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EDITORIAL NOTE

“We the People” are the most important and significant words in the preamble to the Constitution and *a fortiori*, constitute a key to understanding not only the Constitution but also the preamble itself. As an eminent judge has said, they in reality “bring out the eternal verity of the identity of the interpreters of the Constitution with the people as a whole. The Constitution exists for the welfare of all the people. It is for them to decide what they want to achieve from the Constitution. It embodies their aspirations and must be construed as such.”* The hon. Shri K. S. Hegde, Speaker of Lok Sabha in the first article in this issue dwells on the close relationship between “The Constitution and the People” and observes that “true democracy can be built only on the foundations of responsibility of all its citizens.”

A couple of articles on themes relating to the freedom struggle in this country have appeared in the recent issues of the *Journal*. Continuing the series we publish in this issue, a comprehensive article on an important facet of this theme, *viz.*, “Evolution of India’s Parliamentary Institution *vis-a-vis* Indian National Movement” by Professor H. N. Mukerjee, a well-known scholar, author and parliamentarian who has made, over the years, a special study of this subject and made his own contributions to its understanding.

Besides these, the issue contains other regular features, *i.e.* privilege issues, procedural matters, parliamentary and constitutional developments etc.

—Avtar Singh Rikhy

*V. S. Deshpande, People and the Constitution, *Journal of the Indian Law Institute*, Vol. 16, 1974, pp 8-9.

THE CONSTITUTION AND THE PEOPLE

K. S. HEGDE

The Constitution of a democratic society wells up from the people. It is a people's covenant, their Charter of freedom and the blueprint of their future. And our Constitution, the Constitution of India, is a unique document. It is, I would go further and say, a sacred document. It reflects the soul of India, the personality of a timeless society, her distinct national ethos, the values and ideals, the hopes and aspirations, and the stock of beliefs and faiths that we as a people have come to cherish down the long years of our struggle for freedom. In short, our Constitution was evolved from the experience of momentous events of the world in general, and India in particular, during the last three to four centuries. If we look back, during almost the entire period of her history until the hour of freedom, India has been a vast conglomeration of people, politically a disparate aggregate of kingdoms governed by a variety of rulers but nevertheless linked and emotionally bound together by a spiritual unity and allegiance to a great heritage of common culture. It was the Constitution of India that for the first time set the seal of identity as a single nation and brought all parts of the country under the pale of a common loyalty. As we open the Constitution and read the stirring words of the Preamble "We, the people of India . . .", what comes to mind is this vast sea of humanity inhabiting this ancient land of ours from Kashmir to Kanyakumari and from Kutch to Kamrup. When I speak of the Constitution as being sacred, it is for the reasons that it symbolises the unity of this vast people and their sovereign will. Further, it holds out the promise of justice, social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status and opportunity and fraternity assuring the dignity of the individual and unity of the nation.

The source of all power in our polity is the people. The Constitution springs from the people and it subsists for the people for their well-being and advancement. As only an affirmation of this, when we framed the Constitution, we adopted the parliamentary system of Government with universal adult franchise, by one stroke as it were, in acceptance of the fullest implications of democracy. It was indeed a bold step that our Founding Fathers had taken as an act of faith in the common man. The smoothness with which all our general elections have been held so far has vindicated, well and amply, the hope and courage it meant to take this step with all its implications. Let it not be forgotten that universal suffrage was an ideal realised only in stages even in some of the advanced democracies in the West. Events over the years have only reaffirmed the faith in the innate capacity of our people to choose and fashion their own destiny. The Parliamentary elections held in March, 1977 unprecedented in the democratic annals, particularly demonstrated unmistakably the maturity of our people as much as their commitment to freedom and democratic values. Even more, their outcome was a sharp reminder that the people were the ultimate masters and of the consequences that could follow when the elected representatives alienated, or strayed from, the popular will.

Our Constitution is essentially a social document. It envisions a societal order which ensures the dignity of the individual and is based on principles of equality and justice—a social, economic and political. The Fundamental Rights written into the Constitution—by the negative protection they give to the individual against discrimination or coercion by the State or society as well as by the positive rights they confer, like freedom of thought, expression, belief and conscience, and the rest—only aim at creating conditions conducive to the unhindered growth of the human personality. And, the Directive Principles contain mandates for positive State action to bring about the social and economic revolution that remained to be fulfilled upon Independence. The purpose of the Fundamental Rights is to build up an egalitarian society, to free all citizens from coercion or restriction by society and to make liberty available to all. The purpose of the Directive Principles is to fix certain social and economic goals for immediate attainment by bringing about a non-violent social revolution. Through such a social revolution, the Constitution seeks to fulfil the basic needs of the common man and to change the structure of our society. It aims to make the Indian masses free in the positive sense. The essence of the Directive Principles lies in article 38 which echoing the Preamble, declares:

“The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all the institutions of the national life.”

The various other Directive Principles only elaborate some of the steps and measures to be taken to achieve these goals. The State, for instance, is enjoined to see that the citizens have an adequate means of livelihood; that the operation of the economic system and the ownership and the control of the material resources of the country subserve the common good that the workers get not only a living wage but enough to enable them maintain and improve their physical and mental health and that of their children; that special consideration be shown to women and children; that the level of nutrition and the general standard of living of the people shall be raised to impart free and compulsory primary education, and so on.

Politically, the Constitution makes its citizens equal by establishing the principle of the rule of law and securing for them, equality before the law and the equal protection of the law. Economically and socially, it seeks to make them as nearly equal as possible by providing for conditions and opportunities for individuals to grow and advance. The constitutional provisions abolishing social ills like untouchability and "begar" and the various safeguards for the minorities and weaker sections of the society—directed towards bringing the disadvantaged sections of our people into the mainstream of national life—are but a positive expression of the central concern for securing equality and justice to all the citizens. Political freedom will have little meaning without social and economic justice. The aim of the Constitution is not to guarantee certain liberties to only a few of the citizens but to all. The Constitution visualizes that society as a whole and every member of the society should participate in these freedoms. In a state of society so incongruous as ours, if a man has money, he is free in law and fact. If he has no money, he is only free in law and not in fact. What is the use of equality before law if there is no equality in fact? Freedoms guaranteed by Article 19 will become empty slogans for a man who has no food to eat, no roof under which he can take shelter and no clothes to wear; and what is the use of vote to a person who is hungry and kept illiterate and denied the knowledge required to participate in the affairs of the State?

The concept of duty as an inalienable part of right is as old as man. Christ taught, this; Socrates preached this; and coming to our own times, Gandhiji when he was requested to give his thoughts on the Universal Declaration of Human Rights said:

"I learned from my illiterate but wise mother that all rights to be deserved and preserved come from duty well done. Thus the very right to live accrues to us only when we do the duty of citizenship of the world. From this one fundamental statement, perhaps it is easy enough to define duties of man and woman and correlate every right to come corresponding duty to be first performed. Every

other right can be shown to be a usurpation hardly worth fighting for.”⁽¹⁾

What Gandhiji has taught us is the theme of social responsibility. Often an over-emphasis on an individual right stems from the identification of democracy with the rights of the individual. But real democracy can be built only on the economic and social responsibility of all its citizens and its success would depend on the sincerity with which social amelioration and economic uplift are carried out. Equally, the danger to democracy by an over-emphasis on duty cannot be minimised. The German Scholar Kurt Riezler, from his experience of the tragedy of the Nazi Germany warned:

“If these duties of man should be duties towards the ‘public welfare’ of the ‘society and the State’, and rights are made conditional on the fulfilment of these duties, the duties will uproot the rights. The rights will wither away . . . (the) State can use the allegedly unfulfilled duties to shove aside the rights . . . Any Bill of Rights that makes the rights conditional on duties towards society or the State, however strong its emphasis on human dignity, freedom, God or whatever else, can be accepted by any totalitarian leader. He will enforce the duties while disregarding the rights.”⁽²⁾

Indeed, the balancing process between the individual rights and the social needs is a delicate one.

Secularism likewise is a central motif in the fabric of our national life. India is a secular State in which there is no State religion, but not an anti-religious State. It has equal respect for all religions. Special provisions in the Constitution guarantee the freedom of conscience and the free profession, practice and propagation of religion and the freedom to manage religious affairs. This is the extension of the same principle at another level that is manifested in the federal feature of our Constitution which has been designed to hold together a people with plural political, religious and cultural traditions and enable them to advance together but at the same time made their own individual contribution to the overall enrichment of our national life.

The Constitution has been likened to an orchestral piece that comes alive and can be appreciated only in actual performance. This indeed is true. A Constitution, however nobly conceived, acquires its flesh and blood and its sinews of strength only in the matrix of the creative tensions of practical politics. The post-Independence years in India have been a

¹. Mahatma Gandhi's Letter to Julian Huxley, Director-General of UNESCO in *Human Rights, Comments and Interpretations*, p. 18.

². Quoted in Sandifer and Scheman: *The Foundations of Freedom*, London, F.A. Praeger, 1966, p. 101.

saga of such crowded history that it can be said that almost every provision of the Constitution has come to be tested against the reality of concrete situations in national life. Over these nearly three decades we, as a nation, have had to pass through times of trial, tribulation and turmoil and face difficulties, internal and external, of one kind or the other. We have had to cope with challenging situations such as those resulting from foreign aggression, natural calamities, domestic, social and economic changes, developmental tasks, leadership issues, political upheavals and external stresses and strains. If we have successfully met and surmounted them all, we owe it not a little to the resilience and vitality of our Constitution. It has been said, not without truth, that our survival as a democracy itself is our biggest achievement. That a part although, certainly, it was not a simple success story all the way, we have made substantial progress in many directions in social, economic, industrial and technological spheres. For all this, we have still miles to go and many promises to keep. But such progress as we have accomplished, it is important to remember, has been done within the democratic framework and through the processes of consensual democratic politics, with the Constitution as our scripture and our guidebook.

The truth of the matter is, our Constitution has by and large stood the test of time remarkably well. If there have been any shortfalls and shortcomings, it is not due to any inherent blemish in the Constitution so much as due to failure in implementation. It is because we failed to rise up to the expectations of the Constitution. At the same time, while assessing our achievements we should not overlook the size of our polity with a population equal to a sixth of a total population of the globe, with all its diversities, and its multifarious problems, political, economic etc.

In India, it is not a question of the Constitution failing the common man. It is a great merit of the parliamentary system that so long as a ministry commands a majority in the Legislature there is no hiatus between executive initiatives and legislative implementation. The executive in our country has, in fact been among the very few democratic governments in the world that have been able to put through the Legislature a good number of radical measures with little difficulty. It cannot therefore be said of the parliamentary executive in India that it has been unable to get through important beneficial legislation because of any constitutional constraints.

Nor is the suggestion tenable that the Judiciary has held up progress in the process of judicial review, by striking down radical social legislation meant to benefit the common man. A dispassionate review of the judicial decisions in post-Independence years would establish that while the Courts were no doubt concerned with the citizens' freedoms as written into our Constitution, there is no reason to count them on the side of the

forces of conservatism. It is often forgotten that Judges are after all as much part of the society, conditioned by its milieu and imbued with the same social awareness and aspirations as other members of the society. As the American judge Cordozo said "the great tides and currents which engulf the rest of them do not turn aside in their course and pass the judges by. Further, it has to be remembered that in a very vital sense, it is not the Courts alone that interpret the Constitution. The executive, the Legislature and in fact, every participant in a democratic system are partners who participate, in a sense, in this process, while working the Constitution.

All this, however, is not to suggest that no changes would be needed in the Constitution or it is immutable. As Chief Justice Marshall of the United States observed, the people have made the Constitution and they can undo it; it is the creature of their will and lives only by their will. As Jefferson long ago reminded, "laws and institutions must go hand in hand with the progress of the human mind. . . . as new discoveries are made, new truth discovered, institutions must advance also, and keep pace with the time." A democratic Constitution has indeed to be particularly responsive to changing conditions, since the Government founded on the principle of popular sovereignty must make possible the fresh assertion of the popular will as that will changes.

It is at the same time not to be ignored that the Constitution is the one binding link for a nation between its past, present and the future. It is both the anchor and the rudder of the ship of State. While therefore there is every thing to be said for responsiveness and flexibility in a Constitution to meet the needs and compulsions of the changing times, any such changes that may be made must be as part of a process of growth and must not disturb or distort the core personality of the Constitution. A Constitution amendment should be approached with due circumspection and should not disturb the equilibrium of the fundamental philosophy. As I had occasion to observe (in my joint judgment with late Justice Mukherjee) in *Kesavananda Bharati's case*:

"(Our Constitution) is based on a social philosophy and every social philosophy, like every religion, has two main features, namely basic and circumstantial. The former remains constant but the latter is subject to change. The core of a religion always remains constant but the practices associated with it may change. Likewise, a Constitution like ours contains certain features which are so essential that they cannot be changed or destroyed. In any event it cannot be destroyed from within. . . . The personality of the Constitution must remain unchanged."

A distinction has to be made in this context between the will of the people and that of the party for the time being in power. The Constitution cannot be reduced to merely a plaything of the party commanding majority in Parliament. If I may quote again from the above judgment:

“Two-thirds of the members of the two Houses of Parliament need not necessarily represent even the majority of the people of this country. Our electoral system is such that even a minority of voters can elect more than two-thirds of the members of either House of Parliament. . . . That apart, our Constitution was framed on the basis of consensus, and not on the basis of majority votes. It provides for the protection of the minorities. If the majority opinion is taken as the guiding factor, then the guarantees given to the minorities may become valueless.”

The test that should be applied at the time of a constitutional amendment is not its immediate advantage but its long-range impact on the lives and liberties of the people. If the Government of the day go beyond the limits of their legitimate implicit in their mandate from the people, and violate, for party or personal ends or even purely from zeal, the inner morality of the Constitution and the people acquiesce in such transgression or there is no means of countering it, it would only signal the end of the fundamental law and of all democratic existence.

All said and done, ultimately, the Constitution is in the keeping of the people. As has been rightly said, eternal vigilance by the people is the price of their liberty. To the extent the members of the society are prepared to go in upholding and defending their Constitution alone can the Constitution blossom into a living reality and the vision of a just social order informing it realized. For this, the constitutional *dharma* must take roots in the hearts and minds of the people.

Of what avail the noble provisions of the Constitution would be, unless the people are willing to abide by them and live them in their daily lives, of what avail all the social safeguards in the Constitution, if sections of society continue to suffer from age-old iniquities?

Liberty can die in a democracy unless the people, the keepers of the Constitution, are willing to pay the price and make the necessary sacrifices. Freedom is a responsibility. Implicit in it is responsibility for choice as to our ends and means, the values we shall cherish and the principles we shall go by as a people and the norms we shall set for ourselves in our personal and public life. True democracy can be built only on the foundations of social responsibility of all its citizens. Every right carries with it its own obligations. It is not enough to be free unless we are liberated in our spirit, unless we led to a state of higher freedom in which the individual finds fulfilment in self-abnegation, in cheerful adjustment of narrower interests and loyalties to the end of the larger common good.

Without vision, it is said, a people perish. I would add, without idealism no nation could endure. Without discipline and hard work there can be no progress. It is not the question, what the country can do for us. The more important question is, what we can do for the country. This applies to all sections of the people, political and religious leaders, industrialists, businessmen, educationists, workers, peasants, students and all the rest. In the ultimate analysis, it is the spirit, the moral fibre which sustains a nation. Ours is a great nation, with a glorious past and, I believe, an even more glorious future.

EVOLUTION OF INDIA'S PARLIAMENTARY INSTITUTIONS VIS-A-VIS INDIAN NATIONAL MOVEMENT

H. N. MUKERJEE

The history of India's parliamentary development—the fact of India having under British rule a succession of constitutional reforms which ultimately culminated in the Independence of India Act of 1947 which was passed by the British Parliament and which transferred power to this country—has to be understood in relation to the phenomenon of the continuous struggle on the part of the Indian people which, rather than the goodwill of the foreign conqueror, was responsible for India ultimately breaking away from the shackles of the British domination.

This is important because there is among the Indian literati, the educated class, a kind of feeling that the British perhaps were on the whole motivated by certain benevolent designs in regard to this country, that they were at least more tolerable than the imperialism of the French or the Dutch or the Portuguese or whoever else the variety might be, that the British were comparatively liberal, and that the British gave tuitionary lessons, as it were, in the art of self-government, and that the fact that we can run the parliamentary system perhaps better than many other countries is on account of the tuition which we had experienced under British rule.

To some extent, of course, it is a fact that India's management of the parliamentary scene is so much more expert than in most other countries. This is certainly due to some extent to the fact that even though we did not have a free country and a sovereign legislature, we had quasi-parliamentary institutions where the technique of parliamentary administration had been operated by our own people.

It therefore goes without saying that there is some truth in the idea that the experience of running quasi-parliamentary institutions under

British rule has helped us in acquiring the expertise which we have continued in the period of our existence as an independent State. As a matter of fact, people with very long memories, whose number is going down because of the passage of years, refer to the predecessors of the present-day parliamentarians at work, let us say, in the Central Legislative Assembly of olden times, as the old stalwarts and compare the present-day performers rather unfavourably with them. Now, generally, there is, in the minds of most people, a sort of nostalgia for the past. The older people often consider that things were better in the past and they were degenerating in the present. But even apart from whatever prejudices there might have been in such evaluation, there is no doubt that we have had outstanding parliamentary performers in the earlier period even though we did not have the full apparatus of a sovereign legislature with all its concomitants that we find to-day.

To some extent, one might say that the British have left us two legacies which are very much worthwhile. One is the English language which, whatever the reactions of many among our people towards it is, after all, a world language of very high calibre and the accident of our having already got a fairly wide acquaintance with it, though not very deep knowledge, is a happy one. Of course, our thinking can best be done through our own languages which we learn at our mother's knee and which we imbibe with our mother's milk. But the fact remains that the English language is a valuable instrument particularly in so far as our intercourse with the world is concerned. This is a very important legacy. The other legacy is the parliamentary system and the system of administration set up therewith. It is by no means perfect, but in certain conditions, perhaps the least objectionable alternative in our present conditions. All this is true but, at the same time, we have to remember that the British did not, out of benevolence and sheer generosity of spirit, endow us with successive constitutional reforms, and ultimately, coaxed us, so to speak, through a lot of experiments, into our present-day freedom. That would be wrong—historically wrong—and that would also be something of a slur on our own national sensitivity. However, we have to find out, to the extent we can, the truth of the matter.

Parliament is the most important instrument of our people's sovereignty in the Indian polity. But the prolegomena to Parliament as the achievement of our freedom constitutes a long history. Freedom came to us so to speak by instalments and doses of constitutional reforms were given to us from time to time. We have to know how it was earned and what really happened. If we make a careful study I do not think we shall find that it was on account of British benevolence. There were, of course, some among early British administrators like Sir Thomas Munro who did have a generous approach to a strange country and an entirely unfamiliar

people. A man like Bishop Heber, again, felt that this was a country "where every prospect pleases but man alone is vile". He disliked Indian humanity though, of course, in some other writings he has also said good things about India. British experience of Indian psychology and the Indian character was not very happy, because, for example, Clive or Warren Hastings trying to advance British interests, would naturally employ the most lowly elements of Indian society, and those who belonged to the upper classes and helped the foreigner were selfish types who did not represent India at her best. Thomas Munro had developed a certain sympathy for India for he had a feeling that the British could not be here for ever and perhaps had somewhat generous instincts also.

The point to remember is that India struggled hard; the people conducted the fight against the foreigner—not immediately for all-India freedom in the spirit of nationalism, because that would be asking for too much and unhistorical. Nationalism is a modern phenomenon. To expect nationalism in this country in the mid-eighteenth century or, even somewhat later on, would be asking for too much. It was not till the end of the 19th century that even Europe, western Europe—Italy or Germany—largely, got to grips with the national idea. So we need not expect anything in the nature of a truly national struggle at that time. But there was no region in India, between 1757 and 1857, where our people were not struggling, in primitive fashion of course, against foreign rule. In 1857-58 there took place what the British called the Sepoy Mutiny but what was, much more truly, the Revolt of Hindostan (as Karl Marx once put it). Neither party to the conflagration gave or asked for quarter. It was the crown and the climax of all Indian discontents against the foreigner till that time.

In Britain there was, for a long time, a school of what was called the 'Little Englanders' who thought the empire was a kind of "millstone around the neck" of Britain. The historian Seeley said that the acquisition of empire was accidental, that the British more or less stumbled their way into the empire. But after 1857 it was clear that they had to run it determinedly. The British Crown took India over from the East India Company. Queen Victoria's famous Proclamation (1858) was issued promising beneficent and just administration. There was stern repression and at the same time assurances of good government. As truly cunning imperialists, the British tried to appease the people. Later on, they would, as circumstances required it, throw upper-class Indians some special lollipops from their parliamentary confectionery. Throughout British rule of India, they attempted appeasement of the people, making sure at the same time of their own dominant position.

After 1857-58 they saw that the country was still very sullen, and wondered what could be done about it. At that point of time, a really

national revolt in India was not possible. We did not have a bourgeoisie *i.e.*, a class which has influence and some prosperity also, a class able to give leadership to the rest of the population. Our country had a predominantly peasant population, which could rise in a sudden fiery 'insurrection' but a national movement needed a different and sophisticated leadership which was just not there in 1857-58. That is why there had been feudal struggle: that is why, while fighting for freedom from the foreigner, the people did not have much conception about what was going to happen after the foreigner was pushed out. That is why they were trying often to look back: that is why they tried to get back the Moghul emperor, the descendant of Akbar and Aurangzeb, again on the throne. It was unrealistic therefore to expect a bourgeois nationalist revolution in India till much after 1857-58. Even so, the British discovered there was tremendous discontent, and they took all sorts of steps. They organised their Army in a different fashion, increasing the British proportion. They set up a stronger engine of suppression but at the same time, they knew that something had to be done to satisfy the people.

Earlier administrative changes had nothing to do with the principle of Indian representation. In 1853 the Governor-General had a small Executive Council composed of a few Britishers. Then, after the rebellion was suppressed, the Indian Councils Act was enacted in 1861, which is the first political land-mark, the first changes in the administration of India. It was not much of a change, however, because the Governor-General, who became the Viceroy and Governor-General, was in complete control. However, under the Act of 1861 only a few members of the feudal aristocracy came to be given seats. The Governor-General of course, could veto everything. He appointed some 12 Members but none, to begin with, were Indians. In 1862 there was some change, when Lord Canning, the Viceroy, nominated the Maharaja of Patiala, the Raja of Benares and Sir Dinkar Rao to a newly constituted Legislative Council. Thus in 1862 for the first time we find three Indians at the apex body of the Indian administration. But they could only make a few speeches: there was no question of their deciding anything. They could only advise the Viceroy and the Governor-General as to what ought to be done.

Now, between 1857 and 1885, there was a great deal of discontent in India. The Indigo Peasants Revolt of 1861 covered about three to four years. Lord Canning had seen its beginning and at one point of time he remarked that since the days of the Mutiny he never had so much anxiety as during this Bengal phenomenon of the "Indigo riots". The *Wahabi* and *Farazi* risings, the persistent upsurge in Maharashtra, the Kuka and others stirrings in Punjab and other revolts took place in different parts of the country. There was some talk in educated circles also of "moral hostility" to the British, perhaps the idea being to keep

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away from the British administration, something like a 'boycott' move. Wedderburn reports in his life of *Alan Octavian Hume* that Government informers had been sending reports from all parts of the country about deep, widespread discontent. It was, he wrote, as if water was being collected on a lotus leaf and that sections even of educated classes were getting ready to give leadership to the discontent of the common people. Hume had gone to Simla, under special Government orders, to study the material and he gave a report. At that time, Lord Dufferin also came into the picture. Hume had suggested, after going through all the papers, that something had to be done to satisfy at least the educated classes. He addressed the graduates of Calcutta University advising them that they should be good citizens because they would be soon participating in their government to a certain limited extent. Then Hume gave the advice—and the Governor-General backed him—that as a safety valve, an all-India institution should be set up. The Indians, on their own, were also at that time trying to set up their own organisation. In 1883, the Indian Association came up in Calcutta; the Mahajan Sabha in Madras came up a little later and in Bombay the Sarvajanic Sabha was functioning. At the time of the Jubilee celebrations when Queen Victoria was declared Empress of India, there was a great meeting, the Delhi Darbar, in 1877, where all the Princes were brought together and, along with the princes, many of the important citizens also came along. Many of them felt that they should have, from time to time, a meeting of people representing different parts of India. Hume gave clarity to the concept and took charge of organising, as he did, the meeting in Bombay (1885) of a body giving itself the historic name of the Indian National Congress.

As a rule, however, the British were very careful. Lord Ripon, generally supposed to be a friend of the Indian people and who gave us local self-government rights, once said that it would not hurt if the educated people looked after primary schools and drains and towns etc., but he was firm that power in the Administration should not be given to Indians. This, though he was a comparatively liberal person and was savagely attacked by the Europeans in India because of the Ilbert Bill which intended that Indian judges should be enabled to try 'white' men, a bill through which was seen the most vicious Anglo-Indian animosity got thrown out. Lord Dufferin, who began as a supporter of the idea of the Congress later turned out its vehement opponent even though Congress was meek and mild. Educated Indian leaders wanted—not immediately, but in the long run—freedom under British rule, *i.e.*, self-government of the sort that was given to Canada in 1867. That was the limit then of our ambition. Even so, it terribly annoyed Lord Dufferin and his like. In the early sessions of the Congress, the main demand used to be for separation of executive from judiciary and for more or less equal opportunities in the

competitive examinations for the public services. The British Government had reduced the age of Indian Civil Service examinees from 21 to 19 years. The examinations were, then and for long afterwards, held in England. And for an Indian boy to go there before the age of 19 and pass a very stiff examination was almost impossible. So there were many resolutions for simultaneous examinations here also. Thus, one of our main demands in the Congress in those days was for simultaneous examinations for the Indian Civil Service—in India as well as England,—which was not allowed till the twenties of this century.

The other main demand was for separation of the Executive from the Judiciary, because the judiciary was not really independent and the British 'colour bar' and arrogance could be seen in many instances when even for murder cases, the plea was taken that the 'natives' had a very sensitive spleen—the white man had possibly given him a kick, but the gentle kick had hit the spleen and the 'native' died! As an instance of this kind of thing, the Fuller Case in 1864 had caused a big sensation and touched off country-wide discontent.

And then our agitation took on a higher character, for we wanted a share in the Administration through some sort of elective Legislature. The 1861 Act had given us nothing of the kind. In 1892, however, a new Act brought in a slight advance. The number of Additional Members was slightly increased, the maximum fixed at 16 in the case of the Viceroy's Council, 20 in the case of Bombay, Madras and Bengal, and 15 for the North West Frontier Province and Oudh, where the Council had been established in 1886. Then the method of appointment was slightly changed. The Viceroy Lord Lansdowne directed that 8 members of the Local Councils would be elected by Municipalities, District Boards, Chambers of Commerce, Universities, etc. and 4 members of the Central Council by Non-official Members of the Local Councils. The right of generally discussing the Budget was given. Asking of questions on matters of public interest was also, for the first time, conceded. Thus the Act of 1892 made a slight dent. Some people, elected on a very mild and moderate basis—hardly representative but to some extent, tinctured by the representative principle,—could be at the Centre, as well as in some of the Provinces. And they could discuss the Budget, not vote upon it. They asked questions and got some answers, but could not do anything more than that. Till the Minto-Morley Reforms of 1909, this was the puny little constitutionalism which a few of our people were permitted to taste. That is all that we got. Then came the Minto-Morley Reforms. But here again, the British just wanted to extend only a little the area of limited self-government.

Towards the end of the nineteenth century, in Maharashtra, the Chapekar Brothers and the Natu Brothers were hanged. There was a terrible plague at that time and inoculation was made compulsory. The anti-plague inoculation was conducted in a very unthinking, inhuman fashion. And so there was naturally a great deal of agitation about it. Then leaders like Lokmanya Bal Gangadhar Tilak were coming into the picture. In Maharashtra, some years earlier, there was a tremendous upheaval, a peasant insurrection (1875) under the leadership of Phadke. Terrorism also as a political instrument came into the picture. From there the terrorist movement spread to Bengal where disaffection had long been chronic and in the first decade of the twentieth century, it grew spectacularly. That is why even Swami Vivekananda was looked upon with great suspicion by the British as one who had inspired the terrorist movement. Vivekananda's appeal had never been only for spiritual regeneration; his yearning was to revive the manhood of this country which had been sapped by foreign rule. We were a stupendous country with an enormous population but we had allowed ourselves to be ruled by a few people coming from far away, and they could do it only because we had lost our manhood. And the call of Vivekananda was to recollect our manhood, to revive in ourselves the spirit which is ours. Thus there began what turned out to be a massive agitation. This agitation found shape and form in an organisational opportunity when the partition of Bengal was ordered by Lord Curzon, who had found that province to be the most disturbing of all. He wanted to divide it so that one part—East Bengal and Assam—would be a largely Muslim and the other part—with West Bengal, Bihar and parts of Orissa—would be a largely Hindu province. And, therefore, the original idea of 'divide and rule' which had sustained Roman Imperialism, which was inherited by Britain from Rome and which they practised to perfection, was being implemented by them. Till 1906, for example, there had been several Muslim Presidents in the Congress, like Badruddin Tyabji in 1887. Muslim participation in the Congress was, of course, not quite as large as the Hindu participation. But in spite of Sir Syed Ahmed having stressed the separate identity of the Mussalman in India, he was at the same time, credited with such sayings as that Hindus and Muslims were the 'two eyes' of Mother India, and if one was damaged, the other also would be. So, there was a possibility of the two coming together, if there was a good enough movement, a strong enough movement, and a properly conducted enough movement. Now, that was the fear of Britain and 'divide and rule' policy was coming to be adopted and therefore in 1906, in Simla, when the Viceroy and Governor-General had gone there from Calcutta—Calcutta was still the Capital—a deputation of Muslims led by the Aga Khan called on him.

Maulana Mohammed Ali presiding over the Congress in 1923 described the 1906 Muslim deputation to the Viceroy as a "command performance". The demand for a separate electorate on a religious basis for the Muslim in India was put forward for the first time by this hand-picked delegation in 1906. There may have been reasons and some justification for it arising principally because of some lack of generosity on the part of the Hindu majority towards the Muslim minority. But the British manipulated and manoeuvred, to exploit this divisive idea. Dr. Ambedkar pointed out in his book "*Partition of India*" that in the Memorandum which was presented by the collection of Muslim loyalists who were among the richest in the land, who had come from all parts of the country, there was also a statement that if the British Government did not do something to appease the discontent, something serious might happen as young Muslims were getting discontented and would join united agitations.

Morley, the Secretary of State, was supposed to be a great liberal—he was once invited to preside over a session of the Indian National Congress but he did not come. It was "honest John" (as Morley was often called) who, however, wrote:

"If it could be said that this chapter of reforms leads directly or necessarily to the establishment of a parliamentary system in India, I, for one, would have nothing to do with it."

(Italics added)

In his correspondence with Lord Minto he once said: "Not one whit more than you, do I think it desirable or possible or even *conceivable* to adapt English political institutions to the natives who inhabit India."* Professor A. F. Pollard in his celebrated book "*Evolution of Parliament*," wrote of parliamentary institutions as being "incomparably the greatest gift of the English people to the civilisation of the world", also that "Reichstag and Duma, Riksdag and Storting, Sobranje and Mejliss, are none of them the purely native products that their names would imply." He went on further to clarify that if "the Hindu and the Hottentot, the Semitic and Negroid communities" could not work parliamentary institutions, it was due to their "political incapacity" This is typical of the British hauteur about their monopoly of all parliamentary wisdom and virtue. Quintin Hogg (Lord Hailsham) tried to prove this point in his "The Purpose of Parliament" by quoting Milton: "Though we mark not the method of God's answers and are unworthy, God's manner is to reveal Himself first of all to His Englishmen". Winston Churchill himself is on record that no Parliament could succeed unless it was shaped like the British House of Commons and no Parliament could function where "there is a big table and a lid to bang"! In spite of the Vedic *Sabha* and

*cf. M. N. Das. "India under Minto and Morley, *Passim*."

Samiti, Lok Sabha is not an entirely native product; it is a transplantation of Parliament with its many concomitants. But it is certain that the British did not want to give parliamentary institutions to this country. They were constrained and compelled by the pressure and power of public opinion and not only of opinion in the abstract but by a series of movements and of mass struggles. The Reforms of 1909 was the first real achievement of the freedom movement in this country. It was the first time that we got a better opportunity to discuss the budget—and men like Surendra Nath Banerjee, Gokhale, Pherozeshah Mehta and other people were showing their mettle and parliamentary calibre. A Gokhale could any day defeat whoever might have been on the Treasury Benches of those days.

