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EDITORIAL NOTE

In keeping up with our practice of publishing important addresses by visiting foreign dignitaries to the Members of Parliament, this issue opens with the address by the Right Honourable Malcolm Fraser, the Prime Minister of Australia, who visited this country in January, 1979.

This issue also contains a feature on the recent Conference of the Chairmen of Public Accounts Committees of Parliament and the State Legislatures. The last such Conference was held in 1971. Needless to say, these Conferences provide a useful forum to the Chairmen to exchange their experiences on the working of Parliamentary committees concerned with the overseeing of Government Departments. The feature includes the inaugural address by Shri K. S. Hegde, Speaker of Lok Sabha and the address by the Chairman of the Public Accounts Committee of Parliament.

In the Australian Parliament, the Upper House—the Senate—has a full and effective Committee system which has gradually developed over the past decade. In the first article published in this issue, Senator the Hon. Condor L. Laucke, President of the Australian Senate discusses some recent developments in the Committee system in the Senate.

The concept of a world government has been engaging the attention of thinkers and statesmen for a very long time. In recent decades, the subject has assumed added importance in view of the threat of nuclear annihilation to the human race. In his contribution to this issue, Dr. Ramjee Singh, M.P. examines the concept of world government and whether it is only utopian or has some realistic basis.

We publish in this issue the text of an important constitutional document, *viz.* The Constitution (Forty-fifth Amendment) Bill, 1978 which has since been passed by the two Houses of Parliament.

Besides the above, the issue contains its other regular features relating to parliamentary privileges, procedure, constitutional and parliamentary developments in India and abroad, brief reviews of the sessions of the various legislatures etc.

We extend our felicitations to Shri A. G. Pawar, on his assuming the office of Deputy Chairman of the Maharashtra Legislative Council.

—Avtar Singh Rikhy

**ADDRESS BY THE RIGHT HONOURABLE MALCOLM FRASER,
CH., MP., PRIME MINISTER OF AUSTRALIA TO MEMBERS OF
PARLIAMENT**

[On January 27, 1979, His Excellency the Right Honourable Malcolm Fraser, C.H., M.P., Prime Minister of Australia addressed the Members of Parliament in the Central Hall of the Parliament House under the auspices of the Indian Parliamentary Group. We reproduce below his address as well as the welcome speech by the Prime Minister, Shri Morarji R. Desai and the thanks-giving speech by Shri K. S. Hegde, Speaker of Lok Sabha and President of the India Branch of the Commonwealth Parliamentary Association.

— Editor

SPEECH BY SHRI MORARJI R. DESAI, PRIME MINISTER OF INDIA

It is a matter of joy for me to be able to address again a word of welcome to the Prime Minister of Australia at this meeting of the Indian Parliamentary Group. We welcome him to this Central Hall as the principal representative of a country which, like ours, is wedded to the exercise of democracy. This Hall, Sir, reverberates with wit, humour, discussions both light and serious when Parliament is in session and while it helps to provide a forum for relaxation from the strains and tensions of Parliamentary debates, it also enables through mutual discussion to clear the air. I need hardly say that of the many parallels between our two countries, the parallel in our political systems is one which is not only the most striking, but also draws us nearer each other. We both inherited this structure from a common source. To many it may seem surprising that a system which had its origin in a totally different environment has so successfully grown roots, and become truly indigenous. But it has often struck me how little people do realise that we had democratic republics

2500 years ago. India's democratic commitment is, therefore, ancient and our tradition has been one of democratic processes. It involved a robust participation by the people in those processes, may be in the dim distant past but it got built into the frame and fibre of our citizens, a clear demonstration of which we saw during our last Parliamentary and State elections.

History of India has many examples of such consultative processes and of responsive rules in our society. The ease with which India adopted the modern democratic structure, therefore, reflects those ancient traditions of harmony and tolerance so vital to democratic functioning.

During the last thirty years, our system, in spite of various stresses has worked well. It is no mean feat to provide representation to the wishes and aspirations of over 600 million people within the interplay of pressures of a federal system compounded by a diversity of languages, religions, ethnic characteristics and other diverse factors. Despite this diversity the country has preserved a common bond of dedication to unity with remarkable constancy. Our system of pilgrimages and fairs and our spirit of mutual assimilation of ideas and outlook have fostered this broad concept of nationhood. It has enabled diverse constituents of the society to co-exist and to contribute to the strength of our unity and common system of governance. For us federation is not only a political system but is ingrained in our religious and social outlook. We have learnt the value of promoting life in a free, open and just society. A few scars may exist here and there but the conscience of the people is being roused to eradicate them and I have no doubt that before long they will become a painful memory of the past.

Mr. Prime Minister, our founding fathers pledged that we would build a just and equal society free from want and fear. Freedom accelerates the process of promoting each individual's dignity and total welfare. This is one of the imperatives that compels us to work for peace and stability in this world, and to encourage nations to put aside their differences and cooperate in a spirit of goodwill and brotherhood among nations and peaceful co-existence amidst different ideologies and ideals. The same spirit motivates us to seek better relations with our neighbours, so that the combined resources of the peoples of our region may be directed to their economic development and social improvement. We believe that we should co-operate with all nations, spanning regions, in a bid to ensure that we can all build a better world. Under your enlightened leadership last year we of the Commonwealth in this region came together remarkably well in the common endeavour of mutual help in the cause of betterment of our respective peoples. We would like all countries to acknowledge that as for a nation, so for this world, ultimately a more democratic structure and the five principles of Panchsheel would ensure peace and justice among nations

and comradeship among peoples. Association amongst nations, if structured by this spirit of universality, would enable the elimination of existing inequitous relationships and the growth of independence as well as interdependence in the world community as a whole.

Mr. Prime Minister, India and Australia share not only these common objectives and values but I believe also the will to work together to make them more meaningful to our own peoples and the peoples of other countries. I say this in the knowledge that we have already worked closely together in many fields, and surveyed the many-sided benefits of our bilateral relationship. That process of coming together has to be enlarged and we have to find new avenues of joint or common endeavours. I was very happy to receive from you, Mr. Prime Minister, some very helpful ideas for discussion among ourselves and I have no doubt that before you leave the shores of India you will have the satisfaction of completing a mission of mutual collaboration in an enlarged sphere. Australia and India may be separated physically by the vast ocean that washes their shores but we have some common ideals governing our attitude to the welfare of the two peoples and our dedication to peace, good neighbourliness and to the progress of our vast global society. It is in that spirit of shared beliefs and commitments that I once again extend to you, Mr. Prime Minister, a warm welcome on behalf of the people of India, their chosen representatives and on my own behalf.

ADDRESS BY THE RIGHT HONOURABLE MALCOLM FRASER, C.H., M.P.,
PRIME MINISTER OF AUSTRALIA

As the leader of a parliamentary democracy, and as someone with 23 years personal experience as a parliamentarian I am delighted to have this opportunity to address you, the representatives of the largest democracy in the world.

No invitation has been more welcome to me and I would like to express at the outset, and in the clearest terms my admiration for India's commitment to the democratic principle.

It has been sustained in circumstances which have never been easy and have sometimes been dauntingly difficult.

Future historians will surely record as one of the most remarkable facts of the second half of the twentieth century that as democracy faltered and failed in dozens of countries, countries whose problems, while serious enough, could not be mentioned in the same breath as those of India, democracy more or less remained alive and vital here. It is a great achievement.

It is a tribute to you as leaders, to your institutions, but most of all the people of India. For as truly great Indian, Mahatma Gandhi, wrote over 50 years ago, "Parliaments have no power or even existence independently of the people."

This visit gives me the opportunity to deepen my understanding of this remarkable and fascinating country. But it does more than that.

I believe that over the last 30 years neither of our countries, neither Australia nor India, has done enough to fulfil the potential of our relationship.

Do not misunderstand me. That relationship has been amicable and it has been cordial. But for a variety of reasons, legitimate reasons in the context of the time, our principal energies have been otherwise engaged.

You have been largely preoccupied with the affairs of the sub-continent and with playing a leading role in creating and developing the non-aligned movement. Our attention has been centred mainly on South East Asia; we have not adequately turned our attention towards strengthening and deepening the relationship, towards exploring its possibilities.

When your Prime Minister, Mr. Desai, and I met at the Commonwealth Heads of Government Meeting in London in 1977, we both came to the conclusion that the time had come to strengthen the relationship.

When we met again at the Commonwealth Regional Meeting in Sydney a year ago, a meeting which gained much of its weight and authority from your Prime Minister's presence, this conviction was greatly strengthened and we took some preliminary steps to develop the relationship between our two countries.

I trust that my visit will contribute further to the process. Our relationship should be further developed not only because it is in our direct bilateral interest to do so, but because at this time in history there is a crucial role to be played by countries like ours, countries which have learnt the art of compromise through their own institutions, which are not at the extreme end of any spectrum in international affairs and which are committed to moderation and reconciliation.

It is now more important than ever as I believe that nations like ours should do our utmost to inject this experience into the conduct of international affairs. To the extent that we understand and can lend support to each other that role would be performed more effectively.

I trust that by the time I have finished speaking it will be clear why I believe this and what I see that role as being. I appreciate that there are many differences between Australia and India. These differences are real

enough and there is no need to gloss over them. Yours is one of the great and ancient civilisations of the world.

No country on earth has such a long cultural continuity as India. By comparison Australia is a very young country, one which has created a distinctive cultural identity for itself during the course of this century alone.

The contrast between us in terms of population is striking. You have a population which is more than twice that of the whole of Africa and which constitutes nearly a third of all the people living in the Third World.

The fact that every year your population increases by a number about equivalent to Australia's total population indicates just how striking that contrast is. The diversity and complexity of your society is staggering. Australian society is also growing in diversity. What began as purely Anglo-saxon has been enriched by European and Asian influences, and by an increasing awareness of what our continent's pre-European civilization has to contribute.

But we recognise that few if any of the world's societies can compare with you in this respect.

Given these social and cultural differences, it naturally follows that the domestic problems which engross our two countries, our political priorities, must also be different.

One could easily extend the list of differences, but instead let me simply concede it and go on to make two crucial qualifying points.

First, while the differences are real enough, their effect has to some extent been compounded by lack of first-hand familiarity. The widely held western view of India as the archetypal "under-developed" country has tended to obscure the fact that you are one of the world's great industrial countries that you have one of the world's largest scientific and intellectual communities, that, indeed, while still a developing country, in many respects you are one of the world's most highly developed and sophisticated nations, and that this is disguised only by the fact you have to cope with an almost overwhelming population burden.

Similarly, in the past your policy of non-alignment has not always been understood and there has been insufficient appreciation of the needs from which it springs or the purposes it was meant to serve.

Differences of means have sometimes been confused with differences of ends, thus obscuring the fact of a common interest in peace and stability.

In Australia's case, we are sometimes thought of as a typically western country which happens to be eccentrically located at the bottom right-hand corner of Asia. I believe that this is a quite inadequate concept of contemporary Australia.

It is true that many of our central values and institutions are western, in the sense that they were first articulated and shaped in the west; not that the west has patent rights over them. We are fundamentally western in that sense.

But we are western I believe with a difference. A country which originated as a colony, whose own physical geography and environment are so distinctive, whose outlook and perspectives are profoundly affected by its location in the South East Asian region; whose export earnings derive principally from commodities; which is a net importer of capital, cannot be regarded as typically western. Australia is Australia, not an appendage of Europe.

The second and even more important qualification I wish to make is that while the differences between Australia and India are real, there are also very important similarities between us, similarities which are of fundamental political relevance at the present time.

As I began by acknowledging, we are two countries committed to democracy, situated on the rim of the same ocean, and in a world where functioning democracies are the exception rather than the rule.

Neither India nor Australia lays claims on any other country. Both believe in moderation and conciliation rather than confrontation, as a means to resolve differences between nations.

Both have a stake in peace and stability, in a part of the world where neither can be taken for granted. If one considers the Indian Ocean, for example, it is apparent that different as they are, both our approaches are concerned to prevent that Ocean from becoming a region of instability and to prevent that Ocean from becoming a region of great power rivalry.

Your approach seeks to do this by creating a zone of peace, ours by maintaining a balance at the lowest possible level.

Perhaps one will sum up the difference in policy by saying that your approach would be the one more certain to bring about the desired result, if it succeeds, while ours is the one more likely to be achievable in the short or medium term.

In any case, what I wish to stress is that we share the same basic objective. We are both working towards reducing tension and devising means for controlling conflict situations more effectively than in the past.

We both strive to achieve an effective means of global arms control and disarmament.

We know that the arms race threatens the survival of humanity and that it is a crippling handicap on economic development everywhere. We both recognise that disarmament cannot be left to the super powers, that it requires a concerted effort by all the nations of the world. We both want the nuclear weapons States to stop testing nuclear weapons in all environments, and Australia looks forward to working with India on the Committee for Disarmament recently established.

I submit that in the world in which we are living, the importance of the similarities between us far outweighs that of our differences. That world is one in which the possibility of a deepening rift between developed and developing countries, and of a serious political deterioration in regions of interest to both India and Australia, is real.

In the early part of this decade, a sustained and unprecedented period of growth in the world economy came to an end. Whether this is temporary or permanent remains to be seen, and will depend essentially on the quality of statesmanship available over the next year or two.

In the developed western world, this has been followed by a period of high inflation, high unemployment and low growth. In the developing countries, there have been two significant developments. First, a strong and co-ordinated demand for changes in the international economic system. And secondly, rapid, against-the-trend growth on the part of a small but significant group of developing countries, many of them Asian.

The interaction of these developments is of profound importance for the future of the international order in every sense—economic, political and strategic.

There is a real danger that, by beset by their own economic problems, under strong domestic political pressures and to some extent divided among themselves, the developed countries will react negatively and in a protectionist spirit to the needs of the Third World. Indeed, there are disturbing indications that this is already happening.

There is evidence in some quarters in the west of a disinclination to look with discrimination and sympathy at the claims of developing countries to see which proposals may offer the prospect of ensuring increased production and overall wealth for both groups of countries.

There is even clearer evidence of a resort to protectionist measures—some quite open, others are more covert—against those developing countries which are successfully expanding their manufacturing export sectors. If this approach were to prevail, the result would be disastrous.

By demonstrating to the developing countries that there was little sympathy for their problems and a negative response to their efforts to

work within the western system of trade it would strengthen the hand of those who have an interest in confrontation and inflexibility. Who could then say with strength that they were wrong? The result would be increasing alienation, instability and adventurism.

It is essential, therefore, that this approach should not prevail. We must have policies based on a recognition of interdependence, of the fact that in crucial respects the future of the developed and the developing worlds are inevitably linked, and that co-operation between them is essential.

These economic issues do not stand apart from other aspects of international relations. The days when they could be thought of in a separate compartment are gone. They have to be considered as part of the totality of relations, interacting closely with political, social and strategic questions.

There is I believe profound truth in Pandit Nehru's assertion that: "There can be no security or real peace if vast numbers of people in various parts of the world live in poverty and misery. Nor can there be a balanced economy for the world as a whole if the underdeveloped parts continue to upset that balance and drag down even the more prosperous nations".

Just as economic development and prosperity are vital for peace, so peace is vital to economic development. As recent events in a number of regions of importance to India and to Australia have brought home, the conditions for peace still elude the world.

In South East Asia, the end of the Vietnam War brought hopes that this troubled region might at last enjoy some peace and stability. The progress made by ASEAN and the quite remarkable economic growth achieved by some of its members, strengthened these hopes.

There were signs of a possible rapprochement between the ASEAN countries and Vietnam. Many believed that economic and development issues, not power politics, would now dominate the affairs of the region. Recent events have cast a dark shadow over such hopes.

A renewed intrusion of great power politics, the escalation of violence, the apparent determination to press the advantage of military superiority, make it seem that the last few years represented not a fundamental change, that we looked for but a short breathing space.

In the Middle East, a region of particular importance to India, which has over a million of her people working there, the situation has assumed a fluidity which, given the region's geo-political sensitivity, is dangerous indeed.

The turmoil and uncertainty in many countries in the area, combined with the interests which we all share mean that any miscalculation by the superpowers could have grave consequences for all of us.

We have recently had a graphic reminder in Iran that rapid growth does not itself guarantee stability, that it can in fact result in cultural and political dislocations which are seriously destabilising.

In Southern Africa blatant racialism, which constitutes a basic affront to human dignity, has created a situation which already involves bloodshed and misery and which, unless speedily resolved, is almost certain to result in a major political crisis. This is the world in which we are living.

My central theme is that in such a world there is a vital role for actors who are not dogmatic; who are not set on confrontation; whose behaviour reflects more than short-term and narrow self-interest. There is a need for such actors in the developed world, in the developing world and in a variety of regional settings. If they do not appear and assert themselves vigorously, the prospects are bleak.

It seems to me that both India and Australia are eminently capable of performing such a role as forces of co-operation, moderation and toleration, and countering those of confrontation, dogmatism and bigotry. Indeed, in a real sense as I understand it India has been performing that role since she achieved independence.

The notions of mediation, of opening rather than closing of doors, of reconciliation and compromise, constitute important elements in the wider concept of non-alignment.

Within the non-aligned movement itself you have provided much of the statesmanship required to hold together and to find constructive compromises between groups with different views. India has acquired great moral authority, based on its readiness to take a disinterested but principled view of a wide range of issues.

Closer to home, Australia has watched with appreciation the constructive role India has taken in initiating a new era of hope and co-operation in the sub-continent. Your good neighbour policy has led to greater self-confidence and an easing of tension and uncertainty.

The same spirit is evident in your efforts to begin a new phase in your relations with China; moves which have an important bearing on the future peace and stability of the Asia/Pacific region.

As far as Australia is concerned, during the last three years my Government has consistently acted on the belief that both an enlightened understanding of our own interests and the interest of international peace and stability require that we make a constructive and co-operative response to the needs of developing countries.

We have played a leading part among the OECD countries in supporting the common fund proposal and in contributing to make it a practicable, workable arrangement. On this issue we took an independent initiative at a time when rigidity on both sides threatened a stalemate which would have had serious ramifications.

We have strongly resisted the retreat towards protectionism on the part of some western countries. We recognise, of course, that the immediate removal of all barriers would be impossibly disrupting and we do not for a moment propose it.

What we firmly believe is that the trend must be away from, not towards, protectionism.

We have taken every opportunity to extend the dialogue between the developed and developing countries and to make it as genuine a meeting of minds as possible.

Only a few weeks ago I was in Jamaica to attend a discussion of current economic problems between seven heads of Government from developing and developed countries and that proved to be an eminently worthwhile meeting, informal and unstructured, free from dogma and rhetoric people coming away with better understanding of different points of view for the better understanding of the need for making progress on important matters such as the common front.

Australia condemned the racist regimes in southern Africa in the strongest terms and have used what influence we have to get those Governments to change their repugnant, dangerous and self-destructive policies.

Nearer home, we have always supported ASEAN as a practical example of regional co-operation, and we have established with ASEAN an extensive system of consultation and co-operation.

We based our policy towards Vietnam on the need to encourage her to integrate herself into the region and devote her formidable energies towards internal reconstruction and development. Recent events have forced us to reconsider, but for the longer term we have not abandoned that hope. We have taken more refugees from Vietnam per head of population than has any other country in the world.

Thirty years ago, soon after the foundation of your Republic, India and Australia acted together to provide their good offices in the conflict which was then being waged in Indonesia.

It was one of the earliest diplomatic initiatives of the new India and of an Australia emerging from its own dependence. The fact that two significant countries within the region acted in this way was not without effect.

Australia and India are countries which prefer to dissolve rather than erect barriers in international relations. This approach lay at the basis of the Commonwealth's successful emergence as a diverse association of independent nations bringing together like and unlike.

The Commonwealth's ability to adapt to new needs and to new circumstances has ensured not just its survival but its continuing relevance in the day's problems.

The present Commonwealth is relevant to the needs of the world today in a way the old Commonwealth could never have been.

The Heads of Government Regional Meeting at Sydney last year again demonstrated that the Commonwealth was capable of developing important new forms of co-operation. The approach of both our countries to international affairs can fairly be described as one of principled moderation. Moderation, that is, which derives not from indifference or lack of conviction, but is a positive, active force derived from the democratic experience of compromise and from an awareness of the importance of interdependence.

There is not an over-abundance of such moderation in the world today, yet it is badly needed; and it badly needs to speak out.

In too many situations it is the moderates who are in the majority but it is the extremists who prevail. We are not far from that situation which Yeats described where "The best lack all conviction while the worst are full of passionate intensity."

It is in speaking out with the civilised voice of moderation that I see a role for your country and a role for mine. India speaks for moderation with moral force as a founder and leader of non-alignment.

We seek to speak for moderation from different origins. We are aligned. But the very fact that nations—aligned and non-aligned—are concerned to find reasonable solutions will strengthen the cause of moderation.

If the non-aligned alone spoke for moderation the cause of reason would be seriously weakened. By speaking out for moderation from our different positions it will I believe be reinforced.

We cannot in our own interest and in the interest of others leave everything to the great powers, nor the sheer weight of numbers either. We need to draw on our experience of compromise and express our conviction of the reality of interdependence.

Let our passion be for moderation; let our strength be in the cause of reason. Let our determination be for the breaking down of barriers between people. Let that be our role.

But more than that it is a duty, and it is I believe an obligation.

It can be fulfilled more effectively to the extent that we strengthen our relationship between India and Australia.

I hope my visit to India can serve some part of that purpose.

SPEECH BY SHRI K. S. HEGDE, SPEAKER, LOK SABHA AND PRESIDENT OF
THE INDIA BRANCH OF THE COMMONWEALTH PARLIAMENTARY
ASSOCIATION

We have assembled here in this historic hall to extend to you, Excellency, a hearty welcome. On behalf of the Members of the two Houses of Parliament, may I say how happy we are to have you with us this evening.

You are here as the Prime Minister of a major neighbouring country, come on a voyage of friendship and goodwill to our land. It was not long ago that I was partaking your hospitality when I visited your wonderful country four months back to participate in the Commonwealth Speakers and Presiding Officers Conference. And, a Parliamentary delegation from our country has returned from Australia only a few days ago after a fruitful two-week tour. One of the oldest land masses on earth and more than twice the area of India yours is indeed a large country. We have been impressed by the genuine warmth and endearing friendliness of your people and the progress you have made in various fields. What struck me most, as it did our delegation, was your people's love of nature, of open environment and open society and above all their keenness to lay the greatest stress on the quality of human life.

Our two countries indeed hold many things in common. Our commitment to basic human freedoms, the rule of law and other democratic values, our faith in the parliamentary system of government, our experience as federal polities and our several Commonwealth links have all provided a basis for mutual consultation and cooperation, and made for affinity in our approach and thinking. As predominantly agricultural communities and members of the same region we have similar interests. There is need and scope for ever-expanding cooperation in trade and scientific, technological, educational, cultural and other fields between our peoples.

In our world today there can be nothing like capsuled prosperity, or capsuled misery. Every development in our times be it in the communication or transport or any other sphere, has only served to bring home the inter-dependence of the members of the human family. Although each

country has to develop its own growth profile, determined by national compulsions and priorities, there is indeed much to share, in experience, skills and resources, between the peoples of this world.

The scope in our part of the world for countries coming together, as equal partners, in constructive collaboration is really immense. Perception of the potentialities of the situation and of the role that belongs to your country by virtue of her geophysical and economic status has already found a creative response in your initiative in calling the Regional Meeting of the Commonwealth Heads of Government earlier last year.

We look forward to a deepening of understanding and widening of areas of cooperation between our two countries. Your present visit, Mr. Prime Minister, we have no doubt, should contribute significantly towards this end. During your present sojourn in this country we hope you would be able to see something of what we have been trying to do and what we hold precious in our national life. We hope you would enjoy your stay here and carry back with you the satisfaction of a worthwhile visit.

CONFERENCE OF CHAIRMEN OF PUBLIC ACCOUNTS COMMITTEES

[The Fifth Conference of the Chairmen of the Public Accounts Committees of Parliament and the State Legislatures was inaugurated by Shri K. S. Hegde, Speaker of Lok Sabha on December 16, 1978 at New Delhi. We reproduce below his inaugural address as also the address by Shri P. V. Narasimha Rao, Chairman, Public Accounts Committee of Parliament.

—Editor]

INAUGURAL ADDRESS BY K. S. HEGDE, SPEAKER, LOK SABHA

I deem it a great pleasure and privilege to be asked to inaugurate this, the Fifth Conference of Chairmen of Public Accounts Committees of Parliament and State Legislatures.

Such a Conference provides an opportunity to the Chairmen of all the Committees on Public Accounts to meet in a common forum to discuss procedural and other problems which they might be facing in the discharge of their onerous responsibilities and to benefit from the exchange of views with one another. The experience of past Conferences held in 1955, 1959, 1966 and 1971 amply demonstrates the utility of this institution.

In a modern parliamentary system of government it is accepted that one of the important functions of the Legislature is to control the Executive. The check that Legislature exercises over the Executive stems from the basic principle that Legislature embodies the will of the people and must, therefore, be able to oversee the way in which public policy is carried out so as to ensure that it remains in consonance with the aspirations of the people as a whole. Public policy finds its chief expression in

legislation and financial control. The Financial Committees at the Centre and in the States are positive instruments of Legislature's influence over the Executive. They keep an unremitting vigil over governmental spending and performance. They bring to light inefficiencies, waste and indiscretion in the implementation of policies and programmes approved by Parliament and State Legislatures. These Committees ensure that the interests of the public and considerations of probity and economy are served. Amongst the Financial Committees the Public Accounts Committees at the Centre and in the States are the oldest.

The Public Accounts Committee of Parliament has played a vital role in securing accountability of the Executive to Parliament. Since it became a full-fledged Parliamentary Committee in 1950, the Committee has presented more than 500 reports which, besides focussing attention on the shortcomings noticed in the working of Government Ministries/Departments, have gone a long way in toning up the financial system of the country. The Committee has tried to function not just as a body entrusted with the examination of cases involving losses to the exchequer and financial irregularities but also to go beyond the formality of expenditure to the wisdom, social cost and the public purpose sought to be served thereby. By its constant vigilance, the Committee has sought to ensure financial discipline not only in expenditure but also in revenue. But the delay in examining several of the items of expenditure is causing anxiety. We must find ways and means to overcome this drawback. I am sure your conference will try to do that.

The pivotal role played by the Chairman of a Parliamentary Committee cannot be over-emphasised. The success of the Committee depends largely on the deep involvement and active participation of all the Members in its work. It is here that the Chairman plays a vital role. The more he can inspire the Members to delve deep into the matter, the more purposeful will be the Committee's deliberations and the more incisive its examination of the witnesses. And out of this all will emerge reports which will be richer in content and wider in sweep and create a deeper impact on the Members of the House, the Government and the public. The Chairmen of the Public Accounts Committees deserve high praise for their qualities of dedication, leadership and hard work. As you know, since the Fourth Lok Sabha, the Chairmen of the PAC have been drawn from the Opposition. At present, we have Mr. Narasimha Rao, as Chairman, former Chief Minister and a man of great experience.

I am glad to observe that inspite of their pressing pre-occupations and parliamentary work, the members of the Committee have acquitted themselves creditably of their responsibilities. But for their devotion, presentation of a large number of reports to the House would not have been

possible. Every Member of the Committee willingly devotes his time and energy to go into the allotted subject, studies it in all its aspects so as to lead the examination of official witnesses in a purposeful manner. It is this thoroughness of examination done by Members, more particularly by the Conveners of the Study Groups, which enables the Committee to cover in depth all the subjects it takes up for examination during its term. Members of the Committee function like members of a happy family, bound by the single common objective of the overall public interest. This is evident from the reports of the Committee, which have been unanimous, reflecting the collective thinking of the Committee. But no Committee should exceed its jurisdiction nor should it become stumbling block in the efficient functioning of the Executive.

In its work, the Committee has the advice and able assistance of the Comptroller and Auditor-General. I must put on record our gratefulness to the Comptroller and Auditor-General and his able team of officers who have been helping the Committee with valuable data, background material and memoranda on important points. Further, staff and officers of the Lok Sabha Secretariat working with the Committee have been discharging their duties and responsibilities with credit.

As you may be well aware, the effectiveness of control of Government finances through the Public Accounts Committee depends upon the implementation of its recommendations both in letter and spirit. It is a matter of satisfaction that generally about 80-90 per cent of the recommendations of the Public Accounts Committee at the Centre are accepted by the Government. This is only as it should be. For, ultimately the objectives before the Committee and the Executive are the same—that is, to gear up the administrative machinery for optimum performance and galvanize the national economy to serve the interests of the common man.

The Public Accounts Committee has recently made an improvement in its Action Taken procedure. It may be recalled that recommendations, on which only interim replies are received till the time of finalisation of the Action Taken Reports, are included in Chapter V of the Action Taken Report of the Committee with the stipulation that final replies to these recommendations would be furnished to the Committee in due course. The Committee sometimes makes some further observations in cases where replies to recommendations are not satisfactory or where the Committee deems it proper to reiterate the earlier recommendations. Such recommendations/observations of the Committee are included in Chapter I of the Action Taken Report. The practice earlier was that when replies were received from the Government in respect of the recommendations or observations included in Chapters I and V of the Action Taken Reports, these

merely formed part of the Committee records. The Public Accounts Committee has now decided that final replies received from the Government on the Action Taken Reports would be laid on the Table in both the Houses of Parliament twice each year, *i.e.* during the Budget and Winter sessions, so that the Committee might share with the Parliament the information received from the Government. I am told that this improvement in Action Taken procedure has been adopted by the Estimates Committee and the Committee on Public Undertakings also. I would also like to commend this procedure for the consideration of all State Legislature Committees.

At the Centre, a number of Members had, from time to time, expressed an anxiety about the impact made by the Committee's Reports on the Executive. It was, therefore, felt that it would be useful to review the recommendations made by the Committee on a particular subject over the last ten years and see what concerted measures Government had taken to overcome the shortcomings pointed out by the Committee. In 1972-73 the Committee undertook a review of the implementation by Government of recommendations relating to Customs during the decade 1962—72. In 1975-76, the Committee reviewed the implementation by Government of recommendations in regard to Corporation Tax and Income-Tax during 1964 to 1974. May I suggest that you could similarly take up in the States a review of the recommendations made by the Public Accounts Committees on any important subject over the last ten years.

Before concluding, I would like to say a few words about the question of discussing the reports of the Public Accounts Committee in the House. This topic is also on the Agenda of the Conference. There is sometimes a demand that the Reports of the Financial Committees, including those of the Public Accounts Committee, should be debated on the floor of the House. Although it is open to the Lok Sabha to discuss reports of the Financial Committees, such discussion is seldom held. There has been a convention that the recommendations contained in the Reports of the Financial Committees on which all parties and groups are represented, should be implemented as if they were recommendations of the House, itself. However, if there is a specific issue over which there is divergence of opinion between the Committee and the Government, that issue might be brought before the House and discussed on a motion, without putting it to the vote of the House, so that it may not be on party lines.

I hope the present Conference, like the previous ones, will prove useful. Your deliberations here will make the work of the Public Accounts Committees more effective. I am glad to inaugurate the Conference and I wish you all success.

ADDRESS BY SHRI P. V. NARASIMHA RAO, CHAIRMAN, PUBLIC ACCOUNTS
COMMITTEE OF PARLIAMENT

We are all deeply beholden to the Honourable Speaker Shri Hegde for his very kind and refreshing inaugural address. His words, I am sure, would give a proper perspective and direction to the deliberations of the Conference.

The last Conference of the Chairmen of Public Accounts Committees was held in December, 1971. Prior to that, we had similar Conferences in the years 1955, 1959 and 1966. These 'get togethers' provide us opportunities to discuss questions of mutual interest concerning the scope of examination of subjects and to review and evolve the practice and procedure to meet the changing circumstances and above all to exchange experiences.

