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## CONTENTS

| EDITORIAL NOTE  | PAGES |
|---|-------|
| ARTICLES  |       |
| The Committee on Subordinate Legislation.                                     | 481   |
| —LARRDIS  | 482   |
| The Committee on Government Assurances.                                       |       |
| —LARRDIS  | 497   |
| SHORT NOTE  |       |
| The Election of the Vice-President.   | 508   |
| PARLIAMENTARY EVENTS AND ACTIVITIES   |       |
| Conferences and Symposia  | 510   |
| Bureau of Parliamentary Studies and Training                                  | 511   |
| PRIVILEGE ISSUES  | 513   |
| PROCEDURAL MATTERS  | 530   |
| PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS                                 | 536   |
| DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST                        | 546   |
| The Jammu and Kashmir Representation of the People<br>(Amendment) Bill, 1979. |       |
| SESSIONAL REVIEW  |       |
| Lok Sabha   | 548   |
| Rajya Sabha   | 554   |
| State Legislatures  | 558   |
| 1811 LS—1.  |       |

## BOOK REVIEWS.

- Sita Srivastava : *Constitution and Functioning of the Rajya Sabha*  
—B. N. Banerjee 560
- T.R. Sareen : *Indian Revolutionary Movement Abroad, 1905—1921.*
- Kishori Mohan Patra : *Orissa State Legislature and Freedom Struggle, 1912—1947.*  
—H.N. Mukerjee 564
- Promila Suri : *Growth of Committee System in the Central Legislature of India, 1920—1947.*  
—H. G. Paranjpe 567

## RECENT LITERATURE OF PARLIAMENTARY INTEREST

## APPENDICES

- I. Statement showing the work transacted during the Eighth and Ninth Sessions of the Sixth Lok Sabha. 576
- II. Statement showing the work transacted during the Hundred-Tenth and Hundred-Eleventh Sessions of Rajya Sabha. 581
- III. Statement showing the activities of State Legislatures during the period May 1, 1979 to July 31, 1979. 586
- IV. Bills passed by the Houses of Parliament and assented to by the President during the period May 1, 1979 to July 31, 1979. 591
- V. Bills passed by the State Legislatures during the period May 1, 1979 to July 31, 1979. 592
- VI. Ordinances issued by the Central Government and by the State Governments during the period May 1, 1979 to July 31, 1979. 594
- VII. Party position in Rajya Sabha and State Legislatures. 602

## INDEX TO VOLUME XXV (1979).

608

## EDITORIAL NOTE

In the two articles published in this issue an attempt has been made to assess and depict the role, functioning and the efficacy of two important parliamentary committees—the Committee on Subordinate Legislation and the Committee on Government Assurances. The latter may in fact be said to be an innovation of the Indian Parliament.

The text of the Anti-Defection Bill recently passed by the Jammu and Kashmir Legislature is being reproduced for the information of our readers. Having been accorded the assent of the Governor of the State the Bill has since become law.

—Avtar Singh Rikhy

## THE COMMITTEE ON SUBORDINATE LEGISLATION

LARRDIS

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### I. INTRODUCTION

#### *Meaning of Subordinate Legislation*

Legislation is either supreme or subordinate. The former is that which proceeds from the supreme or sovereign power in the State, and which is therefore incapable of being repealed, annulled or controlled by any other Legislative authority. Subordinate Legislation is that which proceeds from any authority other than the sovereign power, and is, therefore, dependent for its continued existence and validity on some superior or supreme authority.<sup>1</sup>

The expression 'subordinate legislation' would thus mean the act of making the statutory instruments by the subordinate body in exercise of the power conferred by the legislature, and the statutory instruments themselves. It conveys the idea that the authority making the legislation is subordinate to the legislature.

In *Delhi Laws Act Case*<sup>2</sup>, Mukherjea, J. observed:

"Subordinate legislation not only connotes the subordinate or dependent character of the agency which is entrusted with the power to legislate, but also implies the subordinate or ancillary character of the legislation itself, the making of which such agent is entrusted with".

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<sup>1</sup> John Salmond: *Jurisprudence*, 9th edition, (London, Sweet & Maxwell, Limited, 1937), p. 210.

<sup>2</sup>A.I.R. 1951 S.C. 332 (p. 400):

*Difference between "Subordinate" and "Delegated" Legislation*

Explaining the difference between "Subordinate Legislation" and "Delegated Legislation", Kania, C.J., in *Delhi Laws Act Case*, observed:

"When a legislative body passes an Act it has exercised its legislative function. The essentials of such function are the determination of the legislative policy and its formulation as a rule of conduct. . . . The legislature having . . . made its laws, it is clear that every detail for working it out and for carrying the enactments into operation and effect may be done by the legislation or may be left to another subordinate agency or to some executive officer. While this also is sometimes described as a 'delegation' of legislative powers, in essence it is different from delegation of legislative power which means a determination of the legislative policy and formulation of the same as a rule of conduct. I find that the word 'delegation' is quite often used without bearing this fundamental distinction in mind."<sup>3</sup>

In this connection, Fazl Ali, J. in the same case observed:

"...the expressions 'delegated legislation' and 'delegating legislative power' are sometimes used in a loose sense, and sometimes in a strict sense. These expressions have been used in a loose sense or popular sense in the various treatises or reports dealing with the so-called delegated legislation."<sup>4</sup>

"There can be no doubt that if the legislature completely abdicates its functions and sets up a parallel legislature transferring all its power to it, that would undoubtedly be a real instance of delegation of its power. In other words, there will be delegation in the strict sense of legislative power with all its attributes is transferred to another authority."<sup>5</sup>

*Need for Subordinate Legislation*

Most of the modern socio-economic legislations passed by the legislature lay down the guiding principles and the legislative policy. The legislatures because of limitation imposed upon them by the time factor hardly go into matters of detail. Provision is therefore, made for subordinate legislation to obtain flexibility, elasticity, expedition and opportunity for experimentation. The prac-

<sup>3</sup> *Ibid.*, (p. 338).

<sup>4</sup> *Ibid.*, (p. 355).

<sup>5</sup> *Ibid.*

tice of empowering the executive to make subordinate legislation, within a prescribed sphere has evolved out of practical necessity and pragmatic needs of a modern Welfare States.<sup>6</sup>

Dua, J., delivering the judgement of the Supreme Court in *M/s. Tata Iron and Steel Co. Ltd. v. Workmen of M/s. Tata Iron & Steel Co. Ltd.*, observed:<sup>7</sup>

"Now, the increasing complexity of modern administration and the need for flexibility capable of rapid readjustment to meet changing circumstances, which cannot always be foreseen in implementing our socio-economic policy pursuant to the establishment of a Welfare State as contemplated by our Constitution, have rendered it convenient and practical, may necessary, for the legislatures to have frequent resort to the practice of delegating subsidiary or ancillary powers to delegates of their choice. The parliamentary procedure and discussion in getting through a legislative measure in the legislatures is usually time consuming. Again such measures cannot provide for all possible contingencies because one cannot visualize various permutations and combinations of human conduct and behaviour. This explains the necessity for delegated or conditional legislation. Due to the challenge of the complex socio-economic problems requiring speedy solution the power of delegation has by now as per necessity become a constituent element of legislative power as a whole."

#### *Permissible Limits of Delegation Legislative Power*

The delegation of legislative power 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 legislature, it must be borne in mind, cannot abdicate its authority and cannot pass on to some other body the obligation and the responsibility imposed on it by the Constitution. It can only utilise other bodies or authorities for the purpose of working out the details within the essential principles laid down by it."

<sup>6</sup> *Gwalior Rayon Mills Mfg. (Wvg.) Co. Ltd. V. Asstt. Commissioner of Sales Tax*, A.I.R. 1974 S.C. 1660 (Khanna, J. At p. 1667). (Also see *Vasanlal Maganbhai Sanjanwala V. Union of India* A.I.R. 1961 S.C. 4; *M/s. Tata Iron and Steel Co. Ltd. V. Workmen of M/s. Tata Iron and Steel Co. Ltd.*, A.I.R. 1972 S.C. 1917).

<sup>7</sup> A.I.R. 1972 S.C. 1917 (Also see *Vasanlal Maganbhai Sanjanwala V. State of Bombay*, A.I.R. 1961 S.C. 4).

<sup>8</sup> *M/s. Tata Iron and Steel Co. Ltd. V. Workmen, M/s. Tata Iron and Steel Co. Ltd.*, A.I.R. 1972 S.C. 1917.

*In Gwalior Rayon Mills Mfg. (Wvg.) Co. Ltd. V. Assistant Commissioner of Sales Tax*,<sup>9</sup> Khanna, J. (Speaking for himself, Alagiri-swami, and Bhagawati J. J.) observed:

"...it is not permissible to substitute in the matter of legislative 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.

"...the view taken by this court (Supreme Court) in a long chain of authorities is that the legislature in conferring power upon another authority to make subordinate or ancillary legislation must lay down policy, principle or standard for the guidance of the authority concerned."

#### *Limitations on Authority Making Subordinate Legislation*

Authority vested with the power of making subordinate legislation has to act within the limits of its power and cannot transgress the same.<sup>10</sup>

Where an executive authority is given power to frame subordinate legislation within stated limits, rules made by such authority, if outside the scope of the rule-making power, cannot be deemed to be valid merely because such rules have been placed before the legislature and are subject to such modifications, amendment or annulment, as the case may be, as the legislature may think fit.<sup>11</sup>

Unlike legislation made by a sovereign Legislature, subordinate legislation made by a delegate cannot have retrospective effect unless the rule-making power in the concerned statute expressly or by necessary implication confers power in this behalf.<sup>12</sup>

#### *Safeguards against Abuse of Power to Make Subordinate Legislation*

Resort to Sub-ordinate legislation, though a compulsive necessity, has certain risks inherent in it more so if the Parliamentary Statute tends to be skeletal containing general principles leaving the details to be worked out by the Executive which may have a vital bearing on the life of the citizens. Sometimes, it may happen

<sup>9</sup> A.I.R. 1974 S.C. 1960.

<sup>10</sup> *Hukam Chand etc. V. Union of India*, A.I.R. 1972 Supreme Court 2447.

<sup>11</sup> *Kerala State Electricity Board V. Indian Aluminium Co.* A.I.R. 1976 Supreme Court, 1031.

<sup>12</sup> *The State of Madhya Pradesh V. Tikama Das*, A.I.R. 1975 Supreme Court 1429, (Also See *Income Tax Officer, Alleppey V. M. C. Ponnose*, A.I.R. 1970 S.C. 385).



that the power delegated might not be concisely and precisely defined and the Executive may tend to stretch them to such limits as might not have been the intention of Parliament or the delegated powers may be so lossely defined that the areas they are intended to cover may not be clearly known. It may happen that in their eagerness to discharge their duties more expeditiously and effectively, the Executive may commit mistakes.

Certain safeguards should exist if, what Sir Cecil Carr has called "the germ of arbitrary Administration" has to be kept under control. Hewitt, in his book, "*The Control of Delegated Legislation*", classifies safeguards against the risks innate in Sub-ordinate Legislation under certain heads such as legislative, Judicial, etc.<sup>13</sup>

## II. COMMITTEE ON SUBORDINATE LEGISLATION

### *Composition and Functions*

In order to ensure proper exercise of the delegated powers to the Government to frame Rules/Regulations under the Constitution or the various Acts, certain procedures are followed by Parliament. Apart from other procedures, there is a Committee on Subordinate Legislation of each House of Parliament. The Committees of both the Houses consist of 15 Members each who are nominated by the Presiding Officer of the respective House.<sup>14</sup> The term of office of Members of the Committee of Lok Sabha is one year. A minister cannot be a member of the Committee.<sup>15</sup> The main function of each Committee is to scrutinize and report to the respective House whether the powers to make regulations, rules, sub-rules, bye-laws schemes etc. (hereinafter, mostly, referred to as "Order") conferred by the Constitution or delegated by Parliament have been properly exercised within such conferment or delegation, as the case may be.<sup>16</sup>

The Committee may examine all 'orders' whether laid on the Table of the House or not, framed in pursuance of the provisions of

<sup>13</sup>*Third Lok Sabha, 1962-67, A Souvenir, Part I, 1967, Lok Sabha Secretariat, pp. 79-85.*

<sup>14</sup>*Rules of Procedure and Conduct of Business in Lok Sabha, 6th Edition, 1977, Rule 318; Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha), 2nd Edition, 1972, Rule 205.*

<sup>15</sup>*Rules of Procedure and Conduct of Business in Lok Sabha Rule 318.*

<sup>16</sup>*Rules of Procedure and Conduct of Business in Lok Sabha, Rule 317; Rules of Procedure and Conduct of Business in the Rajya Sabha, Rule 204.*

the Constitution or a statute delegating power to a subordinate authority, to make such Orders.<sup>17</sup>

The Committee also examines Bills, which seek to delegate powers to make 'orders', or to amend earlier Acts delegating such powers,<sup>18</sup> with a view to seeing whether suitable provisions for the laying of the 'orders' on the Table of the House have been made therein.<sup>19</sup>

It was in pursuance of a recommendation of the Committee that the Government agreed in principle to incorporate in every Bill, involving proposals for delegation of Rule making power, a provision for laying of rules and regulations before Parliament.<sup>20</sup>

Now all Bills, seeking to delegate rule-making power to the Executive, contain the following provision which has been approved by the Committee:

...

"Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification to the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

The whole purpose in asking Government to lay the 'orders' framed under delegated powers is to enable Parliament to see that they are within the limits laid down by it and do not contain any unreasonable or inequitable provision not intended by Parliament.<sup>21</sup> Parliament gets an opportunity to discuss the merits of the 'orders' and may modify or even annul them. Non-incorporation of the

<sup>17</sup> *Directions by the Speaker, Lok Sabha*, 3rd Edition 1977 Direction 103 (1).

<sup>18</sup> In its 14th Report (Fifth Lok Sabha), the Committee recommended that the provision for laying and modification of rules should be incorporated even in old Acts providing for rule-making power, which did not contain such a provision.

<sup>19</sup> See *Directions by the Speaker, Lok Sabha*, op. cit. Direction 103 (2).

<sup>20</sup> See *Committee on Subordinate Legislation* (1st Lok Sabha), 6th Report, paras 78-79, CSL (2nd L.S.), 7th Report, para 45.

<sup>21</sup> See CSL (6th L.S.), 7th Report, paras 24-25.

laying provision in the Acts will result in denial of such an opportunity to Parliament."

The Speaker, if he so desires, may also refer a Bill, containing provisions for delegation of legislative powers, to the Committee. Where a bill is so referred, the Committee examines, *inter alia*,—

- (i) the extent of the power sought to be delegated, and
- (ii) where powers are sought to be delegated to State Governments or other authorities for bringing into operation any subsidiary provisions or to make any further 'orders', the necessity for such delegation as well as the extent and manner in which such powers are to be exercised by the subordinate authority concerned.

If the Committee comes 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 may make a report to the House before the Bill is taken up for consideration.<sup>23</sup>

#### *Guiding Principles for Examination of 'Orders'*

In practice, the Committee scrutinizes all 'orders' made by the Government of India or by any other subordinate authority ultimately responsible to the Government, and which are published in the Gazette or laid on the Table of the House. The Committee does not scrutinize the rules which are made by the Supreme Court under article 145, by High Courts under the Code of Civil Procedure, and the rules made by the President in consultation with the Chairman of Rajya Sabha and the Speaker of Lok Sabha.<sup>24</sup>

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; whether it contains matter which, in the opinion of the Committee, should more properly be dealt with in an Act of Parliament; whether it contains imposition of any tax; whether it directly or indirectly bars the jurisdiction of the courts; whether it gives retrospective effect to any of the provision in respect of which the Constitution or the Act does not expressly give any such power; whether it involves expenditure from the Consolidated Fund of India or the Public Revenues; whether it appears to make some unusual or unexpected use of the

<sup>23</sup>See CSL (7th L.S.), 21st Report, para 52.

<sup>24</sup>Directions by the Speaker, Lok Sabha, *op. cit.*, Direction 103A.

<sup>25</sup>For instance, rules made by the President after consultation with the Speaker/Chairman under Article 98(3) of the Constitution.

powers conferred by the Constitution or the Act pursuant to which it is made; whether there appears to have been unjustifiable delay in its publication or in laying it before Parliament; and whether for any reasons its form or purport calls for any elucidation.<sup>25</sup>

When new problems arise, the Committee has to think of appropriate solutions of such problems and evolve some new guidelines. The Committee has, over the years, evolved some additional guiding principles and this is a continuous process.

#### *Reports submitted by the Committee*

If the Committee is of opinion that any 'order' should be annulled wholly or in part, or should be amended in any respect, it reports that opinion and the grounds thereof to the House.<sup>26</sup> Besides reporting to the House its opinion about annulment or modification of any 'Order', the Committee brings to the notice of the House any other matter relating to 'Orders' or any question of Sub-ordinate legislation arising therefrom which it feels should be placed before it.<sup>27</sup>

Since its inception in December, 1953, the Committee has presented 73 reports. During First, Second, Third, Fourth, and Fifth Lok Sabhas, the Committee presented respectively 6, 13, 6, 7 and 20 Reports.<sup>28</sup> During the Sixth Lok Sabha the Committee submitted 21 Reports.

It has been the tradition of the Committee that all its decisions are arrived at unanimously and Party considerations are not allowed to affect its deliberations.

Reports of the Committee are not discussed in the House. But on occasions the recommendations of the Committee have been referred to by Members during questions or debates in the House.<sup>29</sup>

<sup>25</sup> *Rules of Procedure and Conduct of Business in Lok Sabha, op. cit., Rule 320.*

<sup>26</sup> *Rules of Procedure and Conduct of Business in Lok Sabha, op. cit., Rule 321 (1).*

<sup>27</sup> *Ibid., 321 (2); and Directions by the Speaker, op. cit., Direction 103 (3).*

<sup>28</sup> See Lok Sabha Secretariat: *Second Lok Sabha, Activities and Achievements, 1957-62*, (March, 1962) p. 90; *Fourth Lok Sabha, 1969-1970, Souvenir*; (March 1971), p. 102; Chawla, *op. cit.*; and Shakhder, S. L. *Parliament of India, the Fifth Lok Sabha, 1971-1977, A Study* (New Delhi, Indus International 1977), p. 345.

<sup>29</sup> Sometimes, the 'orders' which are laid on the Table are discussed in the House See CSL (1 L.S.) Fifth Report; See also *L.S. Deb.*, (II) 7-9-1956, cc. 6185 and 6195.

*Salient Recommendations/Observations of the Committee*

In its various Reports, the Committee has made recommendations for modification or annulment of several 'orders' framed by Government in pursuance of the provisions of the Constitution or an Act of Parliament. It has also made several useful recommendations of a general nature pertaining to the framing, publication, etc. of 'orders'.

The Committee has, time and again, deprecated delays in the framing and laying of 'orders' on the Table of the House. In the case of several Acts it was noticed by the Committee that 'orders' had not been framed at all, while in other cases there had been inordinate delays in this regard. Keeping in view the fact that such delays may cause hardship to the people the Committee has, therefore, repeatedly emphasized that ordinarily rules should be framed under an Act within a period of six months of its enactment. Some times there were inordinate delays in laying the 'orders' on the Table of the House. The Committee has, therefore, stressed in its various reports that all statutory 'orders' should be laid on the Table of the House, within a period of 15 days after their publication in the Gazette. The root cause of abuse of Sub-ordinate legislation lies in unfettered and unguided discretionary powers conferred on the Executive. The Committee has made valuable recommendations to ensure that adequate safeguards are provided in the rules against their possible abuse.

Some of the recommendations/observations made by the Committee, are mentioned below:—

- (i) Provisions of Rule 70 of the Lok Sabha Rules<sup>30</sup> are mandatory and therefore compliance therewith should invariably be made in case of every Bill which involves delegation of legislative power to the Central Government or to any other authority.<sup>31</sup>
- (ii) Ordinarily, rules should be framed under an Act as soon as possible after the commencement of the Act and in no case this period should exceed six months.<sup>32</sup>

<sup>30</sup> Rule 70 of the *Rules of Procedure and Conduct of Business in Lok Sabha*, reads as under:

"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".

<sup>31</sup> See CSL (3rd L.S.), 2nd Report, para 18.

<sup>32</sup> See CSL (2nd L.S.), 5th Report, para 34.

- (iii) As far as possible, the use of complicated language in the Rules should be avoided.<sup>35</sup> Rules should be specific and definite.<sup>36</sup> The use of vague expressions (like 'unreasonably large quantity'), which may be interpreted differently by different persons, is to be avoided.<sup>35</sup>
- (iv) In cases where the rules are required to be published in the draft form, a period of not less than 30 clear days should invariably be given to the public to send their comments/suggestions on the draft rules.<sup>36</sup>
- (v) 'Orders' required to be laid before the House, should be laid within a period of 15 days after their publication in the Gazette, if the House is in session. And if the House is not then in session, the 'orders' should be laid on the Table as soon as possible (but within 15 days) after the commencement of the following session.<sup>37</sup> Whenever, 'orders' are laid after an inordinate delay, an explanatory note giving the reasons for such delay should be appended thereto.<sup>38</sup>
- (vi) All rules framed by Government, pursuant to Constitutional or statutory provisions, should invariably be published in the Gazette for public information.<sup>39</sup>
- (v.i) Like rules, regulations should also be laid before Parliament and there should be a provision to this effect in the relevant statutes.<sup>40</sup>
- (viii) When the principal rules are required to be laid before Parliament, all statutory orders made under the rules should also be laid on the Table.<sup>41</sup>
- (ix) Whenever rules are laid on the Table of the House, a Statement of Objects and Reasons and also explanatory notes on the rules should also be appended thereto. When new rules amending the original rules are laid

<sup>35</sup> See CSL (1st L.S.), 3rd Report, para 9.

<sup>36</sup> See CSL (1st L.S.), 2nd Report, para 12.

<sup>37</sup> See CSL (6th L.S.), 7th Report, paras 50-51.

<sup>38</sup> See CSL (6th L.S.), 5th Report, para 41; CSL (6th L.S.), 4th Report, para 36 [Also see CSL (1st L.S.) 6th Report, para 31; CSL (4th L.S.), 1st Report, para 28; CSL (6th L.S.), 18th Report, para 11].

<sup>39</sup> See CSL (2nd L.S.), 4th Report, para 58, CSL (2nd L.S.) 5th Report, para 46; CSL (3rd L.S.), 4th Report, para 66.

<sup>40</sup> See CSL (2nd L.S.), 6th Report, para 29; CSL (3rd L.S.), 6th Report, para 38.

<sup>41</sup> See CSL (4th L.S.), 7th Report, para 10.

<sup>42</sup> See CSL (6th L.S.), 7th Report, para 26.

<sup>43</sup> See CSL (5th L.S.), 17th Report, para 28.

on the Table the relevant extracts of the original rules sought to be amended should also be attached to amending rules.<sup>42</sup>

- (x) Only matters of procedure and details should be spelt out through Subordinate legislation. Substantial matters should, more appropriately, be dealt with in the Act itself.<sup>43</sup>
- (xi) No charges should be levied unless there is an express authorisation therefore in the parent law.<sup>44</sup>
- (xii) The power to impose fees by rules or bye-laws should expressly be given in the parent Act.<sup>45</sup>
- (xiii) The provision to recover dues of excise duty as arrears of land revenue, being in the nature of an extreme remedy, is a substantive provision for which a specific authorisation must be made in the Act itself rather than in the rules framed thereunder.<sup>46</sup>
- (xiv) Retrospective effect to Subordinate legislation cannot be given without an express authorisation therefor in the parent Act. Even the cases where the Government has the power to give retrospective effect to Subordinate legislation, such powers should be exercised only in unavoidable circumstances, and the rules/Regulations framed thereunder should in each case be accompanied by an explanatory note or memorandum affirming that no one was likely to be adversely affected as a result of retrospective effect given thereto.<sup>47</sup>
- (xv) Rules should not be so framed as to cause an injustice.<sup>48</sup>

<sup>42</sup> See CSL (1st L. S.), 6th Report, para 81.

<sup>43</sup> See CSL (6th L.S.), 2nd Report, para 9 [Also See CSL (1st L.S.), 2nd Report, paras 7 and 24].

<sup>44</sup> See CSL (6th L.S.), 6th Report, para 84.

<sup>45</sup> See CSL (2nd L.S.), 1st Report, para 13; CSL (2nd L.S.), 2nd Report para 11.

<sup>46</sup> See CSL (6th L.S.), 10th Report, para 20; CSL (6th L.S.), 6th Report, para 74.

<sup>47</sup> See CSL (4th L.S.), 2nd Report, para 10; CSL (5th L.S.), 19th Report, para 11; CSL (6th L.S.), 16th Report para 39. Also See CSL (2nd L.S.), 1st Report, paras 22 and 125; CSL (4th L.S.), 2nd report para 10, CSL (5th L.S.), 16th Report, para 116; CSL (6th L.S.), 4th Report, para 9, 5th Report, para 15.

<sup>48</sup> See CSL (1st L.S.), 2nd Report, para 19.

- (xvi) Rules should conform to the principles of natural justice.<sup>49</sup> Conferring the right of being heard to the party adversely affected by a decision of the Executive, recording in writing the reasons for such decision, and communicating the same to the party concerned are the basic requirements of natural justice.<sup>50</sup>
- (xvii) When a right of appeal has been given to an aggrieved person, the right should not be just illusory. Some reasonable time-limit for filing an appeal should be provided.<sup>51</sup>
- (xviii) Some safeguards should be imposed before a delegate is given wide powers to sub-delegate its authority to another functionary.<sup>52</sup>
- (xix) Having regard to the fact that the manner of filling vacancies and principles of determining seniority are basic ingredients of any service rules, these should be incorporated in the rules and not left to be determined through executive instructions.<sup>53</sup>
- (xx) Relaxation of rules should be with respect to a class or category of persons and not to an individual, so as to obviate the possibility of discrimination among persons similarly placed.<sup>54</sup> Further, in case an exemption provision is incorporated in rules, it should provide for reasons to be recorded in writing before grant of an exemption.<sup>55</sup>
- (xxi) In cases where power to conduct searches/seizures is vested in officers, the minimum rank of the officers empowered to exercise such a power should be specified

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<sup>49</sup> See CSL (5th L.S.), 16th Report, para 128 [Also See CSL (5th L.S.), 16th Report, para 25, 6th Report paras 8 and 9; CSL (6th L.S.), 1st Report, paras 16 and 46, 4th Report, paras 30 and 70, 5th Report, paras 65 and 71].

<sup>50</sup> See CSL (4th L.S.), 1st Report, para 26.

<sup>51</sup> See CSL (6th L.S.), 2nd Report, para 14.

<sup>52</sup> See CSL (1st L.S.), 6th Report, para 13.

<sup>53</sup> See CSL (6th L.S.), 2nd Report, para 64, 6th Report, para 95, 15th Report, para 17.

<sup>54</sup> See CSL (5th L.S.), 9th Report, para 110; CSL (6th L.S.), 9th Report, para 85.

<sup>55</sup> See CSL (5th L.S.), 19th Report, para 77; CSL para 18, 6th Report, para 84.



in the rules. Further, safeguards like presence of witnesses, preparation of inventories and giving copies thereof to the persons concerned should be provided.<sup>56</sup>

### *Implementation of Recommendations*

The Committee keeps a continuous watch on the implementation of its recommendations by Government. The recommendations are normally implemented by the Ministries concerned. The concerned

<sup>56</sup>. CSL (2nd L.S.), 3rd Report, paras 22—24; CSL (3rd L.S.), 2nd Report, paras 23-24; 5th Report, para 15; CSL (5th L.S.), 7th Report, para 52; CSL (6th L.S.), 6th Report, para 84; 7th Report, para 92.

Clause 4 of the Petroleum Products (Supply and Distribution) Order, 1965 empowered the Central and State Governments to appoint 'any person' for conducting searches and seizures, etc. to ensure compliance of the provisions of the Order. The expression 'any person' in the clause gave wide discretion to the Government to appoint any person for the purposes of the Order irrespective of his rank and position in life and it was felt by the Committee on Subordinate Legislation (Third Lok Sabha) that the clause should be amended to provide that instead of 'any person', only 'officers' should be authorised for conducting searches and seizures, etc. under the Order. The Ministry of Petroleum and Chemicals, to whom the matter was referred, amended paragraph 4 of the Order by substituting the words 'Government servant' for the word "person". The Committee after having considered the matter at some length, were of the view that it should specifically be stated in the Order that a Government servant not below a specified rank or equivalent officer might be authorised to conduct searches and seizures, etc. under the aforesaid Order. It should not be left worded in a manner which would give the Executive the power to authorise any and every Government servant to exercise the power of conducting searches and seizures under the aforesaid Order (Para 15 of the 5th Report of the Committee on Subordinate Legislation (Third L.S.)). The Committee on Subordinate Legislation (Second Lok Sabha) felt that while authorising entry and search under clause 18 of the Tea (Distribution and Export) Control Order, 1957, suitable safeguards like presence of two witnesses should be provided for as was the procedure under the Criminal Procedure Code. The Ministry of Commerce and Industry assured the Committee that the said Clause 18 would be amended accordingly. [Paras 22 to 24 of 3rd Report of the Committee on Subordinate Legislation (2nd L.S.)].

On Being pointed out by the Committee, the Ministry of Agriculture amended Clause 7 of the Gujarat and Dadra and Nagar Haveli Rice (Export) and Paddy (Movement Control) Order, 1975 specifying the minimum rank of the persons authorised to exercise the powers of entry, search and seizure etc. in the Order itself and eliminating the provision empowering the authorised persons to further authorise other persons to exercise such powers [Para 92 of 7th Report of the Committee (6th L.S.)].

Ministries are asked to furnish, from time to time, a statement of action taken or proposed to be taken by them on the recommendations made by the Committee.<sup>57</sup> The Committee has fixed a time-limit of six months within which the Ministries/Departments should implement its recommendations.<sup>58</sup> In cases where any Ministry is not in a position to implement, or feels any difficulty in giving effect to a recommendation made by the Committee, the Ministry places its views before the Committee, which may, if it thinks fit (either drop the recommendations or modify it or insist in its implementation and make a further Report to the House accordingly.<sup>59</sup> Almost all matters of difference between the Committee and the Government are resolved by discussion and ultimately by conceding to the Committee the superior role and accepting its advice. Rarely are such matters referred to the House for decision. The progress of implementation of the various recommendations is reported to the House from time to time.

#### *Examination of Rules made by State Governments under Power delegated by Central Acts.*

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 State Governments either before State Legislatures or Parliament. Consequently, all those 'Orders' completely escape legislative scrutiny by the Central or State Committee. The question as to who should scrutinise such rules etc. has been raised on the floor of the House time and again. The issue also came up before the Conference of the Chairmen of the Committees on Subordinate Legislation in 1975. The Committee on Subordinate Legislation, Lok Sabha, called for the views of all State Legislatures on the subject and also heard oral evidence of the Law Secretary of the Union Government. After examining the various legal issues involved and practical difficulties experienced in the process, the Committee in its Twentieth Report (Sixth Lok Sabha) expressed the view that such rules may be examined by the State Committees on Subordinate Legislation.

#### *Summing up*

Over the years, the Committee has endeavoured to ensure not only that the Subordinate Legislation framed by the Executive does

<sup>57</sup>. See CSL (2nd L.S.), 2nd to 8th and 10th to 13th Reports.

<sup>58</sup> CSL (6th L.S.), 8th Report, para 54.

<sup>59</sup> Dir. 108 (2), See also for instance, CSL (2nd L.S.), 6th Report, p. 20.

not trasgress the limits laid down in the parent statutes but also that it does not offend the cannons of equity and natural justice or result in unnecessary harassment or inconvenience to the general public. Through its reports, the Committee has tried that the Executive does not enjoy unfettered discretionary powers.

The Committee has made a distinct impact on the Administration in that it has always to keep in mind the possible reactions of Parliament and the Committee when drafting a rule. The preventive influence of the Committee on the Administration in this respect is equally important and Government is careful to avoid repetition of the same mistake.

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## THE COMMITTEE ON GOVERNMENT ASSURANCES

LARRDIS

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### *Introduction*

The work done by the Parliament in modern times is varied in nature and considerable in volume. The time at its disposal is limited. Since it is difficult for Parliament to devote sufficient time for scrutiny of legislative proposals and other matters that come up for consideration in the Chamber, a good deal of its business is transacted through Parliamentary Committees.

The Committee on Government Assurances is one such Parliamentary Committee in India. It is a unique Committee of its type and has no parallel in other countries having Parliamentary democracy. The Committee is, therefore, claimed to be an 'innovation of the Indian Parliament'.<sup>1</sup>

### *Origin of the Committee*

While replying to Questions or participating in discussions on Bills, Resolutions, Motions, etc., Ministers often use expressions like "I shall consider the matter", "I shall look into it", "I shall supply it to the Hon. Member", "We shall have to find that out", "Information is being collected and will be laid on the Table of the House", and so on. In 1949, the the Government, for the first time, made arrangements to extract such assurances from the proceedings and to report to the House action taken on them from time to time. There was still no machinery of the House as such to ascertain whether all the assurances given by the Ministers on the floor of the

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<sup>1</sup>Morris Jones, W.H. : *Parliament in India*. London. 1957, p. 314.

House had been extracted and fulfilled, and if so, to what extent and in how much time.

In effect, it was left to each individual Member to watch the progress of implementation of assurances given by Ministers. Obviously, a Member could not be expected to keep an eye on everything that was said or promised in the Chamber. He naturally confined himself to a few matters in which he happened to be interested. The Government, likewise, was not obliged to report on its own on the implementation of these assurances. It was left to its good sense to follow up and report on the assurances given in the House. While the Government was free to give assurances on the floor of the House—and at times it did give these as lavishly as it could—there was no parliamentary agency to ensure the fulfilment of such promises. There was often a criticism that under the then existing system many important matters were not followed up, or forgotten or delayed inordinately. With a view to remedying this unhappy situation, the Committee on Government assurances was constituted.<sup>2</sup>

#### *Constitution and Term*

The Committee was first nominated by the Speaker, Lok Sabha, on December 1, 1953, with six members. Nine members were subsequently added to the Committee by the Speaker on May 13, 1954. In the life of the First Lok Sabha, the Committee was reconstituted twice thereafter, on May 21, 1955, and June 13, 1956. Since then the Committee has been reconstituted with fifteen members every year.<sup>3</sup> In the nomination of Members to the Committee, regard is had to the claims, interests and strength of the various parties and groups in the House.

