance the exports. As and when the institution grew in momentum and experience, it would be considered as to what extent other functions could be transferred to it. The Bank, he concluded, was to function like IDBI and was subject to the audit and control of the Reserve Bank.

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

The Essential Commodities (Special Provisions) Bill, 1981 and the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Bill, 1981 : Moving the motion for consideration of the Bills on 19 August, 1981, the Minister of Agriculture and Rural Reconstruction and Irrigation and Civil Supplies, Shri Rao Birendra Singh said that the first Bill, which was a temporary measure for five years, aimed at giving certain powers to the Collectors for confiscation of goods and made the offences of hoarding and blackmarketing non-bailable. Special courts were sought to be set up to try all cases under the Essential Commodities Act.

The other Bill, the Minister said, envisaged a little change in the composition of the Advisory Boards set up under the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act. The Boards, to be set up by the State Governments, would now consist of three persons, including one having qualifications as that of a judge of a High Court. With these provisions, the Minister hoped that Government would be able to deal more effectively with the hoarders and blackmarketees and to check the rising of prices.

*The members who took part in the discussion were: Sarvashri Jyotirmoy Bosu, Mool Chand Daga, Jagpal Singh, P. K. Kadiyan, Satish Agarwal, Y. S. Mahajan, Xavier Arakal, P. Rajagopal Naidu, B. V. Desai, T. R. Shamanna and Girdhari Lal Vyas.

Both the Bills were discussed together by the House on 19, 24 and 25 August, 1981 in which 20 members* took part.

Winding up the discussion on 25 August, 1981, the Deputy Minister in the Ministry of Civil Supplies, Shri Brajamohan Mohanty said that the purpose of the Bills was to take stringent measures against anti-social elements.

Referring to the allegation by some members that the Government was anti-peasantry, the Deputy Minister pointed out that while it was the policy of the Government to pay the peasants remunerative prices it could not at the same time loose sight of vulnerable sections of the society.

The motions of the Bills were adopted and the Bills were passed.

The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 1981: While moving a motion on 6 May, (during the Budget Session earlier this year) for the Bill, as passed by Rajya Sabha, to be taken into consideration, the Minister of State in the Ministry of Home Affairs and Department of Parliamentary Affairs, Shri P. Venkatasubbaiah had said that under section 8A of the Salary, Allowances and Pension of Members of Parliament Act, an ex-member did not become eligible for grant of pension unless he had served for a minimum period of five years. Since the actual duration of each of the first three Lok Sabhas was slightly less than five years, some ex-members, inspite of having served a full term were not eligible for the grant of pension. The Bill now sought to provide payment of pension amounting to Rs. 300 to members, whose period of service to the House fell upto 60 days short of five years.

The discussion was resumed on 27 August, 1981. Replying to the brief debate in which six members participated †, Shri Venkatasubbaiah repudiated the allegation that the Bill had been brought with a political motive. He ruled out any restrictions on the pension drawn by members who were former Maharajas or High Court Judges, since every member was entitled to enjoy the same rights and privileges as a member of Parliament.

The motion was adopted and the Bill was passed.

*The members who took part in the discussion were: Sarvashri E. Balanandan, Virdhi Chander Jain, Ram Swarup Ram, C. Palaniappan, B. K. Naik, Dileep Singh Bhuria, Bapusaheb Parulekar, V. S. Vijayaraghavan, R. L. Bhatia, Krishna Kumar Goyal, K. T. Kosalram, Acharya Bhagwan Dev, Bhogendra Jha, Zainul Basher, Chandrajit Yadav, Mool Chand Daga, Chitta Basu, Girdhari Lal Vyas, Ratansinh Rajda and Ram Lal Rahi.

†The members who took part in the discussion were: Sarvashri Bapusaheb Parulekar, P. Namgyal, Harish Kumar Gangwar, Girdhari Lal Vyas, Ramavatar Shastri and Phool Chand Verma.

RAJYA SABHA

HUNDRED AND NINETEENTH SESSION*

The Rajya Sabha met for its hundred and nineteenth session on 17 August 1981. A brief resume of some of the important discussions held and other business transacted in this session upto the period 28 August 1981 is given below.

A. DISCUSSIONS

Recent increase in the prices of petroleum products and fertilizers:
On 18 August, 1981, Shri Shiva Chandra Jha called the attention of the Minister of Petroleum, Chemicals and Fertilizers to the recent increase in prices of petroleum products and fertilizers thereby causing great hardship to the people.

Making a statement on the subject, the Minister of Petroleum, Chemicals and Fertilizers, Shri P. C. Sethi said that the prices of indigeous crude oil and petroleum products had been increased with effect from 11 July, 1981. The decision to increase the price had been taken after very careful consideration of a variety of factors. The prices of many of the petroleum products in the country had been low when compared with their import parity prices. This had been mainly due to the under-pricing of indigenously produced crude oil. The Minister agreed that these price increases would have some impact on the prices of other commodities. But, he added, that such an impact would, in the long run, be outweighed by the positive aspects of the measure.

Replying to the points raised by members, the Minister said that the present price increase was not as a consequence of the price increase announced by the Organisation of Petroleum Exporting Countries.

The Minister added that the ultimate aim of the Government was that as far as possible the consumption of petroleum products should be minimised. At present, the consumption of crude oil was in the vicinity of 30 million tonnes, and although it was increasing and it would go by 1984-85 to about 36 or 37 million tonnes, the Government were hopeful that by 1984-85 our indigeous crude production would be 30 million tonnes compared to 14 or 15 million tonnes today. For quite some time, the government had supplied these things at subsidized rates. But now a time had come when it was very difficult to subsidize them and, therefore, the price of the indigeous crude had to be raised. As compared to other

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

countries, the price of kerosene was still low. The prices of fertilizers and kerosene oil had not been increased much, in order that the burden on the weaker sections might be the minimum. The Minister was definite that the price rise would not reduce the use of fertilizers.

Supply of F-16 fighter aeroplanes and other sophisticated arms to Pakistan: On 19 August, 1981, Shri Narsingh Narain Pandey called the attention of the Minister of Defence to the reported decision of the U.S. Government to the supply of F-16 fighter aeroplanes and other sophisticated arms to Pakistan thereby posing a threat to the security of India.

Making a statement on the subject, the Minister of State in the Ministry of Defence, Shri Shivraj V. Patil, said that he shared the concern of the members of the House on the decision of the Government of USA to provide massive military aid to Pakistan. As per reports the military supplies from the U.S. would consist of sophisticated weapon system such as F-16 aircraft, modern sophisticated tanks, armoured personnel carriers, guns, air and naval missiles, radars, destroyers and warships and other offensive and defensive equipment. The sophistication and quantity of supplies envisaged was far in excess of Pakistan's legitimate defence requirements.

The introduction of such a large volume of advanced technology weapon system in a compressed timeframe was bound to tilt the military balance in favour of Pakistan. It was clear that the sub-continent was being willy-nilly pushed into an arms race, increasing the financial burden on the people at a time when the limited resources should be used for the economic uplift of the people.

Replying to the points raised by members, the Minister further said that on previous occasions when arms were supplied to Pakistan, it was said that the same would not be used against India; but this time it was being said that these arms could also be used against India. While India's effort would always be to avoid war, all the steps would be taken to safeguard India's security and, if necessary, supplies could be had from outside the country, the Minister assured.