Now, the Minto-Morley Reforms (1909) did bring some little substantiality into the political rights of this country but it had to be fought for. One instance will suffice to show how terribly coloured and obsessed the Britishers were. The first Indian appointed to the Viceroy's Executive Council was S. P. Sinha, a brilliant barrister of Calcutta, who later became Lord Sinha of Raipur. He was the first Indian to get a barony and the first to become a member of the Viceroy's Council in 1909. Law was the least "dangerous" subject and therefore 'Law' portfolio could be given to an Indian. This had been preceded by a lot of cogitation; the choice of a suitable Indian was not easy. Among the names considered was that of Asutosh Mookerjee, then Judge of the Calcutta High Court. It is amusing how Minto in his letter to Morley on the 9th of November, 1908, wrote:

"Please do not think me narrow! But Sinha is comparatively white, whilst Mookerjee is as black as my hat and opposition in the official world would not be regardless of mere shades of colour".*

Now, it is a matter of fact that we have different shades of colour, S. P. Sinha had a slightly lighter complexion while Asutosh Mookerjee was very dark! This, it seems, was important to eminent liberals like Morley.

No wonder our people fought and our wonderful terrorists gave back pride to Indian manhood and showed the British that our young people could die, they could take other people's lives and give their own in the cause of freedom. They could climb the gallows with a smile as, later, in 1931, Bhagat Singh did. It has to be realised that terrorism could be a phase of struggle only in a country where there was a tremendous discontent and general support in their favour. And, the fact of our getting a few concessions in the shape of constitutional reforms must be largely attributed to their sacrifice and the broader struggle of our people.

*cf. M. N. Das, *op. cit.*

Then came World War I (1914—18) when India gave the empire her treasure and the lives of her children. Indian solidiers fought in Mesopotamia, France and so many other places. After World War I, there was economic crisis, as it always happens after such upheaval, and also tremendous popular discontent. On this occasion, the Muslims all over were grieved and disturbed deeply because Turkey having been on the German side was penalised and the British were against the Caliph. Pan-Islam was a factor in those days. The Caliph had certain traditional rights, especially over the holy places of Islam and as the spiritual head of Muslims everywhere. The British were getting hold of Mesopotamia, Palestine, Jerusalem and other places which were under the Sultan of Turkey and the Indian Muslim was profoundly perturbed.

Earlier, there had been the *Wahabi* and *Farazi* movements, that continued even up to the war period, when some Bengali Wahabis were found in the North-West Frontier. The idea then being that we should fight the British, Raja Mahendra Pratap left the country and went to Kabul and with Obeidulla Sindhi and Barkatullah (and others like Hardyal who was then in America and joined them later) declared a free Indian Government. He went to Germany and Russia. Discontent was rife all over the country. The Muslim discontent was particularly acute. Some Indian Muslims had left the country; they went to Afghanistan and even to the Soviet Union. Some came back with communistic ideas and they began "conspiracies" in the North-West. Maulana Mahmud Hasan, the preceptor of Maulana Abul Kalam Azad, had been to the Western Asian countries and called on Indian Muslims to join in a revolt against the British.

Thus, discontent was all over the place and that discontent had to be fobbed off, but how to do that? Therefore, in 1917 the Montagu-Chelmsford effort began and in 1919, it produced the Government of India Act. It gave us something better than what Minto-Morley reforms had done. Now, in the provinces for the first time in Indian history, there was so called "diarchy". Half of the Government was run by Indian Ministers and the other half by a foreign-manned Executive Council. The more important portfolios were with the Britishers and the less important like education, local-self government and so on and so forth were with the Indian Ministers. But the Indian discontent had gone too far ahead and the reforms were largely rejected. The moderates including Surendra Nath Banerjee, C. Y. Chintamani, Tej Bahadur Sapru, Srinivasa Sastri and some others accepted them, but the extremists could not. In the meantime, Mahatma Gandhi had arrived on the scene and *Satyagraha* was introduced as an important weapon of the freedom movement. The Punjab massacres (Amritsar and other places. 1919) had taken place. Therefore, Mahatma Gandhi's movement proceeded with the

three-headed demand; redressal of grievances of Muslims over the Caliphate; redressal of grievances over the Punjab massacre; and achievement of Swaraj. The movement was to be non-violent and there was to be non-cooperation with government at every stage. The Muslims joined the movement and Mahatma Gandhi said that this was an opportunity for Hindu-Muslim unity which would never happen again in a hundred years. There was a tremendous combination of forces; in Delhi for example, Dr. Ansari, Asaf Ali, Maulana Mohd. Ali, Hakim Ajmal Khan and others were there. Along with them was Swami Shradhanand, who after the Amritsar Massacre, gave sermons from the pulpit of Jama Masjid, though to our shame he was later to be killed by a Muslim fanatic. When a Gorkha soldier, under British orders, came forward with a bayonet, he opened his chest—he was a tremendous tall man—and said, “If you have gust, shoot me”, but he slunk away.

So, there was a wonderful agitation against British rule; a movement which could not be fobbed off by the Montagu-Chelmsford reforms, but those reforms gave some rights and in the centre we got a Legislature with two Houses—the Central Legislative Assembly and the Council of State. We got the present Parliament House building too. This building came in 1926 or so; the foundation was laid earlier. The Central Legislative Assembly consisted of very important people—Jinnah was there and later when the Swarajist Party came in, Moti Lal Nehru, Lala Lajpat Rai, Tulsi Chandra Goswami, Dewan Chaman Lal, Satyamurthy and others. The Montagu-Chelmsford reforms however did not satisfy the people and Mahatma Gandhi's agitation was witness to that. The Simon Commission sent (1927-28) by the Britishers to examine how far and whether we had worked the Constitution properly caused more trouble, because we felt insulted. Were we school boys that we had to be examined how far we had passed an examination over the Montagu-Chelmsford Constitution? And also by a body exclusively of white men? Thereafter, when Indians launched struggle in 1930, there were proposals for a round table conference.

The Swarajists from the Congress came inside the legislature in order to wreck it from within, but it could not be done. But the people's aspirations had not been satisfied. In the meantime, in the twenties the movement of the working people and the peasantry had also got into the picture. The Trade Union Congress (founded 1920) had become an important factor and there was an alliance between the national movement and the working class movement. Chittaranjan Das, Motilal Nehru, Jawahar Lal Nehru, Subhas Chandra Bose had all presided over the annual sessions of the Trade Union Congress. And in 1930, we got another round of struggle in the form of civil disobedience. It was revived in 1932 after Gandhiji had withdrawn it after attending the second (1931)

Round Table Conference. The British had held these conferences in order to satisfy our people who at that time had raised the slogan that we wanted to have our own Constitution. Earlier, the Indian National Congress had appointed an all-Party Committee, called the Nehru Committee with Moti Lal Nehru as its Chairman and Sir Ali Imam, Subhas Chandra Bose, Shuab Qureshi and certain others as its Members. The Committee's report consisting of a draft Constitution for the country came up before the Calcutta Session (1928) of the Congress. The Muslim League was also invited to join but in the meantime, Muslim separatism had begun to raise its head again and Jinnah, who for some time had gone to England had come back to India and was leading the agitation. There were many opportunities for the Congress and the League at that time to come together, but unfortunately those opportunities were lost.

The Congress did not go to the First Round Table Conference (1930). The Second Round Table Conference was held in 1931. The Congress went there, because Mahatma Gandhi had advised the withdrawal of the Civil Disobedience movement and there was a truce. In the meantime, India was afire. Bhagat Singh had died on the scaffold; because of his revolutionary campaign the country truly was afire. In spite of that, the leadership of the Congress was trying to come to some kind of an agreement. Unfortunately, again, the Hindu-Muslim issue was a stumbling block in the Round Table Conference; and we just could not come together.

Once there was a passage of arms between Jinnah and Mahatma Gandhi. Jinnah had promulgated what he called his 14 points. He said, 'Please concede these 14 points.' They were nothing compared to the evil of Partition, and all the dangers that it involved. Gandhi said 'no'. Gandhiji had said earlier, 'I can give Mr. Jinnah a swadeshi pen, swadeshi ink and swadeshi paper, and a blank cheque, Jinnah can ask for whatever he liked.' Jinnah said, 'I don't want any blank cheque. I want my 14 points.' This was unfortunately typical of the exchanges. No wonder our leaders could not agree. Because we could not agree, the British gave us the Government of India Act of 1935, and because we could not agree even with regard to representation of the Scheduled Castes, the British had decided to give separate representation to them, like they had given to the Muslims. Mahatma Gandhi then went on a fast unto death to protest against separate representation for the scheduled castes, which was in part successful and there was an understanding between him and Dr. Ambedkar at Pune. It was the 1935 Government of India Act which was in operation till 1947. The 1935 Act, therefore, was a result, not of the Britishers' desire to be benevolent, not of the Britisher giving us freedom by willing instalments—slowly but surely—and not because they wanted to secure the fulfilment of India's hopes in

a free Indian Constitution—but because we had to and we did fight. Everything had to be fought for, inch by inch, and no quarter given.

The 1935 Act was important because under it, we could have full powers in the provinces. The Ministries could carry on. There was no division between reserved subjects and transferred subjects. So, subject to all-India Control in the provinces we could do most of whatever we liked. But that was not good enough. The Congress had a long discussion, before it was decided to accept office (1937).

The 1935 Act, politically evaluated, was not enough, and it was followed by an economic crisis and further accumulation of discontent. The tempers grew. As a result, we found that the country was unhappy; and when the War came in 1939, India was associated with Britain in the War without our even being formally consulted. Then Gandhiji started the individual civil disobedience movement (1940). At that point of time, some persons in the Congress like Subhas Chandra Bose and to some extent Jawaharlal Nehru wanted to fight—so also the left-wing, including the Communist Party, the Congress Socialist Party and other elements like the All India Kisan Sabha. Gandhiji said, “No, we do not want to take advantage of Britain’s distress,” and for the time being, he started, in 1940, the individual civil disobedience movement. It was not very successful, because in war time, the British were trying to go ahead in a ruthless fashion. It became very different with Hitler’s attack on the Soviet Union, and all sorts of complications got into the picture. In any case, India’s freedom was still being resisted doggedly by Britain. So, what Subhas Bose did was to get right out of the country. From Presidency Jail, Calcutta, he was allowed on account of illness to be kept in detention in his own house whence one day he managed under disguise to escape to Peshawar. From Peshawar, along with a communist friend, Talwar, he went to Kabul. At Kabul he first tried to go to Soviet Union, but he could not contact the Embassy. Later, he got in touch with the Italian Embassy and could go to Berlin. He tried in his magnificent way, first from the German-Italian camp and then from the South-East Asian theatre of war, after building the now legendary Indian National Army, to strike for Indian freedom. The fight for freedom was thus conducted from outside the country, and from inside India also. On 9th August, 1942, Mahatma Gandhi gave the call at the Congress Session in Bombay, “Do or die” and a notice to the British, ‘Quit India’. That movement enveloped the whole country and though it could not be sustained for very long, the discontent of the people was deeply discernible all the time. There is no doubt about it. That is why, after the War ended, even though the Indian National Army built by Subhas Bose was defeated, the moral effect of its participation in the war against the British not only far away, but very near the Indian frontier—

and even inside the Indian frontier—was there. The moral effect was the arrival at Kohima of an Indian-directed national army, coming to fight the British.

And then the agitation for the release of the INA prisoners who had been punished under the Martial Law Regulations by the British, naturally, caused a tremendous furore in the country. At that time, in 1945-46, there was so much discontent all over the country—even in the Army, Police force and Navy. There was discontent in some sections of the Air Force also. The Naval Mutiny in Bombay in February 1946 brought things to a peculiar position, and the British in their frantic search for a solution sent a parliamentary mission comprising of Stafford Cripps and two other persons to come over here and find out what could be done.

The Cripps Mission reported certain things but nothing concrete emerged out of its labours. In the meantime, because of a section of Muslims having largely left the mainstream of the national politics, the Muslim leadership led by Jinnah insisted on partition as the price for freedom for this country. And the British ultimately made up their mind that they would allow freedom to India at a price *viz.*, partition of the country. Mahatma Gandhi had said 'You leave the country to anarchy or to God.' Of course, that would not be listened to. But our people were in ways open to them fighting all the time. Unfortunately, the fight could never be conducted, in such a large country with so many complicated problems, in such an effective manner that we could, on our own strength, defeat the imperialists and wrest freedom on the basis of our own strength. It was the weakness in our national struggle, it was the weakness in our own position that enabled the British to play one Indian group against the other, one Indian community against the other and then insist and say, "We can part with power; we can transfer power only on condition that there will be two dominions—one Pakistan and the other the Indian Union."

This could happen, however, only because there was a great fight all over India. That fight was not entirely successful. There is no doubt about it. I say this only because later we should never have a feeling that the British left of their own free will and that it was an act of grace, and that we have to be grateful to them for having given us freedom the way they did. Actually they discovered that they just could not be here. They could not carry on any longer the way they were doing. "*Manchester Guardian*" and such other papers recognised that it was the only alternative open to Britain. Britain, after the War was over, could not afford to keep India under subjection, unless she deployed a very powerful military presence which was just not possible then. And therefore while the going was good, the British decided to leave India, but they extracted a price out of us; they got it because only of our own weakness. The British did

what they did, not for the sake of benevolence but on account of their self-interest. Our people fought courageously what Gandhi called the "double autocracy" of the British but we could not get freedom on our own terms. And Mahatma Gandhi said: 'I am not happy at all.' On the 15th August, 1947, he was the most unhappy person. The British had planted a time-bomb they could manipulate at will in our Indian sub-continent.

Even so, the leadership of the country had come to realise that half a loaf was better than none. Apart from that, it is on account of certain basic maladies in our body politic that a demand like that for Pakistan could find sustenance and strength for so long. And until we have got rid of those basic maladies it would be unrealistic to expect that our future would be trouble-free.

A review of the history of our freedom struggle should enable us to remember both our strength as well as our weakness; our weakness which was found in the fact that we had to truckle down to a British manoeuvre based upon "divide and rule" which had been a consistent element of imperial policy throughout. But knowing all that, we could not mobilise our own strength in invincible unity to defeat the British strategy. Our freedom, of course, is a treasure; India is a big enough country, with the talent and treasure of our own people and their spirit. Indian freedom has indeed been a historic landmark; the freedom of India has changed the climate of the globe, the freedom of other colonial peoples following in its wake. That freedom is not only symbolised but concretised in the work of the Parliament of our country.

Parliament symbolises the sovereignty of our people and this sovereignty has been purchased by a long struggle—the people giving their blood and their treasure in the struggle for liberation. That struggle was called for, because freedom did not just "slowly broaden down from precedent to precedent", as British observers might patronisingly tell us. This is only natural, for freedom is such a treasure that it cannot be just a gift, but has to be won.

*Based on a lecture given to participants in a Seminar organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat.

PARLIAMENTARY EVENTS AND ACTIVITIES

VALEDICTORY MEETING OF THE FINANCIAL COMMITTEES OF PARLIAMENT (1978-79).

A joint valedictory meeting of the Public Accounts Committee, Estimates Committee and the Committee on Public Undertakings (1978-79) was held in the main Committee Room of the Parliament House Annexe on May 2, 1979. The Speaker, Lok Sabha (Shri K. S. Hedge) presided.

In their speeches at the meeting the Chairmen of the three Financial Committees briefly highlighted the work done by their respective Committees. The Chairman of the Public Accounts Committee, Shri P. V. Narasimha Rao, said:

“During my term, the P.A.C. has presented as many as 69 Reports to Parliament—28 Original and 41 Action Taken. This is the largest number of reports ever presented by the Committee in a single year—based on their own examination of Audit Reports and not by a previous Committee. It is a matter of great satisfaction for me to claim that the Committee has, by and large, completed all the work that it had initially contemplated for itself.
I am happy to say that the reports of the Committee have been well received the Press. The fact that the press has been giving wide publicity to our reports is an index of the interest shown by the public in our reports.”

He took the opportunity to place on record his appreciation of the assistance rendered by the Comptroller and Auditor General of India and his able team of officers, and also expressed his grateful thanks to the Conveners of the Working Groups and Members of the Committee who had “assiduously and enthusiastically” extended to him all assistance in completing the work of the Committee.

Shri Rao referred to the Conference of the Chairmen of the Central and State PACs held in December 1978, and said that “although it meant

additional work to the Secretariat in the midst of heavy programme of PAC reports, the Conference proved exceedingly useful."

Shri Satyendra Narayan Sinha, Chairman of the Estimates Committee, in his speech, said:

"At the beginning of the term, the Committee selected fourteen subjects for examination but, recognising the difficulties in examining all these subjects simultaneously, authorised the Chairman to determine the *inter se* order of priority. After studying the matter further, it was decided that the examination of eleven subjects may be given priority and completed during the year. I am glad to report that the Committee has completed examination of all these eleven subjects and has presented 25 reports—15 Original and 10 Action Taken—during its term. The subjects on which the Committee has made reports during the year are—Diplomatic Missions, rural Employment, Modernisation of Defence, Directorate of Advertising and Visual Publicity, Customs, Central Excise, Dandakarnya Project, Delhi Development Authority (Demolitions), Indian Council of Agricultural Research (Working conditions of Agricultural Scientists), Format of Railway Demands and Modification in the Contents of Demands for Grants in the General Budget. . . . It is gratifying to note that the reports of the Committee have been well received by the Public and the Press."

Making a reference to the work done by the Defence sub-Committee of the Estimates Committee, Shri Sinha said that the sub-Committee examined the present system of assessment of potential threat to India's security, the need for modernisation of the three Services, *viz.* Navy, Air Force and Army and General Matters having a bearing on the Defence Organisation and finalised five Reports on these subjects. He said that it was for the first time that the Estimates Committee had examined the subject of Defence comprehensively and in depth.

Shri Sinha expressed his gratefulness "to each and every Member of the Committee particularly the Conveners of the Study Groups who took keen interest in studying the voluminous material received from Government on various subjects and memoranda received from non-official organisations." "It was because of their hard work and cooperation that the Committee held a record number of 109 sittings during the year and presented 25 reports during its terms", he said. He was glad to mention that the Members of the Committee worked like one team with a spirit of cooperation and dedication. "This made the task of the Chairman very smooth. There were always frank discussions during deliberations and the conclusions were arrived at with complete unanimity", he added.

The Chairman of the Committee on Public Undertakings, Shri Jyotirmoy Bosu, in his speech said:

"The year that has come to a close had been eventful for us in the Committee on Public Undertakings. It is no exaggeration to say

that we have a series of firsts to our credit. There has been a record number of 104 sittings of the Committee and sub-Committees. It was perhaps the first year when we functioned substantially through sub-Committees, which made possible for the Members to attain a measure of specialisation and better participation in the examination of various subjects. We have explored areas which have never before been explored by any authority. Further it was presumably for the first time that a matter on which Government was yet to take a decision was gone into by the Committee.... We undertook in groups as many as 10 on-the-spot studies. In all 44 Reports were presented during the year, which again is the highest ever. It is gratifying that we leave practically no arrears to our successors. The achievement lies not only in the wide coverage and depth of examination but also in the perceptible qualitative change in reporting.... It is a matter for rejoicing that despite obvious handicaps, the Committee on Public Undertakings have done extremely well.... The extensive coverage in the Press in terms of editorials, articles and news items to the Reports of the Committee shows how well these Reports have been received. I should congratulate all my colleagues in the Committee but for whose unsparing efforts and cooperation this would not have been possible."

Shri Bosu said that the public sector occupied a crucial position in the country's developmental plans and their execution. The Committee's anxiety to improve the functioning of the public enterprises was reflected particularly in their horizontal examination of virtually the entire range of operations during the last two years. The criticisms of the Committee had never been destructive. According to Shri Bosu "the Committee have rightly emphasised that central to the problems that beset the public sector is the management failure" and "unless the management acquires a stake in the success of the public sector, it cannot improve." Shri Basu thanked the Speaker "for the trust and confidence" reposed in the Committee and said that his advice and guidance were of immense value to him as Chairman of the Committee. He also thanked the Comptroller and Auditor General of India for the fine cooperation and assistance he and his colleagues had rendered to the Committee.

The Chairmen, Public Accounts Committee, Estimates Committee and Committee on Public Undertakings placed on record their appreciation of the hard work put in by the officers and staff of the Lok Sabha Secretariat.

The Speaker, Lok Sabha, Shri K. S. Hedge, speaking at the end complimented the Chairmen, Conveners and the Members of the three Financial Committees on their excellent performance during the year. He said:

"The work in the three Financial Committees is very important. It complements and completes what happens on the Floor of the House. The Budget laid before the Parliament is all in figures, in rupees and paise, but the discussions that take place on the Budget

and at other times, are actually in the nature of 'grievance debates', when the grievances and expectations of the different sections of the people are voiced and governmental lapses and shortcomings in specific areas pointed out and criticised. It is in your Committees, however, that the details of governmental spending and performance are gone into in depth, systematically analysed and evaluated, and concrete recommendations for improvement made. It is your work in these Committees that adds a realistic dimension to the Parliamentary oversight of administration.

It is gratifying to note that this has been yet another year of useful activity in our Financial Committees. You have every reason to be proud of your performance. Even quantitatively, the record is impressive. . . . More important still are their content. I find that in all the three Committees you have rightly given importance to subjects which are close to the interests and welfare of the common man or are currently engaging public attention.

If so much work has been turned out in the space of less than a year, the credit goes to the leadership provided by the Chairmen of the Committees, the interest and dedication of the Conveners and Members, the valuable assistance and guidance received from the Comptroller and Auditor General, the support provided by the Committee staff, and the cooperation of the official representatives themselves.

I am glad that the Lok Sabha Secretariat has been able to provide the necessary secretarial assistance and the officers and staff attached with the Committees have generally devoted themselves to work."

Concluding his speech, the Speaker observed:

"If our labours in the Financial Committees are to yield the intended results, willing cooperation on the part of the Ministries' officials is essential. For, executive apathy can frustrate the best of legislative intentions. I hope there is growing awareness of the utility of our Committees and their work is viewed in the correct perspective. The underlying objective of legislative oversight is to stimulate and improve governmental performance, rather than impair or stifle executive initiative for action. Given the realities of modern administration the complexity and range of governmental responsibilities and operation it is no wonder if the executive-functionaries tend to miss the wood for the trees. The Parliamentary Committee help the Administration see themselves, as they themselves cannot see, and to appreciate the nature and significance of the work in their respective departments in relation to the totality of national efforts in realising the underlying objective, namely the welfare and advancement of common man. It is only when the efforts of our Financial Committees succeed in bringing about a habit of conscious striving for optimum cost-benefit ratio in all our growth activities, that we can hope to make any substantial progress in our nation building tasks."

CONFERENCES AND SYMPOSIA

Conference of Chairmen of Committees on Petitions.—The first Conference of the Chairman of the Committees on Petitions of Lok Sabha, Rajya Sabha and State Legislatures in India was held at New Delhi on the 7th and 8th April, 1979. Besides the Chairmen of Committees on Petitions of Lok Sabha and Rajya Sabha, 17 Chairmen of the State Legislature Petitions Committees attended the Conference. The Conference was inaugurated by Shri K. S. Hegde, Speaker, Lok Sabha. The inaugural address was followed by an Address by the Chairman of the Conference, Shri Hari Vishnu Kamath, M.P.*

The Conference discussed the following points included in the Agenda of the Conference:

- (1) What changes in the scope and functions of the Petitions Committee and in the Rules relating to the admissibility of representations and petitions are necessary to liberalise them and make the Petitions Committee more effective and more useful to deal with petitions and representations?
- (2) What is the procedure to entertain individual petitions, letters and telegrams etc., for redress of grievances by the Committee on Petitions which are not covered by Rules of Procedure and Conduct of Business of Assembly?
- (3) Sponsoring of petition—relaxation of procedures thereto.
- (4) Entertaining petitions during non-session periods of the Legislative Assembly—Scope of.
- (5) Delay on the part of Government in furnishing information to Committee on Petitions.
- (6) What procedure should be evolved for implementation of the recommendations of the Committee by the Government?
- (7) Can the Committee on Petitions enquire into an allegation of corruption against a Government official? If so, what would be the machinery for the Committee to conduct such enquiry?
- (8) Desirability of enlarging the scope of petitions to include representations from persons/associations aggrieved for aspersions based on allegedly wrong information against their Conduct or character on the floor of the House.
- (9) Can the Committee take evidence from the Registrar of High Court with regard to a representation from a retired/removed/dismissed Government Servant who had been working in the Judicial department?
- (10) What procedure should be adopted where identical/similar petitions/representations are received by the Committees on Petitions of both the Houses of a bicameral legislature?
- (11) (a) Whether the Petitions pending before the Committee on Petitions lapse on the dissolution of the Assembly?

*For texts of the addresses, see J.P.I., April—June 1979, p. 164.

(b) Whether the recommendations contained in an Ad-interim report of the Committee sent to a Government Department under rule 210 of the Rules of Procedure and Conduct of Business in the Bihar Vidhan Sabha should be implemented after the dissolution of the Assembly?

(12) The role of the Committee on Petitions and the scope of its functioning in the context of the institutions of Lokpal and Lokayukta in the Union and State spheres respectively.

Conference of Chairmen of Committees on the Welfare of Scheduled Castes and Scheduled Tribes.—The Second Conference of the Chairmen of Committees on the Welfare of Scheduled Castes and Scheduled Tribes of the Parliament and State Legislatures in India was held at New Delhi on the 21st and 22nd April, 1979. Besides the Chairman of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes of Parliament, who was the Chairman of the Conference, eleven Chairmen of State Legislatures Committees on the Welfare of Scheduled Castes and Scheduled Tribes attended the Conference. The Conference was inaugurated by Shri K. S. Hedge, Speaker, Lok Sabha. The Inaugural Address was followed by an Address by the Chairman of the Conference—Shri Ram Dhan, M.P.*

The Conference discussed the following points included in the Agenda of the Conference:

- (1) Scope, functions and powers of the Central and State Legislature Committees in the matter of implementation of Constitutional safeguards in respect of Scheduled Castes and Scheduled Tribes.
- (2) Evaluation of the scope and functioning of the Assembly Committees and widening their scope.
- (3) Report from the Government in respect of the progress made in the implementation of provisions enshrined in the Constitution for the Welfare of Scheduled Castes and Scheduled Tribes.
- (4) In what manner should the Committee deal with the cases of atrocities on Scheduled Castes brought to its notice.
- (5) What effective steps can be taken for non-implementation of the recommendations of the Committee by the Departments concerned? Whether a Monitoring Cell for implementation is necessary?
- (6) To review the measures suggested by the Assembly Committee in their reports presented to the respective Legislatures by the Committee.
- (7) The need for increasing the percentage of reservations fixed for Scheduled Castes and Scheduled Tribes with a view to give adequate representation to them in Services and for extending more facilities in education and other fields.
- (8) How should the Committee deal with the representations or petitions received by it?

*For texts of the addresses, see J.P.I., April-June 1979, p. 175.

(9) Whether complaints from the Government servants belonging to Scheduled Castes and Scheduled Tribes can be taken up and whether any clearance from the Government therefore is required as it contravenes the Government Servant Conduct Rules governing the service conditions.

Meetings of the Executive Committee of Commonwealth Parliamentary Association.—Meetings of the Executive Committee of the Commonwealth Parliamentary Association were held in Perth from May 21 to 25, 1979. Shri K.S. Hegde, Speaker, Lok Sabha attended the meetings as Regional Representative for Asia.

PARLIAMENTARY DELEGATIONS FROM ABROAD

Syrian Parliamentary Delegation.—In response to an invitation from India, a 10-Member Syrian Parliamentary Delegation led by H.E. Mr. Mohmoud Hadid, M.P., Speaker of the People's Council of the Syrian Arab Republic visited India in March, 1979.

The delegation called on the Speaker, Lok Sabha on 5th March, 1979. The Speaker, Lok Sabha hosted a dinner party in their honour on March 6, 1979. A meeting was held on the 6th March 1979 between the delegation and Members of Parliament.

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

Nepalese Rashtriya Panchayat Delegation.—In response to an invitation from India, a 10-Member Nepalese Rashtriya Panchayat Delegation led by Rt. Hon'ble Mr. Ram Hari Sharma, Chairman of the Rashtriya Panchayat of Nepal visited India in March-April, 1979.

The delegation called on the Speaker, Lok Sabha on 22 March, 1979. They also watched the proceedings of Lok Sabha and Rajya Sabha on 28 March, 1979. The Speaker, Lok Sabha hosted a dinner party in their honour on March 28, 1979 and a meeting was also held between the delegation and Members of Parliament on the same day.

Besides Delhi, the delegates visited some places of cultural and industrial interest, viz. Agra, Mathura, Brindaban, Bangalore, Madras, Rameswaram, Bhubaneswar, Jagannath Puri and Calcutta.

Visit of President of the Commonwealth Parliamentary Association to India.—The President of the Commonwealth Parliamentary Association Hon. Mr. J. R. Harrison, Speaker of the House of Representatives of New

Zealand accompanied by Mrs. Harrison and Mr. Palitha Weerasinghe, Assistant Secretary General of the C.P.A. visited India in March-April, 1979.

The Visiting dignitaries watched the proceedings of Lok Sabha on 30 March, 1979. A meeting between the visiting dignitary and the Members of the Executive Committee of India Branch of C.P.A. was held on the same day.

The Speaker, Lok Sabha and Mrs. Hegde hosted a dinner party in their honour on March 31, 1979. Besides Delhi, the dignitaries visited Agra, Jaipur, Madras and Bombay.

Suriname Parliamentary Delegation.—In response to an invitation from India, an eight-member-Surinam Parliamentary Delegation led by H. E. Mr. E. L. A. Wijatuin, President of the Parliament of Surinam visited India in April-May, 1979.

The delegation called on the Speaker, Lok Sabha on 23rd April, 1979. They also watched the proceedings of Lok Sabha and Rajya Sabha on 24th April, 1979. The Speaker hosted a dinner party in their honour on April 24, 1979. A meeting was held on April 26, 1979 between the delegation and Members of Parliament. Besides Delhi, the delegates visited some places of cultural and industrial interest, viz. Agra, Chandigarh, Bhakra Nangal, Srinagar, Bangalore and Bombay.

Japanese Parliamentary Delegation.—In response to an invitation from India, a 9-member Japanese Parliamentary Delegation led by Mr. Haruo Kino, M.P. visited India in July, 1979. The delegation called on the Speaker, Lok Sabha on 26 July, 1979 and on the Chairman, Rajya Sabha on 27 July, 1979. A meeting between the delegation and Members of Parliament was also held on the same day. The Speaker, Lok Sabha hosted a dinner party in their honour on July 26, 1979.

Besides Delhi, the delegation visited Agra.

INDIAN PARLIAMENTARY DELEGATIONS ABROAD

Indian Parliamentary Delegation to Romania and Bulgaria.—In response to invitations received from Romania and Bulgaria, an Indian Parliamentary Delegation led by Shri K. S. Hedge, Speaker of Lok Sabha visited Romania from June 10 to 14, 1979 and Bulgaria from June 14 to 18, 1979. Besides the Leader, the delegation consisted of Shri Bhagat Ram, MP; Shrimati Kumudben Manishankar Joshi, MP; Shri Manohar Lal, MP; Dr. Laxminarayan Padey, MP; Shri S. B. Patil, MP; Shri Golandaz Mohammed Hussain A. Samad, MP; Shri C. K. Jain, Senior Conference Officer, Lok Sabha Secretariat was Secretary to the Delegation.

Indian Parliamentary Delegation to Poland: In response to an invitation received from Poland, an Indian Parliamentary Delegation led by Shri K. S. Hegde, Speaker on Lok Sabha visited Poland from June 18 to 24, 1979. Besides the Leader, the delegation consisted of Shri Sitaram Kesri, MP; Smt. Kanak Mukherjee, MP; Shri Mohan Lal Pipil, MP; Shri P. A. Sangma, MP; Shri C. Venugopal, MP; Shri Yuvraj, MP; Shri C. K. Jain, Senior Conference Officer, Lok Sabha Secretariat was Secretary to the Delegation.

Indian Parliamentary Delegation to USSR: In response to an invitation received from USSR, an Indian Parliamentary Delegation led by Shri K. S. Hegde, Speaker of Lok Sabha visited U.S.S.R. from June 24 to July 4, 1979. Besides the Leader, the delegation consisted of Shri Dajiba Desai, MP; Shri Shridhar Rao N. Jawade, MP; Shri Om Mehta, MP; Shri Kailash Prakash, MP; Shri Balwant Singh Ramoowalia, MP; Shri Mahadeo Prasad Varma, MP; Shri C. K. Jain, Senior Conference Officer, Lok Sabha Secretariat, was Secretary to the Delegation.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period from May 16, 1979 to July 31, 1979 the following Courses were organised by the Bureau of Parliamentary Studies and Training:-

Second Appreciation Course in Parliamentary Process and Procedures for Indian Customs and Central Excise Service Probationers: The Second Appreciation Course for Indian Customs and Central Excise Service Probationers was organised from June 19 to 25, 1979. It was attended by 31 I.C. & C.E. Service Probationers. In all, there were 14 talks and a Question-Answer Session during the six-day Course. The opening talk of "Evolution of India's Parliamentary Institutions *vis-a-vis* Indian National Movement" was delivered by Professor H. N. Mukherjee, Honorary Adviser, on June 19, 1979.

Shri Satish Agarwal, the then Minister of State for Finance addressed the participants at the conclusion of the Course. The Question-Answer Session, which preceded the Minister's address was presided over by Shri Avtar Singh Rikhy, Secretary, Lok Sabha.