I shall now place before you some of the innovations made recently by the Public Accounts Committee of Parliament, apart from the normal work of scrutiny which it had been doing all along. One of the outstanding features of the Public Accounts Committee during the Fifth Lok Sabha was the presentation of two Review Reports on the implementation by Government, of the recommendations made by the Committee in their earlier Reports. In a Report submitted in 1975-76, the Committee reviewed the implementation of the recommendations relating to Corporation Tax and Income-tax during 1964—74. In one of the important recommendations, the Committee expressed concern at the mounting arrears of tax and the large number of pending assessments and suggested certain measures such as fixation of an order of priorities for taking up income cases, proper planning of work of Income-tax Officers and avoidance of over-pitched and unrealistic assessments.

In another Report, reviewing the implementation by Government of the recommendations of the PAC relating to Customs during 1962—72, the Committee noted the persistent errors and deficiencies in the working of the Department of Revenue and recommended certain remedial measures to effect improvement in the Department, such as, periodical training in technical fields for Appraisers, publication of a book of Indian Customs Tariff and issue of a departmental Tariff Guide and keeping them up-to-date, setting up of a central exchange of valuation to ensure uniformity in classification etc.

The Committee had also occasion to examine project planning and execution of certain major new ports such as Haldia, Mormugao and Tuticorin. The Committee had also occasion to look into the construction of the Farakka Project. In their Reports on these projects, the Committee

has highlighted the delays in construction leading to the escalation of costs, irregularities in the appointment of contractors and, above all, the economic viability of these projects. Presently, the Committee is examining the implementation of Loktak Hydel Project.

Another area which has found special favour with the Committee is the review of various cash assistance and export subsidy schemes. The Committee has so far reported on the Rebate on sugar export, cash assistance for export of bicycles, engineering goods, man-made fabrics, walnuts and air freight subsidy for export of leather, and is currently examining the cash assistance for export of absorbant cotton. The Committee has found that in all these cases the exports augmented were not commensurate with the cash assistance given to the industry. The Committee has also found that Government did not have adequate machinery to assess the quantum of assistance needed. The Committee has also exposed several malpractices resorted to by the beneficiaries of the cash assistance scheme.

Another area which received considerable attention and which would be of special interest to you is the review of the various Centrally operated schemes, the implementation of which had necessarily to be done by the State Governments. The Committee has presented Reports on Crash Scheme for Rural Employment, Emergency Agricultural Production Programme, Drought Relief Scheme and the Road Development in the Fifth Plan. In these Reports, the Committee has laid stress on proper monitoring of utilisation of funds, detailed framing of schemes and issue of guidelines to the States, etc.

This brief survey would, I am sure, highlight the fact that the functions of the Public Accounts Committee are not merely of a post mortem nature and that when properly conceived of and performed, they do have a profound effect on many sectors of Governmental activity in many respects. You are all senior legislators and administrators. Therefore, based on my own previous experience of the Public Accounts Committee at the State level and the very brief experience of the P.A.C. at the national level, I am inclined to think, and I hope you all agree, that the full personality of this important Committee is still evolving. Historically, it may be true that the Public Accounts Committee of Parliament was born in 1921. But the Public Accounts Committee with the Finance Minister as Chairman, the Finance Ministry manning the Committee's Secretariat and perhaps running it as one of its wings, with all the implications of that set-up—that Public Accounts Committee must have indeed been a vastly different proposition from the Committee of today. It is therefore only after the Indian Constitution came into force that the Public Accounts Committee appeared as the eyes and ears of Parliament in regard to the

latter's inalienable right to control and keep a continuous vigil on the expenditure of monies voted by it. The Public Accounts Committee today exists in pursuance of a crucial Constitutional responsibility cast upon the Parliament of India. This, in short, is the real measure of its stature.

The over-all picture of the Committee which emerges from the above characteristics is thus of a very high order and considerable complexity. Just to give one illustration, since the Committee's functions are judicial in nature, it would not behave the members to play the bully all the time. They have to be firm to the extent of exposing the true state of affairs, decisively and finally; but they do not have to behave as the procecurator even when satisfactory explanations are forthcoming. Similarly, when the justification for a particular decision is under consideration, what is relevant is the situation in which that decision was actually taken and not the post-facto wisdom that might have dawned subsequently or the new circumstances that might have supervened later. Therefore, every such enquiry should be entirely objective; it should start neither with prejudice nor with misplaced sympathy.

It is obvious that the time and energy at the disposal of the Public Accounts Committee are severely limited. Members of the Committee have to discharge their duties as members of Parliament or the State Legislatures also and as representatives of their constituencies, besides many other capacities and fields in which they may be serving the people. These being the physical limitations, a continuous and unrelenting effort to improve the effectiveness of the Public Accounts Committee is an absolute necessity. I would even go a step further and say that the methods and modes of the Committee's functioning should always contain an element of novelty and even surprise so that the administration is unable to mislead the Committee by some last-minute window-dressing improvised on the basis of previous trends of enquiry by the Committee. I am not being uncharitable to anyone, when I say this. I am only reiterating the well known fact that when the questioner tends to be stereotyped, the answers also tend to follow the beaten track and ultimately nothing worthwhile can be discovered. It is, in a real sense, a continuous battle of wits and should not be allowed to get stale.

Therefore, in a huge and countrywide process of expenditure running into thousands of crores every year, if a tiny Committee of 22 members at the Central level and similar small bodies at the State level have to make their ever-vigilant, ever-perceptive presence felt, it is obvious that their exposures should have implications much wider than the specific matters they deal with. They should lead to recommendations which seek to tone up important aspects of the administration, often cutting across

particular Ministries and Departments. It is only then that there will be a transmission of effect from the specific to the general which, I think, ought to be the main feature of the functioning of the Public Accounts Committees. It is, therefore, of utmost importance that the few Audit paras which the Committee takes up for detailed examination are selected with great care and perspicacity. This is the very first exercise undertaken by every new Committee immediately after it is constituted every year. I am not quite sure that this first exercise cannot be considerably improved in order to better serve the purpose I have just mentioned. I hope that this aspect will receive greater attention in the years to come, since I think it is of crucial importance for the effectiveness of the Public Accounts Committees.

I shall now briefly refer to certain recent changes effected by the Central Public Accounts Committee in regard to its scrutiny procedures and follow-up work on its recommendations. Since 1967-68, the Committee has been trying to develop a more selective approach in its scrutiny of Audit Reports and Accounts. This makes it possible for the Committee to give close and concentrated attention to representative cases of lapses and identify shortcomings and loopholes in the procedures, which need to be plugged to obviate recurrence of lapses and irregularities.

It is no secret that the effectiveness of the Reports of a Parliamentary Committee is to be judged by the extent to which its recommendations are implemented. It is a matter of satisfaction that in general the bulk of the recommendations are accepted by Government. However, vigorous and effective steps, that need to be taken to remove the causes contributing to the mistakes and lapses, have not always been forthcoming. In 1967-68 a Standing Sub-Committee consisting of the conveners of the five working Groups was constituted to examine in detail the Action Taken Notes received from the Ministries/Departments. Separate Action Taken Reports drawn up by the Sub-Committee now facilitate the work of the main Committee.

Though the Action Taken Sub-Committee tries to speed up the replies where they have not been received, the problems of delay by Government in furnishing replies to reports of PAC and of incomplete, evasive, interim and unvetted (by Audit) replies still remain. I am, however, glad to mention that, as a result of the PAC's 220th Report on "Delays in Furnishing Action Taken Notes", Government have become vigilant and have submitted Action Taken Notes, by and large, within the stipulated time. The Ministry of Finance have also set up a Monitoring Cell with a view to ensuring that the Ministries furnish Action Taken Notes to the PAC in due time.

The matter of processing the Action Taken Notes received after the presentation of Action Taken Reports was reviewed by the PAC at its meeting held on December 6, 1977 and it was decided that Action Taken Notes received from the Government on the recommendations made by the Committee in its Action Taken Reports be placed on the Table of the House so that the House may also share the information thus supplied after presentation of the Action Taken Reports.

An important aspect of this follow up process of the Public Accounts Committee which I would like to mention at this point is that although, as I just said, the Committee's "Action Taken" reports are being submitted to Parliament, I have a feeling that there is considerable scope for improvement in this regard. At this point, it would be pertinent to observe that quite often "Action Taken" is so narrowly interpreted and reported that it does not amount to anything beyond technical compliance. This is not at all in the spirit of the recommendation and could therefore lead to avoidable embarrassment all round. Therefore, the real nature of the action taken is to be considered in all such cases. Again, "action taken", according to my understanding, does not only mean the specific action taken in the specific case from which the recommendation of the Committee arose; it should also include the action, mostly preventive, which Government have to take in order to see that similar irregularities do not recur in any Ministry of the Government, in matters of similar nature. This naturally entails action or instruction cutting across Ministries and perhaps permeating the entire administration in some cases. When these very wide implications of "action taken" are considered, it becomes at once clear that a really important recommendation of the Public Accounts Committee could lead to a far-reaching "chain-action", and unless this happens, the Committee will not be justified in considering the "action taken" to have been completed. I am emphasising this aspect because in the years to come, the Public Accounts Committees will be more and more called upon to make recommendations leading to wholesome and salutary financial principles in administration and perhaps less and less on individual cases of mismanagement which would then be consigned to departmental enquiry and action.

Suppose, now—and this is no mere supposition but a hard reality quite often—that in spite of the recommendations of the P.A.C., the same kind of irregularities are repeated year after year. In such a situation, "action taken" loses all meaning, since the preventive aspect has been ignored. Instances of such repeated irregularity could be pointed out by the C. & A. G. and the Secretariat of the P.A.C. But the question arises, what is the P.A.C. to do in such cases? Taking a more serious view may work in some cases but it may again fail in others. It is in such cases of

non-compliance that the authority of the Public Accounts Committee, as representing Parliament, has to be asserted. How exactly it is to be asserted is a matter to which I am sure a good deal of thought needs to be given. Personally I do see a new vista of possibilities opening up in the years to come, if the effectiveness of Parliament's control over public expenditure is to be maintained as a palpable reality. And what I have said about Parliament would, *mutatis mutandis*, apply to State Legislatures with the same validity. I invite you to ponder over this question.

A major problem being faced in the States, which I feel, needs to be dealt with is the time-lag that takes place between the spending of public money and its scrutiny by the P.A.C. This takes away a great deal from the effectiveness of the Committee's work. A constructive effort to bring to light the waste of resources is impeded by the fact that there is an inordinate delay in the feedback of information to the P.A.C. which, in turn, reports to the Legislature and through Legislature to the people. This delay results in the Committee having to deal most of the time with matters of past history, which may not always have contemporaneous importance. Too often, the officials examined are not themselves the persons who had personally handled the case being investigated and were thus not responsible for the administration at that time. In a way this has its own advantage, at least in one respect namely, that when officers other than those responsible tender evidence, there is oftentimes a greater amount of objectivity and frankness. However, when the time-lag is too much, there are several disadvantages also, which are well known.

This position, though unavoidable to some extent in the very nature of things, could be improved in several directions. One is for the Accountant General of the State to consider devising ways and means to reduce the time-lag and the delay in the feed-back of information. Another is for the Committee to consider calling for evidence the officers who were actually responsible for dealing with the cases in question, whenever they are available along with their successors who would now be in office. A third course, equally important, would be for the Committee to endeavour to keep itself upto-date as far as possible in the selection of paras for reporting. We shall have occasion to dwell upon these aspects during our deliberations.

Until recently, the accounts of the Union and each of the States (with the exception of those relating to Defence and Railways) were maintained by the Comptroller and Auditor-General. However, the accounting system applicable to most Ministries and Departments was essentially external to financial management functions in that payments were made by the treasuries and accounts were compiled by the Audit and Accounts Offices

under the control of the comptroller and Auditor General on the basis of initial and subsidiary accounts received by them from the treasuries. With the increase in the volume and variety of Governmental business and the continual set-up of developmental outlays, the separation of accounts from audit had to be thought of. Accordingly, the scheme of separation of Accounts from Audit has been introduced with effect from April 1, 1976. The important criteria for judging the efficacy of the new system would be the extent to which it would help in toning up the financial administration and establishing the accountability of the Executive to Parliament. The results will have to be carefully watched.

Sometimes, there is a demand that the Reports of P.A.C. should be discussed on the floor of the House. This demand has been under the consideration of the Central Committee for some time. It has, however, not been possible to reach any conclusion so far. I do not wish to anticipate the final decisions to be taken in this regard, since the P.A.C. is currently seized of the matter. I may, however, point out some pros and cons of the question which a deeper examination of the issue has brought out, including a survey of the practices prevailing in other countries with comparable Parliamentary systems.

As I have already said, the P.A.C. is a miniature Parliament, reflecting all shades of opinion, by and large. But the similarity ends there and almost the opposite situation emerges in regard to the P.A.C's. mode of deliberation and recommendation. The P.A.C's proceedings are above Party and its recommendations unanimous. Therefore, when its reports are submitted to Parliament, while there is nothing to prevent the Parliament from discussing them, the possibility of the discussion taking on a partisan character and the voting on Party lines cannot be ruled out. If this happens, it may also detract from the utility and effectiveness of the P.A.C., not to mention the effect it may have on the working of the P.A.C. itself.

On the other hand, however, discussion of the P.A.C. reports by the House is likely to highlight the lapses on the part of the Government and help get them rectified in time, particularly in cases where Government had been found to be obstinately refusing to do so. Between these two considerations, a decision is to be taken and I am sure that after due deliberations, a way will be found in order to strengthen Parliament's control over public expenditure.

This subject is included in the Agenda.

The Committee on Public Accounts has the great advantage over other Parliamentary Committees in that it has the assistance of the Comptroller

and Auditor General. Audit furnishes full and detailed background information on matters under examination by the Committee. The C.&A.G. and his officers are also present at the sittings of the Committee and help it in its examination of the official witnesses. If and when any witness tried to sidetrack the probe by the Committee or abstains from giving full information, Audit are in a position to give the relevant information which had already been gathered by them from official records or supplied to them by the concerned authorities. The knowledge that such an expert aid is available to the Committee generally makes the witnesses very careful and circumspect in their evidence.

We have had very illustrious Auditors-General who have rendered very valuable assistance to the Committee. Now we have an eminent administrator and a sober gentleman in Shri Gyan Prakash, who has been of great help to us. Shri Gyan Prakash had been the Chief Secretary to the Government of Uttar Pradesh, and also held several senior administrative appointments in the Central Government. Immediately before his appointment as Auditor-General he was holding the high office of Defence Secretary. His varied experience as an administrator is a definite asset to the Committee to help in examination of complex problems in the correct perspective and raise its sight to larger issues of national interest.

I am grateful to my honourable and illustrious predecessors who have made it convenient to grace the occasion today. They have left a very rich heritage, which in my humble way, I am trying to continue.

I would, on this occasion, also like to acknowledge the helpful attitude of the Government in furnishing, by and large readily and promptly, the information required by the Committee and the willing cooperation extended by the officers of different Ministries which has greatly facilitated the work of the Committee.

The representatives of the Ministries who appear for evidence before the Committee are generally, though not invariably, willing to place the facts before the Committee, to admit faults where facts so warrant and to suggest concrete measures to plug any loopholes. But for this helpful attitude on the part of the Government and its officers, the Committee's work would indeed have been more onerous.

The Public Accounts Committee has been fortunate in having always enjoyed, in ample measure, the care and support of the illustrious Speakers of the Lok Sabha. Speaking for myself, I can say that as Chairman of the Committee, I have always received courtesy and consideration from

the Speaker, Shri K. S. Hegde, whom we all hold in high esteem for his erudition and judicious temperament.

The effective functioning of the Committee is in a large measure a tribute to Shri M. N. Kaul, Secretary, Lok Sabha from 1947—64. Shri S. L. Shakhder, (1964—77) and their successor, Shri Avtar Singh Rikhy, who have contributed much to the formation and evolution of the Committee to its present status.

The Public Accounts Committee works in close co-operation with its two sister Financial Committees, namely, the Committee on Estimates and the Committee on Public Undertakings. The three Committees supplement each other and together cover a large area of the Union Government's multifarious activities from year to year. There is proper co-ordination to ensure that there is no overlapping or duplication of work. I do hope that the same is the position in the States.

Proposals are also under consideration to educate the people about the working of the Public Accounts Committee. A greater awareness of the Committee's role is bound to enhance its effectiveness also. There is considerable substance in the idea that the work of the P.A.C.—and perhaps the other financial Committees too—should be made better known to the public. The present situation of their being entirely in camera, unknown and hardly publicised Committees should somewhat change. Only then the concept of Parliamentary control over Governmental expenditure will get highlighted and lead to meaningful responses from the people. . . . But this publicity should not detract from the confidential and non-party operation of the Committees and the tendency of playing to the gallery should never be encouraged. Also, the position of officials should not be made embarrassing as a result of this publicity. A golden mean between these two compelling considerations should be found.

I must however, refer to the great interest which the Press have shown in the Reports of the Committee and in giving publicity to its recommendations. This is indeed a matter for gratification for the Committee. I am confident that the Press would continue to extend its cooperation in giving wide coverage to the Reports of the Committee.

In view of the many bonds of common interest between the Central P.A.C. and the States P.A.Cs, the Central Committee has always welcomed the visits of the members of the State PACs to watch the proceedings of the Committee when witnesses are being examined. There is also informal

exchange of views with visiting Members of State PACs. Now we await similar invitations from the Chairman of PACs of states when these Committees are recording evidence and we would be very happy to do so.

Today and tomorrow, we shall be having useful discussions which, I hope, will result in an all round improvement of the working of the Public Accounts Committees. I am grateful for the spontaneous enthusiasm which this Conference has evoked from all State Chairmen and the promptness with which they have responded with subjects to be included in the Agenda. We have tried to select several important items; yet, in view of the constraints of time, some had to be left out. I would, however, like to assure you that this Conference will not, hereafter, be a sporadic affair but will be the harbinger of a continuous and meaningful dialogue. You are welcome to keep in touch with the Central Committee and with one another *inter se*. The Central Committee will endeavour to serve as a clearing house of information and experience and otherwise also, the process of wide-ranging and regular consultation between State Committees could go on directly. After all, the shortest route between Bangalore and Madras need not always be via Delhi!

Here, I would pay a tribute to all those who have co-operated with us in organising this Conference and I look forward to its deliberations.

I once again extend to the Honourable Speaker Shri Hegde on your behalf and my own behalf a hearty vote of thanks for having taken the trouble to come here to inaugurate this Conference and give us the benefit of his wise counsel. Friends, I thank you all for attending the Conference and for giving me a patient hearing.

THE COMMITTEE SYSTEM IN THE AUSTRALIAN SENATE : SOME RECENT DEVELOPMENTS

SENATOR THE HON. SIR CONDOR L. LAUCKE

The history of the Australian Senate over the past decade has been a notable practical expression of the view, increasingly held, that a great proportion of any parliament's work can be most effectively carried out by the use of committees.

By gradual stages the Australian Senate has advanced from a system of *ad hoc* select committees to a system where the emphasis is now on eight permanent standing committees, which are known as Legislative and General Purpose Standing Committees, to which may be referred Bills, messages, petitions, inquiries or papers, and on six Estimates Committees, to which the Senate entrusts the scrutiny of the Government's expenditure proposals. The eight Legislative and General Purpose Standing Committees are : Constitutional and Legal Affairs; Education and the Arts; Finance and Government Operations; Foreign Affairs and Defence; National Resources; Science and the Environment; Social Welfare; and Trade and Commerce. Between them, they cover the whole gamut of governmental responsibility and the portfolios of the entire Ministry.

Through the operation of these committees, the Senate has a very full and effective system covering all of the areas mentioned above. The system also provides a detailed examination of proposed expenditures. By having its present variety of committees, the Senate avoids the problem which arises when a smaller number of committees is given the responsibility for all types of inquiry—legislative, investigatory and financial. From 1970—78, 96 reports were submitted to the Senate by the Standing Committees; the Estimates Committees each report twice annually.

Over the last two years there have been several major developments which should further increase the effectiveness and scope of the committees, the most significant of them being the following :

- (a) The adoption, in March, 1977, of new Standing Orders (36AA and 36AB) providing for the appointment at the commencement of each Parliament, of both the Legislative and General Purpose Standing Committees and the Estimates Committees, which were previously (since 1970) appointed pursuant to sessional resolutions.
- (b) The adoption, in August, 1978, of a recommendation from the standing orders Committee¹ that the Senate institute a new procedure, by Sessional Order in the first instance, for the Commital of Bills, after their second reading, to the Legislative and General Purpose Standing Committees for consideration.
- (c) The continued expansion of the work of the Estimates Committees.
- (d) The acceptance by the Government on 25 May, 1978, of the principle contained in the Senate's Resolution of March 1973 (a stronger version of which was recommended in the 2nd Report of the Standing Orders Committee, 1978) that the Government should be required to respond to Reports of Committees by way of informing the Parliament of its intentions with respect to such Reports.

Perhaps the foremost development was the decision of the Senate to accept a recommendation by its Standing Orders Committee to give a new emphasis to the legislative aspect of the work of the eight Legislative and General Purpose Standing Committees.

Legislative and General Purpose Standing Committees : When the Legislative and General Purpose Standing Committees and the Estimates Committees were first appointed in 1970, the Senate took the attitude that such a major new development should be pursued on a gradual basis—to some extent even on an experimental basis, as some Senators had reservations as to the potential effectiveness of their operations. The doubts were gradually dispelled, as the Committee activity increased both in intensity and effectiveness.

By the time of the proposal for the Committees' appointment to be a matter for inclusion in Standing Orders, over fifty reports had been made to the Senate by the Standing Committees (as stated above, the figure now stands at ninety-six) and the Estimates Committees had proved their value:

When the new Standing Order 36AA was accepted, provision was made for the re-inclusion of the Standing Committee on Finance and Government Operations, which had been dropped in 1976 from the original Standing Committees. Its reappointment was a reflection of the view that

¹2nd Report, 1978, tabled in May, 1978.

the Senate could profitably extend its interest in, and oversight of, government expenditure. In addition, that Committee has been given responsibility for the oversight of statutory bodies—an important and largely neglected area of parliamentary supervision. There has also developed a practice under which specific matters raised by Estimates Committees in the course of their reports to the Senate are often referred to the Finance and Government Operations Committee for investigation.

Committal of Bills to Committees: When the first of the Legislative and General Purpose Standing Committees were established in 1970 it was recognised that in the beginning most of the work would be of an investigatory character with a trend to the reference of Bills developing more slowly. The nine years of operation of the Committees has confirmed this judgment. Although the Committees have reported upon many matters of national concern, only nine Bills have been referred to them.

The Senate has now sought, by the adoption of a new Sessional Order, to facilitate the reference of Bills to these committees. This followed a recommendation made to the Senate by the Standing Orders Committee in a report tabled in May 1978. The Committee recommended that the Senate should, on a trial basis, establish a procedure whereby, after the second reading of a Bill (other than an Appropriation Bill, a Supply Bill or a Bill imposing taxation) a motion, without notice, may be moved by any Senator to refer the Bill to a Legislative and General Purpose Standing Committee.

The Standing Orders Committee recommended a Sessional Order² under which such a practice might develop. It suggested that at least the Minister in charge of a Bill together with officers, might attend to explain the provisions of the Bill, in a somewhat similar manner to the existing practice before Estimates Committees. Two other important comments were made in the Report—one, that the procedure described above would not necessarily inhibit the normal committee practice of calling witnesses, and two, that, consistent with the previous development of the Senate's committee system, gradualism should apply until the new procedure settles down and that it would be wise for the references of Bills to be moderate in number.

The new Sessional Order now adopted on a trial basis, sets out such a procedure for the reference of Bills, on motion, to the Standing Committees after the second reading has been agreed to. All Senators will continue to retain the right, provided for in the Standing Orders relating to the appointment of the Standing Committees, of being able to participate in the public

²See 2nd Report, at pp. 10-12.

sessions and question witnesses unless the Committee orders otherwise, even though the Senators were not members of the Committee.

It is relevant to point out that the procedure proposed for the Senate differs in some major details from that recently commenced in the House of Representatives, where special *ad hoc* legislation committees are appointed and witnesses do not appear.

The Estimates Committees: Scarcely less important have been two developments which relate to the Estimates Committees. Until recently these committees functioned with the Secretary acting like a Clerk to the Committee and with members, on their own initiative, asking such questions as they wished without the aid of any research staff. Following upon recommendations made in reports of the Estimates Committees, a consensus view has expressed that for the Estimates Committees' consideration of the Supplementary Estimates in April-May 1978, research assistance should be provided to the Committees by the trial attachment of some of the existing staff of the Legislative and General Purpose Standing Committees. Arrangements were so made and in a special report to the Senate on its last sitting day in June 1978, the Chairmen of the Estimates Committees expressed their appreciation of the success of the arrangements and suggested that the appointment of at least a full-time research officer to each committee was warranted. The same "temporary" arrangements applied in the consideration of the annual estimates in September—November, 1978. Efforts have been made to secure the appointment of the additional research officers, but governmental restraints on staffing have so far precluded their employment.

The Chairmen also indicated that the Committees should have an on going function, examining departmental expenditures where necessary on a continuing basis. This, in the longer term, would involve increased staffing arrangements, on a basis similar to that of the Legislative and General Purpose Standing Committees.

A further development in regard to the Estimates Committees was the Government's response to recommendations made relating to the preparation, form and early availability of explanatory notes from each Department in regard to proposed expenditure. A more and more satisfactory procedure has thus been developed over the year. This culminated, in 1978, ✓ in the tabling, one week after the Budget was presented, of detailed explanatory notes on expenditure from 45 Departments and authorities.

These explanatory notes constituted a huge pile of papers, reaching about two-thirds of a metre high. The early presentation, and detail, of these papers, enable Senators to give proposed governmental expenditures the close scrutiny which is now characteristic of the Estimates Committees.

The Committees, meeting three at a time, hold their meetings over several weeks. As with the Legislative and General Purpose Standing Committees any Senator, even though not a member of a particular Committee, may participate and question a Minister and officers. In previous years when the Estimates were considered by the Committee of the Whole Senate, a Minister would have an officer with him to whom he would refer by way of whisper to obtain some explanation to reply to a query from a Senator. Those were not very effective examinations. Now when the Minister attends, he has with him senior departmental officers as witnesses, and questions are put to the Minister and officers by members of the Committee or any other Senator who is present. This has led to a respect for the examination of expenditure which is really worthwhile. Now public expenditures are examined in a way these expenditures should be examined. The stature of the Senate, and its effectiveness have been enormously enhanced since the introduction of this system.

Government reaction to Committees' reports: Frequently, the criticism is made of Government that they pigeonhole and do not give proper consideration to Committee reports. On March 14, 1973, the Senate agreed to a motion expressing the opinion that within three months from the presentation to the Senate of any Senate committee report which recommended Government action, the Government should table a paper informing the Senate of its observations and intentions with respect to the Report. The result was not satisfactory and in its second report tabled in May 1978, the Committee recommended that second revised resolution by passed with the following paragraph providing that the President report to the Senate those cases in which there had been no response from the Government:

"Following the presentation of a Report from a Standing Committee or Select Committee of the Senate which recommends action by the Government, the President shall forward to the Leader of the Government in the Senate a copy of such Report requesting that the Government, within the ensuing three months and not later than the first sitting day after three months, table a paper informing the Senate of its observations and intentions with respect to the recommendations made in the Report. The President shall report to the Senate those cases in which there has been no response from the Government pursuant to this resolution."

Events overtook this proposal, as the Prime Minister announced, on 25 May, 1978, that the Government would make such statements, within six months of the tabling of Committee Reports—reflecting, as he said, the Government's intention to see that "the excellent work of Parliamentary Committees does not pass unheeded". The Senate was pleased to learn that its views had been productive in the long run.

Representation of Minority Groups in Select Committees: Representation of Senators representing minority groups, and of independent Senators on Committees has been an issue in the Senate for many years, extending back to the mid-1950s. It was particularly important during a period when a minor party, viz. the Australian Democratic Labour Party, held a type of balance of power position in the Senate. It has not been a problem in more recent years but once again became important when two new Senators representing a new minority group were due to take their places in the Senate after 30 June, 1978.

The Standing Orders Committee considered this matter and, in its 3rd Report for 1978, it recommended that the two Standing Orders providing for the establishment of the Standing and Estimates Committees be amended to provide for minority representation following consultation with the Opposition—and in the event of disagreement for the Senate to decide. The Senate adopted this proposal in early September, 1978 and action has already been taken under the amended Standing Orders. Senator Mason, a member of the new minority group in the Senate, the Australian Democrats, is now a member of the Standing Committee on Science and the Environment.

A point that might be stressed in this connection is that it is the practice in the Senate for the party leaders to nominate the members who serve on each committee. Some of the Standing Orders or Resolutions relating to the appointment of committees specifically provide for such nomination by the leaders, but even where this is not spelt out it is still the practice for the leaders to nominate members after party room discussions and sifting out who desires to go on which committee and for the nominations to be confirmed by the Senate. The Standing Order pursuant to which Senator Mason was appointed spells out the provisions for nomination as follows :

“Unless otherwise ordered, each Standing Committee shall consist of six Senators, three being members of the Government to be nominated by the Leader of the Government in the Senate, and three being Senators who are not members of the Government, to be nominated by the Leader of the Opposition in the Senate or by any minority group or groups or Independent Senator or independent Senators.”

Consideration of televising Committees' proceedings: In view of certain overseas developments, the question with respect to the televising of meetings of Committees has become a matter of interest. The regular televising of proceedings of parliamentary committees has not yet come to Australia. Consideration of this was first recommended in the Report “*Committees of the Australian Senate*”, laid on the Table by the President in February

1971.³ The Senate then passed a Resolution authorising the televising of public hearings of Standing and Select Committees, at the discretion of each Committee and under such rules as the Senate may adopt.

Subsequently, further consideration was given to the matter by the Senate Standing Orders Committee, the then Attorney-General and the then Solicitor-General⁴ and the Joint Committee on Broadcasting of Parliamentary Proceedings.⁵

The Joint Committee recommended televising subject to suggested guidelines contained in an Appendix to its Report. But the Senate has not yet laid down the rules which should apply and until it does, no committees can authorise the televising of its proceedings without the express authority of the Senate.

When provision for the appointment of the Senate's Legislative and General Purpose Standing Committees was included in Standing Orders in 1977, a specific paragraph was included consistent with the previous authorisation.

In view of this situation the Standing Orders Committee has been considering draft rules for the televising of Committee proceedings and has communicated with the Australian Broadcasting Commission on them. It can be anticipated that the Committee will make a further report on the subject in due course.

In conclusion, it might be said that the stature and effectiveness of the Australian Senate has been greatly enhanced through the committee system it has. It is a system in which Senators justifiably take pride, and which has far-reaching results. Indicative of the manner in which committee work now colours much of the Senate's proceedings is the fact that during the six sitting days immediately prior to the last Conference of Commonwealth Speakers and Presiding Officers, four reports from the standing committees were presented; two notices were given for further references to committees; two earlier reports were debated; an extension of time was granted for the bringing up of three other reports and motions were proposed for the appointment of a new select committee and two new joint select committees.

³Parliamentary Paper No. 32 of 1971.

⁴Report—"Parliamentary Committees—Power over and Protection afforded to Witnesses"; Parliamentary Paper No. 168 of 1972.

⁵Report—April 1974—Parliamentary Paper No. 61 of 1974.

WORLD GOVERNMENT: UTOPIAN OR SCIENTIFIC?

DR. RAMJEE SINGH

On April 7, 1978 Shri H. V. Kamath, a founding father of our Constitution, moved a Constitution (Amendment) Bill in the people's supreme forum to amend article 51 of the Constitution to incorporate the following new clause in the Directive Principles of State Policy :

"The State shall endeavour to collaborate with other nations for the early formation of a World Constituent Assembly to draft the Constitution for a World Federal Government."

The debate, cutting across party lines, revealed almost universal support to the motion and even the Deputy Speaker, Shri Godey Murahari, who was then presiding, requested the Speaker to be in the Chair, "because it is one of the rare occasions when a Deputy Speaker would like to speak". He also supported the Bill in a powerful speech. Needless to say, Shri Murahari is one of the Vice-Presidents of a world body called, "World Constitution and Parliament Association". Then, very unusually, the Minister of State for External Affairs, Shri S. Kundu, stood up to congratulate Shri Kamath for introducing such a Bill and opined that "we should concentrate to see that we pave the way so that in our life-time we can have a world without boundaries or some sort of a federal world."