A Minister is not nominated a member of the Committee and if a member after his nomination to the Committee, is appointed a Minister, he ceases to be a member of the Committee from the date of such appointment.<sup>4</sup> The Speaker appoints a Chairman from amongst the members of the Committee. If, however, the Deputy-Speaker is a member of the Committee, he is appointed as Chairman of the Committee. The Speaker has on some occasions appointed a member of the Opposition as the Chairman of the Committee.<sup>5</sup>

<sup>2</sup>S.L. Shakdher, *Committee on Government Assurances in the Parliament of India*, (*The Parliamentarian*, April 1974, pp. 72-73).

<sup>3</sup>Lok Sabha Secretariat: *Rules of Procedure and conduct of Business in Lok Sabha*, Rule 324.

<sup>4</sup>*Ibid*, Rule 324(1).

<sup>5</sup>S. L. Shakdher, *op. cit.* p. 73.

The term of office of members of the Committee is one year.<sup>6</sup> There is, however, no bar to a member being renominated.

#### *Quorum*

The quorum to constitute a sitting of the Committee is one third of the total number of Members of the Committee.

#### *Discharge of Members absent from sittings of the Committee*

If a Member is absent from two or more consecutive sittings of the Committee without the permission of the Chairman, he may be discharged by the Speaker from the Committee.<sup>7</sup>

#### *Voting*

All Questions at any sittings of the Committee are determined by a majority of votes of the members present and voting. In the case of an equality of votes on any matter, the Chairman or the person acting as such, has a second or casting vote.<sup>8</sup>

#### *Functions*

The Committee scrutinizes the assurances, promises, undertakings etc. given by Ministers on the floor of the House from time to time during Question Hour or during the discussion on Bills, resolutions, motions, etc. and reports on the extent to which such assurances, etc., have been implemented and where implemented, whether such implementation has taken place within the minimum time necessary for the purposes.<sup>9</sup>

The Committee of the First Lok Sabha has laid down in 1954 a standard list<sup>10</sup> of expressions or forms which are treated as constituting assurances, undertakings etc., given by Ministers on the floor of the House. These expressions, though not exhaustive, are meant for the guidance of the Committee. Any addition to or deletion from these forms is done with the approval of the Committee.

#### *Procedure of work*

The Department of Parliamentary Affairs acts as co-ordinating agency between the Ministries/Departments of the Government and

<sup>6</sup>Rules op. cit. Rule 324(2).

<sup>7</sup> Ibid, Rule 260.

<sup>8</sup> Ibid, Rule 261 & 262.

<sup>9</sup>Ibid., Rule 323.

<sup>10</sup>See Annexure.

the Committee to ensure prompt implementation of assurances. It examines the Lok Sabha Debates and culls out the assurances given by Ministers in the House. The statements of assurances culled out are sent by the Department of Parliamentary Affairs to the Lok Sabha Secretariat within a week of the dates to which they relate. Independent of this, the Lok Sabha Secretariat also examines the Debates, which serves as test check to ensure that all assurances have been properly extracted. In the event of any discrepancy noticed in the list of assurances compiled by the Department of Parliamentary Affairs, the matter is placed before the Chairman of the Committee for decision.<sup>11</sup>

Such of the assurances, as the Chairman directs, are referred to the Department of Parliamentary Affairs for comments in the first instance. The comments of the Department of Parliamentary Affairs are brought to the notice of the Chairman. The Chairman may either dispose of the matter himself or if he considers it necessary, place the matter before the Committee for its final decision as to whether a particular statement by a Minister should be treated as an assurance. Where necessary, the Chairman or the Committee may refer the matter to the Speaker for guidance.

#### *Implementation of Assurances*

The Government is required to implement assurances normally within a period of three months. If any genuine difficulties are anticipated in implementing any assurance within this period. Government has to approach the Committee for extension of the time-limit.<sup>12</sup>

The Department of Parliamentary Affairs sends relevant statements of assurances to appropriate Ministries for their implementation. The Ministries go on sending statements showing action taken by the Government in implementation of the assurances to the Department of Parliamentary Affairs from time to time. The Minister of Parliamentary Affairs lays them on the Table of the House, usually twice during each Session of Lok Sabha—once at the beginning and once towards the end. In the Budget Session, however, which is of the duration of twelve weeks or more, statements laid about implementation of assurances may be four or more. Till such a statement is laid on the Table, the Assurance is not treated as implemented.

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<sup>11</sup> See LS, 3rd Report of the Committee on Government Assurances (CGA), p. 2.

<sup>12</sup> 4 L.S., 7th Report of the CGA, para 6.

As soon as statements on the implementation of the assurances are laid on the Table of the House, the Secretariat of the House on behalf of the Committee examines these statements to see whether there has been a complete and satisfactory implementation of the assurances or whether something further is required to be done on any of the assurances or whether any inordinate delay had occurred in their implementation. The findings in the matter are placed before the Committee for its consideration.

It is also possible for public organisations, associations or individuals to approach the Committee for redressal of their grievances relating to non-implementation of the assurances given by the Minister in the House and the Committee can examine each case on merits and in that way help the aggrieved persons as far as possible<sup>13</sup> Apart from these, requests received from time to time from the Ministries through the Department of Parliamentary Affairs for dropping of certain assurances or for extension of time etc., are also considered by the Committee. There have been occasions when the Committee agreed with the Ministry concerned that it was not desirable to fulfil an assurance, given earlier, on the ground of secrecy or public interest.<sup>14</sup>

### *Evidence*

If necessary, the Committee calls for officers of the concerned Ministries to give evidence before them in regard to action taken by Government in implementation of certain assurances. In fact, during the Fifth Lok Sabha, the taking of evidence of the representatives of various Ministries/Departments enabled the Committee to go deep into the reasons resulting in delay in implementation of assurances in specific cases. This procedure of examining witnesses of Ministries etc. had a salutary effect in speeding up implementation of the assurances and this reducing the number of pending assurances.<sup>15</sup>

### *Procedure after dissolution of the House*

Generally with the dissolution of Lok Sabha, all the pending work before Parliamentary Committees lapses. But in the case of Committee on Government Assurances, the Assurances given by the

<sup>13</sup>. See Ahmad, Z.A. : Committee on Government Assurances in Bhalerao, S.S. (Ed.) : *The Second Chamber: The Twenty-five Years of Rajya Sabha*, New Delhi, 1977, pp. 366-67.

<sup>14</sup>. See for example, 5 L.S., 4th Report, (Para 7) and 15th Report (para 23), and 6 L.S., 1st Report (Paras 23—31) of the CGA.

<sup>15</sup>. 6 L. S., 1st Report of CGA, Chairman's Speech, p. 12.



Ministers on the floor of the House which are pending implementation by Government do not lapse automatically on the dissolution of the House. The first Committee on Government Assurances, nominated after the constitution of the new House, scrutinises all such pending assurances. It selects only such assurances as are of substantial Character and of public importance for being pursued further. All other assurances which have been pending for two or three years, and have lost their public importance and utility due to afflux of time are dropped.<sup>16</sup>

### *Laying of Minutes*

The minutes of the sitting of the Committee held during a session are laid on the Table of the House before the termination of the session. Where a sitting of the Committee is held when the House is not in session, the minutes thereof are laid on the Table during the following session at the first convenient opportunity.

### *Preparation and Presentation of the Report*

After examining the action taken by Government to implement the assurances, the extent to which they have actually been implemented and whether such implementation has taken place within the time necessary for the purpose etc., the Committee forms its conclusions and recommendations for inclusion in the report. On the basis of these conclusions and recommendations a draft report is prepared by the Secretariat. After the Chairman's approval, the report is circulated to the members of the Committee and considered at a sitting held for the purpose.

After the report has been approved by the Committee, it is presented to the House by the Chairman, but if he is unable to do so then by any member of the Committee so authorised for the purpose. The report of the Committee, as a convention, is not discussed in the House.

### *Evaluation and impact on administration*

In the course of the past twenty six years of its working, the Committee on Government Assurances has so far presented to the

<sup>16</sup>. 5 LS, 1st Report of CGA, Chairman's Speech, p. 9.

Lok Sabha as many as 42 reports. The Lok Sabha-wise break-up of the reports is given;<sup>17</sup>

|                  | Number of Reports presented |
|------------------|-----------------------------|
| First Lok Sabha  | 4                           |
| Second Lok Sabha | 2                           |
| Third Lok Sabha  | 4                           |
| Fourth Lok Sabha | 10                          |
| Fifth Lok Sabha  | 18                          |
| Sixth Lok Sabha  | 4                           |
| <b>Total</b>     | <b>42</b>                   |

A total of 573 pending assurances pertaining to the Fourth Lok Sabha were selected by the First Committee (1971-72) of the Fifth Lok Sabha for being pursued further, out of which 572 assurances have since been implemented as on August 22, 1979.<sup>18</sup>

During the Fifth Lok Sabha, 7939 assurances were culled out from the Lok Sabha Debates to be implemented by the Government. Out of these, 7935 assurances have since been implemented as on August 22, 1979 leaving a balance of 4 assurances still to be implemented. The position of the assurances of Sixth Lok Sabha as on August 22, 1979, is given below:<sup>19</sup>

| Session               | No. of assurances culled out | No. of assurances implemented/dropped | No. of assurances outstanding |
|-----------------------|------------------------------|---------------------------------------|-------------------------------|
| First Session, 1977   | 21                           | 21                                    | Nil                           |
| Second Session, 1977  | 497                          | 497                                   | 20                            |
| Third Session, 1977   | 377                          | 363                                   | 14                            |
| Fourth Session, 1978  | 899                          | 829                                   | 70                            |
| Fifth Session, 1978   | 433                          | 377                                   | 56                            |
| Sixth Session, 1978   | 343                          | 209                                   | 134                           |
| Seventh Session, 1979 | 955                          | 50                                    | 905                           |
| Eighth Session, 1979  | 94                           | —                                     | 94                            |
| Ninth Session, 1979   | —                            | —                                     | —                             |
| <b>Total</b>          | <b>3619</b>                  | <b>2326</b>                           | <b>1293</b>                   |

<sup>17</sup> See Souvenirs, First to Fifth Lok Sabha.

<sup>18</sup> 6 LS, 1st Report, p. 12 and 4th Report, p. 35 of CGA. The Sixth Lok Sabha was dissolved on August 22, 1979.

<sup>19</sup> Sixth Lok Sabha, 1st Report, p. 2 and 4th Report, pp. 36-37 of C.G.A.

On an examination of various statements laid on the Table of the House, the Committee on Government Assurances had noted a marked deterioration in the matter of disposal of pending assurances. It found that in various cases, the Government had neither implemented the assurances nor had they reported to the Committee about the action taken or progress made in the matter of collection of the required information. The Committee were also not approached for extension of time within the prescribed period of three months for implementation of such assurances.<sup>20</sup> The Committee has observed that the delay in the implementation of unfulfilled assurances resulted in their importance being lost by the lapse of time. The Committee has, therefore, desired that while laying the statements in implementation of assurances in Lok Sabha which are more than 'three months' old, the reasons for delay should invariably be indicated in each case in the implementation statements.<sup>21</sup> The Committee has further recommended that in all such 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. The rest of the information as and when it becomes available should be laid on the Table of the House periodically in piece-meal say, quarterly, half-yearly and so on."<sup>22</sup>

The Committee has observed<sup>23</sup> that a lot of time is taken in some cases in reconciling the information sought for from different sources and revising them by making references over and over again to the different authorities before statement of implementation of an assurance is ready. This may perhaps, be due to the fact that there is no set machinery or staff in all the Ministries to ensure that the implementation of assurances given by Ministries on the floor of the House from time to time is pursued adequately and promptly. The Committee has therefore suggested that each Ministry/Department may consider setting up a cell, if not already there, under the charge of a responsible officer, to coordinate the work relating to assurances and ensure their implementation in time. Further, as soon as an assurance is given, the cell should study it carefully and, where necessary, seek information from authorities concerned in

<sup>20</sup> 5 L.S., 15th Report (para 12) of C.G.A.

<sup>21</sup> 5 L.S., 9th Report (para 28), 16th Report (para 20) and 6 L.S., 3rd Report (para 22) of C.G.A.

<sup>22</sup> 4 L.S., 9th Report (para 7) and 5 L.S. 1st Report (para 14) of C.G.A.

<sup>23</sup> 5 L.S., 11th Report (Para 50) and 6 L.S., 4th Report (Paras 26—28) of C.G.A.

collecting the information and avoiding need for further clarification by protracted correspondence.

Since there is usually a time-lag between the information supplied by the Minister concerned to the Minister of Parliamentary Affairs and its being laid on the Table of the House by the Minister of Parliamentary Affairs, the Committee has amended its rule to the extent that the Statements showing action taken by Government in implementation of assurances may be laid on the Table by the Minister concerned. Moreover, this change in the procedure intended to make the Ministries, which delayed the action, accountable to the House and thus fasten such responsibility on them for such lapses.<sup>24</sup> However, the amended rule has not yet come into force, as the Minister of Parliamentary Affairs has undertaken to speed up the implementation of assurances by the various Ministers.

The Committee on Government Assurances acts as an important functional limb between the Executive and the Legislature in the matter of implementation of assurances given by Ministers on the floor of the House. During the course of its working, the Committee has laid firm principles and guidelines impressing upon the Executive the imperative need for expeditious implementation of assurances given to Parliament. To quote an example of a matter of sufficient importance, Government gave an undertaking in September 1951 that displaced persons from West Pakistan would not be uprooted from the lands occupied by them unless alternative accommodation was provided to them. Later it was noted that this assurance was not being honoured by Government. The Committee on Government Assurances took up the matter and made specific recommendations in this behalf. As a result, the Government laid on the Table of Lok Sabha on April 3, 1956 a statement giving in detail the action taken by them in regard to implementation of this assurance.<sup>25</sup> In another case,<sup>26</sup> the Delhi Administration issued a plan of allotment of land to a certain Cooperative Society determining their relative priority on the basis of their date of registration and payment of premium. In the opinion of the Committee, this procedure was contrary to the commitment made by the Government to these Societies, and it accordingly asked the Government to review the proposed schemes for the allotment of land. In pursuance to this recommendation of the Committee, the Delhi Administration revised its plan and land was allotted to all the Cooperative Societies.

<sup>24</sup>. See C.G.A. Minutes, 5-11-1965 and 8-12-1965.

<sup>25</sup>. Gadgil Assurance, see 3 L.S., 3rd Report, paras 5 and 6 of C.G.A.

<sup>26</sup>. 4 L.S., 8th Report, pp. 4-20 of C.G.A.

The Committee continues to maintain the happy and well-established tradition of working in a non-partisan spirit and arriving at unanimous decisions as far as possible, on all issues coming up before it.

The Committee has been gaining popularity in public mind and more and more organisations, associations, individuals, etc. are approaching it for redressal of their grievances relating to non-implementation of assurances, given by the Ministers on the floor of the Lok Sabha. The Committee does its best to help them as far as possible after examining each case thoroughly on merits.<sup>28</sup>

The Committee has thus proved to be an effective instrument of establishing accountability of the Executive to Parliament. As a result of its constant vigil and careful scrutiny of the implementation of assurances and promises given by the Government, the Ministers now exercise more care in giving assurances, and the administration is prompt in taking action thereon.

### ANNEXURE

#### STANDARD LIST FORMS CONSTITUTING ASSURANCES

(As approved by the Committee on the 9th April, 1954)

1. The matter is under consideration.
2. I shall look into it.
3. Enquiries are being made.
4. I shall inform the Hon'ble Member.
5. This is primarily the concern of State Government but I shall look into it.
6. I shall write to the State Governments.
7. I assure the House all suggestions by Hon'ble Member will be carefully considered.
8. I shall consider the matter.
9. I shall study the conditions on the spot during my tour.
10. I will consider it.
11. I will suggest to the State Governments.
12. We will put the matter in the shape of a resolution.
13. I shall see what can be done about it.
14. I will look into the matter before I can say anything.

<sup>28</sup> 5 LS., 1st Report, p. 9 of C.G.A.

15. The suggestion will be taken into consideration.
16. The matter will be considered at the... Conference to be held on.....
17. The matter is still under examination and if anything requires to be done it will certainly be done.
18. The matter will be taken up with the Government of.....
19. I have no information; but, I am prepared to look into the matter.
20. Efforts are being made to collect the necessary data.
21. The suggestions made will be borne in mind while framing the rules.
22. If the hon. Member so desires I can issue further instructions.
23. Copy of the report, when finalised, will be placed in the library of the House.
24. I shall supply it to the Hon. Member.
25. I think it can be done.
26. If the Hon. Member's allegation is true, I shall certainly have the matter gone into.
27. We shall have to find that out.
28. I will draw the attention of the..... Government who I hope will take adequate steps in this direction.
29. It is a suggestion for action which will be considered.
30. (Discussion on Railway Budget) All the points raised by various Members will be considered and the result will be communicated to each Member.
31. Information is being collected and will be laid on the Table of the House.
32. I am reviewing the position.
33. Directions by the Speaker, Deputy Speaker or the Chairman involving action on the part of Ministers.
34. All specific points on which information is asked for and promised.

**THE ELECTION OF THE VICE-PRESIDENT\***

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The term of Office of Shri B. D. Jatti, Vice-President of India was due to expire on August 30, 1979. Article 68(1) of the Constitution provides that election to fill a vacancy caused by the expiration of the term of Office of the Vice-President shall be completed before the expiration of the term. The Election Commission of India accordingly proceeded with the necessary formalities required to be completed in this regard as provided in the Presidential and Vice-Presidential Elections Act, 1952 and the Rules made thereunder governing the election to the Office of the Vice-President. The Election Commission issued two Notifications<sup>1</sup> on the 6th July, 1979 appointing Shri S. S. Bhalerao, Secretary-General, Rajya Sabha, as the Returning Officer and Shri Sudarshan Agarwal, Additional Secretary, Rajya Sabha, as the Assistant Returning Officer for the said election. The Election Commission also issued a Notification<sup>2</sup> on July 23, 1979, announcing the following schedule of election:

- (a) 6th August, 1979 (Monday) as the last date for receiving nominations;
- (b) 7th August, 1979 (Tuesday), as the date for the scrutiny of nominations;
- (c) 9th August, 1979 (Thursday), as the date for the withdrawal of candidatures; and
- (d) 27th August, 1979 (Monday), as the date on which a poll, if necessary, to be taken.

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

<sup>1</sup> Notifications Nos. 480/79(2)-I and 480/79(2)-II, dated the 6th July, 1979. Gazette of India extraordinary Part II, Sec. 3(ii), dated the 6th July, 1979.

<sup>2</sup> Notification No. 480/79, dated the 6th July, 1979. Gazette of India Extraordinary Part II, Sec. 3(ii), dated the 23rd July, 1979.

The Returning Officer issued a Public Notice on the same day, viz., July 23, 1979, detailing the procedure, the dates for filling the nominations and of election and about the place where nomination papers could be delivered. The Public Notice was published in the Gazette of India<sup>3</sup> and the State Gazettes to give it wide publicity. The news to this effect was also broadcast by the All India Radio and on Door Darshan (T.V.) and appeared practically in all newspapers.

In response to the Public Notice, 49 persons demanded and were supplied with the nomination forms. However, a marked feature of the election this time was that none of the political parties fielded their own candidates for the high office, all having agreed to field a common candidate by consensus and the consensus was reached in the name of Shri Mohammad Hidayatullah, former Chief Justice of India.

On August 6, 1979, which was the last day for filing of the nominations, 10 nomination papers had been filed in respect of 8 candidates by 3 P.M. Two nomination papers each had been filed by Shri Mohammad Hidayatullah and Shri Madan Lal Dhartipakar, one of the other candidates. The scrutiny of the nominations was held at 11 A.M. on August 7, 1979, in the room of the Returning Officer. All the nomination papers barring that of Shri Mohammad Hidayatullah were rejected as they did not conform to the requirements of law. On August 9, 1979 on the expiry of the time for the withdrawal of candidatures, the Returning Officer formally declared<sup>4</sup> Shri Mohammad Hidayatullah, being the only candidate validly nominated and not having withdrawn his candidature, elected to the office of the Vice-President. Shri Hidayatullah entered upon the office of the Vice-President on August 31, 1979.

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<sup>3</sup> Notification S.O. No. 421 (E), dated the 23rd July 1979. Gazette of India Extraordinary Part II, Sec. 3(ii), dated the 23rd July, 1979.

<sup>4</sup> Ministry of Law, Justice & Company Affairs (Legislative Department) Notification S.O. No. 459(E) dated the 10th August, 1979 published in the Gazette of India Extraordinary Part II, Sec. 3(ii), dated the 10th August, 1979.



## PARLIAMENTARY EVENTS AND ACTIVITIES

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### CONFERENCES AND SYMPOSIA

**66th Inter-Parliamentary Conference:** The 66th Inter-Parliamentary Conference was held in Caracas (Venezuela) from September 13 to 22, 1979. The Delegation to the Conference from India was composed of Shri K. S. Hegde, Speaker, Lok Sabha and Leader of the Delegation; Shri Ram Niwas Mirdha, Deputy Chairman, Rajya Sabha; Shri Dinesh Goswami, M.P., Shri Jagdish Prasad Mathur, M.P.; Shri K.L.N. Prasad, M.P.; Shri Yogendra Sharma, M.P. and Shri Avtar Singh Rikhy, Secretary, Lok Sabha and Secretary to the Delegation. The Conference discussed and adopted Resolutions on the following subjects:—

1. Implementation of the Final Document of the 10th Special Session of the UN General Assembly devoted to Disarmament.
2. The Middle East question and the Palestinian problem.
3. Protection of the family and general care of children and youth in connection with the International Year of the Child.
4. Implementation of the UN recommendations on decolonization.
5. Ways and means of promoting international understanding, co-operation and peace in the areas of education, information and communication.
6. The legislative aspects of space law.

During the Conference period, Meetings of the Inter-Parliamentary Council and Standing Study Committees of the Inter-Parliamentary Union were also held. The Association of Secretary-Generals of Parliaments also met in Caracas during this period and Shri Avtar Singh Rikhy, Secretary, Lok Sabha attended the meetings of the Association.

## BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period from August 1 to October 31, 1979, the following Courses|Programmes were organised by the Bureau of Parliamentary Studies and Training:—

*Attachment Programme for State Legislature Official:* A 13-day Attachment Programme, from August 20 to September, 1, 1979, was organised for the Librarian, Sikkim Legislative Assembly Secretariat. The Sikkimese Official was attached with senior officers and key sections of the Library and Reference, Research, Documentation and Information Service, Lok Sabha Secretariat, to enable her to get familiar with the essential aspects of the day-to-day working of Parliament Library.

*Second Intensive Course in Parliamentary Processes and Procedures for Section Officers holding charge of Parliament Sections and for Parliament Assistants in the Ministries|Departments of the Government of India:* The Second Intensive Course for (i) Section Officers holding charge of Parliament Sections, and (ii) Parliament Assistants in the Ministries|Departments of the Government of India was organised from September 20 to 26, 1979. In all, there were 16 talks and a Question-Answer Session. The opening talk on "Parliament in the Indian Polity" was delivered by Professor H. N. Mukerjee, Honorary Adviser, Bureau of Parliamentary Studies and Training, on September 20, 1979. The participants were addressed by the senior officers of the Lok Sabha and Rajya Sabha Secretariats and Department of Parliamentary Affairs.

*Twelfth Appreciation Course in Parliamentary Processes and Procedures for Officers of the rank of Deputy Secretary and Under Secretary of the Government of India:* A six-day Course, from October 5 to 12, 1979, was organised for the officers of the rank of Deputy Secretary and Under Secretary of the Government of India. Besides the Question-Answer Session, presided over by Secretary, Lok Sabha, there were 10 talks on the various important aspects of the working of Parliament. The Course commenced with the inaugural talk on "Parliament in the Indian Polity" by Professor H. N. Mukerjee, Honorary Adviser, Bureau of Parliamentary Studies and Training. The participants were addressed by senior officers of the Rajya Sabha and Lok Sabha Secretariats.

*Fourth Foundational Course in Parliamentary Processes and Procedures for Section Officers in the Ministries|Departments of the Government of India:* The Fourth Foundational Course for Section

Officers (other than those holding charge of Parliament Sections) in the Ministries/Departments of the Government of India was held from October 17 to 24, 1979. During the six-day Course there were 10 talks and a Question-Answer Session presided over by Shri Avtar Singh Rikhy, Secretary, Lok Sabha. Professor M. L. Sondhi, Associate Professor, Jawahar Lal Nehru University, delivered the inaugural talk on "Parliament in the Indian Polity" on October 17, 1979. Besides, Joint Secretary (Budget), Ministry of Finance, the participants were addressed by the senior officers of the Lok Sabha and Rajya Sabha Secretariats.

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## PRIVILEGE ISSUES

## LOK SABHA

*Alleged misleading statement made by a Member of Rajya Sabha:*  
On April 23, 1979, the Speaker, Shri K. S. Hegde, informed<sup>1</sup> the House about a notice of a question of privilege given by Shri Jyotirmoy Bosu, against Shri Pranab Kumar Mukherjee, a Member of Rajya Sabha and former Minister of State incharge of the Department of Revenue and Banking, for allegedly making a misleading statement in the House during the Fifth Lok Sabha.

In this connection the Speaker observed<sup>2</sup>, *inter alia*, as follows:-

The statement complained of by Shri Bosu was made on January, 19, 1976, in this House while moving a Bill to approve the two Ordinances issued, namely, Ordinance No. 15/75 issued on 8th October, 1975 and Ordinance No. 23/75 issued on 29th November, 1975, providing for voluntary disclosures of income and wealth. At that time, the House had before it two Motions disapproving the Ordinance in question. In the course of his speech, the hon. Minister observed thus.

'As the Hon'ble Members are aware, the scheme of voluntary disclosure has proved highly successful. According to the latest available information, it appears that 2,42,400 persons made declarations of income amounting to Rs. 741.24 crores in the aggregate. The income tax payable on the disclosed income works out to Rs. 241.14 crores, of which a sum of Rs. 151.58 crores has already been paid. The remaining amount will be paid according to the scheme partly by the end of March this year and the remaining by the end of March, 1977.

A total number of 13,382 declarations have been made in respect of concealed wealth. The aggregate amount

<sup>1</sup>L.S. Deb., April 23, 1979, cc. 255-57.

<sup>2</sup>*Ibid.*

covered by these declarations comes to Rs. 812.11 crores. The wealth tax in respect of the disclosed wealth works out to Rs. 6.91 crores of which a sum of Rs. 3.99 crores has already been paid. The remaining amount will be paid partly by the end of March this year and the balance by the end of March, 1977.

The scheme of voluntary disclosure has brought out a large amount of concealed income and wealth which can now be channellised into productive fields in the overall interest of the economy. This is by no means a small gain and justifies Government's decision to introduce the scheme of voluntary disclosure....'

The P.A.C. in the aforementioned Report has observed that even according to the representative of the Department of Revenue, the actual addition to the economy or net wealth was not Rs. 841 crores, but it may be of the order of Rs. 200 crores. They have further observed that 'the Committee are unable to dispel their suspicion that a deliberate attempt was made to magnify the achievements of this scheme nearly by four times and thereby mislead the Parliament and the People.' The Committee recommended that an independent enquiry should be conducted to fix responsibility for this wilful distortion of facts.

From the above facts, it appears that the information given to this House was wholly wrong. The question is whether the House was deliberately misled. If so, who is responsible for it? I expect the Government to direct an enquiry into these questions without delay. This is a serious matter. It looks as if this House was taken for a ride. I would keep this matter pending till the enquiry report is available on the assumption that the enquiry will be held urgently."

On May 16, 1979, the Speaker recalled his observation of April 23, 1979 and informed<sup>3</sup> the House as follows:

"I have since received a detailed note from the Ministry of Finance which has been sent with the approval of the Deputy Prime Minister and Minister of Finance on the matter.

In their note, the Ministry of Finance after describing the manner and circumstances in which the figure of voluntary disclosures stated by Shri Pranab Kumar Mukherjee in Lok Sabha on the 19th January, 1976, was calculated, concluded that 'the figure of Rs. 812.11 crores was arrived at by aggregating the amount of wealth/value of assets disclosed for different assessment years in declarations made under Section 15(1) of the Ordinance'. The Ministry of Finance further stated that 'in para 207 of the 123rd Report of Public Accounts Committee, the Committee have recommended an independent enquiry in the matter' and that

<sup>3</sup>L.S. Deb., May 16, 1979, cc. 24142.

'this recommendation will be pursued by the Government and the results reported expeditiously to the Public Accounts Committee'. In that Report no finding was given fixing up the responsibility for the incorrect information.

In view of the above position stated by the Ministry of Finance and in view of the fact that Shri Pranab Kumar Mukherjee is a sitting member of the other House against whom a question of breach of privilege can be dealt with only by the other House in accordance with the procedure laid down in the Report of the Joint sitting of the Committees of Privileges of Lok Sabha and Rajya Sabha which was adopted by both Houses of Parliament, I refer the matter to the Chairman of the Rajya Sabha."

On May 18, 1979, the Speaker, Lok Sabha, addressed a letter to the Chairman, Rajya Sabha, enclosing therewith the relevant extracts from Lok Sabha Debates dated the 23rd April and 16th May, 1979, for information and necessary action in terms of the procedure laid down in the Report of the Joint Sitting of the Committees of Privileges of Lok Sabha and Rajya Sabha, adopted by both the House of Parliament.

*Alleged threat to murder a member:* On February 28, 1979, Shri Mani Ram Bagri, gave notice of a question of privilege under rule 222 of the Rules of Procedure and Conduct of Business in Lok Sabha, stating that Shri Raj Narain, another member, had received a letter<sup>4</sup> dated the 23rd February, 1979, containing a threat to murder him, which read, *inter alia*, as follows:

"Now I want to warn you through this letter that whatever propaganda you might have done so far against the R.S.S. let it be there. But if you dare open your mouth against the R.S.S. from now onwards, your voice will be stopped for ever.....

I had come to Delhi. I went to your Kothi, but unfortunately you were not there...I did not have much time, otherwise, I could have settled the scores with you there and then."

On March 1, 1979, when Shri Mani Ram Bagri sought<sup>5</sup> to raise the matter in the House, the Speaker (Shri K. S. Hegde) ruled as follows:

"...Mr. Bagri brought to my notice a letter said to have been written by one Mr. Mittal to Mr. Raj Narain saying that, because he was carrying on a campaign against R.S.S. his mouth would be shut. That is a very serious matter. I have found a *prima facie* case, and I have referred the matter to the Privilege Committee...."

4. Original in Hindi.

5. L.S. Deb., March 1, 1979 cc. 215-16.

Shri Ajay Kumar Mittal, in a letter<sup>6</sup> dated the 4th March, 1979, addressed to the Speaker disowned the authorship of the impugned letter and stated, *inter alia*, as follows:

"I have come to know that the said letter was written in my name. I want to inform you that I have nothing to do with the letter and I did not write this letter. I feel that a person having enmity with me has played this mischief just to harass me. I humbly submit that this matter may be looked into and the person found guilty be punished...."

The Committee, after examining Sarvashri Raj Narain and Mani Ram Bagri, members, Shri Ajay Kumar Mittal alleged author of the impugned letter and Shri S. L. Mukhi, hand-writing expert, in their Fifth Report, presented to the Speaker on the 31st May, 1979, and laid on the Table of the House on the 9th July, 1979, reported, *inter alia*, as follows:

- (i) "The Committee considered the written opinion of the handwriting expert a copy of which was furnished by the Ministry of Home Affairs, on the question whether the handwriting and the signature of the impugned letter tallied with specimen handwriting and the specimen signatures of Shri Ajay Kumar Mittal. In the opinion of the handwriting expert, while the signature of Shri Ajay Kumar Mittal on the cyclostyled letter dated the 4th March, 1979, addressed by him to the Speaker, Lok Sabha, tallied with his specimen signatures, the handwriting and signature in the letter dated the 23rd February, 1979, alleged to have been written by Shri Ajay Kumar Mittal to Shri Raj Narain, M.P. did not tally with his specimen handwriting and specimen signatures."
- (ii) "The Ministry of Home Affairs have also informed the Committee that 'As for the investigations made with regard to the threatening letter alleged to have been written by Shri Ajay Kumar Mittal to Shri Raj Narain, the inquiries made in the matter did not confirm that Shri Mittal had sent any such letter to Shri Raj Narain'."
- (iii) "After careful consideration of all the facts and circumstances, the Committee have reached the conclusion that as the handwriting and signature in the letter dated the 23rd February, 1979, alleged to have been written by Shri Ajay Kumar Mittal to Shri Raj Narain, M.P. do not tally with his specimen handwriting and specimen signatures, the impugned letter dated the 23rd February, 1979, addressed to Shri Raj Narain, M.P., was not written by Shri Ajay Kumar Mittal, 96—Khandak, Meerut (U.P.)."

<sup>6</sup>. Original in Hindi.

- (iv) "In view of the above, the Committee are of the opinion that the matter calls for no further action and so it may be dropped."
- (v) "The Committee recommend that no further action be taken by the House in the matter."

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

*Alleged misreporting of the proceedings of the House by a newspaper:* On July 19, 1978, after the Question Hour was over, Sarvasbri Jyotirmoy Bosu and Vasant Sathe,, members, raised<sup>7</sup> a number of points of order regarding admissibility of their respective notices of Ajoornment Motion, Calling Attention matters and matters under Rule 377. There were many interruptions in between and several times the Speaker had to order that anything said by the members should not be recorded without his permission.

At one stage, the Speaker, observed<sup>8</sup>:

"I cannot be dictated by anybody. In the case of an adjournment motion, it is upto the Speaker to reject it. I am in possession of full facts. It is for me to place it before the House or not. I have not placed it before the House. You cannot place it before the House.... You cannot dictate to the Speaker. There should be an orderly House. I am on the ground that investigation is still going on."

Later, while Shri Vasant Sathe and others were seeking to raise their points of order, the Speaker observed<sup>9</sup>, *inter alia*, as follows:—

"Let me make it plain to the Hon. Members that no threat will deter me. I have said that I will certainly go according to the rules, according to my interpretation, subject to any resolution in the House. Therefore, there is no use making a threat. I am selecting Calling Attention Notices according to what I consider to be important. I am to decide about it."

On July 21, 1978, Shri Vasant Sathe, made<sup>10</sup> a complaint in the House against the Special Correspondent of the *Times of India*, New Delhi, for publishing the following news report in its issue of the 20th July, 1979, under the caption 'Uproar in House over PM—Charan letters':

"At one stage, the Speaker, Mr. K. S. Hegde, had to remind Mr. Sathe that he should refrain from making threats in the House."