Intervening in the discussion, the Prime Minister, Shrimati Indira Gandhi said that India's policy had always been, and even today was, to strengthen friendship with those countries which were friendly with India and to create friendly relations with those countries which did not have such relations. Where it was not possible to maintain friendly relations, India's effort had always been to dilute hostility. Whichever country appealed for peace, India shared that appeal and it was hoped that such appeals did have their impact.

Railway Accidents: Raising a discussion on the statement on the railway accidents made in the Rajya Sabha on 18 August, 1981 by the Minister of Railways, Shri Dinesh Goswami said on 24 August, 1981 that probably in the history of this Parliament so far there had been no occasion to discuss so many major railway accidents occurring within such a short span of time as an inter-session period. The railway administration owed a duty to minimize the dangers of railway travel and take the country and Parliament into confidence and tell them where actually the errors and difficulties lay. The member expressed the feeling that accidents had taken place because the railway administration had not been able to modernise its equipment. Since the tracks were not in order, the railways had been, in some cases, compelled to go in for speed restriction. Intervening in the debate, the Deputy Minister in the Ministry of Railways, Shri Mallikarjun said that the Government with all the machinery at its command was geared to see how best safety could be maintained on Indian railways.

As regards reasons for accidents, the Deputy Minister stated that they were multifarious. He did not deny that track renewal was essential, but stated that because of the paucity of funds, the railways could not do it on a large scale.

Replying to the discussion, the Minister of Railways, Shri Kedar Pandey said that it was painful for the Railways that so many people had lost their lives in these accidents. He said that he accepted the moral responsibility for those accidents.

The Minister confessed that the Bagmati accident was the greatest railway accident that had occurred since 1960-61. Fourteen such accidents had taken place in the country so far.

Giving details, the Minister said that out of 25,000 coaches, 7,500 were over-aged. Out of 61,000 kilometre railway track, 5,000 kilometre track was in urgent need of immediate repair. However, if the drivers did not lose their reflexes, the accidents could be avoided. The speed restrictions had been restored to precisely due to this factor. The Minister added that, lately, there had been more discipline in the railway staff. The income from the railways had increased during the recent past. The Chairman of the Railway Board had done a good job, he said.

Price Situation in the Country : On 27 August, 1981, the Minister of Finance, Shri R. Venkataraman, moved the following motion:

“That this House do consider the current price situation and the steps taken by government to tackle it.”

Speaking on the motion, the Minister said that the problem of inflation was a matter of deep concern to the Government as well as to people of the country. Debate on such a subject should be utilised for giving suggestions for improving the situation. Inflation in India and in the rest of the world was a general phenomenon. Owing to certain conditions in the international sphere, the entire world had come under the inflationary pressure. Developed countries may be able to stand it, but the developing countries are not in a position to stand it, he said.

Essential commodities like wheat, sugar and edible oils were being imported to control the prices the Minister said. Had the Government given higher prices for wheat to the indigenous producers, that would have pushed up the local prices of the commodity. But the imported wheat would not affect the local prices, he said. Various steps taken by the Government on both the supply and demand sides would have salutary effect on the economy.

The issue of inflation was not connected with any political ideology. One might concede that it was possible to maintain prices in the totally controlled economics; but the people of this country would not accept adopting a totally controlled economy.

Regarding the question of black money, a very stringent action had to be taken, the Minister said. The Government had stepped up the number of raids, searches and seizures for income-tax and unrelenting action against the hoarders and blackmarketers went on. The Government would not give any quarter to those who tried to evade the law, he said.

B. OBITUARY REFERENCES

The opening day of the Session was devoted exclusively to pay homage to late Shri T. A. Pai, ex-member and late Shri Bhupesh Gupta, sitting member of the Rajya Sabha.

Referring to Shri T. A. Pai, the Chairman said that he died at a very young age. He was less than 60 years old. Tracing his educational background and career, the Chairman observed that his knowledge of banking and commerce gave him an early start and at the age of 22 he was appointed the Manager of the Syndicate Bank. By dint of his sheer ability and merit he became a Minister and held charge of important portfolios in the Union Cabinet.

Referring to Shri Bhupesh Gupta, the Chairman said that his entry into politics came at the early age of 16 and within two years he was arrested three times for civil disobedience activities. Though he was acquitted in the trial for revolutionary activities, he was again arrested in

1933 under the Bengal Criminal Law Amendment Act and was in detention for four years. He passed his university examinations in India while in detention and it was then that he accepted communist ideology.

Shri Bhupesh Gupta took to journalism first as Chairman of the Editorial Board of the Party Journal "Swadhinata" in Bengali. He later took over the editorship of the journal "The New Age", which was the organ of the Communist Party of India, which he continued till his death.

Shri Gupta's association with the Rajya Sabha, the Chairman recalled began in May 1952 and he continued as a member of the House till his death, which meant that he sat in the House for over 29 years. When the House celebrated its Silver Jubilee, there was a special function to felicitate him on his long membership. Apart from his personnel qualities in which he combined commonsense with clarity, balanced judgment with political acumen and foresight, his sincerity and motives could never be doubted. He was an astute parliamentarian.

Bhupesh Gupta's death had removed from our do by politic a great personality, the Chairman said. He wielded immense influence and earned respect from all parties and sections of the House. He would always be remembered with affection and would be model for our members.

A minutes's silence was observed as a mark of respect to the memory of the deceased. Thereafter the Chairman announced that as a mark of respect to the memory of Shri Gupta, the doyen of the House, the Rajya Sabha would stand adjourned for the day.

STATE LEGISLATURES

ANDHRA PRADESH LEGISLATIVE COUNCIL*

Uniform law to prevent denudation of the forest wealth of India: The following resolution moved by Shri M. A. Aziz, Minister for Forests in the Legislative Council was adopted on 7 April, 1981 :

"WHEREAS this Council considers that it is desirable to have a uniform law throughout India to prevent denudation of the forest wealth of the country by regulating felling of trees in urban and rural areas and for all matters connected therewith or ancillary and incidental thereto;

And whereas the subject matter of such a law is relatable mainly to matters enumerated in entry 5 (Local Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration) and entry 18 (Land, that is to say

*Contributed by the Andhra Pradesh Legislative Council Secretariat.

rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans, colonization) in list-II in this Seventh Schedule to the Constitution of India;

And whereas Parliament has no power to make such a law for the States with respect to the matters enumerated in entries 5 and 18 in List-II aforesaid, except as provided in articles 249 and 250 of the Constitution of India;

And whereas it appears to this Council to be desirable that, to prevent denudation of the forest wealth of the country, felling of trees in urban and rural areas and all matters connected therewith or ancillary and incidental thereto should be regulated in the State of Andhra Pradesh by Parliament by law;

Now, therefore, in exercise of the powers conferred by clause (1) of article 252 of the Constitution of India, this Council hereby resolves that to prevent denudation of the forest wealth of the country, felling of trees in urban and rural areas and all matters connected therewith or ancillary and incidental thereto should be regulated in the State of Andhra Pradesh by Parliament by law".

MADHYA RADESH LEGISLATIVE ASSEMBLY*

The third session of the Seventh Vidhan Sabha commenced on 25 February, 1981 and was prorogued on 11 April, 1981. Twenty eight sittings were held during the period. Resume of some of the major events which took place and the business transacted during the session is given below:

Governor's Address: On 25 February, 1981, the Governor of the State addressed members of the Vidhan Sabha. The Motion of Thanks to the address was moved on the same day. The House discussed the Governor's Address for 4 days i.e. on 2,3,5 and 6 March, 1981 at the end of which the Motion of Thanks was adopted.