The concept of a world order is not new. It has engaged the attention of the philosophers and thinkers since ancient times. Socrates had said: "I am neither an Athenian nor a Greek but a citizen of the world". Later, when the French polity was in the midst of several desperate experiments tried by different parties with different forms of government, it was the genius of Victor Hugo to utter a prophetic note in 1885 : "I represent a party which does not yet exist and what is that Party? 'Civilization'. This party will make the twentieth century. There will issue from it the United States of Europe and then the United States of the World."

The concept has found support from some great modern thinkers and statesmen as well. Professor Arnold Toynbee in his well-known book "*A Study of History*" has expressed the view that "*A fortiori*, in our world-wide society in the present Atomic Age we shall not have assured the survival of the human race until we have established a world-government and have made the present national governments subordinate to it." Wendell Wilkie, in his book, "*One World*" published in 1941, and H. G. Wells posed serious questions about the probability of a Federal World State. Harold Laski, in his famous book "*A Grammar of Politics*" wrote "Either we create one world by a deliberate plan or we court disaster. It is a grim alternative". Even our first Prime Minister Shri Jawaharlal Nehru had firmly said: "I have no doubt in my mind that world federation must and will come, for there is no other remedy for the world's sickness." Mr. Attlee, the British Prime Minister, while addressing the "World Parliament Association" at Oslo on April 25, 1959 said: "I would like to see a World Government grow out of the U.N.". Another British Prime Minister, Mr. Harold Macmillan, while he was Defence Minister of the U.K., speaking on disarmament had told the British Parliament in 1955: "This is elevating the U.N., or whatever may be the authority, into something like World Government; be it so, it is none the worse for that. In the long run this is the only way out for mankind." Mahatma Gandhi also wrote: "Nationalism is not the highest concept; the highest concept is World Community. I would not like to live in this world if it is not to be one world." Sri Aurobindo also echoed the same ideas rather more emphatically in his book "*The Ideal of Human Unity*" when he said: "The creation of a World State is the one logical and inevitable outcome". The great saint was in fact anxious for both material as well as spiritual unity, as is clear from his words: "We must know that as the realisation of the unity of the material world gives us power, so the realisation of the great spiritual unity of man alone can give us peace."

Shri Atal Bihari Vajpayee, India's Minister of External Affairs, in his historic address at the United Nations, recently said that he not only wanted a new international economic order, but also a new international political order on the basis of the quintessence of divine wisdom, "*Vasudhaiva Kutumbakam*" or "Mankind is one family" proclaimed by India millennia ago. He had concluded his address with the two words—"Jai Jagat" or "Hail one World", a *mantra* discovered by Acharya Vinoba Bhave for world amity and unity.

Thus the support for the World Government has been found not only among Utopian thinkers but also among practical politicians, broadly for three reasons; political, scientific and practical.

The cult of sovereignty has become mankind's major religion. Its gods demand human sacrifice. Nationalism, no doubt, was a powerful force

during the eighteenth and nineteenth centuries. But now with the growth of science and technology, it has lost much of its dynamics. The old legalistic Austinian concept of sovereignty is being challenged by the pluralistic view of McIver and others. Absolute sovereignty is absolute fiction. The modern States are bound to one another through bilateral or multi-lateral pacts and agreements. Moreover, we have developed many international organisations and associations like the International Court of Justice, the United Nations and its various agencies. The sovereign nation-States are slowing down their resistance to the transfer of power to create strong super-national institutions and the proposition "my country—right or wrong" is no longer accepted unquestioningly. There were many Britishers and more Americans who opposed the Vietnam War. It is true that "The nation-State with its sacred borders brings with it a concept of territorial discrimination which is increasingly in conflict with both the emerging social values of modern man and the circumstances in which he finds himself."

If we analyse the development of the nation-States, we will find behind them intrigues, forcible occupations, and geographical demarcations due to some historical circumstances. God has made the world; man has made the nations for his vested interests. Emery Reves in his *'Anatomy of Peace'* presents the basic analysis of national sovereignty thus: "Wars between groups of men forming social units always take place when these units—tribes, dynasties, churches, cities, nations—exercise unrestricted sovereign powers. Wars between these social units cease, the moment sovereign power is transferred from them to a larger or higher unit."

In fact, nationalism is a kind of tribalism writ large with all its irrationality. Hence working through international associations is good but it is not enough. A revolutionary transformation of the global political system through the instrumentation of world government is thus the only remedy.

It is said that the concept of a world government suffers from much too literal acceptance of the Social Contract theory. It prescribes an apocalyptic leap out of anarchy created by the nation-States in a State of Nature into social order. But given chance and political and social will of the people of the whole world, it will succeed because it is necessarily a natural and inescapable product of the multi-state system. Then, the world Government officers federalism as a proposition for political unity, the acceptance of which requires a less drastic revision of political attitudes than a complete fusion of states. To say that it cannot be that a world government will be able to ensure law and order on the analogy that there is occasional national disorder under national governments is to extend the analogy in the spirit of a sceptic and also to a field where it is not needed. After all,

federating units will be responsible to maintain law and order in their own areas and since there will be no national armies, the confrontation of one with the other, if any, will be solved by the world body much more effectively. It does not mean that global federalism does not and will not demand greater political wisdom and moderation of its participants. Nor can we be rash to say that there will be all smooth operation always. World federalism demands, proportionately, a limited price. On the other hand, it gives in return a more precious thing—universal peace and economic prosperity.

To say that if we achieve disarmament and a dependable performance of the international obligations by the States, the United Nations may work well and there is then no need of an artificial superstructure called World Government is fallacious argument. Many people scoff at the idea by saying "Oh, it is an Utopian idea; you talk of the world government! you cannot have adjustments within the States. Now you talk of the world government!" But it goes without saying that the problem of States and regions can be solved through a world government alone. As long as we have national frontiers, regional imbalances cannot be undone. And when there are regional imbalances, national chauvinism will always provoke territorial conflict. We do not say that there can be no *via media* between the theories of national government and world government but so far the half-hearted performance of the world bodies like the United Nations etc. have only confirmed the necessity for a fuller trial of the concept of world Government.

Apart from being a political imperative, world government has become an economic necessity now. The population explosion is no less a threat than a nuclear explosion. This threat becomes all the more serious as it is rapidly polarising along economic lines into two camps—the rich and the poor. There are 51 per cent of the people, numbering 1832 millions who have *per capita* income below \$100, 18 per cent or 672 millions with \$ 100—500, 6 per cent or 212 millions with \$ 500—1000; and the remaining 25 per cent or 903 millions with above \$ 1000. In 1970, the *per capita* income in U.S.A. was \$4000, while in India it was only \$ 90. Then there are parts in Southern Africa where 5 per cent of the white people are ruling over 95 per cent black ones. Also, there is a gap between the countryside and the cities. In the course of the next 20 years, 600 million urban population in poor countries is likely to increase by 500 per cent to 3 billion. The poor countries in fact are not in a position to stabilise human population. The dimension of hunger will thus pose a stupendous problem.

Along with economic backwardness, there is the educational challenge. The rich countries have an effective advanced system of education, whereas

two-fifths of the world's adults lack even literacy. While illiteracy is negligible in rich countries, at least half—and in some cases three-fourths or more—are illiterate in poor countries, mainly because the developed countries can afford to spend more on education. This economic and educational disparity can end only by a re-distribution of the world's resources. There is an urgent need for internationalisation and rationalisation of the global production through dissemination of technology and redistribution of resources. Of course, the process of economic integration is taking its course gradually in different parts of the world, but it has to go ahead speedily towards restructuring the global economy in order to eliminate poverty. To achieve this end, the creation of a global communication and global transport system would be necessary. This is why supra-national institutions like the E.E.C. are becoming more necessary today than before. The institutions like I.M.F., G.A.T.T., I.B.R.D., F.A.O., W.H.O., I.L.O., etc. are charged with the solution of humanity's pressing problems of hunger, disease and illiteracy. Their growing popularity only confirms the need for further economic integration.

The compulsion of war expenditure is another constant reminder for us to consider seriously the question of bringing the whole world under one government. The economic cost of the armaments is terrific. About \$ 4000 million are spent every year in the mad race for armaments, while millions of people die of hunger, thirst and disease. This vast amount of money can be utilised for alleviation of the sufferings of humanity. Bertrand Russel said "...it seems indubitable that the scientific man cannot long survive unless all the major weapons of war, and all the means of mass destruction are in the hands of a single authority, which in consequence of its monopoly, would have irresistible power, and if challenged to war, could wipe out any rebellion within a few days without much damage except to the rebels." Professor Toynbee also said: "If we do not abolish war, war is going to abolish us". The warning of the father of the nuclear bomb, Albert Eienstien is much more serious: "I do not know about the Third World War but in the Fourth World War they will fight with sticks and stones."

Peace is after all indivisible. There cannot be peace in one part of the world and war in another. Peace can be ensured in the world if a single government wields control over the armaments. In fact no sacrifice would be too big to achieve world peace—be it a surrender of a part of the national sovereignty, or renunciation of the use of force in settling international disputes. And, if humanity is to survive it will have to bring itself under the control of one authority and the sooner it is done the better it will be for its own sake.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

Forty-fourth Conference of Presiding Officers: The Forty fourth Conference of Presiding Officers of Legislative Bodies in India was held in Jaipur (Rajasthan) on October 21 and 22, 1978. Shri K. S. Hegde, Speaker of Lok Sabha and Chairman of the Conference presided, Almost all the Presiding Officers of the Legislative Bodies in India as also the Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha attended the Conference.

On the 21st October, 1978 Shri Lakshman Singh, Speaker of Rajasthan Legislative Assembly delivered his welcome address. Thereafter, the Chairman of the Conference Shri K. S. Hegde delivered his address.

The Conference discussed the following points on the Agenda:—

- (1) *Speaker:* How far is it desirable for a Speaker to attend Legislature party meeting and cast his vote in the election of the Leader of the House?
- (2) *Pre-Legislation Scrutiny:* Need for pre-legislation scrutiny of legislation by a Standing Committee of the Legislature.
- (3) *Money Bill:* Whether a Money Bill shall be deemed to have been passed by both Houses under article 198(5) of the Constitution if that Bill has been passed by the Legislative Assembly and transmitted to the Legislative Council but could not be considered by the Council owing to its session being adjourned and later prorogued?
- (4) *Chairman of Parliamentary Committees:* What should be the status and protocol of the Chairmen of Parliamentary Committees of State Legislatures and what amenities should be provided to them?
- (5) *Zero Hour:* Whether specific rule should be framed defining the Zero Hour including the matters which can be raised by the members at such hour or Zero Hour should be dispensed with?

Conference of Secretaries of Legislative Bodies in India: The Twenty-fifth Conference of Secretaries of Legislative Bodies in India was held on October 20, 1978 in Jaipur (Rajasthan). Shri S. S. Bhalerao, Secretary-General, Rajya Sabha presided. Shri Avtar Singh Rikhy, Secretary, Lok Sabha and Secretaries of State Legislatures attended the Conference.

After the welcome speech by Shri G. K. Sharma, Secretary, Rajasthan Legislative Assembly, Shri S. S. Bhalerao and Shri Avtar Singh Rikhy addressed the Conference.

The Conference thereafter, discussed the following points on the Agenda:—

- (1) *Election of Speaker:* Whether it is necessary for the Deputy Speaker or the person appointed to discharge the functions of the Speaker under article 180, to resign his office of the Deputy Speaker or Speakership *pro tem* if he wants to contest the election to the office of Speaker?
- (2) *Adjournment Motion/Privilege Matter:* To what extent the Presiding Officer should allow members to make their submissions while urging the Speaker/Chairman to give his consent for an adjournment motion or a Privilege Matter?
- (3) *Amendment of Constitution-Ratification:* Whether it is advisable that a time-limit should be fixed for the ratification of the amendment of the Constitution by the State Legislatures under article 368 thereof and that before the expiry of the said time-limit the Bill amending the Constitution should not be presented to the President for assent even if the necessary number of ratifications are obtained in the meantime.
- (4) *Minister's Reply to Debate:* Whether the Minister of State or Deputy Minister or Parliamentary Secretary of a particular Department can reply to the debate when the Minister-in-charge of that Department is present in the House?
- (5) *Arrest/Release of Member:* If a member is arrested and released on bail on the same day, is it obligatory on the part of the executive authority to intimate the release of the member to the Speaker before the member attends the meeting of the Legislative Assembly on that day?
- (6) *Parliamentary Committees:* When a member of a Committee, nominated by Presiding Officer, sends his letter of resignation from that Committee, does it take effect automatically, or is it open to the Presiding Officer to accept or not to accept the member's resignation?
- (7) *Government Business:*
 - (a) Whether all Government business, *i.e.*, Bills, discussion on reports, answer to questions etc. lapses *ipso facto* on the resignation of the Ministry while the Assembly session is continuing.
 - (b) if so, should the Governor prorogue the Assembly for sometime to enable the new Government to supply new business to the Assembly; and
 - (c) if not, is it possible for the new Government belonging to different parties, to adopt the pending business, including the financial one, and proceed with the remaining portion of the Session?

Presiding Officers' Conference—Symposium: A Symposium on "the Role and Duties of Members: Their Opportunities within the Framework of Parliamentary Procedure" was held in the Rajasthan Legislative Assembly Chamber, Jaipur on Monday, the 23rd October, 1978.

The Speaker of Lok Sabha, Shri Shri K. S. Hegde, who is the Chairman of the Conference of Presiding Officers, presided over the Symposium.

Shri Bhairon Singh Shekhawat, Chief Minister of Rajasthan inaugurated the Symposium. The Deputy Speaker, Lok Sabha, Deputy Chairman, Rajya Sabha, the Presiding Officers of State Legislatures in India, M.Ps. and M.L.As. from Rajasthan participated in the Symposium.

Conference of Chairman of Public Accounts Committees: The Fifth Conference of the Chairman of Public Accounts Committees of the Parliament and the State Legislatures in India was held at New Delhi on the 16th and 17th December, 1978. Besides the Chairman of the Committee on Public Accounts of Lok Sabha, who was the Chairman of the Conference, twenty Chairmen of the State Legislature Public Accounts 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 P.V. Narasimha Rao, M.P. Secretary, Lok Sabha also attended the Conference.

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

- (i) Scope of examination of Audit paragraphs relating to the Central Sector Schemes and centrally Sponsored schemes by the respective State Public Accounts Committees.
- (ii) Public Accounts Committee's competence to examine cases of irregularities which do not find place in the Reports of the Comptroller and Auditor General.
- (iii) To what extent the Public Accounts Committee may suggest the policy to be adopted by the Government in future with reference to the financial irregularities committed by the Government in their past expenditure.
- (iv) Scrutiny of Audited Accounts of Statutory Bodies.
- (v) Audit Reports on the Accounts of District Panchayats and Taluk Panchayats to be laid on the Table of the State Assemblies and their examination by the Public Accounts Committees.
- (vi) Desirability of the submission of the Audit Reports of the Co-operative Societies and Local Self Organisations etc., to the Accountants General and the State Public Accounts Committees.
- (vii) Desirability of increasing the coverage of Departments by Audit.
- (viii) Arrears in the examination of Audit paras—How to speed up?

- (ix) If during the course of evidence, the departments refuse to supply a paper on the following grounds, what should the Committee do:—
- (a) Destroyed during flood or fire;
 - (b) Taken by CBI;
 - (c) Lost.
- (x) Furnishing of further information required by the Committee at the time of examination of witnesses—avoidance of delay on the part of departments.
- (xi) Desirability of the tours undertaken by the Public Accounts Committees for on-the-spot study—whether the concerned departments can be examined on the basis of findings during the tours?
- (xii) Watching the implementation of the recommendations of the Public Accounts Committee.
- (xiii) Desirability of discussing Reports of the Public Accounts Committee in the House.
- (xiv) Need for amendment of the Rules of Procedure and Conduct of Business for making the jurisdiction of the Public Accounts Committee and the Public Undertakings Committee mutually exclusive.

The Conference also discussed the question of staff for PAC which was not formally included in the Agenda.

FOREIGN PARLIAMENTARY DELEGATIONS IN INDIA

Visit of Chairman and Members of the Indo-German Parliamentary Group in the Bundestag (Federal Republic of Germany): In response to an invitation from the Speaker, Lok Sabha, Prinz Zu Sayn Wittgenstein, M.P., Chairman of the Indo-German Parliamentary Group in the *Bundestag* (Federal Republic of Germany) and two members of the Group visited India in November, 1978. The visiting dignitaries watched the proceedings of Lok Sabha on November 20, 1978. The Deputy Speaker, Lok Sabha hosted a luncheon party in honour of the visiting dignitaries on the same day. Besides Delhi, the dignitaries visited Bombay, Hyderabad, Bangalore and Mysore.

Visit of Polish Parliamentary Delegation: In response to an invitation from India, a 9-member Polish Parliamentary Delegation led by His Excellency Mr. Stanislaw Gucwa, Marshal of the SEJM (Speaker of the Polish Parliament) visited India in November, 1978. The delegation watched the proceedings of Lok Sabha and Rajya Sabha on November 21, 1978. A meeting between the delegation and Members of Parliament was held on the same day. The Speaker, Lok Sabha hosted a dinner party in their honour on November 22, 1978. Besides, Delhi, the delegates visited some places of cultural and industrial interest, viz. Bombay, Agra and Trivandrum.

Visit of British Parliamentary Delegation: In response to an invitation from India, a seven-member British Parliamentary Delegation led by His

Excellency Rt. Hon. Earl of Listowel visited India in December, 1978. The delegation watched the proceedings of Lok Sabha and Rajya Sabha on December 4, 1978. A meeting between the delegation and Members of Parliament was held on the same day. The Speaker, Lok Sabha hosted a dinner party in their honour on December 4, 1978. Besides Delhi, the delegates visited some places of Cultural and Industrial interest, viz. Agra, Jaipur, Chandigarh, Ludhiana, Amritsar, Madras, Bangalore, Mysore and Bombay.

INDIAN PARLIAMENTARY DELEGATIONS ABROAD

Visit of Indian Parliamentary Delegation to Australia: In pursuance of an invitation from the Speaker of the House of Representatives and President of the Senate of Australia, an Indian Parliamentary Delegation led by Shri Ram Niwas Mirdha, Deputy Chairman, Rajya Sabha visited Australia from the 4th to the 19th January, 1979. Besides the leader, the delegation consisted of Shri V. Kishore Chandra S. Deo, M.P.; Dr. Bapu Kaldate, M.P.; Shri Kusuma Krishna Murthy, M.P.; Professor Ajit Kumar Sharma, M.P.; Shri N. K. Shejwalkar, M.P.; Shri Bhishma Narain Singh, M.P.; Shri Ramji Lal Suman, M.P. and Shri Avtar Singh Rikhy, Secretary, Lok Sabha, Secretary to the delegation.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period December, 1978 to the middle of February, 1979, the following Seminars/Courses were organised by the Bureau of Parliamentary Studies and Training:—

Seminars on "Parliament at Work: The Budgetary Process": The Seminar on "Parliament at work : The Budgetary Process" was held under the joint auspices of the Bureau and the Indian Parliamentary Group in Committee Room (Main), Parliament House Annexe, on December 9, 1978. Besides Members of Parliament and of the Indian Parliamentary Group, two representatives from each State Legislature were invited to attend the Seminar. The Chair was taken in turn by Shri C. Subramaniam, M.P. and Shri R. Venkataraman, M.P. The Seminar was attended by 27 Members of Parliament, 23 Members of State Legislatures and 2 Associate Members of the Indian Parliamentary Group.

Orientation Programme for New Members of Parliament: Two Discussion Sessions were held under the Orientation Programme for New Members of Parliament. The Discussion Session on "Private Members Business", which was attended by 15 Members of Parliament, was held in Committee Room, Parliament House Annexe, on December 5, 1978. Shrimati Parvathi Krishnan, M.P., led the discussion. Another Discussion Session on "Work in Committees", attended by 24 Members of Parliament,

was held at the same venue on December 6, 1978 and Shri Era Sezhiyan, M.P., led the discussion.

Third Appreciation Course in Parliamentary Processes and Procedures for IFS Probationers : A six-day Appreciation Course was organised from January 22 to 29, 1979 at the request of the Ministry of External Affairs. It was attended by 19 Indian Foreign Service Probationers. During the course there were in all 15 talks and a Question-Answer Session. The Course was inaugurated by Shri K. S. Hegde, Speaker, Lok Sabha. The participants were addressed by, among others, Professor H. N. Mukerjee, Honorary Adviser, Lok Sabha Secretariat, Shri Dinesh Singh, M.P., Shri S. S. Bhalerao, Secretary-General, Rajya Sabha, Shri Avtar Singh Rikhy, Secretary, Lok Sabha, Shri U. S. Bajpai, Secretary (West), Ministry of External Affairs, Shri K. N. Row, Joint Secretary (Budget), Ministry of Finance and Dr. R. B. Jain, Reader in Political Science, University of Delhi. The probationers called on the President, the Prime Minister and the Vice-President on January 22, 24 and 25, 1979 respectively.

Fifth Appreciation Course in Parliamentary Processes and Procedures for IAS Probationers : An Appreciation Course for IAS Probationers was held during February 8—14, 1979. The Course which was attended by 63 Indian Administrative Service Probationers, was inaugurated by Shri H. M. Patel, Minister of Home Affairs, with his opening talk on "Parliament in the Indian Polity" on February 8, 1979. There were 14 talks and a Question-Answer Session During the five days' Course. The probationers were addressed by among others Professor H. N. Mukerjee, Honorary Adviser, Lok Sabha Secretariat, Shri P. V. Narasimha Rao, M.P., Chairman, Public Accounts Committee, Dr. V. P. Dutt, M.P., Shri S. S. Bhalerao, Secretary-General, Rajya Sabha, Shri Maheshwar Prasad, Secretary, Department of Personnel and Administrative Reforms, Shri Sudarshan Agarwal, Additional Secretary, Rajya Sabha, Shri K. N. Row, Joint Secretary (Budget), Ministry of Finance and Professor M. L. Sondhi, Associate Professor, Jawaharlal Nehru University. Shri Avtar Singh Rikhy, Secretary, Lok Sabha, president over the Question-Answer Session. The probationers called on the Prime Minister, Vice-President and President on February 10, 12 and 14, 1979 respectively.

Study Visit by Indian Postal Service Probationers : At the request of the Postal Staff College, India, a group of 12 probationers of the Indian Postal Service were received in the Bureau on December 1, 1978. They were addressed by Professor H. N. Mukerjee, Honorary Adviser, Lok Sabha Secretariat, on "Parliament in the Indian Polity". The probationers were also afforded the facility of watching the proceedings of the Lok Sabha.

Study Visit by Direct Recruit Inspectors of Customs and Central Excise: Three batches comprising 46, 49 and 48 direct—recruited Inspectors, who were receiving training at the Directorate of Training, Customs and Central Excise, New Delhi, were received by the Bureau on December 4, 5 and 6, 1978 respectively. A brief talk was delivered to the participants in each batch on the working of Parliament in general. They were also provided an opportunity to watch the proceeding of the Lok Sabha.

Study Visit of students of University of Poona : On December 18, 1978 the Bureau received a group of 28 students of the Department of Journalism, University of Poona. The students, who were addressed by Professor H. N. Mukerjee, Honorary Adviser, Lok Sabha Secretariat on "Parliament in the Indian Polity", were also explained the broad aspects of the working of Parliament. The students also watched the proceedings of the two Houses of Parliament.

Attachment of Parliamentary Fellows of the Institute of Constitutional and Parliamentary Studies, New Delhi, with Branches of the Lok Sabha Secretariat: Twelve Parliamentary Fellows of the Institute of Constitutional and Parliamentary Studies, New Delhi, were attached to various Branches of the Lok Sabha Secretariat, from January 8 to February 2, 1979. The attachment programme, of two hours duration daily except on Saturdays, was meant to provide to the Parliamentary Fellows an insight into the working of Lok Sabha Secretariat.

Training Programme for Junior Parliamentary Staff : A training Programme was organised by the Bureau from January 1—18, 1979 for the benefit of Junior Library Attendants, Warehousemen, Record Stores, Daftries and Messengers etc., eligible candidates for the combined Departmental Examination for formation of a panel for appointment to the grade of Lower Division Clerk in Lok Sabha and Rajya Sabha Secretariats. It was attended by 33 participants.

PRIVILEGE ISSUES

LOK SABHA

Obstruction intimidation, harassment and institution of false cases against certain officials who were collecting information for answer to a certain question in Fifth Lok Sabha on Maruti Limited: On the 18th November, 1977, the Lok Sabha referred to its Committee of Privileges a question of privilege raised by Sarvashri Madhu Limaye and Kanwar Lal Gupta, M.Ps., against Shrimati Indira Gandhi, former Prime Minister of India, and others for alleged obstruction, intimidation, harassment and institution of false cases against certain officials who were collecting information for answer to a certain question of Maruti Limited.

The Committee of Privileges in their Third Report presented to the House on the 21st November, 1978, reported, *inter alia*, as follows:—

“The Committee are of the opinion, therefore, that Shrimati Indira Gandhi, former Prime Minister, has committed a breach of privilege and contempt of the House by causing obstruction, intimidation, harassment and institution of false cases against the concerned officers, Sarvashri R. Krishnaswamy, A. S. Rajan, L. R. Cavale and P. S. Bhatnagar who were collecting information for preparing an answer and a Note for Supplementaries for Starred Question No. 656 tabled by Shri Jyotirmoy Bosu, M.P. and answered in Lok Sabha on the 16th April, 1975. She has also committed a breach of privilege and contempt of the House by her refusal to take oath/affirmation and depose before the Committee and answer questions by the Committee. She has further committed a breach of privilege and contempt of the House by casting aspersions on the Committee in her statement dated the 16th June, 1978, submitted to the Committee. These two actions by her have aggravated the original breach of privilege and contempt of the House committed by her.

The Committee are also of the opinion that Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister and Shri D. Sen, former Director, Central Bureau of Investigation, have committed a breach of privilege and contempt of the House

by causing obstruction, intimidation, harassment and institution of false cases against the concerned officers, Sarvashri R. Krishnaswamy, A. S. Rajan, L. R. Cavale and P. S. Bhatnagar.

The Committee recommend that Shrimati Indira Gandhi, former Prime Minister, Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister and Shri D. Sen, former Director, Central Bureau of Investigation, deserve punishment for the serious breach of privilege and contempt of the House committed by them.

In view of the unprecedented nature of the case and the importance of the issues involved in maintaining the authority, dignity and sovereignty of Lok Sabha and upholding the principles underlying the system of Parliamentary democracy, the Committee consider it desirable to leave it to the collective wisdom of the House to award such punishment as it may deem fit, to Shrimati Indira Gandhi, Shri R. K. Dhawan, and Shri D. Sen, for the serious breach of privilege and contempt of the House committed by them."

A joint Note submitted by three members of the Committee and a separate Note submitted by another member of the Committee opposing the findings and recommendations of the Committee were appended to the Report. Besides, separate Notes given by three members of the Committee supporting the findings and recommendations of the Committee were also appended to the Report.

On the 7th December, 1978, the Prime Minister, (Shri Morarji R. Desai) moved a motion that the Third Report of the Committee of Privileges presented to the House on the 21st November, 1978 be taken into consideration. After this motion was adopted by the House on the 8th December, 1978, the Prime Minister moved the following motion :—

"That this House having considered the Third Report of the Committee of Privileges agrees with the findings of the Committee :—

That Shrimati Indira Nehru Gandhi, Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister and Shri D. Sen, former Director of C.B.I. committed a breach of privilege and contempt of the House by causing obstruction, intimidation, harassment and institution of false cases against four concerned officers;

That she committed a further breach of privilege and contempt of the House by her refusal to take oath/affirmation before the Committee;

That she also committed a breach of privilege and contempt by casting aspersions on the Committee in her statement dated 16th June, 1978 submitted to the Committee, and that the last two breaches of privileges have aggravated the first mentioned contempt.

The House further authorises the Honourable Speaker to take steps to ensure the presence in this House of Smt. Indira Nehru Gandhi in her place, Shri R. K. Dhawan, and Shri D. Sen before the Bar of the House on such date as may be decided by the Honourable Speaker, to hear them on the question of punishment and to receive such punishment as may be determined by the House."

On the 12th December, 1978, discussion on the above motion moved by the Prime Minister continued and a number of substitute motions and amendments were also moved by the members. Discussion on those motions and amendments continued on the 13th December,* as also on the 18th December, 1978 when a number of substitute motions and amendments were further moved by the members.

On the 19th December, 1978, the motion moved by the Prime Minister as amended by him in the following form was adopted by the House:—

"That this House having considered the Third Report of the Committee of Privileges, presented to the House on 21st November, 1978, agrees with the recommendations and findings of the Committee contained therein;

That Shrimati Indira Nehru Gandhi, Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister and Shri D. Sen, former Director of C.B.I. committed a breach of privilege and contempt of the House by causing obstruction, intimidation, harassment and institution of false cases against four concerned officers;

That she committed a further breach of privilege and contempt of the House by her refusal to take oath/affirmation before the Committee;

That she also committed a breach of privilege and contempt by casting aspersions on the Committee in her statement dated 16th June, 1978, submitted to the Committee.

The House resolves that Shrimati Indira Nehru Gandhi be committed to jail till the prorogation of the House and also be expelled from the membership of the House for the serious breach of privilege and contempt of the House committed by her.

The House further resolves that Shri D. Sen, former Director, Central Bureau of Investigation and Shri R. K. Dhawan, former Additional Private Secretary to the then Prime Minister be committed to jail till the prorogation of the House for the serious breach of privilege and contempt of the House committed by them."

After the adoption of the above motion by Lok Sabha, the Speaker issued the necessary warrants of arrest and commitment as required. Shrimati Indira Gandhi, Shri R. K. Dhawan, and Shri D. Sen were delivered into the custody of the Superintendent of Central Jail, Delhi.

*Shrimati Indira Gandhi spoke on the 13th December, 1978.

When the Lok Sabha was prorogued by the President on the 26th December, 1978, the Superintendent of Central Jail, Delhi, was intimated of it by the Lok Sabha Secretariat and Shrimati Indira Gandhi, Shri R. K. Dhawan and Shri D. Sen were released from Jail on the same day.

Following the well established practice of Rajya Sabha in the case of expulsion of a Member, the following Notification was published in the Gazette of India dated the 19th December, 1978 :—

“Consequent on the adoption of a Motion by the Lok Sabha on the 19th December, 1978, expelling from the membership of the Lok Sabha Shrimati Indira Nehru Gandhi, a Member elected to the Lok Sabha from the Chikmagalur constituency of Karnataka, Shrimati Indira Nehru Gandhi has ceased to be a Member of the Lok Sabha with effect from the 19th December, 1978 afternoon.”

The aforesaid Notification was also published in the Lok Sabha Bulletin of the same date.

Discussion on a privilege matter at Party meeting : Shri Eduardo Faleiro, M.P., had given notice of a question of privilege against the Prime Minister and office-bearers of the Janata Parliamentary Party for convening a meeting of the Party to bring about a party decision regarding action to be taken on the Third Report of the Privileges Committee on the question of privilege against Shrimati Indira Gandhi, Shri R. K. Dhawan and Shri D. Sen. The Prime Minister in his comments on Shri Faleiro's notice informed the Speaker that the Janata Party had not issued any whip in regard to the privilege motion before the House, but only discussed the matter in accordance with the usual practice.

Withholding his consent to the notice, the Speaker observed on December 22 :

“The earlier rulings in this House have established that the House will not take note of any discussion at Party meetings. When the House decides a question of breach of privilege, it functions as a quasi-judicial body. The motion before the House cannot be viewed from a partisan angle. But even in a matter like this, there is nothing wrong for a Party discussing the matter so that members may have an opportunity to convince (other) members about the right approach to the motion before the House.”