<sup>7</sup> *L.S. Deb.*, July 19, 1978. cc 245—52.

<sup>8</sup> *Ibid.*, c. 247.

<sup>9</sup> *Ibid.*, c. 252.

<sup>10</sup> *Ibid.*, July 21, 1978, cc. 227-28.



Shri Vasant Sathe, while objecting to the above news report, stated, *inter alia*, as follows:

"...the other day, on the 19th, you remember, there were certain points of order, interruptions and all that. And, I was requesting you that you should give a ruling on the Point of Order...."

Normally, I do not take any exception to what appears in the newspapers. They are free to write what they like, whether it is favourable or otherwise, it is perfectly all right. But, Sir, it was really very unkind on the part of the Correspondent of the *Times of India* to say like this.... You had never said like this. (a) I had not given any threat, (b) You had no occasion to remind me....

Therefore, this is really incorrect. I do not want to bring a privilege motion on this though it is a case of clear breach of privilege, misreporting and making an aspersion against a member. You were also wrongly reported.

I hope you will make an observation that the *Times of India* should correct itself and the Special Correspondent. I will be satisfied."

Thereupon, the Speaker observed<sup>11</sup> as follows:

"Mr. Sathe, you are right. I think the reporting is wrong and the paper should correct itself."

On August 1, 1978, Shri Vasant Sathe raised<sup>12</sup> a question of privilege in the House against the Special Correspondent, *Times of India*, New Delhi, regarding alleged misreporting of certain proceedings of Lok Sabha dated the 19th July, 1978, in the *Times of India*, dated the 20th July, 1978, and stated, *inter alia*, as follows:

"I had hoped that after this the paper would correct itself. Unfortunately although it was pointed out to the correspondent and to the newspaper editor, they had not corrected it. Therefore, I sought your permission to raise it.... I would request you to consider that to report the proceedings of the House incorrectly which had never happened, which had never taken place, which tends to malign a Member—is *per se* a breach of privilege.... I feel it is for the House to decide whether a breach of privilege has been committed or not and I leave it to the House."

Shri Vasant Sathe then moved<sup>13</sup> a motion that this matter be referred to the Committee of Privilege. Thereupon, Shri Jyotirmoy

<sup>11</sup>. *Ibid.*, c. 220

<sup>12</sup>. *L.S. Deb.*, August 1, 1978, cc. 275—85.

<sup>13</sup>. *Ibid.*, c. 276.

Bosu moved<sup>14</sup> "that the House may consider the question and come to a decision with regard to this question of privilege." The discussion on these motions was not concluded on that day the Speaker observed<sup>15</sup> that the matter would be taken up on some other day.

On August 16, 1978, during the course of the discussion in the House on the above motions, the Speaker made<sup>16</sup>, *inter alia*, the following observations:

"Whenever an Editor or a Correspondent either accepts his mistake or apologises, I invariably persuade the Members to drop the matter. If only the Correspondent had apologized or even said he was regretting what he said probably things would have been different. He did not either apologize or express regret."

Thereafter, the following motion was adopted<sup>17</sup> by the House:

"That this matter be referred to the Committee of Privileges with instructions to report before the end of the next session."

The Committee of Privileges, after examining on oath Shri Vasant Sathe, and Shri Girilal Jain, Editor, *The Times of India*, Bombay, in their Fourth Report, presented to the House on the 22nd March, 1979, stated, *inter alia*, as follows:

- (i) "...the Editor of the *Times of India* failed to publish the necessary correction as directed by the Speaker. The Editor, *Times of India* also failed to take note of the Speaker's... observations, in his letter of explanation dated the 26th July, 1978 in response to the notice of question of privilege dated the 24th July, 1978, given by Shri Vasant Sathe, M.P."
- (ii) "The Committee are of the view that it was obligatory on the part of the Editor of the *Times of India* to have paid due attention to the Speaker's observations made on the 21st July, 1978, in the House and publish the necessary correction as directed by the Speaker."
- (iii) "In view, however, of the explanation given and regret expressed by the Editor, *Times of India*, before the Committee, the Committee consider that no further action need be taken in the matter."
- (iv) "The Committee are conscious that the freedom of the Press is an integral part of the fundamental right of the freedom of speech and expression guaranteed to all citizens under Article 19(1)(a) of the Constitution. The

<sup>14</sup>. *Ibid.*, c.282.

<sup>15</sup>. *Ibid.*, c. 185.

<sup>16</sup>. *Ibid.*, August 16, 1978, c. 244.

<sup>17</sup>. *Ibid.*, c. 245.

Committee consider it important that in a Parliamentary system, the Press should enjoy complete freedom to report the proceedings of Parliament fairly and faithfully. If, however, freedom of the Press is exercised *mala fide*, it is the duty of Parliament to intervene in such cases. At the same time, the Committee are of the view that Parliamentary privilege should in no way fetter or discourage the free expression of opinion or fair comment."

- (v) "The Committee recommend that no further action be taken by the House in the matter and it may be dropped."

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

#### ANDHRA PRADESH LEGISLATIVE ASSEMBLY

*Permission to a member to give evidence before a Committee of the other House:* On February 13, 1979, the Speaker, Shri Kondiah Choudary, informed<sup>18</sup> the House as follows:

"I have received the following letter dated 26-12-1978 from Shri M. V. Krishna Rao, M.L.A.:

'Sir,

I am to inform you that I want to give evidence before the Committee of the House of the Legislative Council on Board of Intermediate Education.

I am to request you to permit me to give evidence before the House Committee after taking permission of the House.

Yours faithfully,

Sd/-

M. V. Krishna Rao,'

It has been the procedure in Parliament that when such a request is received seeking leave of the House from a member to give evidence before the other House or a Committee thereof the matter is referred by the Speaker to the Committee of Privileges. And on a report from the Committee a motion will be moved in the House by the Chairman or a member of the Committee to the effect that the House agree with the report and further action will then be taken in accordance with the decision of the House.

I am, therefore, referring the matter to the Committee of Privileges for examination and report to the House"

<sup>18</sup>Andhra Pradesh L.A. Deb., February 13, 1979.

The Committee of Privileges, after considering the matter, in their Second Report, presented to the House on March 24, 1979, reported *inter alia* as follows:

- (i) "The Committee felt that in view of the fact that the member himself volunteered to tender evidence before the Committee of the House of the Legislative Council on Board of Intermediate Education there was no objection to permit him to do so."
- (ii) "The Committee recommends to permit Shri M. V. Krishna Rao, M.L.A. to give evidence before the Committee of the House of the Legislative Council on Board of Intermediate Education."

On March 26, 1979, the House adopted the report of the Committee

*Alleged casting of aspersions on the Speaker by a Weekly:* On August 29, 1978, Shri Nallapareddi Sreenivasul Reddy, a member, gave notice of a question on privilege against the Editor, *Zamin Ryot*, a local Telugu weekly, for publishing the following passage<sup>19</sup> in its issue of the 25th August, 1978:

"The post of Speaker required certain special qualifications like patience, impartiality, ready with tact, and endurance. Sri Kondaiah Choudary possesses qualifications and education, service, etc., in abundance. But it seems, he is lacking in adroitness which the office of Speaker demands. He is a politician possessing an emotional temperament. That is why, he is unable to adjust himself in the office he holds and is getting disturbed daily. Sri Kondaiah Choudary might not have aspired for the Speakership. It is forced on him. We think that if any Minister comes forward to exchange his ministership for Speakership, Shri Kondaiah Choudary would gladly bid goodbye to it."

On September 1, 1978, while raising the matter in the House, Shri Reddi stated<sup>20</sup> that the language used in the weekly reflecting on the Speaker, was very mean and could not be tolerated. He, therefore, requested that the matter might be referred to the Committee of Privileges.

The Deputy Speaker (Shri K. Prabhakar Reddy), who was then in the Chair, reserved his ruling.

On September 11, 1978, the Deputy Speaker informed<sup>21</sup> the House that he had referred the matter to the Committee of Privileges for examination and report to the House.

<sup>19</sup>. Original in Telugu.

<sup>20</sup>. *Andhra Pradesh L.A. Deb.*, September 1, 1978.

<sup>21</sup>. *Ibid.*, September 11, 1978.

The Committee of Privileges, after considering the matter, in their First Report, presented to the House on March 24, 1979, reported, *inter alia*, as follows:

- (i) "The Committee is of the opinion that the local weekly in which the matter was printed was not of such importance or of wide circulation as to be taken notice of and that it is not consistent with the dignity of the House to take cognisance of every such small matter which may technically constitute a contempt of the House. The House would best consult its dignity if it ignores such improprieties and indiscretions."
- (ii) "The Committee has also noted the expression of regret by the Editor, *Zamin Rcyt*, in his letter to the Speaker."
- (iii) "The Committee recommends that in the circumstances no further action need be taken by the House in the case."

On March 26, 1979, the House adopted the Report of the Committee.

#### JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY

*Alleged casting of reflections on the members of the Legislative Council by a newspaper:* On April 8, 1978, Sarvashri P. L. Handoo and Abdul Rahim Rather, members, gave jointly a notice of question of privilege against the local correspondent of the *Indian Express* for publication of a news item in the New Delhi issue of the paper dated April 7, 1978, under the caption "Congress (I) attacks Bill but abstains from voting" which, *inter alia*, read as under:

"The Congress I today throttled its conscience by resorting to a game of apportunistic politics and allowing the Public Safety Bill to pass with a minority vote."

The above news item was based on the debates of the Jammu and Kashmir Legislative Council when the Jammu and Kashmir Public Safety Bill, 1978 was at the third reading stage.

On May 26, 1978, the Speaker (Malik Mohi-ud-Din) referred the matter to the Committee of Privileges under rule 257 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly for examination, investigation and report.

The Committee, after examining the local correspondent of the *Indian Express* twice, in their Fifth Report, presented to the House on March 10, 1979, reported *inter alia*, as follows:

- (i) "The Committee...addressed itself with the following questions:
  - (a) whether the impugned news item tends to cast reflections on the conduct of the members of the

Legislative Assembly involving a question of breach of privilege;

- (b) Whether criticism of a particular group in the House constitutes breach of privilege or not;
  - (c) Whether the Committee can take notice of the complaint relating to a matter pertaining to the Legislative Council.”
- (ii) “In order to arrive at a conclusion with regard to the above mentioned first question the Committee noted that Congress-I had a majority of members in the State Legislative Council and its members had opposed the piece of legislation though passed by the legislative Assembly and had staged a technical walk out. In the meanwhile, the House passed the Bill under reference.”
  - (iii) “The news item, therefore, cast reflection on the action of the members belonging to Congress-I in the Legislative Council so far as staging a walkout by them was concerned even though the first para of the news item, if read in isolation suggests criticism on the Congress-I Party.”
  - (iv) “Coming to the second question, the Committee perused various guidelines enunciated in the May’s treatise and various State Legislatures incorporated in the ‘Law of Parliamentary Privilege in India’....”
  - (v) “Coming to the last issue as pointed out at item (c) the Committee had no difficulty in arriving at the conclusion that the impugned news item tends to malign the members of the Legislative Council belonging to Congress-I and that the Committee was competent to take cognizance of the case.”
  - (vi) “The Committee considered the statement of the correspondent that he had no *mala fide* intention in publishing the said news item.”
  - (vii) “The Committee finds though the impugned news item tends indirectly to malign the members of the Upper House belonging to a political party represented in the House yet it was not in a direct, deliberate and premeditated manner. The House can treat it at a trivial matter and it will be in consonance with its dignity to ignore it.”
  - (viii) “The Committee recommends that the House would best consult its own dignity by taking no further notice of the matter. This would be in conformity with the tradition of this House in respecting the freedom of press. The case may not be pursued further and be dropped.”

On March 31, 1979, the House adopted the Report of the Committee.

#### MEGHALAYA LEGISLATIVE ASSEMBLY

*Alleged misrepresentation of the proceedings of the House and casting of reflections on the House by a Member of Lok Sabha:* It may be recalled that on December 8, 1973, Shri Hoover Hynniewta, a Member, had given notice of a question of privilege against Shri G. G. Swell, a Member of Lok Sabha and the then Deputy Speaker, Lok Sabha, for casting reflections on the House in a letter dated the 2nd October, 1973, addressed to the General Secretary, All-Party Hill Leaders' Conference. In his notice, Shri Hynniewta stated, *inter alia* as follows:

- “...Shri G. G. Swell, M.P., Deputy Speaker, Lok Sabha...
- (a) falsely and maliciously stated that there was a 'unanimous demand of Opposition Parties in the Meghalaya Assembly in the July Session of this year that petty farmers and traders should be exempted from taxes on their agriculture and purchases'.
  - (b) falsely and maliciously stated that the Government (which is a part of the House and responsible to it) rejected the alleged demand referred to in (a).
  - (c) maliciously accused the House, in an indirect and veiled manner, of having placed the last straw on the back of the people through its enactment of the Meghalaya Finance Act in its March-April Session this year.
  - (d) contemptuously regarded the House as a mere hand maid of the Government which the latter could easily take for granted and utilise to pursue its alleged 'anti-people policies and measures'.”

On the same day, Shri Hynniewta raised the matter in the House.

The Speaker referred the matter to the Committee of Privileges under rule 176 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for report by the 15th March, 1974. The Committee however, could not dispose of the matter for various reasons, and, therefore, the matter stood referred to the next Committee of Privileges.

The Committee, after examining the matter in detail, in their Tenth Report, presented to the House on January 17, 1979, noted the allegations made by Shri Hoover Hynniewta in his notice dated 8th December, 1973 and observed:

- (i) “The committee deliberated at length on whether any or all of the above charges having regard to the fact and circumstances under which they were alleged to have

been made, would amount to a deliberate misrepresentation of facts and/or false and malicious expression calculated to lower the dignity of the House as contended by the complainant, as to constitute a breach of the privilege. So for as (a) above is concerned, the Meghalaya Finance Bill 1973 which has been referred to in the letter of Shri G. G. Swell... was introduced in the Meghalaya Legislative Assembly on 4th April, 1973 and was passed by the House on 6th April, 1973. The Bill proposed various rates of taxes on agricultural income. While it was true that the bill was passed without any discussion thus refuting the claim of 'unanimous demand of the opposition parties in the Meghalaya Legislative Assembly for exemption of petty farmers and traders from payment of taxes on agriculture and purchases' as alleged by Shri G. G. Swell, the committee could not subscribe to the view that it was a direct insinuation to the House as to bring it into odium, inasmuch as it has not been clearly stated at what forum the Opposition parties opposed the legislation. Furthermore, the statement alluded to an action taken by the 'State Government' and not by the House itself. Likewise the charges brought out at (b), (c) and (d) above were in the opinion of the Committee only apprehensions of the complainant as a sequel to the impugned statement. Further, in the opinion of the Committee, the allegation of the complainant veers round the letter dated 2nd October, 1973 addressed by Prof. G. G. Swell, the then Deputy Speaker of the Lok Sabha, the General Secretary, APHLC in reply to a show cause notice at party level. All allegations listed in the said letter, portions of which have been called in question as a privilege issue by the complainant, were directed against the 'APHLC State Government' and not against the Meghalaya Legislative Assembly as such".

- (ii) "In the Circumstances stated above, the Committee is of the view that no breach of privilege is involved on the above counts".
- (iv) "The Committee also discussed at length the question whether it is competent to sit on judgement over a complaint of a breach of privilege alleged to have been committed by a Member of another House. The Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly do not prescribe the procedure for dealing with cases when a Member of Parliament or a State Legislature commits a breach of privilege in respect of the other. It will be worthwhile to note that the report of the Committee of Speakers on the procedure to be adopted in such a case states:

The Committee feels that although the Legislature contemned can punish an offending Member of Parliament or member of another State Legislature,



a convention should be developed to the effect that when a question of breach of privilege is raised in any legislature in which a member of another legislature is involved, the Presiding Officer should refer the case to the Presiding Officer of the Legislature to which that member belongs and the latter should deal with the matter in the same way as if it were a breach of privilege of that House. The Committee suggest that identical resolution somewhat on the lines of the draft given in . . . may be adopted by the various Houses. The resolutions will serve as directions of the Houses and will be binding on their members and Committees.

- (iv) "Resolutions to enforce this procedure have already been adopted by a good number of Legislatures of major States in India. The Committee is of the opinion that at present the pros and cons of this suggested procedure need be examined further whether this Assembly should fall in line with other State Assemblies in India."
- (v) "In view of the totality of the circumstances involved in this case, the Committee recommends that the matter be dropped."

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

#### TRIPURA LEGISLATIVE ASSEMBLY\*

*Newspaper Editorial re. Alleged budget leakage:* On June 20, 1978, a member Shri Samar Choudhury gave notice of a question of privilege against Shri Mohan Lal Roy, editor of "*Daily Nagarik*" for publishing a misleading editorial amounting to an allegation of budget leakage prior to its presentation in the House. On June 21, the Speaker referred the privilege case to the Committee of Privileges for examination, investigation and report to the House under Rule 191 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly.

The Committee of Privileges while presenting its report to the House on March 16, 1979, opined that Shri Mohan Lal Roy, Editor of "*Daily Nagarik*" had wilfully published the impugned editorial with the sole intention of lowering the dignity of the House and prestige of the Chief Minister as a Member of the House, and thereby Shri Roy had committed a breach of privilege and contempt of the House for which he deserved to be appropriately dealt with. The Committee recommended to the House that Shri Mohan Lal Roy, Editor "*Daily Nagarik*" be reprimanded by the Speaker at the Bar of the House.

\* Contributed by the Tripura Legislative Assembly Secretariat.

The House agreed with the findings and the recommendation of the Committee. Accordingly, Shri Roy was summoned to appear in person to receive the reprimand at the "Bar" of the House on March 26, 1979. But Shri Roy declined to appear at the "Bar" of the House to receive the reprimand and addressed a communication to the Speaker on March 25, 1979 which the House considered as casting aspersion on the Privileges Committee and thereby committing contempt of the House as a whole, thus further aggravating his offence.

Since Shri Mohan Lal Roy had disobeyed the summons of the House by not appearing at the "Bar" of the House to receive the reprimand, on a resolution moved by Shri Tapan Chakraborty, a member, the House empowered the Speaker to take necessary steps to issue a warrant of arrest to the concerned District Magistrate to arrest Shri Mohan Lal Roy, Editor "*Daily Nagarik*" and that the said Shri Roy be sentenced to one day's simple imprisonment on the first day of the House re-assembled.

In pursuance of this resolution having been adopted by the House, Shri Mohan Roy was sentenced to one day's simple imprisonment on the 1st day of June, 1979, when the House re-assembled.

#### UTTAR PRADESH VIDHAN SABHA

*Alleged misleading statement made by the Chief Minister in the House:* On April 11, 1978, the Speaker (Shri Banarsi Das) informed<sup>2</sup> the House as follows:

"Shri Arif Mohammad Khan, M.L.A. had given notice of a question of privileges and contempt of the House against the Chief Minister. Hon. member had said that the hon. Chief Minister, while making a statement in the House on 30th March, 1978, had termed serious law and order situation in Sambhal town in District Moradabad as communal riots. The hon. member had stated that an on the spot enquiry and the statement of the Principal of the Gandhi Memorial School proved that the Statement made by the hon. Chief Minister on 30th March, 1978, was far from the truth and the facts were twisted therein. I had sent this notice to the hon. Chief Minister for a clarification. Hon. Chief Minister had stated in his clarification that the statement made in the House on 30th March, 1978, was based on the information received from district level. Thereafter, the information received by Intelligence Department also confirmed his statement.

<sup>2</sup>U.P. Vidhan Sabha Deb., April 11, 1978 (Original in Hindi).

Moreover, hon. Shri Mohammad Khan has referred to the statement made by the Principal. It may only be his opinion or his information. On the basis of that only it cannot be said that the hon. Chief Minister had misled the House. That is why, I disallowed this notice".

The matter was, thereafter, closed.

#### HOUSE OF COMMONS (U.K.)

*Discussion and approval of statutory instruments involving expenditure, by the other House:* On March 8, 1979, Mr. Stoddart, a member, sought to raise<sup>23</sup> a point of order regarding discussion and approval of the Draft European Communities (Definition of Treaties) (ECSC Decision on Supplementary Revenues) Order, 1979, by the House of Lords. He stated, *inter alia*, as follows:

"...This order raises a serious question about the powers of this House and the powers of the Lords in relation to voting money.

The tradition is that the other House should in no circumstances grant or refuse Supply. That is an important constitutional principle, which goes back to 1640, when a monarch who wished to undermine that principle lost his head.

My point of order involves the question whether this order should have been introduced into the House and whether its introduction was a breach of the privilege of this House. The order means that the House of Lords has to give consent to the voting of Supply. When this matter was discussed in the Standing Committee on Statutory Instruments yesterday the Minister in charge made an odd statement. He said that he did not think that it mattered so much because the Lords would have the power only to refuse Supply. The power to refuse Supply is virtually the power to maintain or dismiss a Government. I am sure that I shall have support in asserting that only this House has the power to dismiss a Government. Therefore, I hope that you, Mr. Speaker, will consider this to be a serious issue which involves the privilege of the House and the future handling of Statutory instruments.

I hope that you will be able to prevail on the powers that be so that no further action is taken until the position has been clarified and the privilege of the House safeguarded."

The Lord President of the Council and Leader of the House of Commons (Mr. Michael Foot) stated, *inter alia*, as follows:

"Further to that point of order, Mr. Speaker, I know that you will wish to rule on this matter but of course I shall look

<sup>23</sup>. H. C. Deb., March 8, 1979, cc. 1807-8.

into it urgently in the light of what hon. Members have said. A question of considerable importance is involved. There is also the question whether we should proceed until we have examined the matter....."

The Speaker (Mr. George Thomas) reserved his ruling till early next week.

On March 12, 1979, the Speaker ruled<sup>4</sup> as follows:

"Last Thursday, the hon. Member for Swindon (Mr. Stoddart) raised with me the matter of the Draft European Communities (Definition of Treaties) (ECSC Decision on Supplementary Revenues) Order, 1979. He suggested that the implications of the order were such as to make its discussion and approval by another place a breach of the privileges of this House. I undertook to rule on the point that he raised.

As the House know, the draft order seeks to give effect to a decision of the Governments and the member states of the European Coal and Steel Community allocating to that Community additional contributions for the financial year 1978. Among those contributions is one from the United Kingdom.

I have examined the matter with care since the hon. Gentleman raised it and I have two observations to make. In the first place, section 1(3) of the European Communities Act, 1972 provides that draft orders of this type, defining certain Community treaties as treaties within the meaning of Act shall be subject to approval by resolution of each House of Parliament. Indeed, Section 2(3) of that Act expressly envisages a charge arising from an obligation under a treaty approved in that way.

Secondly, in his submission to me last Thursday the hon. Member said that there was a tradition that the other House should in no circumstances grant or refuse Supply. However, I have to say that all Appropriation, Consolidated Fund or Finance Bills pass through normal statutory procedures and so are considered by another place.

As for statutory instruments, their procedures are governed by the Acts under which they are made. If, as in this case, the parent Act provides that the instrument requires approval by both Houses or is subject to annulment by either House. That is the procedure that must be followed.

In the circumstances, I do not find that this is an issue that touches on the privileges of the House. However, I congratulate the Hon. Member on being so keen to guard our rights and privileges."

The matter was, thereafter, closed.

<sup>4</sup> H. C. Deb., March 12, 1979, p. 49.

## PROCEDURAL MATTERS

## LOK SABHA

*Extension of time for debate:* On July 9, 1979, when the House granted leave to a Member (Shri Samar Mukherjee) to move his adjournment motion regarding the demands of the Central Reserve Police and the Central Industrial Security Force personnel, the Speaker directed that the motion would be taken up at 16.00 hrs. and discussed for 2½ hrs. The discussion on the motion commenced at 16.03 hours. At 18.30 hrs., the Speaker interrupted the member on his legs and sought pleasure of the House to extend the time for the debate. While the members from the Treasury Benches opposed the move, some members raised points of order that it was the Speaker's discretion to extend the time and that he need not seek consent of the House. The Speaker then observed that the Minister could speak whether he had previously spoken or not and the mover had the right of reply as in the case of other motions. The Chair would, therefore, give brief time to the Minister to speak and the mover to exercise his right of reply. Observing further that the debate would continue till he considered it adequate, the Speaker directed the member on his legs to continue his speech. Thereafter, the Minister made a statement and the mover replied to the debate. The adjournment motion was in the end negatived after a division at 19.44 hrs.

*Adjournment of the House:* On July 13, 1979, immediately on commencement of the sitting, several members raised the question of disruption of water supply in Delhi and demanded that the Minister of Works, Housing and Rehabilitation, Shri Sikander

Bakht, should make a statement explaining the position. As there were continuous interruptions and noisy scenes, the Speaker adjourned the House at 11.15 hrs. for half-an-hour. When the House re-assembled at 11.49 hrs. the Minister made a statement and apologised for not being present in the House earlier. Not satisfied with the Minister's statement, the Members expressed their grave concern on non-availability of water and demanded that the House be adjourned. As interruptions and noisy scenes continued, the Speaker adjourned the House at 12.05 hrs. till the next sitting on July 16, 1979.

*New Leader of Opposition:* On July 10, 1979, the Speaker announced that he had received a request for change of the Official Leader of Opposition and in view of the changed party position, he had consulted Shri C. M. Stephen (Leader of Opposition) who had no objection to Shri Y. B. Chavan being designated as the new Leader of Opposition. The Speaker accordingly designated Shri Y. B. Chavan as the Leader of the Opposition.

*Power to declare rules illegal:* On July 12, 1979, immediately before the Minister of External Affairs, Shri A. B. Vajpayee, laid on the Table of the House certain notifications regarding the Passports (Fifth Amendment) Rules, 1979 and the Passports (Sixth Amendment) Rules, 1979, a member (Shri Bhagat Ram) who had earlier given notice of his intention to oppose laying of these notifications on the Table, made a submission explaining the difficulties faced by the people in obtaining passports. The Speaker observed that he had no power to declare any rule illegal and that the Chair could not do anything in the matter.

*Laying of papers on the Table:* On July 9, 1979, when the Minister of Parliamentary Affairs laid on the Table a copy each of the Reserve Bank of India (Maintenance of Services) Ordinance and the Additional Emoluments (Compulsory Deposits) Amendments Ordinance, the Speaker permitted Members who had given advance notice in this behalf to make brief submissions expressing their objections to the promulgation of the said Ordinances. When, however, a Member strongly opposed the Ordinances and there were persistent interruptions in the House, the Speaker observed that it was a constitutional requirement to lay the Ordinances on the Table and no further remarks by the Members would be recorded.

## HIMACHAL PRADESH LEGISLATIVE ASSEMBLY\*

*Election of Speaker:* The Speaker of the Legislative Assembly, Shri Sravan Kumar, resigned from his office on April 17, 1979 and under article 181 of the Constitution, the Deputy Speaker performing the duties of the Speaker presided over the sitting of the House held at 11.00 hours on the 8th May, 1979, summoned to elect the Speaker, the above date having been fixed by the Governor for the purpose.

At the commencement of the sitting the Chair announced that two notices proposing the name of Shri Thakur Sen Negi had been received and found in order. Thereupon Shri Kaul Singh Thakur raised a point of order, that the session summoned to elect the Speaker was not proper, constitutional or legal as the said election was not a business of the Government. The Chief Minister pleaded that there was no point of order as the House had been summoned properly. Other members also took part in the debate. The Speaker reserved his ruling and at 12.44 P.M. adjourned the sitting till 2.30 P.M. on the same day.

At 2.30 P.M. when the sitting was resumed it was again adjourned by the Chair till 5.00 P.M. on the ground that he had not by then come to any definite conclusion on the point of order. When the House resumed its sitting at 5.00 P.M. the Deputy Speaker declared that the question was of a complicated nature and that he had not reached a definite decision and so he reserved his ruling. He then adjourned the sitting *sine die* and left the Chamber. But 39 Members (the House has a strength of 68, out of which 67 were present that day) continued to occupy their seats insisting that the election of the Speaker for which purpose they had been summoned be held. Thereupon Shri Gulab Singh Thakur, one of the Members on the Panel of Presiding Members, was requested to take the Chair. With Shri Gulab Singh Thakur in the Chair, the Chief Minister moved the following resolution:

“That this House does not agree with the manner in which its functioning has been brought to a halt and resolved that the election of the Speaker may be held forthwith with Shri Gulab Singh, who is on the panel of Chairmen, in the Chair.”

The resolution was adopted unanimously and thereafter the Chair put the motion of election of the Speaker to the vote of the House. On its adoption Shri Thakur Sen Negi was led to the

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\*Contributed by the Himachal Pradesh Legislative Department.

Chair by the Chief Minister and Shri Bhaskara Nand, another member. Then, after the Chief Minister and others as also the Speaker-elect had spoken, the House was adjourned *sine die* at 5.35 P.M.\*

UTTAR PRADESH LEGISLATIVE ASSEMBLY\*\*

*Election of Speaker:* The House had passed a Motion in the previous Session to postpone the election of the Speaker on a date to be fixed by the Governor within 15 days of the commencement of the next Session of the Assembly.† However, on May 10, 1979, the Chief Minister moved a Motion that the provisions of clause (b) of Rule 8(1) of the Rules of Procedure and Conduct of Business of the U.P. Vidhan Sabha be suspended again and the election of the Speaker be held on such a day as the Governor may fixed, within May 31, 1979. The motion was adopted by the House. Consequently, the Governor fixed May 29, 1979 as the date for the said election. However, on May 28, 1979, the House adopted a motion moved by the Minister for Parliamentary Affairs for further postponement of the election of Speaker, while suspending the relevant Rules. According to the Motion, the election was to

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\*The election of the Speaker was challenged in the Himachal Pradesh High Court through three writ petitions. After hearing, the High Court dismissed all the writ petitions. While dismissing the writ petitions, the High Court made the following observations on the points regarding adjournment of the House *sine die* by the Deputy Speaker and conduct of business of the House thereafter:

“The House was adjourned *sine die* by Shri Varma not because he was not capable of deciding the simple point of order raised by Shri Thakur but because he was guided by some extraneous considerations which were not germane to the purpose for which the power of adjournment was vested in him. This clearly amounts to factual as well as legal malafides and every decision, which has at its base some malafides, is vitiated. This will be another reason why this decision to adjourn the House *sine die* was illegal and was not binding on the members of the House.

If the said decision of the Deputy Speaker to adjourn the House *sine die* was illegal and void *ab initio* it did not exist in eye of law and the House continue its sitting. Therefore, the Members who continued to sit, continued the sitting of the House itself and if they subsequently to take the business of the House itself and if they subsequently proceeded to take the business of the House on hand and finish it, the decision taken by them must be considered as the decision of the House.” —Editor

\*\*Contributed by the U.P. Legislative Assembly Secretariat.

†See J.P.F. Vol. XXV, No. 2, April—June, 1979, p. 241.



be held within 15 days of the commencement of the next session. Raising a point of order, a member, Shri Govind Singh Negi, said that since a definite date had been fixed by the Governor for election of the Speaker, the House had no right to cancel the order of the Governor, and hence, the motion of the Minister for Parliamentary Affairs was inadmissible. After hearing some members the Deputy Speaker held the motion to be in order, but he further said that if the Governor did not cancel his order fixing the date of election, it would be held on May 29, 1979. On the next day, after the Question-Hour, the Deputy Speaker informed the House that the Governor had since cancelled his earlier order fixing May 29, 1979 as the date for the aforesaid election.

*Ratification of Constitution Amendment Bill:* On May 5, 1979, Shri Sohan Vir Singh Tomar pointed out that the resolution regarding ratification of the Constitution (Forty-fourth amendment) Bill had not been brought before the House for the expression of its views. Thereupon the Deputy Speaker observed that since the Bill had already received the assent of the President, no purpose would be served to discuss it now. He, however, directed the Government to be vigilant so that the House was not deprived of its right of consideration of such Bill in future.

*Announcement of policy matters outside the House:* Raising a point of order on June 5, 1979, Shri Shyam Dhar Mishra said that a statement of the Minister for Power wherein he had announced the enhancement of electricity rates, had been published in the newspapers, whereas the Minister had made no mention of the same when he had moved the Demands for Grants relating to his Department in the Assembly a week earlier. The Deputy Speaker reserved his ruling on the point of order.

Giving his ruling on June 8, 1979, the Deputy Speaker said that the relevant issue for deciding on the point of order was whether the decision of enhancing the tariff came within the ambit of policy-making by the Government. Referring to Section 49 of the Electricity (Supply) Act, 1948 he observed that the State Electricity Board had the right to enhance the tariff in accordance with the guidelines set out in the said section, and the previous sanction of the government was not required for the same. He added that the income from such tariff would not form a part of the Consolidated Fund of the State but, on the other hand, it would be the income of the Electricity Board. Thus, legally it did not involve a question of State policy or any irregularity since according to parliamentary

practice the Ministers were required to announce only policy matters in the House, while it was in Session. At the same time he observed that he was not expressing his opinion regarding the date of the notification of the Electricity Board or regarding the propriety of the announcement by the Minister himself instead of by some representative of the Electricity Board at a Press Conference.

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PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS  
(July 1 to September 30, 1979)

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DEVELOPMENTS AT THE CENTRE

INDIA

*Resignation of Desai Ministry and formation of new Government:* The 28-month old Janata Government headed by Shri Morarji Desai went out of office on July 15, 1979, when Shri Desai handed over his resignation to President Sanjiva Reddy.

Shri Desai's resignation followed resignations from the Janata Party in Lok Sabha, of a number of members including several Ministers, thereby reducing the ruling party to a minority in the House. The resignation came before the motion of no-confidence against the Desai Ministry tabled by the Leader of the Opposition (Shri Y. B. Chavan), then under discussion in Lok Sabha, came up for voting by the House.

Shri Charan Singh resigned from the Janata Parliamentary Party as well as the Ministry on July 16 and, on the same day, was elected leader of Janata (S).

On July 18, President Sanjiva Reddy invited the Leader of the Opposition, Shri Y. B. Chavan to explore the possibility of forming a stable Government to replace Shri Desai's caretaker Government. Shri Chavan, however, conveyed to the President, on July 22, his inability to form a Government.

Subsequently, on July 26, after considering the rival claims of Shri Charan Singh [Janata (S)] and Shri Desai (Janata Party) to form a Government, President Sanjiva Reddy invited Shri Charan Singh to form a new government. The President also simultaneously

asked Shri Charan Singh to seek a vote of confidence from Lok Sabha "at the earliest possible opportunity, say by the third week of August".