During the Course, the probationers were addressed by, among others, Shri T. A. Pai, M.P., Chairman Public Accounts Committee, Dr. V. P. Dutt, M.P., Shri G. Ramachandran, Finance Secretary, Government of India, Shri S. Venkatesan, Chairman, Central Board of Excise and Customs and Shri A. C. Tiwari, Joint Secretary (Budget), Ministry of Finance.

Refresher Course for Research/Reference Assistants in Parliament Library and Reference, Research, Documentation and Information Service of Lok Sabha Secretariat: Among the Courses organised for improving the functional skills of the parliamentary staff was a Refresher Course for Research/Reference Assistants of Lok Sabha Secretariat, which was held from June 8 to 18, 1979. The Course was attended by 15 Research/Reference Assistants. The participants were addressed by the senior officers of the Library and Reference, Research, Documentation and Information Service of the Secretariat.

PRIVILEGE ISSUES

LOK SABHA

Alleged derogatory remarks about members and the House made by the Speaker: On May 16, 1979, the Speaker, Shri K. S. Hegde, informed the House as follows:—

“Hon. Member, Shri P. M. Sayeed, has given notice under Rule 222 against me in respect of a speech delivered by me on the 12th of this month under the auspices of Vasant Vyakhyanmala at Pune. Shri Mohd. Shafi Qureshi, has also written a letter to me in that connection. The subject of my lecture was ‘The role of Legislatures under our Constitution.’ The basis of the notice is the report of the speech which appeared in *Times of India* dated May 14, 1979.

It is embarrassing to be a Judge in one’s own cause. But an analysis of the rules and the examination of the precedents leave me with no other alternative.

Under the existing rules it does not appear to be possible to move a motion under Rule 222 against a Speaker. It is well established parliamentary practice that the conduct and action of the Speaker cannot be criticised incidentally in debate or upon any form of proceedings except on substantive motion.’

But all the same, I would like to place before the House the correct facts to remove any misunderstanding that might have been created by the report in the *Times of India*. My speech lasted for more than one hour. It covered a large area. The paper reporting is sketchy. Ideas have been picked up at random by the reporter and he has used his own words for conveying my ideas. This has given room for certain misunderstanding.

Shri Vitthalrao Gadgil, Member of Rajya Sabha, presided over the meeting. In his introductory remarks, he formulated certain issues and invited me to deal with them. Two of the issues formulated by him were:

- (i) The existing legislative process and the changes required;

(ii) Does the Parliament effectively oversee the work of the Executive?

I detailed the legislative fields falling within the purview of the Parliament and the corresponding executive functions. I expressed my opinion that the legislative burden of the Parliament should be reduced, if the Parliament is to work effectively and the members are to oversee the work of the Executive carefully. I suggested that subjects which are primarily within the responsibility of the State Legislatures must be discussed in the State Legislatures themselves.

I explained that law and order is primarily a State subject. The responsibility of the Centre is only secondary and when that subject is discussed in the Parliament, the Central Government generally present the viewpoint of the State Government. That being so, the law and order issues, however grave they may be, are desirable to be discussed in the State Legislatures. This has always been my view and I have discussed this problem with the Leaders of the Parties/Groups at the meetings held. Some Members might take a different view. But an expression of my view would not amount to a breach of privilege of the House or any of its Members. In all these matters difference of opinion is bound to be there.

Thereafter, I took up the question of the procedure adopted in the matter of legislation. I expressed my dissatisfaction with the existing procedures and I commended the Committee system. In the course of my lecture, I told the audience that legislations are conceived and Bills prepared by the concerned Ministries. The policy underlying a legislation is discussed by the cabinet but it is likely that the Cabinet would not go into details of the legislation which sometimes are as important as the policy itself. I also criticised the procedure of having three Readings in the House.

Coming to the debate on the legislations, I mentioned that members, by and large, are interested in some subjects and not in all subjects. In the very nature of things it is not possible for the members to know about every subject. Hence, large sections of the House would not take special interest in most of the legislations. This is so in all countries having the parliamentary form of Government. I even gave the example of Britain. This state of things facilitates the Government to push through its legislation without difficulty. If, on the other hand, every Bill is sent to a House Committee consisting of members interested in the legislation or who have specialised in that subject, then there will be a thorough and searching examination of the measures and the Government will have to justify not merely the policy underlying the Bill but also various other aspects. I did not use the words 'at present the Members of Parliament did not understand the implications of legislations brought before them by the Government' reported in the *Times of India* on the other hand, I mentioned that some Members take interest in questions, some in Committees, yet others

in various subjects. My criticism was not of the Parliament or of its Members but of the existing system prevailing not only in this country but in several other countries including Great Britain. I therefore referred to those countries also. I decline to accord my consent to the motion."

Alleged misreporting of the proceedings of the House by a newspaper.—On May 4, 1979, the Speaker, Shri K. S. Hegde, informed the House that Shri Mallikarjun in a notice of question of privilege, dated the 17th April, 1979, had alleged that the *Hindustan Times* in its issue dated the 17th April, 1979 had misreported the proceedings of Lok Sabha, dated the 16th April 1979, relating to the Calling Attention on the question of lock-out in the *National Herald* concerns. Shri Mallikarjun had stated that in a news item under the caption 'Herald will be taken over, if needed', the *Hindustan Times* had reported that 'Union Labour Minister Ravindra Verma assured the Lok Sabha today that the Government would consider various steps including take over of the management of the *National Herald* group of newspapers if it was found necessary during or after the present comprehensive enquiry into its affairs'. Shri Mallikarjun had contended that a reading of the relevant proceedings of Lok Sabha showed that "the Labour Minister made no such statement and gave no such impression".

The Speaker said that the Editor and the Publisher of the *Hindustan Times*, who were asked under his direction to state what they might have to say in the matter, in their replies had deeply regretted the inaccuracy in the issue of the *Hindustan Times* dated the 17th April, 1979. The Speaker further said that the regret expressed by the Editor and Publisher of the *Hindustan Times* may be accepted and the matter may be treated as closed.

The matter was, thereafter, closed.

Observations made by a Counsel and a Judge of the Calcutta High Court regarding the recommendations of the Committee on Public Accounts. On April 16, 1979, the Speaker, Shri K. S. Hegde, informed the House that Shri Jyotirmoy Bosu, M.P., had given a notice of question of privilege regarding certain observations by a counsel and a Judge of the Calcutta High Court on the recommendations of the Public Accounts Committee contained in their 176th Report (Fifth Lok Sabha) in paragraphs 9.1 to 9.16 Disallowing the notice of question of privilege, the Speaker ruled as follows:

"Shri Bosu has given notice of a privilege motion under Rule 222/223 of the Rules of Procedure and Conduct of Business in Lok Sabha against Mr. Justice Tarun Kumar Basu, a Judge of the Calcutta High Court in respect of a judgment delivered by him on March 8, 1978, in *Grindlays Bank Ltd. vs. ITO*. Therein, the

petitioner Grindlays Banks Ltd. had challenged the validity of notices issued on them by the Income-tax Officer under Section 148 of the Income-tax Act, 1961 in respect of the assessment years 1958-59, 1966-67 to 1970-71. This case was tried along with another case which is not relevant for the present purpose. Therein the Judge was considering the scope of the expression 'information' found in Section 147(b) of the Income-tax Act. Various contentions were raised in that case. Most of them are not relevant in these proceedings.

It appears to have been contended on behalf of the Income-tax Officer that the report of the Public Accounts Committee constituted an 'information' within the meaning of Section 147(b). That contention appears to have been rebutted by the Counsel for the petitioners. Relevant observations are found at pp. 727-728 of the *Income-tax Report* (1979) 116 *I.T.R.* They read as follows:

'Lastly, Dr. Pal submitted that the report of the Public Accounts Committee could not be an 'information' because the Committee did not form any opinion as to the allegations of under-assessment but had merely indicated the allegations made by one R. P. Gupta, who is the ex-employee of the petitioner-bank: and was dismissed by the bank on 13th November, 1971.

It was pointed out that unlike in the case of *R. K. Malhotra vs. Kasturbhai Lalbhai*, (1977) 199 *ITR* 537 (S.C.) on which Mr. B. L. Pal relied, there was no formation of opinion or view of the Public Accounts Committee'.

'All that was stated was that there were allegations by Mr. Gupta and investigations were in progress. It was submitted that the notice under S. 147(a) or S.147(b) could not be issued merely for investigation. [See the Supreme Court decision in the case of *Chhugamal Rajpal v. S. P. Chaliha* (1971) 79 *ITR* 603 and the case of *Sheo Nath Singh v. AAC* (1971) 82 *ITR* 147].

* * * * *

'Lastly, Dr. Pal pointed out that, in the recorded reasons, there is no mention of the Public Accounts Committee Report and, consequently, it did not lie in the mouth either of Mr. H. P. Roy who had filed the affidavit or of Mr. B. L. Pal who argued the case before me that this report of the Public Accounts Committee constituted 'information' justifying the reopening. As I have already indicated, according to Dr. Pal, the Public Accounts Committee did not form any opinion.

Even assuming that the PAC had formed any opinion which could be an 'information' within the meaning of S. 147(b) of the Act, it was submitted that the opinion must be of a person, body, authority or authorities competent and authorised to form the

¹ See paragraphs 9.1 to 9.16 of 176th Report of the Committee on Public Accounts (Fifth Lok Sabha).

opinion of pronouncing the law as was held in the case of *R. K. Malhotra v. Kasturbhai Lalbhai* (1977) 109 ITR 537(SC). It was submitted that the Public Accounts Committee was not competent to form such an opinion.

In my view, the contention of Mr. Pal must be accepted. On the materials and on the submission made, I find that even for the assessment years, 1969-70 and 1970-71, there is no 'information within the meaning of S. 147(b) of the Act which could justify the reopening'.

As the contempt alleged is said to be against the PAC, I thought it desirable to get the opinion of the PAC before deciding upon the next step. I accordingly referred the matter to the PAC.

The PAC opined that as the learned judge had accepted the first two of the three contentions advanced before him, it was not necessary for him to make a reference to the competency of the Public Accounts Committee to form an opinion constituting 'information' within the meaning of Section 147(b) of the Income-tax Act. The Committee proceeded to observe:

'The Judge was not called upon to pronounce the judgment on this aspect and by accepting Dr. Pal's contention in this regard, he expressed an opinion which, in view of the implications involving the working of a Committee of Parliament, could have been avoided.'

In the opinion of the PAC it is competent to form an opinion which would constitute 'information' both in fact and in law under section 147(b) of the Income-tax Act.

It felt that the decision of the judge on this point will detract from the Committee's effectiveness in general and in matters pertaining to the vital areas of taxation by the Union Government in particular. Consequently, it felt that appropriate measures should be taken in order to meet the legal position arising out of the said pronouncement. The Committee refrained from expressing any opinion as to whether there was any breach of privilege of the PAC. It opined that the question should be decided in accordance with the procedure laid down in the Rules of Procedure and Conduct of Business in Lok Sabha.

Let me assume (without deciding) that the view of the learned Judge on the question of law formulated above is incorrect. What follows then? An incorrect decision by itself either on a question of law or on a question of fact does not amount to a breach of privilege of the House or its Members. No malice is attributed to the Judge.....

A wrong decision has to be corrected by adopting procedures recognised by law and not by taking punitive action against the concerned Judge. The theme of committed Judges is alien to our jurisprudence. The rule of law runs through the veins of our Constitution. Any idea of subordinating the judiciary to the other organs of the State is repugnant to our Constitution. Each organ

of the State functions within the limits laid down by the Constitution. Harmony and mutual respect and not confrontation between the various organs is the very pre-requisite of our policy. Difference of opinion should not be viewed as a contempt. Courts of law have struck down many laws enacted by this Parliament as being beyond its competence. That does not amount to disrespect for this House.

It is well recognised that Parliament is the most important and most powerful organ of the State. But under our Constitution, Parliament is not omnipotent. Power without restraint is self-destructive. Restraint is inbuilt in our Constitution.

As a facet of this restraint, Courts have been given the power to decide about the validity of laws enacted by the legislatures or a rule made by a rule making authority or decision taken by an official.

The protection of the privileges of this House and its members is very important. The power conferred on this House to punish for any breach of its privilege is very large. Therefore the same has to be used sparingly and only in appropriate cases. There is no question of any breach of privilege in this case.

In this view, it is not necessary for me to go into the question whether the present proceedings are barred by article 121 of the Constitution, which prescribes that no discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion for presenting an address to the President, praying for the removal of the Judge as hereinafter provided.

For the reasons mentioned above, I am unable to accord my consent to the motion before me."

The matter was, thereafter, closed.

Notice for appearance of Secretary before High Court.—On April 12, 1979, the Speaker, Shri K. S. Hegde informed the House that on April 11, 1979, a notice had been received from the Assistant Registrar of the High Court of Karnataka in the matter of Writ Petition No. 2865 of 1979, requiring the Secretary, Lok Sabha, to appear in the High Court in person or through an Advocate duly instructed or through some one authorised by law to act for him in the case on April 17, 1979. With the notice, a copy of the writ petition filed by Shri C. Nanjappa, voter of Chikmagalur Parliamentary Constituency, challenging the validity of the resolution passed by Lok Sabha on December 19, 1978, and the subsequent notification of that date issued by the Lok Sabha Secretariat, regarding expulsion of Shrimati Indira Nehru Gandhi from Lok Sabha had also been enclosed. The Speaker observed that as per past practice of the House, the Secretary, Lok Sabha, had been asked not to respond to the notice. The Minister of Law was being requested to apprise the High Court of Karnataka of the correct constitutional position in this regard.

RAJYA SABHA

Allegations by a member against a Minister.—On August 10, 1978 during the discussion on the motion moved by Shri N. K. P. Salve in the House, Shri Budha Priya Maurya made certain charges of corruption against Shri George Fernandes, Minister of Industry. On August 16, 1978, Shri Fernandes refuted the said charges on the floor of the House and while doing so requested the Chairman to appoint a Committee of the House to enquire into the matter. On August 17, 1978 Shri Maurya not only repeated the charge but also made further charges against the Minister and his wife. Both Shri Maurya while levelling the charges and Shri Fernandes, while refuting them, offered to prove their cases before a parliamentary Committee. On August 31, 1978, this issue again cropped up in the House during the course of supplementaries on a short Notice Question regarding loading and unloading of imported cement. Some members suggested that the matter might be referred to the Committee of Privileges for enquiry and report.

On May 10, 1979 the Chairman informed the House that since serious allegations and charges had been made on the floor of the House by a member against the Minister which were refuted by the latter and as both of them were prepared to have a probe in the matter by the Committee of Privileges, he had referred the matter on September 11, 1978, to the said Committee for advice as to what course of action should be adopted in the case.

The Committee accordingly considered the matter and expressed the view that "as no question of privilege as such was referred to it, the proper course, in the circumstances, would be to leave it to the House, if it so decided, to appoint an *ad hoc* Committee with appropriate authority to look into the matter and make a report to the House."

KERALA LEGISLATIVE ASSEMBLY

Alleged misleading statement made by a Minister in the House:—On August 25, 1978, the Speaker Shri Chakkeeri Ahamed Kutty, informed the House as follows:

"Sarvashri N. I. Devassykutty, T. H. Mustafa, M.P. Gangadharan and E. Narayanan Nair have given notice under rule 154 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly to raise a question of breach of privilege of the House against Shri K. K. Balakrishnan, Minister for Harijan Welfare and Irrigation on the basis of a statement made by the latter on the floor of the House on July 31, 1978, which according to them was false and made intentionally to mislead the House. While refuting an allegation made against him by another member, Shri K. K. Balakrishnan had stated in the House on July 31, 1978, that he had neither destroyed the reed barrier erected by the airport authorities at Vallakadavu for

the safety of International Aircraft Operation nor abused the Chowkidar who was then on duty at that place. In support of their contention that the above statement made by the Minister was false, the members have furnished photostat copies of the resolution passed by the emergency general body meeting of the Civil Aviation Department Employees Union, Trivandrum Branch and the memorandum submitted to the Chief Minister by the Convener, Co-ordinating Committee of the Central Government Employees, Airport Trivandrum.

Shri K. K. Balakrishnan was given an opportunity to state what he had to say in the matter.

In his reply dated August 22, 1978, Shri K. K. Balakrishnan has stated that he had already placed the true facts before the Assembly that the resolution passed and memorandum submitted by the Employees' Unions are politically motivated and that their contents are not true to facts. He has also denied the allegation that he has tried to mislead the House by making a false statement. It is further stated that as a responsible citizen of the State he was also anxious to see that laws and rules are not violated.

The members who have given notice to raise the question of breach of privilege have mainly based their allegation on the resolution and memorandum mentioned above in which the Employees' Unions have given a certain version of the incident which took place at the reed barrier near the Trivandrum Airport. The minister in his statement made in the Assembly had given a narration of the incident and has also stated in his reply that the version given in the resolution and memorandum are not true to facts. I do not find any reason to disbelieve the version given by the Honourable Minister about the incident in this case.

In the light of the above, I refuse consent to raise the question of breach of privilege in the House."

The matter was, thereafter, closed.

MADHYA PRADESH VIDHAN SABHA

Alleged violation of the sanctity of the House by a member:—On September 7, 1978, some members stated in the House that at about 2.30 p.m., Shri Suresh Seth, a member, who was leading a mob of outsiders, entered the House during the lunch recess, shouted slogans and grabbed the Speaker's Chair, addressed filthy abuses to the Speaker, struck the Speaker's Chair with shoes and spat on the Chair along with other persons.

After some discussion, the Chief Minister Shri Veerendra Kumar Sakhlecha, moved the following motion, which was adopted by the House:

"I beg to move that whereas Shri Suresh Seth, leading a mob of outsiders, entered the House during the lunch interval today,

shouted slogans, grabbed the Speaker's chair and abused the Speaker, he along with other persons spat on the Chair and hit the Chair with shoes,

Shri Suresh Seth has by these actions committed a serious contempt of the House and is guilty of misconduct, and he is no longer worthy of being a member of this House. Therefore, the membership of Shri Suresh Seth should be terminated and he be expelled from the House."

MEGHALAYA LEGISLATIVE ASSEMBLY

Alleged derogatory remarks made by a member against the Chair:—On November 28, 1977, Shri M. N. Majaw, a member, sought to raise a point of order about the propriety of bringing forward a supplementary demand before the House asking for funds for implementing the various provisions of the Water (Prevention and Control of Pollution) Act, 1974, prior to the approval of the Resolution for adoption of the said Act by the House which was listed for consideration by the House at a later stage. The Speaker (Shri R. S. Lyngdon) upheld the contention of Shri Majaw and deferred the consideration of the supplementary demand till after the Resolution for adopting the Water (Prevention and Control of Pollution) Act, 1974, was passed.

On November 29, 1977, Shri M. N. Majaw gave notice of a question of privilege against Shri S. N. Koch, another member, alleging that Shri Koch congratulated Shri Majaw on winning his point of order raised by him on November 28, 1977, but maintained that the Speaker's ruling on that point was wrong. Shri Majaw, in his notice, stated, *inter-alia*, as follows:

"Yesterday afternoon, soon after the rising of the House, while I was standing along the corridors outside the office of the Chief News Editor, and was talking to Mr. Parthasarathi Syam and Mr. Amitava Choudhury, Mr. Sibendra Narayan Koch, M.L.A., suddenly approached me and vociferously congratulated me with the words 'Congratulations for winning your point of order, but the Speaker's decision was wrong.'

I immediately warned him to keep quiet, as his remarks would be derogatory to the dignity of the Speaker and of the House.

He, however, persisted by beginning to open his book of rules to prove his point that the Honourable Speaker's decision was wrong."

Shri Koch addressed a communication to the Speaker, in which he stated, *inter alia*, as follows:

"...the complaint is not based on facts as I never met him, neither I congratulated him nor I made any remark derogatory to the Chair as alleged by the Hon'ble Member..."

After going through the whole matter, the Speaker referred the matter to the Committee of Privileges for examination and report.

The Committee of Privileges, after considering the matter, in their Eleventh Report, presented to the House on January 17, 1979, reported, *inter alia*, as follows:

- (i) "The Committee was mainly confronted with two issues in deciding this case. These were:
 1. Whether it would be proper for the Committee to assume the task of investigating whether the member complained against had actually uttered the words as alleged by the complainant and which was denied by the former.
 2. Whether the impugned statement, *i.e.*, 'congratulation for winning your point of order; but the Speaker's decision was wrong' could be construed as derogatory to the dignity of the Chair, thereby constituting a breach of privilege of the House."
- (ii) "The Committee carefully considered the first issue and made an attempt to find out whether there had been a similar case elsewhere in the country where the Committee was required to function as a fact-finding body and probe into a case involving allegations, but could not come across one which could be drawn as parallel to the instant case. The Committee, therefore, decided to take up the second issue first, and on the basis of its finding thereon, the Committee would consider how to proceed with the first issue."
- (iii) "On the second issue the Committee discussed at length as to whether there could be a *prima facie* case of breach of privilege, assuming that Shri S. N. Koch had actually uttered the impugned statement. The Committee noted that nothing was expressed from any quarter inside the House in defiance of the Speaker's ruling on the point of order raised by Shri M. N. Majaw on 28th November, 1977. The conversation which transpired between Shri Koch and Shri Majaw could be taken as an expression of personal opinion between members of the same House without any ulterior motive. The Committee felt that it would be too far fetched if the law of privileges was made to apply in this case. The Committee... opined that each and every aspersion on the Speaker of the House should not be taken notice of seriously and that the House should best consult its own dignity by taking no further notice of the matter."
- (iv) "In view of its findings on the second issue above, the Committee felt that it was not necessary to proceed with the first issue. The Committee, therefore, recommends that the matter be closed."

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

ORISSA LEGISLATIVE ASSEMBLY

*Alleged withholding of letters between State Legislature and a detained member by jail authorities:—*On March 26, 1977, Shri Bhagat Behera,

a member sought to raise a question of privilege against the Superintendent, Khandapara Sub-Jail for withholding some of his communications addressed to the Speaker as well as not delivering to him any communications sent by the Assembly Secretariat for a period of two months with effect from June 17, 1976, while he was detained in the Khandapara Sub-Jail as a MISA detenu. Shri Behera alleged that this had been the result of punishment awarded to him under rule 39 of the Orissa Security Prisoners' (Conditions of Detention) Order, 1971.

On March 30, 1977, Shri Behera gave a notice of question of privilege in which he stated, *inter alia*, as follows:

"That while I was confined in the Khandapara Sub-Jail as a MISA detenu, the Superintendent of Khandapara Sub-Jail, Dr. Sashi Bhushan Acharya (Assistant Surgeon of Khandapara Hospital) inflicted punishment on me by depriving me of my right of correspondence along with other punishments for two months on the 17th June, 1976. I was verbally informed by the Head Warder of the Sub-jail on the 17th June, 1976, regarding the above punishment.

During the said period of two months, the Superintendent, Khandapara Sub-jail kept all the letters addressed to me from the Assembly Secretariat with him and did not deliver those to me. All such letters were delivered to me together on the 18th August, 1976. The suppression of my letters from the Assembly by the Superintendent, Khandapara Sub-jail amounts to intervention in my privilege as a member of the Orissa Legislative Assembly and as such is a breach of privilege of a member of the House. So the action of the Superintendent, Khandapara Sub-jail in suppressing my letter from the Assembly should be treated as a breach of privilege of a member of the House and the matter may please be referred to the Privileges Committee."

On March 31, 1977, the Speaker ruled, *inter alia*, as follows:

"If the communications have been withheld as alleged, *prima facie*, it is an act of breach of privilege and I refer the matter to the Committee of Privileges under Rule 153 for examination, investigation and report. I request the Committee to examine the concerned rules and suggest if any improvement and modification is necessary, so that in future such lapses may not be repeated. . . ."

In April, 1977, due to the dissolution of the Sixth Legislative Assembly (1974-77), this question of privilege lapsed.

On October 5, 1977, Shri Bhagabat Behra, who was re-elected to the Seventh Legislative Assembly sought to raise the same question of privilege again. The Speaker (Shri Satyapriya Mohanty) ruled, *inter alia*, as follows:

" I refer these two matters which were pending before the Privileges Committee of the previous Assembly to the Privileges Committee under rule 153 of the Rules of Procedure."

The Committee, after considering the written explanation of the Superintendent, Khandapara Sub-jail and a clarificatory letter from the Secretary to the Government of Orissa in this connection, in their Report presented to the House on September 11, 1978, reported *inter alia* as follows:

- (i) "The Committee... found that the Government of Orissa have added a new clause as clause 28-A to the Orissa Security Prisoners (Conditions of Detention) Order, 1971, which specially provides the manner in which letters of a member of the State Legislature or Parliament addressed to Speaker or Chairman of the House should be dealt with and that all communications addressed by the Speaker, Chairman or the Secretary to the Lok Sabha or Rajya Sabha or the Speaker or the Secretary of the State Legislature to a member of either House of Parliament or State Legislature under detention shall be delivered to the detenu un-opened..."
- (ii) "...The Committee laid much stress on the word 'shall' which is a mandatory direction and no option can be exercised contrary to that. We feel that the correct interpretation is that the right to receive the letters from the Orissa Legislative Assembly by the detenu member cannot be curtailed by detention or punishment under the aforesaid Order. Even if there was scope for confusion on the part of the officer for proper interpretation, the Committee feel that the said confusion would have been removed, if the Ex-Superintendent had sought for instructions from his higher authorities for clarification. It would have put him under safe position, but he has not done so."
- (iii) "With regard to the second plea of the Ex-Superintendent, the Committee are of the opinion that in the absence of any clear provision that the Assistant Jailer or any other person who might be directly incharge of handing over the letters addressed to the detenu M.L.As., the Jail Superintendent whether part time or full time, cannot take the plea that his duty was over as soon as he passes on the letters to his subordinates for delivery. The Committee, therefore, was constrained to hold that Dr. S. B. Acharya, Ex-Superintendent of Khandapara Sub-Jail is responsible for the non-delivery of the letters addressed to the detenu members by the Assembly Secretariat. It was his ultimate responsibility to see that the letters pass on to the concerned detenu member in time. Hence, the said officer has committed breach of privilege of the member concerned."
- (iv) "The general dictum in awarding punishment for any lapse on the part of any officer in the due discharge of his duties is that due regards shall be given to the intention of the person who is charged against. The explanation of the Ex-Superintendent that he handed over the letters to the Assistant Jailer for passing them on to the detenu member was in the opinion of the Committee not improbable and as such the intention could not be held to be *malafide*. Again the Ex-Superintendent, Khandapara Sub-Jail has submitted that it was not his intention to do any thing which could even remotely cause any sense of dishonour to

- the Legislature or the Hon'ble member. He has also stated that if the Committee considered that there has been any breach of privilege in withholding the communications of the Hon'ble member to and from the Assembly Secretariat, it was entirely unintentional and he has offered his unqualified and sincere apology to the House as well as to the Hon'ble member concerned."
- (v) "The Committee was satisfied that the intention of the Ex-Superintendent, Khandapara Sub-Jail could not be called *mala-fide* and therefore the Committee do not consider it necessary to recommend any punishment. The Committee, therefore, recommend that his unconditional and sincere apology be accepted and the proceedings be finally dropped."
- (vi) "A general reference was also made to the Committee to examine the relevant order under the MISA and to suggest any improvement or modification, if necessary, to avoid the scope for future confusion and lapses."
- (vii) "The Committee examined the order and were of the opinion that the rules in respect of delivering the letters to the detenu M.L.As. are clear and do not need any change. But to avoid any possible confusion and delay at any quarter the Committee feel that the order under the MISA be further clarified. Under clause 28A(c) it has been provided that letters shall be delivered unopened. The Committee feel that the order should be modified to read that the letters shall be immediately delivered unopened and an acknowledgement in receipt thereof be obtained from the concerned detenu member'."
- (viii) "However, the question of modifying the order may not be necessary in view of the fact that the MISA has been repealed in the meantime."

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

WEST BENGAL LEGISLATIVE ASSEMBLY

Statement by a Central Minister in Lok Sabha regarding Centre-State relations.—On February 23, 1978, Shri Nirmal Kumar Basu, a member, sought to raise a question of privilege against the Union Minister of State in the Ministry of Home Affairs (Shri Dhanik Lal Mandal) for making a statement in Lok Sabha on February 22, 1978, regarding Centre-State relations. While raising the matter in the House, Shri Basu stated, *inter alia*, as follows:

"During the question hour in the Lok Sabha yesterday, Shri Dhanik Lal Mandal said that there was no need for discussion about the memorandum submitted by the Government of West Bengal regarding Centre-State relations. The Central Government have decided to the effect that the proposed discussion is not required and there will be no discussion. The Lok Sabha is, certainly, a sovereign House. And the Hon'ble Minister can, certainly place his proposal there. But now we, in this House, are debating on the Governor's

Address and you have also told this. A proposal for a national debate on Centre-State relations advanced by the Government of West Bengal, has been mentioned in the Governor's Address too. The members are placing their opinions and the Central Minister is aware of this. What I want to state is that he is not a member of this House and he is holding a responsible position in the Central Government. So any opinion, expressed by him, may influence the members of this House. And if the members are influenced in this manner, it would certainly amount to contempt of this House A Central Minister is not only opposing the State Government but also encroaching upon the freedom of the members of this House, while they are engaged in a debate on the issue. So I pray for your ruling."²

While disallowing the question of breach of privilege the Speaker (Shri Mansur Habibullah) ruled as follows:

"There is no point of order. He has right to say in his House and you have similar right in your House. You may have ample scope for discussion."

The matter was, thereafter, closed.

HOUSE OF COMMONS (U.K.)

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.—On January 9, 1978, Mr. John Ellis, a member, sought to raise³ a question of privilege against the *Observer*, for publishing an article in its issue of Sunday, the 8th January, 1978, containing detailed information about the recommendations of the Select Committee on Nationalised Industries made in its First Report. While raising the matter, Mr. Ellis stated, *inter alia*, as follows:

"On a point of order, Mr. Speaker, I should like to raise a matter of privilege about which I sought to give you prior notice. It relates to a copy of the *Observer* of Sunday, 8th January. Page 1 carries an article headed:

'MPs to Call for Secret Steel Papers'

There then follows a considerable article on pages 1 and 2. For example, it says on page 2 that

'The Report will recommend'

and there then follow certain items which the Select Committee will bring before the House. This is a Select Committee of the House. It is presenting its first report, which I think is due for

² Original in Bengali.

³ H. C. Deb., January, 9, 1978, cc. 1267-68.

publication on Wednesday. At this time it is not available to hon. Members.

Anyone who has read this article will realise that it contains detailed information about what the recommendations of that Select Committee are likely to be. I would ask for your guidance, Mr. Speaker, on whether you think it is right to refer this matter to the Committee of Privileges. However, there may be difficulties about this, and that is another point which I ask you to consider.

I understand that technically the report of the Select Committee must be laid on the Table so that the House can give its permission for the printing thereof. At that point it is not available to the House because it is in draft form. It becomes available to the House only when it is published. There is, therefore, a technicality in this regard."

The Speaker (Mr. George Thomas) reserved his ruling till the next day.

On January 10, 1978, the Speaker ruled⁴, *inter alia*, as follows:

"As the hon. Member acknowledged, the Report had already been technically presented to the House—in fact, on 15th December last. In these circumstances publication of a report, or part of it, is not a contempt of the House. The situation is described in 'Erskine May', page 663, which also states the practice that when a report has been presented, Members of the House ought to be the first to be informed of its contents.

Although, therefore, I am unable to rule that the hon. Member has raised a matter of privilege which should be given priority over the Orders of the Day, I strongly deprecate the inconvenience caused and the discourtesy shown to the House by any person whether a Member of this House or not, who publishes any part of a Select Committee's Report before it is officially printed and available to hon. Members. That clearly happened in this case.

This situation is made possible as a result of procedures agreed to by the House which I cannot alter. I gladly accept the hon. Member's suggestion that I should draw the attention of the appropriate authorities to the need to consider whether some changes or modifications should be made in those procedures."

The matter, was, thereafter, closed.

Alleged refusal by a Government Department to supply certain information/documents to a Select Committee:—On January 12, 1978, Mr. George Cunningham, a member, during Question Hour, drew⁵ the attention of the Lord President of the Council and Leader of the House of Commons (Mr. Michael Foot) to the publication of the proceedings of the Select Committee

⁴*Ibid.*, January 10, 1978, c. 1441.

⁵*H. C. Deb.*, January 12, 1978, cc. 1858-59

that investigated the Crown Agents in 1973-74 and asked him to state whether he was aware that, when the House saw those documents, it would learn that the Chairman of the Crown Agents refused to supply some information to that Select Committee. He further asked whether it was a happy precedent for Government Departments to refuse information to Select Committees. In reply, the Leader of the House stated, *inter alia*, as follows:

“What the House has decided to do on the question of the Crown Agents is to set up a tribunal to examine the matter afresh. However, if my hon. Friend is implying that any documents that are asked for should automatically be supplied to a Select Committee, I say that that would be a serious departure from the way in which Select Committees have previously operated. It would be extremely injurious to the rights of Back-Bench Members of Parliament. . . . Hon. Members should understand that Select Committees are responsible to the House, and other Back-Bench Members have rights, as well as those who sit on Select Committees.”