Alleged derogatory remarks by newspapers against a member: Dr. Subramaniam Swamy had given notice of a question of privilege against Shri Nikhil Chakravorty, Member of Press Commission and Editor of the *Mainstream* and the Editor of the *Patriot* for publishing in the *Patriot* dated the 8th December, 1978, a remark that the Member had made a “scurrilous allegation” against Shri Chakravorty in the House. The Speaker informed the House on December 22 that Shri Chakravorty as well as the Editor of the *Patriot* had both sent their letters of apology for

using and publishing the remarks "scurrilous allegation" in reference to Dr. Swamy. In view of the apology tendered by both of them, the Speaker observed that the matter be treated as closed.

Reflections on Members by a news weekly: Shri P. Venkatasubbaiah had given notice of a question of privilege against the Editor and Publisher of the *Illustrated Weekly of India* for casting reflections on Members of Parliament in an editorial passage under the caption 'Pension for M.Ps' in its issue dated November 5—11, 1978. When the Member raised the matter in the House on December 22, the Speaker observed that in view of the unconditional apology tendered by the Editor and Publisher, the matter be dropped. The Member suggested that the apology should be published by the *Illustrated Weekly of India*, and the Speaker said that he would direct accordingly. The apology of the Editor was published in the *Illustrated Weekly of India* in its issue dated January 21—28, 1979.

PROCEDURAL MATTERS

LOK SABHA

Statement by Minister who resigned: On December 22, 1978, when the Speaker called a member (Shri Charan Singh) to make his listed statement in explanation of his resignation on June 30, 1978 from the office of Minister of Home Affairs, points of order were raised by some members that Shri Charan Singh, having resigned as Home Minister as far back as June 30, 1978, there was unprecedented delay in making a statement under this rule. A member who had given notice earlier sought to move a motion to suspend sub-rule (3) of rule 199 so that a debate could be held on the statement to be made by Shri Charan Singh and the Prime Minister's reply thereto. Declining his consent to the moving of the motion for suspension of sub-rule (3) of rule 199 and disallowing the points of order, the Speaker observed that there were certain circumstances in this case for delay in making the statement. Shri Charan Singh then made the statement in explanation of his resignation and thereafter the Prime Minister made a statement pertinent thereto.

Personal explanation by members : On November 28, 1978 a member (Shri Ram Vilas Paswan) wrote to the Speaker for permission to make a personal explanation regarding his reported arrest during the Samastipur bye-election. As the personal explanation was written in the third person, the member was requested to furnish a revised statement in first person. On the next day, November 29, the Speaker explained in the House also that a personal explanation should be in the first person so that the member took full responsibility for the facts mentioned in his statement. After Shri Paswan gave a revised text of the statement in the first person, the Speaker permitted the member to make his personal explanation on November 30, 1978, after certain portions were deleted.

Arrangement of business : In the revised list of business for December 20, 1978 a half-an-Hour Discussion on higher procurement prices for

paddy and coarse grains had been entered as the last item after (i) discussion and voting on Demands for Grants (Railways)—1976-77 and Supplementary Demands for Grants (Railways)—1978-79; and (ii) motion regarding autonomy of Akashvani and Doordarshan. On that day, when both the Demands for Grants pertaining to Railways, for which 3 hours had been allotted, had been discussed together from 16.00 hrs. to 17.25 hrs., the House agreed to resume discussion thereon after disposing of the Half-an-Hour Discussion at its scheduled time from 17.30 to 18.00 hrs. Accordingly, discussion on the Demands for Grants was resumed at 18.08 hrs. and continued till 19.20 hrs. when both the Demands were voted in full. Discussion on the Motion regarding Akashvani and Doordarshan was not taken up on that day.

Supplementary Questions : On December 20, 1978, after a number of supplementaries had been answered on Starred Question No. 430 and then starred Question No. 431 had been replied to by the Minister concerned, some members sought to ask further supplementaries on S.Q. No. 430. The Speaker did not agree. Two members, viz., Shri P. A. Sangma and Shri L. K. Doley insisted that further supplementaries be allowed on S.Q. No. 430. The Speaker thereupon observed that reverting back to S.Q. No. 430 at that stage was not desirable. When some members continued to interrupt the proceedings, the Speaker adjourned the House at 11.48 hrs. for 10 minutes. When the House reassembled at 12.01 hrs., the Speaker, consequent on an appeal to the Chair by Party Leaders during the adjournment of the House, allowed Shri Sangma to ask one supplementary on S.Q. No. 430.

Government Bills—introduction of : On November 23, 1978, after the Minister of External Affairs had moved the motion for leave to introduce the Anti-Apartheid (United Nations Convention) Bill, Dr. Subramaniam Swamy, who had earlier given notice to oppose the Bill, rose to make a submission. When the Speaker asked if the member intended to oppose the introduction of the Bill, Dr. Swamy did not say that he was opposing introduction of the Bill but only sought to make some comments on the Bill. The Speaker thereupon did not allow him to speak and put the question to the House. The motion for leave to introduce the Bill was then adopted and the Minister introduced the Bill.

Voting on Bills—Use of Correction slips : On the recommendation of the Rules Committee the following four different and distinctive Correction slips were introduced for recording corrections in votes recorded by Members by operating the Automatic Vote Recorder :

- (i) *Slip for recording vote for 'Aye'* : This slip is printed on green paper and is to be used by Members for recording vote for 'Aye' in case the vote has not been recorded by the machine

or for correcting the vote from 'No' or 'Abstain' to 'Aye', as the case may be.

- (ii) *Slip for recording vote for 'No'*: This slip is printed on pink paper and is to be used by Members for recording for 'No' in case the vote has not been recorded by the machine or for correcting the vote from 'Aye' or 'Abstain' to 'No', as the case may be.
- (iii) *Slip for recording Abstention*: This slip is printed on yellow paper and is to be used by Members for recording Abstention in case the vote has not been recorded by the machine or for correcting the vote from 'Aye' or 'No' to 'Abstention', as the case may be.
- (iv) *Slip for correcting vote recorded from a wrong seat*: This slip is printed on white paper and is to be used by a member who has recorded his vote from a wrong seat (*i.e.* seat allotted to another Member).

The slips are printed in English on one side and Hindi on the reverse. The Members were informed of the new correction slips through Bulletin Part II (Para 1105) dated the 5th December, 1978. The Speaker also made an announcement on the subject in the House on December 6, 1978.

On December 6, 1978, during the division on the motion for consideration of the amendments made by Rajya Sabha to the Constitution (Forty-fifth Amendment) Bill, 1978, the Indicator Board showed result as 'Ayes—255' and 'Noes—26'. Thereupon votes recorded by members through the correction slips were taken into account and the Speaker declared the result as 'Ayes 273' and 'Noes 23' and the Motion was declared as carried with the requisite special majority.

Voting on Constitution (Amendment) Bill: The motion for consideration of the six amendments made by the Rajya Sabha to the Constitution (Forty-fifth amendment) Bill, 1978 was adopted by Lok Sabha on December 6, 1978 and voting on the amendments was held over to the next day. On December 7, 1978, after the Question Hour, all the Rajya Sabha amendments to the Bill were put to vote separately one after another.

Calling Attention Notices: On November 20, 1978 the Speaker announced in the House that in pursuance of the decision taken by the Rules Committee at its sitting held on October 28, 1978, the following procedure would thereafter be followed for dealing with Calling Attention notices:

- (i) All Calling Attention notices received in a week will be kept alive and placed before the Speaker from day to day along with notices received up to 10.00 hours on the day on which the notices are put up to the Speaker.

- (ii) On the last day of the week on which the House sits, the notices received upto 10.00 hours on that day will be considered by the Speaker and all the notices which are not selected shall be deemed to have lapsed and no intimation about this will be given to the Members.
- (iii) Notices received after 10.00 hours on the last day of the week on which the House sits will be deemed to have been received for the day on which next sitting of the House is to be held and these will be valid for the following week.

In other respects the procedure announced by the Speaker on December 6, 1977* would continue to be followed.

On December 21, 1978, a Calling Attention Notice regarding the hijacking of an Indian Airlines Boeing-737 on December 20, 1978, was admitted for the same day and fixed to be taken up at 14.00 hrs. When the item was reached, the House agreed that the Minister might only make a statement on the subject and that the Business Advisory Committee would allot time for discussing that matter. The Minister then made the statement *suo motu* and on the recommendation of the Business Advisory Committee** which met on the same day, the House also sat on Saturday, the 23rd December, 1978 for a discussion under rule 193 on the aforesaid hijacking incident and the general climate of violence in the country.

Member's pecuniary interest : On December 12, 1978 the Chairman ruled that the Chair had to go by a Member's statement about his alleged pecuniary interest in the matter under discussion. If the member denied any pecuniary interest in the matter under discussion, the Chair may allow him to speak thereon. The Chairman further observed that it was a well recognised position that a lawyer engaged by a client could not be said to have direct or personal interest unless he had a pecuniary interest in the subject that was before a court of law.

Validity of constitutional and legal provisions: On December 18, 1978, the Speaker observed that while he had to decide points of order on interpretation of the Rules, or provisions of the Constitution, any controversy with regard to the validity of a provision in relation to a proposition before the House, was for the House and not for the Speaker to decide. If the matter was capable of a judicial decision, the judiciary had to decide it. The Speaker did not arrogate to himself the position of the House or of the judiciary.

*See J.P.I., January—March, 1978, pp. 76-77.

**See Twenty-eight Report.

ANDHRA PRADESH LEGISLATIVE COUNCIL*

Laying of papers on the Table : On August 24, 1978 during the zero hour, a member, Shri K. L. Mahendra, requested the Chair to direct or advise the Government to place on the Table of the House the correspondence between the Prime Minister of India and the Chief Minister of Andhra Pradesh in regard to the grant of exemption from the operation of the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1971 to certain lands held by the Challappalli Sugars. His request was supported by another member, Shri K. Kesava Rao.

In his ruling the Acting Chairman said that there was no specific provision in the Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Council which empowered him to give a direction to the State Government either *suo motu* or on the request of any member to place the correspondence between the Prime Minister of India and the Chief Minister of the State on the Table of the House. The question whether the correspondence should be disclosed to the House or whether it should be withheld from it on the ground of injury to public interest was one to be decided solely by the State Government. This was evident from the proviso to rule 303 which protects the documents from being laid on the Table of the House on the ground of injury to public interest. In this context he referred to rule 48 which prohibited questions to Ministers in matters which were the subject matter of correspondence between the State Government and the Government of India. After referring to the Practice and Procedure of Parliament by Kaul and Shakhder and other treatises on the subject as well as to some precedents of similar nature, the Chair ruled that the present request of the members could not be complied with.

Supplementary Questions : On August 14, 1978, during the supplementaries on a Question (No. 4552) relating to exemption of sales tax on paddy damaged in the cyclone, a question arose whether supplementaries could be put on the points with which the Minister was not officially concerned. The Acting Chairman reserved his ruling on that day. Giving his ruling on September 20, 1978, he observed that Rule 53(2) of the Council Rules provided that any member when called by the Chairman may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer had been given. It was thus clear that supplementary questions must arise out of main questions and further elucidation required must relate to a matter of fact regarding which an answer had been given.

*Contributed by the Andhra Pradesh Legislative (Council) Secretariat.

As regards the general question raised by another member that when two or more Ministers were concerned with the subject matter of a Question, then the Minister answering the Question should consult his colleagues and furnish full information, the Acting Chairman observed that when the question given notice of by a Member related to two or more Ministers it would not be admitted. The Office would inform the Member to recast his question suitably and give notice of two or more questions, each concerning only one Minister. It was true that the Ministers were expected to gather exhaustive information on the subject matter of the main question but it was inconvenient to the Ministers if supplementary questions not related to the subject matter of the main question were asked.

Adjournment motion: On September 30, 1978 the Acting Chairman disallowing and adjournment Motion given notice of by Shri K. Rosaiah and others regarding the alleged ill-treatment of the Members of the Legislative Council by officials, said that the Chief Minister had agreed to implement the decision of the Chair in regard to action to be taken against the erring Police Officer and that the Leader of the Opposition and the Leaders of other Parties had accepted the suggestion of the Chair.

He had looked into the Report of the Second Secretary to the Government dated the 28th September, 1978 in regard to the incident in which the Police Officer was alleged to have misbehaved with a few Members of the House. Having heard the Members about the happening on that day, a few yards away from the premises of the House and having regard to the Report of the Second Secretary, he directed, that "the Police Officer concerned shall tender unqualified apology to the concerned, in my chambers, in my presence. I feel that no further action shall be taken against him."

GUJARAT LEGISLATIVE ASSEMBLY*

Zero Hour: On August 22, 1978 a member raised a point of order which was disallowed by the Speaker saying that a notice of Half-an-Hour discussion on the same subject had been admitted. However, another member from the opposition tried to raise another point of order which was also not allowed. At this stage several members from the Opposition including the Leader of the Opposition, expressed their views about the scope of the point of order and suggested that the practice of Zero Hour which prevailed in Lok Sabha should also be introduced in the Assembly. The Speaker thereupon quoted Lok Sabha Bulletin dated the 24th April, 1978 under which the members of Lok Sabha were informed by the Speaker, Lok Sabha that under the Rules of Procedure and Conduct of Business of Lok Sabha, there was no rule regarding Zero Hour. On another occasion on August 29, when the need to have a practice of Zero Hour was stressed

*Contributed by the Gujarat Legislature Assembly Secretariat.

by the Leader of the Opposition, the Speaker pointed out that his letter in this regard had already been placed before the Rules Committee of the House, for consideration.

ORISSA LEGISLATIVE ASSEMBLY*

Private Members' Business: According to the practice in the Assembly, the time available on a day fixed for transaction of private members' business—for both Bill and Resolutions—is equally divided, *i.e.* one-half for Bills and the other half for Resolutions. On August 13, 1978, when the time available for Bills was exhausted, the Chair adjourned the discussion on the Bill then before the House and allowed the Resolutions on the Order Paper to be moved. Some members pointed out that it was irregular to adjourn the discussion in mid-way to make room for the resolutions. The Chair, however, upheld the practice followed in the House and took up the Resolutions on the Order Paper.

List of Business: The Rules of Procedure of the House provide that the resolution which has been moved and is pending from the previous Session, shall be carried over to the next Session and shall be put down in the Order Paper as the first item, provided that the member-in-charge gives notice to proceed further with the business. A resolution was so pending from the last Session and was not put down in the agenda on September 13, 1978 since the member-in-charge did not give the required notice in time and gave the notice on September, 13, itself. Some members submitted in the House that the notice may be entertained and the pending resolution may be taken up as the first item. The Chair observed that he had no objection if the House agreed. Since some members raised objection to the taking up of the pending resolution, the Chairman allowed the resolution already in the Order Paper to be moved.

UTTAR PRADESH LEGISLATIVE ASSEMBLY**

Raising matters of public importance—new Directions by Speaker : Before the constitution of the Seventh Uttar Pradesh Legislative Assembly, the Members used to raise just after the Question Hour, without prior notice, matters of public importance, which often created disorder in the House. The Speaker was left with little time to select important matters out of them and permit them to be raised in the House. The Speaker of the present House has, therefore, issued Directions under rule 313 read with rule 301 of the Rules of Procedure and Conduct of Business in Uttar Pradesh Legislative Assembly, 1958. These Directions are contained in a new chapter 2A which has since been added to the '*Adhyaksha Dwara Jari Kiya Gaye Parkriya Sambandhi Karan* (Directions by the Speaker) (Fourth Edition) and are as follows:

“Chapter 2A. Notices under Rule 301

9A. *Maximum number of notices to be given under Rule 301 :*
unless the Speaker decides otherwise, out of the notices received

*Contributed by the Orissa Legislative Assembly Secretariat.

**Constituted by the Uttar Pradesh Legislative Assembly Secretariat, Original in Hindi.

under Rule 301, only such five notices will be taken up in a sitting as fulfil the conditions of admissibility under *Karan* (Direction) No. 9B.

9B. Condition of Admissibility : Under Rule 301 only those notices which fulfil the following conditions, will be admissible:

- (1) The matter should be of urgent public importance and of recent occurrence.
 - (2) The matter should be such as has not been raised already in the form of a question, notice of Calling Attention, Short Duration discussion on matter of urgent public importance, Motion, Resolution etc., and should be of such an urgent nature that it is not possible to give notice thereof under these rules.
 - (3) The matter should be definite and it should not contain any argument etc. insinuations or allegations against anybody.
 - (4) The matter should be such as is not pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any Commission or court of inquiry appointed to enquire into, or investigate any matter, but may refer to matters connected with procedure or subject or stage of enquiry, provided it is not likely to prejudice the consideration of the matter by the tribunal, statutory authority or commission or court of inquiry.
 - (5) The notice should be precise and brief. It will not be admissible if it exceeds one page.
- 9 C. Notice:** Under Rule 301, the notices can be given one hour before the sitting of the House commences or within half-an-hour after the adjournment of the sitting.
- 9 D. Time for taking up the notices in the House:** The notices admissible under Rule 301, may, with the permission of the Speaker, be brought to the notice of the House after the Question Hour and before the normal business is taken up.
- 9 E. Procedure regarding reply by the Minister to the notices admissible under Rule 301 :** No Minister is bound to give reply in the House to the notices given, but if the Minister concerned wants, he can give reply in the House too. The Minister concerned, however, will give reply in respect of such notice to the Member concerned under his signature within one week after getting the matter investigated and if it is not possible to supply the information within seven days, he will send an interim reply to the Member concerned about the action being taken."

Quorum in Sub-Committees/Study Groups : The Speaker has also issued Directions under Rule 313 of the Rules of Procedures and Conduct of Business in U.P. Legislative Assembly, 1958, laying down the procedure

and quorum etc. for the Sub-Committees and Study Groups of Committees of the House which have been inserted as a new para 59A after Para-59 in Chapter 7 on "Parliamentary Committees" which reads as follows:

"59-A. Procedure regarding Sub-Committees and Study Groups—

- (A) If a Sub-Committee of any committee is constituted, each such Sub-Committee will follow the same procedure as that of the committee and the quorum for the Sub-Committee will be one-third of the total number of members of the Sub-Committee.
- (B) If any Study Group is appointed by any Committee, it will be essential for that Study Group to transact its business only when one-third of the total number of Members of such a Group are present but there will be no formal meeting of such a Group, nor any decisions will be taken in it nor any evidence will be recorded therein."

Censure motion against individual Minister : On August 30, 1978, raising a point of order on a censure motion against Shri Satya Deo Tripathi, Minister of State, Shri Shatrudh Prakash referred to article 164(2) of the Constitution of India and rule 275 of the Rules of Procedure and Conduct of Business in Uttar Pradesh Legislative Assembly and rulings from the Chair of the Uttar Pradesh Legislative Assembly and said that the Council of Ministers had joint responsibility. Therefore, at censure motion or a No-confidence motion against an individual member of the Council of Ministers could not be moved. The Speaker referring to page 658 of the *Practice and Procedure of Parliament* by Kaul and Shakhder (Hindi edition) and rule 104 and 105 of the Rules of Procedure and Conduct of Business of the House disallowed the objection and observed that the motion was admissible under rule 105. It was thus admitted as a No-day-yet-named motion. He further said that the matter had been considered by the Business Advisory Committee which had allotted time for discussion thereon. The recommendation of the Committee had been approved by the House and Shri Shatrudh Prakash had not raised any objection about its admissibility at that time.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(October 1, 1978 to December 31, 1978)

DEVELOPMENTS AT THE CENTRE

INDIA

Supreme Court opinion on Presidential reference: Giving its advisory opinion on a Presidential reference under Article 143 of the Constitution, a seven-judge bench of the Supreme Court unanimously held on December 1 that Parliament had the legislative competence to create special courts for the speedy trial of offences committed during the emergency by persons who held high public or political offices in India and to provide for an appeal to the Supreme Court against any judgement arising thereof.

The Court further held by a 6—1 majority that the Private Member's Bill to set up special courts for emergency offences would be valid if three procedural changes were made in it. These changes would ensure, first, that only sitting—and not retired—High Court judges would be appointed to the special courts; second, that such appointments would be made with “the concurrence of”—and not simply “in consultation with”—the Chief Justice; and, third, that the accused would be able to apply to the Supreme Court for a transfer of his case from one special court to another.

In a separate judgement, Justice P.N. Shinghal agreed that Parliament was competent to create special courts but declared invalid the provision under which the Government can through a declaration order trial of emergency personalities by special courts. He said that the Bill enabled the Central Government to decide which of its nominated judges “shall try which accused or, in other words, which of the accused will be tried by which of its nominated judges.” Such a procedure could not be “fair

just and reasonable" within the meaning of Article 21 and would amount to serious transgression on the independence of the judiciary.'

AROUND THE STATES

BIHAR

Exit of Minister : Shri Sukhdeo Shukla, Minister of State for Rural Development, ceased to be a member of the Council of Ministers on November 6, following expiry of his tenure as Minister, without being a member of either House of the State Legislature.²

Bye-election: In the bye-election to the Lok Sabha held on November 26, Shri Ajit Kumar Mehta of the Janata Party was declared elected from the Samastipur Parliamentary constituency, defeating Shrimati Tarkeshwari Sinha of the Congress (I).³

Resignation by Minister: On November 29, Shri Anirudh Prasad, Minister of State for Public Health, Engineering and Planning tendered his resignation from the Ministry.⁴

HARYANA

Reshuffle of portfolios: On November 11, the State Governor on the advice of the Chief Minister, Shri Devi Lal, reshuffled the portfolios of five of his Ministers and reallocated them as follows:

Shri Lachhman Singh: *Public Works Department (Border and Roads), Architecture, PWD (Public Health), Labour and Employment and Health (Ayurveda)*; Shri Hira Nand Arya: *Education, Languages, Archaeology, Sports and Technical Education*; Shri Bhajan Lal: *Development and Panchayats, Cooperation, Dairy Development, Animal Husbandry, Forests*; Shri Mehar Singh Rathi: *Jails and Cultural Affairs*; and Shri Sher Singh: *Excise and Taxation, Administration of Justice*.

JAMMU & KASHMIR

New Political Party : Mirza Afzal Beg, who resigned as Deputy Chief Minister on September 25, announced the formation of a new Political Party Inquilabi National Conference—on October 26.⁶

1. *Hindustan Times*, December 2; *Free Press Journal*, December 2; *Patriot*, December 2; and *National Herald*, December 2, 1978.

2. *Hindustan Times*, November 7, 1978.

3. *The Statesman*, November 30, 1978.

4. *The Statesman*, December 1, 1978.

5. *The Tribune*, November 22, 1978.

6. *Indian Express*, October 27, 1978.

KARNATAKA

Bye election: In the by election from Chickmagalur Parliamentary constituency held on November 5, former Prime Minister, Shrimati Indira Gandhi of the Congress (I) was returned to Lok Sabha, defeating her nearest rival Shri Virendra Patil of the Janata Party.⁷

KERALA

New Minister : On October 4, Shri C. H. Mohammad Koya of Muslim League was sworn in as Minister to fill the vacancy caused by the resignation, on October 3, of Shri U. A. Beeran, Education Minister.⁸

Resignation by Chief Minister : On October 27, Shri A. K. Antony, Chief Minister, heading the six-party coalition Ministry, tendered his resignation to the State Governor, Shrimati Jyoti Venkatchelum.⁹

New Ministry : A new 13-member United Front Ministry headed by Shri P.K. Vasudevan Nair was sworn in on October 29. The allocation of portfolios was as follows:

Shri P. K. Vasudevan Nair, Chief Minister : *General Administration, All India Services, Planning, Industries and Commerce, Coir and Handloom and Electricity;* Shri K. Ayukaderkutty Naha; *Panchayats, Corporations and Municipalities, Fisheries and Public Health Engineering;* Shri Baby John : *Land Revenue and Corporation;* Shri Damodaran Kallassery : *Harijan Welfare, Devashrams and Community Development;* Shri J. Chittaranjan : *Health and Ayurveda;* Shri S. Vardarajan Nair : *Finance, Information and Publicity ;* Shri T. S. John *Food and Civil Supplies, Rehabilitation, Posts and Telegraphs, Railways and Registration;* Shri K. Kunhambu : *Forests;* Shri K. M. Mani : *Home, Administration of Civil and Criminal justice, Jails and Ports;* Shri C. H. Mohammed Koya: *Education, Wakf, Haj pilgrimage, Social Welfare (Excluding Harijan Welfare) and Tourism;* Shri K. Narayana Kurup : *Transport and Communications, (excluding P&T and Railways), Excise and Printing and Stationery;* Shri M. K. Raghavan : *Labour, Employment and Training, House, Irrigation Anti-Sea Erosion, Inter-State River Waters, Law and Legislation;* Shri K. Pankajakshan : *Public Works and Sports;* Shri A. L. Jacob : *Agriculture, Animal Husbandry and Dairy Development.*¹⁰

⁷. Patriot, November 8, 1978.

⁸. Patriot, October 5, 1978.

⁹. Statesman, October 28, 1978.

¹⁰. Patriot, October 30, 1978.

MAHARASHTRA

New Presiding Officer : On December 1, Shri A. G. Pawar of the Republican Party of India (Kamble Group) was elected Deputy Chairman of the Legislative Council.¹¹

MANIPUR

New Ministers: Shri Chandramani and Shri Hakholal Thongjom were sworn in by the Governor, Shri L. P. Singh as the new Ministers of State on October 22.¹²

PUNJAB

Dismissal of Minister: On October 12, Shri Sukhjinder Singh, Education Minister was dismissed from the State Ministry by the Governor, on the advice of the Chief Minister.¹³

RAJASTHAN

Expansion of Ministry: Four new Cabinet Ministers and two Ministers of State were sworn in by the Governor, Shri Raghukul Tilak on November 5, raising the strength of the Ministry from 15 to 21. The allocation of portfolios to the new Ministers was as follows:

Cabinet Ministers: Shri Kalyan Singh Kalvi: *Agriculture, Animal Husbandry and Dairies*; Dr. Hari Singh: *Public Health, Engineering Department, Transport and Ground Water Resources*; Shri Birad Mal Singhvi: *Food and Civil Supplies, Law and Elections*; Shri Manek Chand Surane: *Planning, Economics and Statistics*.

Ministers of State: Shri Hari Singh Yadav: *Forest (independent charge) and Agriculture*; Shri Bhairav Lal Kulabadal: *Ayurveda (independent charge), Local-Self Government and Town Planning*.¹⁴

UTTAR PRADESH

Recognition of Leader of Opposition: As a result of increase in the strength of the Congress(I) in the Legislative Assembly to 43 in a House of 426, Shri N. D. Tiwari of the Congress(I) was restored to the status of the Leader of the Opposition on October 13.¹⁵

Bye-election: In the bye-election from Fatehpur Parliamentary Constituency held on December 3, Shri Liaquat Hussain of the Janata Party was declared elected to Lok Sabha on December 6, defeating Shri Prem Datt Tewari of the Congress(I).¹⁶

¹¹. *Statesman*, December 2, 1978.

¹². *Indian Express*, October 23, 1978.

¹³. *Times of India*, October 13, 1978.

¹⁴. *Statesman*, November 6, and *Patriot*, November 9, 1978.

¹⁵. *Times of India*, October 14, 1978.

¹⁶. *Indian Express*, December 6, 1978.

UNION TERRITORIES

ARUNACHAL PRADESH

New Governor: On November 30, Shri R. N. Haldipur was appointed by the President Shri N. Sanjiva Reddy as the new Lt. Governor of the Union territory.¹⁷

MIZORAM

President's rule: By a notification issued on November 11, President, Shri N. Sanjiva Reddy placed the Union Territory under President's rule and dissolved its Assembly bringing to an end the 163-day old Ministry of Shri Thenphunga Sailo.¹⁸

PONDICHERY

Resignations by Deputy Speaker and Home Minister: Shri S. Palaninathan, Deputy Speaker and Shri D. Ramachandran, Home Minister tendered resignations from their posts on October 3 and 26 respectively.¹⁹

President's rule: On November 12, President Shri N. Sanjiva Reddy signed an order dismissing the AIADMK Ministry headed by Shri S. Ramaswamy, dissolving the State Assembly and placing the Union Territory under President's rule.²⁰

DEVELOPMENTS ABROAD

ALGERIA

Death of President: Colonel Houari Boumedienne, President of Algeria since 1965, died on December 27 after 40 days in coma.²¹

ANGOLA

Dismissal of P.M. and others: On December 11, the Angolan President, Mr. Agostinho Neto formally dismissed Prime Minister Lopo Do Nascimento, three Deputy Premiers, the Minister of Works and Housing and the Minister and Vice-Minister for Internal Commerce.²²

BELGIUM

New Prime Minister: On October 20, Mr. Paul Vanden, Defence Minister became the new Prime Minister of the country, in succession to Mr. Leo Tindemans.²³

Dissolution of Parliament: The Belgium Parliament dissolved itself on November 14, pending fresh elections to be held in December.²⁴

17. *Statesman*, December 1, 1978.

18. Information supplied by the State Legislative Secretariat.

19. *National Herald*, October 4 and *Hindustan Times*, October 27, 1978.

20. *Amrit Bazar Patrika*, November 12, 1978.

21. *National Herald*, December 28, 1978.

22. *The Tribune*, December 3, 1978.

23. *Sunday Standard* (Bombay), October 1978.

24. *Times of India*, November 25, 1978.

BOLIVIA

Military Coup: In a bloodless coup on November 24, the armed forces led by General David Padilla Arancibia overthrew the Government of President Juan Pereda and pledged to return the country to democratic rule within a year.²⁵

BRAZIL

New President: On October 15, General Joao Baptista de Figueiredo was elected as President of Brazil.²⁹

CHINA

New Deputy Prime Minister: In a Cabinet reshuffle announced on December 26, Mr. Wang Jen-chung was named as the new Deputy Premier of the country.²⁷

EGYPT

Government Reshuffle: On October 3, President Mr. Anwar Sadat removed the War Minister, Mr. Mohammad Abdel Ghani Gomassi and the Chief of the Staff, General Mohammad Ali Fahmi from their posts and appointed them as Military Advisers.²⁸

New Opposition Party: A new opposition party namely, Socialist Labour Party led by Mr. Ibrahim Shukri and officially approved and encouraged by President Anwar Sadat himself to provide 'loyal and constructive' opposition was launched on November 23.²⁹

IRAN

New Prime Minister: On November 6, the Shah of Iran appointed General Gholamreza Azhari, chief of the Armed Forces, as the new Prime Minister in place of Mr. Jaafar Sharif Emami who resigned on November 5.³⁰

JAPAN

New Prime Minister: Following the defeat of Prime Minister, Mr. Takeo Fukuda in the elections, Mr. Masayoshi Ohira was acclaimed as the new Prime Minister of Japan on December 7, by both the Houses of the Diet (Parliament) by a majority vote.³¹

²⁵. *Hindustan Times*, November 25, 1978.

²⁶. *Times of India*, October 16, 1978.

²⁷. *National Herald*, December 27, 1978.

²⁸. *National Herald*, October 3, 1978.

²⁹. *Times of India*, November 25, 1978.

³⁰. *Hindustan Times*, November 7, 1978.

³¹. *National Herald*, November 28 and *Times of India*, December 8, 1978.

KENYA

New President: Mr. Daniel Arap Moi was declared on October 10, as the second President of Kenya since independence, in succession to Mr. Jomo Kenyatta.³²

NEPAL

Resignation by six Ministers: Six out of 25-Members of the Nepali Council of Ministers tendered resignations from their posts on November 26. Three more Ministers submitted their resignations to King Birendra through Prime Minister Mr. Kirti Nidhi Bista on December 10.³³

NEW ZEALAND

General Election: In the General Election held on November 25, the ruling National Party of Prime Minister, Mr. Robert Muldoon was returned to power with a greatly reduced majority.³⁴

New Cabinet: Prime Minister, Mr. Robert Muldoon announced on December 13 his new 19-member Cabinet following general election held in November, which saw his parliamentary majority slashed by two-third to only seven seats.³⁵

PANAMA

New President: On October 12, Mr. Aristides Royo was elected as the new President of the Republic by the National Assembly.³⁶

SOUTH AFRICA

New President: Mr. John Vorster, former Prime Minister, was sworn in as President of South Africa on October 10.³⁷

SOUTH KOREA

General Election: In a general election held on December 12 to elect two-thirds of the 231-member National Assembly, President Park Chung Hec's ruling Democratic Republican Party won 67 seats against major opposition Party's 61.³⁸

TURKEY

Declaration of Martial Law: The Government announced on December 26 the proclamation of Martial Law in Ankara, Istanbul and 11 other eastern Turkish towns to halt widespread political and religious disturbances.³⁹

^{32.} *Times of India*, October 11, 1978.