A nine-member coalition Ministry headed by Shri Charan Singh was sworn in by the President on July 28. The Ministry was subsequently expanded in phases and the allocation of portfolios among the Ministers was as follows:

#### **Cabinet Ministers:**

Shri Charan Singh: *Prime Minister and all Ministries and Departments not allotted to any other Minister*; Shri Y. B. Chavan: *Deputy Prime Minister and Minister of Home Affairs*; Shri H. N. Bahuguna: *Finance*; Shri Brahm Prakash: *Agriculture and Irrigation*; Shri Hitendra Desai: *Commerce and Civil Supplies*; Shri S. N. Kacker: *Law, Justice and Company Affairs*; Shri Purshottam Kaushik: *Information and Broadcasting*; Shri Ram Kinkar: *Works, Housing and Supply and Rehabilitation*; Shri S. N. Mishra: *External Affairs*; Dr. (Smt.) Sathiavani Muthu: *Social Welfare*; Shri T. A. Pai: *Railways*; Shri A. Bala Pajanor: *Petroleum, Chemicals and Fertilizers*; Shri K. C. Pant: *Energy*; Shri Biju Patnaik: *Steel, Mines and Coal*; Shri Mohamed Shafi Qureshi: *Tourism and Civil Aviation*; Shri Rabi Ray: *Health & Family Welfare*; Shri Fazlur Rehman: *Labour*; Shri K. Brahmananda Reddy: *Industry*; Dr. Karan Singh: *Education and Culture*; Shri C. Subramaniam: *Defence*; Shri Zulfikarulla: *Communications and also Muslim Wakfs*.

#### **Ministers of State:**

Shri Bhanu Pratap Singh: *Rural Reconstruction*; Shri Janeshwar Mishra: *Shipping and Transport*; Shri T. S. Shrangare: *Communications*; Shri Narsingh: *Communications*; Shri B. Rachaiah: *Industry*; Shri P. A. Prasad Rao: *Tourism and Civil Aviation*; Shri Bedabrata Barua: *External Affairs*; Shri Nathuram Mirdha: *Agriculture and Irrigation*; Shri M. V. Krishnappa: *Agriculture and Irrigation*; Shri P. M. Sayeed: *Steel, Coal and Mines*; Shri V. Kishore Chandra S. Deo: *Steel, Coal and Mines*; Dr. Henry Austin Commerce and Civil Supplies; Shri Saugata Roy: *Petroleum, Chemicals and Fertilizers*; Smt. Rashida Haq Choudhry: *Education, Social Welfare and Culture*; Shri K. Gopal: *Parliamentary Affairs*; Shri Jagbir Singh: *Defence* and Shri Dhanik Lal Mandal: *Home*.<sup>1</sup>

**Dissolution of Lok Sabha:** The Ninth Session of Lok Sabha was summoned to meet on August 20. At this session the new Ministry

<sup>1</sup> *Asian Recorder*, August 20—26, pp. 15038—44.

was to have sought a vote of confidence from Lok Sabha. Before the commencement of the House on that day, the Congress (I) Party had announced withdrawal of its support to the Charan Singh Ministry. On the same day Shri Charan Singh tendered his resignation and that of his Council of Ministers and advised the President that, "in view of the present situation, arrangements may be made for a fresh mandate being obtained from the people". The President accepting the resignations requested Shri Charan Singh and his colleagues "to continue in office till other arrangements are made".<sup>2</sup> On August 22, in exercise of the powers conferred upon him by sub-clause (b) of clause (2) of Article 85 of the Constitution, the President dissolved Lok Sabha and ordered fresh elections to be held in mid-December.<sup>2\*</sup>

*New Vice-President:* Shri M. Hidayatullah, former Chief Justice of India was declared elected unopposed on August 9 as the new Vice-President of the country. He was sworn in on August 31 on the expiry of the five-year term of Shri B. D. Jatti.<sup>3</sup>

## AROUND THE STATES

### ASSAM

*New Ministry:* Following the resignations of the 18-month old Janata Ministry headed by Shri Golap Borbora on September 4, a new 8-member Ministry headed by Shri J. N. Hazarika, who had earlier resigned from the office of the Speaker of the State Assembly to join the Assam Janata Dal, was sworn in on September 9 by the Governor, Shri L. P. Singh.<sup>4</sup>

### BIHAR..

*New Leader of the Opposition:* On July 30, the Speaker of the State Assembly Shri Tripurari Prasad Singh recognised Shri Karpuri Thakur, Leader of the Janata(S) in the State Assembly, as the new Leader of the Opposition in place of Dr. Jagan Nath Mishra of the Congress (I).<sup>5</sup>

*New Governor:* On September 20, Shri A. R. Kidwai was sworn in by the Acting Chief Justice of the High Court, Justice Sarwar Ali, as the new Governor of the State.<sup>6</sup>

<sup>2</sup>Prime Minister's letter dated August 20, 1979 addressed to the President and President's letter No. 2-CA(1)/79 dated August 20, 1979, laid on the Table of the House on August 20, 1979.

<sup>2\*</sup>*Indian Express*, August 23, 1979.

<sup>3</sup>*Indian Express*, August 10 and September 1, 1979.

<sup>4</sup>*The Hindu*, September 5 and *Times of India*, September 10, 1979.

<sup>5</sup>*Hindustan Times*, July 31, 1979

<sup>6</sup>*Stateman*, September 21, 1979.

## HARYANA

*New Leader of Opposition:* On August 27, the Speaker Shri Ran Singh accorded recognition to Shri Devi Lal, Leader of the Janata (S) Legislature Party, as leader of the Opposition in the State Assembly.<sup>7</sup>

## KERALA

*Leader of Opposition:* Shri E.M.S. Namboodripad of the Communist Party of India (Marxist) regained his position as Leader of the Opposition in the State Assembly on July 25, following the exit of 3 M.L.As. from the Congress (I) reducing its strength in the House to 16. \*

*Resignation by Minister:* On July 26, Dr. K. M. Mani, Home Minister tendered his resignation from the United Front Government headed by Shri P. K. Vasudevan Nair.\*

## MAHARASHTRA

*New Leader of Opposition:* Smt. Pratibha Patil, who was elected Leader of the Congress (I) in the State Assembly on July 13, was named Leader of the Opposition on July 16 by the Speaker of the State Assembly, Shri Shiv Raj Patil.<sup>10</sup>

*Resignation by Ministers:* Shri S. B. Chavan, Finance Minister resigned from the Council of Ministers on August 29 following a decision of the Maharashtra Samajwadi Congress to quit the ruling Progressive Democratic Front Ministry headed by Shri Sharad Pawar.

Smt. Shanti Naik, Minister of State for Finance also resigned from the Ministry on September 12.<sup>11</sup>

## ORISSA

*Dismissal of Ministers:* The Governor, Shri Bhagwat Dayal Sharma dismissed on August 17, the Agriculture Minister Shri Prahlad Mullick and Food Minister Shri Biswabhusan Harichandan from the Council of Ministers on the advice of the Chief Minister Shri Nilamani Routray.

7. *Times of India* (Bombay), August 28, 1979.

8. *Hindustan Times*, July 26, 1979.

9. *Statesman*, July 27, 1979.

10. *Free Press Journal*, July 17, 1979.

11. *Hindustan Times*, August 30 and September 13, 1979

On August 18, Shri Pradipta Kishore Das, Minister for Education and Health resigned from the Cabinet.<sup>12</sup>

#### PUNJAB

*Resignation by Janata Ministers:* On September 3, the Governor Shri Jaisukhlal Hathi, on the recommendation of the Chief Minister Shri Prakash Singh Badal, accepted the resignations from the Akali-Janata Coalition Ministry, of five Ministers belonging to the Janata Party thereby ending the 26-month old Akali-Janata coalition in the State. The Ministers were: Shri Balramji Das Tandon (Industries); Shri Hit Abhilashi (Excise and Taxation); Shri Des Raj (Health); Shri Harbhajan Singh (Food and Supplies) and Shri Dharam Pal (Labour and Employment).<sup>13</sup>

#### RAJASTHAN

*Appointment of Lok Ayukta:* On August 7, Shri Mohan Lal Joshi was sworn in as Lok Ayukta of the State by the Governor Shri Raghukul Tilak.<sup>14</sup>

*New Leader of Opposition:* On August 31, Shri Laxman Singh, Leader of the Janata (S) Legislature Party was recognised as Leader of the Opposition in the State Assembly.<sup>15</sup>

*New Speaker:* Shri Gopal Singh Ahor was elected on September 25, as the new Speaker of the State Assembly.<sup>16</sup>

#### SIKKIM

*President's Rule:* The Chief Minister, Kazi Lehdup Dorji resigned on August 17 in the wake of a controversy over the proposed amendment of the Representation of People's Act under which there would be no reservation in the State Assembly for the Nepalese, the majority community. On August 18, President Shri N. Sanjiva Reddy signed a proclamation under Article 356 of the Constitution dissolving the 32-member Legislative Assembly and placing the State under President's rule.<sup>17</sup>

<sup>12</sup>. *Hindustan Times*, August 18 and 19, 1979 and *Statesman* August 18, 1979.

<sup>13</sup>. *Times of India*, September 4, 1979.

<sup>14</sup>. *Hindustan Times*, August 8, 1979.

<sup>15</sup>. *Indian Express*, September, 1, 1979.

<sup>16</sup>. *Indian Express*, September, 1, 1979.

<sup>17</sup>. *Statesman* (Calcutta), August 18 and 19, 1979.

## UTTAR PRADESH

**'Conversion' of Janata Ministry into Janata (S):** The Chief Minister Shri Banarsi Das announced on August 1 that he along with his colleagues in the Ministry had joined the Janata Party (S).<sup>18</sup>

**New Leader of Opposition:** Shri Raj Mangal Pandey, Leader of the Janata Legislature Party (Opposition) was recognised on August 29 as Leader of the Opposition in the Legislative Assembly.<sup>19</sup>

**Bill for enhanced allowances to Legislators:** On September 4, the Legislative Assembly passed a Bill entitled the U.P. Legislature (Emoluments and Pension) (Amendment) Bill providing for enhanced allowance and pension to legislators. The Bill proposed doubling the daily allowance of Member from Rs. 15 and travel facilities for them in superior class.<sup>20</sup>

## UNION TERRITORIES

## ARUNACHAL PRADESH

**Resignation by Chief Minister and formation of new Ministry:** Following resignations from the Janata Party by some of its members to join the newly formed United Peoples' Party of Arunachal Pradesh, Chief Minister Shri P. K. Thungon tendered the resignation of his Ministry to the Lt. Governor, Shri R. N. Haldipur on September 6. A new 5-member Ministry headed by Shri Tomo Rib of the United Peoples' Party of Arunachal Pradesh was sworn-in on September 18.<sup>21</sup>

## DEVELOPMENTS ABROAD

## AFGHANISTAN

**New Prime Minister:** On September 16, President Nur Mohammed Tarakki, who came to power in April 1978, following a coup, was removed from his post and replaced by Prime Minister Hafizullah Amin.<sup>22</sup>

<sup>18</sup> *Tribune*, August 2, 1979.

<sup>19</sup> *Times of India*, August 29, 1979.

<sup>20</sup> *Times of India*, September 5, 1979 and *Pioneer* September 6, 1979.

<sup>21</sup> *Financial Express*, September 7, and *Patriot*, September 19, 1979.

<sup>22</sup> *Times of India*, September 17 and *Statesman*, September 17, 1979.



## ANGOLA

*New President:* Mr. Jose Eduardo Dos Santos assumed the office of the President on September 20, succeeding Dr. Agostinho Neto, who died on September 10.<sup>23</sup>

## BANGLADESH

*New Deputy Prime Ministers:* On August 26, Mr. Jamaluddin Ahmed and Mr. S. A. Bari were sworn in as Deputy Prime Ministers by President Zia-ur-Rehman.<sup>24</sup>

## BOLIVIA

*New Head of State:* Mr. Walter Guevara Arce was elected on August 6 as interim President for a period of one year for the purpose of holding elections in 1980 for a new President and Vice-President of the Republic.<sup>25</sup>

## ECUADOR

*Civilian Rule:* The South American Republic returned to civilian rule on August 10 when Mr. Jaime Roldos Aguilera took over as the new President from a 3-member military-junta.<sup>26</sup>

## CENTRAL AFRICAN REPUBLIC

*Bloodless coup:* On September 20, Emperor Bokassa was ousted in a bloodless coup led by Mr. David Dacko who became the new President of the Republic.<sup>27</sup>

## GHANA

*Establishment of civil rule:* On September 24, Ghana returned to Parliamentary democracy when Lt. Jerry Rawlings, Chairman of the Armed Forces Revolutionary Council, handed over power to the new civilian President Mr. Hilla Liman<sup>28</sup>

<sup>23</sup>. *Statesman*, September 21, 1979.

<sup>24</sup>. *Times of India* (Bombay) August 28, 1979.

<sup>25</sup>. *Tribune*, August 8, 1979.

<sup>26</sup>. *Hindu*, August 11, 1979.

<sup>27</sup>. *International Herald Tribune* (Zurich) Sept. 23 and 25, 1979.

<sup>28</sup>. *International Herald Tribune* (Zurich) Sept. 25, 1979.

## IRAQ

*New President:* Following the resignation of Mr. Ahmed Hassan al-Bakr, Mr. Saddam Hussein, Vice-President, was proclaimed as the new President on July 16.<sup>29</sup>

## JAPAN

*Dissolution of Parliament:* On September 7, the Cabinet decided to dissolve the Diet (Parliament) a year ahead of schedule and announced holding of fresh elections in October.<sup>30</sup>

## KENYA

*Dissolution of Parliament:* On September 25, President Daniel Arap Moi dissolved the Parliament and ordered fresh elections.<sup>31</sup>

## LEBANON

*New Government:* On July 17, Prime Minister, Mr. Salim Al-Hoss formed a new Government consisting of the representatives of the Christians and the Muslims.<sup>32</sup>

## LUXEMBOURG

*New Prime Minister:* In the general elections held in June, the Centre-right coalition of Social Christians and Liberals won 39 of the 59 seats in Parliament. Consequently, Mr. Pierre Werner of the Social Christians was sworn in on July 15, as the new Prime Minister.<sup>33</sup>

## MEXICO

*General Elections:* The Federal Election Commission announced on July 10 the victory by an overwhelming majority of the ruling Institutional Revolutionary Party in the elections to the Chamber of Deputies, the lower House of the Mexican Congress.<sup>34</sup>

<sup>29</sup>. *Statesman* (Calcutta), July 18, 1979.

<sup>30</sup>. *Statesman* (Calcutta), September 9, 1979.

<sup>31</sup>. *Times of India*, Sept. 27, 1979.

<sup>32</sup>. *Indian Express*, July 18, 1979.

<sup>33</sup>. *Herald International Tribune* (Zurich), July 17, 1979.

<sup>34</sup>. *Patriot*, July 11, 1979.

## NIGERIA

**General Elections:** In the general elections to the new Federal House of Representatives, the National Party emerged with a 57-seat majority over its nearest rival the Unity Party on July 19. The final results were: National Party-168; Unity Party 111, the Nigerian People's Party-78; the People's Redemption Party-49; and the Great Nigerian People's Party-43.<sup>35</sup>

**New President:** On August 16, the former Finance Minister Mr. Alhagi Shegu Shagari was elected new President of the country.<sup>36</sup>

## PORTUGAL

**New Woman Prime Minister:** Miss Maria de Lourdes Pintassilgo was sworn in on August 1, as the country's first woman Prime Minister.<sup>37</sup>

## SUDAN

**Dismissal of Vice-President:** President Gaafar Nimeiry dismissed on August 12, Mr. Abou Kassem Mohammad Ibrahim, the first Vice-President. Mr. Ibrahim was also removed from the post of Secretary-General of the Sudanese Socialist Union, the Country's only legal political organisation.<sup>38</sup>

## SWEDEN

**General Elections:** In the general elections held on September 16, the three-party non-socialist block won by one seat, according to results announced on September 19. The Party position in the *Riksdag* (Parliament) was as follows:

**Non-Socialist Block:** Conservatives-73; Centre-64; and Liberals-38. Total-175.

**Socialist Block:** Social Democrats-154; Communists 20. Total-174.

<sup>35</sup>. *Assain Recorder*, August 13—26, 1979 p. 5154.

<sup>36</sup>. *Tribune*, August 16, 1979.

<sup>37</sup>. *International Herald Tribune* (Zurich), August 2, 1979.

<sup>38</sup>. *Statesman*, August 18, 1979.

On September 20, Prime Minister Mr. Ola Ullsten tendered his resignation to the Speaker of Parliament Mr. Henry Allard, prior to discussion with the non-socialist block regarding formation of new Government.<sup>39</sup>

#### UNITED KINGDOM

*Pay increase for MPs:* On July 11, the Government announced that with effect from June 13, the British Members of Parliament will receive £ 9,450 per annum, marking the first stage of increase in their salary. The second and third stages of increase, falling due in 1980 and 1981 would take their salary to £10,725 per annum in 1980 and £12,000 per annum in 1981.<sup>40</sup>

#### UNITED STATES

*Cabinet changes:* On July 19, President Carter accepted the resignations of Mr. Michael Blumenthal, Treasury Secretary, Mr. Joseph Califano Jr. Secretary of Health, Education and Welfare, and Mr. Griffin Bell, Attorney-General. On July 20, the President dismissed Mr. Brock Adams, Transportation Secretary and accepted the resignation of Mr. James Schlesinger, Energy Secretary.<sup>41</sup>

#### VIETNAM

*Death of Vice-President:* On July 20, Vice-President Mr. Nguyen Luong Bang expired in Hanoi after a prolonged illness.<sup>42</sup>

#### WEST GERMANY

*New President:* Mr. Karl Carstens was sworn in on July 1, as President of the Federal Republic at a special Parliamentary Session.<sup>43</sup>

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<sup>39</sup>. *Statesman*, September 21, 1979.

<sup>40</sup>. *Financial Express*, (London), July 12, 1979.

<sup>41</sup>. *International Herald Tribune* (Zurich), July 20 & 21, 1979.

<sup>42</sup>. *Patriot*, July 21, 1979.

<sup>43</sup>. *Hindustan Times*, July 2, 1979.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY  
INTEREST

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[Following widespread concern over the problem of political defections, the Government of the State of Jammu and Kashmir proposed to amend the Jammu and Kashmir Representation of the People Act, 1957 with a view to disqualifying a defector from being a member of the Legislature.\* An amending Bill<sup>1</sup> was accordingly introduced in and passed by the State Legislature. The text of the Bill as passed by the two Houses and assented to by the Governor<sup>2</sup> is reproduced below.—*Editor*]

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THE JAMMU AND KASHMIR REPRESENTATION OF THE  
PEOPLE (AMENDMENT) BILL, 1979.

*A Bill to amend the Jammu and Kashmir Representation of the People Act, 1957.*

Be it enacted by the Jammu and Kashmir State Legislature in the Thirtieth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Jammu and Kashmir Representation of the People (Amendment) Act, 1979.

2. *Insertion of section 24-G in Act IV of 1957.*—After section 24-F of the Jammu and Kashmir Representation of the People Act, 1957, the following new section shall be inserted namely:

“24-G. Disqualification for being a member of either House of Legislature.—A person shall be disqualified for being a member of the Legislative Assembly or the Legislative Council of the State,—

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\*. See “Statement of Objects and Reasons” appended to the Bill.

<sup>1</sup>. L. A. Bill No. 15 of 1979.

<sup>2</sup>. See The Jammu and Kashmir Government Gazette Extraordinary No. 25-1 dated the 21st September, 1979.

- (a) if he, having been elected as such member, voluntarily gives up his membership of the political party by which he was set up as a candidate in such election or of which he became a member after such election; or
- (b) if he votes or abstains from voting in such House contrary to any direction or whip issued by such political party or by any person authorised by it in this behalf, without obtaining prior permission of such party or person.

*Explanation.*—For the purposes of this section ‘political party’ means:—

- (i) a political party classified as a recognised political party under any law or any rule, regulation, order or notification having the force of law with respect to matters relating to, or in connection with, election to the Legislative Assembly or the Legislative Council of the State;
  - (ii) Any other political party which is recognised by the Speaker of the Legislative Assembly or, as the case may be, by the Chairman of the Legislative Council, as a political party.”
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## SESSIONAL REVIEW

## LOK SABHA

## EIGHTH SESSION

The Eighth Session of the Sixth Lok Sabha commenced on July 9, 1979. A resume of some of the important discussions held during the session is given below.

## A. DISCUSSIONS

*Cyclone in Andhra Pradesh and Tamil Nadu:* On July 9, 1979 Sri Surjit Singh Barnala, Minister of Agriculture and Irrigation, informed the House that a cyclonic storm of rare severity with a core of hurricane winds had hit the coastal areas of Andhra Pradesh and some parts of Tamil Nadu on May 12, 1979. Although no serious damage was caused in Tamil Nadu, the cyclone resulted in a great havoc involving heavy loss of human life, livestock and enormous damage to public and private properties in the coastal districts of Andhra Pradesh. The districts of Prakasam and Nellore were the worst affected. Necessary disaster preparedness measures had of course been taken from May 1, onwards as soon as the working of the approaching cyclone was received and nearly 15 lakh people living in the low-lying areas were evacuated to places of safety.

Immediately after the cyclone, the State Government took steps to provide relief to the affected people which included payment of gratuitous relief to the families of persons, who had lost their lives, as also for those whose houses had been damaged. On the basis of the report of the Central team which visited the area and on the recommendations of the High Level Committee on Relief, the Government of India had agreed to additional expenditure to be incurred

during 1979-80 on various items of relief, rehabilitation and repair and restoration of public works for the purpose of grant of Central assistance. In addition, 75,000 tonnes of rice valued at Rs. 11 crore were released under the food for work programme over and above the normal quota. The Ministry of Health had rendered assistance in the form of essential medicines, disinfectants, and veterinary drugs worth Rs. 1066 lakh.

*Prime Minister's visit to USSR etc.:* The Prime Minister, Shri Morarji Desai had visited the Soviet Union, Poland, Czechoslovakia and Yugoslavia from June 10 to 21, 1979 at the invitation of the leaders of those countries.

In a statement made on July 9, 1979 Shri Desai informed the House that the main purpose of the visit was to strengthen India's bilateral relation with these countries. In each of the capitals he visited, important international issues, i.e. detente, disarmament and questions connected with the economic development of the newly independent and developing countries were discussed. It was agreed that relations between States should be governed by well recognised principles of international law and peaceful co-existence. In the field of bilateral relations all the countries were keen to strengthen further their existing economic and commercial operations in-India. He found a broad similarity of views between India and these countries on most important issues. Thus his visit had served to strengthen India's relations with those countries and had opened new avenues for further cooperation for mutual benefit. According to Shri Desai India's foreign policy was now better understood as a policy in favour of world peace, detente and stability. During his meeting with Chancellor Herr Schmidt of the Federal Republic of Germany and the representatives of the German Chamber of Commerce and Industry, he had found a meaningful attitude towards collaboration in various fields and their keen desire to visit India for the purpose.

*Problems and demands of CRP and CISF:* On July 9, 1979, Shri Samar Mukherjee moving an adjournment motion on the Government's failure to handle the problems and demands of the Central Reserve Police and the Central Industrial Security Force personnel, said that the only solution to the problems of police and other paramilitary organisations in the present context was to accept their demands for wage revision, human treatment and for a forum to voice their grievances. He urged that the arrested persons should



be released without any delay and that negotiations should be started for an amicable settlement.

The Leader of the Opposition, Shri C. M. Stephen participating in the debate, observed that a vindictive attitude should not be taken against the police force personnel, who had agitated.

Shri M. N. Govindan Nair attributed the cause of the agitation to the report of the Police Commission. He added that it was improper on the part of Government to rush to the army instead of utilising the civil authority to disarm the police.

Shri A. Bala Pajamor said that the use of the military for everything was dangerous and suggested that problems of the police should be resolved by mutual discussions.

Intervening in the discussion, the Minister of Home Affairs, Shri H. M. Patel said that the law and order situation in the country was not so bad as was being imagined by some Members. National Police Commission had submitted its first report in February, 1979 and the Government had accepted one of its recommendations relating to the formation of association by policemen.

Shri Patel said that a major grievance of the police personnel related to the orderly system, and it would be abolished in so far as the Central Government Organisations and the Union Territories were concerned. He assured the House that he would use his good offices with the State Governments to ensure that they also fell in line with the Centre in the matter. The problems of the CRP had been examined and decisions on their demands would be taken shortly. As for the CISF men, their position was somewhat difficult as they were infected with trade unionism. It would therefore, take sometime to solve their problems.

After Shri Samar Mukherjee had replied to the debate, the Motion was put to vote and negatived; Ayes 75, Noes 192.

*Political crisis in Mizoram:* Making a statement on July 10, 1979 in response to a Calling Attention Notice by Shri Vayalar Ravi, the Minister of Home Affairs, Shri H. M. Patel informed Lok Sabha that soon after the completion of the mid-term election to the Mizoram Assembly in the last week of April, 1979, the Mizo National Front issued a 'Quit Mizoram Notice' to all non-Mizos asking them to leave the Union Territory by July 1, 1979. Some armed underground persons of the MNF in a bid to enforce the said notice indulged in violence and murder during June 1979. The Government declared the MNF and its allied organisation as unlawful under the Unlawful

Activities (Prevention) Act, 1967 on July 7, 1979 and Shri Laldenga, President of the MNF had been taken into custody on July 8. The main reason which led the Government to take such measures was that the Mizo National Front had openly declared the formation of an independent Mizoram as its objective and in furtherance of this objective, it had been employing an armed force, the so-called Mizo National Army, to attack the Security Forces, the Civil Government personnel and the citizens in the Union Territory of Mizoram, Cachar District of Assam and Manipur and to indulge in acts of arson, loot and intimidation. The Government was determined to see that the misguided elements in Mizoram who had chosen to disturb the atmosphere of peace and tranquillity were not allowed to disrupt the normal life of the Union Territory and to harass and intimidate the law-abiding citizens.

*Motion of No-Confidence in the Council of Ministers:* on July 10, 1979, after leave was granted to Shri Y. B. Chavan to move his motion of no-confidence in the Council of Ministers, the Speaker agreed with the Minister of Parliamentary Affairs that the motion be taken up on July 11, 1979 and observed that the Chair would fix time for discussion in consultation with leaders of Parties and Groups. On July 11, 1979 the House agreed with the following recommendations made at the meeting of the leaders of Parties and Groups on July 10, 1979:

- (1) fifteen hours be allotted for discussion on the Motion of No-confidence in the Council of Ministers to be moved by Shri Y. B. Chavan;
- (2) discussion on the motion be taken up immediately after Question Hour on July 11, 1979;
- (3) lunch hour would continue to be observed during days of discussion on the motion;
- (4) as far as possible, the House might adjourn at the scheduled hour at 6 P.M.; and
- (5) neither Calling Attention Notice nor Short Notice Question be put down during the days of discussion on the motion.

The motion was inconclusively discussed for about 9 hours on July 11 and 12, 1979. Moving the motion and initiating the discussion thereon on July 11, Shri Chavan observed that he was doing so not as a formality or as a part of parliamentary tactics, but as a national duty. According to him, there was a crisis of confidence in all walks of life. The intellectuals and the elite were dissatisfied with the Government, the peasantry and the industrial workers were unhappy and the common man in the urban areas also had the same feeling. The communal trouble went on for months together

and the Muslims were feeling unsafe in the country. The question of the North-Eastern region was also not being wisely tackled. The situation on the economic front was no better. While the production was falling, the prices were rising. It was high time that the Government came forward and gave a lead to the people. If they were unable to provide the required leadership, the only alternative before them was to go out.

Supporting the motion, Shri C. M. Stephen said that the Janata Government had collapsed in every area. It had become a minority Government. The Janata Party had splintered up and its identity had been lost. In the two-year period of its rule, the Party had brought the biggest calamity and disaster to the country. The only service the Government could do to the country was to resign and get out so that people might set up some other machinery to save themselves.

Shri Samar Mukherjee criticised the Government for not solving the problems of unemployment and poverty. During the two years of the Janata rule, the possibility of national integration had weakened, the danger of disintegration had increased and the forces of communalism had raised their heads.

Speaking on the motion in the resumed discussion on July 12, 1979, the Minister of Industry, Shri George Fernandes said that the economic, social, political and law and order arguments against the Janata Government were hollow. The people in fact had tremendous hopes and expectation from the Government. He assured the House that the Government would fulfil all the pledges it had given to the people.

Referring to the performance of the Janata Government, Shri Fernandes pointed out that its success or failure had to be judged against certain bench mark and by any bench mark, the Janata Party had done infinitely better than the previous regime. Despite the problems in the economic sector, the Government was doing well. The industrial growth was 8 per cent last year and agricultural production had surpassed all records. The Government had ensured better deal to the Harijans in the country not merely in job reservation in the class IV services as sweepers, but with wider opportunities across the country. Also, the entire thrust of the industrial policy of the Government was moving into the rural areas.

The discussion was not concluded.

### B. THE QUESTION HOUR

During the Eighth Session of the Sixth Lok Sabha, 9904 notices of questions (8145 Starred, 1718 Unstarred and 41 Short Notice Questions) were received. Out of these, 100 Starred and 956 Unstarred Questions were admitted. The Questions for July 16, 1979, onwards were also processed but due to the adjournment of the House *sine die* on that day, the lists of Questions were not printed. On the prorogation of the House on August 3, 1979, all the remaining notices of questions lapsed. No Short Notice Question was admitted during the Eighth Session. After the Lists of Questions were printed, 3 Starred and 12 Unstarred Questions were transferred from one Ministry to another.

*Daily Average of Questions in the List of Questions and Orally Answered:* Each of the lists of Starred Questions contained 20 questions. During the Eighth Session, in the five Sittings held by the House, on an average 5 questions were orally answered on the floor of the House per sitting. Maximum number of questions orally answered was 8 on July 10, 1979 and the minimum was 4 on July 9, 1979. The average of questions in the Unstarred List came to 191 as against the prescribed limit of 200 questions.

*Half-an-Hour Discussion:* In all, 27 notices of Half-an-Hour Discussions were received during the Eighth Session. Out of these, only one was discussed on the floor of the House.

### C. ADJOURNMENT OF THE HOUSE

On July 16, the Secretary laid on the Table of the House a copy of the following:—

- (i) Letter dated the 15th July, 1979 from the Prime Minister Shri Morarji Desai to the President tendering his own resignation and that of his Council of Ministers.
- (ii) Letter dated the 15th July, 1979 from the President to the Prime Minister accepting his resignation and the resignations of his colleagues from the Council of Ministers and requesting him to continue in Office till a new Government was formed.

Thereafter the House was adjourned *sine die*.

### LOK SABHA

#### NINTH SESSION

The Ninth Session of the Sixth Lok Sabha commenced on August 20, 1979 and was scheduled to adjourn on August 24. The House was, however adjourned *sine die* on the opening day, August 20,

without transacting any business as a sequel to the resignation of the Government headed by Shri Charan Singh after the Secretary had laid on the Table of the House a copy of the following papers:

- (i) Letter dated the 20th August, 1979 from the Prime Minister Shri Charan Singh to the President tendering his resignation and that of his Council of Ministers.
- (ii) Letter dated the 20th August, 1979 from the President to the Prime Minister accepting his resignation and that of his Council of Ministers and requesting him and his colleagues to continue in office till other arrangements were made.

In this Session, for the five sittings fixed in the Session, 943 notices of questions (823 Starred, 105 Unstarred and 15 Short Notice Questions) were received. Out of these, 101 Starred and 515 Unstarred Questions were admitted but the questions were not taken up and the House was adjourned *sine die* without transacting any business. With the dissolution of Lok Sabha on August 22, 1979 all notices of questions lapsed. No Short Notice Question was admitted during the Ninth Session.

It was decided that no Half-an-Hour Discussion on should be held during the Ninth Session as the Session had been convened mainly for a Vote of Confidence in the Government and for transacting some urgent Government Business.

## RAJYA SABHA

### HUNDRED AND TENTH SESSION

The Rajya Sabha met for its hundred and tenth session on Monday, July 9, 1979. Some of the important subjects discussed during the session are briefly mentioned below:

#### A. DISCUSSIONS

*Discontent among C.R.P.F., C.I.S.F. and The Police Forces:* On July 9, 1979 Shri Jagjit Singh Anand called the attention of the Minister of Home Affairs to the discontent and deep-seated unrest among the Central Reserve Police Force (C.R.P.F.) Central Industrial Security Force (C.I.S.F.) and the Police leading to the agitation by these forces in various parts of the country necessitating use of army to control the situation.

Making a statement on the subject, the Minister of Home Affairs, Shri H. M. Patel said that it was necessary to distinguish between the discontent and unrest in the State Police Forces and among the Central Forces, namely, C.R.P.F. and C.I.F.S. So far as the State

Police Forces were concerned, the recourse to agitation began in Punjab and gradually spread to other States. In pursuance of the consensus evolved at the conference of Chief Ministers held on June 6, 1979 different State Governments had announced several decisions to redress the more pressing grievances of policemen in the States.

The concessions made to the State Police Forces gave rise to some expectations among the members of the Central Forces like B.S.F., C.R.P.F. and C.I.F.S. that their cases could also be considered side by side. Anticipating these expectations, the heads of all these forces had been directed to arrange meetings with him of the representatives of the different ranks. As a result of the discussions which took place at these meetings, Government announced its decisions on the major problems of the Central Forces.

Later, replying to the points raised by the members, Shri Patel conceded that the service conditions of the police employees had not been very satisfactory and some of their grievances were in fact genuine. He said that soon after the Janata Government came into power, it had set up the National Police Commission in November, 1977. Some of the recommendations of the Commission, which had submitted its first report in February, 1978, had already been accepted. The Government was prepared to have negotiations on all their demands, but it was not going to tolerate indiscipline in the police forces.

*Increasing lawlessness in Mizoram and North-Eastern region:* On July 10, 1979 Shri G. C. Bhattacharya called the attention of the Minister of Home Affairs to the increasing lawlessness in Mizoram and the North-Eastern region of the country threatening its security and integrity and the steps taken by the Government to meet the situation.

Making a statement on the subject, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal said that the Government took a serious view of the conditions in the North-Eastern region in general and in particular in Mizoram, Manipur, Tripura and Nagaland. The developments in Mizoram really caused the Government utmost concern, though the situation even in Manipur and Tripura was disturbing.

Soon after the mid-term elections to the Mizoram Assembly which were completed peacefully during the last week of April, 1979, the Mizo National Front issued a "Quit Mizoram Notice" to the all non-Mizos. The 'notice' required all non-Mizos to leave Mizoram by 1st July, 1979. Violent incidents took place soon

thereafter on the 1st and 2nd July, 1979 in which the underground members of the MNF opened fire on the security forces, though fortunately no loss of life had been reported.