Financial Business: On 3 March, 1981, the Finance Minister, Shri Krishna Pal Singh, presented Supplementary Estimates for the year 1980-81. These were voted on 10 March, 1981 and the relative Appropriation Bill was passed on the same day.

The Budget Estimates for the year 1981-82 were presented on 9 March, 1981. Beginning on 12 March, 1981, the general discussion on the Budget lasted for four days. Individual demands for grants were debated and voted in full by the House on 8 April, 1981. The Appropriation Bill was introduced on 8 April, 1981 and was discussed and passed on 9 April, 1981.

*Contributed by the Madhya Pradesh Legislative Assembly Secretariat.

The Excess Grants for the years 1975-76 and 1976-77 were voted on 26 February, 1981. The relevant Appropriation Bill was passed on the same day.

Legislative Business: During the session, twenty eight Government Bills, including the five Appropriation Bills, were introduced in the Vidhan Sabha. In all thirtytwo Government Bills (including six Bills pending since the last Session) were passed by the House.

Question Hour: During the session, 5686 notices of questions were received. Out of this, 2670 were admitted as Starred and 1333 as Unstarred. The remaining were either disallowed or rejected or had lapsed. In all, 25 Short Notice Questions were received, out of which only one was admitted for answer in the House.

TAMIL NADU LEGISLATIVE ASSEMBLY*

Censure Motion : On 9 February, 1981, Shri R. Umanath moved the following motion :

"That this House disapproves the anti-labour policy of the Ministry headed by hon. Chief Minister, Thiru M.G. Ramachandran."

The motion was discussed on three days. Eleven Members took part in the discussion and the Minister for Labour replied to the debate on 12 February, 1981. The motion, when put to vote on 12 February 1981, was negatived.

UTTAR PRADESH LEGISLATIVE ASSEMBLY**

Address by the Governor: The Governor of the State addressed members of both Houses of the Uttar Pradesh Legislature assembled together, on 27 January, 1981. The following day Shri Vimal Prasad Tewari moved a Motion of Thanks on the address by the Governor.

The motion was discussed in the House for four days on 28, 29 and 30 January, and 3 February, 1981 and passed on 3 February, 1981.

Financial Business: On 30 January, 1981, the Minister for Planning, Finance and Power presented the Budget for the financial year 1981-82. General discussion on the Budget was held for five days on 4, 5, 6, 19 and 20 February, 1981. On 19 February, 1981, Vote on Account was presented for a part of the financial year 1981-82. On 20 February, 1981, after passing of the said Vote on Account, the Uttar Pradesh Appropriation (Vote on Account) Bill, 1981 was introduced, discussed and passed. Various Demands for Grants were discussed for 22 days and all of them were voted. The Uttar Pradesh Appropriation Bill 1981, was introduced, discussed and passed on 31 March, 1981.

Contributed by the Tamil Nadu Legislative Assembly Secretariat.

**Contributed by the Uttar Pradesh Legislative Assembly Secretariat.

BOOK REVIEWS

COMMITTEES IN LEGISLATURES: A COMPARATIVE ANALYSIS. Edited by John D. Lees and Malcolm Shaw. Published by Duke University Press, Durham, North Carolina, 1979, 449 pages.

The book on "Committees in Legislatures", edited by John D. Lees and Malcolm Shaw is a must for every person, who has been a member of a legislature or who is a member of a legislature. It is also a must for the students of politics. The book contains a comparative study of committees in different legislatures.

The book had a long gestation. It grew in the beginning out of an invitation issued in November, 1967 by the Comparative Politics Group, an affiliate of the Political Studies Association of the United Kingdom. The Group invited members of Political Studies Association to suggest "schemes of research, which seem to lend themselves to inter-university or wider collaboration". The editors of the present book coincidentally submitted suggestions that there was a necessity for a cross-national study of committees. In January, 1969, a meeting was held with members of the Group to discuss the possibilities for such a project.

While the research was being planned and carried out, an attempt was made for a high degree of co-ordination and co-operation. To achieve the said end, three conferences of contributors were held. The first—confined to British based scholars—was held at the Institute of Commonwealth Studies in London in July, 1969. The second Conference—attended by political scientists from five countries—was held at the English Speaking Union in London in November, 1969. The third conference—also attended by political scientists from five countries—was held at a residence hall of the London School of Economics in September, 1971.

The editors, in choosing official committees of legislatures as their subject for investigation, have chosen formal, task-oriented groups. They

have excluded informal groups, such as cliques and also formal groups that are emotionally or socially oriented, such as families and bridge clubs. They have also excluded various small groups that one finds in legislatures, such as party committees, regional blocs and cliques of influential members. The editor and contributors have focussed on a specific, easily identifiable government institution that is very widely used in different political systems throughout the world.

The reason why the study of this book is a must to every legislator, is that both the legislatures and legislators have been pointing with alarm to the growth of executive power and the decline of the legislature throughout the world. More recently, scholars have begun to examine more closely legislative-executive relations, questions of oversight, fiscal review and the budgetary process. At the same time, in some Western countries, members of legislative bodies have sought to strengthen legislative institutions and enhance their capacity for oversight. Often the vehicle of these efforts has been the committee system. A Committee, according to the editors, is a body to which some other body or person has referred or committed a task and to which the committee is in some sense subordinate. As such, the committee is one of the most ubiquitous institutions imaginable. This is implicit in the aphorism:

“One Englishman is an Island.

Two Englishmen are a queue.

Three Englishmen are a committee.”

According to the editors, a committee is a common place instrument of man's convenience and it is worth dissecting in its various contexts. The editors have chosen the context “official committees in the contemporary legislatures” and have used this ‘committee’ instrument to dissect this context.

The book is different from other books or writings on “Committees in Legislatures”. In other books and writings often the research is comparative only in the sense that those who study one legislature are familiar with studies in others, and try to draw conclusions that are pertinent elsewhere. This book is more explicitly comparative, and as a consequence the reasons for differences among committee systems are particularly clear. In addition, several chapters shed light on the processes of changes and reforms and the reasons why such changes do not always achieve the goals of their sponsors. This book is an important step in the often difficult process of creating a literature of comparative legislative study.

The book contains a study of the working of committees in the legislatures of United States, Italy, West Germany, Philippines, Canada, Great Britain, India and Japan. The chapters relating to the committee system in the

legislatures of the countries mentioned above, have been written by different contributors. The last chapter of "Conclusion" has been written by Malcolm Shaw. He has tried in this chapter to integrate material contained in different chapters. In this cross-national analysis, the author's intention was to delineate broad committee structure and behaviour.

While concluding, I would say that if all the members, present and past, cannot read this book, at least those who are at present members of any committee of any legislature must read it, as it is not only interesting but very educative.

—GULSHER AHMED

Dr. V. D. Sabestian : *Indian Federalism; The Legislative Conflicts*. Academy of Legal Publications, Trivandrum, 1980, pp. 375.