A little later, Mr. George Cunningham sought to raise⁶ a question of privilege and stated, *inter alia*, as follows:

“On a point of order, Mr. Speaker. In these many exchanges about the rights of a Select Committee to call for documents you will have heard the Lord President state as his opinion—I presume it can be only his opinion—that it is not a contempt for documents not to be provided, to be refused, when a Select Committee has asked for them.

I think we all understand, Mr. Speaker, that even if it is a contempt to refuse such documents the remedy can lie only with the House under present procedure and not with the Committee itself. But I had always understood that, though the remedy lies with the House and the House does not need to impose any penalty at all, it is a contempt for any person to refuse to comply with a formal order - and I do mean a formal order, not an informal request from a Select Committee. . . .

If this matter is to be looked at by a Select Committee of the House on procedure—and I do not think it is surprising to the House that it is being looked at by a Committee of the House at the moment—the right starting point is to know whether it is, in fact, a contempt for such a refusal to be made. . . .”

Mr. Higgins, another member, while seeking further clarification on the above matter, stated as follows:

“The Lord President is taking it upon himself to interpret a resolution of this House, which says that a Select Committee may send for persons and papers, to mean that it may send for some persons and some papers. I wonder, Mr. Speaker, whether in the

⁶*Ibid.*, cc. 1877-78.

light of what has just been said, you, perhaps be kind enough to take that point into account also and to rule on it."

The Speaker reserved his ruling till the next week.

On January 16, 1978, the Speaker (Mr. George Thomas) ruled⁷ *inter alia*, as follows:

"I have given careful consideration to the matter raised by the hon. Member. It is not for the Speaker to define the limits of contempt nor to say in a particular case whether a contempt has been committed. My predecessors in this Chair were always particularly careful to avoid giving an opinion one way or another on such matters.

It is for the House itself both to pass general resolutions on the matter of contempt and to decide whether in a particular case a contempt has been committed.

The function of the Speaker is strictly defined to decide whether complaints raised as matters of privilege should have precedence over the Orders of the Day. I am quite certain that he should go no further than that. It is, therefore, not for me to express a general view on the matters raised by the hon. Member.

In his point of order, the hon. Member referred correctly to pages 644 and 645 of the current edition of 'Erskine May'. Cases where disobedience to orders of a Committee have been found to be contempt are also cited on pages 139 and 140 of 'Erskine May'. I think, however, it might be helpful if I reminded the hon. Member of the passage on page 647 under the heading.

'Limitations on the power of Select Committees to send for papers.'

This refers back to the powers of the House itself, which are described on pages 255 and 256.

I understand that the Select Committee on Procedure proposes to examine this whole question and that in the circumstances it would be wiser for me to go no further than to draw the hon. Member's attention to those passages. When the Select Committee has advised the House, it will be for the House itself to come to a conclusion.

The hon. Member for Worthing (Mr. Higgins) raised the question whether there was limitation on the persons and papers that may be required by a select Committee. The reply that I have given deals also with his point."

The matter was, therefore, closed.

Alleged false evidence given before a Select Committee:—On January 30, 1978, Mr. Thorne, a member, sought to raise⁸ a question of privilege

⁷H. C. Deb., January 16, 1978, cc. 31-32.

⁸H. C. Deb., January 30, 1978, cc. 36-38.

against Miss Susan Kentish and Michael Litchfield (witnesses) for allegedly giving false evidence before the Select Committee on the Abortion (Amendment) Bill, 1975, in order to mislead the Committee and influence its conclusions. While raising the matter, Mr. Throne stated as follows:—

“I wish, Mr. Speaker, to raise a question of privilege. My question relates to a matter that was the subject of a Select Committee report of about two years ago, but the point that I wish to raise has reached finally only during the past weekend.

A transcript of tapes was submitted to the Select Committee on the Abortion (Amendment) Bill. Reference was made to those tapes by the then Chairman of that Select Committee when questioning two of the witnesses who alleged that the transcript produced to that Select Committee was a relevant transcript of the tapes. On Monday 7th July, 1975—this is in reply to Questions 1274 and 1975 - the statement was made by Susan Kentish, in reply to a question from the Chairman, that the transcripts were a true and accurate record of the tapes.

Subsequently a question was put by the Chairman to Michael Litchfield, to which Mr. Litchfield replied that the transcripts were a faithful account of interviews and tapes recorded.

The tapes are still available, but there is a matter of court privilege. Very recently, Mrs. Diana Munday, of the British Pregnancy Advisory Service, has spent 300 hours transcribing the tapes and comparing them with the transcripts produced to the Select Committee. As you may know, Mr. Speaker, apologies have been made to the British Pregnancy Advisory Service and all the allegations against it have been withdrawn.

The matter has been the subject of reference in a recent report in the *Sunday Times*. A day or so ago the British Broadcasting Corporation recorded an interview between Mrs. Diane Munday and Michael Litchfield. I understand from the BBC that a copy of the transcript is available should you desire to see it, Mr. Speaker.

My point is that the Select Committee was deceived by Miss Susan Kentish and by Michael Litchfield and lies were told to the Select Committee in order to mislead and influence that Committee's conclusions. This is a serious matter. I have referred to 'Erskine May and, in accordance with that textbook, it is possible for me to submit for your consideration, Mr. Speaker, this *prima facie* case of contempt of the House of Commons.”

The Speaker (Mr. George Thomas) reserved his ruling till the next day.

On January 31, 1978 the Speaker ruled⁹ *inter alia*, as follows:—

“I have now had time to consider the hon. Member's statement and the circumstances that led him to raise the matter when he did. It is not my duty to rule upon the merits of complaints of privilege,

⁹*Ibid.*, January 31, 1978., cc. 245-46.

but only to decide whether or not they should have precedence over the other business of the House.

Although I am satisfied that the hon. Member has raised a very serious matter, the facts have been known since at least 18th January, 1978. I have, therefore, no authority to accord priority in this case. . . . This matter was not raised at the time it should have been raised. . . . I am the guardian of the rights of the House and I can perform that duty only if I maintain the Standing Orders."

The matter was, therefore, closed.

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:—On November 9, 1978, the Speaker (Mr. George Thomas) informed¹⁰ the House as follows:—

"I have to inform the House that I have received a letter from the hon. Member for Lewisham, West (Mr. Price) on a question concerning the privileges of this House. In accordance with the procedure for dealing with such matters which was brought into effect on 6th February this year, the hon. Member has made a submission to me in writing which I have duly considered.

The hon. Gentleman informs me that use has been made in the case of *Regina v. Oldbury, Berry and Turnbull*, now proceeding at the Central Criminal Court, of passages in the *Official Report* of our debates and of other proceedings of the House without the prior leave of the House being obtained. In the light of this information, I give precedence over the Orders of the Day tomorrow to a motion relating to the hon. Gentleman's complaint. No debate can arise now."

On November 10, 1978, Mr. Christopher Price, a Member stated¹¹ as follows:—

"I wish to call attention to the production of and reference being made to, *Hansard*, without the leave of the House having been obtained, at the Central Criminal Court in the case of *Regina v. Aubray, Berry and Campbell*, and I beg to move:

That the matter be referred to the Committee of Privileges.

The issue in question concerns the quoting of two passages of *Hansard* at the Old Bailey on 8th November this year. They were columns 1567 and 1568 of *Hansard* for 18th November, 1976 and columns 495 and 499 of *Hansard* for 16th February 1977, and they concern statements made in the House by the Home Secretary giving some of his reasons for the deportation of Agee and Hosensball.

¹⁰H. C. Deb., November 9, 1978, c. 1196.

¹¹Ibid., November 10, 1978, cc. 1356—59.

To my knowledge, the other parliamentary paper about which I make no complaint, has also been mentioned in the case without a petition being presented to the House asking for leave to quote from it. That concerned the evidence of Sir Donald Somerville, the then Attorney-General, to the Privileges Committee in 1938 concerning the then Mr. Duncan Sandys and the Official Secrets Act.

The reason that I have asked leave . . . to move that this matter be sent to the Select Committee is that I believe that we in Parliament should be quite as meticulous as the courts are in maintaining our privileges”

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

“ . . . I believe that the best way for the House to deal with this matter is to accept his motion and to refer the matter to the Committee of Privileges”

The above motion was then adopted by the House.

The Committee of Privileges, in their First Report¹², presented to the House on the 7th December, 1978, stated, *inter alia*, as follows:

(i) “Your Committee have examined the circumstances in which it is alleged that the Official Report of Debates was quoted in the course of the trial of Aubrey, Berry and Campbell at the Central Criminal Court in November, 1978. They are indebted to Mr. Speaker for supplying them with copies of a letter addressed to him by the trial Judge, accompanied by the official shorthand writer’s transcript of the relevant parts of the proceedings. Your Committee fully accept that, on the facts as initially disclosed to Mr. Speaker, this was a proper case for their consideration, and the more so since it has given them an opportunity to examine the rules and practice of the House in this regard. However, from these documents they are satisfied that neither the Judge nor Counsel for the Crown made use of the Official Report in a manner which could affect the privileges of the House.”

(ii) “The practice of the House which prevents reference to the Official Report in Court proceedings except after leave given in response to a petition appears to have developed out of the Resolution of 26th May, 1818 which in terms merely requires the leave of the House to be granted for the attendance of its servants to give evidence in respect of the House’s proceedings. The Resolution continues to provide an essential protection for the House in the matters to which it strictly relates, but Your Committee consider that no purpose is served by its extension to the requirement of leave merely for reference to be made to the Official Report.

¹²H. C. (U.K.) (1978-79), 102.

They believe that the provisions of Article 9 of the Bill of Rights, reinforced by the care taken by the courts and tribunals to exclude evidence which might amount to infringement of parliamentary privilege, amply protect the House's privilege of freedom of speech. Your Committee accordingly recommend the practice of presenting petitions for leave to make reference to the Official Report in Court proceedings be not followed in the future and that such reference be not regarded as a breach of the privileges of the House."

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

PROCEDURAL MATTERS

LOK SABHA

Opposition to introduction of a Bill: On May 18, 1979, when a large number of members, who had given notice, sought to oppose the introduction of the Constitution (Fiftieth Amendment) Bill, 1979, seeking legislative competence for Parliament to legislate on prohibition of the slaughter of cows and calves etc., the Chair allowed only two members each from the major parties and one or two members each from other groups (eleven members in all) to make submissions to oppose the introduction. Shri Madhu Limaye, M.P. was the first to oppose the introduction of the Bill on the grounds of legislative competence of the House. The Minister of Law (Shri Shanti Bhushan), in conclusion replied to the points raised by the members. The motion to introduce the Bill was adopted, after a division, by the House, and the Bill was thereafter introduced.

Discussion on adjournment motion: On May 10, 1979, after the Question Hour, after hearing several members and the Minister of State for Home Affairs (Shri Dhanik Lal Mandal) on the facts sought to be raised through 5 notices of adjournment motions regarding an armed attack on the students of Aligarh Muslim University on May 9, 1979 while they were travelling by train to Delhi to hold a protest rally against the Aligarh Muslim University (Amendment) Bill, the Speaker granted his consent to the adjournment motion on the subject given notice of by Shri G. M. Banatwalla which happened to be the first in point of time of receipt. After leave was granted by the House to the moving of the motion the Speaker declared that the motion would be taken up at 16.00 hrs. on the same day. When some members raised the point as to what would happen to the Private Members' Business scheduled to be taken up at 16.00 hrs. on that day, the Speaker observed that once an adjournment motion was admitted it got precedence over all the business in hand including Private Members' Business.

Discussion on the adjournment motion was taken up at 16.00 hrs. Subsequently, after the Home Minister Shri H. M. Patel had intervened in the debate and the mover, Shri Banatwalla had replied thereto, the former (the Minister of Home Affairs) sought to give some further information giving the Railways' version of the incident. The Speaker did not allow him to do so and observed that if the facts sought to be furnished by the Minister were so important, he could have placed them before the House in the course of his intervention earlier, especially when a member had asked him to give that information. Discussion on the motion continued till about 19.45 hrs. when it was negatived after division.

Presence of the concerned Minister during a discussion:—On May 14, 1979, during the discussion on the motion regarding the 23rd and 24th Reports of the Commissioner for Scheduled Castes and Scheduled Tribes, when objections were raised with regard to the absence of any Minister from the Ministry of Home Affairs, the Deputy Speaker, who was in the Chair, observed that it was wrong that none of the concerned Ministers was present. He directed that the concerned Minister should be present in the House. Meanwhile, stating that the House could not proceed with the discussion till the Minister was present, some members walked out of the House. A few moments later the Deputy Speaker announced that the concerned Minister of State was on his way to the House and the Member on his legs resumed his speech.

On May 15, 1979, during further discussion on the same motion when a point of order was raised that the Minister concerned was not present, the Chairman recalled the observations on the point made by the Deputy Speaker on the previous day and observed that the Minister concerned should remain present during the debate but that he could not compel anybody to be present in the House. Thereafter, while submissions were being made by some Members to adjourn the House till the Minister concerned attended, the Minister of State for Home Affairs came to the House and the discussion was continued.

Text of Calling Attention Notice.—The text of the Calling Attention notice included in the List of Business is generally based on the notice tabled by the Member who secures first priority in the ballot of notices on the admitted subject for selecting five names for inclusion in the List of Business. On May 16, on a point being raised by a Member (Shri Jyotirmoy Bosu) that the text of his Calling Attention Notice was quite distinct, the Speaker ruled that if any of the other four members did not agree with the text of the Calling Attention Notice appearing in the List of Business, he could express his own views while formulating clarificatory questions and need not rigidly adhere to the listed text.

Calling Attention Notice—Conversion into a Short Duration Discussion:—On May 3, after consultation with the Leaders of the Parties the Speaker converted the listed Calling Attention Notice, regarding the reported large-scale violence in New Delhi during a procession of Youth Congress-(I) on May 1, 1979, into a short duration discussion on the same day with a view to provide greater opportunity for presentation of various points of view on the subject. During the discussion, the Speaker called the Members in the following order, viz., (i) the five Members whose names appeared against the calling attention notice in the List of Business; (ii) the two Members who had tabled adjournment motions on the same subject, which were not admitted; and (iii) one Member each from recognised parties/groups. The discussion, which was held from 5 P.M. to 7.39 P.M. concluded with the Home Minister's reply.

Statement by Minister:—On April 26, 1979 when the Minister of Home Affairs, Shri H. M. Patel, rose to make an unscheduled statement on his visit to the State of Jammu and Kashmir, objections were raised by some members that the Minister could not make a statement without its being included in the day's List of Business. The Speaker, thereupon, agreed to postpone the statement which was included in the Revised List of Business for the next day, April 27, 1979 when the Minister made the statement.

On April 30, 1979, however, on a written request to the Speaker, the Minister of Home Affairs, Shri H. M. Patel, was permitted, by interrupting the business in hand, to make a statement at 15.35 hrs. regarding allegations of corruption against the family members of the Prime Minister and former Home Minister, even though the item was not included in the day's List of Business, as a similar statement had been made earlier by the Minister of Home Affairs in Rajya Sabha.

ANDHRA PRADESH LEGISLATIVE ASSEMBLY*

Governor's Address:—On February 7, 1979, when the Governor started delivering his address as per programme, the opposition members started reading some material from papers which they had brought with them. As a result the Governor's address was not audible. In accordance with the past practice, the Secretariat staff of the Legislature circulated printed copies of the Governor's Address both in English and in Telugu to the members as the Governor had started reading the Address. As the Governor felt that he was not being properly heard by the members, he concluded his address after reading some portion thereof. Later, as per rules of the Assembly a copy of the Address was placed on the Table of

*Contributed by the Andhra Pradesh Legislature (Assembly) Secretariat.

the House. Replying to a point of order raised on February 9, 1979, the Speaker observed that under the circumstances prevailing on the 7th February, it was but natural for the Governor to conclude the Address and take the whole of it treated as read as copies thereof had already been circulated to the members at the commencement of his speech. The Speaker held that the Address was deemed to have been delivered by the Governor.

Directions not to publish proceedings of the House—Giving of false information by Minister—Answers to Supplementaries—On June 27, 1979, when the Minister for Co-operation was making a statement in response to a Calling Attention Notice given by Shri B. T. L. N. Chowdary regarding the high-handed behaviour of certain officers of the Agricultural Development Bank, Anantapur (in Aravakur village) on June 16, 1979, he gave certain factual information, as was supplied to him by the concerned Department. The Member contested the statement made by the Minister and in the ensuing heated exchanges, the Minister informed the House that the Member himself was also a defaulter. On submissions being made by some members that damage to the reputation of the concerned member would be caused unless the press was ordered not to publish that part of the proceedings relating to the disclosure about the member being in default, the Speaker directed the Press not to publish the portion of the proceedings about the default of the member. Thereupon the following points of order were raised:

- (i) Whether the Speaker could give direction to the Press for expunging certain portion of proceedings;
- (ii) Whether or not the Minister had given any false information to the House in this matter; and
- (iii) Whether the Minister could give irrelevant and unwarranted answer to the supplementaries or the main question.

Giving his ruling on July 4, 1979, the Speaker pointed out that the Speaker as custodian of the House has the duty to protect the privileges of the members and dignity of the House. He had, therefore, exercised this power under the residuary powers of the Speaker, as provided in rule 345 of the Assembly Rules in directing the Press not to publish the relevant proceedings.

With regard to the second point whether the Minister had given false information to the House, the Speaker held that the Minister had not done so as the facts proved that the dues to the Agricultural Development Bank of Anantapur were paid by the member on June 23, 1979 to the Co-operative Central Bank, Anantapur and somehow, this fact did not reach the Agricultural Development Bank of Anantapur in time, to enable them

to correct the information before June 27, 1979. The information contained in the statement had actually been prepared and furnished to the Minister on June 21, 1979. The Speaker, therefore, ruled that the answer could not be up-to-date but it was not misleading or false.

Lastly, the Speaker ruled that all questions relevant to the main question alone should be put and no irrelevant answer should be given and any tendency contrary to it was not conducive to the dignity, decency and decorum of the House.

GUJARAT LEGISLATIVE ASSEMBLY*

Governor's Address: At the commencement of the Seventh Session of the Fifth Assembly on January 22, 1979, as soon as the Governor occupied his seat to address the House, the Leader of the Opposition got up and started to read a statement. His statement could not however, be heard clearly and at the end of the statement the Members belonging to the Congress (I) Party staged a walk-out from the House. Thereafter the Governor addressed the House. When the House reassembled for its regular business, Shri Ashok Bhatt raised a point of order and requested the Speaker to expunge the statement from the proceedings. The Speaker thereupon ruled that the Governor's Address was not a part of the proceedings of the House and as such the question of expunging the statement of the Leader of the Opposition from the proceedings did not arise.

Derogatory remarks against the Chair: On January 31, 1979, Shri Liladhar Vaghela, while speaking on the Motion of Thanks to the Governor made some allegations against two Ministers. The Deputy Speaker, Shri Manubhai Palkhiwala, who was in the Chair, observed that a member could not make an allegation as he had not given advance intimation in that regard to the Speaker and to the Minister concerned as provided under the Rules. At this stage, another member Shri Karamshi Makwana, addressing the Deputy Speaker uttered the words that 'you are wrongly intervening'. The Deputy Speaker thereafter persuaded Shri Makwana to withdraw these words and to express apology. Shri Makwana instead of withdrawing the words, went outside the House. The Deputy Speaker then suspended Shri Makwana from that day's sitting. The next day, i.e., on February 1, 1979, the Leader of the Opposition, Shri Madhavsinh Solanki, raised the matter regarding the order of the Deputy Speaker suspending the member from the previous day's sitting and requested the Chair to reconsider the penalty imposed upon the member. Shri Makwana also expressed an apology for his behaviour on the previous day and the Deputy Speaker withdrew his order.

*Contributed by the Gujarat Legislative Assembly Secretariat.

Expunction from the Proceedings: On February 5, 1979 Shri Keshubhai Patel, Minister for Irrigation made a statement in the House expressing concern over a statement by the former Prime Minister, Shrimati Indira Gandhi, which had appeared in the Press, with regard to the height of the Narmada Dam proposed to be built at Navagam. Thereafter, there was uproar in the House and no business could be transacted. One member (Shri Nagindas M. Shah) raised a point of order that no statement could be made on the matter merely on the basis of press reports. On the next day, i.e., February 6, 1979, the Speaker ordered expunction of the proceedings of the House pertaining to the statement made by the Minister and the debate that had ensued thereafter.

RAJASTHAN VIDHAN SABHA*

Notices of Amendments to the Rules Committee recommendations: The Rules Committee, under the Chairmanship of the Speaker presented a report to the House containing suggestions for some changes in the Rules of Procedure and Conduct of Business in the Legislative Assembly apparently with the intention that under the democratic system the House should get maximum opportunities to discuss various subjects. But some members gave notices of amendments seeking non-acceptance of these recommendations. It was for the first time in the history of the Rajasthan Legislative Assembly that notices of amendments on the recommendation of the Rules Committee were received. The amendments are under consideration of the Rules Committee.

Extension of term of Finance Committees: Generally, elections to the Financial Committees of the House take place during every Budget Session. A motion for the election to the Financial Committees was moved in the House on March 21, 1979, but the process of election could not be completed despite the extension of time limit four times for the withdrawal of names. Consequent upon the adjournment of the House *sine die*, the Speaker in exercise of his powers under the rules had to extend the term of all the three Financial Committees by six months so that their working was not interrupted.

Bills returned by Governor for re-consideration: A Bill relating to absorption of temporary lectures in the Rajasthan University was passed by the House in the previous session but was returned by the Governor to the House for re-consideration of a particular provision. The Bill was thereupon referred to the Select Committee for consideration and report. The Select Committee, besides suggesting amendment to the relevant provision of the Bill also proposed amendments to certain other provisions on

*Contributed by the Rajasthan Vidhan Sabha Secretariat. Original in Hindi.

the plea that amendments to the provision recommended by the Governor for reconsideration necessitated consequential amendments to one or two other provisions also. A question arose whether the House, after receiving the report of the Select Committee, had the right to reconsider the whole Bill or that its deliberations should remain confined only to that particular part of the Bill which the Governor recommended for reconsideration. The House, while rejecting the objections raised in this connection, accepted the suggestion of the Select Committee and passed the Bill, with the suggested amendments.

Distribution of documents with resolution: On April 4, 1979, when the Minister of Health was moving the Resolution regarding adaptation of the Water (Prevention and Control of Pollution) Amendment Act, 1978 as passed by the Parliament, Shri Parash Ram Maderna and Shri Mathura Das Mathur raised a point of order that the relevant extract of the said Act had not been distributed with the result that the members were deprived of the knowledge of the provisions which were going to be amended. Disallowing the point of order, the Deputy Speaker, who was in the Chair ruled that under article 252 of the Constitution the draft Resolution was to be distributed among the members and it was not obligatory that the relevant extract from the said Act and the Hindi version of the Resolution should be distributed. The Deputy Speaker agreed that it might be made available to the Members on future occasions to facilitate reference.

TAMIL NADU LEGISLATIVE ASSEMBLY*

Raising of points of order: On April 26, 1979 after the Question Hour, a member wanted to raise a point of order. Ruling out the point of order the Chair reminded him of the decision of the Business Advisory Committee, according to which no member could raise a point of order during Zero Hour, *i.e.* immediately after the Question Hour, and before the regular business is entered but only the Leaders of Opposition Parties sitting on the front benches could do so.

DELHI METROPOLITAN COUNCIL*

No-Confidence motion against Chairman: On April 23, 1979, when the House re-assembled after tea break, two separate notices of no-confidence motion against the Chairman, one by members of the ruling party and the other by the Opposition members were given under rule 125 of the Rules of Procedure and Conduct of Business. The notice given by the members of the ruling party was subsequently withdrawn. The other notice was listed on May 8, 1979. Before taking up the motion Shri

*Contributed by the Tamil Nadu Legislative Assembly Department.

†Contributed by the Delhi Metropolitan Council Secretariat.

Shyama Charan Gupta who was in the Chair explained that for seeking leave of the House a minimum of one-fifth of the total membership of the House or 12 members were required in favour of the motion. Since the member in whose name the motion stood listed abstained, the Leader of the Opposition, Shri Dharam Dass Shastri was asked to move the motion. However, as 12 members did not rise in their place, the acting Chairman announced that the leave of the House had not been granted and as such no further date for the discussion of the no-confidence motion could be fixed. The Leader of the Opposition, however, rose on a point of order and tried to explain that the provision of one-fifth related only to the number of members present in the House and not to the actual strength. The acting Chairman announced that in case the Leader of the Opposition had any point to make, he could have done so before moving the motion. Since the motion had been put and the leave not granted, no point of order could be raised at this stage. He accordingly disallowed the point of order raised by the Leader of the Opposition.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS.

(April 1 to June 30, 1979)

DEVELOPMENTS AT THE CENTRE

INDIA

Assent to Constitution (Forty-fourth Amendment Bill): On April 30, President, Shri N. Sanjiva Reddy gave his assent to the Constitution (Forty-fourth Amendment) Bill, 1978¹. By a notification issued by the Central Government on June 19, Sections 2, 4 to 16, 22, 23, 25, to 29, 31 to 42, 44 and 45 of the Act² were brought into force with immediate effect. Among other things, these provisions take away the right to property from the category of fundamental rights and make it a right to be regulated by ordinary law; restore the authority of the Supreme Court in respect of disputes relating to the election of the President and the Vice-President, which had been taken away by the Constitution (Thirty-ninth Amendment) Act; empower the President to refer for reconsideration any advice tendered by the Council of Ministers; restore the original five-year term of the Lok Sabha; restore the original jurisdiction of the Election Commission in respect of decision regarding disqualification of Members of Parliament and of State Legislatures; amend the articles of the Constitution relating to the powers, privileges and immunities of the Houses of Parliament and State Legislatures to omit therefrom referent to the House of Commons and provide that, until define by Parliament by law, the powers, privileges, etc. would be such as were obtaining immediately before the coming into force of the relevant provisions of this Amendment Act; remove the bar to interference*

*The Bill was introduced in Lok Sabha as 'The Constitution (Forty-fifth Amendment) Bill, 1978.

¹*Hindustan Times*, May 1, 1979.

²For full text of the Act, see *Journal of Parliamentary Information*, January—March, 1979, p. 70.

by Courts in electoral matters relating to the Prime Minister and the Speaker; provide several safeguards in the matter of proclamation of Emergency; and restore protection for substantially true reports of the proceedings of Parliament.

Sections 17 to 21 and Section 30 of the Act relating to provisions in the Constitution governing the jurisdiction of the Supreme Court and High Courts were to come into force with effect from August 1, 1979.

Sections 3, 24 and 43 of the Act, effecting amendments in Articles 22, 172 and 371F of the Constitution, were to be given effect to at a later date by a separate notification³.

Constitution of Special Courts: On May 30, the Union Government issued a notification setting up two special courts to be presided over by sitting Judges of the Delhi High Court, for trial of offences committed during the emergency by persons who held high public or political offices in India. On May 31, the Government announced the names of Justice Mohinder Singh Joshi and Justice M. L. Jain to preside over the Special Court No. 1 and Special Court No. 2 respectively⁴.

AROUND THE STATES

ANDHRA PRADESH

Resignation by Ministers: On May 7, the State Chief Minister, Dr. M. Chenna Reddy asked seven members of his Council of Ministers to tender their resignation 'for facilitating the reconstitution of his Ministry.' The Ministers who resigned were: Shri V. Venkatanaryana (Endowments), Shri G. V. Sudhakar Rao (Major Irrigation), Shri M. Manik Rao, (Roads and Buildings), Shri K. B. Narasappa (Small-Scale Industries) all Cabinet Ministers and Shri V. Shri Nageswara Rao (Municipal Administration), Shri S. Venkata Reddy (Mines) and Shri M. S. V. Prasadarao (Marketing), all Ministers of State⁵.

ASSAM

Parliamentary Secretaries: On April 18, two Parliamentary Secretaries viz., Shri Fazlur Rehman and Shri Silvicus were relieved of their offices by the Chief Minister, Shri Golap Borbora⁶.

³*Gazette of India (Extraordinary) Part—II Section 3(i) dated June 19, 1979 and Press Release of the Press Information Bureau, June 19, 1979.*

⁴*Hindustan Times, May 31 & June 1, 1979.*

⁵*Statesman, May 8, 1979.*

⁶*Times of India, April 19, 1979.*

BIHAR

New Ministry: Following his failure to win the vote of confidence at the Janata Legislature Party meeting held on April 19, Shri Karpoori Thakur, Chief Minister tendered the resignation of his Ministry to the acting Governor, Shri K. B. N. Singh. A new 2-member Cabinet headed by Shri Ram Sundar Das was sworn in on April 21.⁷

The Ministry was subsequently expanded in phases, raising its strength to 33—20 Cabinet Ministers and 13 Ministers of State. The final allocation of portfolios was as follows:

Cabinet Ministers:

Shri Ram Sunder Das, Chief Minister: *Education, Revenue, Cabinet Secretariat, Home and Personnel, Police, Information, State Languages and all other portfolios not allocated to any Minister;* Shri Kailashpati Mishra: *Finance and Institutional Finance;* Shri Lalit Oraon: *Forest and Tribal Welfare;* Shri Muneshwar Prasad Singh: *Irrigation & Electricity;* Shri Deo Narain Yadav: *Agriculture;* Shri Tej Narain Yadav: *Animal Husbandry and Fisheries;* Shri Anirudh Prasad: *Public Health Engineering Department;* Shri Mohammad Sayeed: *Tourism and Waqf;* Shri Rana Sheolakhpati Singh: *Law;* Shri S. Ali Haider: *Co-operation;* Shri Mohan Ram: *Welfare (minus Tribal Welfare and Heligious Trust);* Shri Lalmuni Choubey: *Health and Family Welfare;* Shri Basawan Singh: *Industry, Planning and Development;* Shri Samshere Jung Bahadur Singh: *Labour and Employment and Parliamentary Affairs;* Shri Thakur Prasad Singh: *Mines and Geology;* Shri Ram Bilas Singh: *Rural Development;* Shri Shankar Prasad Tekriwal: *Food and Civil Supplies;* Shri Vijoy Kumar Mitra: *PWD;* Shri Shiva Nath Verma: *Excise;* and Shri Thakur Munishvar Nath Singh: *Transport and Jails.*

Ministers of State:

Shri Chhatru Mahto: *Finance;* Shri Kade Manjhi: *Forests;* Shri Satyadeo Narain Arya: *Rural Development;* Shri Siaram Thakur: *Co-operation;* Shri Chandrashekhar Singh: *Higher Education;* Shri Parmeshwar Hembrom: *Electricity;* Shri Basudev Prasad Singh: *Secondary Education;* Shri Ramprit Paswan: *Health and Family Welfare;* Shri Mithilesh Kumar Singh: *Personnel;* Shri Akhlakha Ahmad: *Irrigation;* Shrimati Kaushalya Devi: *PWD;* and Shri Ram Jatan Singh: *Industry.* One Minister of State, Shri Janardan Yadav resigned on June 14.⁸

⁷Indian Express, April 20; and Free Press Journal, April 22, 1979.

⁸Times of India, April 29; Statesman, May 5; Times of India, June 5; and Hindustan Times, June 16, 1979.

HARYANA

Bye-election: In the Bye-election to the Narnaul Assembly Constituency held on April 22, Shri Phusa Ram (Independent) was declared elected on April 23.⁹

Cabinet Changes: On April 19, the State Governor, Shri H. S. Brar, on the advice of the Chief Minister, Shri Devi Lal, dismissed four Ministers *viz.*, Dr. Mangat Sein (Industry), Shri Ram Lal Wadhwa (Local Self government), Smt. Kamala Verma (Health) and Shri Bir Singh (Development), from the Council of Ministers. Two new Ministers—Shri Deep Chand Bhatia and Shri Hukam Singh—were sworn in on May 3, but another four Ministers *viz.*, Shri Bhajan Lal (co-operation) Shri Gajraj Bahadur Nagar (Food), Shri Sher Singh (Excise) and Shri Mehr Singh (Jails), tendered their resignations on June 6.¹⁰

New Ministry: Following the resignation from the Chief Ministership by Shri Devi Lal on June 27, Shri Bhajan Lal was sworn in by the Governor, Shri H. S. Brar as the new Chief Minister of the State on June 28. Seven Ministers were sworn in on June 29 and the allocation of their portfolios was as follows:

Shri Bhajan Lal, Chief Minister: *Home and General Administration and all other Departments not allotted to any other Minister;* Dr. Mangal Sein: *Industries;* Shri Balwant Rai Tayal: *Finance, Excise and Taxation;* Shri Rizak Ram: *Irrigation and Power;* Shri Mehar Singh Raṭhi: *Public Works Department (Border and Roads) and Public Health;* Shri Gajraj Bahadur Nagar: *Food and Supplies, Tourism and Cultural Affairs;* Shri Jagan Nath: *Transport, Medical Education and Welfare of Scheduled Castes and Backward Classes;* Shri Tara Singh: *Agriculture Town and Country Planning.*¹¹

HIMACHAL PRADESH

Resignation by Ministers and appointment of new Ministers: On April 18, three Ministers *viz.*, Shri Devi Singh (Forest), Shri Bachittar Singh (Agriculture) and Km. Shyama Sharma (Minister of State for Food) tendered their resignations from the Council of Ministers, which were accepted by the Governor on April 19. On May 17, the Governor, on the advice of the Chief Minister, Shri Shanta Kumar, appointed 8 new Ministers (3 of them Cabinet rank and 5 Ministers of State) raising the strength of the Ministry to 11, excluding the Chief Parliamentary Secretary and a Parliamentary Secretary.¹²

⁹*Hindustan Times*, April 24, 1979.