The situation was discussed by the Home Minister with the Chief Minister of Mizoram on July 2, 1979 and as a result of these discussions security measures had been further intensified in Mizoram. In consultation with the Minister of Defence the strength of the Security forces had also been suitably increased to deal with the situation firmly.

In Manipur, apart from the incident of April 16, 1979 in which four BSF personnel were shot dead, there had been no incidents of violence.

In Tripura there were violent clashes on the 9th and 10th June, 1979 between the supporters of 'Amra Bangali' on the one hand, and the supporters of CPI(M) and Tripur Upajati Juva Samiti on the other, at Teliamura and surrounding areas which resulted in the death of 16 persons. Effective action had been taken by the Tripura Government to contain the situation.

The situation in the State of Nagaland continued to be peaceful. A strict vigil was, however, being maintained all along the State's border with Burma to see that members of the 'China-Returned Gang' of the Naga underground who were in the Burmese territory were not allowed to infiltrate into Nagaland and indulge in acts of violence.

From the details of important incidents which had occurred in the recent past in the various States and Union Territories in the North-East, it would be wrong to conclude that these isolated incidents in any way threatened the security and integrity of the country.

Replying to the points raised by the Members, the Minister said that the Government were not aware of any Sino-American axis behind the developments in that region though in the past China had been helping the hostile elements there financially and with arms and ammunition. Most of the people living in the North Eastern region were Christians. But the Freedom of Religion Bill was a Private Members' Bill and the Government had not as yet formulated its attitude towards it. So it was a far-fetched idea to say that because of this Bill the Christians in those parts of the country had been alienated from the national mainstream.

*Recurrence of communal riots in Aligarh, Jamshedpur, etc.:* On Wednesday, July 11, 1979 Shri Shiva Chandra Jha called the attention of the Minister of Home Affairs to the recurrence of communal riots in Aligarh, Jamshedpur and some other places, and the steps taken by the Government to meet the situation.

Making a statement on the subject the Minister of Home Affairs, Shri H. M. Patel said that it was a matter of deep regret that communal violence had raised its head once again in Aligarh on the 17th June, 1979. Communal violence also manifested itself in West Bengal in the district of Nadia on the 21st June, 1979, and on the following days. Communal incidents occurred in the district of Purnea in Bihar also. In Jamshedpur, the situation continued to be tense. In all these cases the Government had been able to bring the violence under control, and although tension continued in all these areas, the situation was gradually becoming normal.

Shri Patel said that the Jagjivan Ram Committee on Communal Harmony had met a number of times to consider and recommend permanent measures for solving the communal problem in the country. Officers from the Ministry of Home Affairs were deputed to different State capitals and sensitive districts known for communal troubles to review the existing administrative arrangements and other measures in the field. Besides, he had recently drawn pointed attention of the Chief Ministers of the States and the Lt. Governors of the Union territories to the deficiencies noticed in the field during these visits and had requested them to take specific measures to remove the various shortcomings.

Replying to the points raised by the members the Minister said that the Government was taking special steps in the sensitive areas for tackling communal disturbances through peace committees, all-community peace committees and other methods to see that the people lived together in harmony. The Government could not have a special police force all over the country, but instructions had already been issued that in all the sensitive areas in every State, the State Government should organise special police cells to see that information could come quickly and steps were taken promptly in order to stop communal disturbances.

#### B. OBITUARY REFERENCES

The Chairman made references to the passing away of Shri Pranab Chatterjee, a sitting member, Shri Rewati Kant Sinha and Shri Joachim Alva, ex-Members, Rajya Sabha. The House  
1811 LS—6



stood in silence for a minute as a mark of respect to the memory of the deceased.

### C. ADJOURNMENT OF THE HOUSE

In view of the communication dated the 15th July, 1979 from the President's Secretariat regarding acceptance by the President of the resignation of the Prime Minister Shri Morarji R. Desai and his colleagues from the Council of Ministers, the Chairman adjourned the House *sine die* on July 16, 1979.

## RAJYA SABHA

### HUNDRED AND ELEVENTH SESSION

The Rajya Sabha met for its Hundred and Eleventh Session on August 20, 1979. The House observed one minute's silence as a mark of respect to the memory of those who had died at Morvi in Gujarat.

Shri K. C. Pant, Leader of the House informed the House that the Government having resigned, there was no business before the House, and the House might, therefore, be adjourned *sine die*.

In view of the communication dated the 20th August, 1979 from the Prime Minister, Shri Charan Singh regarding his resignation and that of his Council of Ministers, the Chairman adjourned the House *sine die* on August 20, 1979.

## STATE LEGISLATURES

### BIHAR VIDHAN SABHA\*

*No-Confidence motion:* The Assembly discussed a motion of no-confidence against the Council of Ministers moved by Shri Chaturan Mishra on July 26, 27 and 30, 1979. Relying on the rules and precedents the Speaker had earlier ruled out objections by some members that the motion could not be moved within a period of six months of the Ministry coming into Office. The motion was lost when put to vote: Ayes 135, Noes 185.

### MEGHALAYA LEGISLATIVE ASSEMBLY†

On June 27, 1979, the Assembly unanimously adopted following resolution moved by Shri B. B. Lyngdoh, Chief Minister:

"WHEREAS, the Constitution (Forty-Fourth Amendment) Act, 1978 has not provided for the re-transfer of the

\* Contributed by the Bihar Vidhan Sabha Secretariat.

† Contributed by the Meghalaya Legislative Assembly Secretariat.

subjects 'Education' and 'Forests' from List III—Concurrent List to List II—State List of the Seventh Schedule to the Constitution of India as it stood prior to the passing of the Constitution (Forty-Second Amendment) Act, 1976;

AND, WHEREAS, it appears desirable to this House that the aforesaid subjects should be included in List II—State List as had been originally proposed in the Constitution (Forty-Fifth Amendment) Bill, 1978 as passed by the Lok Sabha on the 23rd August, 1978;

NOW, THEREFORE, this House doth hereby resolve that the Government of India be urged to consider the re-transfer of the subjects 'Education' and 'Forests' from List III—Concurrent List to List II—State List of the Seventh Schedule to the Constitution as it stood prior to the passing to take necessary measures in this regard."

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## BOOK REVIEWS

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CONSTITUTION AND FUNCTIONING OF THE RAJYA SABHA. By Sita Srivastava, Chug Publications, Allahabad 1979, 360 pages, Rs. 90.

The President and the two Houses of Parliament, the Rajya Sabha and the Lok Sabha, constitute the Union Parliament. Thus, it will be seen that the Rajya Sabha is an integral part of Parliament of India, but unfortunately there is an impression—rather a wrong impression—of many in the country that Rajya Sabha has no useful role to play and so when they refer to Parliament they normally mean the Lok Sabha. One of the reasons which has led to this wrong notion is that the proceedings of the Rajya Sabha do not get sufficient coverage in the newspapers and there are not many books and writings relating to the Rajya Sabha. The author has done a great service by writing the treatise under review to prove the point that the Rajya Sabha is not a “secondary chamber” and that it has by the way it has functioned, proved its actual worth and justified the hopes of the founding fathers of the Constitution when they provided a bicameral legislature for the Union Parliament. The analysis made by the author supported by cogent facts, figures and able reasonings no doubt establishes that the Rajya Sabha has succeeded in fulfilling the aims and intentions of those responsible for its creation and that it is far from being a secondary chamber, a very important wing of Parliament of India.

One important reason why the Rajya Sabha has enjoyed a high status and position in the political life of India is due to the great respect Pandit Jawaharlal Nehru, the first Prime Minister of India, had always shown to this House. He never treated the Rajya Sabha as an inferior and lesser important House. He stated so on many

occasions before Parliament and the author has done well to include his quotations in her book. I should fail in my duty as a reviewer if I do not insert this very important statement of Pandit Nehru which puts the matter in correct perspective:

“To call either of these Houses an Upper House or a Lower House is not correct...Neither House by itself constitutes Parliament. It is the two Houses together that are the Parliament of India. The successful working of our Constitution as of any democratic structure demands the utmost co-operation between the two Houses. They are in fact parts of the same structure and any lack of that spirit of co-operation and accommodation would lead to difficulties and come in the proper functioning of our Constitution... There can be no constitutional differences between the two Houses, because the final authority is the Constitution itself. That Constitution treats the two Houses equally except in certain financial matters which are under the sole purview of the House of the People”.

Whenever there was any discord or disharmony in the working of the two House *vis-a-vis* each other, the great democrat Pandit Jawahar Lal Nehru always intervened and by his able arguments, reasoning and persuasion, resolved the difficulty and brought back peace and harmony in the relationship of the two Houses. It is hoped that all future Prime Ministers will remember and note these precedents which the author of the treatise under review has quoted in several places.

Another important factor why the Rajya Sabha enjoys its present position is due to the eminence wisdom and learning of the Presiding Officers who successively occupied the position of the Chairman of the House. Dr. Sarvapalli Radhakrishnan, the great philosopher, statesman was its first Chairman and he occupied the Chair with great distinction for ten years before he was elected as President of India. Then came Dr. Zakir Hussain, Shri V. V. Giri, Shri G. S. Pathak and Shri B. D. Jatti, all very eminent in their own rights and now we have a distinguished Judge and Jurist in the present Chairman Shri Mohammad Hidayatullah, who for some time also acted as President of India. Dr. Radhakrishnan set the traditions and his successors followed the same and it cannot be denied that one main reason why the House enjoys its present position is due to the impartiality, dignity and grace with which the successive holders of the Chair conducted the proceedings of the House during all these years.

One would only wish that the Members of the House should remember that the Presiding Officer is the symbol of prestige of the House and nothing should be done which in any way is derogatory to the position and prestige of the Presiding Officer. This note of warning seems to be necessary because very often in recent years the Members in heat of passion have tried to cast reflection on, or question the impartiality of, the Chair which was not known in earlier years of the House. In her book, the author has mentioned only about Dr. Sarvapalli Radhakrishnan and Dr. Zakir Hussain and has not mentioned their successors. but this must be possibly due to the fact that she has not made her writings on this subject upto date.

A word must also be said about the contribution made by the members of the House and the high standard of debates in the House. The Rajya Sabha had many eminent sons of India as its members and it is recognised by all knowledgeable men in the field that the standard of debate has throughout been very high in the House and the author has done well to prove this by her reference to these debates and to the members who participated in these debates.

The author's study of the evolution of bicameralism in India and analyses of the Constitution, composition and organisation, legislative functions and the procedure of the Rajya Sabha have been quite thorough and is the result of deep study of the subject. She deserves credit for the very clear manner in which she has discussed the subject of privilege and one should be grateful to her for citing the most important privilege cases which came before and were decided by the Rajya Sabha. A study of these privilege cases would show that the Rajya Sabha was not unduly touchy about its privileges and took penal action only where circumstances so demanded, but generally condoned the offender if an apology was forthcoming.

A very careful analysis has been made in this treatise about the financial powers of the Rajya Sabha and this dispels the erroneous impression that the Rajya Sabha has no powers in financial matters. It is true that in Money Bills the Rajya Sabha has only powers to make recommendations to the Lok Sabha about amendments to the Bill, but that does not mean that the Rajya Sabha cannot reject a Money Bill altogether. The House does not and cannot discuss Demands for Grants which is the exclusive privilege of the Lok Sabha, but a recent procedure whereby the Rajya Sabha has started discussing the working of four Ministries of their choice every year, gives the House adequate opportunity of looking into the functioning of these Ministries. The Budget and the Appropriation Bills are elaborately discussed in the Rajya Sabha and this gives the House its say in financial matters. The Rajya Sabha is associated with

the Public Accounts Committee where its Members enjoy powers as full members of the Committee with right to vote and this has been noted in the treatise which also describes in detail how this came about inspite of opposition from the Lok Sabha. No reference has, however, been made in the book about the association of the Rajya Sabha, in the Committee on Public Undertakings which substantially functions both as Estimates Committee and Public Accounts Committee in respect of Public Sector Undertakings of the Central Government. The Rajya Sabha Members enjoy full powers in this Committee as their Lok Sabha colleagues.

The author's treatment of the subject of relationship between the two Houses of Parliament and the method for resolving deadlock has been quite full. It has been pointed out how in Dowry Prohibition Bill which was the first Bill which went before a Joint sitting of the two Houses, important amendments made by the Rajya Sabha were adopted inspite of the fact that the Rajya Sabha members were lesser in number than Lok Sabha. This was possible because there was no whip in respect of this social legislation. But on the second occasion when recently in 1979, the Banking Service Commission Repeal Bill went to a Joint sitting of the two Houses, the Bill was passed by the Joint sitting because of the higher strength of the ruling party in the Lok Sabha.

It is true that there is no provision in the Rules of Procedure of the Rajya Sabha for moving a vote of no-confidence against the Council of Ministers in the Rajya Sabha, since under the Constitution, the Council is collectively responsible only to the Lok Sabha. There is also no provision in the Rajya Sabha Rules relating to adjournment motion because virtually such a motion is a censure on the Government. But practice and precedents of the Rajya Sabha have established that in suitable cases when the occasion so demands, the Rajya Sabha can have its voice adequately felt. The author has mentioned the very recent motion debated and adopted in the Rajya Sabha for appointment of a Commission of Inquiry or a Committee of the House for inquiry into the charges of corruption against relations of the then Prime Minister and Home Minister which put the Government in a very awkward and embarrassing situation. Though the Government did not appoint a Commission of Inquiry as required in the motion, they ultimately had to refer the matter to a retired Supreme Court Judge for enquiry.

When one party was in majority in both the Houses, it was possible for the ruling party to force their wishes through Parliament, but in the present situation and possibly for sometime in future, the position will not be the same and it may not be possible for the

ruling party to ignore the Rajya Sabha. This was the situation when the Government recently had to accept against their wishes amendments made by the Rajya Sabha to the Constitution (Forty-fourth Amendment) Bill and the Special Courts Bill. The attempt to abolish the Rajya Sabha is a day dream since it cannot be done unless the Rajya Sabha agrees and certainly there is no possibility for the Rajya Sabha to commit a suicide.

As one who has been associated with the Rajya Sabha for more than 25 years in one capacity or the other, the reviewer agrees with the conclusion of the author of the present treatise that the Rajya Sabha is not a "secondary chamber" and that it has played and will continue to play a very useful role in the political life of the nation.

—B. N. BANERJEE

INDIAN REVOLUTIONARY MOVEMENT ABROAD (1905—21). By Tilak Raj Sareen. Sterling, New Delhi, 1979, pp. 300 Rs. 80.

ORISSA STATE LEGISLATURE AND FREEDOM STRUGGLE (1912—47). By Kishori Mohan Patra. India Council of Historical Research, New Delhi, 1979, pp. 312, Rs. 48.

These are very welcome publications, by and large carefully researched, which will help towards the systematisation of facts about the different strands in India's struggle for freedom and towards what is perhaps even more important, namely, a fundamental co-ordination of the masses of material now available for constructive scrutiny without which the composition of the total picture will continue to suffer. Over the last three decades or so, there has been a proliferation of publications on this grand theme, of unequal quality no doubt but in their way conducive to analysis by reflective and at the same time industrious scholars. Perhaps too much had at one time been expected from the nationally sponsored study of our freedom movement, which was initiated soon after the achievement of our independence, for the voluminous work of the late Dr. Tara Chand and his team conspicuously lacks the luminosity which, through long waiting, had been widely looked for. As the years pass, however, and more dissertations appear, the opportunity enhances of creative scholarship being sought at last to be applied to a theme which deserves such grandeur.

Both authors are competent scholars and have tried to consult all relevant information in their subjects of inquiry. Their bibliographies, if not nearly exhaustive, are on the whole excellent. Dr. Sareen works in the National Archives of India and Dr. Patra is

Reader in History at Utkal University, Bhubaneswar. Both are aware of the wider perspectives of their theme—Dr. Patra stressing the fact that “constitutional struggle in and through the legislature” could only be auxiliary to the “main battles” being fought through mass movements, and Dr. Sareen trying to relate the work of Indian patriots abroad to the national movement at home making it possible, with whatever foreign support could be mustered, to overthrow British rule in India. It is good to be able to recall that even in conditions that were inhibitive of revolutionary thinking and action, our people, at home and abroad, yearned to shake off political subjection which the British, with great guile, had sought to sugar-coat for the Indian elite with “doses” of constitutional “reforms” doled out periodically. It is good to recall Shyamaji Krishnavarma and Madame Cama and Madan Lal Dhingra (who smilingly mounted the gallows in England in 1909—“since open battle is impossible I attacked by surprise and I rejoice at the prospect of my martyrdom”, were his last words, as Dr. Sareen points out). It is good to recall also such figures as Har Dayal and the *Ghadr* ‘Babas’ and M. N. Roy and Virendranath Chattopadhyaya and Mahendra Pratap and Barkatullah and so many others who cannot be listed here. There is more picturesque and exciting material in Dr. Sareen’s volume but Dr. Patra also provides much food for thought about the many ways in which India has “wrought for her freedom” and the impact of that variegated process on our national entity.

Linked first to Bengal and to Bihar from 1912 to 1937, Orissa was no more to the British than an administrative unit. It was only a decade before independence that Orissa got the elementary political amenity of a separate legislature. Even in the quasi-legislatures of pre-independence days, with truncated powers for elected representatives, our people showed their mettle and as the movement for freedom grew, such bodies were sought to be drawn, to the extent possible, into service for the greater cause. There is no doubt, however, that legislatures, howsoever limited their authority, came to exercise a certain charm, and this is why it came about that in spite of the Swarajist party that C. R. Das and Motilal Nehru set up in 1923, calling for “consistent, insistent and persistent destruction” inside the legislatures, such militancy could hardly be practised. The attraction of parliamentarism, howsoever meretricious in subject conditions, did prove itself a fact, and this explains why work inside and outside pre-independence legislatures could not—except in striking instances—be coordinated for a joint and massive assault on the then imperialist structure. In 1937, for example, the debate inside Congress over acceptance or non-acceptance of ministership showed the



limits (perhaps in the circumstances, justified) of nationalist militancy Dr. Patra lets in glimpses of tribal risings, of a Lakshman Nayak being martyred, of the so-called 'States' people struggling, almost without sustained and respectable political support, against impossible conditions. He cannot be blamed for not telling us more about such things, for his terms of reference are limited. He does succeed, however, in indicating the basic link of the struggle, in legislatures and other like forums, of our 'literati'. One wishes he gave us a little more about such figures as Gopabandhu Das who seems to be almost forgotten even in Orissa. The story of the merger of the Orissa states could also perhaps be expounded at some depth and with a little more of detail.

The theme of Dr. Sareen lent itself even more to a perspective discussion, factual as well as perceptive, which one is sorry to miss. One wishes to think that being a government archivist does not operate as a restraint on broad-canvas delineation. There is a whole chapter, for instance, on "prosecution of the Indian revolutionaries by the United States", followed by another on "From Berlin to Moscorwn". The inspiration of *Ghadr* hovers over several valuable chapters, though it seems slightly incongruous that the veteran Sohan Singh Joh's trilogy on *Ghadr* does not appear to be utilized. There are useful summaries of "Indo-German schemes" in two continents which, though largely infructuous, did have great promise at certain points of time. Except in relation to differences between M. N. Roy and Virendranath Chattopadhyaya, the deficiencies and avoidable mutual squabbles between apparently selfless Indian 'revolutionaries' are hardly discussed. The 'terminus' for the book is 1921 (or is it 1920, noted in the jacket as against 1921 inside!), and only two Boses are mentioned in the book, but not Subhas Chandra Bose who came radiantly on the scene later, at least deserving not only a passing mention but prominent attention for the purpose, at any rate, of a comparison, still awaited from our historians, of the possibilities of utilising help from abroad for our freedom struggle during World War I and World War II. It must be conceded that perhaps this is expecting too much from professional historians (whose work of course, is by no means to be denigrated), but our people's hunger for basic perceptions about our freedom struggle will remain unsatisfied. Both authors have done a good job of work but they are on a subject where one's appetite grows on feeding!

—HIRENDRA NATH MUKERJEE.

GROWTH OF COMMITTEE SYSTEM IN THE CENTRAL LEGISLATURE OF INDIA, 1920—1947. By Promila Suri. Associated Publishing Co. New Delhi, 1979, 227 pages, Rs. 55.

The system of Parliamentary Committees in India has not only come to stay but is bound to grow. It is useful, therefore, to occasionally peep into the past and find out how some of the present day Committees had their start. Few people know that though the Parliamentary form of Government in India was largely a transplantation from the British soil, the practice and procedure adopted by the Central Legislative Assembly deviated in important and significant ways from the British Parliament. (Of course, the departures became more prominent in the post-independence period). The author has correctly attributed this departure to the non-sovereign character of the then Central Legislative Assembly. Perhaps, she could also have added that the Central Legislative Assembly of the pre-independence days had far little legislative and scrutiny business to handle *vis-a-vis* the post-independence era.

The masterpiece of the book is the First Chapter on the Growth of the Central Legislature in India from 1773 to 1920. (I do not know why the author has limited it upto 1920 because the title of the book claims to study the growth of Committee system in the Central Legislature upto 1947). Even for those who are familiar with the history of the British Rule in India, some observations like the following by Macaulay and Hastings, quoted in the book, cannot but bring home the farsight of the aforesaid personalities in so far as the growth of the Legislature in India is concerned.

"A time, not very remote, will arrive when England will, on sound principles of policy, wish to relinquish the domination which she has gradually and unintentionally assumed over this Country and from which she cannot at present recede" (Hastings, quoted by R. Coupland in his book "*The Indian's Problem 1833-1935: Report on the Constitutional Problem in India*")....

"It may be that the public mind of India may expand under our system till it has outgrown that system that by good government we may educate our subjects into a capacity for better government; that having become instructed in European knowledge, they may in some future age demand European institution whether such a day will ever come I know not. But never will I attempt to avert it or retard it, whenever it comes it will be the proudest day in English history." (Lord Macaulay, his speech in the House of Commons while introducing the Charter Bill—quoted by Gwyer and Appadorai).

The reader would also find in the following observation of Mr. Mecleod, a member of the Indian Civil Service, the seeds of representative character of the Indian Parliament:

"In the legislative government of India there should be one or more persons having local knowledge or experience from the minor presidencies because the Governor-General and the Council did not have sufficient leisure and previous knowledge to conduct, in addition to their executive and administrative functions, the whole duties of legislation for the Indian Empire." (Cited by Sir Charles Wood in his speech in the House of Commons on June 6, 1861).

A very amusing description of the formative stages of the Legislature is to be found in the following observations quoted in J.G.A. Baird's book *Private Letters of Marquess of Dalhousie* at page 509:

"Our Legislative Council is getting on really very well. Most of them are as yet a little afraid of the sound of their voices, but we get through a great deal of business."

Those who are familiar with the growth of Legislatures in smaller States in India will share the experience with Mr. Baird.

Coming to the growth of the Committee System, it is really very fascinating to know that the Legislative Council (1854—61) had (i) a Committee of the whole House; (ii) the Select Committees and (iii) the Petitions Committee. The Committee of the whole House used to consider Bills reported by the Select Committees.

So far as the Select Committees are concerned, it is interesting to observe that although the present procedure of the Select Committees on Bills is basically the same as in the olden days, the Chairmen of the Select Committees in those days enjoyed more powers than enjoyed at present. The author has rightly inferred that the Committee system in the Central Legislative Assembly was based on the U.K. pattern. But one looks in vain for the reason why in Indian Legislature the Committees dealing with the Bills came to be known as Select Committees while in England they were and are mostly known as Standing Committees.

The author has given a very useful information about the number of cases where the Select Committee was of the opinion that the House should not proceed with the Bill (She calls it as 'killing a Bill' or pigeon-holding a Bill). Presumably, these Bills (*vide* list on pp. 65—67 of the book) were introduced by the Members of the Executive Council. There has, however been hardly any case in the post-independence era where a Bill had been 'killed'. The history of the Select Committee system traced by the author also mentions the occasions when the Bills were recommitted by the House to the Committees. There is in this field also again hardly any instance after independence.

The Public Accounts Committee has well deservedly found a separate chapter in the author's book. The ancient character of the PAC is well-known to those who deal with the Public Accounts Committee or the Audit either from the Committee's side or from the Government's side. But it is refreshing to be reminded of some less known features, as for example the practice of maintaining continuity of the membership of the Public Accounts Committee (pp. 90-91). The reader finds that Committee's competence to deal with receipts so far as matters relating to such receipts were mentioned in the Appropriation Report, was visualised as early as 1924-25. The reader also finds that the Committee's competence to go beyond the technicalities of expenditure was visualised as early as 1921. In this connection, the following observations of Malcolm Hailey quoted in the book is significant. He said: "Let me add that there is still wide field for committee when it gets, if I may so express myself, thoroughly into stride. It may be able to compare the scale of expenditure one department with another and to point out economies as a result. It may be able to point out where larger financial recoveries can be made on the public accounts. It may be able to reveal cases where expenditure has been incurred on hasty or unbusinesslike lines".

Very interesting (and I would say least known) information is contained in the book about the evolution of the procedure regarding Action Taken on PAC Reports. The procedure was laid down in para 4 of the then Finance Department's Resolution which contemplated that (i) the Finance Department will keep a watch on the implementation of each recommendation and (ii) prepare a quarterly statement showing the action taken on each case and forward the same to all the Members of the Public Accounts Committee for information. It was further contemplated that the Committee will have an opportunity of examining the adequacy or inadequacy of the action taken when they meet to scrutinise the accounts of the following year. If there was to be any case in which there was a material difference of opinion between the Executive Government and the Committee a full memorandum was to be drawn up and placed before the Committee. Till 1929, the Government used to bring an omnibus resolution on each Report of the Committee but subsequently it was given up at the instance of the PAC who desired that the Government's views should, in the first instance, be made available to the Committee. The very interesting information contained in the book is that the PAC used to comment on the tour expenses incurred by Viceroy's Executive Counsellors. (Seldom has the PAC in the post-independence era commented upon the tour expenses of the Ministers).

The PAC has always stood behind the Comptroller and Auditor General and it is refreshing to learn from the book that in 1929-30, the PAC had called the Auditor General to bring to their notice any cases on which the Auditor General or the Principal Auditor had reason to believe that sufficient action had not been taken on the suggestions made in the Appropriation Accounts but not specially commented upon in the Report of the Public Accounts Committee.

The Committee's work in those days, though very important, was obviously limited in volume. That is why, one finds that in contrast to present-day average number of 65 sittings in a year, the PAC between 1922-23 to 1944-45 had on an average only 15 sittings in a year.

The author has devoted two chapters to the Standing Finance Committee and the Standing Committees. I wish she had studied the functioning of these Committees of the pre-1952 era in a little more detail. It has been stated in the book that "Corresponding to the Estimates Committee of the House of Commons there was attached to the Central and Provincial Legislatures, Standing Finance Committees." (p. 119). It is not correct to compare the Standing Finance Committees with the Estimates Committee of the House of Commons. However, the working of the Standing Finance Committee described in the book has some relevance as a demand is currently being made in several quarters for the revival of the system of the Standing Finance Committees.

The information given in the book about the Committee on Public Petitions is extremely interesting because few people know that the institution of the Petitions Committee is as old as 1920s. One is impressed by the fact that between 1927 and 1945 (i.e., 18 years) the Committee had presented 17 Reports. Of course, the petitions in these days always related to Bills.

The author has very thoughtfully added a postscript to the book containing a description of the working of the Committee system under the present Constitution. But this seems to be a mere paraphrase of the Rules of Procedure pertaining to the Committees.

Being thesis, the author has added a conclusion at the end. But this fails to impress.

On the whole, the book is a useful contribution to the literature on the subject of Parliamentary Committees in India.

H. G. PARANJPE.

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE EIGHTH AND NINTH SESSIONS-  
OF THE SIXTH LOK SABHA

|  | 8th Session       |         | 9th Session |         |
|--|-------------------|---------|-------------|---------|
| 1. Period of Session . . . . .   | 9-7-79 to 16-7-79 |         | 20-8-79     |         |
| 2. Number of Meetings held . . . . .   | 6                 |         | 1           |         |
| 3. Total Number of Sitting hours . . . . .   | 26 Hrs.           | 20 Min. | ..          | 26 Min. |
| 4. Number of divisions held . . . . .  | 1                 |         | ..          |         |
| 5. <i>Government Bills</i> :   |                   |         | 8th         | 9th     |
| (i) Pending at the commencement of the Session   |                   |         | 42          | 43      |
| (ii) Introduced . . . . .  |                   |         | 1           | ..      |
| (iii) Laid on the Table as passed by Rajya Sabha   |                   |         |             | ..      |
| (iv) Returned by Rajya Sabha with any amendment/<br>recommendation and laid on the Table . . . . . |                   |         |             | ..      |
| (v) Referred to Select Committee . . . . .   |                   |         |             | ..      |
| (vi) Referred to Joint Committee . . . . .   |                   |         |             | ..      |
| (vii) Reported by Select Committee . . . . .   |                   |         |             | ..      |
| (viii) Reported by Joint Committee . . . . .   |                   |         | ..          | ..      |
| (ix) Discussed . . . . .   |                   |         | 1           | ..      |
| (x) Passed . . . . .   |                   |         |             | ..      |
| (xi) Withdrawn . . . . .   |                   |         |             | ..      |
| (xii) Negatived . . . . .  |                   |         | ..          | ..      |
| (xiii) Part-discussed . . . . .  |                   |         | 1           | ..      |
| (xiv) Discussion postponed . . . . .   |                   |         | ..          | ..      |
| (xv) Returned by Rajya Sabha without any recommendation  |                   |         | ..          | ..      |
| (xvi) Motion for concurrence to refer the Bill to Joint Committee<br>adopted . . . . .             |                   |         | ..          | ..      |
| (xvii) Pending at the end of the Session . . . . .   |                   |         | 43          | 43      |

| 6. <i>Private Members' Bills :</i>   | 8th | 9th |
|--|-----|-----|
| (i) Pending at the commencement of the Session . . . . .   | 233 | 217 |
| (ii) Introduced . . . . .  |     | ..  |
| (iii) Laid on the Table as passed by Rajya Sabha . . . . .   | ..  | ..  |
| (iv) Returned by Rajya Sabha with any amendment and laid on the Table . . . . .                                    | ..  | ..  |
| (v) Reported by Select Committee . . . . .   |     | ..  |
| (vi) Discussed . . . . .   | ..  | ..  |
| (vii) Passed . . . . .   |     | ..  |
| (viii) Withdrawn . . . . .   | ..  | ..  |
| (ix) Negatived . . . . .   | ..  |     |
| (x) Circulated for eliciting opinion . . . . .   |     | ..  |
| (xi) Part-discussed . . . . .  |     | ..  |
| (xii) Discussion postponed . . . . .   |     |     |
| (xiii) Motion for circulation of Bill negatived . . . . .  |     | ..  |
| (xiv) Referred to Select Committee . . . . .   | ..  |     |
| (xv) Removed from the Register of Pending Bills . . . . .  | 16  | ..  |
| (xvi) Pending at the end of the Session . . . . .  | 217 | 217 |
| <br>   |     |     |
| 7. <i>Number of Discussions held under Rule 193 :<br/>(Matters of Urgent Public Importance)</i>                    |     |     |
| (i) Notices received . . . . .   | 43  | ..  |
| (ii) Admitted . . . . .  | ..  | ..  |
| (iii) Discussion held . . . . .  |     | ..  |
| <br>   |     |     |
| 8. <i>Number of Statements made under Rule 197:<br/>(Calling-attention to Matters of Urgent Public Importance)</i> |     |     |
| Statements made by Ministers . . . . .   | 1   | ..  |
| 9. <i>Half-an-hour discussions held . . . . .</i>  | 1   | ..  |
| <br>   |     |     |
| 10. <i>Statutory Resolutions:</i>  |     |     |
| (i) Notices received . . . . .   | 19  | ..  |
| (ii) Admitted . . . . .  | 2   | ..  |
| (iii) Moved . . . . .  |     |     |
| (iv) Adopted . . . . .   |     | ..  |
| (v) Negatived . . . . .  |     | ..  |
| (vi) Withdrawn . . . . .   |     | ..  |

|  | 8th | 9th |
|--|-----|-----|
| <b>11. Government Resolutions:</b>                     |     |     |
| (i) Notices received . . . . .                         | ..  | ..  |
| (ii) Admitted . . . . .                                |     | ..  |
| (iii) Moved . . . . .                                  | ..  | ..  |
| (iv) Adopted . . . . .                                 | ..  | ..  |
| <b>12. Private Members' Resolutions:</b>               |     |     |
| (i) Received . . . . .                                 | ..  | ..  |
| (ii) Admitted . . . . .                                | ..  | ..  |
| (iii) Discussed . . . . .                              | ..  | ..  |
| (iv) Withdrawn . . . . .                               | ..  | ..  |
| (v) Negatived . . . . .                                | ..  | ..  |
| (vi) Adopted . . . . .                                 | ..  | ..  |
| (vii) Part-discussed . . . . .                         | ..  | ..  |
| (viii) Discussion postponed . . . . .                  | ..  | ..  |
| <b>13. Government Motions:</b>                         |     |     |
| (i) Notices received . . . . .                         | 2   | ..  |
| (ii) Admitted . . . . .                                | 2   | ..  |
| (iii) Moved . . . . .                                  |     | ..  |
| (iv) Adopted . . . . .                                 |     | ..  |
| (v) Discussed . . . . .                                |     | ..  |
| <b>14. Private Members' Motions:</b>                   |     |     |
| (i) Received . . . . .                                 | 428 | 67  |
| (ii) Admitted . . . . .                                | 210 | 27  |
| (iii) Moved . . . . .                                  |     | ..  |
| (iv) Adopted . . . . .                                 |     | ..  |
| (v) Discussed . . . . .                                |     | ..  |
| (vi) Negatived . . . . .                               | ..  | ..  |
| (vii) Part-discussed . . . . .                         |     | ..  |
| (viii) Withdrawn . . . . .                             |     | ..  |
| <b>15. Motions re: Modification of Statutory Rule:</b> |     |     |
| (i) Received . . . . .                                 | ..  | ..  |
| (ii) Admitted . . . . .                                | ..  | ..  |

|   | 8th                | 9th                |
|---|--------------------|--------------------|
| (iii) Moved . . . . .   | ..                 | ..                 |
| (iv) Adopted . . . . .  | ..                 | ..                 |
| (v) Negatived . . . . .   |                    | ..                 |
| (vi) Withdrawn . . . . .  | ..                 | ..                 |
| (vii) Part-discussed . . . . .  | ..                 | ..                 |
| 16. Number of Parliamentary Committees created, if any, during the sessions . . . . .               | ..                 | ..                 |
| 17. Total number of Visitors' Passes issued during the session . . . . .                            | 4355               | 2993               |
| 18. Maximum number of Visitors' Passes issued on any single day, and date on which issued . . . . . | 1093<br>on 16-7-79 | 2993<br>on 20-8-79 |
| 19. <i>Number of Adjournment Motions:</i> . . . . .   |                    |                    |
| (i) Brought before the House . . . . .  | 12                 | ..                 |
| (ii) Admitted and discussed . . . . .   | 1                  | ..                 |
| (iii) Barred in view of Adjournment Motion Admitted on the subject . . . . .                        | 12                 | ..                 |
| (iv) Consent withheld by Speaker outside the House . . . . .  | 6                  | 15                 |
| (v) Consent given by Speaker but leave not granted by House . . . . .                               | ..                 | ..                 |
| 20. <i>Total Number of Questions Admitted:</i> . . . . .  |                    |                    |
| (i) Starred . . . . .   | 100                | 101                |
| (ii) Unstarred (including Starred Questions converted as Unstarred Questions) . . . . .             | 956                | 515                |
| (iii) Short-notice Questions . . . . .  | ..                 | ..                 |
| 21. <i>Parliamentary Committees at Work:</i> . . . . .  |                    |                    |

| Name of Committee                                   | No. of sittings held during the period May 1, 1979 to July 31, 1979 | No. of Reports presented during the Session |     |
|---|---|---|-----|
|   |   | 8th   | 9th |
| 1   | 2   | 3   |     |
| (i) Accommodation Sub-Committee . . . . .           | ..  | ..  | ..  |
| (ii) Business Advisory Committee . . . . .          | 3   | ..  | ..  |
| (iii) Committee on Absence of Members . . . . .     | 1   | ..  | ..  |
| (iv) Committee on Public Undertakings . . . . .     | 3   | ..  | ..  |
| (v) Committee on Papers laid on the Table . . . . . | ..  | ..  | ..  |
| (vi) Committee on Petitions . . . . .               | ..  | ..  | ..  |

|  | 1 | 2  | 3  | 8th | 9th |
|--|---|----|----|-----|-----|
| (vii) Committee on Private Members' Bills and Resolutions . . . . .                |   |    |    | 1   | ..  |
| (viii) Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . . |   | 3  | .. | ..  | ..  |
| (ix) Committee of Privileges . . . . .   |   | .. | 1  | ..  | ..  |
| (x) Committees on Government Assurances . . . . .                                  |   | .. | .. | ..  | ..  |
| (xi) Committee on Subordinate Legislation . . . . .                                |   | 5  | 1  | ..  | ..  |
| (xii) Estimates Committee . . . . .  |   | 2  | .. | ..  | ..  |
| (xiii) General Purposes Committee . . . . .  |   | .. | .. | ..  | ..  |
| (xiv) Rules Committee . . . . .  |   | .. | .. | ..  | ..  |
| (xv) House Committee . . . . .   |   | .. | .. | ..  | ..  |
| (xvi) Public Accounts Committee . . . . .  |   | .. | .. | ..  | ..  |
| (xvii) Railway Convention Committee . . . . .                                      |   | .. | .. | ..  | ..  |