^{33.} *Hindustan Times*, November 11; *Times of India*, November 27; and *Patriot*, December 12, 1978.

^{34.} *Statesman (Calcutta)*, November 26, 1978.

^{35.} *Statesman*, December 15, 1978.

^{36.} *Times of India*, October 13, 1978.

^{37.} *Times of India*, October, 11, 1978.

^{38.} *Patriot*, December 14, 1978.

^{39.} *National Herald*, December 27, 1978.

U.S.S.R.

New Deputy Prime Minister: On December 5, Mr. Tikon Kisselev was nominated a Vice-Premier of the Soviet Union replacing Mr. Kiril Mazurov, who was relieved of his duties on December 1. ⁴⁰

ZAMBIA

Re-election of President: On December 15, President Kenneth Kaunda was re-elected as President of the country receiving 618,094 'Yes' votes as against 144,155 'no' votes with the results in 40 Constituencies still to be announced.⁴¹

⁴⁰. *National Herald* (Lucknow), December 3; and *Times of India*, December 6, 1978.

⁴¹. *Times of India*, December 16, 1978.

**DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY
INTEREST**

[The Constitution (Forty-fifth Amendment) Bill, 1978 was introduced in the Lok Sabha on May 15, 1978 and was discussed by the House from August 7 to 11, and from August 21 to 23, 1978 and was passed by it with the requisite majority in accordance with the provisions of article 368 of the Constitution on August 23, 1978. The Bill as passed by Lok Sabha was discussed by the Rajya Sabha from August 28 to 31, 1978. The Bill was passed by the Rajya Sabha with certain amendments on August 31, 1978 with the requisite majority. The Bill as amended by the Rajya Sabha was considered and discussed by the Lok Sabha on December 6 and 7, 1978 and was passed on December 7, 1978. We reproduce below the Bill as passed by the two Houses of Parliament. When assented to by the President, it will be called the Constitution (Forty-fourth Amendment) Act, 1978.

— Editor]

THE CONSTITUTION (FORTY-FIFTH AMENDMENT) BILL, 1978

(AS PASSED BY THE HOUSES OF PARLIAMENT)

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement:* (1) This Act may be called the Constitution (Forty-fifth Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. *Amendment of article 19:*—In article 19 of the Constitution,—

(a) in clause (1),—

(i) in sub-clause (e), the word “and” shall be inserted at the end;

(ii) sub-clause (f) shall be omitted;

(b) in clause (5), for the words, brackets and letters “sub-clauses (d), (e) and (f)”, the words, brackets and letters “sub-clauses (d) and (e)” shall be substituted.

3. *Amendment of article 22:*—In article 22 of the Constitution,—

(a) for clause (4), the following clause shall be substituted, namely:—

‘(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than two months unless an Advisory Board constituted in accordance with the recommendations of the Chief Justice of the appropriate High Court has reported before the expiration of the said period of two months that there is in its opinion sufficient cause for such detention:

Provided that an Advisory Board shall consist of a Chairman and not less than two other members, and the Chairman shall be a serving Judge of the appropriate High Court and the other members shall be serving or retired Judges of any High Court:

Provided further that nothing in this clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (a) of clause (7).

Explanation.—In this clause, “appropriate High Court” means,—

(i) in the case of the detention of a person in pursuance of an order of detention made by the Government of India or an officer or authority subordinate to that Government, the High Court for the Union territory of Delhi;

(ii) in the case of the detention of a person in pursuance of an order of detention made by the Government of any State.

(other than a Union territory), the High Court for that State; and

(iii) in the case of the detention of a person in pursuance of an order of detention made by the administrator of a Union territory or an officer or authority subordinate to such administrator, such High Court as may be specified by or under any law made by Parliament in this behalf;

(b) in clause (7),—

(i) sub-clause (a) shall be omitted;

(ii) sub-clause (b) shall be re-lettered as sub-clause (a); and

(iii) sub-clause (c) shall be re-lettered as sub-clause (b) and in the sub-clause as so re-lettered, for the words, brackets, letter and figure “sub-clause (a) of clause (4)”, the word, brackets and figure “clause (4)” shall be substituted.

4. *Amendment of article 30.*—In article 30 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

“(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.”.

5. *Omission of heading after article 30.*—The sub-heading “*Right to Property*” occurring after article 30 of the Constitution shall be omitted.

6. *Omission of article 31.*—Article 31 of the Constitution shall be omitted.

7. *Amendment of article 31A.*—In article 31A of the Constitution, in clause (1), for the words and figures “article 14, article 19 or article 31”, the words and figures “article 14 or article 19” shall be substituted.

8. *Amendment of article 31C.*—In article 31C of the Constitution, for the words and figures “article 14, article 19 or article 31”, the words and figures “article 14 or article 19” shall be substituted.

9. *Amendment of article 38.*—Article 38 of the Constitution shall be re-numbered as clause (1) thereof and after the clause as so renumbered, the following clause shall be inserted, namely:—

“(2) The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but

also amongst groups of people residing in different areas or engaged in different vocations.”.

10. *Substitution of new article for article 71.*—For article 71 of the Constitution, the following article shall be substituted, namely:—

- “71. *Matters relating to, or connected with, the election of a President or Vice-President.*—(1) All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final.
- (2) If the election of a person as President or Vice-President is declared void by the Supreme Court, acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President, as the case may be, on or before the date of the decision of the Supreme Court shall not be invalidated by reason of that declaration.
- (3) Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President.
- (4) The election of a person as President or Vice-President shall not be called in question on the ground of the existence of any vacancy for whatever reason among the members of the electoral college electing him.”.

11. *Amendment of article 74.*—In article 74 of the Constitution, in clause (1), the following proviso shall be inserted at the end, namely:—

“Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration.”

12. *Amendment of article 77.*—In article 77 of the Constitution, clause (4) shall be omitted.

13. *Amendment of article 83.*—(1) In article 83 of the Constitution, in clause (2), for the words “six years” in both the places where they occur, the words “five years” shall be substituted.

(2) The amendments made by sub-section (1) to clause (2) of article 83 shall apply also to the House of the People in existence on the date of coming into force of this section without prejudice to the power of Parliament with respect to the extension of the duration of that House under the proviso to that clause.

14. *Substitution of new article for article 103.*—For article 103 of the Constitution, the following article shall be substituted, namely:—

“103. *Decision on questions as to disqualifications of members.*—

(1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.”

15. *Amendment of article 105.*—In article 105 of the Constitution, in clause (3), for the words “shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution”, the words, figures and brackets “shall be those of that House and of its members and committees immediately before the coming into force of section 15 of the Constitution (Forty-fourth Amendment) Act, 1978” shall be substituted.

16. *Amendment of article 123.*—In article 123 of the Constitution, clause (4) shall be omitted.

17. *Amendment of article 132.*—In article 132 of the Constitution,—

(a) in clause (1), for the words “if the High Court certifies”, the words, figures and letter “if the High Court certifies under article 134A” shall be substituted;

(b) clause (2) shall be omitted;

(c) in clause (3), the words “or such leave is granted,” and the words “and, with the leave of the Supreme Court, on any other ground” shall be omitted.

18. *Amendment of article 133.*—In article 133 of the Constitution, in clause (1), for the words “if the High Court certifies—”, the words, figures and letter “if the High Court certifies under article 134A—” shall be substituted.

19. *Amendment of article 134.*—In article 134 of the Constitution, in sub-clause (c) of clause (1), for the word “certifies”, the words, figures and letter “Certifies under article 134A” shall be substituted:—

20. *Insertion of new article 134A.*— After article 134 of the Constitution, the following article shall be inserted, namely:—

“134A.—*Certificate for appeal to the Supreme Court.* Every High Court, passing or making a judgement, decree, final order ,or

sentence, referred to in clause (1) of article 132 or clause (1) of article 133, or clause (1) of article 134,—

(a) may, if it deems fit to do, on its own motion; and

(b) shall, if an oral application is made, by or on behalf of the party aggrieved, immediately after the passing or making of such judgement, decree, final order or sentence,

determine, as soon as may be after such passing or making, the question whether a certificate of the nature referred to in clause (1) of article 132, or clause (1) of article 133 or, as the case may be, sub-clause (c) of clause (1) of article 134, may be given in respect of that case."

21. *Amendment of article 139A.*—In article 139A of the Constitution, for clause (1), the following clause shall be substituted, namely:—

"(1) Where cases involving the same or substantially the same questions of law are pending before the Supreme Court and one or more High Courts or before two or more High Courts and the Supreme Court is satisfied on its own motion or on an application made by the Attorney-General of India or by a party to any such case that such questions are substantial questions of general importance, the Supreme Court may withdraw the case or cases pending before the High Court or the High Courts and dispose of all the cases itself:

Provided that the Supreme Court may after determining the said questions of law return any case so withdrawn together with a copy of its judgement on such questions to the High Court from which the case has been withdrawn, and the High Court shall on receipt thereof, proceed to dispose of the case in conformity with such judgement".

22. *Amendment of article 150.*—In article 150 of the Constitution, for the words "after consultation with", the words "on the advice of" shall be substituted.

23. *Amendment of article 166.*—In article 166 of the Constitution, clause (4) shall be omitted.

24. *Amendment of article 172.*—(1) In article 172 of the Constitution, in clause (1), for the words "six years" in both the places where they occur, the words "five years" shall be substituted.

(2) The amendments made by sub-section (1) to clause (1) of article 172—

(a) shall not apply to any existing State Legislative Assembly the period of existence whereof as computed from the date appointed for its first meeting to the date of coming into force of this section (both dates inclusive) is more than four years and eight months but every such Assembly shall, unless sooner dissolved, stand dissolved on the expiry of—

(i) a period of four months from the date of coming into force of this section; or

(ii) a period of six years from the date appointed for its first meeting,

whichever period expires earlier;

(b) shall apply to every other existing State Legislative Assembly without prejudice to the power of Parliament with respect to the extension of duration of such Assembly under the proviso to the said clause (1).

Explanation I.—In its application to the Legislative Assembly of the State of Sikkim referred to in clause (b) of article 371F of the Constitution, this sub-section shall have effect as if—

(i) the date appointed for the first meeting of that Assembly were the 26th day of April, 1975; and

(ii) the references in clause (a) of this sub-section to “four years and eight months” and “six years” were references to “three years and eight months” and “five years” respectively.

Explanation II.—In this sub-section, “existing State Legislative Assembly” means the Legislative Assembly of a State in existence on the date of coming into force of this section.

25. *Substitution of new article for article 192.*—For article 192 of the Constitution, the following article shall be substituted, namely:—

“192. *Decision on questions as to disqualifications of members.*—

(1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final.

(2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.”

26. *Amendment of article 194.*—In article 194 of the Constitution, in clause (3), for the words “shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution”, the words, figures and brackets “shall be those of that House and of its members and committees immediately before the coming into force of section 26 of the Constitution (Forty-fourth Amendment) Act, 1978” shall be substituted.

27. *Amendment of article 213.*—In article 213 of the Constitution, clause (4) shall be omitted.

28. *Amendment of article 217.*—In article 217 of the Constitution, in clause (2),—

(a) in sub-clause (b), the word “or” occurring at the end shall be omitted;

(b) sub-clause (c) shall be omitted;

(c) in the *Explanation*, clause (a) shall be re-lettered as clause (aa) and before clause (aa) as so re-lettered, the following clause shall be inserted, namely:—

“(a) in computing the period during which a person has held judicial office in the territory of India, there shall be included any period, after he has held any judicial office, during which the person has been an advocate of a High Court or has held the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law;”.

29. *Amendment of article 225.*—In article 225 of the Constitution, the following proviso shall be inserted at the end, namely:—

“Provided that any restriction to which the exercise of original jurisdiction by any of the High Courts with respect to any matter concerning the revenue or concerning any act ordered or done in the collection thereof was subject immediately before the commencement of this Constitution shall no longer apply to the exercise of such jurisdiction.”.

30. *Amendment of article 226.*— In article 226 of the Constitution,—

(a) in clause (1), for the portion beginning with the words “writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo-warranto* and *certiorari*, or any of them” and ending with the

words "such illegality has resulted in substantial failure of justice.", the following shall be substituted, namely:—

"writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.";

(b) for clauses (3), (4), (5), and (6), the following clause shall be substituted, namely:—

"(3) Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without—

(a) furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and

(b) giving such party an opportunity of being heard,

makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated.";

(c) clause (7) shall be renumbered as clause (4).

31. *Amendment of article 227.*—In article 227 of the Constitution,—

(a) for clause (1), the following clause shall be substituted, namely:—

"(1) Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.";

(b) clause (5) shall be omitted.

32. *Amendment of article 239B.*—In article 239B of the Constitution, clause (4) shall be omitted.

33. *Omission of article 257A.*—Article 257A of the Constitution shall be omitted.

34. *Insertion of new Chapter IV in Part XII.*—In Part XII of the Constitution, after Chapter III, the following Chapter shall be inserted, namely:—

“CHAPTER IV—RIGHT TO PROPERTY

300A. *Persons not to be deprived of property save by authority of law.*—No person shall be deprived of his property save by authority of law.”.

35. *Amendment of article 329.*—In article 329 of the Constitution, in the opening portion, the words, figures and letter “but subject to the provisions of article 329A” shall be omitted.

36. *Omission of article 329A.*—Article 329A of the Constitution shall be omitted.

37. *Amendment of article 352.*—In article 352 of the Constitution,—

(a) in clause (1),—

(i) for the words “internal disturbance”, the words “armed rebellion” shall be substituted;

(ii) the following Explanation shall be inserted at the end, namely:—

“*Explanation.*—A Proclamation of Emergency declaring that the security of India or any part of the territory thereof is threatened by war or by external aggression or by armed rebellion may be made before the actual occurrence of war or of any such aggression or rebellion, if the President is satisfied that there is imminent danger thereof.”;

(b) for clauses (2), (2A) and (3), the following clauses shall be substituted, namely:—

“(2) A Proclamation issued under clause (1) may be varied or revoked by a subsequent Proclamation.

(3) The President shall not issue a Proclamation under clause (1) or a Proclamation varying such Proclamation unless the decision of the Union Cabinet (that is to say, the Council consisting of the Prime Minister and other Ministers of Cabinet rank appointed under article 75) that such a Proclamation may be issued has been communicated to him in writing.

- (4) Every Proclamation issued under this article shall be laid before each House of Parliament and shall except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of one month unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament;

Provided that if any such Proclamation (not being a Proclamation revoking a previous Proclamation) is issued at a time when the House of the People has been dissolved, or the dissolution of the House of the People takes place during the period of one month referred to in this clause, and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution, unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.

- (5) A Proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of the passing of the second of the resolutions approving the Proclamation under clause (4):

Provided that if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament the Proclamation shall, unless revoked, continue in force for a further period of six months from the date on which it would otherwise have ceased to operate under this clause:

Provided further that if the dissolution of the House of the People takes place during any such period of six months and a resolution approving the continuance in force of such Proclamation has been passed by the Council of States but no resolution with respect to the continuance in force of such Proclamation has been passed by the House of the People during the said period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution unless before the expiration of the said period of thirty days, a

resolution approving the continuance in force of the Proclamation has been also passed by the House of the People.

- (6) For the purposes of clauses (4) and (5), a resolution may be passed by either House of Parliament only by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting.
- (7) Notwithstanding anything contained in the foregoing clauses, the President shall revoke a Proclamation issued under clause (1) or a Proclamation varying such Proclamation if the House of the People passes a resolution disapproving, or, as the case may be, disapproving the continuance in force of, such Proclamation.
- (8) Where a notice in writing signed by not less than one-tenth of the total number of members of the House of the People has been given, of their intention to move a resolution for disapproving, or, as the case may be, for disapproving the continuance in force of, a Proclamation issued under clause (1) or a Proclamation varying such Proclamation,—
- (a) to the Speaker, if the House is in session; or
- (b) to the President, if the House is not in session,
- a special sitting of the House shall be held within fourteen days from the date on which such notice is received by the Speaker, or, as the case may be, by the President, for the purpose of considering such resolution.”;
- (c) clause (4) shall be renumbered as clause (9) and in the clause as so renumbered, for the words “internal disturbance” in both the places where they occur, the words “armed rebellion” shall be substituted;
- (d) clause (5) shall be omitted.
38. *Amendment of article 356.*—In article 356 of the Constitution,—
- (a) in clause (4),—
- (i) for the words, brackets and figure “one year from the date of the passing of the second of the resolutions approving the Proclamation under clause (3)”, the words “six months from the date of issue of the Proclamation” shall be substituted;
- (ii) in the first proviso, for the words “one year”, the words “six months” shall be substituted;
- (iii) in the second proviso, for the words “one year”, the words “six months” shall be substituted;
- (b) for clause (5), the following clause shall be substituted, namely:—
- “(5) Notwithstanding anything contained in clause (4), a resolution with respect to the continuance in force of a Proclamation approved under clause (3) for any period beyond

the expiration of one year from the date of issue of such Proclamation shall not be passed by either House of Parliament unless—

- (a) a Proclamation of Emergency is in operation, in the whole of India or, as the case may be, in the whole or any part of the State, at the time of the passing of such resolution, and
- (b) the Election Commission certifies that the continuance in force of the Proclamation approved under clause (3) during the period specified in such resolution is necessary on account of difficulties in holding general elections to the Legislative Assembly of the State concerned.”.

39. *Amendment of article 358.*—Article 358 of the Constitution shall be renumbered as clause (1) of that article, and—

- (a) in clause (1) as so renumbered,—
 - (i) in the opening portion, for the words “While a Proclamation of Emergency is in operation”, the words “While a Proclamation of Emergency declaring that the security of India or any part of the territory thereof is threatened by war or by external aggression is in operation” shall be substituted;
 - (ii) in the proviso, for the words “where a Proclamation of Emergency”, the words “where such Proclamation of Emergency” shall be substituted;
- (b) after clause (1) as so renumbered, the following clause shall be inserted, namely:—

“(2) Nothing in clause (1) shall apply—

- (a) to any law which does not contain a recital to the effect that such law is in relation to the Proclamation of Emergency in operation when it is made; or
- (b) to any executive action taken otherwise than under a law containing such a recital.”.

40. *Amendment of article 359.*—In article 359 of the Constitution,—

- (a) in clauses (1) and (1A), for the words and figures “the rights conferred by Part III”, the words, figures and brackets “the rights conferred by Part III (except articles 20 and 21)” shall be substituted;
- (b) after clause (1A), the following clause shall be inserted, namely:—

“(1B) Nothing in clause (1A) shall apply—

- (a) to any law which does not contain a recital to the effect that such law is in relation to the Proclamation of Emergency in operation when it is made; or
- (b) to any executive action taken otherwise than under a law containing such a recital.”.

41. *Amendment of article 360.*—In article 360 of the Constitution,—

(a) for clause (2), the following clause shall be substituted, namely:—

“(2) A Proclamation issued under clause (1)—

- (a) may be revoked or varied by a subsequent Proclamation;
- (b) shall be laid before each House of Parliament;
- (c) shall cease to operate at the expiration of two months, unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament:

Provided that if any such Proclamation is issued at a time when the House of the People has been dissolved or the dissolution of the House of the People takes place during the period of two months referred to in sub-clause (c), and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution, unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.”;

(b) clause (5) shall be omitted.

42. *Insertion of new article 361A.*—After article 361 of the Constitution, the following article shall be inserted, namely:—

361A. *Protection of publication of proceedings of Parliament and State Legislatures.*—(1) No person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature, of a State, unless the publication is proved to have been made with malice:

Provided that nothing in this clause shall apply to the publication of any report of the proceedings of a secret sitting of either House of Parliament or the Legislative Assembly, or as the case may be, either House of the Legislature, of a State.

- (2) Clause (1) shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station as it applies in relation to reports or matters published in a newspaper.

Explanation.—In this article, “newspaper” includes a news agency report containing material for publication in a newspaper.’

43. Amendment of article 371F.—In article 371F of the Constitution, in clause (c), for the words “six years”, the words “five years” shall be substituted, and for the words “five years” in both the places where they occur, the words “four years” shall be substituted.

44. Amendment of the Ninth Schedule.—In the Ninth Schedule to the Constitution, entries 87, 92 and 130 shall be omitted.

45. Amendment of the Constitution (Forty-second Amendment) Act, 1976.—In the Constitution (Forty-second Amendment) Act, 1976, sections 18, 19, 21, 22, 31, 32, 34, 35, 58 and 59 shall be omitted.

SESSIONAL REVIEW

LOK SABHA

The Sixth Session of the Sixth Lok Sabha was held from November 20, to December 23, 1978. A brief resume of some of the important discussions held and other business transacted during the session is given below.

A. DISCUSSIONS

Hijacking of the Indian Airlines Boeing and climate of violence in the country: Raising a discussion under Rule 193, on December 23, 1978, Shri I. P. Unnikrishnan said that there was a climate of violence in the country and that violence was generating tensions. He said that the hijacking incident was not an isolated act of a few mindless youngmen. It was the product of a particular political and social environment and atmosphere. He pleaded for a full-scale probe by the Central investigation agencies.

The discussion continued for eight hours in which as many as 39 members participated. The Leader of the Opposition, Shri C. M. Stephen informed the House that his party had condemned the hijacking incident and its Working Committee had also unequivocally deprecated violence and had appealed to all to eschew it. He demanded a thorough inquiry into the hijacking incident.

Intervening in the discussion, the Prime Minister, Shri Morarji Desai said that hijacking was a serious and grave matter and the Government intended to pass a legislation prescribing punishment for the offence as had been done by several other countries. The hijacking incident in question could not be the work of two irresponsible youngmen; there were bound to be some persons behind it. The matter would be investigated by the Central Bureau of Investigation, if found necessary.

The Prime Minister added that violence had to be eschewed altogether for maintaining democracy. The Government could not allow violence anywhere and would have to act harshly in some cases, if it was necessary.

Replying to the discussion, the Minister of Tourism and Civil Aviation, Shri Purushottam Kaushik said that the Central Government had been giving guidelines to Police in the State for checking the passengers from the security point of view. Electronic machines had been installed at major airports and were being obtained for other airports also. He assured the House that proper action would be taken against the hijackers.

Communal riots : Moving a motion on December 4, 1978, Shri Samar Guha suggested that the problem of communal trouble should be approached with a constructive attitude keeping in view the national perspective. A Backward Classes Commission should be constituted to go into the problems and the economic backwardness of the minorities. He suggested reconstitution of the National Integration Council.

Speaking on the motion, Shri Y. B. Chavan said that the question of communal trouble could not be solved unless the Government was prepared to boldly and courageously face the question of communal politics and communal organisations. The Administration in a State which could not stop communal conflicts deserved to be pushed out. Shri M. N. Govindan Nair said that a secular and democratic society could only be built up by fighting casteism and communalism. Shri G. M. Banatwalla pointed out that the riots in Aligarh had exposed a rising trend and increasing intensity in the communal riots. He demanded complete restructuring of the Provincial Armed Constabulary and creation of an anti-riot force with proper representation of Muslims and other minorities in it. In his view, there should be a ban on para-military activities of the Rashtriya Swayam Sewak Sangh. He was supported in this demand by Shri A. Bala Pajanor. Shrimati Indira Nehru Gandhi said that para-military training to the children and young persons was not conducive either to communal harmony or to giving a feeling of security to the members of other communities. It was necessary to ensure that every educational programme gave the child the right attitude towards its fellow citizens and other religions and languages.

The discussion was resumed on December 5, 1978 when the Minister of Works, Housing and Supply and Rehabilitation, Shri Sikandar Bakht said that communal disturbances were a matter of shame for any Government and as such the Janata Government felt it its bounden duty to avoid any recurrence of such incidents and to protect the life and property of the countrymen. He said that the RSS had changed its attitude and was trying to follow Gandhian teachings. A Minorities Commission had also been set up and Urdu had been allowed as a medium in UPSC examinations.

Intervening in the discussion, the Prime Minister, Shri Morarji Desai said that the canker of communal problem had gone deep and could be eradicated "only if all of us got combined in this matter irrespective of political views and apply the solution that we find without any bickering, without blaming each other." Para-military training was not responsible for communal riots and he would not blame the R.S.S. for the same. He assured the House that strongest possible action would be taken against those found responsible by the Inquiry Commission.

Participating in the discussion, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal assured the House that the Government was intent on evolving a national consensus on the problem of elimination of communal violence and proposed to appoint a Backward Classes Commission.

Replying to the debate, Shri Samar Guha suggested amendment of the Representation of the People Act so as to include any kind of communal violence or caste issue during elections as an offence. Also, no educational institution should be run in the name of religion and communal, caste and Adivasi issues should be de-politicalised.

Distortions in U.N. Publication: Making a statement in response to a Calling Attention Notice by Shri Chitta Basu on December 6, 1978, the Minister of External Affairs, Shri Atal Bihari Vajpayee informed the House that a study by Mr. Hector Gros Espiell, Special Rapporteur, appointed in 1974 by the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities which was presented to the Sub-Commission in 1976 contained a list of 30 territories "still awaiting settlement as regards the implementation of United Nations resolutions concerning the right to self-determination of peoples under colonial or alien domination" and Jammu and Kashmir had also been included in that list. The leader of the Indian Delegation had expressed strong reservations on it, which was recorded as a footnote to the Study, when it came up for discussion at the Thirty-fourth Session of the Commission on Human Rights, held in February-March, 1978. When the report was circulated as a document of the 33rd Session of the General Assembly, the Indian delegation again expressed deep concern over the wrong delineation and entered a strong reservation, reiterating that Jammu and Kashmir was legally and constitutionally an integral part of India. Later, when the resolution on the Universal Realisation of the Right of Peoples to Self-determination was put up for final voting in the General Assembly, the Indian delegate again took exception to that part of the resolution which took note of the document in question.

Shri Vajpayee added that the Government of India, had deplored and strongly rejected the unwarranted inclusion of Jammu and Kashmir in the

list of territories under colonial or alien domination. The matter was being taken up with the U.N. Secretary-General. Answering question, he said that Jammu and Kashmir was no doubt an integral part of India and there was on question of any right of self-determination being involved there. In fact, the question which was yet to be settled was the continued illegal occupation by Pakistan of two-fifths of Kashmir.

Supply of enriched Uranium for Tarapur: Replying to an Half-an-Hour discussion raised by Shri P. M. Sayeed on December 1, 1978, the Prime Minister, Shri Morarji Desai assured the House that the five-member Committee comprising of one scientist each from the United States and India and two nominated from third countries by India and the United States with the Chairman from the International Atomic Energy, which would determine the fuller nuclear safeguards was not going to inspect any of the Indian installations and would go into the safeguards applicable to all countries including India. He admitted that the supply of enriched uranium to India had not been regulated by any schedule made in the Agreement, but had been given according to the requirements for a particular year. As such, India could not make larger indents than what was required immediately. He, however, made it clear that India would not be bound by the agreement and would find its own ways, if the delays, which started in 1974, persisted, and the United States refused to supply more Uranium as asked for by India. The Prime Minister felt that it would be futile to approach the World Court in this regard as in that case everything would be held up.

Rate of Exchange between the Indian Rupee and the Rouble.—In a statement on November 27, 1978, the Minister of Finance, Shri H. M. Patel informed the House that in June 1974, the Soviet authorities had raised the question of establishing a more realistic exchange rate between the two currencies for repayment of Soviet credits and settlement of commercial transactions between India and the Soviet Union. Their contention was that the rate of Rs. 8.333=1 Rouble was resulting in losses to the Soviet Union since 1972 and that arrangements should be made to compensate them for these losses. After protracted negotiations, the Government of India and the Government of the USSR had, on November 25, 1978, signed a Protocol and from that date an exchange rate of Rs. 10 to 1 Rouble would apply to the settlement of all existing and future credit agreements and commercial transactions designated in Roubles between the USSR and the Republic of India. The new exchange rate would be subject to adjustment from time to time depending upon the changes in the value of the Rupee in terms of a specified basket of currencies. Additional liabilities arising from the application of the new rate of exchange in respect of supplies made and

services rendered upto the date of the Protocol under existing credits would be constituted into a 45-year interest-free deferred payment facility to be provided by the Government of the USSR. Another noteworthy feature of the agreed protocol was that repayments already effected by India against past Soviet credits at the old rate of exchange of 1 Ruble=Rs. 8.333 would be considered final and no extra liability would arise on the account

B. LEGISLATIVE BUSINESS

Constitution (Forty-Fifth Amendment) Bill: On December 6, 1978, moving the motion that the amendments made by Rajya Sabha be taken into consideration, the Minister of Education, Social Welfare and Culture, Dr. Pratap Chandra Chunder said that the original Bill passed by Lok Sabha had 49 clauses. Rajya Sabha had agreed with regard to 44 clauses and had added one new clause which was in fact a consequential amendment. There was thus disagreement between the two Houses in respect of five clauses, viz., regarding amendments to article 31C, deletion of article 31 and of the provisions concerning Tribunals, the change relating to definition of words "Secular" and "socialism" in the Preamble of the Constitution, amendment to Article 368 dealing with referendum and clause 47 which dealt with alterations in the Seventh Schedule. Commending the Bill to the House, Dr. Chunder expressed the hope that it would remove some of the distortions which had been brought about in the Constitution by the Forty-Second amendment.

The discussion continued for two days in which 17 members took part. Initiating the discussion, Shri R. Venkataraman said that it was better in the larger interests of the country, to get through as much of the amendment to the Constitution as possible rather than carry on a long drawn debate. Shri Samar Mukherjee said that the recommendations made by Rajya Sabha excepting one minor amendment regarding the definition of 'socialism' and 'secularism' were reactionary and were mainly aimed at retaining some of the vital clauses of the Constitution (Forty-Second Amendment) Act. Shri M. N. Govindan Nair saw no reason for rejecting the principle of referendum by the Rajya Sabha. Shri A. Bala Pajanor felt that the Bill as amended was not going to serve any immediate purpose. The Government could have waited for some more time to come out with a comprehensive Bill. Dr. V. A. Seyid Muhammad opposing the Bill contended that measures which had been rejected by the founding fathers were being sought to be attempted through the back door. Shri G. M. Banatwalla said that any attempt to give precedence to Directive Principles over the Fundamental Rights was a retrograde step. Shri P. G. Mavalankar expressed the hope that the Government would come forward with a new Bill and undo the remaining evil that was still lingering in the Constitution. (Forty-Second Amendment) Act.

Replying to the discussion, Dr. Chunder stated that much of the intention to fight authoritarianism would be completely subservient to the existing provisions of the Constitution if the amendments suggested by Rajya Sabha were not accepted. He assured the House that the Government would do something in future to undo the distortions which still continued in the Constitution.

On the motion for consideration of the Bill being put to vote, the House divided Ayes 273; Noes 23. The Bill, as amended, was passed by the requisite majority in accordance with the provisions of article 368 of the Constitution.

The Sugar Undertakings (Taking-over of Management) Bill, 1978: On December 13, 1978, moving that the Bill be taken into consideration, the Minister of State in the Ministry of Agriculture and Irrigation, Shri Bhanu Pratap Singh said that with a view to ensure the timely commencement of crushing operations for the current sugar year 1978-79, which began on October 1, 1978, and to ensure clearance of the accumulated cane arrears, an Ordinance was promulgated on November 9, 1978, empowering the Central Government to take over, for a specified period, in public interest, the management of defaulting sugar undertakings. Follow up action under the Ordinance had already been initiated and notices had been issued to 160 sugar undertakings to show cause as to why their management should not be taken over by the Central Government under the Ordinance. The Bill sought to replace that Ordinance.