¹⁰*Patriot*, April 20 and *Times of India*, May, 4, 1979.

¹¹*Statesman*, June 29 and *Tribune*, June 30, 1979.

¹²*Statesman*, April 4 and May 18; and *Times of India*, April 19, 1979.

New Speaker: Following the resignation of the Speaker, Shri Sarwan Kumar on April 19, Shri T. S. Negi was unanimously elected on May 8 as the new Speaker of the State Assembly.¹³

KARNATAKA

Dismissal of two Ministers: The Governor, Shri Govind Narain, on the advice of the Chief Minister, Shri D. Devaraj Urs, dismissed Shri S. Bangarappa, P. W. D. Minister on June 16, and Shri R. Gundu Rao, Transport Minister on June 17¹⁴.

Formation of new Party: Following his differences with the Congress (I) on June 24, the Chief Minister, Shri Devaraj Urs christened' the State Unit of the Congress (I) owing allegiance to him as 'Karnataka Congress' on June 25, with Shri Siddarama Reddy, M.P. as its President.¹⁵

KERALA

Election of 3 M.P.s to Rajya Sabha: In the biennial elections to Rajya Sabha from Kerala, both the candidates of the Ruling Front—Shri K. C. Sebastain (Kerala Congress) and Shri T. Basheer (Congress) and the Opposition CPI (M)'s candidate Shri K. Chathunni Master were declared elected on April 9.¹⁶

Bye-elections: On May 18, the Marxist-led Opposition Front candidates won all the four seats in the bye-elections to the State Assembly held on May 17, from Tellicherry, Porassala, Thiruvalla and Kasaragod Constituencies. While Shri V. Rajagopal and Shri Satyanesh of the CPI (M) won from the Tellicherry and Parassala Constituencies respectively, the Thiruvalla and Kasargod Constituencies returned Shri P. C. Thomas of the Janata Party and Shri B.M. Abdur Rahman of the All India Muslim League.¹⁷

MADHYA PRADESH

Resignation by Minister: On May 13, Shri Rama Shankar Singh, Minister of State for Planning, tendered his resignation from the Ministry.¹⁸

Bye-election: In the bye-election to Lok Sabha from the Sidhi Parliamentary Constituency held on May 27, Shri Ravi Nandan Singh (Janata) was declared elected on May 29.¹⁹

¹³*Indian Express*, May 9, 1979.

¹⁴*The Hindu*, June 18, 1979.

¹⁵*Indian Express*, June 26 1979.

¹⁶*Statesman*, April 10, 1979.

¹⁷*Hindu*, May 19, 1979.

¹⁸*Tribune*, May 14, 1979.

¹⁹*Statesman*, May 30, 1979.

MAHARASHTRA

Removal of Deputy Speaker: On April 5, the State Assembly expressed no confidence in its deputy Speaker, Shri Gajanan Rao Garud and removed him from office—Shri Garud had not been attending the House for the past several days. Shri Suryakant Jagobaji Dongre, was unanimously elected Deputy Speaker of the Assembly on April 7,²⁰.

MEGHALAYA

Resignation by Deputy Speaker: On May 1, Shri B. G. Momin, Deputy Speaker tendered his resignation to the Speaker, Shri W. Syiemoiing²¹.

Defeat of Government and formation of new Ministry: On May 4, the Ministry headed by Shri D. D. Pugh resigned following defeat by 30 Votes to 29, of a Government Motion seeking the confidence of the 60-members State Assembly. Consequently, a new 13-member Council of Ministers—consisting of 11 Cabinet Ministers and 2 Ministers of State—headed by Shri B. B. Lyngdoh was sworn in by the Governor, Shri L. P. Singh on May 7, ²².

RAJASTHAN

Resignation by Ministers: On May 16 Finance Minister Shri Adityendra and Labour Minister Shri Kedar Nath Sharma resigned from the State Ministry²³.

Resignation by Speaker : On June 21 Shri Laxman Singh, Speaker of the State Assembly tendered his resignation to the Deputy Speaker, Shri Ramachandra Choudhury.²⁴

TAMIL NADU

Bye-elections: In the bye-elections to the Thanjavur and Nagapattinam (S.C.) Lok Sabha Seats held on June 17, Shri Singaravelu of the Congress (I) and Shri K. Murugaiyan of the C. P. I. were declared elected to Lok Sabha²⁵.

²⁰*Times of India*, April 6 and April 8, 1979.

²¹*Times of India*, May 4, 1979.

²²*Indian Express*, May 5 and *Amrit Bazar Patrika*, May 8, 1979.

²³*Times of India*, May 17, 1979.

²⁴*The Hindu*, June 22, 1979.

²⁵*Indian Express*, June 19, 1979.

UTTAR PRADESH

Bye-elections: In the bye-elections to the three Assembly Constituencies of Allahabad (West), Rari (Jaunpur) and Gunnaur (Badaun) held on June, 3, the Congress (I) candidates, Shri Naunihal Singh and Shri Suryanath Upadhayaya won the Allahabad (West and Rari seats respectively, The Gunman Assembly seat was, however, won by Shrimati Premvati of the Janta Party²⁶.

UNION TERRITORIES

GOA, DAMAN AND DIU

Resignation by Minister: On April 20, Shri Shankar Laad, Minister of Law and Labour, tendered his resignation from the Ministry, reducing the Government to a minority²⁷.

Defeat of Government and dissolution of Assembly: On April 23, the Assembly Speaker, Shri Narayan Fugro announced the defeat of the Maharashtra Gomantak Party government headed by Smt. Shasikala Kakodkar on a cut motion on budgetary demand, Smt. Kakodkar later tendered her resignation on April 26.

On April 28, the President, Shri Sanjiva Reddy issued an order dissolving the Assembly and taking over the administration of the Union Territory, pending fresh elections²⁸.

MIZORAM

General Elections: In the General Elections held on April 24 and April 27 to elect 30 members to the Legislative Assembly, Brig. T. Sailo's People's Conference was returned to power with an absolute majority. The final party-position was: People's Conference-18; Mizoram Congress (I)-5; Janta-2; People's Conference (B)-4 and Independent-1. A new 5-member Ministry headed by Brig. T. Sailo was sworn in the Union Territory on May 8,²⁹

New Speaker: On May 25, the Legislative Assembly unanimously elected Dr. Kenneth Chawgkinga of the People's Conference as its new Speaker³⁰.

²⁶Statesman, June 5, 1979.

²⁷Patriot, April 21, 1979.

²⁸Hindustan Times, April 24; Tribune, April 27 and Patriot, April 29, 1979.

²⁹Times of India (Bombay), April 30 and Assam Tribune, May 4 & 8, 1979.

³⁰Statesman, May 26, 1979.

PONDICHERRY

Extension of President's Rule: A Presidential order issued on May 10, extended the President's rule for a further period of six months from May 12³¹.

DEVELOPMENTS BOARD

AFGHANISTAN

New Cabinet: A new 18-member Cabinet, headed by Prime Minister Mr. Hafizullah Amin, was formed on April 13².

AUSTRIA

General Elections: In the national elections held on May 6, the Chancellor, Mr. Burno Kriesky's Socialist government received a mandate for another 4 years when Socialist Party won 96 seats in the 183-member Parliament—a gain of 3 seats and a majority of 9 over the combined Opposition³³.

BANGLADESH

Revocation of Martial Law: Following passage of a Constitution Amendment Bill by Parliament on April 5, the state of Martial Law which was promulgated in 1975 after the assassination of Sheikh Mujibur Rehman, was lifted on April 6 by President Mr. Zia-ur-Rehman³⁴.

New Ministry: A new 42-member Council of Ministers, headed by Prime Minister Shah Azizur Rehman was sworn in on April 15³⁵.

CANADA

Defeat of Ruling Party: The Progressive Conservative Party led by Mr. Joe Clark won a narrow victory in the national elections on May 22, thereby ending the 11-year rule of the Liberal Party government headed by Mr. Pierre Trudeau. The final party position in the 282-seat Parliament was: Conservatives-135; Liberals-115; New Democratic Party-26 and others-6.

Although no party secured an absolute majority in the elections, the Governor-General invited Mr. Joe Clark, leader of the single largest party to form the new Government. Mr. Clark took the oath of office on June 4 and presented his 29-member Cabinet³⁶.

³¹Assam Tribune, May 11, 1979.

³²Times of India, April 2, 1979.

³³Times of India, May 7 and Tribune, May 8, 1979.

³⁴The Weekly Mail, April 7, 1979.

³⁵Statesman, April 17, 1979.

³⁶Statesman, May 24, and Indian Express, June 6, 1979.

CHAD

Interim Government: An "Interim national unity Government", headed by Col. Mohammad Shawwa, a member of the Chad National Liberation Front's (FROLINAT) third army, was announced on April 29³⁷.

DOMINICA

New Prime Minister: Mr. Oliver Seraphine was sworn in on June 21 as the new Prime Minister³⁸.

EGYPT

General Elections and formation of new government: The ruling National Democratic Party of President Anwar Sadat won an overwhelming majority in the country's first general elections since 1952, held on June 7. On June 21, a new 31-member Cabinet led by Prime Minister Mr. Mustafa Khalil was sworn in³⁹.

EL SALVADOR

Imposition of State of Siege: Following the murder of the Education Minister, Mr. Carlos Herrera Rebollo on May 23, President Carlos Humberto Romero imposed on May 26 a 'State of Seige' for 30 days to 'crush protests against the country's military regime'.

The State of Seige (a modified form of Martial Law) empowered the Defence Ministry to make arrests without charge, searches without warrants, restrict movements, clamp curfew, censor Press, open mail and tap telephones⁴⁰.

EQUADOR

New President: Mr. Jaime Roldos Aguilera was elected President on April 29, bringing to an end the 9-year military rule⁴¹.

GHANA

Military Coup: The Government of General Fred W. Akuffo was deposed on June 4 in a military *coup* led by an Air Force Officer. Mr. Jerry Rawlings, who on June 6 named a new nine-member Janta⁴².

³⁷Patriot, May 1, 1979.

³⁸Patriot, June 23, 1979.

³⁹Times of India (Bombay), June 10 and Financial Express, June 23, 1979.

⁴⁰Patriot, May 25, and Hindustan Times, May 24, 1979.

⁴¹ Indian Express, May 1, 1979.

⁴²Times of India, June 6, and The Pioneer, June 7, 1979.

IRAN

Execution of former Prime Minister: Amir Abbas Hoveyda, the Shah of Iran's Prime Minister for 13 years, was executed on April 7, 'after conviction by a military tribunal of being a traitor to the Iranian nation'⁴³.

New Foreign Minister: Following the resignation by the Foreign Minister Dr. Karim Sanjabi from the government on April 16, Dr. Ibrahim Yazdi was appointed the new Foreign Minister of the country on April 24⁴⁴.

LEBANON

Resignation by Prime Minister: On May 16 Prime Minister Mr. Salim Al-Hoss tendered his resignation to President Elias Sarkis⁴⁵.

MALAYSIA

New King and Deputy King: Sultan Ahmad Shah of Pahang State and Tuanku Jaafar, the ruler of Negbi Sembilan State were elected King and Deputy King on April 26 and June 19 respectively⁴⁶.

MAURITANIA

Death of Prime Minister: On May 27 Prime Minister, Lt. Col. Ahmad Ould Bouceif was killed in an air-crash⁴⁷.

New Head of State: Lt. Col. Mustapha Ould Mohammed Salek resigned as President of the country on June 3 and was succeeded by Lt. Col. Muhammad Mahmood Ould Louly⁴⁸.

NEPAL

New Prime Minister: Following the resignation on May 24 by Prime Minister, Mr. Kirti Nidhi Bista, King Birendra appointed, on May 30, Mr. Surya Bahadur Thapa as the new Prime Minister⁴⁹.

NIGARAGUA

Declaration of Martial Law: On June 6, President Anastasio Somoza placed the country under Martial law for 3 months⁵⁰.

⁴³The Hindu, April 8, 1979.

⁴⁴Statesman, April 25, 1979.

⁴⁵Hindustan Times, May 17, 1979.

⁴⁶Tribune, April 27 and 21, 1979.

⁴⁷Patriot, May 28, 1979.

⁴⁸Tribune, June 5, 1979.

⁴⁹Times of India, May 26 and 31, 1979.

⁵⁰Patriot, June 8, 1979, President Somoza subsequently, tendered his resignation to Congress on July 17 and went in exile to the United States of America shortly thereafter. The Congress, accepting the resignation, named Mr. Francisco Orcuyo Mallano as his interim successor—Statesman (Cal.) July 18, 1979.

PAKISTAN

New Cabinet: As a result of withdrawal of support by the Pakistan National Alliance (PNA) to the government of President General Zia-ul-Haque on April 15, General Zia appointed a 20-member Cabinet comprising military men and civilians⁵¹.

PORTUGAL

Resignation by Prime Minister: On June 6, Prime Minister Mr. Carlos Alberto Mota Pinto tendered his government's resignation to President Ramalho Eanes.⁵²

SOUTH AFRICA

Resignation by President: On June 4, Prime Minister Mr. Peter Botha announced in the Parliament the resignation of Mr. John Vorster as President of the country. On June 19 Mr. Marais Viljoen, Speaker of the Upper House of Parliament was elected and sworn in as the new Head of State⁵³.

THAILAND

General Elections and formation of new government: In the General elections held on April 22 for the 301-member House of Representatives, the Social Action Party (S.A.P.) of the former Prime Minister, Mr. Kukrit Pramoj, won 82 seats, followed by 63 seats won by Independents. No Party secured a majority.

On May 24, a new 44-member Cabinet (which included 15 senior officers from the Thai armed forces and 20 Ministers from General Kriangsak's previous government) was formed by Prime Minister General Kriangsak Chomanan⁵⁴.

UGANDA

End of Military rule: On April 11 Tanzanian-supported Ugandan rebel forces seized Kampala, the capital of the country and announced the end of President Idi Amin's 8-year military rule. Exiled leader Mr. Yusuf Lule was sworn in on April 13 as the Head of the provisional government⁵⁵.

⁵¹*Times of India*, April 22, 1979.

⁵²*Patriot*, June 7, 1979.

⁵³*Statesman*, June 5 and *Hindustan Times*, June 21, 1979.

⁵⁴*Tribune*, April 4 and *Times of India*, May 26, 1979.

⁵⁵*Tribune*, April 12 and *Hindu*, April 14, 1979.

New President: Mr. Godfrey Binaisa, former Attorney-General was nominated new President of the country on June 20 to replace Mr. Yusuf Lule, who resigned⁶⁶.

UNITED KINGDOM

General Elections and new Government: In the general elections held on May 3 for the 635-member House of Commons, the Conservative Party secured an absolute majority winning 339 seats. The final results were: Conservative Party-339; Labour Party-268; Liberal Party-11; Scottish National Party-2; Welsh Nationalist Party-2 and others-13 (including 12 Ulster MPs and the Speaker).

On May 4, Queen Elizabeth invited Conservative Party Leader Mrs. Margaret Thatcher to form the new government. Mrs. Thatcher, who became the Western World's first women Prime Minister named her 22-member Council of Ministers on May 5 and appointed another 40 Junior Ministers on May 7⁶⁷.

U.S.S.R.

Re-election of President and Prime Minister: On April 18, Mr. Leonid I. Brezhnev and Mr. Alexi Kosygin were re-elected unanimously as President and Prime Minister of the country respectively⁶⁸.

Senior Vice-President: On April 5 Senior Vice Premier Mr. Vitali Varotnikov was "relieved" of his post.

WEST GERMANY

New President: Mr. Kal Carstens, President of the lower House of Parliament (Rundestag), was elected on May 23, as the new President of the Federal Republic of Germany, succeeding President Walter Sheel⁶⁹.

ZIMBABWE (RHODESIA)

New Constitution: The new Constitution of the country, published on January 2, 1979, *inter alia* provided for a 100-member House of Assembly, in which 28 seats would be reserved for Whites for a period of 10 years, and for a 30-member Senate in which 10 seats would be held by Whites and 20 by Blacks, of whom 10 would be tribal chiefs. The

⁶⁶Hindustan Times, June 21, 1979.

⁶⁷Financial Times and Tribune, May 5, Statesman (Calcutta), May 6, and Patriot, May 9, 1979.

⁶⁸Indian Express, April 19, 1979.

⁶⁹Hindustan Times, April 6, 1979.

⁶⁰Statesman, May 24, and German News, May 24, 1979.

Constitution also provided for the retention of White leadership in the military, police, judiciary and civil services. Entrenched sections of the Constitution could be changed only with the affirmative votes of 72 members of the House of Assembly, while amendments to non-entrenched provisions would require the affirmative vote of two thirds of the Assembly Membership. The country would be known by the new name of Zimbabwe.⁶¹

General Elections: In the general elections held on April 17, the United African National Council of Bishop Muzorewa won 51 of the 72 African seats. All the 28 seats reserved for the Whites went to Ian Smith's Rhodesian Front. On May 29 Bishop Abel Muzorewa was sworn in as the first Black Prime Minister of the country.⁶²

A CORRECTION

In the Journal of Parliamentary Information (Vol XXV, No. 2) April-June, 1979, in the feature, 'Parliamentary and Constitutional Developments' at page 246, in place of the existing entry under ANDHRA PRADESH, the entry should read as follows:

"Resignation by Minister: Shri G. Ramaswamy, Minister for Fisheries tendered his resignation from the Council of Ministers on 22nd March, 1979 and the same was accepted by the Governor on the recommendation of the Chief Minister. The Panchayat Raj Minister, Shri M. Baga Reddy and the Parliamentary Secretary, Shri K. E. Krishnamurthy submitted their resignations from the Ministry on 14th March, 1979 and the Chief Minister informed the Press that he had received the resignation letter and that he had yet to consider it.

Bye-elections: In the bye-elections to the two Parliamentary constituencies of Secunderabad and Siddipet (SC) and the two Assembly Constituencies of Nidumoli (SC) and Sattupalli, held on January 7, the Congress (I) candidates were declared elected from the two Parliamentary Constituencies and the Sattupalli Assembly Constituency. The Nidumoli Assembly Constituency however returned a CPI (M) candidate".

At page 247, after Himachal Pradesh the following entries should be inserted:

"KARNATAKA

Expansion of Ministry: The State Ministry was expanded on January 10 by the addition of two new Ministries of Cabinet rank and one

⁶¹Kessing's *Contemporary Archives*, April 27, 1979.

⁶²Kessing's *Contemporary Archives*, April 27, 1979; *Indian Express*, May 29 and *Tribune*, May 31, 1979.

Minister of State. Besides, a Minister of State was elevated to Cabinet rank. The allocation of portfolios was as follows:

Cabinet Ministers:

Shri D. B. Chandra Gowda: *Minor Irrigation*; Shri K.B. Shivaiah: *Horticulture and Sericulture*; and Shri Veershetty Kushnoor: *Cooperation*.

Minister of State:

Shri N. Basavaiyah: *Major and Medium Irrigation, attached to the Chief Minister and Muzrai* (independent) charge.

Shri Devendra Ghalappa, Minister for Animal Husbandry and Dairy Development tendered his resignation from the Council of Ministers on January 19".

SESSIONAL REVIEW

LOK SABHA

SEVENTH SESSION

The Seventh Session of Sixth Lok Sabha which had commenced on February 20, 1979 terminated on May 18, 1979. A brief review of some of the important discussions and other business transacted during the period from April 1 to May 18, 1979 is given below.*

A. DISCUSSIONS

Power supply situation in Greater Calcutta: Making a statement on April 4, 1979 in response to a Calling Attention Notice by Shri Samar Guha, the Minister of Energy, Shri P. Ramachandran informed the House that the power supply situation in greater Calcutta and different parts of the state of West Bengal was showing signs of improvement after a spell of sudden deterioration towards the end of March, owing to the load shedding to the extent of 230 MW. The peak load and energy requirements of West Bengal were about 950 MW and 16 million units per day respectively. But the system was not able to meet the same as a large number of units were on forced outages and enough power was not being generated from other stations.

The Minister added that improvement in the power situation in West Bengal lay in (i) better operations and maintenance of the existing power stations, (ii) early completion of the on-going projects at Kolaghat, Bandel, Durgapur and Santaldih; and (iii) improvement in the coordinated operation of the system within the State and within the region. The State Government was fully alive to all the problems and all possible measures were

*For Sessional Review of Lok Sabha covering the period February 20, to March 31, 1979, see J.P.I., Vol. XXV, No. 2, April-June, 1979, P: 256.

being taken by the Chief Minister of West Bengal to improve the situation and ensure better power supply. The Central Government on its part, would spare no efforts to give whatever assistance was needed in this regard. It would not stand in the way of sanctioning additional projects, if necessary.

This matter was raised again on April 12, 1979 through a Calling Attention Notice by Shri Saradish Roy. In his statement, the Minister of Energy, Shri P. Ramachandran reiterated that out of over 1300 MW of installed capacity, 575 MW was out of reach with a number of plants having simultaneously gone on "forced outage". He said that while the centre would extend its help and cooperation in resolving any technical problems, it was only the State Government and the State Electricity Board, which could identify major problems be they organisational, technical or operational, affecting the power sector and take remedial action before further damage was done.

Answering further questions, the Minister stated that no power station had been closed or power generation affected for want of coal. He did not agree that failure of power was responsible for loss in industrial production. It might be due to various other factors such as lack of supply of raw materials, transport problems etc., he added.

Ban on Cow slaughter: On March 2, 1979, Dr. Ramji Singh moved the following Resolution:

"This House directs the Government to ensure total ban on the slaughter of cows of all ages and calves in consonance with the Directive Principles laid down in article 48 of the Constitution as interpreted by the Supreme Court as well as necessitated by strong economic considerations based on the recommendations of the Cattle Preservation and Development Committee and the reported fast by Acharya Vinobha Bhave from April 21, 1979".

Commending the Resolution, Dr. Ramji Singh said that ban on cow slaughter was very important for agriculture and the economy. Further, article 48 of the Constitution laid stress on preserving and improving the breeds and prohibiting the slaughter of cows etc. The Supreme Court had also expressed the opinion that a ban on cow slaughter could be imposed.

Participating in the resumed discussion on March 16, 1979, Shri Samar Mukherjee did not favour a ban on cow slaughter as it would be against secularism, national integration and was also not justified from the economic point of view. In his view, the cow could indeed be saved by winning over the hearts of Muslims in such a way that they voluntarily undertook the responsibility out of deference to the feelings of the Hindu Community.

Shri M. N. Govindan Nair pleaded that religious feelings of a section of the population could not be the basis for banning cow slaughter. The Resolution, he added, ran counter to the guidelines laid down by Gandhiji on the question.

Intervening in the discussion on April 12, 1979 the Minister of Agriculture and Irrigation, Shri Surjit Singh Barnala said that the Government was bound by the provisions in article 48 of the Constitution and also by the findings of the Supreme Court.

After Dr. Ramji Singh replied to the discussion the Resolution was adopted.

Indefinite fast by Shri Vinoba Bhave: This matter was raised again in the House by Dr. Ramji Singh on April 24, 1979 through a Calling Attention Notice. Making a statement in response thereto, the Minister of Home Affairs, Shri H. M. Patel deeply regretted that Acharya Vinoba Bhave had commenced his fast for a ban on cow slaughter. He said that all efforts were made to persuade the Acharya not to undertake such a fast and to give more time to bring about adequate changes in the position obtaining in West Bengal and Kerala. He had agreed to reconsider his decision to undertake such a fast, if the Governments of West Bengal and Kerala accepted the principles in the judgment of the Supreme Court in question. At the instance of the Prime Minister, the two Chief Ministers had met the Acharya on April 18, and explained their point of view. But those efforts had been of no avail. He, however, sincerely believed that the Governments of West Bengal and Kerala would take note of the Acharya's feelings as well as the feelings of large sections of people of the country on the subject.

On April 26, 1979, the Prime Minister informed the House that the latest reports indicated that the Acharya's condition's was fast becoming unsatisfactory. He said that the Government had decided to bring forward a Constitution Amendment Bill to suitably transfer the entry regarding preservation, protection and improvement of stock from the State List to the Concurrent List during the current session and subsequently introduce the necessary legislation for the purpose.*

Lockout in National Herald Group of Publications: Making a statement on April 16, 1979 in response to a Calling Attention Notice by Shri Harikesh Bahadur, the Minister of Parliamentary Affairs and Labour, Shri Ravindra Verma informed the House that the employees of *National Herald* Delhi resorted to tool down strike from March 10, 1979 to press their demands for payment of wages in time and re-instatement of the suspended workers. As no settlement could be reached at the conciliation meetings held under the auspices of the Delhi Administration, the Management declared a lockout from March 15, 1979 on account of financial

*Please see P. 386 supra.

difficulties, alleged indiscipline and sabotage by the employees. The lock out in the Lucknow units of the National Herald Group from March 6, 1979 was preceded by "lay off" for about 15 days during January, 1979. Legal action had been initiated by the respective authorities for payment of wages to the staff.

In reply to a question, the Minister said that according to the inspection reports, the management was guilty of serious infringement of the provisions of Company Law and the matter had been referred to the Central Board of Investigation for detailed inquiry. He further said that section 408 of the Companies Act empowered the Government to appoint government directors on the board, if it felt that such a step was in public interest as well as for the benefit of the undertaking. He assured the House that if the investigations already ordered revealed that the situation could not be salvaged without appointment of government directors, Government would certainly do so.

Rise in Prices of essential commodities: Making a statement on April 17, 1979 in response to a Calling Attention Notice by Shri Chitta Basu, the Deputy Prime Minister and Minister of Finance, Shri Charan Singh stated that the impact of budget levies constituted only 1 per cent of the total increase of 3.2 per cent in the price level since the last week of February, 1979. He said that even though the price increase in the case of a few commodities appeared to be appreciable the overall price stability had not so far been endangered. On the other hand, it had been substantially maintained in the face of the significant increase in money supply during the last two years. He urged upon the manufacturers who were taking advantage of the temporary shortages and were pushing up the prices, to desist from anti-social behaviour and warned that anti-social elements should be under no illusion that the Government would remain a helpless spectator while they continued making undue profits at the expense of the spectator man. The Government on its part, was strengthening the public distribution system from July, 1979 to cater to the common man's most pressing needs in a way that would result in minimum hardship.

Situation in Jamshedpur: In a statement on April 18, 1979, the Minister of Home Affairs, Shri H. M. Patel stated that the magnitude of the disturbances in Jamshedpur the number of persons killed and injured and the property that had been destroyed particularly on April 11 and 12 had left a trail of bitterness which could be removed only by sustained efforts on the part of all concerned over a period of time. He said that the efforts of voluntary organisations in looking after those in distress were indeed commendable. The Chief Minister of Bihar had already announced his decision to appoint a three-member Tribunal presided over by a High Court Judge to enquire into the matter. He added that while he would

not rule out the possibility of errors of judgment in dealing with an undoubtedly difficult situation, the single-mindedness of purpose which the local authorities and army authorities had displayed throughout was a matter of appreciation.

Initiating the discussion on the statement, Smt. Mohsina Kidwai said that incidents in Jamshedpur were a challenge to those who believed in secularism. She urged the Government to take timely action to restore confidence among the minorities lest the situation became explosive.

The Leader of the Opposition, Shri C. M. Stephen blamed the Central Government for the happenings in Jamshedpur and pointed out that a sense of insecurity prevailed among the Muslims, the Christians, and the Scheduled Castes and Scheduled Tribes.

Replying to the discussion, the Minister of Home Affairs, Shri H. M. Patel pointed out that maintenance of law and order was the direct responsibility of the State Government and that they were doing their best to discharge it. The Central Government, was, of course, duty-bound to assist the State Government and for that purpose, he had himself gone to Jamshedpur twice. A Committee presided over by a High Court Judge was being established by the State Government to go into the whole matter. The Government would ensure that the enquiry was completed and its report produced within a very short period of time and its recommendations were given effect to.

Commission of Inquiry on Large Industrial Houses: In a statement made on April 18, 1979, the Minister of Industry, Shri George Fernandes said that the Commission of Inquiry on Large Industrial Houses (Sarkar Commission) under the Chairmanship of Shri A. K. Sarkar, former Chief Justice of the Supreme Court had been appointed by the Government in February, 1970 and its report was to be submitted to Government within a year. As the Commission could not complete its enquiry, its tenure had been extended by the Government year after year. A total expenditure of Rs. 1,64,00,946 had been incurred on the Commission from 1970-71 to 1978-79 and the current years expenditure on the Commission was estimated at Rs. 21 lakhs. The vast contributory factor for delay in the Commission's work had been a large number of writ petitions which had been filed in the High Courts of Calcutta, Punjab and Haryana.

In the light of these facts the Commission was consulted whether it could give any time limit within which it could give its final report. The Commission had informed the Government that it would not be possible to complete its work even by 1981. It was reluctant even to agree to submit an interim report within six months on the work which had already been done by it. In the meantime, Justice Sarkar also submitted his resignation to the Prime Minister, which was accepted by the Government and the Commission was wound up from April 18, 1979.

The Minister added that the Government's policy towards large Houses, had been fully explained in a statement on Industrial Policy laid before Parliament on December 23, 1977. The Government would regulate the activities of the Large Houses to bring them in line with the country's socio-economic goals and would also ensure that no unit or business group acquired a dominant or monopolistic position in the market. The present industrial activities of the Large Houses would also be scrutinised so that unfair practices arising out of manufacturing inter-linkages were also avoided.

Prime Minister's Visit to Bangladesh: The Prime Minister, Shri Morarji Desai accompanied by the Minister of External Affairs, Shri Atal Bihari Vajpayee visited the People's Republic of Bangladesh from April 16 to 18, 1979. In a statement on April 19, 1979, the Prime Minister informed the House that the President of Bangladesh had assured him that there would be no question of giving any assistance by his Government to the Mizo National Front. Both the countries agreed to set up a local machinery to ensure that both sides made adequate arrangements to deal with any trouble-some elements which might create border problems.

The Prime Minister further said that while the process for a final solution to the river water problems by the Joint River Commission would continue, it had been agreed that an attempt should be made to secure optimum utilisation of the waters not only of Ganga but also of other waters available in common to both the countries. A machinery set up by the Joint River Commission to resolve problems of local nature would also take steps to reach an agreement on sharing of waters of the River Teesta and undertake further studies of the problems arising out of the great basin of the Ganga-Brahmaputra-Barak.

It was found that while trade had been expanding between the two countries, it was resulting in a growing imbalance. Both sides felt that while increasing the overall trade, efforts must be made to reduce the imbalance. India had agreed to take a series of steps to provide greater access for Bangladesh commodities in the Indian markets. The existing machinery for discussion on trade matters was being strengthened and would meet whenever required. It was also recognised that certain facilities such as transport and telecommunications between the two countries should be considerably improved to facilitate trade. Necessary steps would therefore be taken to build up the infra-structure on this side of the Indian border.

It was agreed that collaboration between the two countries could be forged in the development of machine-tools, agro-based rural industries, mini-textiles, agricultural implements bio-gas projects and other small scale

industries and India could extend her helping hand to the Bangladesh Government for securing economic development of that country.

Massive arms build-up across the Indian border: Making a statement on April 20, 1979 in response to a Calling Attention Notice by Shri P. Rajagopal Naidu, the Deputy Prime Minister and Minister of Defence, Shri Jagjivan Ram denied any unusual concentration or movement of forces across the Indian borders in the recent past. Nor were there any reports to indicate any development to that effect which could be considered unusual or particularly disturbing. He assured the House that the Armed Forces were fully vigilant on the borders and maintained absolute preparedness at all times. Modernisation was also being done in all the three wings of the defence forces to enable them to face any enemy successfully. He ruled out any change in the country's policy towards nuclear weapons out of fear.

Foreign money for election in Indian: On May 7, 1979, Shri Kanwar Lal Gupta raised a discussion regarding alleged payment of foreign money for elections in India by the American Government as disclosed by Mr. Moynihan in his book "*A Dangerous Place*". Shri Gupta asked the Government to make scientific study of the whole matter and expose the *modus operandi* and the extent of the flow of foreign money into India. The Government should bring forward a legislation to disenfranchise any one who took foreign money and the attempt of the U. S. Government to interfere in other countries' politics should also be condemned.

Participating in the discussion, the Leader of the Opposition, Shri C. M. Stephen said that the whole charge of Moynihan crashed to the ground as Shrimati Indira Gandhi, who was alleged to have received the money, was not the President of the Congress at the time of elections in Kerala.