*Joint Select Committees :*

|   |    |    |    |    |     |
|---|----|----|----|----|-----|
| (i) Joint Committee of Chairmen, House Committees both the Houses of Parliament . . . . .               | .. | .. | .. | .. | ..  |
| (ii) Joint Committee on the Multi-State Co-operative Societies Bill, 1977 . . . . .                     | 4  | .. | .. | .. | ..  |
| (iii) Joint Committee on the Khadi and Village Industries Commission (Amendment) Bill, 1978 . . . . .   | 2  | .. | .. | .. | ..  |
| (iv) Joint Committee on the Air (Prevention and Control of Pollution) Bill, 1978 . . . . .              | 3  | .. | .. | .. | ..  |
| (v) Joint Committee on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1978. . . . . | 1  | .. | .. | .. | ..  |
| (vi) Joint Committee on the Prasar Bharati (Broadcasting Corporation of India) Bill, 1979. . . . .      | 6  | .. | .. | .. | ..  |
| 22. Number of Members granted leave of absence . . . . .  | .. | .. | .. | .. | Nil |
| 3. Petitions presented . . . . .  | .. | .. | .. | .. | Nil |
| 24. Motion of Non-confidence in the Council of Ministers . . . . .                                      | .. | .. | .. | .. | 1   |
| 25. <i>Name of new Members sworn with dates and Constituencies</i> . . . . .                            | .. | .. | .. | .. | ..  |

| Sl. No. | Name of Members Sworn            | Dates on which sworn | Constituency             |
|---------|----------------------------------|----------------------|--------------------------|
| 1.      | Shri Ravinandran Singh . . . . . | 9-7-79               | Sidhi (M.P.)             |
| 2.      | Shri S. Singaravadivel . . . . . | 9-7-79               | Thanjavur (T.N.)         |
| 3.      | Shri K. Murugaiyan . . . . .     | 9-7-79               | Nagapathinam S.C. (T.N.) |

**APPENDIX II**

**STATEMENT SHOWING THE WORK TRANSACTED DURING THE HUNDRED-TENTH AND HUNDRED-ELEVENTH SESSIONS OF RAJYA SABHA**

|  | 110th<br>Session     | 111th<br>Session |
|--|----------------------|------------------|
| 1. Period of the Session . . . . .                                 | 9.7.79 to<br>16.7.79 | 20.8.79<br>only  |
| 2. Number of meetings held . . . . .                               | 6                    | 1                |
| 3. Total Number of sittings hours . . . . .                        | 22Hrs.46 Min.        | Hrs.04 Min.      |
| 4. Number of divisions held . . . . .                              | NIL                  | NIL              |
| <b>5. Government Bills :</b>                                       |                      |                  |
| (i) Pending at the Commencement of the Session . . . . .           | —                    | —                |
| (ii) Introduced . . . . .  | —                    | —                |
| (iii) Laid on the Table as passed by Lok Sabha . . . . .           | —                    | —                |
| (iv) Returned by Lok Sabha with any amendment . . . . .            | —                    | —                |
| (v) Referred to Select Committee by Rajya Sabha . . . . .          | —                    | —                |
| (vi) Referred to Joint Committee by Rajya Sabha . . . . .          | —                    | —                |
| (vii) Reported by Select Committee . . . . .                       | —                    | —                |
| (viii) Reported by Joint Committee . . . . .                       | —                    | —                |
| (ix) Discussed . . . . .   | —                    | —                |
| (x) Passed . . . . .   | —                    | —                |
| (xi) Withdrawn . . . . .   | —                    | —                |
| (xii) Negatived . . . . .  | —                    | —                |
| (xiii) Part-discussed . . . . .                                    | 0—1                  | —                |
| (xiv) Returned by Rajya Sabha without any recommendation . . . . . | —                    | —                |
| (xv) Discussion Postponed . . . . .                                | —                    | —                |
| (xvi) Pending at the end of the Session . . . . .                  | —                    | —                |
| <b>6. Private Members' Bills :</b>                                 |                      |                  |
| (i) Pending at the commencement of the Session . . . . .           | 3 <sup>1</sup>       | 3 <sup>1</sup>   |
| (ii) Introduced . . . . .  | —                    | —                |



|  | 110th<br>Session | 111th<br>Session |
|--|------------------|------------------|
| (iii) Laid on the Table as passed by Lok sabha   | —                | —                |
| (iv) Returned by Lok Sabha with any amendment and laid on the Table  | —                | —                |
| (v) Reported by Joint Committee  | —                | —                |
| (vi) Discussed   | —                | —                |
| (vii) Withdrawn  | —                | —                |
| (viii) Passed  | —                | —                |
| (ix) Negatived   | —                | —                |
| (x) Circulated for eliciting opinion   | —                | —                |
| (xi) Part-discussed  | —                | —                |
| (xii) Discussion postponed   | —                | —                |
| (xiii) Motion for circulation of Bill negatived  | —                | —                |
| (xiv) Referred to Select Committee   | —                | —                |
| (xv) Pending at the end of the Session   | —                | 31               |
| <b>7. Number of Discussions held under Rule 176 (Matters of Urgent Public Importance):</b>                     |                  |                  |
| (i) Notice received  | —                | 13               |
| (ii) Admitted  | —                | 1                |
| (iii) Discussion held  | —                | —                |
| <b>8. Number of Statements made under Rule 180 (Calling Attention to Matters of Urgent Public Importance):</b> |                  |                  |
| Statements made by Ministers   | —                | 3                |
| <b>9. Half-an-hour discussion held</b>   |                  |                  |
| <b>10. Statutory Resolutions :</b>   |                  |                  |
| (i) Notices received   | —                | 2                |
| (ii) Admitted  | —                | 2                |
| (iii) Moved  | —                | —                |
| (iv) Adopted   | —                | —                |
| (v) Negatived  | —                | —                |
| (vi) Withdrawn   | —                | —                |
| <b>11. Government Resolutions :</b>  |                  |                  |
| (i) Notices received   | —                | —                |
| (ii) Admitted  | —                | —                |
| (iii) Moved  | —                | —                |
| (iv) Adopted   | —                | —                |

|   | 110th<br>Session | 111th<br>Session |
|---|------------------|------------------|
| <b>12. Private Members' Resolutions:</b>  |                  |                  |
| (i) Received  | — 4              | —                |
| (ii) Admitted   | — 4              | —                |
| (iii) Discussed   | —                | —                |
| (iv) Withdrawn  | —                | —                |
| (v) Negatived   | —                | —                |
| (vi) Adopted  | —                | —                |
| (vii) Part-discussed  | —                | —                |
| (viii) Discussion postponed   | —                | —                |
| <b>13. Government Motions :</b>   |                  |                  |
| (i) Notices received  | — 2              | —                |
| (ii) Admitted   | — 2              | —                |
| (iii) Moved   | —                | —                |
| (iv) Adopted  | —                | —                |
| (v) Part-discussed  | —                | —                |
| <b>14. Private Members' Motions :</b>   |                  |                  |
| (i) Received  | — 43             | 10               |
| (ii) Admitted   | — 30             | 3                |
| (iii) Moved   | —                | —                |
| (iv) Adopted  | —                | —                |
| (v) Part-discussed  | —                | —                |
| (vi) Negatived  | —                | —                |
| (vii) Withdrawn   | —                | —                |
| <b>15. Motions regarding Modification of Statutory Rules:</b>                     |                  |                  |
| (i) Received  | —                | —                |
| (ii) Admitted   | —                | —                |
| (iii) Moved   | —                | —                |
| (iv) Adopted  | —                | —                |
| (v) Negatived   | —                | —                |
| (vi) Withdrawn  | —                | —                |
| (vii) Part-discussed  | —                | —                |
| <b>16. Number of Parliamentary Committees created, if any, during the Session</b> |                  |                  |
|   | —                | —                |
| <b>17. Total number of Visitors' Passes</b>                                       |                  |                  |
|   | 539              | 91               |

|  | 110th<br>Session  | 111th<br>Session |
|--|-------------------|------------------|
| 18. Maximum number of Visitor's Passes issued on any single day, and date on which issued. | 141 on<br>10-7-79 | 91 on<br>20-8-79 |
| 19. Number of Motions for Papers under Rule 175  |                   |                  |
| (i) Brought before the House   | —                 | —                |
| (ii) Admitted and discussed  | —                 | —                |
| 20. Total Number of Questions Admitted   |                   |                  |
| (i) Starred  | —                 | 95               |
| (ii) Unstarred (including Starred Questions)   | —                 | 450              |
| (iii) Short-Notice Questions   | —                 | —                |
| 21. Discussion on the Working of the Ministries  | —                 | —                |

22. Working of Parliamentary Committees :

| Name of Committee  | No. of meetings held during the periods 1st May to 31st July, 1979 | No. of Reports presented during the Session |       |
|--|--|---|-------|
|  |  | 110th                                       | 111th |
| (i) Public Accounts Committee  | —  | —   | —     |
| (ii) Committee on Public Undertakings                                  | —  | —   | —     |
| (iii) Business Advisory Committee                                      | —  | 1   | —     |
| (iv) Committee on Subordinate Legislation                              | 9  | —   | —     |
| (v) Committee on Petitions]  | 9  | —   | —     |
| (vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes | —  | —   | —     |
| (vii) Committee of Privileges  | 2  | —   | —     |
| (viii) Committee on Rules  | 1  | —   | —     |
| (ix) Joint Committee on Offices of Profit                              | —  | —   | —     |
| (x) Committee on Government Assurances                                 | 6  | —   | —     |
| (xi) Joint Committee on the Viswa Bharati (Amendment) Bill, 1978       | 1  | —   | —     |
| 23. Number of members granted leave of absence                         | —  | 2   | —     |
| 24. Petition presented   | —  | —   | —     |

25. Number of New Members Sworn with Dates :

|               | Sl.No. | Name of members Sworn     | Date on which Sworn |
|---------------|--------|---------------------------|---------------------|
| 110th Session | —      | —                         | —                   |
| 111th Session | 1.     | Shri Syed Shahabuddin     | 20-8-79             |
|               | 2.     | Shri Brahmdeo Ram Shastri | 20-8-79             |

26. Obituary References :

| Sl. No.       | Name                   | Sitting Member/Ex-member |        |
|---------------|------------------------|--------------------------|--------|
| 110th Session |                        |                          |        |
| 1.            | Shri Pranab Chatterjee | Sitting member           | 9-7-79 |
| 2.            | Shri Rewati Kant Sinha | Ex-Member                | 9-7-79 |
| 3.            | Shri Joachim Alva      | Ex-Member                | 9-7-79 |
| 111th Session |                        |                          |        |
| —             | —                      | —                        | —      |

## APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATES LEGISLATURE DURING THE PERIOD MAY 1 TO JULY 31ST, 1979

| Legislature           | Duration           | Sittings | Govt. Bills | Private Bills | Starred Questions | Unstarred Questions | Short Notice Questions |
|-----------------------|--------------------|----------|-------------|---------------|-------------------|---------------------|------------------------|
| 1                     | 2                  | 3        | 4           | 5             | 6                 | 7                   | 8                      |
| Andhra Pradesh L.C.   | 18-6-79 to 4-7-79  | 13       | 3(16)       | ..            | 293(100)          | (15)(a)             | 146(82)(b)             |
| Andhra Pradesh L.A.   | 14-6-79 to 4-7-79  | 16       | 13(15)      | ..            | 653(283) (c)      | 105(283)(d)         | 101(31)                |
| Assam L.A.            | ..                 | ..       | ..          | ..            | ..                | ..                  | ..                     |
| Bihar L.C.            | 9-7-79 to 1-8-79   | 17       | 3(4)        | ..            | 1221(1171)        | (63)(e)             | 515(201)               |
| Bihar L.A.            | 26-6-79 to 31-7-79 | 25       | 1(1)        | ..            | (3305)            | (1105)              | (51)                   |
| Gujarat L.A.          | ..                 | ..       | ..          | ..            | ..                | 138(68)             | ..                     |
| Haryana L.A.          | ..                 | ..       | ..          | ..            | 95(78)            | 31(27)              | ..                     |
| Himachal Pradesh L.A. | 8-5-79             | 1        | ..          | ..            | ..                | ..                  | ..                     |
| Jammu & Kashmir L.C.  | ..                 | ..       | ..          | ..            | ..                | ..                  | ..                     |
| Jammu & Kashmir L.A.  | ..                 | ..       | ..          | ..            | ..                | ..                  | ..                     |
| Karnataka L.C.        | ..                 | ..       | ..          | ..            | ..                | ..                  | ..                     |
| Karnataka L.A.        | ..                 | ..       | ..          | ..            | ..                | ..                  | ..                     |
| Kerala L.A.           | ..                 | ..       | ..          | ..            | ..                | ..                  | ..                     |
| Madhya Pradesh L.A.   | 6-3-79 to 4-5-79   | 4        | 10(10)      | ..            | 3975(2524)(f)     | 1839(1265)(f)       | 40(2) (f)              |
| Madhya Pradesh L.C.   | ..                 | ..       | ..          | ..            | ..                | ..                  | ..                     |
| Maharashtra L.A.      | ..                 | ..       | ..          | ..            | ..                | ..                  | ..                     |
| Manipur L.A.          | ..                 | ..       | ..          | ..            | ..                | ..                  | ..                     |
| Meghalaya L.A.        | 18-6-79 to 29-6-79 | 10       | 9(9)        | ..            | 36(36)            | 452(449)            | ..                     |
| Nagaland L.A.         | ..                 | ..       | ..          | ..            | ..                | ..                  | ..                     |
| Orissa L.A.           | ..                 | ..       | ..          | ..            | ..                | ..                  | ..                     |
| Punjab.               | ..                 | ..       | ..          | ..            | 208(178)          | 72(61)              | ..                     |

|                            |                    |                   |    |      |    |           |           |        |    |
|----------------------------|--------------------|-------------------|----|------|----|-----------|-----------|--------|----|
| Rajasthan L.A.             | ..                 | ..                | .. | ..   | .. | ..        | ..        | ..     | .. |
| Sikkim L.A.                | ..                 | ..                | .. | ..   | .. | ..        | ..        | ..     | .. |
| Tamil Nadu L.C.            | ..                 | 9-2-79 to 8-5-79  | .. | ..   | .. | 107(59)   | 1(1)      | ..     | .. |
| Tamil Nadu L.A.            | ..                 | ..                | .. | ..   | .. | 1180(330) | 430(430)  | ..     | .. |
| Tripura L.A.               | ..                 | 1-6-79 to 11-6-79 | 7  | 5(5) | .. | 355(288)  | 31(25)(8) | 11(1)  | .. |
| Uttar Pradesh L.C.         | ..                 | ..                | .. | ..   | .. | ..        | ..        | ..     | .. |
| Uttar Pradesh L.A.         | ..                 | ..                | .. | ..   | .. | ..        | ..        | ..     | .. |
| West Bengal L.A.           | ..                 | ..                | .. | ..   | .. | ..        | ..        | ..     | .. |
| <b>UNION TERRITORIES</b>   |                    |                   |    |      |    |           |           |        |    |
| Arunachal Pradesh L.A.     | ..                 | ..                | .. | ..   | .. | ..        | ..        | ..     | .. |
| Delhi Metropolitan Council | 24-4-79 to 15-5-79 | ..                | 16 | 2(2) | .. | 1318(280) | 600(531)  | 7(1)   | .. |
| Goa, Daman and Diu L.A.    | ..                 | ..                | .. | ..   | .. | ..        | ..        | ..     | .. |
| Mizoram L.A.               | 25-4-79 to 30-5-79 | ..                | 4  | 1    | .. | ..        | ..        | 15(13) | .. |
| Pondicherry L.A.           | ..                 | ..                | .. | ..   | .. | ..        | ..        | ..     | .. |

NOTE : (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) From Starred Questions.  
(b) Includes 52 admitted as Starred Questions.  
(c) Figure 283 includes 52 Short Notice Questions admitted as ordinary Questions.  
(d) Figure 283—170 Starred Notices admitted as Unstarred Questions and 30 Short Notice Questions admitted as Unstarred Questions.  
(e) Converted from Starred and Short Notice Questions.  
(f) The figures include entire notices received for March—May 1979 session.  
(g) 20 Starred Questions admitted as Unstarred.



|                     |   |   |      |    |      |    |      |      |       |    |      |    |    |    |        |
|---------------------|---|---|------|----|------|----|------|------|-------|----|------|----|----|----|--------|
| Gujarat LA          | . | . | .    | 6  | 1    | .. | 11   | ..   | 4     | .. | 1(d) | .. | 10 | .. | ..     |
| Haryana LA          | . | . | 9    | .. | ..   | 13 | 7    | 2    | 8     | .. | ..   | 3  | 16 | .. | ..     |
| Himachal Pradesh LA | . | . | 13   | 3  | ..   | 2  | 16   | 11   | ..    | 15 | 2    | 1  | 3  | 19 | 1      |
| Jammu & Kashmir     | . | . | 2    | 3  | 3    | 2  | 4    | 7    | 1     | 7  | 1    | 1  | 19 | .. | (c)    |
| Karnataka LC        | . | . | ..   | .. | ..   | .. | ..   | ..   | ..    | .. | ..   | .. | .. | .. | ..     |
| Karnataka LA        | . | . | ..   | .. | ..   | .. | ..   | ..   | ..    | .. | ..   | .. | .. | .. | ..     |
| Kerala LA           | . | . | 10   | 13 | ..   | .. | 17   | 11   | ..    | 11 | ..   | 6  | 8  | 2  | 3 (ce) |
| Madhya Pradesh      | . | . | 1(i) | 6  | 1(i) | 4  | ..   | 5    | 1     | 7  | 3    | 1  | 4  | 1  | ..     |
| Maharashtra LC      | . | . | ..   | .. | ..   | .. | ..   | ..   | ..    | .. | ..   | .. | .. | .. | ..     |
| Maharashtra LA      | . | . | ..   | .. | ..   | .. | ..   | ..   | ..    | .. | ..   | .. | .. | .. | ..     |
| Manipur LA          | . | . | ..   | .. | ..   | .. | ..   | ..   | ..    | .. | ..   | .. | .. | .. | ..     |
| Meghalaya LA        | . | . | 3    | .. | 2    | .. | ..   | (1)  | ..    | .. | 1    | 1  | 3  | .. | ..     |
| Nagaland            | . | . | ..   | .. | ..   | .. | ..   | ..   | ..    | .. | ..   | .. | .. | .. | ..     |
| Orissa LA           | . | . | ..   | .. | ..   | .. | ..   | ..   | ..    | .. | ..   | .. | .. | .. | ..     |
| Punjab LA           | . | . | 19   | 5  | ..   | 4  | 10   | 4    | ..    | 13 | ..   | 1  | 6  | 12 | ..     |
| Rajasthan LA        | . | . | 39   | 32 | ..   | 37 | 33   | 40   | 54(f) | 24 | 18   | 28 | 34 | 45 | 32     |
| Sikkim LA           | . | . | ..   | .. | ..   | .. | ..   | ..   | ..    | .. | ..   | .. | .. | .. | ..     |
| Tamil Nadu LA       | . | . | 3    | .. | ..   | .. | 11   | 1    | ..    | 10 | ..   | .. | 5  | .. | (g)    |
| Tamil Nadu LC       | . | . | 3    | .. | ..   | .. | ..   | ..   | ..    | .. | ..   | .. | .. | 3  | ..     |
| Tripura LA          | . | . | 1    | 2  | ..   | .. | 4(i) | 3(i) | 1     | 2  | 7(i) | .. | 1  | 3  | ..     |
| Uttar Pradesh LC    | . | . | ..   | .. | ..   | .. | ..   | ..   | ..    | .. | ..   | .. | .. | .. | ..     |
| Uttar Pradesh LA    | . | . | ..   | .. | ..   | .. | ..   | ..   | ..    | .. | ..   | .. | .. | .. | ..     |
| West Bengal LA      | . | . | 6    | 1  | ..   | .. | 5    | 3    | ..    | 2  | ..   | 3  | 2  | 8  | 12 (i) |



|                                      | 9    | 10   | 11 | 12   | 13 | 14 | 15 | 16   | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
|--------------------------------------|------|------|----|------|----|----|----|------|----|----|----|----|----|----|----|----|
| <i>Union Territories</i>             |      |      |    |      |    |    |    |      |    |    |    |    |    |    |    |    |
| Arunachal Pradesh LA . . . . .       |      |      |    |      |    |    |    |      | 1  |    |    |    |    |    |    |    |
| Delhi Metropolitan Council . . . . . | 1(4) | 3(1) |    | 1(1) |    |    |    | 3(1) |    |    |    |    |    |    | 2  |    |
| Goa, Daman and Diu LA . . . . .      |      |      |    |      |    |    |    |      |    |    |    |    |    |    |    |    |
| Mizoram LA . . . . .                 |      | 1(1) |    |      |    |    |    |      |    |    |    |    |    |    |    |    |
| Pondicherry LA . . . . .             |      |      |    |      |    |    |    |      |    |    |    |    |    |    |    |    |

## (a) Amenities Committee—2

(b) Joint Select Committee on the Bihar Agriculture Produce Market (Amendment) Bill 1974—1

(c) Miscellaneous Matters Committee—15

(d) The Report was not presented in the House but circulated among the Members.

(e) (i) Select Committee on (i) A Bill to amend to J &amp; K Land Grants Act, 1960-1; (ii) Select Committee on J &amp; K Transfer of Land Laws Bill 1978 -1; (iii) Joint Select Committee on the Hindu Religious and Endowment Bill-1; (iv) Joint Select Committee on the State Sheep Products Development in the State -1; (v) Select Committee on the Urban Inalienable Property Tax (Amendment) Act, 1978-1; (vi) Select Committee on the J &amp; K Houses and Shops Rent Control (Act-1);

(ee) (i) Select Committee on the Kerala Highways, Bill, 1977-4; and (ii) Select Committee on the Kerala Public Men (Investigation into Misconduct) Bill, 1978-1.

(g) (i) Select Committee on the Tamil Nadu Co-operative Societies Bill, 1979-3; a.d

(ii) Joint Select Committee on the Tamil Nadu Handloom Workers (Conditions of Employment and Miscellaneous Provisions) Bill, 1979-2.

(h) Committee on Absence of Members from theittings of the House-1.

(i) The Calcutta University Bill, 1979-0.

**APPENDIX IV**

**LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT  
DURING THE PERIOD MAY 1, 1979 TO JULY 31, 1979.**

| S. No. | Title of the Bill   | Date of assent by the<br>President |
|--------|---|------------------------------------|
| 1.     | The Appropriation (No. 3) Bill, 1979 . . . . .  | 3-5-79                             |
| 2.     | The Merchant Shipping (Amendment) Bill, 1979 . . . . .  | 4-5-79                             |
| 3.     | The Finance Bill, 1979 . . . . .  | 10-5-79                            |
| 4.     | The Special Courts Bill, 1979 . . . . .   | 16-5-79                            |
| 5.     | The Additional Duties of Excise (Goods of Special importance)<br>Amendment Bill, 1979 . . . . .                         | 20-5-79                            |
| 6.     | The Union Duties of Excise (Distribution) Bill, 1979 . . . . .  | 20-5-79                            |
| 7.     | The Goa, Daman and Diu Appropriation (Second Vote on<br>Account) Bill, 1979 . . . . .                                   | 25-5-79                            |
| 8.     | The Estate Duty (Distribution) Amendment Bill, 1979 . . . . .   | 25-5-79                            |
| 9.     | The Salary, Allowances and Pension of Members of Parliament<br>(Amendment) Bill, 1979 . . . . .                         | 25-5-79                            |
| 10.    | The Kosangas Company (Acquisition of Undertaking) Bill, 1979  | 26-5-79                            |
| 11.    | The Parel Investments and Trading Private Limited and Domestic<br>Gas Private Limited (Taking Over of Management) Bill, | 26-5-79                            |
| 12.    | The Inter-State Migrant Workmen (Regulation of Employment<br>and Conditions of Service) Bill, 1979 . . . . .            | 11-6-79                            |
| 13.    | The Haryana and Uttar Pradesh (Alteration of Boundaries) Bill,<br>1979 . . . . .  | 11-6-79                            |

## APPENDIX V

BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD MAY 1, TO  
JULY 31, 1979

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### ANDHRA PRADESH LEGISLATIVE ASSEMBLY@

1. The Andhra Pradesh Gram Panchayats (Amendment) Bill, 1979.
2. The Andhra Pradesh Gram Panchayats Samithis and Zilla Parishads (Amendment) Bill, 1979.
3. The Tirumala Tirupathi Devasthanams Bill, 1979.
4. The Visakhapatnam Municipal Corporation Bill, 1979.
5. The Hyderabad Municipal Corporations (Amendment) Bill, 1979.
6. The Hyderabad Municipal Corporations (Amendment) Amending Bill, 1979.
7. The Andhra Pradesh Municipalities (Amendment) Bill, 1979.
8. The Andhra Pradesh Municipalities and Gram Panchayats (Amendment) Bill, 1979.
9. The Andhra Pradesh Municipalities (Second Amendment) Bill, 1979.
10. The Andhra Pradesh (Telangana Area) Irrigation (Amendment) Bill, 1979.
11. The Andhra Pradesh Entertainments Tax (Amendment) Bill, 1979.
- \*12. The Criminal Law Amendment (Andhra Pradesh Extension and Amendment) Bill, 1979.
- \*13. The Andhra Pradesh Children Bill, 1979.
14. The Andhra Pradesh (Andhra Area) Public Health (Amendment) Bill, 1979.
- \*15. The Code of Civil Procedure (Andhra Pradesh Amendment) Bill, 1979.

### BIHAR LEGISLATIVE COUNCIL

1. The Bihar Viniyog (No. 1) Bill, 1979.

### BIHAR LEGISLATIVE ASSEMBLY

1. The Bihar Appropriation (No. 2) Bill, 1979.

### MADHYA PRADESH VIDHAN SABHA

1. The Madhya Pradesh Sthaniya Nidhi Sampariksha (Sanshodhan) Vidheyak, 1979.
2. The Indian Stamps (Madhya Pradesh Amendment) Bill, 1979.

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@The Bills were also passed by the Legislative Council.

\*Awaiting assent.

3. The Madhya Pradesh Entertainments Duty and Advertisement Tax (Amendment) Bill, 1979.
4. The Madhya Pradesh Krishi Upaj Mandi Vidheyak (Sanshodhan), 1979.
5. The Madhya Pradesh Gramodyog (Sanshodhan) Vidheyak, 1979.
6. The Madhya Pradesh Cooperatives Societies (Amendments) Bill, 1979.
7. The Madhya Pradesh Gramin Rin Vimukti tatha Rin Sthagan (Sanshodhan) Vidheyak, 1979.
8. The Madhya Pradesh Appropriation (No. 3) Bill, 1979.
9. The Madhya Pradesh Excise (Amendment) Bill, 1979.
10. The Madhya Pradesh General Sales Tax (Amendment) Bill, 1979.

**MEGHALAYA LEGISLATIVE ASSEMBLY**

1. The Maghalaya Appropriation (No. III) Bill, 1979.
2. The Meghalaya (Minister's Salaries and Allowances) (Amendment) Bill, 1979.
3. The Legislative Assembly of Meghalaya (Speaker and Deputy Speaker Salaries and Allowances) (Amendment) Bill, 1979.
4. The Legislative Assembly of Meghalaya (Speaker and Deputy Speaker Salaries and Allowances) (Second Amendment) Bill, 1979.
5. The Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) (Amendment) Bill, 1979.
6. The Meghalaya Purchase Tax (Amendment) Bill, 1979.
7. The Meghalaya Transfer of Land (Regulation) (Amendment) Bill, 1979.
8. The Gauripur (Gholla) Zamindars' Annuity Rights Abolition and Extinguishment Bill, 1979.
9. The Meghalaya Agricultural Income Tax (Repealing) Bill, 1979.

**TRIPURA LEGISLATIVE ASSEMBLY**

- \*1. The Bengal Agricultural Income tax (Tripura Amendment) Bill, 1979.
- \*2. The Tripura Agricultural Indebtedness Relief Bill, 1979.
3. The Appropriation Bill, 1979.
- \*4. The Indian Stamp (Tripura Second Amendment) Bill, 1979.
- \*5. The Tripura Amusements Tax (Amendment) Bill, 1979.

**DELHI METROPOLITAN COUNCIL**

1. The Delhi Rent Control (Amendment) Bill, 1979.
2. The Punjab Pre-emption (Delhi Repeal) Bill, 1979.

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\* Awaiting assent.