During the operation of the Constitution for more than three decades, tensions and dissatisfactions have emerged in the field of Union-State relations; they became more accentuated after 1967 when the political pattern of uni-party control of the governments at the Centre and in the States changed. Even in the heyday of a single party having an unchallenged and monolithic sway throughout the country, there were various differences voiced inside the ruling party itself by many astute statesmen like Rajaji or by irrepresible veterans like Dr. B. C. Roy. Now that the protests are more sharp and loud, from Sheikh Abdullah of Kashmir to Nayanar of Kerala, there is every need to look objectively into the problem of Union-State relations in all its ramifications. Some impatient critics have a ready-made and easy solution to all evils of the day, viz. to effect a radical change in the basic structure of the constitution, to bring about a unitary form of government for the whole country, to centralise all power and authority at one place and with one person. It is a solution born out of despair and intolerance, and futile attempt to undo a long and dynamic historical process out of which independent India emerged with a federal constitution. Be it as it may, Centre-State differences can neither be swept under the carpet nor be silenced by crude commands. They should be identified, analysed, studied and understood before any satisfactory solution is formulated. A number of seminars and in-depth studies have been conducted in the past, rich material collected and valuable suggestions offered. In this imperative endeavour comes a good treatise of "Indian Federalism—The Legislative Conflicts" by Dr. V.D. Sabestain. It is based on his doctoral thesis to the University of Cochin.

In his study of the problem of legislative conflicts within the federal framework of Indian Constitution, Dr. Sabestian has ably and commendably surveyed a field which, excepting for a few explorations of limited nature,

has remained hitherto untouched. The book covers a wide range of conflicts of various types, conflicts between the exclusive legislative fields of the Union and the States, conflicts in the concurrent legislative field and conflicts between the exclusive and concurrent fields. An exhaustive analysis and discussion of the purpose of the constitutional provisions and the impact of the judicial decisions have been made in a scientific and dispassionate way. The book will be helpful not only to students of law but also to members of legislature. Of particular interest to the feverish votaries of legislative supremacy are the following words of the author in Para 3.28 under the Chapter "Colourable Legislation" :

"In the light of the contribution made by the principle of the separation of powers to the realisation of a well developed notion of rule of law, our Supreme Court has added a new dimension to the limitations on the sovereign power, namely, the sovereign power cannot directly exercise the functions of the constituted organs, the legislature, the judiciary and the executive. The constituent power should constitute these organs and leave them to function at their respective levels. This is a contribution to the development of constitutionalism in general of which our Supreme Court and Indian legal theory can justly be proud."

While conceding the scope for refinement in the application of certain principles, Dr. Sebastian does not feel the need for any radical change in the constitutional provisions regarding the distribution of power. Even within the present frame work of the Constitution, it is quite possible that wise statesmanship at the centre can offer satisfactory solution to very many conflicts between the exclusive and concurrent fields. An exhaustive analysis national and State Governments to be "partners in the common function of serving the people".

It is hoped that the publishers will go through the text carefully and avoid in their next edition errors like the year of the British Government's declaration of Indian Independence as "1847" instead of "1947" in Para 1.27 (Page 16), the name of R. C. Cooper wrongly spelt in Para 2.27 (Page 43); in Para 4.31 (page 122), the word "pleaded" pleads to be stabilised. These small slips do in no way detract the merit and excellence of the book.

—ERA SEZHIAN

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APPENDIX 1

STATEMENT SHOWING THE SITTINGS HELD BY THE COMMITTEES OF THE SEVENTH LOK SABHA DURING THE PERIOD 1 APRIL TO 30 JUNE, 1981.

S.No.	Name of the Committee	No. of sittings held	No. of Reports presented to the House
(i)	Business Advisory Committee	..	..
(ii)	Committee on Absence of Members	..	
(iii)	Committee on Public Undertakings	9	
(iv)	Committee on Papers Laid on the Table	Nil	
(v)	Committee on Petitions	4	
(vi)	Committee on Private Members' Bills & Resolutions		
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	6	3
(viii)	Committee of Privileges		..
(ix)	Committee on Government Assurances	..	1
(x)	Committee on Subordinate Legislation	3	
(xi)	Estimates Committee	10*	
(xii)	General Purposes Committee	..	
(xiii)	House Committee	4**	
(xiv)	Public Accounts Committee	..	
(xv)	Railway Convention Committee	3	
(xvi)	Rules Committee		
JOINT/SELECT COMMITTEES			
(i)	Joint Committee on Offices of Profit	4	
(ii)	Joint Committee on Criminal Law Amendment Bill, 1980	2	
(iii)	Joint Committee of the House to Examine the question of working of the Dowry Prohibition Act, 1961	3	..
(iv)	Joint Committee on Salaries and Allowances of Members of Parliament	2	
(v)	Select Committee on the Chit Funds Bills, 1980	8	..

* Including two sittings of the Study Groups/Sub Committee.

** Including one sitting of the *Ad hoc* Sub Committee.

APPENDIX II

STATEMENT SHOWING THE SITTINGS HELD BY THE PARLIAMENTARY COMMITTEES OF THE RAJYA SABHA DURING THE PERIOD 1 APRIL TO 30 JUNE 1981.

Sl. No.	Name of the Committee	No. of sittings held
1.	Committee of Privileges * * * * *	4
2.	Committee on Subordinate Legislation * * * *	21
3.	Committee on Government Assurances * * * *	11
4.	Committee on Petitions * * * * *	20
5.	Committee on Rules * * * * *	1
6.	Joint Committee on Viswa-Bharati (Amendment) Bill, 1978 * * * *	2

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD 1 APRIL TO 30 JUNE, 1981.

Legislature	Duration	Sittings			Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
		3	4	5				
1	2	3	4	5	6	7	8	
Andhra Pradesh L.C.	23-2-81 to 9-5-81	28	1	2(21)	244(113)	7	75(53)(a)	
Andhra Pradesh L.A.	23-2-81 to 7-5-81	40	23(20)	3	356(351)(b)	105(c)	990(69)	
Assam L.A.	19-3-81 to 31-3-81	9	9(1)	..	1104(991)	145(126)	38(12)	
Bihar L.C.	..	..	..	..	..	..	..
Bihar L.A.	..	..	..	..	..	..	..
Gujarat L.A.	..	..	..	..	..	..	..
Haryana L.A.	..	..	..	..	..	..	..
Himachal Pradesh L.A.	..	..	..	..	..	..	..
Jammu & Kashmir L.C.	..	..	..	..	..	..	..
Jammu & Kashmir L.A.	23-2-81 to 4-4-81	33	15(15)	3(4)(c)	992(534)	521(258)(d)	23(2) ■	
Karnataka L.C.	..	..	..	..	..	..	..
Karnataka L.A.	..	..	..	..	..	..	..
Kerala L.A.	..	..	..	..	..	..	..
Madhya Pradesh L.A.	..	..	..	..	..	..	..
Maharashtra L.C.	..	..	..	..	..	..	..
Maharashtra L.A.	..	..	..	..	..	..	..
Manipur L.A.	..	..	..	..	..	..	..
Meghalaya L.A.	..	..	..	..	..	..	..
Nagaland L.A.	..	..	..	..	..	..	..
Orissa L.A.	..	..	..	..	..	..	..
Punjab L.A.	..	..	..	..	65(16)	22(7)	..
Rajasthan L.A.	..	..	2(2)	..	(121)	(177)	..
Sikkim	..	..	..	..	..	..	..
Tamil Nadu L.C.	21-1-81 to 15-5-81	43	48(48) ■	..	571(413)	3(3)	3(7)	

1	2	3	4	5	6	7	8
Tamil Nadu L.A.	19-1-81 to 14-5-81	67	55(48)	..	1866(618)	576(376)	152(128)
Tripura L.A.	..	..	..	..	812(601)	..	20
Uttar Pradesh L.A.	..	..	..	..	..	..	..
West Bengal L.A. (f)	16-2-81 to 20-4-81	44	14(16)	..	12(6/8)	3(6)(h)	8(1)
<i>Union Territories</i>							
Arunachal Pradesh L.A.	..	..	..	..	..	..	..
Delhi Metropolitan Council	..	..	..	..	..	..	..
Goa, Daman, and Diu L.A.	..	..	..	..	..	..	..
Mizoram L.A.	..	..	..	..	..	..	..
Pondicherry L.A.	..	..	..	..	..	..	..