Shri Samar Mukherjee said that one good aspect in the revelation made by Moynihan was that it would increase vigilance on the part of the whole country.

Shri M. N. Govindan Nair wanted that C.I.A. should not be allowed to have links with India's security arrangements.

Replying the discussion, the Minister of Home Affairs, Shri H. M. Patel agreed that it was most desirable that the flow foreign money into the country should be brought under control. He assured the House that the matter would be studied in detail by the experts in the Ministry of Home Affairs although it was not going to be a simple exercise. He however, ruled out any further probe into the matter as nobody would be able to give all the information. The Government had made enquiries with the U. S. Embassy in Delhi and the State Department in Washington and both of them had said "we have no comments to offer". The Home

Minister conceded that “when a person like Mr. Moynihan had gone on record then there must be something in it. It might not be the whole truth”. The money, he added, was said to have been given for fighting elections, which were extremely costly and various methods were adopted for raising funds. Legislative and other actions already taken by the Government to regulate the flow of money had been of no avail. Electoral reforms were one of the most important subjects which had to be considered, he said.

Reports of the Commissioner for Scheduled Castes and Scheduled Tribes: On May 9, 1979, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal moved a motion seeking to consider the Twenty-third and Twenty-fourth Reports of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1974-75, 1975-76 and 1976-77.*

Initiating the discussion, Shri Kusuma Krushna Murthy asked the Government to set up Special Courts to deal with the atrocities on Harijans, and to give adequate representation to Scheduled Castes and Scheduled Tribes in police in the categories of constables and sub-inspectors. He also demanded that the provision relating to reservation of jobs should be extended to the private sector also.

Replying to the discussion which continued for five days and in which as many as 49 members participated, the Minister, Shri Dhanik Lal Mandal, said on May 16, that the Government had recognised that disabilities imposed by the practice of untouchability, of which the Scheduled Castes were the victims, were largely connected with their weak economic status. The new thrust of the Government policies was, therefore, economic development of these people and as a first step, the Government had identified a number of instruments which could help in securing this objective. The special step was to set up a mechanism by which the benefit of the economic development programme in all the plans could be made to flow in due proportion to the Scheduled Castes. Another important instrument was the establishment development corporations for the Scheduled Castes in some States. The State Governments of Bihar, Madhya Pradesh and Himachal Pradesh had set up such corporations in recent months in addition to ten other States which had set them up earlier. Besides, the Special Central Assistance for the Scheduled Tribes and its need for the Scheduled Castes was under consideration of the Government. A decision had already been taken to include land reforms legislation in the Ninth Schedule of the Constitution. The Scheduled Castes and Scheduled Tribes were among the priority categories for distribution of surplus lands

*The reports were laid on the Table of the House on March 1, 1978 and May 9, 1978 respectively.

under the land ceiling laws in different States. The Ministry of Agriculture had written to the State Governments to take effective and quick decisions to evict the trespassers and to restore the land to us allottees, *i.e.* Scheduled Castes and Scheduled Tribes to award deterrent punishment to the trespassers, to review the law and procedures in the States and undertake necessary amendments to make the above steps possible with speed.

The Ministry of Labour had also taken up a Centrally sponsored scheme for rehabilitation of the bonded, labour in collaboration with the State Governments. A provision of Rs. 1 crore was made in 1979-80. He added that the Government was determined to put an end to the atrocities on Harijans. A cell in the Home Ministry had started monitoring reports for the State Governments and analysing the trend of atrocities in the different States. A comprehensive action plan for eradication of untouchability was being finalised in consultation with the State Governments and other Central Ministries.

Although there was a backlog in the representation of Scheduled Castes/Scheduled Tribes under the Central Government, a Committee consisting of senior Secretaries had been constituted under the Chairmanship of the Cabinet Secretary to recommend ways and means to fill up the vacancies within a period of three to five years. The question of extension of reservation in Parliament and State Legislatures was also under active consideration of the Government. In his view a separate Ministry for Scheduled Castes/Scheduled Tribes might not be so well positioned as the Ministry of Home Affairs, to deal with these problems.

B. LEGISLATIVE BUSINESS

*Finance Bill 1979**: Moving a motion for consideration of the Bill on April 24, 1979, the Deputy Prime Minister and Minister of Finance. Shri Charan Singh said that in deference to the representations received from members, general public, Chambers of Commerce and other professional bodies, it was proposed to reduce duty on various items including household laundry soap, toilet soap, power processed white fabrics, glass vials and ampules involving a further sacrifice of revenue to the tune of Rs. 16.29 crores in a full year. He also announced restoration of tax exemption for capital gains arising on transfer of long-term capital assets made after February 28, 1979 subject to investment of the sale proceeds in the Rural Development Bonds. He declined to accept the suggestions for changes in the direct tax proposals as they ran counter to the basic social and economic objectives underlying the budget proposals or would cause serious erosion of resources.

*The Finance Bill, 1979 was introduced in Lok Sabha on February 28, 1979.

Shri Charan Singh said that adjustments in prices of petroleum products became inescapable as a result of the rise in the international prices of crude. The postponement in price increases would result in weakening the urge for economy in the use of petroleum products and rendering the process of adjustment of life styles and economic policies to the imperatives of the new energy situation more painful. He ruled out any further relief of excise duty on matches produced in the mechanised sector as it would be inconsistent with the objective of using the fiscal mechanism as an instrument for promoting labour intensive methods of production. Initiating the discussion, Shri P. Venkatasubbaiah asked the Government to spell out proposals to solve the unemployment problem, to implement the Garland Canal project and to take concrete steps to correct the regional imbalances.

Replying to a three-day discussion in which as many as 36 members participated, the Minister of State in the Ministry of Finance, Shri Satish Agarwal said on April 26, 1979 that it was not possible to drastically prune the bulk of the burden fell on those sections of the community which were interest charges and subsidies. However, the mounting government expenditure had been recognised as a serious problem which needed to be investigated thoroughly. It was proposed to appoint a Commission to look into the matter. He said that resources had to be raised for meeting expenditure on irrigation, agricultural development, village and small scale industries which would benefit the weaker sections of the society. To minimise the amount of deficit financing, care had been taken to see that the bulk of the burden fell on those sections of the community which were relatively better off. The Government had announced concessions amounting to over Rs. 30 crores and all of these had been designated to help the urban middle class, namely the Government employees etc. The Minister said that the Budget proposals contributed only a small part to the increase in prices and the larger part was due to the seasonal factors, increases in international prices of commodities like non-ferrous metals, petroleum and edible oils and increase in the price of certain controlled commodities like steel and rubber announced by government after the Budget.

Dealing with the suggestion of Indianising the multinationals, the Minister informed the House that 90 per cent of them (about 885 companies) had already been brought under the purview of Foreign Exchange Regulation Act during the last two years.

Disagreeing with the plea of raising the tax exemption limit from Rs. 10,000, he pointed out that in relation to the prevailing *per capita*

income, the exemption limit for income-tax in India was already relatively very high and raising it further would cause serious erosion of resources.

The Bill, as amended, was thereafter passed.

Aligarh Muslim University (Amendment) Bill: Moving that the Bill* be taken into consideration, the Minister of Education and Social Welfare and Culture, Dr. Pratap Chandra Chunder on April 30, 1979, observed that the proposed legislation was meant to undo the wrongs that had been done to the Muslims of India, in connection with the Aligarh Muslim University. The Bill sought to restore the autonomy of the University empowering it to make statutes. The Government had accepted a large number of suggestions by the Minorities Commission and those were being given effect to in the form of official amendments.

Participating in the resumed discussion on May 2, Shri M. N. Govindan Nair called for a provision in the Bill regarding representation for the teaching staff and non-teaching staff as well as the students in the University bodies. He wanted the Government to make a categorical statement that it respected the rights of the religious minorities guaranteed by the Constitution in the matter of running their educational institutions.

Shri G. M. Banatwalla pointed out that the Bill did not ensure to the University the protection under article 30 of the Constitution as a minority institution and demanded that the University be given a minority character.

Replying to the discussion lasting for three days, the Minister of Education, on May 3, reiterated that the Government through this Bill had tried to undo the mischief which had been done to the University by the Acts of 1965 and 1972 and it was intended to give back democratic character to the institution. While various amendments to the Bill had emerged after discussion with the Minorities Commission, it was, however, not possible to accept their view about the definition of the Aligarh Muslim University for it directly went against the decision of the Supreme Court and involved the question of Fundamental Rights. Besides, once it was declared a minority institution, Parliament would have no powers to deal with administrative matters.

The Bill, as amended, was then passed.

*The Bill was introduced on May 12, 1978 by the Minister of Education and Social Welfare and Culture.

*Haryana and Uttar Pradesh (Alteration of Boundary) Bill**: Moving the motion for consideration of the Bill on April 27, 1979, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal said that the Bill sought to make an adjustment in the boundaries between the States of Uttar Pradesh and Haryana in pursuance of the Award given by Shri Uma Shankar Dikshit in February 1975. As required by the proviso to article 3 of the Constitution, the Legislatures of both the States had adopted resolutions in support of the alteration of boundaries as contemplated in the Bill. A provision had also been made in the Bill to the effect that the existing laws would continue to operate in the transferred territories.

Replying to the discussion on April 30, the Minister reiterated that the Bill was limited to the river boundary between Haryana and U.P. based on the arbitration award which had been accepted by the two governments. So the question of reorganisation of States and the bigger States being reorganised into smaller States did not arise. As regards the Mahajan Commission Report, the Government would come forward with the necessary legislation as and when the report was accepted or any agreement mutually agreed upon by the Chief Ministers of Maharashtra and Karnataka was known.

Thereafter the Bill, as amended, was passed.

The Special Courts Bill, 1979: Moving that the amendments made by Rajya Sabha in the Bill be taken into consideration, the Minister of Home Affairs, Shri H. M. Patel said on May 3, 1979 that Rajya Sabha had passed the Bill with amendments to the Preamble and three other clauses of the Bill. The effect of the amendments would be that the scope of the Bill would not be confined to offences committed during the period of emergency but would cover offences committed by the category of persons mentioned in the Bill even if committed outside that period. Further, the sitting Judge of the High Court presiding over the Special Court would be nominated by the Chief Justice of the High Court within the local limits of whose jurisdiction the Special Court was situated. A sub-clause providing for a period of limitation, viz., thirty days within which an appeal could be preferred to the Supreme Court had been inserted by Rajya Sabha.

Replying to the discussion on May 8, 1979, Shri Patel said that the amendments made by the Rajya Sabha were in line with the opinion expressed by the Supreme Court.

The Bill was passed with the amendments made by Rajya Sabha on May 8, 1979.

*The Bill was introduced in Lok Sabha on May 15, 1978

Constitution (Forty-Sixth Amendment) Bill: On May 16, 1979, moving that the Bill* be taken into consideration, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal said that the Bill sought to give a constitutional status and backing to the two Commissions—the Minorities Commission and the Commission for Scheduled Castes and Scheduled Tribes set up by executive orders in 1978. Certain amendments to the Bill made in the light of discussion by the Prime Minister with the Chairman of the two Commissions were also being introduced for consideration and passing along with the Bill. These amendments provided that the Commissions could take up investigation of such safeguards as were envisaged under any Central or State law and that they would be competent to evaluate the working of such safeguards. The Commissions were also being further empowered to examine specific complaints and present reports as and when they deemed fit.

The discussion continued for two days in which 19 members participated. Replying to the debate on May 17, 1979, Shri Mandal observed that while the Minorities Commission was a permanent one, the Bill contained provisions fixing the tenure of its Chairman and other members.

The motion was thereafter put to vote and the result was subject to corrections—Ayes 205, Noes 7. The motion was, therefore, declared not carried by the required majority in accordance with Rule 157 of the Rules of Procedure and in accordance with the provisions of the Constitution.

C. THE QUESTION HOUR

During the Seventh Session of the Sixth Lok Sabha, 38718 notices of questions (31,477 Starred, 6662 Unstarred and 579 Short Notice Questions) were received. Out of these, 1194 Starred, 11472 Unstarred and 4 Short Notice Questions were admitted. After the Lists of Questions were printed, 23 Starred and 255 Unstarred Questions were transferred from one Ministry to another.

Daily Average of Questions: Each of the Lists of Starred Questions contained 20 questions except those of February 26, March 13, 15, 19, 20, 21, 26, 27, 29 and 30, April 3, 12, 18, 23, 24, 30 and May 4, 8, 9, 10, 14, 16, 17 and 18, which contained 21 questions each. The Lists of March 23, 28, April 4, 9, 11 and 25, contained 22 questions each. On an average, 7 questions were orally answered on the Floor of the House per sitting. The maximum number of questions answered orally was 11 on April 23, 1979 and the minimum number of questions orally

*The Bill was introduced in Lok Sabha on August, 13, 1978.

answered was 4 on March 8, and May 17, 1979. The average of questions in the Unstarred Lists came to 197 as against the prescribed limit of 200 questions.

Half-An-Hour Discussions: In all, 254 notices of Half-an-Hour Discussions were received during the session. Out of these, only 10 could find place in the ballots and all of them were discussed in the House.

RAJYA SABHA

HUNDRED AND NINTH SESSION

The Rajya Sabha met for its hundred and ninth Session on April 24, 1979 and adjourned *sine die* on May 23, 1979. Some of the important items of business transacted during the Session are briefly mentioned below:

A. DISCUSSIONS

Disturbances in Jamshedpur: On April 24, 1979, Shrimati Hamida Habibullah called the attention of the Minister of Home Affairs to the situation arising out of the recent disturbances in Jamshedpur resulting in loss of life and property.

Making a statement on the subject, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal said that during his recent visit to Jamshedpur he was relieved to find that the situation was being brought under control and that no efforts were being spared to maintain peace. Difficult problems of rehabilitation, restoration of goodwill and creation of a sense of security, however, still remained. The exemplary part played by several voluntary organisations in providing relief to the people affected by these incidents constituted a silver lining to the situation.

Giving the detailed background of the unfortunate incidents the Minister stated that, according to the available information, the total number of persons killed was 117 and those injured 333. 68 cases of arson had been registered by the Police involving 372 houses and shops. Till April 17, 1215 persons had been arrested. There had been no untoward incident in Jamshedpur after April 16, 1979, and the situation there was completely under control. The efforts of voluntary organisations in particular those set up by TISCO, TELCO and Gujarat Sanatan Samaj in looking after those in distress had indeed been commendable. Ramkrishna Mission, Bharat Seva Ashram Sangh, Sarvodya Shanti Seva and Mother Teresa were also active in this humanitarian work. Arrangements were being made to provide material to those whose houses had been partially destroyed.

Shri Mandal said that while he would not rule out the possibility of errors of judgment in dealing with an undoubtedly difficult situation, he would also like to express his appreciation of the single-mindedness of purpose which the local authorities had displayed throughout. He would also like to express his appreciation of the army authorities whose response was throughout prompt, effective and untiring setting an example to others.

Later, replying to the discussion, the Minister of Home Affairs, Shri H. M. Patel said that it had been decided to set up a judicial enquiry, which would go into all aspects of this question. Whatever the recommendations of that committee would be, the Government would go into them and see that they were fully respected. While he warned the members against putting too much trust and faith in whatever was reported in the Press, he assured them that he would see that everything possible was done in carrying out the extensive rehabilitation programme and that those who had suffered were helped.

Rise in Prices of Essential Commodities: On May 2, 1979, Shri Dinesh Goswami called the attention of the Minister of Commerce, Civil Supplies and Cooperation to the recent abnormal rise in the prices of essential commodities causing hardship to the common man and the steps taken by Government to check it. The Minister of State in the Ministry of Commerce, Civil Supplies and Cooperation, Shri Krishna Kumar Goyal said that the Government shared the concern of the members on the subject. But the seasonality factor caused the increase in the prices of fruits and vegetables, milk and milk products and the prices in the international market, particularly in respect of commodities, such as crude oil, petroleum products, edible oils and non-ferrous metals, which were required to be imported, had gone up. In addition, a duty had been imposed on imported edible oils. There were, however, a number of essential commodities and items of mass consumption whose prices had remained more or less stable. The rising trend in the retail prices of sugar was causing concern. The Ministry of Agriculture was reviewing the position and taking appropriate action in the matter. The situation was being continuously reviewed in consultation with the concerned Ministries/Departments of the Central Government and State Governments to take appropriate measures to check the rise in the prices of some essential commodities required by the common man. The Government would not hesitate to take action against anti-social elements if trade and industry did not behave properly.

Clashes between Police and Youth Congress (I) Demonstrators in New Delhi: On May 3, 1979, Shri Shiva Chandra Jha called the attention of the Minister of Home Affairs to the clashes between the Police and the demonstrators led by Youth Congress(I) in New Delhi, on May

1, 1979, causing injury to a large number of persons and damage to property.

Making a statement on the subject, the Minister of Home Affairs, Shri H. M. Patel said that a procession was taken out by the Delhi Pradesh Youth Congress (I) on May 1, 1979 to protest against the Special Courts Bill. About 1500 persons in a procession reached the Minto Bridge area at about 1.10 p.m. When the procession entered the Connaught Place outer circle area, some of the processionists sought forcible closure of some shops in the Municipal Market in Connaught Circus. In the melee, one shop was damaged. The Police intervened effectively and the procession proceeded towards Janpath. On reaching Janpath, the processionists again sought the closure of shops and indulged in violence against those who refused to do so. Some shops were damaged and some of the shopkeepers were beaten up with lathis.

Replying to the points raised by the members, Shri Patel said that as regards the question why the police did not arrange for the procession to proceed along another path, it was understood that this was the route which was normally permitted to those who wished to proceed to the Boat Club and hold their meetings there. He would look into the question if there were any police excesses. Whatever information and reports he had received from the concerned authorities had been presented before Parliament. He would have no hesitation in having a judicial inquiry into the matter and if police excesses were established in the inquiry the Government would certainly take action against the police and the Minister would himself express regret at that time.

Arms Buildup by Pakistan: On April 26, 1979, Shri N. K. P. Salve called the attention of the Minister of Defence to the reported build-up of arms by Pakistan and the development of nuclear weapons by it thus posing a threat to the security of India. Making a statement on the subject, the Minister of State in the Ministry of Defence, Professor Sher Singh said that Government had noted with special concern recent reports of Pakistan's efforts to develop nuclear capability. It was earnestly hoped that Pakistan would adhere to the assurance given by President Zia in his letter to the Prime Minister that Pakistan's entire nuclear programme was geared to peaceful uses of atomic energy and that it had no intention of acquiring or developing nuclear weaponry. He dispelled the impression that there had been any particular concentration and movement of forces across our borders in recent weeks and months.

Replying to the points made by the members, the Deputy Prime Minister and Minister of Defence, Shri Jagjivan Ram said that the Government did not go only by the assurances of the President of Pakistan. China had acquired nuclear capability long ago and India's relationship

with that country had not been very amicable. Even in the face of that development, the Government did not think it wise or necessary to manufacture nuclear weapons. Therefore, even in the face of Pakistan trying to acquire nuclear capability, there was no cause for changing the country's well-considered and rational policy. So far as taking of precautions by the Defence forces against nuclear weapons was concerned, the needful was being done and necessary arrangement existed for that purpose.

Discussion on the International Situation: On May 16, 1979, initiating a discussion on the international situation, Shri Bipinpal, Das said that throughout the history of international relations, the basic question before mankind had been war or peace. Even after the end of the Second World War with the horrified experience of Hiroshima and Nagasaki, world peace had continued to be threatened by four major and basic factors, namely, imperialism and colonialism, the concept of sphere of influence, the post-war emergence of two power blocs based on multilateral Military alliances and alarming economic disparity between the developed one-third and the developing two-thirds of the humanity. Shri Das was happy that CENTO had been dismantled. But the two major military alliances armed with the most destructive weapons still existed and humanity could not naturally have any sense of peace and security. Apart from these, military bases on foreign soil and in international waters like the one in Diego Garcia continued to be strengthened and expended.

Replying to the discussion, the Minister of External Affairs, Shri Atal Bihari Vajpayee said that during the last two years, nothing had been done to deviate from the policy of non-alignment. Some of the major powers had gone through the process of agonising reversals and readjustments in their approach to external relations. In contrast, India's policy, while flexible enough to adjust to the changing world situation was marked by a continuity, serving the national interests. As a non-aligned nation, as a littoral country, India was playing a part in making the Indian Ocean a zone of peace. There were tensions in parts of Africa and Asia. But due to India's policy of good-neighbourliness, the Indian region was comparatively tension-free. India observed restraint when China decided to manufacture atomic weapons and every effort was being made to dissuade Pakistan from joining this disastrous race.

Incidents in Aligarh: Initiating a discussion on May 16, 1979, on the incidents in Aligarh resulting in the closure of the Aligarh Muslim University, Shri Bhupesh Gupta said that during the last one year 200 communal incidents had taken place according to the Home Ministry, and seven of them had been major riots. He demanded that the Aligarh Muslim University should be reopened immediately, compensation should be paid to the victims of the incidents, the armed police should be withdrawn at once, inquiries should be held not only into the Dadri incident

But also into the Aligarh incident of May 10-11 and a full Parliamentary delegation should visit the town and present a report.

Replying to the discussion, the Minister of State in the Ministry of Home Affairs, Shri S. D. Patil said that an administrative inquiry about the incident at Dadri had already been ordered. So far as the district authorities were concerned if power was used to trample upon the autonomy of the University, it would be looked into.

Allegations of Corruption Against the Family Members of the Prime Minister and the Deputy Prime Minister and Minister of Finance: On May 22, 1979, Shri Dinesh Goswami observed that the House had on August 10, 1978 passed a resolution that the entire matter of the charges of corruption against the family members of the Prime Minister and of the Deputy Prime Minister and Finance Minister, be referred to a Committee of the House. Unfortunately, the Government had taken shelter under the argument that this type of resolution was only recommendatory in nature and not mandatory and it had decided not to abide by the collective wisdom of the House. Thereafter, on August 24, 1978, the Prime Minister by making a statement that if any members were prepared to take the responsibility in writing he was prepared to send those allegations to the Chief Justice of the Supreme Court for an inquiry, had slighted the wisdom of the members of the House. When the members made an allegation, they made it with a certain amount of responsibility. Parliamentary institutions functioned because it was assumed that whatever was said by the members of the House was said with a sense of responsibility.

Intervening in the discussion, the Minister of Law, Justice and Company Affairs, Shri Shanti Bhushan said that the discretionary power given to the Government by the Commission of Inquiry Act presupposed that the Government would apply its mind to all the connected facts of the case, the entire context and all the circumstances, and consider whether it would be a proper exercise of discretion to appoint a Commission of Inquiry when an allegation was made by somebody, even if it was a written allegation. Normally, the Government had to see that if there was *prima facie* some material to lend credibility to the charge, then it might be a fit case for the appointment of a Commission of Inquiry.

Replying to the discussion, the Minister of Home Affairs, Shri H. M. Patel said that there was nothing surreptitious about the two statements made by him in the House. The Chairman or the Speaker of the concerned House has been informed before the statements were made. There might be disagreement on whether the Government had acted rightly or wrongly, but if the Government was interested in finding out whether there was any justification for the appointment of a Commission of Inquiry in respect of the allegations that had been made, then this procedure would

certainly ensure that that would be done. He informed the House that the Chief Justice had recommended only one name and that name had been accepted by the Government.

Working of the Ministry of Energy: On May 8, 1979, initiating the discussion on the subject, Shri Bipinpal Das said that the Ministry of Energy dealt with two subjects, namely, coal and power. There was no progress at all so far as production of coal was concerned as compared to the last year. Also, there was a fall in despatches. On the other hand, stocks at every pit-head had gone up. About power, the figures were conflicting. The announcement by the Minister on April 28, 1979, that additional power to the extent of 40,000 MW. would be produced in ten years was a very tall promise. He suggested that power could be had from hot springs, tidal waves, wind, etc. and all these sources should be exploited. The Ministry of Energy should take steps to find out the possibility of making use of the principle of Ocean Thermal Energy conversion, as it was a 24-hour a day source of energy. West Bengal was facing the worst type of power crisis. With a drastic power cut, the industrial activity had been practically paralysed. More reliance on hydel power was not desirable because of its dependence on monsoons. Coal supply had become highly irregular and undependable. The high ash content also was creating a serious problem in some thermal plants. So, a permanent solution lay in utilisation of the optimum capacity. The State electricity boards must be thoroughly revamped and reorganised.

Intervening in the discussion, the Minister of State in the Ministry of Energy, Shri Janeshwar Mishra said that the problems which the country was facing were due to the contract system and were the heritage of the past. The Government had set up a very powerful vigilance department to investigate the corruption cases in this Industry.

Replying to the discussion, the Minister of Energy, Shri P. Ramachandran said that when India achieved freedom, the installed power capacity was only 2000 MW and when the Janata Government came to power, it was about 24,000 MW. In the course of the last two years, the capacity had improved to 29000 MW and in the next four years the Government wanted to add another 15000 MW to the existing capacity thereby raising the total installed capacity to 44,000 MW in the country. In West Bengal the installed capacity was 1,350 MW but the State was generating only 600 or 700 MW. A number of schemes had also been sanctioned for that State but the work on those schemes had not progressed. In spite of these things, the Centre was trying to help them by getting power from various neighbouring States. With regard to coal the Government had got enough schemes to produce it and in spite of the natural hurdles, it was possible to produce a little more than what was done in the last year.

Working of the Ministry of Steel and Mines: On May 9, 1979, initiating the discussion on the working of the Ministry of Steel and Mines, Shri Pranab Mukherjee said that the total production in the integrated steel plants in 1976-77 was of the order of 6.92 million tonnes. In 1978-79 a production of 7.68 million tonnes of saleable steel was envisaged. But according to the annual report of the Ministry, the production of steel was 6.56 million tonnes. The factors for the shortfall in production were not unknown to the Ministry or the experts. The Ministry should prepare a long-term perspective plan and see that sufficient quantities of steel were produced.

Replying to the discussion, the Minister of Steel and Mines, Shri Biju Patnaik said that there were demands for setting up new steel plants but the first phase alone of a 3 million tonnes steel plant would cost about Rs. 2000 crores. So, the cost had mounted up. As no money had been provided in the Budget for the steel plants, the price of steel had been increased. The Minister hoped that the Visakhapatnam plant would be cleared by the Cabinet before the Prime Minister went to Russia. He also hoped that some day India would be able to help itself and the neighbouring countries as well not only in steel but in other engineering goods also. It was for the first time that Government had decided to take steel to the villages and give it at the same price as at the yard.

The apex bodies of the labour unions must make up their minds on how they proposed to run and administer the production units of the nation. With the multiplicity of labour unions competing with one another, nothing could be achieved.

Working of the Ministry of Labour: On May 14, 1979 initiating the discussion on the working of the Ministry of Labour, Shri N. P. Chengalraya Naidu suggested that there must be only one union for one industry. If this was not done, the industrialists and politicians would benefit but the workers would suffer. The agricultural labour did not have any organisation. In some places, the decision regarding fixation of daily wages was not being implemented. The Minister of Labour must give instructions to the State Governments for their implementation so that those who had no life insurance, no house, and nothing of the sort were benefited.

Intervening in the discussion, the Minister of State in the Ministry of Labour and Parliamentary Affairs, Shri Larang Sai said that the Government had launched a four pronged attack to solve the problems of labour in the unorganised sector. For migrant labour, a law was going to be enacted which would make it obligatory on the contractors employing such labour to pay them minimum wages. The Government was taking all steps to solve the problems of agricultural labour. There might be certain cases where the labourers might not be getting minimum wages. The State

Governments should give their attention to such cases and the Members of Parliament should also extend their cooperation to the Government in this regard. The problem of the unorganised labour was a gigantic one and the union leaders should come forward to organise such labourers and help the Government in improving their lot.

Replying to the discussion, the Minister of Parliamentary Affairs and Labour, Shri Ravindra Varma said that he would give the utmost consideration to all the suggestions and criticisms that had been made by the members in the course of the discussion. The Labour Ministry was not as omnipotent as some members thought it was or wanted it to be. It could not direct other Ministries or even managements, except in terms of a law which was formulated by the two Houses of Parliament to function in one way or the other.

B. LEGISLATIVE BUSINESS

*The Appropriation (No. 3) Bill, 1979**: On April 25, 1979, moving the motion for consideration of the Appropriation Bill, the Minister of State in the Ministry of Finance, Shri Satish Agarwal said that maintenance expenditure of the Fifth Plan schemes completed upto the end of the previous year had been treated as non-Plan expenditure this year. Subject to this, the non-Plan expenditure had been limited to what was strictly necessary keeping in view the need for economy consistent with efficiency. An amount of Rs. 7,108 crores had been provided in the Budget for the Central Plan and for assistance towards the Plans of States and Union Territories and the sub-Plans of Hills and Tribal areas and schemes of North-Eastern Council. The latter accounted for Rs. 2,300 crores. The motion was adopted, the clauses etc., were also adopted and the Bill was returned to Lok Sabha on April 30, 1979.

*The Finance Bill, 1979***: On May 2, 1979 moving the motion for consideration of the Finance Bill, 1979 the Minister of State in the Ministry of Finance, Shri Satish Agarwal said that it was a little over two months since the Finance Bill was placed before the House. During this period, the Government had received many valuable suggestions from the Members of the House, the general public and professional organisations. With a view to lighten the burden on urban and rural class of consumers, the Government had already announced in two instalments, reliefs in excise and custom duties resulting in the sacrifice of revenue of Rs. 47.74 crores in the year. The Government had kept the burden on relatively poorer sections of society as light as possible. If the Government had not been

*The Bill, as passed by the Lok Sabha, was laid on the Table of the House on April 24, 1979.

**The Bill, as passed by the Lok Sabha, was laid on the Table of the House on April 27, 1979.

able to accept some of the suggestions pressing for a large measure of relief, it was because either they were in conflict with the basic social and economic objectives envisaged in the budget or because they would involve serious sacrifice of revenue.

The Minister further stated that the Government was fully aware that levy on petroleum products and kerosene would cause some hardship to both the urban middle class and the rural poor. But faced with the sharp escalation in the prices of crude and petroleum products in the international market it had no other alternative but to take corrective action. As regards proposals relating to direct taxes, a significant change had been made in the Finance Bill as originally proposed in regard to the scheme of taxation on capital gains. The motion was adopted and the Bill was returned to Lok Sabha on May 7, 1979.

C. OBITUARY REFERENCES

The Chairman made references to the passing away of Shri Bal Krishna Kaul, Shri Shankar Pratap Singh and Dr. M. D. D. Gilder, ex-Members. The House stood in silence for one minute as a mark of respect to the memory of the deceased.

STATE LEGISLATURES

ANDHRA PRADESH LEGISLATIVE ASSEMBLY*

✓ *No-Confidence Motion*: A no-confidence motion against the Council of Ministers was moved by opposition parties on March 15, 1979 and the discussion on the motion continued on March 16 also. After the Chief Minister replied to the discussion, the motion was put to vote and declared lost.

ASSAM LEGISLATIVE ASSEMBLY**

Nationalisation of companies: A resolution proposing that the Union Government may be requested by the State Government for nationalisation of the tea, coal and oil industries of Assam was discussed by the Assembly on February 27, 1979 and April 7, 1979 and was adopted on the latter date.

GUJARAT LEGISLATIVE ASSEMBLY***

Leader of Opposition: During the seventh Session of the Fifth Assembly the House passed a Bill giving statutory recognition to the Leader of

*Contributed by the Andhra Pradesh Legislative Secretariat.

**Contributed by the Assam Legislative Assembly Secretariat.

***Contributed by the Gujarat Legislative Assembly Secretariat.

the Opposition and giving him the rank of a Cabinet Minister. A provision has been made to give him rent free bungalow, a car, and secretariat staff for assistance.

Bill on prevention of social disabilities:—On March 29, 1979, Shri Gordhanbhai S. Patel moved his Bill on the subject of prevention of social disabilities. Replying to the debate on the Bill, the Minister concerned explained the difficulties in enacting the legislation and requested the member to withdraw his Bill. Shri Gordhanbhai Patel while exercising his right of reply withdrew the Bill but removed his cap from his head and vowed not to wear a cap until a legislation was passed by the House on the subject of prevention of social disabilities.

KARNATAKA LEGISLATIVE ASSEMBLY*

Termination of suspension of Members:—On February 2, 1979, the Assembly adopted a motion moved by the Chief Minister terminating the suspension of certain members on January 23, 24, 29 and 30 and February 2, 1979.@

NAGALAND LEGISLATIVE ASSEMBLY**

Inclusion of English in Eighth Schedule:—On March 23, 1979, the Assembly discussed and adopted a Private Members' Resolution seeking inclusion of English as a Regional Language in the Eighth Schedule of the Constitution.

PUNJAB VIDHAN SABHA***

Chinese Aggression against Vietnam:—On March 1, 1979 the Vidhan Sabha adopted the following resolutions:—

“This House strongly condemns the Chinese aggression against Vietnam and appreciates the stand taken by the Union Government in expressing its solidarity and sympathy with the people of Vietnam who are heroically defending their Independence. It demands total and immediate withdrawal of Chinese forces from the soil of Vietnam.