## APPENDIX VI

## ORDINANCES ISSUED BY THE CENTRAL AND STATE GOVERNMENTS DURING THE PRESENT

MAY, 1979 TO JULY 31, 1979

| S.No.                     | Subject   | Date of promulgation | Date on which laid before House | Date of Cessation | Remarks  |
|---------------------------|---|----------------------|---------------------------------|-------------------|--|
| 1                         | 2   | 3                    | 4                               | 5                 | 6  |
| <b>CENTRAL GOVERNMENT</b> |   |                      |                                 |                   |  |
| 1                         | The Reserve Bank of India (Maintenance of Services) Ordinance, 1979 (No. 4 of 1979)     | 4-7-79               | 9-7-79                          | 20-8-79           | Lapsed at the expiration of the period of six weeks mentioned in article 123(2) (a) of the Constitution. Do. |
| 2                         | The Additional Emoluments (Compulsory Deposit) Amendment Ordinance, 1979 (No 5 of 1979) | 4-7-79               | 9-7-79                          | 20-8-79           | Do.  |
| <b>STATE GOVERNMENTS</b>  |   |                      |                                 |                   |  |
| <b>ANDHRA PRADESH</b>     |   |                      |                                 |                   |  |
| 1                         | The Tirumalapathi Devasthanams Ordinance, 1979  | 18-5-79              | 15-6-79                         |                   | Replaced by Legislation.   |
| <b>BIHAR</b>              |   |                      |                                 |                   |  |
| 1                         | The Minimum wages (Bihar second Amendment) Ordinance, 1979.                             |                      | 26-6-79                         | 20-8-79           | Neither withdrawn nor disapproved nor replaced by Legislation.   |
| 2                         | The Bihar Agriculture Production Market (Second Amendment) Ordinance, 1979              |                      | Do                              | Do                | Do   |
| 3                         | The Bihar Motor Vehicle Taxation (Second Amendment) Ordinance, 1979                     |                      | Do                              | Do                | Do   |

|    |   |    |    |
|----|---|----|----|
| 4  | The Bihar Aid to Industries (Second Amendment) Ordinance, 1979.   | Do | Do |
| 5  | The Bihar Khadi and Village Industries (Second Amendment) Ordinance 1979.                                 | Do | Do |
| 6  | The Bihar Hindu Religious Trust (Second Amendment) Ordinance, 1979.                                       | Do | Do |
| 7  | The Land and Water Protection and Land Development—Second Ordinance, 1979.                                | Do | Do |
| 8  | The Rajendra Agriculture University (Second Amendment) Ordinance, 1979.                                   | Do | Do |
| 9  | The Bihar State Water and Sanitic Latrine Board Second Ordinance, 1979.                                   | Do | Do |
| 10 | The Bihar State Housing Board Second Ordinance, 1979.   | Do | Do |
| 11 | The Bihar Legislatures (Members Salaries pension and allowance, (Second Amendment) Ordinance, 1979.       | Do | Do |
| 12 | The Chhota Nagpur and Santhal Pargana Autonomous Development Authority (Third Amendment) Ordinance, 1979. | Do | Do |
| 13 | The Bihar Agriculture Operations and Miscellaneous Provisions(Banks) Second Ordinance, 1979.              | Do | Do |
| 14 | The Bihar Sugar Undertakings (Acquisition) Second Amendment, Ordinance, 1979.                             | Do | Do |
| 15 | The Bihar Forest Produce (Trade Regulation) Second Ordinance, 1979.                                       | Do | Do |
| 16 | The Bihar Children Second Ordinance, 1979.  | Do | Do |

| 1  | 2   | 3 | 4       | 5       | 6   |
|----|---|---|---------|---------|---|
| 17 | The Bihar Sugarcane (Supply and Purchase Regulation) Second Ordinance, 1979             |   | 26-6-79 | 20-8-79 | Neither withdrawn nor disapproved nor replaced by legislation |
| 18 | The Bihar Essential Service Protection (Second Amendment) Ordinance, 1979               |   | Do,     | Do      | Do  |
| 19 | The Bihar Health Education Institution (Regulations Control) Second Amendment, 1979.    |   | Do      | Do      | Do  |
| 20 | The Bihar Agriculture Income Tax (Repeal) Second Ordinance, 1979.                       |   | Do,     | Do,     | Do  |
| 21 | The Bihar Municipal (Second Amendment) Ordinance 1979.                                  |   | Do,     | Do,     | Do  |
| 22 | The Patna Municipal Corporation (Second Amendment) Ordinance, 1979.                     |   | Do,     | Do      | Do,   |
| 23 | The Bihar Municipal (Third Amendment and Validation) Ordinance, 1979.                   |   | Do      | Do      | Do  |
| 24 | The Bihar Municipal and Patna Municipal Corporation (Second Amendment) Ordinance, 1979. |   | Do      | Do,     | Do  |
| 25 | The Bihar Cinema (Regulation) (Second Amendment) Ordinance, 1979.                       |   | Do,     | Do      | Do.   |
| 26 | The Bihar Sales Tax, Second Ordinance, 1979.  |   | Do,     | Do,     | Do,   |
| 27 | The Bihar Regional Development Authority Second Ordinance, 1979.                        |   | Do,     | Do      | Do  |
| 28 | The Bihar Co-operative Societies (Second Amendment) Ordinance, 1979.                    |   | Do      | Do,     | Do  |
| 29 | The Bihar State Universities (Fourth Amendment) Ordinance, 1979.                        |   | Do,     | Do,     | Do  |

|    |  |     |     |    |
|----|--|-----|-----|----|
| 30 | The Patna University (Fourth Amendment) Ordinance, 1979.   | Do  | Do  | Do |
| 31 | The Bihar Non-Government Physical Training College and Non-Government Teachers Training College and Non-Government Primary Teacher Training College (Control and Regulation) Second Ordinance, 1979. | Do; | Do  | Do |
| 32 | The Bihar Madarasa Education Board Second Ordinance, 1979.   | Do; | Do  | Do |
| 33 | The Bihar University Service Commission (Third Adimendment) Ordinance, 1979.   | Do; | Do  | Do |
| 34 | The Bihar Inter-University Boards Second Ordinance, 1979   | Do  | Do  | Do |
| 35 | The Bihar Secondary Education Board (Second Amendment) Ordinance, 1979.  | Do  | Do, | Do |
| 36 | The Bihar Panchayat Election Rules and Supplementary Voters lists (Second Validation) Ordinance, 1979.   | Do  | Do  | Do |
| 37 | The Bihar Panchayat Raj (Second Amendment and Validation) Ordinance, 1979.   | Do  | Do, | Do |
| 38 | The Bihar Panchayat Samitti and Zila Parishad (Amendment and Validation) Second Ordinance, 1979.   | Do; | Do  | Do |
| 39 | The Bihar District Board and Local Board (Control and Management) Second Amendment Ordinance, 1979.  | Do  | Do  | Do |
| 40 | The Bihar Crime Control Second Ordinance, 1979.  | Do  | Do  | Do |
| 41 | The Bihar Bhoodan Movement (Second Amendment) Ordinance, 1979.   | Do  | Do  | Do |



| 1  | 2   | 3       | 4       | 5       | 6   |
|----|---|---------|---------|---------|---|
| 42 | The Land Acquisition (Bihar Second Amendment) Ordinance, 1979.                      |         | 26-6-79 | 20-8-79 | Neither withdrawn nor disapproved nor replaced by Legislation.<br>Do. |
| 43 | The Bihar Cess (Third Amendment) Ordinance, 1979.                                   |         | Do.     | Do.     | Do.   |
| 44 | The Bihar Land Rent (Recession from Payment) Second Ordinance, 1979.                |         | Do.     | Do.     | Do.   |
| 45 | The Bihar Land Encroachment (Second Amendment) Ordinance, 1979.                     |         | Do.     | Do.     | Do.   |
| 46 | The Santhal Pargana Civil Court (Validation and Adoption) Second Ordinance, 1979.   |         | Do.     | Do.     | Do.   |
| 47 | The Bihar Irrigation Regional Command (Second Amendment) Ordinance, 1979.           |         | Do.     | Do.     | Do.   |
| 48 | The Bihar Irrigation Law (Second Amendment) Ordinance, 1979.                        |         | Do.     | Do.     | Do.   |
| 49 | The Bihar Excise (Second Amendment) and (Validation) Ordinance, 1979.               |         | Do.     | Do.     | Do.   |
| 50 | The Bihar Contingency Fund (Second Amendment) Ordinance, 1979.                      |         | Do.     | Do.     | Do.   |
| 51 | The Bihar Intoxicating Materials Prohibition Ordinance, 1979.                       |         | Do.     | Do.     | Do.   |
| 52 | The Tana Bhagat Royot Farmer Land Restoration (Second Amendment) Ordinance, 1979.   |         | Do.     | Do.     | Do.   |
| 1  | The Gujarat Panchayats (Reconstitution of certain Gram Panchayats) Ordinance, 1979. | Gujarat |         | 17-5-79 |   |

|                         |  |           |           |  |                          |
|-------------------------|--|-----------|-----------|--|--------------------------|
| 2                       | The Indian Electricity (Gujarat Amendment) Ordinance, 1979.  | 18-6-79   |           |  |                          |
| 3                       | The Gujarat Unprotected Manual Workers (Regulation of Employment and Welfare) Ordinance 1979.                  | 16-6-79   |           |  |                          |
| <b>HIMACHAL PRADESH</b> |  |           |           |  |                          |
| 1                       | The Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1979.  | 15-6-79   |           |  |                          |
| 2                       | The Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries (Amendment) Ordinance, 1979. | 19-7-79   |           |  |                          |
| <b>KERALA</b>           |  |           |           |  |                          |
| 1                       | The Kerala Essential Services Maintenance Ordinance, 1979.   | 1-7-1979  | 24-9-1979 |  | Replaced by Legislation. |
| 2                       | The Kerala Public Services (Amendment) Ordinance, 1979.  | 26-6-1979 | Do.       |  | Do.                      |
| 3                       | The Kanam Tenancy Abolition (Amendment) Ordinance, 1979.   | 1-7-79    | Do.       |  | Do.                      |
| 4                       | The Calicut University (Amendment) Ordinance, 1979.  | 3-7-79    | Do.       |  | Do.                      |
| 5                       | The Kerala Panchayats (Amendment) Ordinance, 1979.   | 6-7-79    | Do.       |  | Do.                      |
| 6                       | The Kerala Land Reforms (Amendment) Ordinance, 1979.   | 14-7-79   | Do.       |  | Do.                      |
| 7                       | The Kerala Debt Relief (Amendment) Ordinance, 1979.  | 17-7-79   | Do.       |  | Do.                      |

| 1 | 2  | 3       | 4              | 5  | 6  |
|---|--|---------|----------------|----|--|
| 8 | The Kerala Payment of arrears of Rent in Instalments Ordinance, 1979.  | 17-7-79 | 24-9-79        |    | Replaced by Legislation                                |
| 9 | The Industrial Disputes (Kerala Amendment) Ordinance, 1979.  | 27-7-79 | Do.            | .. | Do.  |
|   |  |         | MADHYA PRADESH |    |  |
| 1 | The Madhya Pradesh Vishesh Sasrastra Bal (Sanabodhan) Ordinance, 1979.   | 3-6-79  |                | .. | ..   |
| 2 | The Police (Incitement to Disaffection) Madhya Pradesh Amendment Ordinance, 1979.                                      | 3-6-79  |                | .. | ..   |
|   |  |         | MEGHALAYA      |    |  |
| 1 | The Meghalaya Finance (Sales Tax) (Amendment) Ordinance, 1979.   | 21-5-79 | 18-6-1979      | .. | Allowed to be lapsed.                                  |
|   |  |         | TAMIL NADU     |    |  |
| 1 | The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Amendment Ordinance, 1979. | 30-5-79 |                |    | To be replaced by legislation during the next session. |
| 2 | The Madras City Municipal Corporation (Amendment) Ordinance, 1979.   | Do.     |                | .. | Do.  |
| 3 | The Tamil Nadu Cultivating Tenants Protection from Eviction) Second Amendment Ordinance, 1979                          | 13-7-79 | ..             | .. | Do.  |

4 The Tamil Nadu Cyclone and Flood Affected Areas  
Cultivating Tenants (Temporary Relief) Second  
Amendment Ordinance, 1979.

Do.]

Do.

5 The Tamil Nadu Essential Services Maintenance  
Ordinance, 1979.

Do.

Do.





## B. PARTY POSITION IN STATE LEGISLATURES

| State/Union Territory                | Seats | Janata (S) | Cong.(I) | Cong.(M) | CPI | CPI (M) | AI ADMK | Alkali | Other Parties | Ind.  | Total Vacancies |      |    |
|--------------------------------------|-------|------------|----------|----------|-----|---------|---------|--------|---------------|-------|-----------------|------|----|
| 1                                    | 2     | 3          | 4        | 5        | 6   | 7       | 8       | 9      | 10            | 11    | 12              | 13   | 14 |
| Andhra Pradesh L.C. (As on 1-9-79)   | 90    | 8          |          | 36       | 13  | 1       | 2       |        |               | 6(a)  | 1               | 67*  | 22 |
| Andhra Pradesh L.A. (As on 1-9-79)   | 295   | 50         |          | 216      | 7   | 8       | 6       |        |               | 3(b)  | 2(c)            | 292  | 3  |
| Assam L.A. (As on 1-9-79)            | 126   | 39         | 4(d)     | 8        | 22  | 11      | 6       |        |               | 30(e) | 5               | 125  | 1  |
| Bihar L.C. (As on 1-9-79)            | 96    | 23         | 8        | 33       | 8   |         | 5       |        |               | 1(f)  | 4               | 82   | 14 |
| Bihar L.A. (As on July 1979)         | 325   | 131        | 55       | 43       | 14  | 4       | 21      |        |               | 45(g) | 9               | 322* | 2  |
| Gujarat L.A. (As on 1-9-79)          | 182   | 106        | 1        | 57       | 7   |         |         |        |               | 4(h)  | 5(i)            | 180  | 2  |
| Haryana L.A. (As on 10-9-79)         | 90    | 45         | 33       | 8        | 1   |         |         |        |               |       | 2               | 89*  |    |
| Himachal Pradesh L.A. (As on 1-9-79) | 68    | 45         | 9        | 9        |     |         |         |        |               |       | 5               | 68   |    |
| Jammu & Kashmir L.C. (As on 1-6-79)  | 36    | 1          |          | 11       |     |         |         |        |               | 21(j) | 1               | 94   | 2  |
| Jammu & Kashmir L.A. (As on 1-9-79)  | 78    | 11         |          | 7        | 1   |         |         |        |               | 59(k) |                 | 78   |    |
| Karnataka L.C. (As on 1-6-79)        | 63    | 20         |          | 28       | 3   |         |         |        |               |       | 4               | 55*  | 7  |
| Karnataka L.A. (As on 10-6-79)       | 225   | 55         |          | 156      | 1   |         | 3       |        |               | 2(l)  | 5               | 222* | 2  |
| Kerala L.A. (As on 1-9-79)           | 141   | 10         |          | 17       | 19  | 19      | 22      |        |               | 52(m) |                 | 199* | 1  |
| Madhya Pradesh L.A. (As on 15-9-79)  | 321   | 234        | 5        | 57       | 20  |         |         |        |               | 1(n)  | 1               | 318* | 2  |
| Manipur L.A. (As on 15-11-78)        | 60    | 44         | 11       |          |     |         | 4       |        |               |       | 1               | 60*  |    |
| Meghalaya L.A. (As on 1-9-79)        | 60    | 1          |          |          |     |         |         |        |               | 57(o) | 1               | 59*  |    |

|   |        |     |    |    |    |        |       |        |       |    |
|---|--------|-----|----|----|----|--------|-------|--------|-------|----|
| Nagaland L.A. (As on 1-6-79)              | 60     | ..  | 15 | .. | .. | ..     | 40(p) | 5      | 60    | .. |
| Punjab L.A. (As on 1-9-79)                | 117    | 25  | 15 | 8  | 7  | ..     | 58(q) | 2      | 117   | .. |
| Rajasthan L.A. (As on 31-7-79)            | 200    | 147 | 25 | 16 | 1  | 1      | ..    | 4(r)   | 200   | .. |
| Sikkim L.A. (As on 1-6-79)                | 32     | 26  | .. | .. | .. | ..     | ..    | 4(s)   | 31    | 1  |
| Tamil Nadu L.C. (As on 1-9-79)            | 63     | 1   | 4  | .. | 1  | 1      | 16    | 19(t)  | 47*   | 15 |
| Tamil Nadu L.A. (As on July 31, 1979)     | 235    | 8   | .. | 27 | 12 | 5      | 126   | 56(u)  | 234*  | .. |
| Tripura L.A. (As on 1-9-79)               | 60     | ..  | .. | .. | 51 | ..     | ..    | 8(v)   | 60    | .. |
| Uttar Pradesh L.C. (As on 1-6-79)         | 108    | 43  | 34 | 13 | 3  | 3      | ..    | 11(w)  | 107   | 1  |
| Uttar Pradesh L.A. (As on 1-6-79)         | 426    | 355 | .. | 43 | 7  | 1      | 9     | 2(x)   | 423   | 3  |
| West Bengal L.A. (As on 1-9-79)           | 295    | 24  | 5  | 11 | 10 | 176(y) | 2     | ..     | 61(z) | 6  |
| <b>Union Territories</b>                  |        |     |    |    |    |        |       |        |       |    |
| Arunachal Pradesh L.A. (As on 1-9-79)     | 33     | 24  | .. | .. | .. | ..     | ..    | 8(aa)  | 1     | 33 |
| Delhi Metropolitan Council (As on 1-9-79) | 60(bb) | 41  | 5  | 10 | 1  | ..     | ..    | 2      | 60    | 1  |
| Goa, Daman & Diu L.A. (c)                 | ..     | ..  | .. | .. | .. | ..     | ..    | ..     | ..    | .. |
| Mizoram L.A. (As on 1-9-79)               | 30     | ..  | .. | .. | .. | ..     | ..    | 30(cc) | ..    | 30 |
| Pondicherry L.A. (c)                      | ..     | ..  | .. | .. | .. | ..     | ..    | ..     | ..    | .. |

\*Excludes the Speaker/Chairman who is not a member of either party.

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

(b) Majlis-Ittehad-ul-Muslimeen.

(c) Including one Nominated.

(d) One Member of the Janata (s) and all the members of the PDF are Associate Members of the Asom Janata Vidhayani Dal.



- (c) Assam Janata Vidhayani Dal-17; R.C.P.I-4; FTCA-4; PDF-5.
- (f) Teachers.
- (g) Socialist Block-15; Sangarsh Samiti Vidhayak Morcha-13; Samyukt Virodhi Morcha Vidhayak Dal-7; Lok Paksh Vidhayak Dal-7; All India Jharkhand-1; Forward Block-1; Nominated-1.
- (h) Congress Party (Non-aligned).
- (i) Two Support to Janata Party and 3 are Independents.
- (j) National Conference-20; Others-1.
- (k) National Conference-50; Janata Front-3; Jamite-Islamia-1; Nominated-2; and others-3.
- (l) Muslim League-1; R.P.I-1.
- (m) Kerala Congress (M)-12; Kerala Congress(J)-6; Muslim League-11; R.S.P.-9; P.S.P.-1; National Democratic Party-2; Muslim League (oppositim)-4; Kerala Congress Unity Centre-3; Associate Members of the Indian National Congress-3.
- (n) Nominated.
- (o) United Meghalaya Parliamentary Democratic Forum-35; APHLC-23; Public Demand Implementation Convention-2.
- (p) United Democratic Front-39; NCM-1.
- (q) One member of the Shriomani Akaji Dal, namely S. Harpreet Singh Sandhu has no right to vote.
- (r) Pragatibhel Dal.
- (s) Sikkim Prajatantra Congress.
- (t) DMK-13; Teachers-Graduates Progressive Front-3; Indian Union Muslim League-; United Party-1.
- (u) DMK-47; Indian National Forward Block-2; Tamil Nadu Tilers Progressive Party-2; Gandhi-Kamaraj National Congress-2; Forward Block-1; Muslim League-1; Nominated-1.
- (v) R.S.P.-2; Forward Block-1; Tripura Upajati-2; Juba Samity-4.
- (w) Shikshak Dal-8; Nirdaliya Sanga-2; Nominated-2.
- (x) Socialist-1; Nominated-1.
- (y) Including one Independent Member supported by CPI(M).
- (s) Forward Block-27; RSP-20; RCPI-3; Forward Block (Marxist)-3; Bipalabi Bangla Congress-1; Socialist Unity Centre-4; CPI(ML)-1; Muslim League-1; Nominated-1.
- (aa) People's Party of Arunachal Pradesh.
- (bb) Excluding Chairman.
- (cc) People's Conference Party-19; United Legislative Party-11.
- (e) The Legislative Assembly is under dissolution.

# THE JOURNAL OF PARLIAMENTARY INFORMATION

## Index to Vol. XXV (1979)

|   | PAGES   |   | PAGES              |
|---|---------|---|--------------------|
| ADDRESS TO MEMBERS OF PARLIAMENT                          |         | Exhibition on India's Struggle for Freedom (1857-1947) by LARRDIS   | 206                |
| A.N. Kosygin . . . . .                                    | 152     |   |                    |
| Malcom Fraser . . . . .                                   | 4       | The Committee on Government Assurances by LARRDIS . . . . .   | 497                |
| AFGHANISTAN   |         | The Committee on Subordinate Legislation by LARRDIS . . . . .   | 482                |
| New Cabinet . . . . .                                     | 401     | The Committee System in the Australian Senate: Some Recent Developments by Condor L. Laucke . . . . .         | 29                 |
| New Prime Minister . . . . .                              | 250,541 | The Constitution and the People by K. S. Hegde . . . . .  | 332                |
| ALGERIA   |         | The Legacy of our Freedom Struggle by H. N. Mukerjee . . . . .  | 197                |
| Appointment of New President and Prime Minister . . . . . | 250     | World Government: Utopian or Scientific? by Dr. Ramjee Singh . . . . .  | 41                 |
| Death of President . . . . .                              | 66      |   |                    |
| ALIGARH   |         | ANGOLA  |                    |
| Incidents in . . . . .                                    | 424     | Dismissal of Prime Minister and others . . . . .  | 66                 |
| ANDHRA PRADESH  |         | New President . . . . .   | 542                |
| By-elections . . . . .                                    | 406     | APPENDICES  | 113,295<br>442,576 |
| Cyclone in . . . . .                                      | 548     | ARTICLES  |                    |
| Resignation by Ministers . . . . .                        | 395,406 | Are our Responses Adequate to the Challenges India Faces? by T.A. Pai . . . . .                               | 184                |
|   |         | Budgetary process in the Indian Parliament by R.R. Morarka . . . . .  | 188                |
|   |         | Evolution of India's Parliamentary Institutions vis-a-vis Indian National Movement by H.N. Mukerjee . . . . . | 340                |
|   |         | ARUNACHAL PRADESH   |                    |
|   |         | New Lt. Governor . . . . .  | 66, 249            |
|   |         | Resignation by Chief Minister and formation of Ministry . . . . .   | 541                |
|   |         | ASSAM   |                    |
|   |         | New Ministry . . . . .  | 538                |
|   |         | Parliamentary Secretaries . . . . .   | 395                |
|   |         | AUSTRIA   |                    |
|   |         | General Elections . . . . .   | 401                |
|   |         | BANERJEE, B. N.   |                    |
|   |         | Review of "Constitution and Functioning of the Rajya Sabha" by Sita Srivastava . . . . .                      | 560                |

|  | PAGES    |  | PAGES         |
|--|----------|--|---------------|
| <b>BANGLADESH</b>  |          |  |               |
| General Elections . . . . .  | 250      | The Finance Bill, 1979 . . . . .   | 416, 428      |
| New Deputy Prime Ministers . . . . .   | 542      | The Jammu & Kashmir Representation of the People (Amendment) Bill . . . . .  | 546           |
| Revocation of Martial Law  | 401      | The Payment of Bonus (Amendment) Bill . . . . .  | 90            |
| <b>BELGIUM</b>   |          | The Special Courts Bill . . . . .  | 266, 275, 419 |
| Dissolution of Parliament . . . . .  | 66       | The Sugar Undertakings (Taking over of Management) Bill . . . . .  | 90, 98, 267   |
| New Prime Minister . . . . .   | 66       |  |               |
| <b>BIHAR</b>   |          | The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Bill . . . . .                    | 274           |
| By-elections . . . . .   | 63, 247  |  |               |
| Exit of Minister . . . . .   | 63       | <b>BOLIVIA</b>   |               |
| New Governor . . . . .   | 538      | Military Coup . . . . .  | 67            |
| New Leader of Opposition   | 538      | New Head of State . . . . .  | 542           |
| New Ministry . . . . .   | 396      |  |               |
| Resignation by Governor . . . . .  | 246      | <b>BOOK REVIEWS</b>  |               |
| Resignation by Minister . . . . .  | 63, 247  | AlladVaidehi Krishnamoorthy <i>Freedom Movement in India (1858—1947)</i> by H.N. Mukerjee . . . . .  | 103           |
| <b>BILLS</b>   |          | Ann Robinson Heinemann : <i>Parliament and Public Spending : the Expenditure Committee of the Houses of commons 1970-76</i> by R. Venkataraman . . . . . | 433           |
| Additional Duties of Excise (Textiles and Textile Articles) Bill . . . . .   | 98       | D.N. Mishra : <i>Legislatures and Indian Democracy</i> by Ritlal Prasad Verma . . . . .  | 285           |
| Code of Criminal Procedure (Amendment) Bill . . . . .                        | 92       | Kishori Mohan Patra : <i>Orissa State Legislature and Freedom Struggle (1912—1947)</i> by H.N. Mukerjee . . . . .  | 564           |
| Haryana and Uttar Pradesh (Allocation of Boundary) Bill . . . . .            | 419      | Promila Suri : <i>Growth of Committee System in the Central Legislature of India (1920—1947)</i> by H.G. Paranjpe . . . . .                              | 567           |
| Industries (Development and Regulation) Amendment Bill . . . . .             | 267      | R.N. Mishra : <i>The President and the Parliament</i> by Mrityunjay Prasad . . . . .   | 280           |
| Suppression of Immoral Traffic in Women and Girls (Amendment) Bill . . . . . | 91       |  |               |
| The Aligarh Muslim University (Amendment) Bill . . . . .                     | 276, 418 |  |               |
| The Appropriation (No. 3) Bill, 1979 . . . . .                               | 428      |  |               |
| The Constitution (Forty-fifth Amendment) Bill . . . . .                      | 71, 89   |  |               |
| The Constitution (Forty-Sixth Amendment) Bill . . . . .                      | 420      |  |               |

| PAGES  | PAGES            |  |         |
|--|------------------|--|---------|
| Sita Srivastava : <i>Constitution and the Functioning of the Rajya Sabha</i> by B.N. Banerjee . . . . .    | 560              | New Minister . . . . .   | 251     |
| S.R. Mehrotra: <i>Towards India's Freedom and Partition</i> by H.N. Mukerjee . . . . .                     | 103              | Visit of External Affairs Minister . . . . .   | 259     |
| Sar- <i>en</i> , T.A. : <i>Indian Revolutionary Movement Aborad (1905—1920)</i> by H.N. Mukerjee . . . . . | 564              | <b>COMMITTEES</b>  |         |
| T.K. Ravindran : <i>Vaikkam Satyagraha and Gandhi</i> by H.N. Mukerjee . . . . .                           | 103              | on Government Assurances   | 497     |
| <b>BOOKS AND ARTICLES</b>  |                  | on Petitions, Conferences of Chairmen of . . . . .   | 164,359 |
| List of . . . . .  | 107,289,438, 571 | on Public Accounts   |         |
| <b>BRAZIL</b>  |                  | Article on Conference of Chairmen of . . . . .   | 15,19   |
| New President . . . . .  | 67,250           | on Subordinate Legislation,  | 482     |
| <b>BUDGET</b>  |                  | on the Welfare of Scheduled Castes and Scheduled Tribes, Conference of Chairmen of .                           | 175,360 |
| General Budget   | 262,272          | Valedictory meeting of the Financial Committees  |         |
| Mizoram . . . . .  | 263              | <b>COMMUNAL RIO</b> . . . . .  |         |
| Pondicherry . . . . .  | 264              | Aligarh . . . . .  | 424     |
| Railway . . . . .  | 261,272          | Jamshedpur . . . . .   | 411,421 |
| <b>BUREAU OF PARLIAMENTARY STUDIES AND TRAINING</b>  |                  | <b>CONFERENCES AND SYMPOSIA</b>  |         |
| Courses and Seminars Conducted by . . . . .  | 45,213,363, 511  | Association of Secretaries-General of Parliaments—Meetings of (Prague, April 17-21, 1979) . . . . .            | 213     |
| <b>CANADA</b>  |                  | Chairmen of Committees on Petitions (First) (New Delhi, April 7-8, 1979) . . . . .                             | 164,359 |
| Defeat of ruling Party. . . . .  | 401              | Chairmen of Committees on the welfare of SC/ST (Second) (New Delhi, April 21-22, 1979) . . . . .               | 360,175 |
| Dissolution of Parliament . . . . .  | 251              | Chairmen of Public Accounts Committees . . . . .   | 15-19   |
| <b>CENTRAL AFRICAN REPUBLIC</b>  |                  | Commonwealth Parliamentary Association—Meetings of the Executive Committee (Perth, May, 21-25, 1979) . . . . . | 361     |
| New Ruler . . . . .  | 542              | Inter-Parliamentary Conference (66th) (Caracus, September 13-22, 1979) . . . . .                               | 510     |
| <b>CHAD</b>  |                  | Inter Parliamentary Union—Spring Meetings (Czechoslovakia, April 17-21, 1979) . . . . .                        | 212     |
| Death of Minister . . . . .  | 251              |  |         |
| Interim Government . . . . .   | 402              |  |         |
| New President . . . . .  | 251              |  |         |
| <b>CHINA</b>   |                  |  |         |
| New Deputy Prime Minister  | 67               |  |         |

|   | PAGES             |  | PAGES |
|---|-------------------|--|-------|
| Presiding Officers Conference<br>(Forty- Fourth) (Jaipur, Oct-<br>ober 21-22, 1978) . . . . . | 41                | <b>FOREIGN PARLIAMENTARY<br/>DELEGATIONS IN INDIA</b>                    |       |
| <b>CONGO</b>  |                   | Commonwealth Parliamentary<br>Association President of . . . . .         | 361   |
| New President . . . . .   | 251               | Hungarian . . . . .  | 213   |
| <b>COW SLAUGHTER</b>  |                   | Indo-German Grouping the<br>Bundestag . . . . .                          | 44    |
| Ban on . . . . .  | 409               | Japanese . . . . .   | 362   |
| <b>DESAI, MORARJI</b>   |                   | Nepalese . . . . .   | 361   |
| Resignation of . . . . .  | 536               | Polish . . . . .   | 44    |
| Welcome to Malcolm Fraser,<br>Prime Minister of Australia . . . . .                           | 2                 | Sri Lanka . . . . .  | 213   |
| Welcome to A. N. Kosygin,<br>Chairman of the Council of<br>Ministers of USSR . . . . .        | 152               | Surinam . . . . .  | 362   |
| <b>DOCUMENTS OF CONSTI-<br/>TUTIONAL AND PARLIA-<br/>MENTARY INTEREST</b>                     |                   | Syrian . . . . .   | 361   |
| The Constitution (Forty-<br>Fourth Amendment) Bill, 1978 . . . . .                            | 70                | <b>FRASER, MALCOLM C. H.</b>   |       |
| The Jammu & Kashmir<br>Representation of the People<br>(Amendment) Bill, 1979 . . . . .       | 546               | Address to MPs. . . . .  | 4     |
| <b>DOMINICA</b>   |                   | <b>GHANA</b>   |       |
| New Prime Minister . . . . .  | 402               | Establishment of civil rule . . . . .                                    | 542   |
| <b>ECUADOR</b>  |                   | Military coup . . . . .  | 402   |
| Civilian rule . . . . .   | 542               | New Ministers . . . . .  | 251   |
| New President . . . . .   | 402               | Revocation of Emergency . . . . .  | 251   |
| <b>EDITORIAL NOTES</b> . . . . .  | 2,151,331,<br>481 | <b>GOA, DAMAN, &amp; DIU</b>   |       |
| <b>EGYPT</b>  |                   | Defeat of Government and<br>Dissolution of Assembly . . . . .            | 400   |
| General Election and forma-<br>tion of new Government . . . . .                               | 402               | Resignation By Ministers . . . . .                                       | 400   |
| Government reshuffle . . . . .  | 67                | <b>GOVERNMENT EMPLOYEES</b>  |       |
| New Opposition Party . . . . .  | 67                | Dearness Allowance to . . . . .  | 265   |
| <b>EL SALVADOR</b>  |                   | <b>GRENEADA</b>  |       |
| Imposition of state of seize . . . . .  | 402               | New Government . . . . .   | 251   |
| <b>ESSENTIAL COMMODITIES</b>  |                   | <b>GUJARAT</b>   |       |
| Rise in prices . . . . .  | 411,422           | Death of Industry Minister<br>(Shri Boliobhai Contrac-<br>tor) . . . . . | 247   |
| <b>FINANCIAL COMMITTEES</b>   |                   | <b>HARYANA</b>   |       |
| Valedictory meeting of . . . . .  | 355               | By-election . . . . .  | 397   |
|   |                   | Cabinet changes . . . . .  | 397   |
|   |                   | New leader of Opposition . . . . .                                       | 539   |

| PAGES   | PAGES   |
|---|---|
| New Ministry . . . . . 397  | Supreme Court opinion on<br>Presidential Reference re:<br>Special Courts . . . . . 62 |
| Reshuffle of portfolios . . . . . 63  |   |
| HALF-AN-HOUR DISCUS-<br>SIONS . . . . . 93, 421,<br>553   | INDIAN AIRLINES   |
| HEGDE, K.S.   | Hijacking of Boeing . . . . . 85  |
| Article on "The Constitution<br>and the People" . . . . . 332   | INDIAN OCEAN  |
| Inaugural Address at the Con-<br>ference of Chairmen of<br>Committees on Petitions . . . . . 164        | U.S. Naval Fleet in . . . . . 271   |
| Inaugural Address at the Con-<br>ference of Chairmen of Pub-<br>lic Accounts Committees . . . . . 15    | INDIAN PARLIAMENTARY<br>DELEGATIONS ABROAD  |
| Inaugural Address at the Se-<br>cond Conference of Chair-<br>men of Committees on<br>SC/ST. . . . . 175 | Australia . . . . . 45  |
| Inauguration of Exhibition on<br>India's Struggle for Free-<br>dom . . . . . 206                        | Poland . . . . . 363  |
| Welcome to A.N. Kosygin . . . . . 162   | Romania & Bulgaria . . . . . 362  |
| Welcome to Prime Minister<br>of Australia . . . . . 13  | U.S.S.R. . . . . 363  |
| HIDAYATULLAH, M. . . . .  | IRAN  |
| Election as Vice-President . . . . . 508, 538   | Execution of former Prime<br>Minister . . . . . 403                                   |
| HIMACHAL PRADESH  | New Foreign Minister . . . . . 403  |
| New Speaker . . . . . 398   | New Government . . . . . 252  |
| Resignation by Minister . . . . . 247   | New Prime Minister . . . . . 67   |
| Resignation by Ministers and<br>appointment of new Mini-<br>sters . . . . . 397                         | IRAQ  |
| INDIA   | New President . . . . . 543   |
| Assent to Constitution (Forty-<br>Fourth) Amendment Bill . . . . . 394                                  | ITALY   |
| Cabinet changes . . . . . 245   | Resignation by Prime Minis-<br>ter . . . . . 252                                      |
| Constitution of Special Courts . . . . . 395  | JAGUAR AIRCRAFT   |
| Dissolution of Lok Sabha . . . . . 537  | Purchase of . . . . . 96  |
| New Vice President . . . . . 538  | JAMMU & KASHMIR   |
| Resignation of Desai Ministry<br>and formation of New<br>Government . . . . . 536                       | Anti-Defection Bill . . . . . 546   |
|   | New Political Party . . . . . 63  |
|   | JAMSHEDPUR  |
|   | Disturbances in . . . . . 411, 421  |
|   | JAPAN   |
|   | Dissolution of Parliament . . . . . 543   |
|   | New Prime Minister . . . . . 67   |

