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CONTENTS

	PAGE
EDITORIAL NOTE	151
ADDRESS BY HIS EXCELLENCY MR. A.N. KOSYGIN, CHAIRMAN OF THE COUNCIL OF MINISTERS OF THE U.S.S.R. TO MEMBERS OF PARLIAMENT	152
CONFERENCE OF CHAIRMEN OF COMMITTEES ON PETITIONS	164
CONFERENCE OF CHAIRMEN OF COMMITTEES ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES	175
ARTICLES	
Are our Responses Adequate to the Challenges India Faces? —T.A. Pai	184
Budgetary Process in the Indian Parliament —R. R. Morarka	188
The Legacy of our Freedom Struggle —H. N. Mukerjee	197
Exhibition on India's Struggle for Freedom (1857—1947) —LARRDIS	206
PARLIAMENTARY EVENTS AND ACTIVITIES	
Conferences and Symposia	212
Parliamentary Delegations from abroad	213
Bureau of Parliamentary Studies and Training	213
PRIVILEGE ISSUES	216
PROCEDURAL MATTERS	238
PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS	245

SESSIONAL REVIEW

Lok Sabha	256
Rajya Sabha	268
State Legislatures	277

BOOK REVIEWS

R.N. Mishra : <i>The President and the Parliament</i> —Mrityunjay Prasad	280
D. N. Mishra : <i>Legislatures and Indian Democracy</i> —R. L. P. Verma	285

RECENT LITERATURE OF PARLIAMENTARY INTEREST	289
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APPENDICES

I. Statement showing the work transacted during the Seventh Session of the Sixth Lok Sabha	295
II. Statement showing the work transacted during the Hundred-Eighth Session of Rajya Sabha	297
III. Statement showing the activities of State Legislatures during the period November 1, 1978 to January 31, 1979	302
IV. Bills passed by the Houses of Parliament and assented to by the President during the period November 1, 1978 to January 31, 1979	308
V. Bills passed by the State Legislatures during the period November 1, 1978 to January 31, 1979	309
VI. Ordinances issued by the Central Government and by the State Governments during the period November 1, 1978 to January 31, 1979	313
VII. Party position in Lok Sabha, Rajya Sabha and State Legislatures	321

EDITORIAL NOTE

This issue opens with the address by His Excellency Mr. A. N. Kosygin, Chairman of the Council of Ministers of the U.S.S.R. in the Central Hall of Parliament during his visit to this country in March this year.

The Chairmen of some Committees in Parliament and in the State Legislatures in India hold their conferences once during the term of a Lok Sabha. This facilitates exchange of experience on matters of mutual interest. Recently, two such conferences of Chairmen of the Committees on Petitions and the Committees on the Welfare of Scheduled Castes and Scheduled Tribes were held. This issue contains the speeches delivered at their inaugural functions.

In the first article published in this issue, Shri T. A. Pai, M.P., and a former Union Cabinet Minister discusses the challenges facing the Indian society today and makes a powerful plea for finding timely solutions to the various pressing problems.

One of the significant functions of Parliament is scrutiny and passing of the Budget. The various stages of this process and its efficacy have been succinctly examined by Shri R. R. Morarka, M.P. in his thought-provoking article on the subject.

An Exhibition was recently organised by our Parliament Library to depict the various facets of this country's struggle for independence during the crucial period of its history commencing with the first war of independence in 1857 and ending with the dawn of freedom in 1947. We publish in this issue two articles on this theme—one by Professor Hiren Mukerjee and another by the LARRDIS.

We offer our felicitations to Shri R. K. Ranbir Singh on his election as Speaker of the Manipur Legislative Assembly.

—Avtar Singh Rikhy

ADDRESS BY HIS EXCELLENCY MR. A. N. KOSYGIN, CHAIRMAN
OF THE COUNCIL OF MINISTERS OF THE U.S.S.R.
TO MEMBERS OF PARLIAMENT

[On March 9, 1979, His Excellency Mr. A. N. Kosygin, Chairman of the Council of Ministers of the U.S.S.R., addressed the Members of Parliament in the Central Hall of Parliament House under the auspices of the Indian Parliamentary Group. We reproduce below his Address as well as the speeches made by the Prime Minister, Shri Morarji Desai and Shri K. S. Hegde, Speaker, Lok Sabha and President of the Indian Parliamentary Group.