Further, this House hopes that the Government of India will continue to make efforts to get the Chinese forces withdrawn from Vietnam so that peaceful negotiations to resolve any differences become possible.”

*Contributed by the Karnataka Legislature Secretariat.

@See J.P.I., April-June, 1979, p. 278.

**Contributed by the Nagaland Legislative Assembly Secretariat.

***Contributed by the Punjab Vidhan Sabha Secretariat.

Wakf Board of Punjab:—On March 1, 1979 the House passed the following resolution:—

“Whereas on the reorganisation of the Punjab State on 1st November, 1966 the Punjab Wakf Board situated at Ambala Cantt. became an Inter-State Board;

WHEREAS the income from the Wakf properties situated in the Punjab State is the highest (over 66 per cent) as compared to that derived from such properties in the states of Haryana and Himachal and the Union Territory of Chandigarh but the major portion of the income of the inter-State Board is being spent in the areas outside the Punjab State;

Now, therefore, this House recommends to the Government to approach the Government of India immediately with the request that Legislation be enacted forthwith providing for the setting up of a separate Wakf Board for the Punjab State.”

Deletion of names:—On April 26, 1979, the Vidhan Sabha passed a resolution recommending to the Government to take steps for deletion of the names of the erstwhile Maharajas and Rajas prefixed with the Government institutions in the State.

RAJASTHAN VIDHAN SABHA*

Water (Prevention and Control of Pollution) Act:—On April 4, 1979, the Vidhan Sabha adopted a resolution moved by the Minister of Health that the Water (Prevention and Control of Pollution) Amendment Act, 1978 as passed by the Parliament may be adopted for application to Rajasthan.

TAMIL NADU LEGISLATIVE ASSEMBLY**

✓ *No-confidence motion*:—On February 19, 1979, Shri S. J. Sadiq Pasha, with the leave of the House, moved that “this House expresses its want of confidence in the Council of Ministers headed by Hon. Chief Minister Thiru M. G. Ramachandran.” Sixteen Members including the Hon. Chief Minister took part in this discussions and the motion was put to voice vote and declared lost on February 26, 1979. However, Thiru S. J. Sadiq Pasha pressed for a division and the House divided as follows: Ayes: 64; Noes: 128. The motion was therefore declared lost.

*Contributed by the Rajasthan Vidhan Sabha Secretariat. Original in Hindi.

**Contributed by the Tamil Nadu Legislative Assembly Department.

ARUNACHAL PRADESNH LEGISLATIVE ASSEMBLY**

The Industrial Relations Bill:—On February 16, 1979, the Assembly adopted *nem con.* the following motion moved by Shri Deba Prasad Sarkar:

“WHEREAS the Industrial Relations Bill, 1978, as introduced in the Lok Sabha, seeks to curb the trade union movement and deprive the working people of most of their Trade Union rights earned through a long struggle;

THEREFORE, this Assembly urges upon the Central Government to withdraw the Industrial Relations Bill, 1978, in the interest of the working people of India.”

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY**

Members' salaries and facilities:—On March 27, 1979, the Assembly discussed and adopted a Private Members' resolution seeking enhancement of the salary of the Members of the Assembly from Rs. 350 to Rs. 1000 and Daily Allowance from Rs. 30 to Rs. 50.

On March 31, 1979, the Assembly discussed and passed another Private Members' resolution asking the Government to take steps to provide separate vehicle for each MLA.

On March 31, 1979, the Assembly also discussed and adopted a Private Members' resolution that the Government should take immediate steps to shift the Legislative Assembly and its office to the permanent capital site and that a complete set up of a full-fledged Assembly be provided there at the earliest possible time.

*Contributed by the West Bengal Legislative Assembly Secretariat.

**Contributed by Arunachal Pradesh Legislative Assembly Secretariat.

BOOK REVIEW

PARLIAMENT AND PUBLIC SPENDING: THE EXPENDITURE COMMITTEE OF
THE HOUSE OF COMMONS 1970—76 By Ann Robinson Heinemann,
London, 1978

"Parliament and Public Spending" by Ann Robinson, lecturer in the University College, Cardiff is a critical study of the functioning of the Expenditure Committee of the British Parliament from 1970 to 1976. With the financial support of the Social Science Research Council, the author has gathered a wealth of material from the Reports of the Expenditure Committee, Debates in the House of Commons, interviews with Members of Parliament, civil servants and specialist advisers. The specialist advisers who assist the Sub-Committees of the Expenditure Committee are drawn generally from the Universities and sometimes from the business administration.

In Chapter I dealing with factors determining the pattern of public spending, the author draws attention to the vast growth of public spending which by 1976 took up some 60 per cent of the national resources. The Government is the largest single employer in the country and its activities extend to almost every sphere of life. Economists and social scientists ascribe the growth of public spending, to the transformation of the Government from a mere peace-keeping State to a welfare State. Historians argue that every war increases the volume of expenditure and that it is not possible for any subsequent Government to bring it down. Social and political pressure groups exert considerable influence on our public spending and the demand for greater and greater expenditure on social welfare services grows unabated. Thus where the Government spends more than half of the national output, there is need for Parliament to concern itself with "value for money".

In the next Chapter on the Instruments of Parliamentary control of public spending, the author points out the inadequacy of the Parliamentary questions as an instrument either to curb or otherwise control public spending. In the debates on the voting of supplies corresponding to our Demands for Grants, Parliament seldom exercises overall scrutiny of the Administration. On the other hand, the members generally utilize the occasion to press for greater expenditure on some of their pet schemes. Another instrument of Parliamentary control, namely, the Public Accounts Committee which examines the Audit Reports only raps on the knuckles after the event but it cannot put the clock back. Several attempts were made to provide greater Parliamentary control over public spending during the Sixties in the United Kingdom. One suggestion put forward in the Sixties that White Papers on public expenditure should be presented annually to Parliament and examined by a Select Committee on Expenditure, did not find favour with the Government which feared that such Committees might assume the Powers of Congressional Committees in the United States. Nevertheless Members of Parliament persisted in their efforts to improve Parliamentary control over expenditure and debated this question in the Procedure Committee of the British Parliament. During these debates, two distinct points of view arose—one, termed “minimalists” said that Government should govern and Parliament should legitimise the Government’s acts. According to these people, Parliamentary interference with the administration is incompatible with the Cabinet form of Government and that the Parliament should concern itself only with the discussion of the broad policies through legislation. As against this, there was a view of the “maximalists” who wanted that Parliamentary powers should extend to a detailed investigation of all Government activities and that Parliament should be provided with necessary information for investigation and probe. In between the two extreme views came the moderate opinion that Parliament should function as a lay critic of the executive and should not presume to be an expert counter to the executive trying to run the country. It was in this background that on the recommendation of the Procedure Committee of the House of Commons, the Expenditure Committee was formally established in 1970 in substitution of the Estimates Committee.

The book contains a detailed account of the working of the Expenditure Committee. The British Expenditure Committee consists of a General Sub-Committee and five Functional Sub-Committees each of 8 members making a total of 48 members. A chairman is put in overall charge of the whole Committee. While the Public Accounts Committee is chaired by a prominent opposition member, the Expenditure Committee’s Chairman’s is drawn from the Government side. The Sub-Committees deal with—

- (1) Defence and foreign affairs,
- (2) Trade and Industry,

- (3) Environment and Home Office,
- (4) Employment and social services.
- (5) Education and arts, and
- (6) General.

The author points out that members of these Committees except trade and industry generally have no expertise and they function as lay critics of the executive and that their inability to draw out relevant information from the Departments and services has been one of the weaknesses of the Expenditure Committee. An analysis of the attendance of the members at the meetings of the Sub-Committees shows that Trade and Industry Sub-Committee and Defence and External Affairs Sub-Committee enjoyed consistently high attendance while Home Affairs, Education and Arts have experienced much lower levels.

Regarding the topics discussed by each of these Committees, it is stated that when the Expenditure Committee was first established it was hoped that the work of the Sub-Committees would be co-ordinated and integrated into a programme of the study of the annual expenditure White Papers. but in practice these Sub-Committees picked up a number of unconnected topics for study and submitted reports thereon. "Only rarely have their studies pertained to overall levels of spending, to spending on particular functions or to the decision making process". After the issue of the Expenditure Committee Reports, Government are expected to make their observations within reasonable time. The author has tabulated the delays in the production of observations which show that the delays ranged from 6 months to 12 months, and in some cases to even 22 or 32 months. The Expenditure Committee has sometimes adversely commented on the delay on the part of the Government but it has no powers to compel the executive to produce their observations.

An examination of the impacts of the Expenditure Committee in terms of immediate Government's response to its recommendations inevitably leads to the conclusion that it had an extremely limited effect. During the seven years the Committee heard 2000 witnesses and produced 80 reports but only a handful of their recommendations have been implemented. One of the expectations of the Expenditure Committee was that it would influence Government through the medium of debates on the floor of the House by providing materials and information. A careful study of the debates on the Expenditure Committee Reports reveals that the expectation was hardly realised. Sometimes these debates have taken place several months and even a year after the Report thus minimising its utility. The author therefore reaches the conclusion that the Expenditure Committee has no powers over expenditure and that "if however, it were given some

actual powers of decision making over public spending as are the Budget Committees of the U.S. Congress such analytical and financial material would immediately become a much greater object of public attention."

The author finds that though the Expenditure Committee had done a great deal of work, it had failed to fulfil many of the expectations held out for it. It has not revived Parliament's traditional powers over the purse nor changed the relationship between the Parliament and the executive after its establishment. Nor did it fulfil the hope that it would lead to more informed debates in the House. The author considers that the Expenditure Committee should acquire more expertise and also change its style of working moving away from studies of particular items and policies to an examination in depth of the actual spending plans laid before Parliament in the White Papers. It would need to consider these plans in the light of possible alternatives and possible options.

The author, however, realises that under the British Constitution, a change in the Appropriation Bill or a modification of the allocations is treated as lack of confidence in the Government and is not permitted at all. Besides, the tight Parliamentary Party system does not allow small committees of men working together on scrutiny of public spending to consider alternatives to Government plans. As long as loss of vote in the House leads to the fall of Government, members can hardly assert individual opinions on public spending. The present system is not adapted to cool and rational appraisal of alternatives and options in the matter of public spending. Hence Parliament "must remain essentially impotent in respect of control of public spending".

The author wonders whether in view of the pressures and demands from trade unions, Universities, hospitals and local authorities, Parliament can exercise effective control over public spending even if financial powers to alter allocations and determine alternatives were vested in it. The author forgets that the aim of Parliamentary control is not merely to reduce expenditure and to spend less but the aim is to spend wisely and to see that the value for money is realised. Expenditure on social services obviously for the benefit of the community as a whole does not call for curb for the reason only that it is large

The author concludes this fairly elaborate and critical review of the subject rather tamely by saying "When a Government spends, as it now does, as much as 50 per cent of the national income on a wide variety of functions provided by a loosely structured delivery system, then no one can realistically expect that even the best organised and best serviced legislature could exert much detailed control. All that the House of Commons can hope for is to be one influence among the many impinging on the process of determining public spending."

The determination of the area of legislative control over public spending is a political question. It is not difficult to provide for a detailed scrutiny of public spending by a Budget Committee of the Legislature as in the United States if there is a political will for such a change. Furthermore, members may display greater objectivity and exercise more vigilant control over spending if it is ruled that the Government will fall only by resignation or by a vote of no-confidence and not by negative vote on any other issue. It is not difficult to devise greater Parliamentary control over public spending given a political will for the change.

Nonetheless the book under review is an excellent analytical treatment of the functioning of the Expenditure Committee of the British Parliament and its study will be rewarding to students of Parliamentary institutions.

—R. VENKATARAMAN

RECENT LITERATURE OF PARLIAMENTARY INTEREST

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APPENDIX I

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

1. Period of the Session—	February 19 to May 18, 1979
2. Number of meetings held—	59
3. Total number of sitting hours—	390 hours & 55 minutes
4. Number of division held—	28
5. <i>Government Bills</i> :	
(i) Pending at the commencement of the Session	30
(ii) Introduced	39
(iii) Laid on the Table as passed by Rajya Sabha	2
(iv) Returned by Rajya Sabha with any amendment/recommendation and laid on the Table	2
(v) Referred to Select Committee	Nil
(vi) Referred to Joint Committee	1
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	1
(ix) Discussed	34
(x) Passed	29
(xi) Withdrawn	Nil
(xii) Negatived	1
(xiii) Part-discussed	1
(xiv) Discussion postponed	1
(xv) Returned by Rajya Sabha without any recommendation	15
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	Nil
(xvii) Pending at the end of the Session	42
6. <i>Private Members' Bills</i> :	
(i) Pending at the commencement of the Session	196
(ii) Introduced	40
(iii) Laid on the Table as passed by Rajya Sabha	1
(iv) Returned by Rajya Sabha with any amendment and laid on the Table	Nil

(v) Reported by Select Committee	Nil
(vi) Discussed	6
(vii) Passed	Nil
(viii) Withdrawn	3
(ix) Negatived	1
(x) Circulated for eliciting opinion	1
(xi) Part-discussed	1
(xii) Discussion postponed	1
(xiii) Motion for circulation of Bills negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Removed from the Register of Pending Bills	Nil
(xvi) Pending at the end of the Session	232
7. Number of Discussions held under rule 193 :	
(Matter of Urgent Public Importance)	
(i) Notices received	112
(ii) Admitted	9
(iii) Discussion held	6
8. Number of Statements made under Rule 197 :	
(Calling-attention to matters of Urgent Public Importance)	
Statements made by Ministers	40
9. Half-an-hour discussions held	10
10. Statutory Resolutions :	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1
(v) Negatived	Nil
(vi) Withdrawn	Nil
11. Government Resolutions :	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1

12. *Private Members' Resolutions:*

(i) Received	16
(ii) Admitted	15
(iii) Discussed	4
(iv) Withdrawn	2
(v) Negatived	Nil
(vi) Adopted	1
(vii) Part-discussed	1
(viii) Discussions postponed	Nil

13. *Government Motions :*

(i) Notices received	4
(ii) Admitted	4
(iii) Moved	1
(iv) Adopted	Nil
(v) Discussed	1

14. *Private Members' Motions :*

(i) Received	550
(ii) Admitted	295
(iii) Moved	2
(iv) Adopted	1
(v) Discussed	2
(vi) Negatived	Nil
(vii) Part-discussed	1
(viii) Withdrawn	Nil

15. *Motions Re: Modification of Statutory Rules :*

(i) Received	}	Nil
(ii) Admitted		
(iii) Moved		
(iv) Adopted		
(v) Negatived		
(vi) Withdrawn		
(vii) Part-discussed		

16. Number of Parliamentary Committees created, if any, during the Session.	Nil
17. Total Number of Visitors' Passes issued during the session.	43,570
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued	1,600 on 9-3-79
19. Number of Adjournment Motions :	
(i) Brought before the House	5
(ii) Admitted and discussed	2
(iii) Barred in view of adjournment motion admitted on the subject	6
(iv) Consent withheld by Speaker outside the House	42
(v) Consent given by Speaker but leave not granted by House	Nil
20. Total Number of Questions admitted:	
(i) Starred	1194
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	11,472
(iii) Short-notice Questions	4
21. Parliamentary Committees at Work :	

Name of Committee	No. of sittings held during the period Feb. 1, 1979 to April, 30 1979.	No. of Reports presented during the Session.
1	2	3
(i) Accommodation Sub-Committee . . . . .	..	..
(ii) Business Advisory Committee	5	6
(iii) Committee on Absence of Members	2	2
(iv) Committee on Public Undertakings	26	39
(v) Committee on Papers laid on the Table . . . . .	..	12
(vi) Committee on Petitions . . . . .	..	4
(vii) Committee on Private Members' Bills and Resolutions . . . . .	..	8
(viii) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	14	21
(ix) Committee of Privileges . . . . .	..	1

	1	2	3
(x) Committees on Government Assurances		1	1
(xi) Committee on Subordinate Legislation	6
(xii) Estimates Committee		19	15
(xiii) General Purposes Committee
(xiv) Rules Committee
(xv) House Committee		1	..
(xvi) Public Accounts Committee		19	48
(xvii) Railway Convention Committee		6	

Joint Select Committees :

(i) Joint Committee of Chairmen, House Committees both the Houses of Parliament		1	
(ii) Joint Committee on the Multi-State Co-operative Societies Bill, 1977			
(iii) Joint Committee on the Khadi and Village Industries Commission (Amendment) Bill, 1978 . . . . .		..	..
(iv) Joint Committee on the Air (Prevention and control of Pollution) Bill, 1978 . . . . .		..
(v) Joint Committee on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1978 . . . . .		..	..

22. Number of Members granted leave of absence - 12

23. Petitions presented 6

24. Name of new Members sworn with date and Constituencies :

S. No.	Name of Members Sworn	Dates on which Sworn	Constituency
1.	Shri P. Shiv Shanker	19-2-1979	Secunderabad (A.P.)
2.	Shri Nandi Yellaiah	20-2-1979	Siddipet (SC) (A.P.)
3.	Shri Kushabhau Thakre	20-2-1979	Khandwa (M.P.)

APPENDIX II

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

1. Period of the Session	April 24, 1979 to May 23, 1979
2. Number of meetings held	20
3. Total Number of sitting hours	132 Hours & 16 minutes (excluding lunch-break)
4. Number of divisions held	Nil
5. <i>Government Bills :</i>	
(i) Pending at the commencement of the Session	10
(ii) Introduced	1
(iii) Laid on the Table as passed by Lok Sabha	12
(iv) Returned by Lok Sabha with any amendment	Nil
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	Nil
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	12
(x) Passed	7
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-Discussed	Nil
(xiv) Returned by Rajya Sabha without any recommendation	5
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the Session	11
6. <i>Private Members Bills :</i>	
(i) Pending at the commencement of the Session	27
(ii) Introduced	5
(iii) Laid on the Table as passed by Lok Sabha	Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil

(vi) Discussed	2
(vii) Withdrawn	1
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Pending at the end of the Session	3 ¹
7. Number of discussions held under Rule 176 (Matters of urgent Public importance) :	
(i) Notices received	12
(ii) Admitted	4
(iii) Discussion held	4
8. Number of statements made under Rule 180 (Calling Attention to matter of urgent Public importance) :	
(i) Statements made by Ministers	10
9. Half-an-hour discussion held	3
10. (Statutory Resolutions) :	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
11. Government Resolutions :	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
12. Private Members' Resolutions:	
(i) Received	4
(ii) Admitted	3

(iii) Discussed	1
(iv) Withdrawn	Nil
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part discussed	Nil
(viii) Discussion postponed	Nil
13. Government Motions :	
(i) Notices received	3
(ii) Admitted	3
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
14. Private Members' Motions :	
(i) Received	28
(ii) Admitted	25
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil
15. Motions regarding modification of Statutory Rule :	
(i) Received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	Nil
16. Number of Parliamentary Committees created, if any, during the session	Nil
17. Total number of Visitors' Passes	3060
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued	345 on May 23, 1979

19. Number of motions for Papers under Rule 175:

(i) Brought before the House	Nil
(ii) Admitted and discussed	Nil

20. Total number of Questions admitted:

(i) Starred	330
(ii) Unstarred (including Starred Questions)	1327
(iii) Short-Notice Questions	2

21. Discussion on the working of the Ministries:

(i) Ministry of Steel & Mines	Nil
(ii) Ministry of Labour	Nil
(iii) Ministry of Energy	Nil

22. Working of Parliamentary Committees:

Name of Committee	No. of meetings held during the period February 1 to April 30, 1979	No. of reports presented during the Session
(i) Public Accounts Committee	—	—
(ii) Committee on Public Undertakings	—	—
(iii) Business Advisory Committee	4	Nil
(iv) Committee on Subordinate Legislation	8	1
(v) Committee on Petition	5	1
(vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	—	—
(vii) Committee of Privileges	1	Nil
(viii) Committee on Rules	1	1
(ix) Joint Committee on Offices of Profit	—	—
(x) Committee on Government Assurances	5	1
(xi) Joint Committee on the Visva Bharati (Amendment) Bill, 1978	3	Nil
23. Number of Members granted leave of absence		3
24. Petition presented		1

25. *Number of New Members sworn with dates :*

Sl. No.	Name of Members Sworn	Date on which Sworn
1.	Shri T. Basheer	24-4-1979
2.	Shri Chathunni Master	Do.
3.	Shri K. C. Sebastian	Do.

26. *Obituary References :*

Sl. No.	Name	Sitting Member/ Ex-Member
1.	Shri Bal Krishna Kaul	Ex-Member
2.	Shri Shankar Pratap Singh	Do.
3.	Shri (Dr.) M. D. D. Gilder	Do.

APPENDIX III
STATEMENT SHOWING THE ACTIVITIES OF THE STATES LEGISLATURES DURING THE PERIOD FEBRUARY 1, 1979 TO APRIL 30, 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.	7-2-79 to 27-3-79	23	(11)	1	245(96)	(2) (a)	324(183) (b)
Andhra Pradesh L.A.	7-2-79 to 27-3-79	34	14(11)	..	560(361)(c)	2(346)(d)	607(70)
Assam L.A.	21-2-79 to 7-4-79	34	13(12)	..	1589(1532)	131(128)	86(37)
Bihar L. C.	19-3-79 to 3-4-79	11	(2)	..	631(577)	(30)	148(51)
Bihar L. A.	19-3-79 to 31-3-79	11	2(2)	..	(713)	(818)	(19)
Gujarat L.A.	20-1-79 to 30-3-79	45	21(20)	12	4638(2267)	747(470)(c)	154(24)
Haryana L.A.	..	20	9(9)	1	298(235)	44(42)	..
Himachal Pradesh L.A.	12-3-79 to 12-4-79	19	27(27)	..	1485(1140)(f)	160(131)(g)	1(1)
Jammu & Kashmir L.C.	1-3-79 to 5-4-79	17	..	1	347(308)	81(56)	2(1)
Jammu & Kashmir L.A.	1-3-79 to 5-4-79	28	8(6)	18(1)	751(654)	422(338)	16(8)
Karnataka L.C.	1-2-79 to 20-4-79 (b)	21	1(15)	..	96(90)	10(10)	22(9)
Karnataka L.A.	1-2-79 to 30-4-79 (i)	21	34(25)	3	390(365)	59(58)	15(5)
Kerala L.A.	16-2-79 to 11-4-79	39	19(19)	..	6030(2079)(j)	(3028)	16(3)
Madhya Pradesh L.A.	..	..	..	..	..	..	..
Madhya Pradesh L.G.	..	..	..	..	..	..	..
Maharashtra L.A.	..	..	..	..	..	..	..
Manipur L.A.	..	..	..	..	..	..	..
Meghalaya L.A.	15-3-79 to 17-4-79	24	8(6)	..	48(48)	818(722)	..
Nagaland L.A.	15-3-79 to 27-3-79	10	2(2)	..	159(137)	52(44)	..
Orissa L.A.	..	..	..	..	..	..	..
Punjab L.A.	26-2-79 to 2-5-79	24	12(12)	..	1142(692)	191(109)	18(2)
Rajasthan L.A.	26-2-79 to 9-4-79	30	10(7)	2	2256(894)	442(1096)	69
Sikkim L.A.	20-2-79 to 24-2-79	..	2(2)	..	26(15)	11(11)	..
Tamil Nadu L.C.	9-2-79 to 8-5-79	45	(44)	1	391(272)	20(19)	14(9)

Tamil Nadu L.A.	9-2-79 to 30-4-79	58	42(44)	2857(912)	628(628)	297(44)
Tripura L.A.	..	..	..	..	..	..
Uttar Pradesh L.C.	{ 8-2-79 to 9-2-79 & 8-2-79 to 15-6-79	37	4(20)	1829(1454)	86(86)	156(105)
Uttar Pradesh L.A.	8-3-79 to 27-3-79	9	4(6)	2063(1763)(k)	577(501)	1075(791)(l)
West Bengal L.A.	7-2-79 to 3-4-79	37	16(16)	1243(605)	548(502)	82(9)
<i>Union Territories</i>						
Arunachal Pradesh L.A.	21-3-79 to 3-4-79	12	2(3)	180(157)	39(39)	..
Delhi Metropolitan Council	{ 28-2-79 and 20-4-79 to 15-5-79	17	3(3)	1318(280)	600(531)	7(1)
Goa, Daman and Diu L.A.	15-3-79 to 23-4-79(m)	..	9(8)	1178(788)	52(45)	5(1)
Mizoram L.A. (n)	..	..	..	..	..	..
Pondicherry L.A. (o)	..	..	..	..	..	..

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) Starred Notices admitted as Unstarred Questions.

(b) Figure 183 includes 112 admitted as ordinary Starred Questions.

(c) Includes 122 S.N.Qs. admitted as ordinary Questions.

(d) Figures 346 includes 189 Starred Notices admitted as Unstarred and 156 S.N.Qs. admitted as Unstarred Questions.

(e) Includes 199 Notices received as Starred Questions but admitted as Unstarred Questions.

(f) Includes 22 classified as unstarred and 157 bracketed.

(g) Includes 8 bracketed.

(h) 1-2-79 to 3-2-79; 19-3-79 to 27-3-79 and 6-4-79 to 20-4-79.

(i) 1-2-79 to 3-2-79; 19-3-79 to 27-3-79; 6-4-79 to 19-4-79 and 30-4-79.

(j) Figure 630 includes notices of Questions received as Unstarred.

(k) Includes 1190 admitted as Unstarred.

(l) Includes 388 admitted as Starred Questions and 233 as Unstarred.

(m) The Assembly was dissolved w.e.f. April 27, 1979.

(n) The Assembly was dissolved w.e.f. November 11, 1978 and brought under the President's rule upto May 7, 1979.

(o) The Legislative Assembly was under dissolution during the period.

APPENDIX IV

**LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT
DURING THE PERIOD 1ST FEBRUARY, 1979 TO 30TH APRIL, 1979**

S. No.	Title of the Bill	Date of assent by the President.
1.	The Copra Cess Bill, 1979	8-3-1979
2.	The Coconut Development Board Bill, 1979	17-3-1979
3.	The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Am- endment) Bill, 1979	19-3-1979
4.	The Appropriation (Vote on Account) Bill, 1979	29-3-1979
5.	The Appropriation Bill, 1979	29-3-1979
6.	The Appropriation (No. 2) Bill, 1979	29-3-1979
7.	The Appropriation (Railways) Bill, 1979	29-3-1979
8.	The Appropriation (Railways) No. 2 Bill, 1979	29-3-1979
9.	The Punjab Excise (Delhi Amendment) Bill, 1979	29-3-1979
10.	The Mizoram Appropriation (Vote on Account) Bill, 1979	31-3-1979
11.	The Mizoram Appropriation Bill, 1979	31-3-1979
12.	The Pondicherry Appropriation (Vote on Account) Bill, 1979	31-3-1979
13.	The Pondicherry Appropriation Bill, 1979	31-3-1979
14.	The Industries (Development and Regulation) Amendment Bill, 1979	31-3-1979
15.	The Sugar Undertakings (Taking Over of Management) Amend- ment Bill, 1979	31-3-1979
*16.	The Constitution (Forty-fourth Amendment) Bill, 1978	30-4-1979

*The Bill was introduced in Lok Sabha as "The Constitution (Forty-fifth Amendment) Bill, 1978. The short title of the Bill was changed by Lok Sabha through an amendment to clause 1 thereof.

This Bill was also included under this heading in the *Journal of Parliamentary Information*, Vol. XXV, No. 2 with the remarks "Awaiting assent [See proviso to article 368(2) of the Constitution." It has since been ratified by the Legislatures of not less than one-half of States and assented to by the President.

APPENDIX V

**BILLS PASSED BY THE STATE LEGISLATURE DURING THE PERIOD FEBRUARY 1, 1979
TO APRIL 30, 1979.**

ANDHRA PRADESH LEGISLATIVE COUNCIL@

1. The Andhra Pradesh Land Revenue (Enhancement) Amendment Bill, 1979.
2. The Andhra Pradesh Tenants and Ryots Protection Bill, 1979.
3. The Andhra Pradesh Tenancy Laws (Amendment) Bill, 1979.
4. The Andhra Pradesh General Sales Tax (Amendment) Bill, 1979.
5. The Andhra Pradesh Excise (Amendment) Bill, 1979.
6. The Andhra Pradesh Motor Vehicles Taxation (Amendment) Bill, 1979.
7. The Andhra Pradesh Appropriation Bill, 1979.
8. The Andhra Pradesh Payment of Salaries and Pension and Removal of Disqualifications (Amendment) Bill, 1979.
9. The Andhra Pradesh Appropriation (No. 2) Bill, 1979.
10. The Andhra Pradesh Appropriation (No. 3) Bill, 1979.
11. The Andhra Pradesh Watahs (Abolition) Amendment Bill, 1979.

ASSAM LEGISLATIVE ASSEMBLY

1. The Assam Appropriation (No. 1) Bill, 1979.
2. The Assam Appropriation (No. 11) Bill, 1979.
3. The Assam Finance Bill, 1979.
4. The Assam Sales Tax (Amendment) Bill, 1979.
5. The Assam Finance (Sales Tax) (Amendment) Bill, 1979.
6. The Assam Amusement and Betting Tax (Amendment) Bill, 1979.
7. The Assam Professions, Trades, Callings and Employments Taxation (Amendment) Bill, 1979.
8. The Assam S.C. & S.T. (Reservation of Vacancies in Services and Posts) Bill, 1979.
9. The Assam Shops and Establishments (Amendment) Bill, 1979.
10. The Assam Veterinary Council Bill, 1979.
11. The Assam Legislative Assembly Members' Salaries and Allowances (Amendment) Bill, 1979.
12. The Gauhati Municipal Corporation (Amendment) Bill, 1979.

@These Bills have also been passed by the State Assembly.

BIHAR VIDHAN SABHA

1. The Bihar Appropriation (Vote on Account) Bill, 1979.
2. The Bihar Appropriation Bill, 1979.

GUJARAT LEGISLATIVE ASSEMBLY

1. The Gujarat Agricultural Produce Markets (Amendment and validation) Bill 1978.
2. The Bombay Prevention of Fragmentation and Consolidation of Holdings (Gujarat Amendment) Bill, 1978.
3. The Gujarat Water Supply and Sewerage Board Bill, 1978.
4. The Bombay Provincial Municipal Corporations (Gujarat Amendment) Bill, 1979.
5. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Bill, 1979.
6. The Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Bill, 1979.
7. The Gujarat Municipalities (Amendment and Validation) Bill, 1979.
8. The Gujarat Minor Forest Produce Trade Nationalisation Bill, 1979.
- *9. The Gujarat Judicial Courts Laws (Amendment) Bill, 1979.
10. The Gujarat Legislative Assembly Members' Salaries and Allowances (Amendment) Bill, 1979.
11. The Gujarat Housing Board (Amendment) Bill, 1979.
12. The Gujarat (Supplementary) Appropriation Bill, 1979.
13. The Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Bill, 1979.
14. The Gujarat Municipal Finance Board Bill, 1979.
15. The Gujarat Sales Tax (Amendment) Bill, 1979.
16. The Gujarat Universities and Local Authorities Laws (Amendment) Bill, 1979.
17. The Gujarat Public Moneys (Recovery of Dues) Bill, 1979.
18. The Bombay Electricity Duty (Gujarat Amendment) Bill, 1979.
19. The Gujarat Appropriation Bill, 1979.
20. The Gujarat Agricultural Credit (Provision of Facilities) Bill, 1979.

HARYANA LEGISLATIVE ASSEMBLY

1. The Haryana Appropriation Bill, 1979.
2. The Haryana Municipal (Amendment) Bill, 1979.
3. The Haryana Legislative Assembly (Facilities to Members) Bill, 1979.
4. The Haryana Legislative Assembly Speaker's and Deputy Speaker's Salaries and Allowances (Amendment) Bill, 1979.

*Awaiting assent.

5. The Punjab Agricultural Produce Markets (Haryana Amendment) Members (Amendment) Bill, 1979.
6. The Punjab Agricultural Produce Markets (Haryana Amendment) Bill, 1979.
7. The Haryana Appropriation (No. 2) Bill, 1979.
8. The Haryana Affiliated Colleges (Security of Service) Bill, 1979.
9. The Haryana General Sales Tax (Amendment) Bill, 1979.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Himachal Pradesh Cinema (Regulation) Bill, 1979.
2. The Himachal Pradesh Cooperative Land Development Banks Bill, 1979.
3. The Himachal Pradesh University (Amendment) Bill, 1979.
4. The Himachal Pradesh Taxation (On certain Goods carried by Road) (Amendment) Bill, 1979.
5. The Himachal Pradesh Agricultural Produce Markets (Amendment) Bill, 1979.
6. The Himachal Pradesh Homoeopathic Practitioners Bill, 1979.
7. The Himachal Pradesh General Sales Tax (Validation) Bill, 1979.
8. The Himachal Pradesh Prohibition of Cow Slaughter Bill, 1979.
9. The Himachal Pradesh Weights and Measures Bill, 1979.
10. The Himachal Pradesh Slum Areas (Improvement and Clearance) Bill, 1979.
11. The Himachal Pradesh Housing Board (Amendment) Bill, 1979.
12. The Himachal Pradesh Children Bill, 1979.
13. The Himachal Pradesh Scheduled Castes Development Corporation Bill, 1979.
14. The Himachal Pradesh Essential Services (Maintenance) (Amendment) Bill, 1979.
15. The Himachal Pradesh Prevention of Beggary Bill, 1979.
16. The Acquisition (Himachal Pradesh Amendment) Bill, 1979.
17. The Himachal Pradesh Appropriation Bill 1979.
18. The Himachal Pradesh Tax on Luxuries (In Hotels and Lodging Houses) Bill, 1979.
19. The Himachal Pradesh Municipal Corporation Bill, 1979.
20. The Himachal Pradesh Electricity (Duty) (Amendment) Bill, 1979.
21. The Himachal Pradesh General Sales Tax (Amendment) Bill, 1979.
22. The Himachal Pradesh Motor Vehicles Taxation (Amendment) Bill, 1979.
23. The Himachal Pradesh Appropriation (Vote on Account) Bill, 1979.
24. The Himachal Pradesh Antodya Corporation Bill, 1979.
25. The Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) (Amendment) Bill, 1979.