|  | PAGES |   | PAGES                 |
|--|-------|---|-----------------------|
| <b>KAMATH, HARIVISHNU</b>  |       | <b>LEADER OF OPPOSITION</b>             |                       |
| Address at the Conference of<br>Chairmen of Petitions<br>Committees . . . . .                            | 169   | Bihar . . . . .                         | 598                   |
| <b>KARNATAKA</b>   |       | Haryana . . . . .                       | 539                   |
| By-election . . . . .  | 64    | India . . . . .                         | 531                   |
| Dismissal of two Ministers . . . . .   | 398   | Kerala . . . . .                        | 539                   |
| Formation of new Party . . . . .   | 398   | Maharashtra ] . . . . .                 | 248, 539              |
| <b>KENYA</b>   |       | Rajasthan . . . . .                     | 540                   |
| Dissolution of Parliament . . . . .  | 543   | Uttar Pradesh . . . . .                 | 541                   |
| New President . . . . .  | 68    | <b>LEBANON</b>                          |                       |
| <b>KERALA</b>  |       | New Government                          |                       |
| By-elections . . . . .   | 398   | Resignation by Prime Minister . . . . . | 403                   |
| Election of 3 MPs to Rajya<br>Sabha . . . . .  | 398   | <b>LOK SABHA</b>                        |                       |
| Leader of Opposition . . . . .   | 539   | Dissolution of . . . . .                | 537                   |
| New Ministry . . . . .   | 64    | Eighth Session . . . . .                | 548, 576              |
| Resignation by Chief Minister<br>(Shri AK Antony) . . . . .  | 64    | Legislative Business in . . . . .       | 89, 266,<br>416       |
| Resignation by Minister . . . . .  | 539   | Ninth Session . . . . .                 | 553, 576              |
| <b>KOSYGIN, A.N.</b>   |       | Party-position in . . . . .             | 144, 321              |
| Address to MPs . . . . .   | 152   | Seventh Session . . . . .               | 256, 408              |
| <b>LARGE INDUSTRIAL<br/>HOUSES</b>   |       | Sixth Session . . . . .                 | 85                    |
| Inquiry on . . . . .   | 412   | Statement of work transacted . . . . .  | 113, 295,<br>442, 576 |
| <b>LARRDIS</b>   |       | <b>LUXEMBOURG</b>                       |                       |
| Article on "Exhibition on<br>India's Struggle for Free-<br>dom (1857—1947)" . . . . .                    | 206   | New Prime Minister . . . . .            | 543                   |
| Article on "The Committee on<br>Government Assurances" . . . . .   | 497   | <b>MADHYA PRADESH</b>                   |                       |
| Article on "The Committee<br>on Subordinate Legisla-<br>tion" . . . . .                                  | 482   | By-elections . . . . .                  | 248                   |
| <b>LAUCKE, CONDOR L.</b>   |       | Resignation by Minister . . . . .       | 398                   |
| Article on "The Committee<br>System in the Australian<br>Senate : Some Recent<br>Developments" . . . . . | 29    | <b>MAHARASHTRA</b>                      |                       |
|  |       | New Leader of Opposition . . . . .      | 248, 539              |
|  |       | New Presiding Officer . . . . .         | 65                    |
|  |       | Resignation by Ministers . . . . .      | 539                   |
|  |       | Removal of Deputy Speaker . . . . .     | 399                   |

|   | PAGES   |  | PAGES         |
|---|---------|--|---------------|
| <b>MALAYSIA</b>   |         |  |               |
| Death of King . . . . .   | 252     | Article on "The Legacy of our Freedom Struggle" . . . . .  | 197           |
| <b>MANIPUR</b>  |         |  |               |
| New Ministers . . . . .   | 65, 248 | Review of "Freedom Movement in India (1858-1947)" by Alladi Vaidehi Krishnamoorthy . . . . .           | 103           |
| New Speaker . . . . .   | 248     | Review of "Indian Revolutionary Movement Abroad (1905-1920)" by T. R. Sareen . . . . .                 | 564           |
| <b>MAURITANIA</b>   |         |  |               |
| Death of Prime Minister . . . . .   | 403     | Review of "Orissa State Legislature and Freedom Struggle (1912-1947)" by Kishori Mohan Patra . . . . . | 564           |
| New Head of State . . . . .   | 403     | Review of "Towards India's Freedom and Partition" by S. R. Mehrotra . . . . .                          | 103           |
| <b>MEGHALAYA</b>  |         |  |               |
| Defeat of Government and formation of new Ministry . . . . .  | 399     | Review of "Vaikam Satyagraha and Gandhi" by T.K. Ravindran . . . . .                                   | 103           |
| New Ministry . . . . .  | 247     | <b>NATIONAL HERALD</b>   |               |
| Resignation by Deputy Speaker . . . . .   | 399     | Lock out in . . . . .  | 410           |
| <b>MEXICO</b>   |         |  |               |
| General Elections . . . . .   | 543     | <b>NEPAL</b>   |               |
| <b>MIZORAM</b>  |         |  |               |
| General Elections . . . . .   | 400     | New Prime Minister . . . . .   | 403           |
| New Speaker . . . . .   | 400     | Resignation by Six Ministers . . . . .   | 68            |
| Political crisis in . . . . .   | 550     | <b>NEW ZEALAND</b>   |               |
| President's rule . . . . .  | 66      | General Election . . . . .   | 68            |
| <b>MORARKA, R. R.</b>   |         |  |               |
| Article on "Budgetary Process in the Indian Parliament" . . . . .   | 188     | New Cabinet . . . . .  | 68            |
| <b>MOROCCO</b>  |         |  |               |
| Resignation by Prime Minister . . . . .   | 252     | <b>NICARAGUA</b>   |               |
| <b>MRITYUNJAY PRASAD</b>  |         |  |               |
| Review of "The President and the Parliament" by R. N. Mishra . . . . .                                    | 280     | Declaration of Martial Law . . . . .   | 403           |
| <b>MUKERJEE, H. N.</b>  |         |  |               |
| Article on "Evolution of India's Parliamentary Institutions vis-a-vis Indian National Movement" . . . . . | 340     | <b>NIGERIA</b>   |               |
|   |         | General Elections . . . . .  | 544           |
|   |         | <b>NO-CONFIDENCE MOTION</b>  |               |
|   |         | Andhra Pradesh . . . . .   | 429           |
|   |         | Bihar . . . . .  | 278           |
|   |         | Goa . . . . .  | 102           |
|   |         | Tamil Nadu . . . . .   | 431           |
|   |         | <b>OBITUARY REFERENCES</b>   |               |
|   |         | Rajya Sabha . . . . .  | 277, 429, 557 |



|  | PAGES                 |                                    | PAGES                |
|--|-----------------------|------------------------------------|----------------------|
| <b>ORDINANCES</b>  |                       |                                    |                      |
| Issued by the Central and State Governments . . . . .  | 135, 313,<br>467, 504 | Himachal Pradesh . . . . .         | 247, 397             |
| <b>ORISSA</b>  |                       |                                    |                      |
| Dismissal of Ministers . . . . .   | 539                   | Jammu & Kashmir . . . . .          | 63                   |
| <b>PAI, T. A.</b>  |                       |                                    |                      |
| Article on "Are our Responses Adequate to the Challenges India Faces"?   | 184                   | Karnataka . . . . .                | 64, 398,<br>406      |
| <b>PAKISTAN</b>  |                       |                                    |                      |
| Arms build-up by . . . . .   | 423                   | Kerala . . . . .                   | 64, 398,<br>539      |
| New Cabinet . . . . .  | 404                   | Madhya Pradesh . . . . .           | 248                  |
| Upholding of Bhutto's Death Sentence . . . . .   | 252                   | Maharashtra . . . . .              | 65, 248,<br>399, 539 |
| <b>PANAMA</b>  |                       |                                    |                      |
| New President . . . . .  | 68                    | Manipur . . . . .                  | 65, 248              |
| <b>PARANJPE, H. G.</b>   |                       |                                    |                      |
| Review of "Growth of Committee System in the Central Legislature of India (1920-1947)" by Promila Suri . . . . . | 560                   | Meghalaya . . . . .                | 247, 399             |
| <b>PARLIAMENT</b>  |                       |                                    |                      |
| List of Bills passed by the two Houses . . . . .   | 126, 308,<br>456, 591 | Mizoram . . . . .                  | 66, 400              |
| <b>PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS</b>   |                       |                                    |                      |
| India . . . . .  | 62, 245,<br>394, 536  | Orissa . . . . .                   | 539                  |
| Andhra Pradesh . . . . .   | 406, 395              | Pondicherry . . . . .              | 66, 401              |
| Arunachal Pradesh . . . . .  | 66, 249,<br>541       | Punjab . . . . .                   | 65, 540              |
| Assam . . . . .  | 395, 538              | Rajasthan . . . . .                | 65, 399,<br>540      |
| Bihar . . . . .  | 63, 246,<br>396, 538  | Sikkim . . . . .                   | 248, 540             |
| Goa, Daman and Diu . . . . .   | 400                   | Tamil Nadu . . . . .               | 399                  |
| Gujarat . . . . .  | 247                   | Uttar Pradesh . . . . .            | 65, 248,<br>400, 541 |
| Haryana . . . . .  | 63, 397,<br>539       | West Bengal . . . . .              | 249                  |
|  |                       | <i>Other Countries</i>             |                      |
|  |                       | Afghanistan . . . . .              | 250, 401,<br>541     |
|  |                       | Algeria . . . . .                  | 66, 250,             |
|  |                       | Angola . . . . .                   | 66, 542              |
|  |                       | Austria . . . . .                  | 401                  |
|  |                       | Bangladesh . . . . .               | 250, 401,<br>542     |
|  |                       | Belgium . . . . .                  | 66                   |
|  |                       | Bolivia . . . . .                  | 67, 542              |
|  |                       | Brazil . . . . .                   | 67, 250              |
|  |                       | Canada . . . . .                   | 251, 401             |
|  |                       | Central African Republic . . . . . | 542                  |
|  |                       | Chad . . . . .                     | 251, 402             |

|                        | PAGES           |  | PAGES                 |
|------------------------|-----------------|--|-----------------------|
| China . . . . .        | 67, 251         | Sudan . . . . .                                | 544                   |
| Congo . . . . .        | 251             | Sweden . . . . .                               | 544                   |
| Dominica . . . . .     | 402             | Thailand . . . . .                             | 404                   |
| Ecuador . . . . .      | 402, 542        | Turkey . . . . .                               | 68, 253               |
| Egypt . . . . .        | 67, 402,<br>542 | Uganda . . . . .                               | 404                   |
| El Salvador . . . . .  | 402             | United Kingdom . . . . .                       | 254, 405,<br>545      |
| Ghana . . . . .        | 251, 402        | United Nations . . . . .                       | 254                   |
| Grenada . . . . .      | 251             | United States . . . . .                        | 545                   |
| Iran . . . . .         | 67, 252,<br>403 | U.S.S.R. . . . .                               | 69, 254,<br>405       |
| Iraq . . . . .         | 543             | Vietnam . . . . .                              | 254, 545              |
| Italy . . . . .        | 252             | West Germany . . . . .                         | 405, 545              |
| Japan . . . . .        | 67, 543         | Zaire . . . . .                                | 254                   |
| Kenya . . . . .        | 68, 543         | Zambia . . . . .                               | 69, 255               |
| Lebanon . . . . .      | 403, 543        | Zimbabwe (Rhodesia) . . . . .                  | 405                   |
| Luxembourg . . . . .   | 543             | <b>PARLIAMENTARY DELEGATIONS</b>               |                       |
| Malaysia . . . . .     | 252, 403        | Foreign . . . . .                              | 44, 213,<br>361       |
| Mauritania . . . . .   | 03              | Indian . . . . .                               | 45, 362               |
| Mexico . . . . .       | 543             | <b>PARLIAMENTARY EVENTS<br/>AND ACTIVITIES</b> | 41, 213,<br>355, 510  |
| Morocco . . . . .      | 252             | <b>PARTY POSITION</b>                          |                       |
| Nepal . . . . .        | 68, 403         | In Lok Sabha . . . . .                         | 144, 321              |
| New Zealand . . . . .  | 68              | In Rajya Sabha . . . . .                       | 146, 324,<br>474, 602 |
| Nicaragua . . . . .    | 03              | In State Legislatures . . . . .                | 148, 326,<br>476, 604 |
| Nigeria . . . . .      | 544             | <b>PERU</b>                                    |                       |
| Pakistan . . . . .     | 252, 404        | New Prime Minister . . . . .                   | 253                   |
| Panama . . . . .       | 8               | <b>PETITIONS COMMITTEES</b>                    |                       |
| Peru . . . . .         | 253             | Conference of Chairmen . . . . .               | 164, 359              |
| Portugal . . . . .     | 404, 544        | <b>PONDICHERRY</b>                             |                       |
| Rumania . . . . .      | 253             | Extension of President's Rule . . . . .        | 401                   |
| Saint Lucia . . . . .  | 253             | President's Rule . . . . .                     | 66                    |
| South Africa . . . . . | 68, 404         |  |                       |
| South Korea . . . . .  | 68              |  |                       |
| South Yemen . . . . .  | 253             |  |                       |

| PAGES  | PAGES   |
|--|---|
| Resignation by Deputy Speaker and Home Minister . . . . . 66   | Alleged refusal by a Government Department to Supply certain information/documents to a Select Committee . . . . . 379  |
| <b>PORTUGAL</b>  | Discussion and approval of statutory instruments involving expenditure by the other House . . . . . 528   |
| New Woman Prime Minister 544   | Premature publication in press contents of a Report of the Select Committee on Race Relations and Immigration, before its presentation to the House . . . . . 226 |
| Resignation by Prime Minister . . . . . 404  | Protection of publication of proceedings of the House in criminal cases . . . . . 230   |
| <b>PRESIDENT'S ADDRESS</b> 256   | Raising of privilege issues in the House . . . . . 222  |
| Motion of thanks on, . . . . . 257, 270  | <i>Jammu and Kashmir Legislative Assembly</i>   |
| <b>PRIME MINISTER</b>  | Alleged casting of reflections on the members of the Legislative Council by a newspaper . . . . . 522   |
| Allegations of corruption against . . . . . 425  | <i>Kerala Legislative Assembly</i>  |
| Visit to Bangladesh . . . . . 413  | Alleged misleading statement made by a Minister in the House . . . . . 371  |
| Visit to Sri Lanka . . . . . 259   | Alleged derogatory remarks about members and the House made by the Speaker . . . . . 365  |
| Visit to USSR Etc. . . . . 549   | Alleged derogatory remarks by newspapers against a member . . . . . 51  |
| <b>PRIVILEGE ISSUES</b>  | Alleged leakage of Budget proposals for 1979-80 before their presentation to Parliament . . . . . 217   |
| <i>Andhra Pradesh Legislative Assembly</i>   | Alleged misleading information given by a Minister in the House during supplementaries to a Starred Question . . . . . 216  |
| Alleged casting of aspersions on the Speaker by a Weekly 521   | Alleged misleading statement made by a Member of Rajya Sabha . . . . . 513  |
| Permission to a member to give evidence before a Committee of the other House . . . . . 520  |   |
| <i>House of Commons (U.K.)</i>   |   |
| Alleged charges of blatant racialism made by a member during discussion on a Bill . . . . . 225  |   |
| Alleged false evidence given before a Select Committee . . . . . 381   |   |
| Alleged premature publication in press of the contents of a report of a Select Committee after the report was formally laid on the Table of the House but before published copies thereof were made available to Members . . . . . 378 |   |
| Alleged production of, and reference made to, proceedings of the House in a court in a criminal case without obtaining the leave of the House . . . . . 383  |   |

| PAGES   | PAGES    |
|---|----------|
| Alleged misreporting of the proceedings of the House by a newspaper . . .   | 367, 517 |
| Alleged threat to murder a Member . . . . .   | 515      |
| Discussion on a privilege matter at Party meeting . . . . .   | 51       |
| Entry of non-Members into Lok Sabha Chamber . . . . .   | 219      |
| Notice for appearance of Secretary before High Court . . . . .  | 370      |
| Obstruction intimidation, harassment and institution of false cases against certain Officials who were collecting information for answer to a certain question in Fifth Lok Sabha on Maruti Limited . . . . . | 48       |
| Observations made by a Counsel and a Judge of the Calcutta High Court regarding the recommendations of the Committee on Public Accounts . . . . .   | 367      |
| Reflections on Members by a news weekly . . . . .   | 52       |
| Shouting of slogans and raising obstruction within the precincts of the House . . . . .   | 220      |
| Throwing of papers from the visitors' gallery on the floor of the House . . . . .   | 218      |
| <i>Madhya Pradesh Vidhan Sabha</i>  |          |
| Alleged violation of the sanctity of the House by a member . . . . .  | 372      |
| <i>Meghalaya Legislative Assembly</i>   |          |
| Alleged derogatory remarks made by a member against the Chair— . . . . .  | 373      |
| Alleged misrepresentation of the proceedings of the House and casting of reflections by a member of Lok Sabha . . . . .   | 524      |
| <i>Orissa Legislative Assembly</i>  |          |
| Alleged withholding of letters between State Legislature and a detenu member by jail authorities . . . . .  | 374      |
| <i>Punjab Vidhan Sabha</i>  |          |
| Alleged threat to a member on telephone . . . . .   | 221      |
| <i>Rajya Sabha</i>  |          |
| Allegations by a member against a Minister . . . . .  | 371      |
| Reported statement by Prime Minister about abolition of House . . . . .   | 221      |
| <i>Tripura Legislative Assembly</i>   |          |
| Newspaper editorial regarding alleged budget leakage . . . . .  | 526      |
| <i>Uttar Pradesh Vidhan Sabha</i>   |          |
| Alleged misleading statement made by the Chief Minister in the House . . . . .  | 527      |
| <i>West Bengal Legislative Assembly</i>   |          |
| Statement by a Central Minister in Lok Sabha regarding Centre-State relations . . . . .   | 377      |
| PROCEDURAL MATTERS  |          |
| <i>Andhra Pradesh Legislative Assembly</i>  |          |
| Adjournment motion . . . . .  | 58       |
| Directions not to publish proceedings of the House— Giving of false information by Minister . . . . .   | 389      |
| Governor's Address . . . . .  | 388      |
| Laying of papers on the Table—refusal by the Acting Chairman to give directions to the State Government. . . . .  | 57       |
| Supplementary questions—ruling by Acting Chairman that it must arise out of main question . . . . .   | 57       |

| PAGES  | PAGES  |
|--|--|
| <i>Delhi Metropolitan Council</i>  | Member's pecuniary interest ruling by the Chair. . . 56  |
| No-Confidence motion against Chairman . . . . . 392  | New Leader of Opposition . . . 531   |
| <i>Gujarat Legislative Assembly</i>  | Obituary references of former heads of State/Government. . . . . 241   |
| Derogatory remarks against the Chair—ruling by the Deputy Speaker. . . . . 390                                   | Opposition to introduction of Constitution (fiftieth Amendment) Bill, 1979 . . . 386                                   |
| Expunction of the Proceedings pertaining to the Statement made by the Minister and debate thereon . . . . . 391  | Personal explanation by members to be in the first person—ruling by the Chair . . . 53                                 |
| Governor's Address . . . . . 390   | Power to declare rules illegal—ruling regarding . . . . . 531  |
| Zero-Hour-ruling reg. the scope of . . . . . 58  | Absence of the concerned Minister during a discussion-observation by the Speaker to remain present 387                 |
| <i>Himachal Pradesh Legislative Assembly</i>   | Sitting of the House on the same day after adjournment . . . . . 239   |
| Election of Speaker . . . . . 532  | Statement by Minister-objections by Members on the ground of its non-inclusion in the list of Business 388             |
| <i>Lok Sabha</i>   | Statement by Minister who resigned . . . . . 53  |
| Adjournment of the House on death of a member . . . . . 240  | Statements by Ministers in response to Calling Attention Notices-absence of concerned Minister—ruling reg. . . . . 238 |
| Adjournment of the House—disruption of Water supply in Delhi. . . . . 530  | Supplementary Questions—permission by the Speaker to ask further Supplementaries . . . . . 54                          |
| Arrangement of business—postponement of discussion on Akashwani and Door-darshan for the next day. . . . . 53    | Text of Calling Attention Notice—at variance with the admitted text . . . . . 238, 387                                 |
| Calling Attention Notices—procedure to be followed pursuant to decision by the Rules Committee . . . 55          | Use of languages other than Hindi or English during Question Hour . . . . . 240  |
| Calling Attention Notice—Conversion into a Short Duration Discussion . . . 388                                   | Validity of constitutional and legal provisions—decision of controversy regarding. . . 56                              |
| Calling Attention Notice—course adopted when Members were not satisfied with Minister's statement. . . . . 239   | Voting on Bills—Use of correction slips . . . . . 54   |
| Discussion on adjournment motion reg. an armed attack on the students of Aligarh Muslim University . . . . . 386 | Voting on Constitution (Forty-fifth Amendment) Bill . . . 55   |
| Government Bills—introduction of . . . . . 54  |  |

| PAGES   | PAGES   |
|---|---|
| <i>Orissa Legislative Assembly</i>  |   |
| List of Business— <i>inclusion of item in—late receipt of notice.</i> . . . . . 59  | Ratification of Constitution (Forty-fourth Amendment) Bill . . . . . 534              |
| Private Members Business— <i>Upholding of the practice in the House.</i> . . . . 59 | Replies to questions— <i>request for availability one day in advance.</i> . . . . 243 |
| <i>Rajasthan Legislative Assembly</i>   | Sittings of the House in a year— <i>alleged violation of the rules.</i> . . . . . 242 |
| Bills returned by Governor for reconstitution . . . . 391                           | Summoning of the House— <i>advance notice regarding.</i> . . . . 243                  |
| Distribution of documents with resolution . . . . . 392                             | <b>PUBLIC ACCOUNTS COMMITTEES</b>   |
| Extension of term of finance Committees . . . . . 391                               | Conference of Chairmen . . . . . 15   |
| Notices of Amendments to the Rules Committee Recommendations . . . . 391            | <b>PUNJAB</b>   |
| <i>Tamil Nadu Legislative Assembly</i>  | Dismissal of Minister . . . . 65  |
| Raising of points of order during Zero Hour . . . . 392                             | Resignation by Janta Ministers . . . . . 540  |
| <i>Uttar Pradesh Legislative Assembly</i>   | Wakf Board of . . . . . 431   |
| Announcement of Policy matters outside the House. . . . 534                         | <b>QUESTIONS</b>  |
| Censure motion against individual Minister . . . . . 61                             | Daily average of . . . . . 92,420, 553  |
| Election of Speaker . . . . . 241,533   | <b>QUESTION HOUR</b> . . . . . 92,420, 553  |
| Motion of Thanks on Governor's Address . . . . . 242                                | <b>RAJASTHAN</b>  |
| Not answering questions on grounds of secrecy or public interest . . . . . 243      | Appointment of Lok Ayukta . . . . . 540   |
| Participation in debates by persons in jail . . . . . 244                           | Expansion of Ministry . . . . . 65  |
| Private Members' Business— <i>decision to do away non-official day.</i> . . . . 243 | New Leader of opposition . . . . . 540  |
| Quorum in Sub-Committees/ Study Groups . . . . . 60                                 | New Speaker . . . . . 540   |
| Raising matters of public importance— <i>new Directions by Speaker.</i> . . . . 59  | Resignation by Ministers . . . . . 399  |
|   | <b>RAJYA SABHA</b>  |
|   | Work transacted during the  |
|   | 107th Session . . . . . 118   |
|   | 108th Session . . . . . 297   |
|   | 109th Session . . . . . 445   |
|   | 110th and 111th Sessions . . . . . 581  |
|   | <b>RAM DHAN</b>   |
|   | Address at the Conference of Chairmen of Committees on SC/ST. . . . . 179             |

| PAGES   | PAGES   |
|---|---|
| <b>RAMJEE SINGH, Dr.</b>  | Constitution of the Committee<br>for the Welfare of Schedu-<br>led Castes and Scheduled<br>Tribes. . . . . 99 |
| Article on "World Govern-<br>ment : Utopian or Scien-<br>tific"? . . . . . 41             | Leader of Opposition . . . . . 429  |
| <b>RAO, P.V. NARASIMHA</b>  | <i>Karnataka Legislative Assembly</i>   |
| Address at the Conference of<br>the Chairmen of Public<br>Accounts Committee . . . . . 19 | Suspension of members . . . . . 278   |
| <b>RECENT LITERATURE OF<br/>PARLIAMENTARY<br/>INTEREST . . . . . 107,289,<br/>438,571</b> | [ Termination of suspension of<br>Members . . . . . 430   |
| <b>RUMANIA</b>  | <i>Lok Sabha</i>  |
| New Prime Minister . . . . . 253  | Adjournment of the House . . . . . 553  |
| <b>SESSIONAL REVIEWS</b>  | Aligarh Muslim University<br>(Amendment) Bill . . . . . 418   |
| <i>Andhra Pradesh Legislative Assem-<br/>bly</i>  | Ban on Cow slaughter . . . . . 409  |
| No-Confidence Motion . . . . . 429  | Chinese invasion of Viet-<br>nam . . . . . 260  |
| <i>Andhra Pradesh Legislative Council</i>   | Code of Criminal Procedure<br>(Amendment) Bill . . . . . 92   |
| Grants to weaker sections . . . . . 99  | Commission of Inquiry on<br>Large Industrial Houses . . . . . 412   |
| <i>Arunachal Pradesh Legislative<br/>Assembly</i>   | Communal riots . . . . . 86   |
| Members' salaries and facili-<br>ties . . . . . 432                                       | Constitution (Forty-Fifth Amend-<br>ment) Bill . . . . . 89   |
| <i>Assam Legislative Assembly</i>   | Constitution (Forty-Sixth<br>Amendment) Bill . . . . . 420  |
| Administration of North Ca-<br>char Hills District . . . . . 277                          | Cyclone in Andhra Pradesh<br>and Tamil Nadu. . . . . 548  |
| Nationalisation of Com-<br>panies . . . . . 429   | Daily Average of Questions . . . . . 92,420,553 :   |
| Salaries and Allowances of<br>Members . . . . . 278                                       | Dearness Allowance to Cen-<br>tral Government Emplo-<br>yees . . . . . 265                                    |
| <i>Bihar Legislative Assembly</i>   | Distortions in U.N. Publica-<br>tion . . . . . 87   |
| No-Confidence Motion . . . . . 278,558  | External Affairs Minister's<br>visit to China . . . . . 259   |
| <i>Goa, Daman and Diu Legisla-<br/>tive Assembly</i>                                      | finance Bill 1979 . . . . . 416   |
| No-Confidence Motion . . . . . 102  | General Budgets. . . . . 262  |
| <i>Gujarat Legislative Assembly</i>   | Half-an-Hour Discussions . . . . . 93,421,553 .   |
| Bill on prevention of social<br>disabilities . . . . . 430                                | Haryana and Uttar Pradesh<br>(Alteration of Boundary)<br>Bill . . . . . 419                                   |

| PAGES  | PAGES |   |              |
|--|-------|---|--------------|
| Hijacking of the Indian Airlines Boeing and climate of violence in the country . . . . . | 85    | Situation in Jamshedpur . . . . .   | 411          |
| Indefinite fast by Shri Vinoba Bhave . . . . .   | 410   | Sugar Undertakings (Taking-over of Management) Amendment Bill . . . . .                 | 267          |
| Industries (Development and Regulation) Amendment Bill . . . . .                         | 267   | Supply of enriched Uranium for Tarapur . . . . .  | 88           |
| Lockout in National Herald Group of Publications . . . . .                               | 410   | Suppression of Immoral Traffic in Women and Girls (Amendment) Bill . . . . .            | 91           |
| Massive arms build-up across the Indian border . . . . .                                 | 414   | The Payment of Bonus (Amendment) Bill, 1978 . . . . .                                   | 90           |
| Mizoram Budget . . . . .   | 263   | The Question Hour . . . . .   | 92, 420, 553 |
| Motion of No-confidence in the Council of Ministers . . . . .                            | 551   | The Special Courts Bill, 1979 . . . . .   | 419          |
| Motion of Thanks on the President's Address . . . . .                                    | 257   | The Sugar Undertakings (Taking-over of Management) Bill . . . . .                       | 90           |
| Ninth Session . . . . .  | 553   |   |              |
| Political crisis in Mizoram . . . . .  | 550   | <i>Meghalaya Legislative Assembly</i>   |              |
| Pondicherry Budget . . . . .   | 264   | Inclusion of "Education" and "Forests" in the State List—resolution regarding . . . . . | 553          |
| Power supply situation in Greater Calcutta . . . . .                                     | 408   |   |              |
| Presence of U.S. Naval Task Force in the Gulf Area . . . . .                             | 264   | <i>Nagaland Legislative Assembly</i>  |              |
| Prime Minister's visit to Bangladesh . . . . .   | 413   | Inclusion of English in Eighth Schedule—resolution regarding . . . . .                  | 430          |
| Prime Minister's Visit to Sri Lanka . . . . .  | 259   | Veterinary Council—establishment of . . . . .   | 101          |
| Prime Minister's visit to USSR etc. . . . .  | 549   |   |              |
| Problems and demands of CRP and CISF . . . . .   | 549   | <i>Punjab Vidhan Sabha</i>  |              |
| Railway Budget . . . . .   | 261   | Chinese Aggression against Vietnam . . . . .  | 430          |
| Report of the Commissioner for Scheduled Castes and Scheduled Tribes . . . . .           | 415   | Deletion of names of Rajas and Maharajas—resolution regarding . . . . .                 | 431          |
| Rise in Prices of essential commodities . . . . .  | 411   | Hindu Succession Act—resolution regarding adoption of . . . . .                         | 101          |
| Special Courts Bill . . . . .  | 266   | Merger of Punjabi Speaking areas in the State—resolution regarding . . . . .            | 101          |
| Situation arising out of Pakistan going Nuclear . . . . .                                | 265   | Wakf Board of Punjab—setting up of . . . . .  | 431          |



| PAGES  | PAGES  |
|--|--|
| <i>Rajasthan Vidhan Sabha</i>  | Purchases of Jaguar Aircraft . . . . . 96  |
| Water (Prevention and Control of Pollution) Act . . . . . 431  | Railway Budget, 1979-80—<br>General Discussion . . . . . 272   |
| <i>Rajya Sabha</i>   | Rate of Exchange between<br>the Indian Rupee and<br>the Rouble . . . . . 88  |
| Adjournment of the<br>House  | Recurrence of communal<br>riots in Aligarh, Jam-<br>shedpur, etc. . . . . 557  |
| Allegation of Corruption<br>against the Family<br>Members of the Prime<br>Minister and the Deputy<br>Prime Minister and<br>Minister of Finance . . . . . 425 | Reported shortage of print-<br>ing paper and news-<br>print in the country . . . . . 95  |
| Annual Report of Univer-<br>sity Grants Commission . . . . . 97  | Rise in Prices of Essential<br>Commodities . . . . . 422   |
| Arms Buildup by Pakistan . . . . . 423   | Supply of Nuclear fuel<br>by the U.S.A. . . . . 97   |
| China's Attack on Vietnam . . . . . 268  | Supply of nuclear fuel<br>for Tarapur Atomic Plant . . . . . 273   |
| Clashes between Police<br>and Youth Congress (I)<br>demonstrators in New<br>Delhi . . . . . 422  | Taking over of Sugar<br>Mills by Government . . . . . 270  |
| Communal riots. . . . . 93   | The Additional Duties of<br>Excise (Textiles and<br>Textile Articles) Bill,<br>1978 . . . . . 98   |
| Damage and destruction<br>caused by recent floods . . . . . 94   | The Aligarh Muslim<br>University (Amend-<br>ment) Bill, 1977 . . . . . 276   |
| Deaths due to Encephali-<br>tis . . . . . 95   | The Appropriation (No. 2)<br>Bill, 1979 . . . . . 428  |
| Discontent among C.R.P.F.,<br>C.I.S.F. and the Police<br>Forces . . . . . 554  | The Finance Bill, 1979 . . . . . 428   |
| Discussion on the Interna-<br>tional Situation . . . . . 424   | The General Budget, 1979-80 . . . . . 272  |
| Disturbances in Jamshedpur . . . . . 421   | The Special Courts Bill, 1979 . . . . . 275  |
| Half-an-hour Discussions . . . . . 93  | The Sugar Undertakings<br>(Taking over of Manage-<br>ment) Bill, 1978 . . . . . 98   |
| Hundred and Tenth Session . . . . . 554  | The Working Journalists<br>and Other Newspaper<br>Employees (Conditions<br>of Service) and Miscel-<br>laneous provisions<br>(Amendment) Bill, 1979 . . . . . 274 |
| Hundred and eleventh Ses-<br>sion . . . . . 558  | U.S. naval fleet in the<br>Indian Ocean . . . . . 271  |
| Incidents in Aligarh . . . . . 424   | Virginity test of Indian<br>Immigrants to U.K. . . . . 269   |
| Increasing lawlessness in<br>Mizoram and North-<br>Eastern region . . . . . 555  |  |
| Motion of Thanks on the<br>President's address. . . . . 270  |  |
| Obituary References . . . . . 277, 429,<br>557   |  |

| PAGES   | PAGES   |
|---|---|
| Working of the Ministry of Energy . . . . . 426                 | SOUTH YEMEN   |
| Working of the Ministry of Labour . . . . . 427                 | Resignation by President . . . . . 253  |
| Working of the Ministry of Steel and Mines . . . . . 427        | STATE LEGISLATURES  |
| Tripura Legislative Assembly                                    | Activities of Bills passed by Ordinances issued by Party Position in . . . . . 122, 302, 452, 586, 127, 309, 457, 592, 135, 313, 467, 594, 148, 326, 476, 604 |
| Recommendations of the Seventh Finance Commission . . . . . 279 |   |
| Separate High Court for the State . . . . . 101                 |   |
| <i>Tamil Nadu Legislative Assembly</i>                          | SUDAN   |
| No-confidence motion . . . . . 431                              | Dismissal of Vice-President . . . . . 544   |
| <i>West Bengal Legislative Assembly</i>                         | SWEDEN  |
| The Industrial Relations Bill . . . . . 432                     | General Elections . . . . . 544   |
| SAINT LUCIA   | TAMIL NADU . . . . .  |
| Attainment of Independent . . . . . 253                         | By-election . . . . . 399   |
| SCHEDULED CASTES AND SCHEDULED TRIBES                           | Cyclone in . . . . . 548  |
| Conference of Chairman of Committees . . . . . 175, 360         | TARAPUR   |
| Constitution of the Committees . . . . . 99                     | Supply of enriched Uranium 88, 273  |
| Reports of the Commissioner . . . . . 415                       | THAILAND  |
| SEVENTH FINANCE COMMISSION                                      | General Elections and Formation of new Government . . . . . 404   |
| Recommendations of . . . . . 279                                | TURKEY  |
| SHORT NOTE . . . . .  | Declaration of Martial Law . . . . . 68   |
| Election of the Vice-President . . . . . 508                    | Extension of Martial Law . . . . . 258  |
| SIKKIM  | UGANDA  |
| Death of Leader of Opposition . . . . . 248                     | End of military rule . . . . . 404  |
| President's Rule . . . . . 540                                  | New President . . . . . 405   |
| SOUTH AFRICA  | UNITED KINGDOM  |
| New President . . . . . 68                                      | Defeat of Labour Government . . . . . 254   |
| Resignation by President . . . . . 404                          | General Election and new Government . . . . . 405   |
| SOUTH KOREA   | Pay Increase for MPs. . . . . 545   |
| General Election . . . . . 68                                   |   |