Notes : (i) Figures in Cols 4 and 5 indicate the number of Bills introduced followed by the number of Bills passed in brackets.

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

- (a) Including 37 Notices admitted as ordinary Starred Questions.
- (b) Includes 238 Notices received as Short Notice Questions but admitted as Starred Questions.
- (c) Out of 105 notices, 67 were received as Starred and 38 as Short Notice Questions but admitted as Unstarred Questions.
- (d) Includes 55 Notices received as Starred but admitted as Unstarred.
- (e) Including one Bill of the last Session.
- (f) Information relating to Questions covers the period 1 April to 20 April, 1981.
- (g) Including 3 Short Notice Questions converted into Starred.
- (h) Includes 1 Short Notice and 3 Starred Notices converted into Unstarred.

Karnataka L.A.	8	13	15	9	13	10	6	2	15	17(f)	57(g)
Kerala L.A.											
Madhya Pradesh L.C.	2	5	25	4	2	2	1		5(5)		
Madhya Pradesh L.A.											
Maharashtra L.C.											
Maharashtra L.A.									1		
Manipur L.A.											
Meghalaya L.A.											
Nagaland L.A.											
Orissa L.A.											
Punjab L.A.	10	14	11	15	22	21	19	9	11	32	3
Rajasthan L.A.	26	35	18	29(1)	26(1)	53(i)	41	23	25	31	36
Sikkim L.A.	2						2			23(1)	3(j)
Tamil Nadu L.C.	12	2(2)								2	
Tamil Nadu L.A.	12	3	1	7(6)	5(1)*	7		1	7		9(ii)
Tripura L.A.	2	1	1	1	4	2		1		5	1
Uttar Pradesh L.C.	22	12	12	25				15			16
Uttar Pradesh L.A.	19	1	4	22	19	11	17			4	2
West Bengal L.A.	3(3)	3	4		12(i)	5	3	8	2	7(3)	5(p)
<i>Union Territories</i>											
Arunachal Pradesh L.A.											
Delhi Metropolitan Council											
Goa, Daman & Diu L.A.	1	3	3	2	2	5			1	4	3(q)
Mizoram L.A.	1	1	2	2	2	1		2	1	1	1
Pondicherry L.A.	2	1	2	2	2	18			4	15	1

Note : Figures in brackets indicate the number of Reports presented to the House.

(a) Joint Select Committee on Andhra Pradesh Lokayukta and Upa Lokayukta Bill, 1981.

(b) Backward Classes Committee.

(c) Committee on the Welfare of Scheduled Castes. 2 sittings ; and Committee on the Welfare of Scheduled Tribes. 1 sitting.

- (d) Panchayat Raj Committee.
- (e) Committee on Papers Laid on the Table.
- (f) (i) The Kerala State Co-operative Agricultural Development Banks Bill, 1981- 13 sittings (ii) Kerala Public Service Commission (Obligation to Furnish Returns, Records and Information) Bill 1981- 2 sittings ; (iii) The Kerala Apartment Ownership Bill 1981- 1 sitting ; and (iv) Arthapalika Jemibhogam and Karathil Chhilavu (Abolition) Bill, 1980 - 1 sitting.
- (g) In all 57, sittings of the various Subject Committees (Nos. 1 to 10) were held during the period.
- (h) Committee on Papers Laid on the Table of the House.
- (i) Committee on Welfare of Scheduled Castes - 26 sittings and Committee on the Welfare of Scheduled Tribes- 27, sittings.
- (j) The Rajasthan Anatomy Bill, 1981 - 1 sittings and the Rajasthan Religious Buildings and Places (Amendment) Bill 1981 - 2 sittings.
- (k) The Committee to Examine the Tripura Land Revenue and Land Reforms Act, 1960.
- (l) (i) Joint Select Committee on the Tamil Nadu Apartment ownership Bill, 1981- 1 sitting ;
 (ii) Select Committee on the Tamil Nadu Urban and (Ceiling and Regulation) Amendment Bill, 1980-2 sittings ;
 (iii) Select Committee on the Tamil Nadu Urban Land Tax (Amendment) Bill, 1980- 1 sitting ; and
 (iv) Select Committee on the Tamil Nadu cooperative Societies Bill, 1980-5 sittings.
- (m) (i) Committee on Bhoomi Vidhi (Sanshodhan) Vidheyak, 1981- 11 sittings; (ii) Committee on Rajya Vibhavidya-laya (Sanshodhan) Vidheyak, 1980- 13 sittings ; and (iii) Uttar Pradesh Sarwajamk Bho Grabadi (Apradhikrit) Adhivasion ki Bedakhali Sanshodhan Vidheyak, 1980- 9 sittings.
- (n) (i) Warehousing Committee- 30 sittings ; (ii) Committee on Kanpur Jan Sewak Co-operative Housing - 19 sittings ;
 (iii) Parliamentary Studies Committee- 19 sittings; (iv) Sansdiya Sadabhav Committee-19 sittings; and (v) Compilation of Ruling - 34 sittings.
- (o) The Select Committee on U.P. Revenue Code Bill, 1980 - 8 sittings.
- (p) Sansdiya Shodh, Sandarbh Evam Adhyan Samiti- 1 sitting ; and Vidhan Mandal ke Sedasyon Ke Vetan Bhatte Evam Uplabhdhion Sambandhi Samiti- 4 sittings.
- (q) The Kalyani University Bill, 1981- 3 sittings and the Rabindra Bharati Bill, 1981- 2 sittings.
- (r) Select Committee on Goa, Daman & Diu Registration of Tourist Trade Bill, 1980- 1 sitting ; and Goa, Daman and Diu School Education Bill, 1980-2 sittings.
- (s) Committee of the House to enquire into the implementation of Tribal Sub-Plan at Daman-2 sittings ; and Committee appointed to enquire of Deputy Education Inspector-5 sittings.
- (t) Salary and Allowances Committee- 1 sitting.

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 1981.