—Editor]

SPEECH BY THE PRIME MINISTER, SHRI MORARJI R. DESAI

Your Excellency Mr. Chairman of the Council of Ministers of the USSR, Mr. Vice-President Shri Jatti, Mr. Speaker Shri Hegde, Excellencies, Members of Parliament and Friends

I am happy to welcome Your Excellency Mr. Chairman of the Council of Ministers of the USSR, in our Parliament. We greet you not only as the Head of the Government of a great and friendly nation, but also as one who knows our country well and has on many occasions and in several ways promoted the interests of our two countries with dedication and wisdom. Mr. Chairman, you have come at a particularly happy time when we are about to celebrate the festival of Holi. Holi heralds the advent of spring and is traditionally an occasion when we renew and revitalise old friendships. It is befitting, therefore, that you should be with us during this festival season.

Indo-Soviet friendship is a source of continuing strength to both our countries. Our relationship derives its strength from shared perceptions

and common interests. We have worked and, I hope, will continue to work together for the eradication of all relics of colonialism and the practice of racialism; for the establishment of world peace and a just and equitable world economic order. We welcome the process of detente in Europe and fervently hope that your efforts and of those with whom you are negotiating will soon succeed in taking another step towards the removal of the dangers of a holocaust through a limitation on strategic nuclear arms. But while Europe has happily been free of war, though not tensions, for over 30 years, the same is not true of other areas. Tensions and conflicts prevail in Africa, West Asia and South-East Asia. We have expressed our grave concern over the causes of this unrest that sometimes exhibits grave dangers for international peace. As the land of Mahatma Gandhi and as a non-aligned country, we abhor the practice of racial discrimination, the resort to violence to settle bilateral disputes and interference in the domestic affairs of other countries. We have deplored the violation of frontiers wherever it has occurred and have urged resort to peaceful negotiations and the immediate cessation of conflict. We know, Mr. Chairman, that you respect our policy of non-alignment and we, in turn, welcome your support to efforts for world peace and the controlled restraint which your great country affords or exercises.

It is but natural that high priority should be given in the thrust of our foreign policy to the establishment of peace in our region and a relationship based on confidence and trust with our neighbours. We believe in the settlement of disputes, small or big, through patient and peaceful negotiations and work towards mutually beneficial cooperation. We have no territorial ambitions or the desire to create spheres of influence. I am glad to say that this policy has, in the last two years, borne fruit in our sub-continent which happily is an area of the world comparatively free from dangerous tensions or rivalries with our neighbours. We do not reject overtures for normalisation of relations in keeping with our policy of friendship with all, but I should like to stress, Mr. Chairman, that the normalisation of relations with any country will not in any way impinge upon the strength and quality of our relationships, particularly with good friends such as the Soviet Union.

Our cooperation with your country is not confined to the international sphere. Bilaterally we have received technical and financial assistance in our efforts for the development of our country in many spheres. Our heavy industry has been a particular beneficiary of your assistance and technical cooperation. Throughout your stay, Mr. Chairman, you will see for yourself the manifestations of the deep and genuine friendship of the people of India for the people of the Soviet Union. May I now request you, Mr. Chairman, to address us?

SPEECH BY MR. A. N. KOSYGIN, CHAIRMAN OF THE COUNCIL OF
MINISTERS OF U.S.S.R.

Distinguished Mr. Vice-President, Distinguished Mr. Speaker, Distinguished Prime Minister, Distinguished Members of Parliament:

I would like, first of all, to express my gratitude to the Parliament and to the people of India for the wonderful reception that we have been accorded since our coming to this country and also for the wonderful Address we have just heard by the Prime Minister of India.

I regard the opportunity to address the Supreme Representative body of this great friendly country as a great honour and privilege and express my sincere gratitude for this. I take this occasion to convey to you the greetings and wishes for successes in your activities on behalf of the Supreme Soviet of the Union of Soviet Socialist Republics, and the President of its Presidium, the General Secretary of the Central Committee of our Communist Party, Leonid Ilyich Brezhnev. President Brezhnev has warm memories of the visit he made to India at the end of 1973 and of his friendly meeting with members of the Indian Parliament at that time.