Replying to the discussion which continued for two days and in which 21 Members participated, the Minister made it clear that the Bill did not aim at nationalisation of the sugar mills, though the Government would not hesitate in doing it, if found essential. It had very limited objectives to meet some specific circumstances and it was a matter of satisfaction that the Government had met with some success in achieving all these objectives. The production of sugar during the year had been one-and-a-half times more than that during the corresponding period last year. Sugarcane growers' arrears on sugar mills had now reduced to about Rs. 20 crores from Rs. 53 crores. The expenditure incurred by Government on repairs of machines or on clearing the arrears of cane-growers would be treated as loan to the mills and would be recovered from them with interest. The Bill was thereafter passed.

The Payment of Bonus (Amendment) Bill, 1978: On December 19, 1978, moving that the Bill be taken into consideration, the Minister of Parliamentary Affairs and Labour, Shri Ravindra Varma said that in view of the onset of the festival season, the Government had decided to maintain *status quo* with regard to bonus for one more year. Thus the minimum bonus of 8.33 per cent which had been restored soon after the present

Government came to office, would continue to be paid for one more year regardless of profits. The Bill sought to replace the Payment of Bonus (Amendment) Ordinance, 1978 promulgated by the President on September 8, 1978. A Working Group had examined most of the suggestions that were received and the Government was considering them. Representatives of the trade union organisations and other interests would also be consulted on the suggestions made regarding formulation of necessary amendments to the Act which may be conducive to industrial harmony and efficiency.

Replying to the discussion which lasted for two days and in which 17 members participated, Shri Ravindra Varma on December 20, assured the House that the Government would bring forward a comprehensive legislation on the question of minimum bonus to the workers as soon as possible. At the moment more attention should be devoted to extending the coverage than to raising of the quantity of compulsory minimum bonus. The workers' right to inspect the accounts had been accepted and the same had been incorporated in the Bill. The Bill was then passed.

Suppression of Immoral Traffic in Women and Girls (Amendment) Bill: On November 21, 1978, moving that the Bill be taken into consideration, the Minister of Education, Social Welfare and Culture, Dr. Pratap Chandra Chunder said that there were many loopholes in the original Act passed in 1956 in pursuance of the International Convention signed at New York on May 9, 1950. These loopholes enabled the interested sections in this type of activity to go scot-free. The matter was discussed at different levels and a special Committee was set up at the instance of the Ministry of Social Welfare. The Law Commission also examined the provisions of the Act and made certain suggestions. The present measure had been brought up before the House mainly on the basis of those suggestions. The main provisions of the Bill were augmentation of the special police force by appointing officers of the rank of Inspectors of Police and retired police and military officers as special police officers and extension of the Probation of Offenders Act to this Act. A provision for summary trial by an appropriate authority was also being made and the State Governments were being empowered to declare certain special courts and frame certain special rules for the purpose.

The discussion continued for two days in which 12 members participated. Shri P. Rajagopal Naidu, who initiated the discussion called for changing the character of officials deployed for implementing the measure. Shri A. Bala Pajanan suggested that provision should be made in the Bill to punish men who were found involved in the evil. Dr. Sushila Nayar favoured reference of the Bill to a Select Committee. Shri Vayalar Ravi suggested that there should be periodical medical check up to detect the spread of venereal diseases. Shrimati Bibha Ghosh Goswami pleaded that

necessary steps should be taken to educate women who had become victims of immoral traffic to rehabilitate them in social life and offer them vocation and bestow upon them the pride and prestige of a family life.

Replying to the discussion, the Minister of Education, Social Welfare and Culture admitted that the scope of the Bill was limited as any measure intending to ban prostitution altogether would have to be a comprehensive law keeping in view various aspects of the problem. Even a comprehensive measure would not be of much avail without basic social and economic change in the country. The Bill was, thereafter, passed.

Code of Criminal Procedure (Amendment) Bill: On November 28, 1978, moving that the Bill be taken into consideration, the Minister of State in the Ministry of Home Affairs, Shri S. D. Patil said that the provisions of the Bill were intended to remove the doubts and difficulties in the actual working of the new code. The changes contemplated in the Bill, *inter alia* sought to provide for appointment of Public Prosecutors out of a regular cadre in the States where such cadres had been formed, empower the Magistrates to demand sureties in appropriate cases, extend time-limit of custody from 60 to 90 days in cases relating to offences punishable with death, provide imprisonment for life or imprisonment for not less than ten years. Besides, a new section was sought to be inserted for putting restrictions on the powers of remission or commutation of sentences in certain cases, which had been suggested by the Joint Committee on the Indian Penal Code (Amendment) Bill, 1972.

Replying to the brief discussion, in which 13 members participated, the Minister made it clear that the proposed measure amended, to some extent, the procedural law and not the substantive law and so the comments made as regards the substantive law were not applicable. He ruled out the suggestion for referring the Bill to Joint Committee or for its circulation for eliciting public opinion. Thereafter the Bill, as amended was passed.

C. THE QUESTION HOUR

During the Sixth Session of Sixth Lok Sabha, 15396 notices of questions (11871 Starred, 3208 Unstarred and 317 Short Notice Questions) were received. Out of these Questions, 490 Starred, 4783 Unstarred and 2 Short Notice Questions were admitted. After the List of Questions were printed, 10 Starred and 81 Unstarred Questions were transferred from one Ministry to another.

Daily Average of Questions answered: Each of the Lists of Starred Questions contained 20 questions except those of November 29, December 18, 19, 20 and 22, 1978 which contained 21 questions each, that of December 6, contained 22 questions and of December 21, 1978 contained 23

questions. On an average, 6½ questions were orally answered on the Floor of the House daily. Maximum number of questions answered orally was 10 on December 7, 1978 and the minimum number of questions answered orally was 3 on November 23, 1978. The average of questions in the Un-starred List came to 199 as against the prescribed limit of 200 questions.

D. HALF-AN-HOUR DISCUSSIONS

In all 621 notices of Half-an-Hour Discussions were received during the session. Out of these only 11 could find place in the ballot and were discussed in the House.

RAJYA SABHA

D. HALF-AN-HOUR DISCUSSIONS

The Hundred and Seventh Session of the Rajya Sabha was held from November 20 to December 26, 1978. Some of the important items of business transacted during the Session are briefly mentioned below :—

A. DISCUSSIONS

Communal riots: On November 21, 1978, Shri Piare Lall Kureel Urf Talib called the attention of the Minister of Home Affairs to the increasing trend of communal riots in the country with particular reference to the recent incidents in Aligarh. Making a statement on the subject the Minister of State in the Ministry of Home Affairs, Shri S. D. Patil said that the Government appreciated the concern which had been expressed generally about the situation in Aligarh. So far as Aligarh was concerned there could scarcely be any doubt that the situation there must cause deep anxiety and apprehension to all. It arose out of a tension owing to rivalry in a wrestling bout resulting in the stabbing and death on October 5, 1978 of a rival wrestler belonging to anti-social elements. When his dead body was taken away in a procession, anti-social elements resorted to arson, looting and stabbing. Eleven persons were killed and 34 injured and 56 shops/houses were set on fire or looted and the loss of property was about Rs. 3.5 lakhs. The officers on the spot who allowed the dead body to be taken away had been transferred pending further action. The Government of Uttar Pradesh had appointed a Commission of Inquiry with Shri S. K. Verma, Retired Chief Justice of the Allahabad High Court as its Chairman to inquire into the riots. The report of the Commission which had been asked to complete the inquiry within a period of four months was awaited. As regards the general communal situation, the Minister said that while there was no cause for complacency, it appeared that the overall conditions were somewhat improving and the situation was under control.

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

Replying to the points raised by the Members, the Prime Minister, Shri Morarji R. Desai said that this was the most unfortunate thing that had happened in Aligarh, and it was a matter of shame for all. He assured the House that the Government would take strong and adequate action without any reservation against all those who were held responsible for it.

Damage and destruction caused by recent floods: On November 22, 1978, Shri Kalyan Roy called the attention of the Minister of Agriculture and Irrigation to the situation arising out of the extensive damage and destruction caused by the recent floods in various parts of the country and the policy followed by the Central Government in regard to the grant of assistance for relief and rehabilitation to the flood-affected States. Making a statement on the subject, the Minister of Agriculture and Irrigation, Shri Surjit Singh Barnala said that the year 1978 had been a very unfortunate year in respect of the damages which had been inflicted on a large number of States by floods. In accordance with the preliminary reports received from the various State Governments, an area of about 156 lakh hectares and a population of about 6.7 crores had been affected in States like Uttar Pradesh, Bihar and West Bengal in repeated waves of floods. Apart from the loss of public and private property and crops, about 2,400 human lives and more than 2.16 lakhs of cattle were reported to have been lost. More than 38 lakhs houses or huts were destroyed or damaged and cropped area of 92.35 lakh hectares was affected. Though relief operations were primarily the responsibility of the States, the Central Government came to the assistance of the flood affected States immediately. On the basis of the recommendations of the Central teams which visited the affected States, in all an amount of Rs. 226.95 crores of advance Plan assistance, Rs. 79 crores of short-term loan for agriculture, 2.14 lakh metric tonnes of foodgrains worth about Rs. 28 crores and medicines worth Rs. 92.50 lakhs had been provided so far. He assured the House that the Central Government was considering the question of intensifying flood control measures, integrating engineering works downstream and soil conservation and afforestation works in the higher catchment areas of the flood-prone rivers and their tributaries. But as flood control was a State subject the execution of these measures could be done only with the active involvement of the State Governments and participation by the people.

Replying to the points raised by the Members, the Minister said that the Central Government made arrangements for supply of more foodgrains to various areas where they were needed. Forty-five thousand tonnes of rice was supplied as gratuitous relief for the first time in addition to 50,000 tonnes of wheat. The Centre managed to send 500 tonnes of pulses also which were in short supply as well as polythene sheets. A lot

of effort was made to meet the situation and to give relief in whatever manner it could be done. Out of the Central Government's allocation of Rs. 88.93 crores, Rs. 50 crores had already been released.

Deaths due to Encephalitis: On November 29, 1978, Shri Prakash Mehrotra, raising an half-an-hour discussion on points arising out of the answer given to Starred Question No. 47 on November 22, regarding the deaths due to encephalitis said that the matter was very serious and one of great concern. No serious efforts were being made by the Government to prevent this disease. It was spreading in the country as an epidemic as a result of which thousands of persons were dying and many more were affected but the Government was watching the scene like a silent spectator and no steps were being taken to tackle the situation effectively. He recalled that this disease had come to India from Japan in 1954 and in 1955 it had spread as an epidemic. In 1973 and again in 1977 thousands of people had died in the country of encephalitis. There was no cure of this disease and prevention was the only way of controlling it. The disease spread through mosquitoes and the pigs, cattle or domestic animals, birds and ponds were the reservoirs of its virus. The Government should ensure that these animals and places were localised, isolated and then cleaned and were made free from this virus. The problem should be tackled on a war-footing.

Replying to the discussion, the Minister of State in the Ministry of Health and Family Welfare, Shri Jagdambi Prasad Yadav said that no drug had been invented so far for the treatment of encephalitis. Encephalitis existed in a number of countries but only Japan had been able to prepare a vaccine for its prevention. The Government was trying to get the vaccine from Japan for distribution among the various States and was also proceeding with a project to prepare it within the country. The cooperation of the World Health Organisation was also being sought in this regard.

Reported shortage of printing paper and newsprint in the country: On November 30, 1978, Shri Sitaram Kesri called the attention of the Minister of Industry to the reported shortage of printing paper and newsprint and hike in the price of paper used for various purposes in the country. Making a statement on the subject, the Minister of State in the Ministry of Industry, Kumari Abha Maiti said that the production of paper in the country over the last few years had been quite adequate to meet the demand and only a few specialised varieties of paper had to be imported. In the current year although production was estimated to reach a level of about 9.75 lakh tonnes, marking an increase of about 30,000 tonnes as compared to last year, the demand had also increased sharply and was estimated to be about 10.50 lakh tonnes. The Government had taken various steps for increasing the production of paper and by virtue of the Paper (Regulation

of Production) Order, 1978, the production of writing and printing paper was also expected to show an increasing trend. There had been reports of malpractices in the distribution of paper such as manipulation of nomenclature and charging of premium, and accumulation of stocks. These matters were receiving the attention of the concerned authorities and the Government was also examining whether remedial action could be taken under the provisions of the Essential Commodities Act, 1955. He further said that the malpractices could be minimized by increasing the production of printing paper, writing paper, white paper etc. Newsprint was also being imported and the Government was actively considering to bring the production and distribution of the printing paper in the public sector both at the Centre and in the States.

Purchase of Jaguar Aircraft: The purchase of Jaguar aircraft by the Government of India was the subject matter of an Half-an-hour Discussion* in the Rajya Sabha on December 6, 1978. Initiating the discussion, Shri Bipinpal Das said that the purchase of the aircraft for which an agreement had been signed between India and the Aerospace, had raised a countrywide debate resulting in some confusion. It was necessary in the interest of the country, the defence forces and the Government itself to remove this confusion, misunderstanding and controversy on such a vital matter. It was very clear both from the point of view of speed and take-off, that Jaguar was the worst plane. If the manufacturing cost, the maintenance cost and the fuel consumption were taken into consideration, Viggan was, of course, a little costly and while the price of both Mirage and Jaguar stood on the same footing, the latter had proved to be very unstable at low speeds.

Replying to the discussion the Minister of Defence, Shri Jagjivan Ram said that Defence being a sensitive subject to national importance, it would not be advisable to discuss in public all aspects of defence equipment. What India required in a strike plane was high speed at low level and Jaguar adequately met that requirement. In terms of total cost of the programme for acquiring deep penetration strike planes, Jaguar would be economical by Rs. 300 to Rs. 400 crores as compared to Mirage. A high level team consisting of the Defence Secretary, Defence Production Secretary, Finance Secretary, the Chief of the Air Staff and the Chairmen of the Hindustan Aircraft Ltd. and the Hindustan Aeronautical Ltd. along with twenty other experts in the field had gone into the whole matter. Three test pilots had been detailed to report on the suitability of Jaguar, and all of them had proved the aircraft. In matters of national importance and where the cost involved was high, the decision was not taken by one Minister; it was taken by the Cabinet Committee on Political Affairs on the advice of the

*Arising out of answer to Starred Question No. 66 on November 23, 1978.

highest officers of the Indian Air Force. There was no case for any Parliamentary Committee and he would not accept the suggestion.

Annual Report of University Grants Commission: On December 7, 1978, moving a motion regarding the annual report of the University Grants Commission for the year 1976-77, Shrimati Renuka Devi Barkakti, Minister of State in the Ministry of Education, Social Welfare and Culture said that the Commission was primarily responsible for the promotion and coordination of university education and for the determination and maintenance of standards of teaching, examination and research in the universities. The university system had been under some stresses and strains during the last decade or so. The growing incidence of unemployment had been a disturbing factor. The rising cost of education also led to dilution of academic and physical facilities in the universities and colleges. In spite of a drop in the growth rate of enrolment, it was due to lack of planning at the State level that some universities and colleges continued to be over-crowded as ever before and were under severe pressure to expand further. A number of universities and colleges did not have adequate resources to make them academically and financially viable. The insistence had been on ensuring the optimum utilisation of the resources and a better correspondence between education and manpower needs. The measures of consolidation included regulation of enrolments in formal and full-time education, particularly at the under-graduate stage, restraint on the establishment of new universities and colleges and the development of post-graduate teaching. Correspondence courses and permission to students to appear as private or external students had been made liberal. There had been general consensus that there should be a moratorium on the establishment of new colleges and universities during the next five years except in exceptional cases such as tribal areas.

Replying to the discussion on December 12, 1978, the Minister said that increasing emphasis was being placed on the provision of physical facilities and amenities and on strengthening the existing facilities. The scheme of lead colleges was aimed at providing remedial teaching, thus enabling students from rural and backward areas to receive education of a better quality. The UGC had endeavoured to bring about possible interaction between the universities and the community around it and in particular with problems of rural development. The proposed programme of making extension an integral part of the university educational system would further strengthen such links with the rural community and improve the quality of life in rural areas.

Supply of nuclear fuel by the U.S.A.: On December 15, 1978, Shri Bipinpal Das raising an half-an-hour discussion* regarding supply of

*On points arising out of the answer given in the House to Starred Question No. 164 on November 30, 1978.

nuclear fuel by the U.S.A. said that according to its contractual obligations, the U.S.A. must continue to supply enriched uranium to India upto the year 1993 but a law had meanwhile been passed there which would stop this supply. The Prime Minister had said that if because of that law, they stopped the supply, it would be called a breach of agreement. This was an extraordinary situation. When the supply stopped, some alternative sources must be found and a convincing assurance in that regard must come from the Government so that the Tarapur Atomic Reactor could continue to function.

Replying to the points raised, the Prime Minister said that according to the agreement, enriched uranium for Tarapur continued to be supplied by the U.S.A. in time upto the year 1974. After that they had been delaying the supplies. This they were doing under their enactment but he had told them that since that enactment had been passed after the agreement, it did not apply to this agreement. The Prime Minister denied that there was any secret understanding between him and President Carter.

B. LEGISLATIVE BUSINESS

The Additional Duties of Excise (Textiles and Textile Articles) Bill, 1978: On November 30, 1978, moving the motion for consideration of the Additional Duties of Excise (Textiles and Textile Articles Bill, 1978*, as passed by the Lok Sabha, Shri H. M. Patel, Minister of Finance said that with a view to adequately fulfilling the social obligation of producing cheap cloth for the weaker sections of the society and to encourage development of the handloom sector, the textile policy of the Government which was announced in August 1978, had, *inter alia*, envisaged the discontinuance of the old scheme based on statutory obligations of producing controlled cloth by the textile mills, and meeting the requirements of such cloth through new arrangements based on subsidy. With a view to ensure that the weaker sections of the society got their requirements of cloth at cheaper prices, the textile policy provided for subsidising the sale of such cloth. At the same time it was considered that the burden in meeting this social obligation should be shared by different sections of the industry. It was, therefore, decided to impose a levy at the rate of 10 per cent of the effective basic excise duties on specified items of textiles and textile articles. To give effect to that decision, the Additional Duties of Excise (Textiles and Textile Articles) Ordinance, 1978 was promulgated by the President on October 3, 1978. The present Bill sought to replace the said Ordinance. The motion was adopted and the Bill was returned on the same day.

The Sugar Undertakings (Taking over of Management) Bill, 1978: On December 26, 1978, moving the motion for consideration of the Sugar

*The Bill as passed by the Lok Sabha was laid on the Table in the Rajya Sabha on November 23, 1978.

Undertakings (Taking over of Management) Bill, 1978*, as passed by the Lok Sabha, the Minister of State in the Ministry of Agriculture and Irrigation, Shri Bhanu Pratap Singh said that with a view to ensure the timely commencement of crushing operations for the current year and to ensure the clearance of the accumulated cane arrears, an Ordinance had been promulgated empowering the Central Government to take over the management of the defaulting sugar undertakings for a specified period in public interest. Follow-up action under the Ordinance had already been initiated and notices had been issued to 160 sugar undertakings to show cause as to why their management should not be taken over by the Central Government under the Ordinance. The Bill sought to protect the interests of the public, as also of the sugarcane growers and to maintain production and availability of sugar, which was an essential commodity. The motion was adopted and the Bill was passed on the same day.

STATE LEGISLATURES

ANDHRA PRADESH LEGISLATIVE COUNCIL**

Grants to weaker sections: The following non-official resolution moved by Shri K. Subba Rao, was unanimously adopted by the House on August 24, 1978 :

“This House resolves that persons of the weaker sections who are allotted house sites should each be granted a sum of Rs. 2,000 so as to enable him to construct a small dwelling house.”

GUJARAT LEGISLATIVE ASSEMBLY†

Constitution of the Committee for the Welfare of Scheduled Castes and Scheduled Tribes: On September 7, 1978 the Assembly unanimously adopted the following resolution moved by Shri Bhailalbhai Contractor, Minister for Parliamentary Affairs :

“This House hereby resolves that :

1. (a) As soon as may be, after the commencement of the first session of the Assembly in every year, a Committee called the Committee for the Welfare of Scheduled Castes, Scheduled Tribes and Nomadic Tribes as well as Denotified Tribes shall be elected from among the members according to the principle of proportional representation by means of a single transferable vote. The Committee shall consist of not more than 15 members out of which at least 12 members shall be from Scheduled Castes and Scheduled Tribes :

Provided that the members of the first Committee shall be nominated by the Speaker.

*The Bill as passed by the Lok Sabha was laid on the Table of the Rajya Sabha on December 21, 1978.

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

†Contributed by the Gujarat Legislative Assembly Secretariat.

- (b) The members of the Committee shall hold office until a new Committee is elected. Members shall be eligible for re-election.
- (c) A Minister shall not be eligible to be a member of the Committee. If any member, after his election to this Committee, is appointed a Minister he shall cease to be a member of this Committee from the date of such appointment.
2. The functions of the Committee for the Welfare of Scheduled Castes and Scheduled Tribes shall be :
- (a) to consider the Report presented by the Commissioner for Scheduled Castes and Scheduled Tribes under Article 338(2) of the Constitution of India, so far as it relates to Gujarat State and to present a report suggesting measures to be taken by the State Government within its jurisdiction.
 - (b) to examine the steps taken in the light of the provisions of Article 335 of the Constitution of India by the State Government (including public undertakings, statutory and semi-government bodies) in the matter of giving adequate representation to the Scheduled Castes and Scheduled Tribes in services and on posts under its control.
 - (c) to present to the House Report regarding the implementation of State Government's programmes for the welfare of Scheduled Castes and Scheduled Tribes.
 - (d) to consider all matters falling within the jurisdiction of the State Government pertaining to the welfare of the Scheduled Castes and Scheduled Tribes and to present its report to the House.
 - (e) to review the serious incidents of harassment caused to the persons belonging to Scheduled Castes and Scheduled Tribes and to advise the concerned departments of the Government to take suitable steps.
 - (f) to suggest measures for safeguarding the interests of Scheduled Castes and Scheduled Tribes;
 - (g) to make suggestions regarding proper implementation of the protection of the Civil Rights Act, 1955;
 - (h) to examine any other matter pertaining to the Scheduled Castes and Scheduled Tribes, which the Committee may think proper or which may specifically be referred to the Committee by the House or by the Speaker.
3. The functions of the Committee in respect of the Nomadic and Denotified Tribes shall be as follows :
- (a) to present to the House report regarding implementation of the State Government's programme for the Welfare of Nomadic and Denotified Tribes.
 - (b) to consider all matters which pertain to the welfare of Nomadic and Denotified Tribes and which come within the jurisdiction of State Government and to present its report thereon to the House.

- (c) to review the serious incidents of harassment caused to the persons belonging to the Nomadic and Denotified Tribes and to advise the concerned departments of the Government to take suitable steps.
 - (d) to suggest measures for safeguarding the interests of Nomadic and Denotified Tribes.
 - (e) to examine any other matter pertaining to the interests of Nomadic and Denotified Tribes, which the Committee may think proper or which may specifically be referred to the Committee by the House or by the Speaker.
4. Subject to the above provisions, the general rules pertaining to the Committees as laid down in Part XV of the Gujarat Legislative Assembly Rules shall apply to this Committee."

NAGALAND LEGISLATIVE ASSEMBLY*

Veterinary Council: On August 21, 1978, the Assembly discussed and adopted a Government resolution seeking establishment of a statutory Veterinary Council in the State.

PUNJAB VIDHAN SABHA**

Merger of areas in the State: On September 7, 1978, the Assembly unanimously adopted the following non-official resolution:

"This House recommends to the State Government to approach the Union Government with the request that Chandigarh Union Territory Area and all the Punjabi speaking areas now forming part of the neighbouring States, taking the village as a unit, be immediately merged with the Punjab State."

Hindu Succession Act: On September 9, 1978, the House adopted the following non-official resolution:

"This House recommends to the State Government to approach the Government of India with the request that steps be taken to so amend the Hindu Succession Act, 1956, that the daughter may get her share from her in-laws property after her marriage instead of getting the same from her father's property."

TRIPURA LEGISLATIVE ASSEMBLY†

Separate High Court for the State: On September 21, 1978 the Chief Minister moved a resolution requesting the Central Government to take necessary steps to establish a separate High Court in the State of Tripura and till such a High Court was established, to immediately establish a permanent Bench of the Gauhati High Court at Agartala. The resolution was adopted by the House *nem con.* (i.e. without opposition).

*Contributed by the Nagaland Legislative Assembly Secretariat.

**Contributed by the Punjab Legislative Assembly Secretariat.

†Contributed by the Tripura Legislative Assembly Secretariat.

GOA, DAMAN AND DIU LEGISLATIVE ASSEMBLY*

✓ *No-Confidence Motion:* On September 18, 1978 the Assembly discussed a motion of no-confidence in the Council of Ministers, moved by Shri A. N. Naik and Shri Madhav R. Bir. The Motion was lost when put to vote.

*Contributed by the Goa, Daman and Diu Legislature Department

BOOK REVIEWS

TOWARDS INDIA'S FREEDOM AND PARTITION. By S. R. Mehrotra. Vikas, New Delhi, 1979, 322 pages, Price Rs. 60.

FREEDOM MOVEMENT IN INDIA (1858—1947). By Alladi Vaidehi, Krishnamoorthy. Kalakshetra Publications, Madras, 1977, 348 pages, Price Rs. 65.

VAIKKAM SATYAGRAHA AND GANDHI. By T. K. Ravindran. Sri Narayana Institute, Trichur, 1975, Price Rs. 75.

It is a good thing that varied aspects of the history of our freedom struggle are being sought to be studied at some depth and the three books listed above, are in their different ways, evidence of that search. In the absence, however, of the appropriate intellectual atmosphere which will be generated only when there are adequate forums of discussion and widespread participation therein, there are, it is feared, indications that the search will be somewhat mechanical and lifeless and therefore fail to be as meaningful as it should be in a country like ours. After all we have only lately emerged from subjection to perhaps the subtlest and craftiest imperialism in history.

Professor Mehrotra writes with a certain sophistication and an impressive array of scholarship, though he is not above a regrettable Indian habit (perhaps born inevitably of a kind of derivative, secondary approach to scholarship when under foreign tutelage) of stressing, for example: "As [so-and-so] rightly observes" (p. 134). His book suffers also from being, largely, a collection of essays written on various occasions and for various audiences. He has a lively distrust of publicists rushing in where historians fear to tread and he appears keen that by timely intervention historians should try to prevent publicists queering the pitch of, especially, recent history. One wishes that careful note is taken in our universities of Professor Mehrotra's thinking and in spite of the hazards, lately highlighted, of

incurring official displeasure over one's approach to history, the academic community will worthily play their role.

The blurb informs readers that Professor Mehrotra is busy writing "a comprehensive and definitive history of The Indian National Congress 1885—1947". This perhaps explains his pre-occupation in this volume with the doings of the Congress (as well as, to a lesser extent, with its defaults). Two well-written but not very satisfying chapters on 19th century thought form the preface to the other eleven chapters, of which two grapple with the issues linked with the partition of India. One does not quite know if the subtle irony in the title of the book: 'Towards India's Freedom and Partition', was intended or no. The irony gets somewhat more complicated when the preface avers that the partition of 1947 made it easier for the country to pursue national ideals and "to preserve and promote the unity of a major part of the sub-continent."

Perhaps this is why the learned writer refers rarely, if at all, to popular upheavals before and after 1857 and even during the great Gandhi days, or during 1945-46. He does not seem concerned, for example, with the disappearance (or is it inaccessibility still in our Archives?) of the voluminous papers studied by Alan Octavian Hume on the eve of his proposal to set up a body like the Congress ("a safety-valve for the escape of great and growing forces")—perhaps which, if Hume's biographer William Wedderburn is to be believed, evoked a picture, frightening to our then rulers, of the most widespread and massive discontent which did not, according to reports, lack even the leadership of "some among the educated classes". The eighteen-seventies and eighties remain, for some reason, neglected by freedom struggle historians and the pseudo-Namier-isms of Anil Seal and his like are a superior and entirely unhelpful form of philistinism.

Within limitations, however, Professor Mehrotra has produced a lucid, sometimes suggestive and always civilized, if faintly provocative study. The trouble, of course, is that the theme is so vast and has so many facets that too much cannot be expected between two covers.

Dr. Alladi Vaidehi Krishnamoorthy who teaches at Osmania University appears to have specialised in the medieval history of the Deccan, a wide enough subject of study. It is a pity that the fact that the history of our freedom movement is (as her preface says) "one of the subjects of study in university courses and in all-India competitive examinations" perhaps allowed her into writing this not-quite-but-almost-textbookish volume. There is an entirely inadequate bibliography; this is accentuated by the total absence of references. The chapters appear to be arranged so that an examinee in a hurry can cram things out of it—this is also useful, no doubt for some, but the book unfortunately has higher pretensions. Besides, there is no need

to inflict on poor examinees formulations about 'the meaning and growth of nationalism', 'Vande Matram movement', 'Muslim politics' (these are chapter headings) without worrying overmuch about their too often glib and conventional character. Dr. Vaidehi must not be blamed for the faults of her blurb-writer, but being an established academician, she should have taken care that her book performed at least part of the promise its title evoked.

To be fair, however, one is grateful to Dr. Vaidehi for drawing attention to aspects of our freedom struggle that too often have no place in more pretentious and highly sponsored books on the subject. The two appendices where she brings together many facts about the freedom struggle, during different phases, in Andhra and even—bless her!—what she calls "the freedom struggle in Telengana" give her work a quality which nearly outshines its deficiencies. How good it is to recall, in her pages, Duggirala Gopalakrishnayya of Chirala Peralā (1921) fame, and even more, the once truly celebrated and always memorable Alluri Seetharamaraju whose leadership (1922-24) of the uprising in the so-called 'Agency areas' of Andhra is among the more cherishable, if almost totally forgotten, chapters of our freedom struggle. If like Dr. Vaidehi other scholars, specially Andhras among them, produce significant studies of such neglected but worthy themes, the country will rejoice and benefit.

Professor Ravindran, editor of the *Journal of Indian History* and head of the history department in the University of Kerala, is in the top notch of our historians and his book on Vaikkam Satyagraha is, in a way, a model of accurate scholarship and cogent exposition. So many rivulets have flown into the mainstream of India's freedom struggle. The story of Vaikkam Satyagraha in the middle twenties is one that our researchers have hardly deigned to map out and evaluate. One has encountered casual little pamphlets stressing perhaps one or another facet of what unhappily can only be dubbed 'propaganda' (which of course, is not by its nature 'bad')—a recent fast-selling book on Chakravarthi Rajagopalachariar highlights only the 'success' part of the struggle episode. Militant radicalism, finding rich sustenance in the soil of Kerala has tried to look back at Vaikkam to reinforce pride in people and the power that slumbers in their arms. Professor Ravindran rightfully deplores the silence on Vaikkam in almost all relevant writing, "at least by absence of cognition if not by design", but he has redressed the balance in a work which, in its matter and the manner of its presentation, with all essential academic criteria satisfied, is as noted earlier, a model of historical writing.

Mahatma Gandhi will ever be hailed as the one man who could make India shake off her spiritual torpor, shouting from the housetops about the deadly sin of 'untouchability' which makes a mockery of all human pretensions of virtue. In many parts of India, among them Kerala (in so many

other ways advanced), the vile social practice had led to the concept and the practice of 'unapproachability'—untouchables like lepers in Old Testament times having to keep off public roads or to notify their betters of the impending peril of defilement in their proximity. This hideous practice, with the sanction behind it of religion and the state, was, thank's to Gandhi and his movement, challenged in 1925, giving rise to a memorable struggle, the common people as always, showing character and courage on a heroic scale. Dr. Ravindran tells its story—in its way symbolic of a hoary and long-stricken country's ascent out of gloom—and debunks a few myths that have merrily passed muster. The author's verdict is clear: while Vaikkam Satyagraha did mean some change—the air of Travancore was no longer the same—and while some eight furlongs were added, because of the Satyagraha, to the "free" roads where 'untouchables' could tread, the recognition of everyone's absolute right to move about along public roads remained, in 1925—when the movement was called off at Gandhi's behest—"a far distant cry". The correspondence of Gandhi with Travancore's then commissioner of police Pitt makes revealing reading. For all the grandeur of his ideas and the frequent heroism of his actions, Gandhi was a devotee of what he himself described as "the beauty of compromise". Doubtless, compromise is something that sometimes forces itself in life, but it is good to read a fine historian's impeccably documented, always restrained but profoundly, if respectfully, delineated critique of a trend in Gandhi's thinking (and in most other segments of our freedom endeavour) over which no sentimental sugar-coating should, in these mature days of our freedom, be called for.