S.No.	Title of the Bill	Date of assent by the President
1.	The Appropriation (No. 4) Bill, 1981	1-5-81
2.	The Finance Bill, 1981	12-5-81

APPENDIX—V

LIST OF BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD 1 APRIL
1981 TO 30 JUNE, 1981

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY

1. Jammu & Kashmir Land Laws (Amendment) Bill, 1981.
2. Jammu & Kashmir Agrarian Reforms (Amendment) Bill, 1981.
3. Jammu & Kashmir Agrarian Reforms (Second Amendment) Bill, 1981.
4. Jammu & Kashmir Sixth Gurudwaras and Religious Endowment (Amendment) Bill, 1979.
5. Jammu & Kashmir Sixth Gurudwaras and Religious Endowment (Second Amendment) Bill, 1979.
6. The Dowery Restraint (Amendment) Bill, 1979.
7. The Transfer of Property (Amendment) Bill, 1981.
8. The Jammu & Kashmir Common Land (Regulation) Amendment Bill, 1981.
9. The Jammu and Kashmir Livestock Improvement (Amendment) Bill, 1981.
10. The Presiding Officers, Ministers and Deputy Ministers Salaries & Allowances Bill, 1981.
11. The Criminal Law (Amendment) Bill, 1981.
12. The Jammu & Kashmir General Sales Tax (Amendment) Bill, 1980.
13. The Jammu & Kashmir Taxation Laws (Amendment) Bill, 1980.
14. Appropriation Bill, 1972-73.
15. Appropriation Bill, 1973-74.
16. Appropriation Bill, 1974-75.
17. Appropriation Bill, 1975-76.
18. Appropriation Bill, 1980-81.
19. Appropriation Bill, 1981-82.

RAJASTHAN LEGISLATIVE ASSEMBLY

- *1. The Rajasthan Requisitioning of Goods Vehicles (Amendment) Bill, 1980.
2. The Rajasthan Land Revenue (Amendment) Bill, 1981.

*Awaiting Assent.

TAMIL NADU LEGISLATIVE COUNCIL

1. The Tamil Nadu Sales Tax Laws (Amendment and Repeal) Bill, 1981.
2. The Tamil Nadu Entertainment Tax (Amendment) Bill, 1981.
3. The Public Wakfs (Extension of Limitation) Tamil Nadu Amendment Bill, 1981.
4. Tamil Nadu Tax on Luxuries in Hotels and Lodging Houses Bill, 1981.
5. The Tamil Nadu Revenue Recovery (Amendment) Bill, 1981.
6. The Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Bill, 1981.
- *7. The Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent Relief (Amendment) Bill, 1981.
8. The Tamil Nadu Debt Relief (Amendment) Bill, 1981.
9. The Tamil Nadu Co-operative Societies (Appointment of Special Officers) Amendment Bill, 1981.
10. The Registration (Tamil Nadu Amendment) Bill, 1981.
11. The Tamil Nadu Prevention of Incitement to Refuse or Defer Payment Tax Bill, 1981.
12. The Tamil Nadu Abolition of Posts of Part-time Village Officers Bill, 1981.
- *13. The Tamil Nadu Payment of Subsistence Allowance Bill, 1981.
14. The Tamil Nadu Cattle-disease (Amendment) Bill, 1981.
- *15. The Tamil Nadu State Housing Board (Amendment) Bill, 1981.
16. The Tamil Nadu Registration of Veterinary Practitioners (Amendment) Bill, 1981.
17. The Tamil Nadu Agricultural Produce Markets (Amendment) Bill, 1981.
18. The Tamil Nadu Appropriation Bill, 1981.
19. The Panchaiyappa's Trust (Taking over of Management) Bill, 1981.
- *20. The Identification of Prisoners (Tamil Nadu Amendment) Bill, 1981.
21. The Tamil Nadu Panchayats (Appointment of Special Officers) Amendment Bill, 1981.
22. The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) Amendment Bill, 1981.
23. The Tamil Nadu Panchayats (Amendment) Bill, 1981.
24. The Tamil Nadu Municipal Councils (Appointment of Special Officers) Amendment Bill, 1981.
25. The Coimbatore Municipal Council (Appointment of Special Officer) Amendment Bill, 1981.
26. The Madras City Municipal Corporation (Amendment) Bill, 1981.
- *27. The Tamil Nadu Electricity Board (Recovery of Dues) Amendment Bill, 1981.

* Assent awaited.

28. The Tamil Nadu Appropriation (No. 2) Bill, 1981.
29. The Tamil Nadu Appropriation (Vote on Account) Bill, 1981.
30. The Coimbatore City Municipal Corporation Bill, 1981.
- *31. The Tamil Nadu District Police and Madras City Police (Amendment) Bill, 1981.
- *32. The Tamil Nadu Debt Relief (Second Amendment) Bill, 1981.
- *33. The Tamil Nadu Town and Country Planning (Amendment) Bill, 1981.
34. The Tamil Nadu Prohibition (Amendment) Bill, 1981.
- *35. The Tamil Nadu Forest (Amendment) Bill, 1981.
- *36. The Minimum Wages (Tamil Nadu Amendment) Bill, 1981.
- *37. The Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Bill, 1981.
- *38. The Tamil Nadu Agricultural Lands Record of Tenancy Rights (Amendment) Bill, 1981.
- *39. The Tamil Nadu Handloom Workers (Conditions of Employment and Miscellaneous Provisions) Bill, 1981.
- *40. The Industrial Disputes (Tamil Nadu Amendment) Bill, 1981.
41. The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions).
42. The Tamil Nadu Contingency Fund (Amendment) Bill, 1981.
43. The Tamil Nadu Appropriation (No. 3) Bill, 1981.
- *44. The Tamil Nadu Sales Tax (Surcharge) Amendment Bill, 1981.
- *45. The Tamil Nadu General Sales Tax (Amendment) Bill, 1981.
- *46. The Indian Stamp (Tamil Nadu Amendment) Bill, 1981.
- *47. The Tamil Nadu Payment of Salaries (Amendment) Bill, 1981.
- *48. The Tamil Nadu Payment of Salaries (Second Amendment) Bill, 1981.

WEST BENGAL LEGISLATIVE ASSEMBLY†

1. The West Bengal Agricultural Produce Marketing (Regulation) (Amendment) Bill, 1981.
2. The West Bengal Shops and Establishments (Amendment) Bill, 1981.
3. The Chandernagore Municipal (Amendment) Bill, 1981.
4. The West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Bill, 1981.
5. The Great Eastern Hotel (Acquisition of Undertaking Amendment) Bill, 1981.
6. The Burdwan University (Temporary Supersession) (Amendment) Bill, 1981.

* Assent awaited.

†The Bills listed at Sl. Nos. 1 to 23 were passed by the Legislative Assembly during the period 1 January to 31 March 1981 and those at Sl. Nos. 24 to 39 were passed during 1 April to 30 June 1981.

7. The Berhampore Electric Supply Company Limited (Undertaking) Acquisition Bill, 1981.
8. The Barakar Electric Supply Installations Acquisition Bill, 1981.
9. The Bengal Money-lenders (Amendment) Bill, 1981.
10. The Lalyani University (Temporary Supersession) (Amendment) Bill, 1981.
11. The North Bengal University (Temporary Supersession (Amendment) Bill, 1981.
12. The Sri Ramkrishna Sarada Vidya Mahapitha (Amendment) Bill, 1981.
13. The Bangabasi Group of Colleges (Taking over of Management) (Amendment) Bill, 1981.
14. The Netaji Nagar College (Taking over of Management) (Amendment) Bill, 1981.
15. The Birla College of Science and Education (Taking over of Management) (Amendment) Bill, 1981.
16. The West Bengal Appropriation Bill, 1981.
17. The West Bengal Appropriation (No. 2) Bill, 1981.
18. The West Bengal Taxation Laws (Amendment) Bill, 1981.
19. The West Bengal Colleges (Payment of Salaries) (Amendment) Bill, 1981.
20. The Indian College of Arts and Draftsmanship (Taking Over of Management) (Amendment) Bill, 1981.
21. The Calcutta Thika Tenancy (Acquisition and Regulation) Bill, 1981.
22. The West Bengal Relief Undertakings (Special Provisions) (Amendment) Bill, 1981.
23. The West Bengal Industrial Infra-structure Development Corporation (Amendment) Bill, 1981.
24. The Rabindra Bharati (Temporary Supersession) (Amendment) Bill, 1981.
25. The Payment of Wages (West Bengal Amendment) Bill, 1981.
26. The West Bengal Land Reforms (Amendment) Bill, 1981.
27. The Burdwan University Bill, 1981.
28. The Jadavpur University Bill, 1981.
29. The West Bengal Co-operative Societies (Amendment) Bill, 1981.
30. The Registration (West Bengal Amendment) Bill, 1981.
31. The Land Acquisition (West Bengal Amendment) Bill, 1981.
32. The North Bengal University Bill, 1981.