26. The Himachal Pradesh Appropriation Bill, 1979.
27. The Himachal Pradesh Legislators (Modification of Allowances and other Amenities) Bill, 1979.

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY

1. A Bill to Amend the J&K Land Improvement Schemes Act, 1972.
2. A Bill to amend the Kashmir Jammu Universities Act, 1969.
3. Jammu and Kashmir Agrarian Reforms (Amendment) Bill, 1979.
4. A Bill to amend the Jammu and Kashmir Preservation of Specified Trees Act, 1969.
5. A Bill to Authorise Payment and Appropriation of Certain Sums from and out of the Consolidated Fund of the Jammu and Kashmir State for the Services of the Financial Year 1978-79.
6. A Bill to authorise Payment and Appropriation of Certain Sums from and out of the Consolidated Fund of the J&K State for the Services of Financial Year 1979-80.
7. A Bill to amend the J&K Agrarian Reforms Act, 1976.

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Karnataka Prevention of Fragmentation and Consolidation of Holdings (Amendment) Bill, 1979.
2. The Karnataka Appellate Tribunal (Amendment) Bill, 1979.
3. The Karnataka Inams Abolition Law (Amendment) Bill, 1979.
4. The Karnataka Public Accounts Default and the Pensions (Karnataka Extension and Amendment) Bill, 1978.
5. The Karnataka Appropriation Bill, 1979.
- *6. The Karnataka Pawn Brokers (Amendment) Bill, 1979.
7. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1979.
8. The Karnataka Appropriation (No. 2) Bill, 1979.
9. The Karnataka Appropriation (Vote on Account) Bill, 1979
10. The Karnataka Taxation and Certain other Laws (Amendment) Bill, 1979.
11. The Karnataka Tax on Luxuries (Hotels and Lodging Houses) Bill, 1979.
- *12. The Karnataka Tax on Entry of Goods into Local areas (for consumption, use or sale) Bill, 1979.
- *13. The Karnataka Motor Vehicles Taxation (Second Amendment) Bill, 1979.
- *14. The Karnataka Entertainment Tax (Amendment) Bill, 1979.

*Awaiting assent.

KARNATAKA LEGISLATIVE COUNCIL

1. The Mysore Electrical Industries Limited (Acquisition of Shares) Bill, 1979.
2. The Karnataka Inams Abolition Laws (Amendment) Bill, 1979.
3. The Karnataka Prevention of Fragmentation and Consolidation of Holdings (Amendment) Bill, 1979.
4. The Karnataka Appellate Tribunal (Amendment) Bill, 1979.
5. The Public Accounts Default and the Pension (Karnataka extension and Amendment) Bill, 1979.
6. The Karnataka Appropriation Bill, 1979.
7. The Karnataka Pawn Brokers (Amendment) Bill, 1979.
8. The Karnataka Motor Vehicles (Taxation) (Amendment) Bill, 1979.
9. The Motor Vehicles (Karnataka Amendment) Bill, 1979.
10. The Karnataka Appropriation (No. 2) Bill, 1979.
11. The Karnataka Appropriation (Vote on Account) Bill, 1979.
12. The Karnataka Taxation and Certain other Laws (Amendment) Bill, 1979.
13. The Karnataka Tax on Luxuries (Hotels and Lodging Houses) Bill, 1979.
14. The Karnataka Tax on entry of goods into Local areas (for consumption, use or sale therein) Bill, 1979.
15. The Karnataka Motor Vehicles Taxation (Second Amendment) Bill, 1979.
16. The Karnataka Entertainments Tax (Amendment) Bill, 1979.

KERALA LEGISLATIVE ASSEMBLY

1. The Kerala District Administration Bill, 1979.
2. The Kerala Appropriation Bill, 1979.
3. The Kerala Contingency Fund (Amendment) Bill, 1979.
4. The Legislative Assembly (Removal of Disqualifications) Amendment Bill, 1979.
5. The Silent Valley Protected Area (Protection of Ecological Balance) Bill, 1979.
6. The Kerala Essential Articles Control (Temporary Powers) Continuance Bill, 1979.
7. The Kerala Cashew Factories (Requisitioning) Bill, 1979.
8. The Kerala Municipal Councils (Extension of Term of Office of Councillors) Bill, 1979.
9. The Trivandrum Municipal Corporation (Extension of Time for Reconstitution) Amendment Bill, 1979.
10. The Calicut Municipal Corporation (Extension of Time for Reconstitution) (Amendment) Bill, 1979.
11. The Kerala Municipalities (Amendment) Bill, 1979.
12. The Kerala Municipal Corporations (Amendment) Bill, 1979.

13. The Tirur Municipal Council (Extension of term of Office of Councillors) Bill, 1979.
14. The Kerala Municipalities (Second Amendment) Bill, 1979.
15. The Kerala Additional Sales Tax (Amendment) Bill, 1979.
16. The Kerala Appropriation (Vote on Account) Bill, 1979.
17. The Payment of Salaries and Allowances (Amendment) Bill, 1979.
18. The University Laws (Amendment) Bill, 1979.
19. The Kerala Appropriation (No. 2) Bill, 1979.

MEGHALAYA LEGISLATIVE ASSEMBLY

1. The Meghalaya Appropriation (Vote on Account) Bill, 1979.
2. The Meghalaya Finance Bill, 1979.
3. The Meghalaya Finance (Sales Tax) (Amendment) Bill, 1979.
4. The Meghalaya Sales Tax (Amendment) Bill, 1979.
5. The Legislative Assembly of Meghalaya (Speaker and Deputy Speaker Salaries and Allowances) (Amendment) Bill, 1979
6. The Meghalaya (Minister's Salaries and Allowances) (Amendment) Bill, 1979.

NAGALAND LEGISLATIVE ASSEMBLY

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

PUNJAB LEGISLATIVE ASSEMBLY

1. The Punjab Appropriation Bill, 1979.
2. The Punjab Agricultural Produce Markets (Amendment) Bill, 1979.
3. The Punjab Appropriation (Vote on Account) Bill, 1979.
4. The Punjab Municipal (Amendment) Bill, 1979.
5. The Punjab Appropriation (No. 2) Bill, 1979.
6. The Punjab Municipal Corporation (Amendment) Bill, 1979.
7. The Court Fees (Punjab Amendment) Bill, 1979.
8. The Punjab Package Deal Properties (Disposal) Amendment Bill, 1979.
9. The Punjab Agricultural Produce Market (Second Amendment) Bill, 1979.
10. The Punjab State Legislature Members (Pension and Medical Facilities Regulation) Amendment, Bill, 1979.
11. The Punjab State Legislature Members (Pensions and Medical Facilities Regulation) Second Amendment Bill, 1979.
12. The Punjab Legislators (Allowances and Amenities) Modification Bill, 1979.

RAJASTHAN LEGISLATIVE ASSEMBLY

1. **The Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Bill, 1978.**
2. **The Rajasthan Imposition of Ceiling on Agricultural holdings (Amendment and Validation) Bill, 1979.**
3. **The Rajasthan Finance Bill, 1979.**
4. **The Rajasthan Passengers and Goods Taxation (Amendment) Bill, 1979.**
5. **The Rajasthan Appropriation (No. 2) Bill, 1979.**
6. **The Rajasthan Appropriation (No. 1) Bill, 1979.**
7. **The Rajasthan Sales Tax (Amendment) Bill, 1979.**

SIKKIM LEGISLATIVE ASSEMBLY

1. **The Appropriation Bill No. 1 of 1979.**
2. **The Appropriation Bill No. 2 of 1979.**

TAMILNADU LEGISLATIVE ASSEMBLY*

1. **The Tamil Nadu Panchayats (Amendment) Bill, 1979.**
2. **The Tamil Nadu Panchayats (Extension of Term of Office) Amendment Bill, 1979.**
3. **The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) Amendment Bill, 1979.**
4. **The Tamil Nadu Municipal Councils (Appointment of Special Officers) Amendment Bill, 1979.**
5. **The Coimbatore Municipal Council (Appointment of Special Officers) Amendment Bill, 1979.**
6. **The Madras City Municipal Corporation (Amendment) Bill, 1979.**
7. **The Tamil Nadu Land Reform (Fixation of Ceiling on Land) Amendment Bill, 1979.**
8. **The Tamil Nadu Cultivating Tenants (Protection from Eviction) Amendment Bill, 1979.**
9. **The Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Temporary Relief) Amendment Bill, 1979.**
10. **The Tamil Nadu Urban Land (Ceiling and Regulation) Amendment Bill, 1979.**
11. **The Tamil Nadu Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1979.**
12. **The Tamil Nadu Pawn Brokers (Amendment) Bill, 1979.**
13. **The Tamil Nadu Prohibition (Amendment) Bill, 1979.**

*These Bills have also been passed by the Legislative Council.

14. The Tamil Nadu Motor Vehicles Taxation (Amendment) Bill, 1979.
15. The Tamil Nadu Preservation of Private Forests (Extension to Kanyakumari District) Bill, 1979.
16. The Tamil Nadu Appropriation (Vote on Account) Bill, 1979.
17. The Tamil Nadu Appropriation Bill, 1979.
18. The Tamil Nadu Appropriation (No. 2) Bill, 1979.
- *19. The Tamil Nadu Forest (Amendment) Bill, 1979.
- *20. The Tamil Nadu Debt Relief (Amendment) Bill, 1979.
- *21. The Tamil Nadu Debt Relief Bill, 1979.
22. The Tamil Nadu Cooperative Societies (Second Amendment) Bill, 1979.
23. The Tamil Nadu General Sales Tax (Amendment) Bill, 1979.
- *24. The Presidency Small Cause Courts, Code of Civil Procedure and Tamil Nadu Court Fees and Suits Valuation (Amendment) Bill, 1979.
25. The Tamil Nadu Appropriation (No. 2) Bill, 1979.
26. The Tamil Nadu Payment of Salaries (Amendment) Bill, 1979.
27. The Tamil Nadu Cooperative Societies (Appointment of Special Officers) Amendment Bill, 1979.
28. The Tamil Nadu Local Authorities Laws (Amendment) Bill, 1979.
29. The Tamil Nadu Appropriation (No. 4) Bill, 1979.
30. The Tamil Nadu Appropriation (No. 5) Bill, 1979.
31. The Tamil Nadu Cooperative Land Development Banks (Amendment) Bill, 1979.
32. The Tamil Nadu Entertainment Tax (Amendment) Bill, 1979.
- *33. The Tamil Nadu Pawn Brokers (Second Amendment) Bill, 1979.
34. The Tamil Nadu Money-lenders (Amendment) Bill, 1979.
35. The Tamil Nadu Panchayats (Second Amendment) Bill, 1979.
36. The Tamil Nadu Panchayats (Extension of Term of Office) Second Amendment Bill, 1979.
37. The Tamil Nadu Panchayats Union Councils (Appointment of Special Officers) Second Amendment Bill, 1979.
38. The Madras University and Madurai Kamraj University (Amendment) Bill, 1979.
39. The Perarignar Anna University of Technology (Amendment) Bill, 1979.
40. The Tamil Nadu Preservation of Private Forests (Amendment) Bill, 1979.
41. The Tamil Nadu Dramatic performances (Amendment) Bill, 1979.

42. The Tamil Nadu Cooperative Societies (Amendment) Bill, 1979.
43. The Tamil Nadu Catering Establishments (Amendment) Bill, 1979.
44. The Tamil Nadu Agricultural Income Tax (Amendment) Bill, 1979. (as amended by the Select Committee).

UTTAR PRADESH LEGISLATIVE COUNCIL(†)

1. Uttar Pradesh Bikrikar (Sanshodhan aur Vaidhikaran) Vidheyak, 1978.
- *2. Uttar Pradesh Krishi Udhaar (Sanshodhan) Vidheyak, 1978.
- *3. Society Registrakaran (Uttar Pradesh Sanshodhan) Vidheyak, 1978.
4. Uttar Pradesh Viniyog (Lekhanudaan) Vidheyak, 1979.
5. Uttar Pradesh Viniyog (1978-79) (ka tritya anupurak) Vidheyak, 1979
6. Uttar Pradesh Krishi Utpadan Mandi Samiti (Alpakalik Vyastha) (Sanshodhan) Vidheyak, 1979.
7. Uttar Pradesh Nagar Swayati Shasan Vidhi (Sanshodhan) Vidheyak 1979.
8. Uttar Pradesh Aabkari (Tritya Sanshodhan) Vidheyak, 1978.
9. Uttar Pradesh Nagar Swayatt Shasan Vidhi (Dwitya Sanshodhan) Vidheyak, 1979.
10. Uttar Pradesh Tendu Patta (Vyapaar Viniyaman) (Sanshodhan) Vidheyak, 1979.
11. Uttar Pradesh Motor Garhi Karadhan Vidhi (Sanshodhan) Vidheyak, 1979.
12. Uttar Pradesh Krishi Utpaadan Mandi (Sanshodhan) Vidheyak, 1979.
13. Uttar Pradesh Motor Parivahan Garhi (Pathkar) Vidheyak, 1979.
- *14. Uttar Pradesh Aamod aur Panakar Vidheyak, 1979.
15. Uttar Pradesh Viniyog Vidheyak, 1979.
16. Uttri Bharat Nahar aur Jal Nikas (Uttar Pradesh Sanshodhan) Vidheyak, 1978.
17. Uttar Pradesh Dhumrapaan Nishedh (Cinemaghar) (Sanshodhan) Vidheyak, 1978.
18. Uttar Pradesh Homoeopathic Chikitsa Mahawidyalaya (Prabandh Grahan) Vidheyak, 1979.
19. Uttar Pradesh Bhoodaan Yagya (Sanshodhan) Vidheyak, 1979.
20. Uttar Pradesh Govadh Nivaran (Sanshodhan) Vidheyak, 1979.

WEST BENGAL LEGISLATIVE ASSEMBLY

1. The Bengal Excise (Amendment) Bill, 1979.
2. The West Bengal Motor Vehicles Tax Bill, 1979.
3. The West Bengal Town and Country (Planning and Development) Bill, 1979.

*Awaiting assent.

(†) These Bills have also been passed by the State Legilsative Assembly

4. The West Bengal Panchayat (Amendment) Bill, 1979.
5. Shri Ramkrishna Sarada Vidya Mahapitha (Amendment) Bill, 1979.
- *6. The Birla College of Sciences and Education (Taking over of Management) Bill, 1979.
7. The West Bengal Taxation Laws (Amendment) Bill, 1979.
8. The West Bengal State Tax on Professions, Trades, Callings and Employment Bill, 1979.
9. The West Bengal Taxation Laws (Second Amendment) Bill, 1979.
10. The West Bengal Gambling and Prize Competitions (Amendment) Bill, 1979.
- *11. The K. S. Roy Tuberculosis Hospital Acquisition Bill, 1979.
- *12. The S. B. Dey Sanatorium Acquisition Bill, 1979.
13. The Paschim Bengal Ayurvedic system of Medicine Bill, 1979.
14. The Taxes on Entry Goods into Calcutta Metropolitan Area (Amendment) Bill, 1979.
15. The West Bengal Appropriation Bill, 1979.
16. The West Bengal Appropriation (No. 2) Bill, 1979.

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Arunachal Pradesh Weights and Measures (Enforcement) Bill, 1978.
2. The Arunachal Pradesh Appropriation Bill, 1979.
3. The Arunachal Pradesh Appropriation (No. 2) Bill, 1979.

DELHI METROPOLITAN COUNCIL

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

GOA LEGISLATIVE ASSEMBLY

- *1. The Goa, Daman and Diu Mundkars (Protection from Eviction) (Third Amendment) Bill, 1979.
2. The Goa, Daman and Diu Public Gambling (First Amendment) Bill, 1979.
3. The Goa, Daman and Diu Building (Lease, Rent and Eviction) Control (Fourth Amendment) Bill, 1979.
- *4. The Goa, Daman and Diu Salaries and Allowances of Ministers (Sixth Amendment) Bill, 1979.
- *5. The Goa, Daman and Diu Civil Courts (First Amendment) Bill, 1979.
- *6. The Societies Registration (Goa, Daman and Diu First Amendment) Bill, 1979.
7. The Goa, Daman and Diu Supplementary Appropriation Bill, 1979.
8. The Goa, Daman and Diu Appropriation (Vote on Accounts) Bill, 1979.

*Awaiting assent.

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BIHAR

1	The Minimum Wage (Bihar Amendment) Ordinance, 1979		19-3-79	30-4-79	
2	The Bihar Contingency Fund (Amendment) Ordinance 1979	..	Do.	Do.	..
3	The Bihar Excise (Amendment and Validation) Ordinance, 1979	..	Do.	Do.	..
4	The Bihar Irrigation Regional Command (Amendment) Ordinance, 1979	..	Do.	Do.	..
5	The Bihar Irrigation Law (Amendment) Ordinance, 1979	..	Do.	Do.	..
6	The Bihar Land Rent (Recession from payment) Ordinance, 1979	..	Do.	Do.	..
7	The Bihar Land Encroachment (Amendment) Ordinance, 1979	..	Do.	Do.	..
8	The Bihar Cess (Amendment) Ordinance, 1979	..	Do.	Do.	..
9	The Bihar Medical Educational Institution (Regulation and Control) Ordinance, 1979	..	Do.	Do.	..
10	The Bihar Municipal and Patna Municipal Corporation (Amendment) Ordinance, 1979	..	Do.	Do.	..
11	The Patna Corporation (Amendment) Ordinance, 1979	..	Do.	Do.	..
12	The Bihar Municipal (Amendment) Ordinance, 1979	..	Do.	Do.	..
13	The Chhota Nagpur and Santhal Pargana Autonomous Development Authority (Amendment) Ordinance, 1979	..	Do.	Do.	..
14	The Bihar Khadi and Village Industries (Amendment) Ordinance, 1979	..	Do.	Do.	..
15	The Bihar Rajendra Agriculture University (Amendment) Ordinance, 1979	..	Do.	Do.	..

16	The Bihar Aid to Industries (Amendment) Ordinance, 1979	..	Do.	Do.	..
17	The Bihar Hindu Religious Trust (Amendment) Ordinance, 1979	..	Do.	Do.	..
18	The Bihar Motor Vehicle Taxation (Amendment) Ordinance, 1979	..	Do.	Do.	..
19	The Bihar Land and Water Protection and Land Development Ordinance, 1979	..	Do.	Do.	..
20	The Bihar District Board and Local Board (Control and Management) (Amendment) Ordinance, 1979	..	Do.	Do.	..
21	The Bihar Non-Government Physical Training College and Non-Government Teachers Training College and Non-Government Primary Teachers Education College (Control and Regulation) Ordinance, 1979	..	Do.	Do.	..
22	The Patna University (Amendment) Ordinance, 1979	..	Do.	Do.	..
23	The Patna University (Second Amendment) Ordinance, 1979	..	Do.	Do.	..
24	The Bihar State University (Amendment) Ordinance, 1979	..	Do.	Do.	..
25	The Bihar State University (Second Amendment) Ordinance, 1979	..	Do.	Do.	..
26	The Bihar University Service Commission (Amendment) Ordinance, 1979	..	Do.	Do.	..
27	The Bihar Secondary Education Board (Amendment) Ordinance, 1979	..	Do.	Do.	..
28	The Bihar Inter-University Board Ordinance, 1979	..	Do.	Do.	..
29	The Bihar Panchayat Samitti and Zila Parishad (Amendment and Validation) Ordinance, 1979	..	Do.	Do.	..
30	The Bihar Panchayat Raj (Amendment and Validation) Ordinance, 1979	..	Do.	Do.	..
31	The Bihar Panchayat Election Rules and Supplementary Voters List (Validation) Ordinance, 1979	..	Do.	Do.	..

1	2	3	4	5	6
32	The Bihar Forest Production (Trade Regulation) Ordinance, 1979 .	..	19-3-79	30-4-79	
33	The Bihar Sugarcane (Supply and Purchase Regulation) Ordinance, 1979		Do.	Do.	..
34	The Bihar Crime Control Ordinance, 1979		Do.	Do.	..
35	The Bihar Bhudan Movement (Amendment) Ordinance, 1979		Do.	Do.	..
36	The Bihar Land Acquisition (Bihar Amendment) Ordinance, 1979 .		Do.	Do.	..
37	The Tana Bhagat Rayot Former Land Recancellation (Amendment) Ordinance, 1979		Do.	Do.	..
38	The Bihar Regional Development Authority Ordinance, 1979 .		Do.	Do.	..
39	The Bihar Sales-Tax Ordinance, 1979 . . . . .	..	Do.	Do.	..
40	The Bihar Co-operative Society (Amendment) Ordinance, 1979 . . . . .	..	Do.	Do.	..
41	The Bihar Agriculture Operations and Miscellaneous Provisions (Banks) Ordinance, 1979		Do.	Do.	..
42	The Bihar Agriculture Production Market (Amendment) Ordinance, 1979		Do.	Do.	..
43	The Bihar State Housing Board Ordinance, 1979 . . . . .	..	Do.	Do.	..
44	The Bihar Essential Service Protection (Amendment) Ordinance, 1979		Do.	Do.	..
45	The Bihar Panchayat Samitti and Zila Parishad (Amendment) Ordinance, 1979		Do.	Do.	..
46	The Bihar Municipal (Second Amendment and Validation) Ordinance, 1979		Do.	Do.	..

47	The Bihar Agriculture Income-Tax (Cancellation) Ordinance, 1979 . . . . .	..	Do.	Do.	..
48	The Bihar Cinema (Regulation) Amendment Ordinance, 1979 . . . . .	..	Do.	Do.	..
49	The Bihar Legislature Salaries, Allowances and Pension (Amendment) Ordinance, 1979 . . . . .	..	Do.	Do.	..
50	The Bihar Madrasa Education Board Ordinance, 1979 . . . . .	..	Do.	Do.	..
51	The Bihar Chhota Nagpur and Santhal Pargana Autonomous Development Authority (Second Amendment) Ordinance, 1979 . . . . .	..	Do.	Do.	..
52	The Bihar State Water and Carried Water Board Ordinance, 1979 . . . . .	..	Do.	Do.	..
53	The Patna University (Third Amendment) Ordinance, 1979 . . . . .	..	Do.	Do.	..
54	The Bihar State University (Third Amendment) Ordinance, 1979 . . . . .	..	Do.	Do.	..
55	The Bihar Cess (Second Amendment) Ordinance, 1979 . . . . .	..	Do.	Do.	..
56	The Santhal Pargana Civil Justice (Law Validation and Safety) Ordinance, 1979 . . . . .	..	Do.	Do.	..
57	The Bihar University Service Commission (Second Amendment) Ordinance, 1979 . . . . .	..	Do.	Do.	..
58	The Bihar Sugar Undertaking (Acquisition) (Amendment) Ordinance, 1979 . . . . .	..	Do.	Do.	..
59	The Bihar Children Ordinance, 1979 . . . . .	..	Do.	Do.	..
GUJARAT					
1	The Gujarat Nagar Panchayats (Extension of Term) Ordinance, 1979	26-4-79	..	..	..
HIMACHAL PRADESH					
1	The Himachal Pradesh Essential Services (Maintenance) (Amendment) Ordinance, 1979	23-2-79	12-3-79	3-12-1979	Replaced by Legislation.

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JAMMU AND KASHMIR

- 1 The Kashmir and Jammu Universities (Amendment) Ordinance, 1978 1-3-1979 The Bill replacing the Ordinance was introduced and was unanimously passed by the both Houses of Legislature. The Bill was styled as "A Bill to amend the Kashmir and Jammu Universities Act, 1969".

KERALA

- 1 The Kerala Municipalities (Amendment) Ordinance, 1979 1-2-79 Replaced by legislation.

MEGHALAYA

- 1 The Legislative Assembly of Meghalaya (Speaker and Deputy Speaker Salaries and Allowances) (Amendment) Ordinance, 1979 28-2-79 15-3-79 Replaced by legislation.

- 2 The Meghalaya (Minister's Salaries and Allowances) (Amendment) Ordinances, 1979 28-2-79 15-3-79 Do.

PUNJAB

- 1 The Punjab Agricultural Produce Market (Second Amendment) Ordinance, 1978 10-11-78 27-2-79 Replaced by legislation.
- 2 The Punjab Municipal (Second Amendment) Ordinance, 1978 20-12-78 27-2-79 Replaced by legislation.

RAJASTHAN

1	The Rajasthan Imposition of Ceiling on Agricultural Holdings (Third Amendment) Ordinance, 1978	30-12-78	26-2-79	2-4-79	
2	The Rajasthan Sales Tax (Amendment) Ordinance, 1979	5-2-79	26-2-79	4-4-79	
	TAMIL NADU				
1	The Tamil Nadu Urban Land (Ceiling and Regulation) Amendment Ordinance, 1979 (Tamil Nadu Ordinance No. 5 of 1978)	1-2-79	15-3-79		Replaced by legislation.

UTTAR PRADESH

1	Uttar Pradesh Motor Gari (Yatritkar evam Maalkar) Adhyadesh, 1979	7-4-79	16-4-79		
2	Uttar Pradesh Nagar Swayatt Shasan Vidhi (Sanshodhan) Adhyadesh, 1979	Do.	Do.		
3	Uttar Pradesh Tendu Patra (Vyapaar Viniyaman) (Sanshodhan) Adhyadesh, 1979	Do.	Do.		
4	Uttar Pradesh Motor Parivahan Gari (Pathkar) Adhyadesh, 1979	Do.	Do.		
5	Uttar Pradesh Motor Gari Karadhaan (Sanshodhan) Adhyadesh, 1979	9-4-79	Do.		
6	Uttar Pradesh Vishvaavidyalaya (Sanshodhan) (Second) Adhyadesh, 1979	Do.	Do.		
7	Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhyadesh, 1979	17-4-79	18-4-79		
8	Uttar Pradesh Govadh Nivaran (Sanshodhan) Adhyadesh, 1979	18-4-79	4-5-79		
9	Uttar Pradesh Homoeopathic Chikitsa Mahavidyalaya (Prabandh grahan) Adhyadesh, 1979	30-4-79	4-5-79		

B. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Janata	Cong.(I)	Cong. (I)	CPI(M)	CPI	AI	Alkali	Other	Ind.	Total Vacan-
	2	3	4	5	6	7	ADMK	Parties			cies.
1											
Andhra Pradesh L.C. (As on 1-6-79)	90	9	36	12	1	2	..	..	6(a)	1	67*
Andhra Pradesh L.A. (As on 1-6-79)	295	50	216	7	8	6	..	..	3(b)	3	293
Assam L.A. (As on 1-6-79)	126	60	9(c)	23	10	6	..	..	8(d)	10	126
Bihar L.C. (As on 1-6-79)	96	30	33	8	..	5	..	..	1(c)	5	82
Bihar L.A. (As on April, 79)	325	213	44	13	4	21	..	..	17(f)	10	302*
Gujarat L.A. (As on 15-5-79)	182	107	57	7	..	..	..	..	4(g)	5(h)	180
Haryana L.A. (As on 1-6-79)	90	78	8	1	..	..	..	..	..	3	90
Himachal Pradesh L.A. (As on 29-5-79)	68	54	9	..	..	..	..	..	..	5	68
Jammu & Kashmir L.C. (As on 1-6-79)	36	1	11	..	..	..	..	..	21(i)	1	34
Jammu & Kashmir L.A. (As on 1-6-79)	78	11	7	1	..	..	..	..	..	59(j)	78
Karnataka L.C. (As on 1-6-79)	63	20	28	3	..	..	..	..	..	4	55*

Karnataka L.A. (As on 10-6-79)	255	55	156	1	--	3	..	..	2(k)	3	222*	2
Kerala L.A. (As on 1-6-79)	141	10	19	20	19	22	..	..	49(l)	..	139*	1
Andhra Pradesh L.A. (As on 15-2-1979)	321	230	58	21	..	..	..	..	4(1m)	9	319*	1
Assam L.A. (As on 15-11-79)	60	44	11	--	..	4	--	--	--	1	60	..
Madhya Pradesh L.A. (As on 1-6-79)	60	1	..	..	..	..	..	..	57(n)	2	60	..
Nagaland L.A. (As on 1-6-79)	60	--	..	15	..	..	..	..	40(o)	5	60	..
Punjab L.A. (As on 1-6-79)	117	25	15	2	8	7	..	58(p)	..	2	117	..
Rajasthan L.A. (As on 1-6-79)	200	149	25	16	1	1	..	..	4(q)	3	199*	..
Sikkim L.A. (As on 1-6-79)	32	26	--	..	..	..	..	..	4(r)	1	31	1
Tamil Nadu L.C. (As on 1-6-79)	63	1	4	--	1	1	16	..	19(s)	5	47*	15
Tamil Nadu L.A. (As on 1-6-79)	235	8	27	--	12	5	126	..	56(t)	..	234*	..
Uttar Pradesh L.C. (As on 1-6-79)	108	43	34	13	..	3	..	..	11(u)	3	107	1
Uttar Pradesh L.A. (As on 1-6-79)	426	355	43	7	1	9	..	..	2(v)	6	423	3

	2	3	4	5	6	7	8	9	10	11	12	13
West Bengal L.A. (As on 1-6-79)	295	29	11	10	178(w)	2	--	--	6i(z)	4	295	..
<i>Union Territories</i>												
Arunachal Pradesh L.A. (As on 1-6-79)	33	24	..	--	--	--	--	--	8(y)	1	33	..
Delhi Metropolitan Council (As on 1-6-79)	60(z)	48(z)	10	1	--	--	--	--	--	--	59	1
Goa, Daman & Diu L.A. (As on 5-4-79)	30	3	..	10	..	..	..	..	15(bb)	2	30	..

* 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) Election of one member namely, Shri S.R. Das belonging to Indian National Congress (I) was declared void by the Hon. Gauhati High Court *vide* order dated 14-8-78. But the Hon. Supreme Court has stayed the operation of the judgement till disposal of his petition.

(d) P.T.C.—4, R.C.P.—4.

(e) Teacher

(f) All India Jharkhand—1; Samyukta Virodhi Morcha Vidhaya Dal-7; Forward Block-1; Lok Paksha Vidhaya Dal-7, Nominated-1.

(g) Congress Party (Non-aligned).

(h) Two of them support to Janata Party.

- (i) National Conference-20 ; others-1.
 - (j) National Conference-50; Janata Front-3; Janai-i-Islamia-1; others-3; Nominated-1.
 - (k) Muslim League-1; R.P.I.-1.
 - (l) Kerala Congress-19, Muslim League-11; Revolutionary Socialist Party-9; PSP-2; National Democratic Party (B)-2; National democratic Party (T)-2; Muslim League (Opposition)-4.
 - (m) Nominated
 - (n) APHLC-31; PDIG-3; HSPDP-13; MULP-10.
 - (o) United Democratic Front-39; N.C.N.-1.
 - (p) One Member of the Shiromani Akali Dal has no right to vote.
 - (q) Pragatishheel Dal.
 - (r) Sikkim Prajatantra Congress.
 - (s) D.M.K.-13; Teachers-Graduates Progressive Front-3; Indian Union Muslim League-2; United Party-1.
 - (t) DMK-47; Indian National Forward Block-2; Tamil Nadu Toilers Progressive Party-2; Gandhi-Kamraj National Congress-2; Forward Block -1; Muslim League -1; Nominated -1.
 - (u) Shikshak Dal-8; Nirdaliya Sanga-2; Rashtrawadi Dal-1.
 - (v) Socialist-1; Nominated-1.
 - (w) Including one independent Member supported by C.P.I.(M).
 - (x) Forward Block-26; Revolutionary Socialist Party-20; Revolutionary Communist Party of India-3; Forward Block(Marxist)-3; Biplabi Bangla Congress-1; Socialist Unity Centre-4; C.P.I. (M.L)-1; Muslim League -1; CFD-1; Nominated-1.
 - (y) Peoples Party of Arunachal Pradesh.
 - (z) Excluding Chairman.
 - (aa) The Assembly was dissolved with effect from April 27, 1979.
 - (bb) Maharashtrawadi Gomantak Party.
- GMGIPMRND—Job III—156 LS—27-9-79—425.