—HIRENDRA NATH MUKERJEE

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE 6TH SESSION OF THE SIXTH
LOK SABHA

1. Period of the Session	20th November to 23rd December 1978.
2. Number of meetings held	25
3. Total number of sitting hours	155 hrs. & 7 minutes.
4. Number of division held	12
5. <i>Government Bills</i>	
(i) Pending at the commencement of the Session	35
(ii) Introduced	9
(iii) Laid on the Table as passed by Rajya Sabha	2
(iv) Returned by Rajya Sabha with any amendment/ recom- mendation and laid on the Table	1
(v) Referred to Select Committee	Nil
(vi) Referred to Joint Committee	Nil
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	1
(ix) Discussed	17
(x) Passed	17
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part—discussed	Nil
(xiv) Discussion postponed	Nil
(xv) Returned by Rajya Sabha without any recommendation	1
(xvi) Motion for concurrence to refer the Bill to Joint Commi- tee adopted	Nil
(xvii) Pending at the end of the Session	30
6. <i>Private Members' Bills</i>	
(i) Pending at the commencement of the Session	164
(ii) Introduced	34
(iii) Laid on the Table as passed by Rajya Sabha	Nil
(iv) Returned by Rajya Sabha with any amendment and laid on the Table	Nil

(v)	Reported by Select Committee	Nil
(vi)	Discussed	4
(vii)	Passed	Nil
(viii)	Withdrawn	1
(ix)	Negated	1
(x)	Circulated for eliciting opinion	1
(xi)	Part—discussed	1
(xii)	Discussion postponed	Nil
(xiii)	Motion for circulation of Bills negated	Nil
(xiv)	Referred to Select Committee	Nil
(xv)	Removed from the Register of Pending Bills	Nil
(xvi)	Pending at the end of the Session	196

7. *Number of Discussions held under rule 193**(Matter of Urgent Public Importance)*

(i)	Notices received	88
(ii)	Admitted	2
(iii)	Discussion held	2

(Includes one part discussed)

8. *Number of Statements made under Rule 197**(Calling-attention to matters of urgent public importance)*

Statements made by Ministers	17
9. Half-an-hour discussions held	11

10. *Statutory Resolutions* |

(i)	Notice received	1
(ii)	Admitted	1
(iii)	Moved	1
(iv)	Adopted	1
(v)	Negated	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	6	
(ii) Admitted	6	
(iii) Discussed	2	
(iv) Withdrawn	Nil	
(v) Negatived	Nil	
(vi) Adopted	1	
(vii) Part—discussed	1	
(viii) Discussions postponed	Nil	
13. Government Motions		
(i) Notices received	3	
(ii) Admitted	3	
(iii) Moved	1	
(iv) Adopted	Nil	
(v) Discussed	1	(Discussion not concluded)
14. Private Members' Motions		
(i) Received	605	
(ii) Admitted	263	
(iii) Moved	1	
(iv) Adopted	Nil	
(v) Discussed	1	
(vi) Negatived	Nil	
(vii) Part—discussed	Nil	
(viii) Withdrawn	Nil	
15. Motions Re. 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 issued during the session	31,589
18.	Maximum number of Visitors' Passes issued on any single day, and date on which issued	1,735 on 8-12-78
19.	<i>Number of Adjournment Motions</i>	
(i)	Brought before the House	Nil
(ii)	Admitted and discussed	Nil
(iii)	Barred in view of adjournment motion admitted on the subject	Nil
(iv)	Consent withheld by Speaker outside the house . . .	41
(v)	Consent given by Speaker but leave not granted by House	Nil
20.	<i>Total number of questions admitted</i>	
(i)	Starred	490
(ii)	Unstarred (including Starred Questions converted as Unstarred questions)	4,783
(iii)	Short-notice Questions	2
21.	<i>Parliamentary Committees at Work:</i>	

		No. of sittings held during the period August 1 to October 31, 1978.	No. of Reports presented during the Session
1	2	3	4
(i)	Public Accounts Committee . . . . .	..	..
(ii)	Committee on Public Undertakings	21	..
(iii)	Business Advisory Committee	5	4
(iv)	Committee on Absence of Members from the sittings of the House	2	1
(v)	Committee on Subordinate Legislation	4	4
(vi)	Committee on Petitions . . . . .	..	2
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	16	7
(viii)	Committee on Privileges . . . . .	..	1
(ix)	Committee on Rules . . . . .	..	..
(x)	Joint Committee on Office of Profit . . . . .	..	..
(xi)	Committee on Government Assurances . . . . .	..	.

1	2	3	4
(xii)	Estimates Committee	30	3
(xiii)	General Purposes Committee . . . . .	..	..
(xiv)	House Committee	3	..
(xv)	Railway Convention Committee	5	1
(xvi)	Joint Committee on Lok Pal Bill, 1977 . . . . .	..	..
(xvii)	Joint Committee on the Mental Health Bill, 1978	6	1
(xviii)	Joint Committee on the Multi-State Co-operative Societies Bill, 1977	1	..
(xix)	Joint Committee of Chairman, House Committees of both the Houses of Parliament	2	..
(xx)	Joint Committee on the Khadi and Village Industries Commission (Amendment) Bill, 1978	6	..
(xxi)	Joint Committee on the Air (Prevention and Control of Pollution Bill, 1978)	2	..
(xxii)	Joint Committee on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1978	3	..
(xxiii)	Accommodation Sub-Committee	3	..

22. Number of Members granted leave of absence 8
23. Petitions presented 5
24. Name of new Members sworn with date and Constituencies :

S. No.	Names of Members sworn	Dates on which sworn	Constituency
1.	Smt. Indira Nehru Gandhi	20-11-1978	Chikmagalur (Karnataka)
2.	Shri Ajit Kumar Mehta	4-12-1978	Samastipur (Bihar)
3.	Shri Syed Liaqat Husain	8-12-1978	Fatehpur (U.P.)

APPENDIX II

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

1. Period of the Session	20th November to 26th December, 1978	
2. Number of meetings held		25
3. Total number of sitting hours	116 hours 28 min. (excluding lunch break).	
4. Number of divisions held		Nil.
5. Government Bills		
(i) Pending at the commencement of the Session		7
(ii) Introduced		2
(iii) Laid on the Table as passed by Lok Sabha		14
(iv) Returned by Lok Sabha with any amendment		} Nil
(v) Referred to Select Committee by Rajya Sabha		
(vi) Referred to Joint Committee by Rajya Sabha		
(vii) Reported by Select Committee		
(viii) Reported by Joint Committee		} Nil
(ix) Discussed		
(x) Passed		12
(xi) Withdrawn		} Nil
(xii) Negatived		
(xiii) Part-discussed		
(xiv) Returned by Rajya Sabha without any recommendation		11
(xv) Discussion postponed		Nil
(xvi) Pending at the end of the Session		8
Private Members Bills		
6. (i) Pending at the commencement of the Session		19
(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 ¹		1

(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	23
7. Number of discussions held under rule 176. (Matters of urgent public importance)	
(i) Notices received	1
(ii) Admitted	1
(iii) Discussion held	Nil
8. Number of statements made under rule 180. (Calling-attention to matter of urgent public importance)	
(i) Statements made by Ministers	16
9. (ii) Half-an-hour discussion held	3
10. Statutory Resolutions	
(i) Notices received	2
(ii) Admitted	2
(iii) Moved	1
(iv) Adopted	1
(v) Negatived	} Nil
(vi) Withdrawn	
11. Government Resolutions	
(i) Notices received	} Nil
(ii) Admitted	
(iii) Moved	
(iv) Adopted	
12. Private Members' Resolutions	
(i) Received	12
(ii) Admitted	12
(iii) Discussed	} Nil
(iv) Withdrawn	
(v) Negatived	
(vi) Adopted	

(vii) Part-discussed	1
(viii) Discussion postponed	Nil
13. Government Motions	
(i) Notices received	2
(ii) Admitted	2
(iii) Moved	1
(iv) Adopted	} Nil
(v) Part-discussed	
14. Private Members' Motions	
(i) Received	104
(ii) Admitted	102
(iii) Moved	} Nil
(iv) Adopted	
(v) Part-discussed	
(vi) Negatived	
(vii) Withdrawn	
15. Motions Regarding Modification of Statutory Rule	
(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	3,360
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued	265 14th Dec. 78
19. Number of motions for papers under rule 175	
(i) Brought before the House	} Nil
(ii) Admitted and discussed	
20. Total number of Questions admitted	
(i) Starred	472
(ii) Unstarred (including Starred Questions)	1747
(iii) Short-Notice Questions	7

21. Discussion on the working of the Ministries Nil
 22. Working of Parliamentary Committees

Name of Committee	No. of meetings held during the period Aug. 1 to Oct. 31, 1978	No. of Reports presented during the Session
(i) Public Accounts Committee . . . . .	..	14
(ii) Committee on Public Undertakings . . . . .	..	..
(iii) Business Advisory Committee . . . . .	..	Nil
(iv) Committee on Subordinate Legislation	10	1
(v) Committee on Petitions	13	2
(vi)] Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	..	7
(vii) Committee of Privileges	1	..
(viii) Committee on Rules	1	Nil
(ix) Joint Committee on Offices of Profit . . . . .	..	..
(x) Committee on Government Assurances	7	1
(xi) Railway Convention Committee	Nil	1
(xii) General Purposes Committee . . . . .	..	Nil
(xiii) Joint Committee on Visva Bharti (Amendment) Bill, 1978	5	..
23. Number of Members granted leave of absence		8
24. Petitions presented		3
25. Number of new members sworn with dates		

Sl. No.	Name of Members Sworn	Date on which sworn
1.	Khawaja Mubarak Shah	30-11-78
2.	Shri Motiram Udaybhanji Lahane	15-12-78

26. Obituary References

Sl. No.	Name	Sitting Member/ Ex-Member
1.	Shri Nafisul Hasan	Ex-Member
2.	Shri P.S. Patil	Ex-Member
3.	Shri Deoraos Patil	Sitting Member
4.	Shri Braj Bihari Sharma	Ex-Member
5.	Shri R.C. Gupta	Ex-Member

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD AUGUST 1, 1978 TO OCTOBER 31, 1978.

Legislature	Duration	Sittings	Govt. Bills.	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
Andhra Pradesh L. C.	14-8-78 to 30-9-78	25	(10)	..]	260(111)	24(a)	342(79)(b)
Andhra Pradesh L. A.	9-8-78 to 29-9-78	34	15(10)(c)	1	1146(370)(d)	85(426)(c)	433(45)
Assam L. A.	14-7-78 to 19-8-78	22	2(14)	..	1443(1273)	17(8)	528(158)
Bihar L. C.	27-6-78 to 14-8-78	10(f)	9(11)(g)	(2)	(3876)	1178	60(b)
Bihar L. A.	21-8-78 to 12-9-78	15	17(6)	7	191(99)	812(430)(i)	45(4)
Gujarat L. A.	21-8-78 to 30-8-78	3	9(9)	..	283(214)	51(38)	2(a)
Haryana L. A.	28-8-78 to 13-9-78	5	12(12)	..	413(328)(j)	50(42)	2(1)
Himachal Pradesh L. A.	7-9-78 to 19-9-78	..	..	..	..	..	..
Jammu & Kashmir L. C.	7-9-78 to 19-9-78	9	9(11)	3	509(560)	321(221)	17(8)
Jammu & Kashmir L. A.	upto 31-8-78	18	25	..	..	..	8(3)
Karnataka L. C.	1-8-78 to 26-8-78	17	13(27)	..	428(264)	9	39(10)
Karnataka L. A.	28-8-78 to 9-9-78	8	14(11)	..	1621(981)	761(519)	18(1)
Kerala L. A.	..	..	..	..	..	..	..
Madhya Pradesh L. A.	..	..	..	..	..	..	..
Madhya Pradesh L. C.	..	..	..	..	..	..	..
Maharashtra L. A.	..	..	..	..	..	..	..
Manipur L. A.	..	..	..	..	..	..	..
Meghalaya L. A.	..	..	..	..	..	..	..
Nagaland L. A.	17-8-78 to 21-8-78	4	4(4)	..	96(80)	67(55)	8(3)
Orissa L. A.	..	..	..	..	..	..	..
Punjab L. A.	4-9-78 to 16-9-78	13	25(26)	..	521(395)	89(44)	15(6)
Rajasthan L. A.	4-10-78 to 15-11-78	7	18(9)	..	1527(197)	198(161)	..
Sikkim L. A.	19-9-78 to 21-9-8	3	7(7)	..	45(44)	..	3(3)
Tamil Nadu L. C.	30-8-78 to 15-9-78	11	..	..	401(272)	3(3)	2(2)
Tamil Nadu L. A.	30-8-78 to 4-9-78	10	17(13)	..	2548(974)	1505(1505)	6(5)
Tripura L. A.	13-7-78 to 22-9-78	4	9(9)	..	195(162)(k)	8(32)(l)	4(2)
Uttar Pradesh L. C.	28-8-78 to 8-9-78	10	3(20)	..	567(443)	20(20)	224(81)
Uttar Pradesh L. A.	21-8-78 to 8-9-78	10	15(14)	..	2341(2018)(m)	383(346)	1057(798)(n)
West Bengal L. A.	..	..	..	..	..	..	..

Union Territories

Arunachal Pradesh L. A.	30-10-78 to 7-10-78	5	2(4)	..	(o)	..	..
Delhi Metropolitan Council	..	..	..	..	..	..	..
Goa, Daman and Diu L.A.	13-9-78 to 18-9-78	4	3(3)	1	280(161)	10(107)(p)	8
Mizoram L. A.	..	..	..	..	..	..	..
Pondicherry L. A.	26-9-78	1	..	..	..	..	..

Notes :

- (i) Figures in Cols. 4 and 5 include 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 admitted as Unstarred.
 - (b) (82) admitted as Starred Questions.
 - (c) Excluding one Bill that was passed by the Assembly but was rejected by the Council and sent a message to that effect to the Assembly
 - (d) Includes 111 Short Notice Questions admitted as Ordinary Questions.
 - (e) Includes 324 Starred Notices and 82 Short Notice Questions admitted as Unstarred Questions.
 - (f) Indicates only the sittings held in August 1978.
 - (g) Eight Bills introduced in the Assembly and three introduced in the Council were passed.
 - (h) Total number of Questions received—6,939.
 - (i) Includes 9 Notices received as Starred Questions and 1 Notice received as Short Notice Question though admitted as Unstarred Question.
 - (j) Including 111 classified as Unstarred.
 - (k) Including one Short Notice Question admitted as Starred Question.
 - (l) Including one Short Notice Question admitted as Unstarred and 24 Starred Questions admitted as Unstarred Questions.
 - (m) Including 1221 admitted as Unstarred.
 - (n) Including 566 Notices admitted as Starred and 124 Notices admitted as Unstarred.
 - (o) In all, Notices of 206 Questions were received, out of which 6 Questions were disallowed, 42 were admitted as Unstarred and 158 were admitted as Starred.
 - (p) Includes Starred Questions admitted as Unstarred.

Punjab L.A.	5(9)	19	1	7	12	7	4	6	31	—
Rajasthan L.A.	2(8)	19	20	22	24	28	24(1)	6	7	19
Siikim L.A.	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.	2	2(1)	—	2(2)	14(4)	3(1)	2(2)	—	8(1)	5(1)
Tamil Nadu L.C.	2	1	—	—	—	—	—	—	8(2)	1
Tripura L.A.	3(3)	3	—	4	6	2	4	2	2	7
Uttar Pradesh L.C.	5	21	10(2)(m)	4	—	—	—	19	—	4
Uttar Pradesh L.A.	6(6)	15	16	4	11(3)	5	3(2)	—	23	—
West Bengal L.A.	—	—	—	—	—	—	—	—	—	—
<i>Union Territories</i>										
Arunachal Pradesh L.A.	1	—	—	—	—	—	—	2	—	6(1)(o)
Delhi Metropolitan Council	—	—	—	—	—	—	—	1	—	—
Goa, Dama n and Diu L.A.	1(2)	2	2	—	—	3	5	—	—	—
Mizoram L.A.	—	—	—	—	—	—	—	—	—	—
Pondicherry L.A.	—	2	1	—	—	2	17	—	2	21

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

(a) Includes 4 sittings of the Sub-Committee on Petitions.

(b) Sittings of the Sub-Committee.

(c) Sittings of the Sub-Committee.

(d) Includes 4 sittings of the Main Committee, 19 sittings of the Sub-Committee and 1 sitting of the Implementation Committee.

(e) Includes 2 sittings of the Main Committee and 19 sittings of the Sub-Committee.

(f) The Bihar Protected Area Bill, 1978, was referred to the Select Committee during this period. Report of the Select Committee and the Bill as reported by the Committee was passed by the Assembly.

(g) Select Committee on the Gujarat Public Library Bill, 1977.

(h) Includes 2 sittings of the full Committee and 1 sitting of the Sub-Committee.

(i) The Code of Criminal Procedure (Amendment) Bill, 1978—1; (ii) The J & K Weights and Measures (Enforcement) Bill, 1978—1; (iii) The J & K Town Area (Amendment) Bill, 1978—4(1); and (iv) The J & K Land Revenue (Amendment) Bill, 1978—1(1).

(j) Committee on Scheduled Castes—17 sittings and Committee on Scheduled Tribes—7 sittings.

(k) Select Committee on the Tamil Nadu Agricultural Income-tax (Amendment) Bill, 1978—10 sittings.

(l)(i) Committee on Absence of Members from the Sittings of the House—2 sittings; and

(ii) The Committee to examine the Tripura Land Revenue and Land Reforms Act, 1960—2 sittings.

(m) Includes one Interim Report.

(n)(i) Sansidhya Adhyayan Samiti—8 sittings; (ii) Sansidhya Adhyayan Up-Samiti—4 sittings.

(iii) Kaupur Vahvavidyalaya B. Ed. ki kalashaon meing parvash sambandhi anuyamityon ki Jeeanch Samiti—5 sittings; (iv) Kanpur ki Jan Sevak Sehkari Greh Nirmaan Samiti—1 sitting; (v) Vinashchaya Sanklan Samiti—24 sittings; and (vi) Aachar Samhita Samiti—Nil.

(o) The Select Committee on the Arunachal Pradesh Weights and Measures (Enforcement) Bill 1978—3 sittings and the Select Committee on the Arunachal Pradesh Cooperative Societies Bill, 1978—3 sittings;

(p) Committee on the Resolution regarding conversion of N.D.M.C. into an elected body—6 sittings, and Committee to consider power, privileges, salaries and allowances of the Members of the Metropolitan Council—1 sittings.

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSE OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD 1ST AUGUST, 1978 TO 31ST OCTOBER, 1978

S. No.	Title of the Bill	Date of assent by the President
1.	The Customs Tariff (Amendment) Bill, 1978	1-8-1978
2.	The Maintenance of Internal Security (Repeal) Bill, 1978	3-8-1978
3.	The Insolvency Laws (Amendment) Bill, 1978	4-8-1978
4.	The Taxation Laws (Amendment) Bill, 1978	5-8-1978
5.	The Coast Guard Bill, 1978	18-8-1978
6.	The Passports (Amendment) Bill, 1978	18-8-1978
7.	The Indian Explosives (Amendment) Bill, 1978	18-8-1978
8.	The Metro Railways (Construction of Works) Bill, 1978	21-8-1978
9.	The Delhi Police Bill, 1978	27-8-1978
10.	The Appropriation (No. 3) Bill, 1978	30-8-1978
11.	The Tobacco Board (Amendment) Bill, 1978	30-8-1978
12.	The Press Council Bill, 1978	7-9-1978

APPENDIX V

**BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD AUGUST 1, TO
OCTOBER 31, 1978**

ANDHRA PRADESH LEGISLATIVE ASSEMBLY*

1. The Andhra Pradesh Co-operative Societies (Amendment) Bill, 1978.
2. The Andhra Pradesh (Agricultural Produce and live Stock) Markets (Amendment) Bill, 1978.
3. Bihar Parisar Aur Gari (Adhigrahan) Vidheyak, 1977.
1978.
4. The Andhra Pradesh Municipalities (Fourth Amendment) Bill, 1978.
6. The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Bill, 1978.
6. Aavashyak Vastu (Bihar Sansodhan) Vidheyak, 1977.
7. The Andhra Pradesh Appropriation (No. 3) Bill, 1978.
8. The Andhra Pradesh Appropriation (No. 4) Bill, 1978.
9. The Andhra Pradesh Appropriation (No. 5) Bill, 1978.
10. The Andhra Pradesh Appropriation (No. 6) Bill, 1978.

BIHAR LEGISLATIVE COUNCIL

1. Bangal Naughat (Sanshodhan) Vidheyak, 1977.
2. Jhariya Jal Aapoorti (Sanshodhan) Vidheyak, 1977
3. Bihar Parisar Aur Gari (Adhigrahan) Vidheyak, 1977.
4. Bihar Viniyog (Sankhya 2) Vidheyak, 1977.
5. Bihar Nagar Nigam Vidheyak, 1977.
6. Avashyak Vastu (Bihar Sansodhan) Vidheyak, 1977.
7. Bihar Private Chikitsa Mahavidyala (Grahan) Vidheyak,, 1978.
8. Bihar Kolhan Civisanyay Viniyamak aur Vidhimanyakari Vidheyak,
1978.
9. Bihar Gramdan (Sanshodhan) Vidheyak, 1978.

BIHAR LEGISLATIVE ASSEMBLY

1. Bihar Sangrakshit Asthan Vidheyak, 1978.
2. Bihar Appropriation (No. 2) Bill, 1978 .
3. Bihar Private Medical College (Acquisition), Bill, 1978.
4. Bihar Gramdan (Amendment) Bill, 1978.
5. Bihar Kolhan Civil Justice (Regulation and Validation) Bill, 1978.
6. Bihar Forest Production (Trade Regulation) Bill, 1978.

*These Bills have also been passed by the Legislative Council

7. Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Bill, 1978.
8. Bihar Electric Supply Undertakings (Production) Bill, 1978.
9. The Premises and Vehicle (Acquisition) Bill, 1977.
10. Bengal Ferry (Amendment) Bill, 1977.
11. Jhariya Water Supply (Amendment) Bill, 1977.

GUJARAT LEGISLATIVE ASSEMBLY

1. The Gujarat Homoeopathic (Regulations, Examinations, Degrees etc.) Validation Bill, 1978.
2. The Gujarat Local Authorities (Extension of Term and Laws Amendment) Bill, 1978.
3. The Gujarat Panchayats (Third Amendment) Bill, 1978.
4. The Gujarat University (Second Amendment) Bill, 1978.
5. The Gujarat Secondary Education (Amendment) Bill, 1978.
6. The Gujarat (Second Supplementary) Appropriation Bill, 1978.

HARYANA LEGISLATIVE ASSEMBLY

1. The Haryana Public Works (Extension of Limitations) Bill, 1978.
2. The Haryana Legislative Assembly (Allowances & Pension of Members) Bill, 1978.
3. The Punjab Agricultural Produce Markets (Haryana Second Amendment) Bill, 1978.
4. The Haryana Legislative Assembly Proceedings (Protection of Publication) Bill, 1978.
5. The Haryana Private Colleges (taking over of Management) Bill, 1978.
6. The Haryana Land Holdings Tax (Amendment) Bill, 1978.
7. The Punjab Courts (Haryana Amendment) Bill, 1978.
8. The Haryana Municipal (Amendment) Bill, 1978.
9. The Haryana Appropriation (No. 4) Bill, 1978.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Himachal Pradesh Tractor Cultivation (Recovery of Charges) Amendment Bill, 1978.
2. The Himachal Pradesh Requisitioning & Acquisition of Immoveable Property (Amendment) Bill, 1978.
3. The Himachal Pradesh Panchayati Raj (Amendment) Bill, 1978.
4. The Himachal Pradesh Legislative Assembly (Allowances & Pension of Members) (Ninth Amendment) Bill, 1978.
5. The Himachal Pradesh Taxation (on certain goods carried by road) (Amendment) Bill, 1978.
6. The Himachal Pradesh Municipal (Amendment) Bill, 1978.
7. The Dowry Prohibition (Himachal Pradesh Second Amendment) Bill, 1978.
8. The Himachal Pradesh Appropriation Bill, 1978.

9. The Himachal Pradesh General Sales Tax (Amendment) Bill 1978.
10. The Himachal Pradesh Apartment (Regulation of Construction and Transfer) Bill, 1978.
11. The Himachal Pradesh Apartment Ownership Bill, 1978.
12. The Himachal Pradesh Krishi Vishva Vidyalaya Bill, 1978.
13. The Himachal Pradesh Bhoodan Yagna Bill, 1978.

JAMMU & KASHMIR LEGISLATIVE ASSEMBLY

1. The Code of Criminal Procedure (Amendment) Bill, 1978
2. The J&K Weights and Measures (Enforcement) Bill, 1978.
3. The J&K Town Area (Amendment) Bill, 1978.
4. The J & K Land Revenue (Amendment) Bill, 1978.
5. The J & K Motor Spirit and Diesel Oil (Taxation of Sales) (Amendment), Bill, 1978.
6. The Transfer of Property (Amendment) Bill, 1978.
7. The J & K State Forest Corporation (Amendment) Bill, 1978.
8. The J & K Lambardari (Amendment) Bill, 1978.
9. The J & K Land Revenue (Second Amendment) Bill, 1978.
10. The J & K Restitution of Mortgaged Properties (Amendment) Bill, 1978.
11. The J & K Electricity (Supply) (Amendment) Bill, 1978.

KARNATAKA LEGISLATIVE COUNCIL

1. The Karnataka Khadi and Village Industries (Amendment) Bill, 1978.
2. The Karnataka Village Panchayats and Local Boards (Amendment) Bill, 1978.
3. The Karnataka State Aid to Industries (Amendment) Bill, 1978.
4. The Karnataka Industrial Areas Development (Amendment) Bill, 1978.
5. The Karnataka Co-operative Societies (Amendment) Bill, 1978.
6. The Karnataka Forest (Amendment) Bill, 1978.
7. The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Bill, 1978.
8. The Karnataka Bhoodan Yagna (Amendment) Bill, 1978.
9. The Madras Aliyasanthana (Karnataka Amendment) Bill, 1978.
10. The Karnataka Laws (Amendment) Bill, 1978.
11. The Karnataka Civil Courts (Second Amendment) Bill, 1978.
12. The Karnataka Sheep and Sheep Products Development (Amendment) Bill, 1978.
13. The Central Laws (Karnataka Extension) Bill, 1978.
14. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1978.
15. The Indian Stamp (Karnataka Amendment) Bill, 1978.
16. The Karnataka Agricultural Credit Operations and Miscellaneous Provisions (Amendment) Bill, 1978.

17. The Karnataka Entertainments Tax (Amendment) Bill, 1978.
18. The Karnataka Electricity Supply Undertakings (Acquisition) (Amendment) Bill, 1978.
19. The Karnataka State Civil Services Bill, 1978.
20. The Karnataka Sales Tax (Amendment) Bill, 1978.
21. The Karnataka Ministers' Salaries and Allowances (Amendment) Bill, 1978.
22. The Karnataka Legislature Salaries (Amendment) Bill, 1978.
23. The Karnataka Land Reform (Amendment) Bill, 1978.
24. The Karnataka Village Panchayats and Local Boards (Second Amendment) Bill, 1978.
25. The Karnataka Municipal Corporation (Amendment) Bill, 1978.

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Central Laws (Karnataka Extension) Bill, 1978.
2. The Karnataka Sheep and Sheep Products Development (Amendment) Bill, 1978.
3. The Karnataka Industrial Areas Development (Amendment) Bill, 1978.
4. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1978.
5. The Madras Aliyasanthana (Karnataka Amendment) Bill, 1978.
6. The Karnataka Bhoodan Yagna (Amendment) Bill, 1978.
7. The Karnataka Co-operative Societies (Amendment) Bill, 1978.
8. The Karnataka Khadi and Village Industries (Amendment) Bill, 1978.
9. The Karnataka Forests (Amendment) Bill, 1978.
10. The Karnataka Village Panchayats and Local Boards (Amendment) Bill, 1978.
11. The Karnataka State Aid to Industries (Amendment) Bill, 1978.
12. The City of Mysore (Improvement) Bill, 1978.
13. The Karnataka Village Offices Abolition (Amendment) Bill, 1978.
14. The Karnataka Scheduled Castes/Scheduled Tribes (Prohibition of Certain Lands) Bill, 1978.
15. The Karnataka Laws (Amendment) Bill, 1978.
16. The Karnataka Civil Courts (Second Amendment) Bill, 1978.
17. The Indian Stamp (Karnataka Amendment) Bill, 1978.
18. The Karnataka Land Reforms (Amendment) Bill, 1978.
19. The Karnataka Agricultural Credit Operations and Miscellaneous Provisions (Amendment) Bill, 1978.
20. The Karnataka Entertainment Tax (Amendment) Bill, 1978.
21. The Karnataka Electricity Supply Undertakings Acquisition (Amendment) Bill, 1978.
22. The Karnataka Civil Services Bill, 1978.
23. The Karnataka Sales Tax (Amendment) Bill, 1978.

24. The Karnataka Ministers/Salaries and Allowances (Amendment) Bill, 1978.
25. The Karnataka Legislature Salaries (Amendment) Bill, 1978.
26. The Karnataka Village Panchayats and Local Boards (Second Amendment) Bill, 1978.
27. The Karnataka Municipal Corporations (Amendment) Bill, 1978.

MADHYA PRADESH VIDHAN SABHA

1. The Madhya Pradesh Excise Amendment Bill, 1978.
2. The Madhya Pradesh Prathamik, Middle School Tatha Madhyamik Shiksha (Pathyapustakon Sambandhi Vyavastha) Sanshodhan Vidheyak, 1978.
3. *The Madhya Pradesh Municipal Corporation (Amendment) Bill, 1978.
4. The Madhya Pradesh Vidhan Sabha Sadasya Vetan Bhatta Tatha Pension (Dwitiya Sanshodhan) Vidheyak, 1978.
5. The Madhya Pradesh Panchayat (Second Amendment) Bill, 1978.
6. The Madhya Pradesh Motor Vehicles Taxation (Amendment) Bill, 1978.
7. The Madhya Pradesh General Sales Tax (Amendment) Bill, 1978.
8. The Madhya Pradesh Panchayat (Third Amendment) Bill, 1978.
9. The Madhya Pradesh Sathniya Kshetra Me Mal Ke Pravesh Par Kar (Sanshodhan) Vidheyak, 1978.
10. The Madhya Pradesh Electricity Duty (Amendment) Bill, 1978.
11. The Madhya Pradesh Appropriation (Number 3) Bill, 1978.

NAGALAND LEGISLATIVE ASSEMBLY

1. The Nagaland Legislative Assembly Members, Salaries and Allowances (Amendment) Bill, 1978.
2. The Nagaland Sales tax (Amendment) Bill, 1978.
3. The Nagaland Land and Revenue Regulation (Amendment) Bill, 1978.
4. The Nagaland Appropriation (No. 4) Bill, 1978.

PUNJAB VIDHAN SABHA

1. The Punjab Contingency Fund (Amendment) Bill, 1978.
2. The Punjab Entertainments Duty (Amendment) Bill, 1978.
3. The Punjab Entertainments Tax (Cinematograph Shows) Amendment Bill, 1978.
4. The Punjab Co-operative Societies (Third Amendment) Bill, 1978.
5. The Salary and Allowances of Leader of Opposition in Legislative Assembly Bill, 1978.
6. The Punjab Good Conduct Prisoners (Temporary Release) Amendment Bill, 1978.
7. The Punjab Gram Panchayat (Amendment) Bill, 1978.
8. The Punjab Appropriation (No. 4) Bill, 1978.
9. The Punjab State Legislature (Protection of Publication) Bill, 1978.