33. **The Vidyasagar University Bill, 1981.**
34. **The Bengal Municipal (Amendment) Bill, 1981.**
35. **The Bangabasi Group of Colleges Acquisition Bill, 1981.**
36. **The Netaji Nagar College Acquisition Bill, 1981.**
37. **The Birla College of Science and Education Acquisition Bill, 1981.**
38. **The Indian College of Arts and Draftsmanship Acquisition Bill, 1981.**
39. **The Sri Ramkrishna Sarada Vidya Mahapitha Acquisition Bill, 1981.**

APPENDIX-VI

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT AND BY THE STATE GOVERNMENTS DURING THE PERIOD 1 APRIL TO 30 JUNE, 1981

S. No.	Subject	Date promulgation	Date on which laid before the House	Date of Cessation	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
1.	The Delhi University (Amendment) Ordinance, 1981 (No. 4 of 1981)	9-6-81	Will laid before the House on the opening day of the 6th Session of Seventh Lok Sabha.		Shall cease to operate at the expiration of six weeks from the reassembly of Parliament.
2.	The British India Corporation (Acquisition of Shares) Ordinance, 1981 (No. 5 of 1981)	11-6-81	Do.		Do.
3.	The Dalmia Dairi Cement Limited (Acquisition and Transfer of Undertakings) Ordinance, 1981 (No. 6 of 1981)	23-6-81	Do.		Do.
STATE GOVERNMENTS					
ANDHRA PRADESH					
1.	The Andhra Pradesh Gram Panchayats and Panchayat Samithis and Zilla Parishads Acts (Second Amendment) Ordinance, 1981.			15-5-1981	
2.	The Andhra Pradesh Gram Panchayats and Panchayat Samithis and Zilla Parishads Acts (Third Amendment) Ordinance, 1981.			15-5-1981	
3.	The Andhra Pradesh Gram Panchayats and Panchayat Samithis and Zilla Parishads Acts (Fourth Amendment) Ordinance, 1981.			1-6-1981	
4.	The Andhra Pradesh Khadi and Village Industries Board (Amendment) Ordinance, 1981			4-6-1981	

1	2	3	4	5	6
5.	The Vijayawada Municipal Corporation Ordinance, 1981.	• • • • •	• • • • •	• • • • •	5-6-1981
6.	The Andhra Pradesh Housing Board (Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	8-6-1981
7.	The Andhra Pradesh Town Planning (Extension and Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	10-6-1981
8.	The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	16-6-1981
9.	The Andhra Pradesh Municipal Laws (Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	16-6-1981
10.	The Hyderabad Municipal Corporations (Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	19-6-1981
11.	The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Second Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	22-6-1981
12.	The Andhra Pradesh Payment of Salaries and Pension and Removal of Disqualification (Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	23-6-1981
13.	The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Third Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	26-6-1981
14.	The Andhra Pradesh Municipalities (Second Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	26-6-1981
15.	The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Fourth Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	28-6-1981
HARYANA					
1.	The Punjab Agricultural Produce Market Haryana (Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	26-5-81
	The Punjab Industrial (Amendment) Ordinance, 1981.	• • • • •	• • • • •	• • • • •	15-6-1981

APPENDIX VII
A. PARTY POSITION IN LOK SABHA
 (As on 17 August, 1981)

Sl. No.	Name of State/Union Territory	Seats	Cong. (I)	CPI (M)	Lok Dal	DMK	Other Parties	Unattached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11
	(i) STATES									
1.	Andhra Pradesh	42	41	..	..	..	1 (a)	..	42	..
2.	Assam	14	2	..	..	..	..	..	2	12
3.	Bihar	54	32	..	5	..	13 (b)	4	54	..
4.	Gujarat	26	25	..	..	..	1(c)	..	26	..
5.	Haryana	10	5	..	3	..	2 (d)	..	10	..
6.	Himachal Pradesh	4	4	..	..	..	..	..	4	..
7.	Jammu & Kashmir	6	2	..	..	..	3 (e)	1	6	..
8.	Karnataka	28	27	..	..	..	1 (f)	..	28	..
9.	Kerala	20	4	6	..	..	8 (g)	2	20	..
10.	Madhya Pradesh	40	34	..	..	..	4 (h)	1	39	1
11.	Maharashtra	48	38	..	..	..	8 (i)	1	47	1
12.	Manipur	2	1	..	..	..	1 (j)	..	2	..
13.	Meghalaya	2	1	..	..	..	..	..	1	..
14.	Nagaland	1	1	..	..	..	..	..	1	..
15.	Orissa	21	20	..	1	..	..	..	21	..
16.	Punjab	13	11	..	..	..	..	..	12*	..
17.	Rajasthan	25	17	..	2	..	..	1	24	1
18.	Sikkim	1	1	..	..	..	..	..	1	..
19.	Tamil Nadu	39	20	..	..	16	3 (l)	..	39	..
20.	Tripura	2	..	2	..	..	..	..	..	..
21.	Uttar Pradesh	85	47	..	22	..	15 (m)	..	84	1
22.	West Bengal	42	4	28	..	..	10 (n)	..	42	..

(ii) UNION TERRITORY

23. Andama & Nicobar	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	..	..	1	..
24. Arunachal Pradesh	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	2	..	..	2	..
25. Chandigarh	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	..	..	1	..
26. Dadra & Nagar Haveli	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	..	..	1	..
27. Delhi	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	7	1 (o)	..	7	..
28. Goa, Daman & Diu	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	2	..	..	2	..
29. Lakshadweep	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	..	..	1	..
30. Mizoram	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	..	..	1	..
31. Pondicherry	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	..	..	1	..
32. Nominated (Anglo-Indian)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	2	..	..	2	..
Total																		544	352	36	33	16	76	13	526*	17

*Excluding the Speaker.

(a) Congress (U) 1.

(b) Congress (U)—4, CPI—5, BJP2, Janata—2.

(c) Janata—1.

(d) BJP—1, Socialist—1.

(e) National Conference—3.

(f) Janata—1

(g) Congress (U)—3, CPI—2, Muslim League—2, DSF—1.

(h) BJP—4.

(i) BJP—2, Janata—6.

(j) CPI—1

(k) Congress (U)—1, BJP—3, Janata—1.

(l) AIADMK—2, Muslim League—1.

(m) CPI—1, Socialist—2, BJP—1, DSF—7, Congress (U)—1, Janata—1, DLD—2.

(n) RSP—4, Forward Block—3, CPI—3.

(o) BJP—1.

B. PARTY POSITION IN RAJYA SABHA

(As on 15 July, 1981)

States/Union Territories	Total No. of seats	Con(I)	F.B.	CPI	Janata	R.S.P.	AIADMK	CPI(M)	K.C.	M.L.	D.M.K.	Lok Tantaraik	Lok Dal	Cong(U)	Lok Dal	Akali Dal	R.P.I. (Kishor - Gade)	Socialist	U.D.F. (Nagaland)	N.C.	Independent	B.J.P.	Nominated	Vacancies
Andhra Pradesh	18	15										1	1								1			
Assam	7	3			2													1			1			
Bihar	22	11		3	3							2	1									2		
Gujarat	11	5			5																	1		
Haryana	5	3											2											
Himachal Pradesh	3	2																				1		
Jammu & Kashmir	4	2																			2			
Karnataka	12	7			1							3												
Kerala	9	—		1			3	1	1			3												
Madhya Pradesh	16	11											2									3		
Maharashtra	19	13			1							3	1											
Manipur	1	1																						
Meghalaya	1	—																						
Nagaland	1	—																	1					
Orissa	10	6			1							1	2											
Punjab	7	3					1									3						2		

C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Cong(I)	Janata	Lok Dal	Cong. (U)	BJP	CPI(M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13
Andhra Pradesh L. C. (As on 1-7-1981)	90	40		1	2	5	1	2	6(a)	2	59	31
Andhra Pradesh L. A. (As on 1-7-1981)	295	256		5	7	2	8	6	3(b)	4	294	1
Assam L.A. (c) (As on 1-3-1981)	126	46		28	1	5	11	6	13(d)	10	121	5
Bihar L.C. (As on 1-5-1981)	96	44		6	6	2	2	6	2(c)	4	72	24
Bihar L. A. (As on 30-7-1980)	325	188		11	43	11	6	23	16(f)	8	323*	1
Gujarat L.A. (As on 1-7-1981)	182	139		21	1	10				8	179	3
Haryana L. A. (As on 30-6-1981)	90	50		4	23	11			1(g)		89	
Himachal Pradesh L.A. (As on 1-7-1981)	68	36		1	1	24	1			2	65*	2
Jammu & Kashmir L.C. (As on 1-5-1981)	36	3		1					26(b)		30	6
Jammu & Kashmir L.A. (As on 1-5-1981)	78	11		11	1	1			52(i)	1	78	
Karnataka L. C. (As on 1-5-1981)	63	23		3		10	5			6	47*	15

Karnataka L.A. (As on 1-5-1981)	225	168	13	27	4	..	3	2(j)	6	223	1
Kerala L.A. (As on 1-7-1981)	141	17	5	22	..	34	17	43(k)	2	140*	2
Madhya Pradesh L. A. (As on 1-7-1981)	321	244	2	1	61	..	2	2(i)	7	319*	1
Manipur L. A. (As on 1-7-1981)	60	35	2	..	6	1	5	10(m)	1	59	1
Meghalaya L. A. (As on 1-5-81)	60	60	1	..	..	..	..	56(n)	..	57*	2
Nagaland L.A. (As on )	..	..	..	..	..	..	..	..	..	..	..
Punjab L.A. (As on 1-7-1981)	117	65	..	..	1	9	4	37(o)	..	116	1
Rajasthan L. A. (As on 1-7-1981)	200	137	8	7	32	1	1	9(p)	2	200	..
Sikkim L.A. (As on 15-10-80)	32	..	..	..	..	..	..	31(q)	1	32	..
Tamil Nadu L.C. (As on 1-5-81)	63	3	2	..	..	1	1	28(r)	8	41*	21
Tamil Nadu L. C. (As on 1-5-881)	2351	29	2	..	..	11	10	178(s)	3	293*	1
Tripura L.A. (As on 1-7-81)	60	..	..	..	..	49	..	6(t)	1	56*	3
Uttar Pradesh L. (As on 1-7-198)	108	90	4	14	2	5	3	14(u)	7	79	29
Uttar Pradesh L. A. (As on 1-7-1981)	486	315	5	52	11	..	7	5(v)	17	425	1

I	2	3	4	5	6	7	8	9	10	11	12	13
West Bengal L. A. (As on 1-7-1981)	295	24	20	4	1	2	177(w)	3	51(z)	3	295	..
<i>Union Territories</i>												
Andhra Pradesh L.A. (As on 1-5-1981)	33	25	..	..	..	..	..	..	5(y)	2	33	..
Delhi Metropolitan Council (z) (As on )	..	..	..	..	..	..	..	..	..	..	..	..
Goa, Daman & Diu L.A. (As on 1-5-1981)	30	27	..	..	..	..	..	..	2(aa)	1	30	..
Mizoram L.A. (As on 1-7-1981)	33	7	..	..	..	..	..	..	26(bb)	..	33	..
Pondicherry L.A. (As on 1-7-1981)	30	10	3	..	..	..	1	..	16(cc)	..	30	..

*Excluding the Speaker/Chairman who is not a Member of either Party.

(a) Progressive Democratic Front-4; National Democratic Front-2.

(b) Majlis-Ittehad-Ul Mulimeco.

(c) President's rule proclaimed and the Legislative Assembly kept under suspended animation with effect from 30 June, 1981.

(d) RCPI-4; PTCA-4 and A.J.V.D. -5.

(e) Teacher-1; Janata (RN)-1.

(f) Jharkhand Mukti Morcha-14; Forward Block-1; Nominated-1.

(g) Socialist Party.

(h) National Conference-25; others-1.

(i) National Conference-48; Inquilabi National Conference 2; Jamaite-Islami-1; and People's Conference-1

- (j) Muslim League—1; R.P.I.—1.
- (k) Muslim League—14; Kerala Congress—9; Kerala Congress (I)—6; RSP—6; All India Muslim League—5; National Front Party—3.
- (l) R.P.I.—1; Nominated—2.
- (m) Manipur People's Party—10.
- (n) U.M.P.D.E.—37; A.P.H.L.C.—17; PDIC.—2.
- (o) Shiromani Akali Dal (I)—23; Shiromani Akali Dal (T)—4.
- (p) P.S.D.—9.
- (q) Sikkim Janata Parishad—22; Sikkim Congress Revolutionary—8; Sikkim Prajantantra Congress—1.
- (r) AIADMK—16; DMK—5; Teachers' Graduates Progressive Front—4; Indian Union Muslim League—1; United Party—1; Gandhi-Kamraj National Congress—1.
- (s) AIADMK—130; DMK—35; Gandhi-Kamraj National Congress—6; All India Forward Block—3; T.N. Kamraj Congress—3; Nominated—1.
- (t) Forward Block—1; Tripura Upajati Juba Samiti—4.
- (u) Janata-S(RN)—6; Shikshak Dal—8; Rashtravadi Dal—1.
- (v) Janata-S(RN)—3; Shoshit Samaj Dal—1; Nominated—1.
- (w) Including one Independent Member supported by CPI(M).
- (x) Forward Block—27; RSP—20; RCPI—3; Forward Block Marxist—2; Biplobi Bangla Congress—1; Socialist Unity Centre of India—4; CPI(M.L.)—1; Muslim League—1; Independent supported by Left Front—1; and Nominated—1.
- (y) P.P.A.—6.
- (z) The Metropolitan Council of Delhi stands dissolved w.e.f. 21 March, 1980.
- (aa) M.G.P.—2.
- (bb) People's Conference Party—22; People's Conference 'B' Party—4.
- (cc) DMK—15; Indian Union Muslim League—1.

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