*Awaiting assent.

10. The Punjab Bhudan Yagna (Amendment) Bill, 1978.
11. The Indian Stamp (Punjab Amendment) Bill, 1978.
12. The Punjab Agricultural Produce Markets (Second Amendment) Bill, 1978.
13. The Punjab Water Supply and Sewerage Board (Amendment) Bill, 1978.
14. The Punjab Municipal (Amendment) Bill, 1978.
15. The Punjab Town Improvement (Amendment) Bill, 1978.
16. The Punjab Municipal Corporation (Amendment) Bill, 1978.
17. The Punjab General Sales tax (Second Amendment) Bill, 1978.
18. The Punjab Ex-Eervicemen Corporation Bill, 1978.
19. The Punjab Guru Gobind Singh Medical College, Faridkot (Acquisition) and Miscellaneous Provisions Bill, 1978.
20. The Motor Vehicles (Punjab Amendment) Bill, 1978.
- *21. The Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Bill, 1978.
22. The Punjab Requisitioning and Acquisition of Moveable Property Bill, 1978.
23. The Punjab Panchayat Samities and Zila Parishads (Temporary Supersession) Bill, 1978.
24. The Punjab State Legislature Members (Pension and Medical Facilities Regulations) Amendment Bill, 1978.
25. The Punjab Legislative Assembly (Allowances of Members) Amendment Bill, 1978.
26. The Punjab Legislators (Modification of Allowances and other Amenities) Bill, 1978.

RAJASTHAN LEGISLATIVE ASSEMBLY

1. The Rajasthan Urban Improvement (Amendment) Bill, 1978.
2. The Rajasthan Sales Tax (Amendment) Bill, 1978.
3. The Rajasthan Excise (Amendment and Extending) Bill, 1978.
4. The Rajasthan Prohibition (Amending & Extending) Bill, 1978.
5. The Rajasthan Imposition of Ceiling on Agricultural Holding (Second Amendment) Bill, 1978.
6. The Rajasthan Lokayukta and Up-Lokayuktas (Amendment) Bill, 1978.
7. The Rajasthan Tenancy (Amendment) Bill, 1978.
8. The Rajasthan Municipalities (Amendment) Bill, 1978.
9. The Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Bill, 1978.

SIKKIM LEGISLATIVE ASSEMBLY

1. The Sikkim Agricultural Land Ceiling and Reforms (Amendment) Bill, 1978.
2. The Sikkim Cultivators Protection (Temporary Provision) Amendment Bill, 1978.
3. The Sikkim Appropriation Bill, (No. 15) 1978.
4. The Sikkim Appropriation Bill, (No. 16) 1978.
5. The Sikkim Vigilance Police Bill, 1978.
6. The Sikkim Board of School Education Bill, 1978.
7. The Sikkim Cinemas (Regulation) Bill, 1978.

*Awaiting assent

TAMILNADU LEGISLATIVE ASSEMBLY@

1. The Tamil Nadu Agricultural Produce Markets (Amendment) and Special Provision) Bill, 1978.
2. The Madurai City Municipal Corporation (Third Amendment) Bill, 1978.
3. The Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Bill, 1978.
4. The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1978.
5. The Tamil Nadu Hindu Religious and Charitable Endowments Amendment Bill, 1978.
6. The Madurai University (Amendment and Special Provision) Bill, 1978.
7. The Tamil Nadu Cooperative Societies (Appointment of Special Officers) Amendment Bill, 1978.
8. The Tamil Nadu Appropriation (No. 5) Bill, 1978.
9. The Tamil Nadu Prohibition (Amendment) Bill, 1978.
10. *The Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Amendment Bill, 1978.
11. The Tamil Nadu Cultivating Tenants (Protection from Eviction) Second Amendment Bill, 1978.
12. *The Tamil Nadu (Revision of Tariff Rates on Supply of Electrical Energy for Non-Agricultural Purposes Bill, 1978.
13. The Tamil Nadu Debt Relief Bill, 1978.

TRIPURA LEGISLATIVE ASSEMBLY

1. *The Contingency Fund of Tripura Amendment Bill, 1978.
2. *The Tripura Appropriation (No. 3) Bill, 1978.
3. *The Tripura Appropriation (No. 4) Bill, 1978.
4. *The Tripura Appropriation (No. 5) Bill, 1978.
5. *The Tripura Housing Board Bill, 1978.
6. *The Tripura Land Tax Bill, 1978.
7. *The Tripura Block Panchayat Samities Bill, 1978.
8. *The Tripura Motor Vehicles Tax (Third Amendment) Bill, 1978.
9. *The Tripura Tribal Inhabitant (Housing Tax) Law Repeal Bill, 1978.

UTTAR PRADESH LEGISLATIVE ASSEMBLY

1. The U.P. Municipalities Notified Areas and Town Areas (Alpakalik Vyawastha) (Sanshodhan) Vidheyak), 1978.
2. The U.P. High School and Intermediate College (Reserve Pool Teachers) (Second) Bill, 1978.
3. The Code of Civil Procedure (U.P. Amendment) Bill, 1978.
4. The U.P. Regulation of money lending (Amendment) Bill, 1978.
5. The U.P. Imposition of Ceiling on Land Holdings (Amendment) Bill, 1978.
6. The U.P. Co-operative Land Development Banks (Amendment) Bill, 1978.
7. The U.P. Co-operative Societies (Amendment) Bill, 1978.
8. The U.P. Entertainment and Betting Tax (Amendment) Bill, 1978.
9. The U.P. Water supply and Sewerage (Amendment) Bill, 1978.
10. The U.P. Restrictions of Brick-Klins (Protection of Groves) Bill, 1978.

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

*Awaiting assent.

11. The U.P. Training Colleges (Payment of Salaries of Teachers and other Employees) Bill, 1978.
12. The U.P. Motor Vehicles Taxation (Amendment) Bill, 1978.
13. The U.P. Appropriation (Supplementary 1978-79) Bill, 1978.
14. The U.P. Appropriation (Regulation of Excess Expenditure 1972-73) Bill, 1978.
15. The Indian Penal Code (U.P. Amendment) Vidheyak, 1978.
16. The U.P. Excise (Second Amendment) Bill, 1978.

UTTAR PRADESH LEGISLATIVE ASSEMBLY COUNCIL

1. Motor Vehicles Uttar Pradesh Amendment Bill, 1978.
- *2. Uttar Pradesh Rin Anutosh Sanshodhan Vidheyak, 1978.
3. Uttar Pradesh Bhikshavrit Pritished Sanshodhan Vidheyak, 1978.
- *4. Uttar Pradesh Pathya Pustak Vidheyak, 1978.
- *5. Uttar Pradesh Junior High School Adhyapakon aur anya karmachariyon ke Vetan ka Bhugtan Vidheyak 1978.
6. Uttar Pradesh Sahkari Bhumi Vikas Bank Sanshodhan Vidheyak, 1978.
7. Uttar Pradesh Municipality Notified Area aur Town Area Alpakalik Vyavastha Sanshodhan Vidheyak 1978.
8. Uttar Pradesh Sahkari Samiti Sanshodhan Vidheyak, 1978.
- *9. Uttar Pradesh Adhiktam Jo Seema Aaropari Sanshodhan Vidheyak, 1978.
10. Uttar Pradesh Jal Sambharan tatha Sewer Vyavastha Sanshodhan Vidheyak, 1978.
11. Civil Prakriya Sanhita Uttar Pradesh Sanshodhan Vidheyak, 1978.
- *12. Uttar Pradesh Prashikshan Mahavidyalaya Adhyapakon aur anya Karmachariyon ke Vetan ka Bhugtan Vidheyak, 1978.
13. Uttar Pradesh Amod tatha Pankar Sanshodhan Vidheyak, 1978.
14. Uttar Pradesh Viniyog 1978-79 ka Anupurak Vidheyak, 1978.
15. Uttar Pradesh Viniyog 1972-73 ke Badati Vyay ka Viniyman Vidheyak, 1978.
16. Uttar Pradesh Motor Gadi Karadhan Sanshodhan Vidheyak, 1978.
17. Uttar Pradesh Audyogik Jhhagara Sanshodhan Vidheyak, 1978.
18. Uttar Pradesh Aabkari Dwitiya Sanshodhan, 1978.
19. Danda Prakriya Sanhita Uttar Pradesh Sanshodhan Vidheyak, 1978.
- *20. Uttar Pradesh Sahukari Viniyman Sanshodhan, Vidheyak, 1978.

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

- *1. Arunachal Pradesh Appropriation (No. 2) (Amendment) Bill, 1978
- *2. Societies Registration (Extension to Arunachal Pradesh) Bill, 1978.
3. Arunachal Pradesh Freedom of Indigenous Faith Bill, 1978.
4. Arunachal Pradesh Co-operative Societies Bill, 1978.

GOA, DAMAN AND DIU LEGISLATIVE ASSEMBLY

1. The Goa, Daman and Diu Supplementary Bill, 1978.
2. The Goa, Daman and Diu (Extension of Indian Easement Act) Bill, 1978.
3. The Goa, Daman and Diu Municipalities (Fourth Amendment) Bill, 1978.

*Awaiting assent.

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL AND STATE GOVERNMENTS DURING THE PERIOD AUGUST 1, 1978, TO OCTOBER 31, 1978

Sl. No.	Subject	Date of promulgation	Date on which laid before Houses	Date of Cessation	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
1	The Payment of Bonus (Amendment) Ordinance, 1978	8-9-1978	20-11-1978	—	Replaced by Legislation
2	The Additional Duties of Excise (Textiles and Textile Articles) Ordinance, 1978	3-10-1978	20-11-1978	—	Replaced by Legislation
STATE GOVERNMENTS					
BIHAR LEGISLATIVE COUNCIL					
1	Bihar Kolhan Civil Nyay (Viniyamak Aur Vidhimanyakari) Adhyadesh, 1978		14-7-1978		
2	Bihar Udyog Rajya Sahayya (Sanshodhan), Adhyadesh, 1978		Do.		
3	Bihar Hindu Dharmik Nyay (Sanshodhan), 1978		Do.		
4	Bihar Motorgadi Kararopan (Sanshodhan), Adhyadesh, 1978		Do.		
5	Bihar Motorgadi (Bihar Sanshodhan) Adhyadesh, 1978		Do.		
6	Bihar Khadi Avam Gramodyog (Sanshodhan), Adhyadesh 1978		Do.		

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7	Rajendra Krishi Vishwavidyalaya (Sanshodhan), Adhyadesh, 1978	.	14-7-1978		
8	Bengal Naughtat (Sanshodhan) Adhyadesh, 1978	.	Do.		
9	Bihar Bhoomi aur Jal Sanrakshan tatha Bhoomi Vikas Adhyadesh, 1978	.	Do.]		
10	Bihar Parisar aur Gadi (Adhigrahan) Adhyadesh, 1978	.	Do.]		
11	Bihar Krishak and Gramin Kshetra Vikas Agency Adhyadesh, 1978	.	Do]		
12	Bihar Krishi Upaj Bazar (Sanshodhan) Adhyadesh, 1978	.	Do]		
13	Aavashyak Vastu (Bihar Sanshodhan), Adhyadesh, 1978	.	Do.		
14	Bihar Ookh (Aapoorti and Kharid ka Viniyman) Adhyadesh, 1978	.	Do.		
15	Bihar Panchayat Samiti aur Zila Parishad (Dwiteeya Sanshodhan tatha Vidhimanayakari) Adhyadesh, 1978	.	Do.		
16	Bihar Panchayat Samiti aur Zila Parishad (Dwiteeya Sanshodhan tatha Vidhimanayakari) Adhyadesh, 1978	.	Do.		
17	Bihar Zila Board tatha sthaniya board (niyantrana aur prabandh) (Sanshodhan) Adhyadesh, 1978	.	Do.		
18	Bihar Madhyamika Shiksha Board (Dwiteeya Sanshodhan) Adhyadesh 1978	.	Do.		
19	Patna Nagar Nigam (Sanshodhan) Adhyadesh, 1978	.	Do.		
20	Bihar Antravishwavidyalaya Board Adhyadesh, 1978	.	Do.		
21	Patna Vishwavidyalaya (Sanshodhan) Adhyadesh, 1978	.	Do.		
22	Patna Vishwavidyalaya (Dwiteeya Sanshodhan) Adhyadesh, 1978	.	Do.		
23	Bihar Rajya Vishwavidyalaya (Sanshodhan) Adhyadesh, 1978	.	Do.		

24	Bihar Rajya Vishwavidyalaya (Dwiteeya Sanshodhan) Adhyadesh, 1978	Do.
25	Bihar Cycle Riksha (Licence Vinayman) Adhyadesh, 1978	Do.
26	Bihar Sahkari Society (Samsodhan) Adhyadesh, 1978	Do.
27	Bihar Gair-Sarkari Medical College (Probandha Graham) Adhyadesh, 1978	Do.
28	Bihar Bikri-ka Adhyadesh, 1978	Do.
29	Bihar Nagar Nigam Adhyadesh, 1978	Do.
30	Bihar Shetrya Vikas Pradhikar Adhyadesh, 1978	Do.
31	Bihar Nagarpalika aur Patna Nagarpalika Nigam (Samsodhan) Adhyadesh, 1978	Do.
32	Jhariya Jal Aapooriti (Samsodhan) Adhyadesh, 1978	Do.
33	Bihar Nagarpalika (Dwiteeya Sanshodhan) Adhyadesh, 1978	Do.
34	Bihar Chaitanya Shaiksha Sansha (Vinayman aur Niyantran) Adhyadesh, 1978	Do.
35	Bihar Aabkari (Samsodhan aur Vidhaimanyakaran) Adhyadesh, 1978	Do.
36	Bihar Sinchai Shetra pranali (Samsodhan) Adhyadesh, 1978	Do.
37	Bihar Sinchai Vidhi (Samsodhan) Adhyadesh, 1978	Do.
38	Bihar Van Upaj (Vyapar Vinayman) Adhyadesh, 1978	Do.
39	Bihar Sinchai Vikas (Bhoomi Adhigrahan) Adhyadesh, 1978	Do.
40	Bihar Vidyuti Aapooriti Upakram (Arjan) Adhyadesh, 1978	Do.
41	Bihar Bhoon-Lagaan (Bhugtan se Chhoot) Dwiteeya Adhyadesh, 1978	Do.
42	Bihar Lok Bhoomi Adhikaran (Samsodhan) Adhyadesh, 1978	Do.
43	Bihar Gramdan (Samsodhan) Adhyadesh, 1978	Do.

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- 44 Bihar Baomi Sadhar (Adhikam Secma Nirdharan avam Adhishesh Bhoomi Ajan) Sanshodhan Adhyadesh, 1978 14-7-78
- 45 Bihar Krishi Rin Karya aur Prakteer Upbandh (Bank) Adhyadesh 1978 Do.
- 46 Chotanagpur avam Santhal Pargana Swasthi Vikas Pradhikar (Sanshodhan) Adhyadesh, 1978 Do.
- 47 Bihar Raj Aavas Board Adhyadesh, 1978 Do.
- 48 Bihar Gess (Sanshodhan) Adhyadesh, 1978 Do.
- 49 Motorezadi (Bihar Dwiteeya Sanshodhan) Adhyadesh, 1978. Do.
- 50 Patna Nagar Nigam (Dwiteeya Sanshodhan) Adhyadesh, 1978 Do.
- 51 Bihar Panchayat Nirvaahan Niyamavali aur Poorak Matdastao kee Soochiyen (vidhi manyakari) Adhyadesh, 1978 Do.
- 52 Bihar Khadi avam Gramodyog (dwiteeya sanshodhan) Adhyadesh, 1978. "
- 53 Chotanagpur avam Santhal Pargana Swasthi Vikas Pradhikar (dwiteeya Sanshodhan) Adhyadesh, 1978. "
- 54 Bihar Vishwavidyalaya Seva Aayog (Sanshodhan) Adhyadesh, 1978. "
- 55 Bihar Arjakeya Shareerik Prashikshan Mahavidhalaya tatha Arjakeya Prathmik Shiksha Mahavidyalaya (Niyantaran avam niyaman) Adhyadesh, 1978. "
- 56 Bihar Private Chikitsa Mahavidyalaya (Grahan) Adhyadesh, 1978. "
- 57 Bihar Antavishvavidyalaya (triteeya Sanshodhan) Adhyadesh, 1978. "

- 38 Patna Vishwavidyalaya (triteeya sanshodhan) Adhyadesh, 1978.
- 59 Bihar Rajya Vishwavidyalaya (triteeya sanshodhan) Adhyadesh, 1978.
- 60 Bihar Aakasmikata Nidhi (dwiteeya Sanshodhan) Adhyadesh, 1978

GUJARAT LEGISLATIVE ASSEMBLY

- 61 The Bombay Provincial Municipal Corporations (Gujarat Second Amendment) Ordinance, 1978. 26-9-78

This ordinance contains all the provisions of earlier ordinance on the subject i.e. ordinance no. 2 of 1978, was placed before the Assembly on 21-8-78 and a Bill to replace that ordinance was also brought but could not be passed during the last session. This new ordinance has therefore been issued and the previous ordinance on the subject has been repealed.

HARYANA LEGISLATIVE ASSEMBLY

- 1 The Haryana Municipal (Amendment) Ordinance, 1978. 28-8-78
- 2 The Punjab Agricultural Produce Markets (Haryana second Amendment) Ordinance. 28-8-79

Replaced by legislation.

Do.

1	2	3	4	5	6
		JAMMU & KASHMIR LEGISLATIVE ASSEMBLY			
1	The Motor Spirit and Diesel Oil (Taxation of Sales) (Amendment) Ordinance, 1978.	1-8-1978	7-9-1978		Replaced by Legislation.
		KARNATAKA			
1	The Karnataka Municipalities (Amendment) Ordinance, 1978 . . .	2-9-1978			
2	The Karnataka Urban Land Tax (Amendment) Ordinance, 1978 . . .	14-9-1978			
3	The Karnataka Preservation of Trees (Amendment) Ordinance, 1978 . . .	22-9-1978			
4	The Karnataka Electricity (Taxation on Consumption) (Amendment) Ordinance, 1978.	25-9-1978			
		MADHYA PRADESH			
1	The Madhya Pradesh Lok Seva Vichhinnata Nivaran Adhyadesh, 1978 (No. 6 of 1978)	30-9-1978			
		PUNJAB VIDHAN SABHA			
1	The Punjab Agricultural Produce Markets (Amendment) Ordinance, 1978.	27-4-1978	4-9-1978		Replaced by legislation.
2	The Indian Stamp (Punjab Amendment) Ordinance, 1978 . . .	2-5-1978	Do.		Do.
3	The Punjab Entertainments Tax (Cinematograph Shows) Amendment Ordinance, 1978.	2-5-1978	Do.		Do.
4	The Punjab Entertainments Duty (Amendment) Ordinance, 1978 . . .	2-5-1978	Do.		Do.
5	The Punjab Municipal (Amendment) Ordinance, 1978 . . .	12-5-1978	Do.		Do.
6	The Punjab Panchayat Samitis and Zilla Parishads (Amendment) Ordinance, 1978.	7-6-1978	Do.		Do.
7	The Punjab Gram Panchayat (Amendment) Ordinance, 1978 . . .	Do.	Do.		Do.

8	The Punjab Good Conduct Prisoners (Temporary Release) Amendment Ordinance, 1978.	6-7-1978	4-9-1978	replaced by legislation.
9	The Punjab Municipal Corporation (Amendment) Ordinance, 1978.	12-7-1978	4-9-1978	Do.
10	The Punjab Town Improvement (Amendment) Ordinance, 1978.	13-7-1978	Do.	Do.
11	The Punjab Guru Gobind Singh Medical College, Faridkot (Acquisition) and Miscellaneous Provision Ordinance, 1978.	13-7-1978	Do.	Do.
12	The Punjab General Sales Tax (Amendment) Ordinance, 1978.	19-7-1978	Do.	Do.
13	The Punjab Water Supply and Sewerage Board (Amendment) Ordinance, 1978.	25-7-1978	Do.	Do.
14	The Punjab Ex-servicemen Corporation Ordinance, 1978.	9-8-1978	Do.	Do.
TAMIL NADU				
1	The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Ordinance, 1978 (T.N. Ordinance No. 10 of 1978)	14-8-1978	14-9-1978	Replaced by Legislation.
2	The Tamil Nadu Municipal Councils (Appointment of Special Officers) (Second Amendment) Ordinance, 1978	30-9-1978		To be replaced by Legislation during the next Session of the Legislature.
3	The Coimbatore Municipal Council (Appointment of Special Officer) (Second Amendment) Ordinance, 1978.	30-9-1978		Do.
4	The Tamil Nadu Prohibition (Second Amendment) Ordinance, 1978.	3-10-1978		Do.
5	The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) (Second Amendment) Ordinance, 1978	27-10-1978		Do.
6	The Tamil Nadu Panchayats (Extension of Term of Office) (Second Amendment) Ordinance, 1978	31-10-1978		Do.
7	The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) (Second Amendment) Ordinance, 1978 (Tamil Nadu Ordinance No. 16 of 1978).	31-10-1978		Do.

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To be replaced by Legislation during the next Session of the Legislature.

8 The Tamil Nadu Panchayats (Third Amendment) Ordinance, 1978, (Tamil Nadu Ordinance No. 17 of 1978).

31-10-1978

UTTAR PRADESH LEGISLATIVE ASSEMBLY

1	Uttar Pradesh Sahkari Bhumi Vikas Bank Sanshodhan Adhyadesh, 1978	17-6-1978	28-8-1978	
2	Uttar Pradesh High School aur Intermediate College Aarakshit Samooah Adhyapak Adhyadesh, 1978.	24-6-1978	28-8-1978	
3	Uttar Pradesh Aabkari Tritiya Sanshodhan Adhyadesh, 1978.	26-6-1978	Do.	
4	Uttar Pradesh Vishvavidyalaya Sanshodhan Adhyadesh, 1978.	7-7-1978	28-8-1978	
5	Uttar Pradesh Sahkari Samiti Sanshodhan Adhyadesh, 1978.	15-7-1978	Do.	
6	Uttar Pradesh Shetra Samity tatha zila parishad sanshodhan adhyadesh, 1978.	15-7-1978	28-7-1978	
7	CivilPrakriya Sanhita Uttar Pradesh sanshodhan Adhyadesh, 1978.	15-7-1978	Do.	
8	Uttar Pradesh Aamod tatha Pankar Sanshodhan, Adhyadesh, 1978.	31-7-1978	Do.	
9	Uttar Pradesh Jal Sambharan tatha Sewer Vyavastha Sanshodhan Adhyadesh, 1978.	1-8-1978	Do. (21-8-1978)	
10	Uttar Pradesh zila Parishad alpakalik vyavastha sanshodhan adhyadesh, 1978.	1-8-1978	Do. (21-8-1978)	
11	Uttar Pradesh Municipality, notified area aur town area alpakalik vyavastha sanshodhan adhyadesh, 1978.	3-8-1978	Do. (21-8-1978)	
12	Uttar Pradesh Sahkari Bhumi Vikas Bank Dwiteeya Sanshodhan adhyadesh, 1978.	5-10-1978	6-11-1978 (7-12-1978)	
13	Uttar Pradesh Gramya Swayatt Shasan Vidhi Sanshodhan, Adhyadesh, 1978.	6-10-1978	6-11-1978 (7-12-1978)	

	Uttar Pradesh High School aur Intermediate College Arakshit Samooch Dwiteeya Sanshodhan, Adhyadesh, 1978.	7-10-1978	Do. (Do.)
15	Uttar Pradesh Vishwavidyalaya Sanshodhan Dwitiya Sanshodhan Adhyadesh, 1978.	7-10-1978	Do. (Do.)
16	Uttar Pradesh Nagar Swayatt Shasan Vidhi, Sanshodhan Adhyadesh, 1978.	12-10-1978	Do. (Do.)
17	Uttar Pradesh Shetra Samity Tatha Zila Parishad Dwiteeya Sansho- dhan, Adhyadesh, 1978.	25-10-1978	Do. (Do.)
18	Uttar Pradesh Panchayat Raj Sanshodhan Adhyadesh, 1978. . .	25-10-1978	Do. (Do.)

Dates within brackets indicate when laid on the Table of the Assembly.

APPENDIX VII
A. PARTY POSITION IN LOK SABHA

(As on January 15, 1979)

Sl. No.	Name of the State/Union Territory	Seats	Janata	Cong (I)	Cong.	CPI (M)	AIADMK	Other Parties	Un-attached	Total	Vacancies	
												1	2	3	4	5	6	7	8	9	10
STATES												
1	Andhra Pradesh	42	3	27	11	..	..	..	1	42	..
2	Assam	14	3	4	6	..	..	..	1	14	..
3	Bihar	54	52	..	..	..	..	..	2	54	..
4	Gujarat	26	15	5	4	..	..	..	2	26	..
5	Haryana	10	10	..	..	..	..	..	..	10	..
6	Himachal Pradesh	4	4	..	..	..	..	..	..	4	..
7	Jammu & Kashmir	6	1	..	3	..	..	2(a)	..	6	..
8	Karnataka	28	4	15	7	..	..	..	..	*26	1
9	Kerala	20	..	2	9	..	..	9(b)	..	20	..
10	Madhya Pradesh	40	35	1	..	..	..	1(c)	1	38	2
11	Maharashtra	48	17	5	13	3	..	7(d)	3	48	..	
12	Manipur	2	1	..	1	..	..	..	..	2	..
13	Meghalaya	2	..	1	..	..	..	..	1	2	..
14	Nagaland	1	1	..	..	..	..	..	..	1	..
15	Orissa	21	16	3	..	1	..	..	1	21	..
16	Punjab	13	3	..	..	1	..	9(c)	..	13	..
17	Rajasthan	25	24	..	1	..	..	..	..	25	..
18	Sikkim	1	1	..	..	..	..	..	..	1	..
19	TamilNadu	39	2	8	6	..	17	2(f)	2	37	2	

20	Tripura	.	.	.	2	..	1	..	..	..	..	2	..
21	Uttar Pradesh	.	.	84	85	..	..	..	..	..	..	85	..
22	West Bengal	.	.	16	42	1	2	17	..	6(g)	..	42	..
UNION TERRITORIES													
23	Andaman & Nicobar			..	1	..	..	..	..	..	..	1	..
24	Arunachal Pradesh			1	2	..	..	..	..	..	..	2	..
25	Chandigarh			1	1	..	..	..	..	..	..	1	..
26	Dadra & Nagar Haveli			..	1	..	..	..	..	..	..	1	..
27	Delhi			7	7	..	..	..	..	..	..	7	..
28	Gos, Daman & Diu			..	2	..	1	..	..	..	1	2	..
29	Lakshadweep			1	1	..	..	..	..	..	..	1	..
30	Mizoram			..	1	..	..	..	..	..	1	1	..
31	Pondicherry			..	1	..	..	..	1	..	..	1	..
32	Anglo-Indian			2	2	1	..	..	..	..	1	2	..
TOTAL				544	303	77	65	22	18	36	17	*538	5

*Excluding the Speaker.

(a) National Conference—2

(b) CPI—4, Kerala Congress—2, Muslim League—2, RSP—1

(c) RPI (Khobragade)—1

(d) Peasant Workers Party—6, RPI (Khobragade)—1

(e) Akali Dal—9

(f) CPI—2

(g) RSP—3, F. B.—3

C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Janata	Cong. (I)	Cong.	CPI (M)	CPI	AIADMK	Abaki	Other Parties	IND.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13
Andhra Pradesh LA (As on 15-11-78)	295	53	214	7	7	6	—	—	3(a)	3(b)	293	2
Andhra Pradesh LC (As on 15-11-78)	90	9	36	13	1	2	—	—	3(c)	4	68	22
Bihar LA (As on 31-01-78)	325	214	44	12	4	20	—	—	18(d)	10	322*	2
Gujarat L.A. (As on 15-11-78)	182	108	56	12(c)	—	—	—	—	—	6(f)	182	—
Himachal Pradesh L.A. (As on 15-11-78)	68	54	—	9	—	—	—	—	—	5	68	—
Jammu & Kashmir L.A. (As on 15-11-78)	78	11	7	1	—	—	—	—	59(g)	—	78	—
Karnataka L.A. (As on 15-11-78)	225	59	153	1	—	3	—	—	2(h)	6	224*	—
Karnataka L.C. (As on 15-11-78)	63	21	28	3	—	—	—	—	—	3	55*	7
Madhya Pradesh L.A. (As on 15-11-78)	321	229	58	21	—	—	—	—	1(i)	9	318*	2
Manipur L.A. (As on 15-11-78)	60	44	11	—	—	4	—	—	—	1	60	—
Maghalaya L.A. (As on 15-11-78)	60	—	—	17	—	—	—	—	38(j)	5	60	—
Nagaland L.A. (As on 15-11-78)	60	—	—	15	—	—	—	—	40(k)	5	60	—
Punjab L.A. (As on 15-11-78)	117	25	15	2	8	7	—	58(c)	—	2	117	—

Rajasthan L.A. (As on 15-11-78)	200	148	25	16	1	1	—	—	4(m)	4(n)	193	1
Sikkim L.A. (As on 15-11-78)	32	26	—	—	—	—	—	—	5(o)	1	32	—
Tamil Nadu L.A. (As on 15-11-78)	235	8	—	27	12	5	126	—	56(p)	—	234*	—
Tamil Nadu L.C. (As on 15-11-78)	63	1	—	4	1	1	14	—	19(q)	5	45*	17
Tripura L.A. (As on 15-11-78)	60	—	—	—	51	—	—	—	7(r)	2	60	—
Uttar Pradesh L.A. (As on 15-11-78)	426	354	43	7	1	9	—	—	1(s)	9	424	2
Uttar Pradesh L.C. (As on 15-11-78)	108	43	34	14	—	3	—	—	12(t)	1	107	1
Arunachal Pradesh (As on 15-11-78)	33	24	—	—	—	—	—	—	8(u)	1	33	—
Delhi Metropolitan Council (As on 31-8-78)	60	48	10	1	—	—	—	—	—	—	59	1
Goa, Daman and Diu L.A. (As on 30-11-78)	30	3	—	10	—	—	—	—	15(v)	2	30	—
Pondicherry L.A. (As on 1-11-78) (W)	30	6	1	1(x)	1(y)	1	15	—	3(z)	2	30	—

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

(a) Majlis—Ittehad-ul Muslimeen.

(b) Including one nominated.

(c) Progressive Democratic Front.

(d) All India Jharkhand—1, Samyukta Virodhi Morcha Vidhayak Dal—8, Lok Paksha Vidhayak Dal—7, Forward Block—1; and Independents—3.

(e) Including 4 members of the Congress Party (Non-alligned).

(f) 3 support to Janata Party and 3 are Independents.

- (g) National Conference—51, Janata Front—3, Jamati Islamia—1, Nominated—2, and others—2.
- (h) Muslim League—1. RPI—1.
- (i) Nominated.
- (j) Includes APHLC—20, HSPDP—15, PDIC—2, JNU—1.
- (k) United Democratic Front—39, NCN—1.
- (l) One Member of the Shromani Akali Dal namely Sardar Harpreet Singh Sandhu has no right to vote.
- (m) Pragatishheel Dal.
- (n) Including Hon'ble Speaker.
- (o) Sikkim Prajatantra Congress.
- (p) Includes D.M.K.—47, Indian National Forward Block—2, Tamil Nadu Toilers Progressive Party—2, Gandhi-Kamraj National Congress—2, All India Forward Block—1, Indian Union Muslim League—1, Nominated—1.
- (q) DMK—13, Teachers-Graduates Progressive Front—3, United Party—1, Indian Union Muslim League—2.
- (r) R.S.P.—2, Forward Block—1, Tripura Upajati Juba Samiti—4.
- (s) Nominated.
- (t) Shikshak Dal—9, Nirdaliya Sangh—2, Rashtravadi Dal—1.
- (u) P.P. A.—8.
- (v) Maharashtrawadi Gomantak Party—15.
- (w) The Legislative Assembly was dissolved on November 12, 1978.
- (x) Supporting AIADMK.
- (y) Supporting AIADMK
- (z) DMK.