I have here with me deputies to the Supreme Soviet of our country Comrades Ashimov, Skachkov and Maltsev, who extend their greetings to you. We have come to India to continue along the course which our two countries adopted some three decades ago—to promote good-neighbourly relations and cooperation. An extremely important role in translating that policy into life and casting it in practical terms belongs to the Parliaments of the Soviet Union and India. Their decisions enacted the fundamental instrument of our inter-state relationship—the 1971 Treaty of Peace, Friendship and Cooperation. The political will of the Parliaments determines the range and the stability of our relationship as well as its prospects. We deem it our duty, therefore, to contribute in every way to broader contacts and greater understanding between the USSR Supreme Soviet and the Parliament of India.

Great is the responsibility of Parliaments to peoples. Domestic situation and national economic development, solution of social problems and the state of relations with other countries are to a great extent contingent on the way urgent needs of social development are reflected in their activities. All that affects in a most direct manner the interests of the people, the interests of different classes and strata of society. It is obvious, however, that no problem is so universal or vital as that of safeguarding peace. And here Parliament has a particularly significant role to play because in that respect—more than in any other—it is capable of acting with confidence as representing the interests of the

entire nation. In the issues of war and peace there is an opportunity for widest possible pooling of efforts of all the democratic forces of society as well as an opportunity for joint action by Parliaments of various countries.

This is source of enormous strength. It can effectively oppose aggressive imperialist circles which set off the arms race, create international tensions and put the world at risk of another war. It can check the policy of hegemonism and expansion which is no less dangerous for peace and whose essence is laid bare as a result of China's aggression against Vietnam.

Should an armed robber or a murderer attack somebody, all the rigours of the law are applied to him in any country. And it cannot be otherwise. But one would like to know what punishment deserves a criminal who has encroached on the life of an entire nation and who seeks to assume the right to use arms against other peoples and decide their fate as he pleases. No peace-loving country, no person of integrity should remain indifferent when that sort of thing happens, when an aggressor holds human life and world public opinion in insolent contempt, commits an outrage against international law, against the great principles of peace and independence, sovereignty and equality, against everything which has become the banner of the peoples in the struggle against domination and oppression, for a better world and a happier future. Forces have emerged in the world which will not allow it. Those forces include India; they include the Soviet Union.

To recall the words of the great son of India, Jawaharlal Nehru: The world faces a choice; either to co-exist peacefully or not to exist at all. It is very sad to hear statements to the effect that we must think about burrowing deeper to live like moles rather than try and get rid of the nightmare threatening us.

Indeed it would be unpardonable if the least opportunity is missed for cooperating in the struggle against aggression and against the policy of blackmail and diktat, for making the principles of peaceful coexistence establishment in international relations and for attaining the noble goal of the entire mankind—stable peace throughout the world. On behalf of the Soviet Union's Supreme Soviet I can declare with full responsibility that any initiative by the Parliament of India serving that goal will find our most active support.

The Soviet Union and India have different social systems, which is by no means to mean that we are divided in terms of our vital goals. Our two countries and our two peoples have a lot in common. What unites them, first of all, is their desire for peace, for a just and democratic peace based on respect for rights and interests of each people. They

are united in their aspiration for progress and for a happier future. Soviet-Indian cooperation serves these very goals.

It is with lively interest and sympathy that the Soviet people follow the successes of the people of India in their struggle to overcome the colonial legacy and facilitate social progress. We pay tribute to what has already been achieved in building the new India and we appreciate that a lot is still to be done to substantially improve living standards of the bulk of the population in this one of the largest countries of the world.

We have never been indifferent to the destinies of the people of India, which is a cradle of human civilization and world culture. We have always solidarised with your struggle for freedom and independence and our October Revolution had the most authoritative say in that regard through its leader Vladimir Ilyich Lenin. To the extent of our possibilities we have assisted India in developing her national economy and in consolidating the foundations of her economic independence. We did our best—and the Tashkent meeting is an example—to put out the military conflagration in the Indian sub-continent and to save the peoples of the region from the threat of war.

All that served to foster friendship between the peoples of the Soviet Union and India. Leonid Ilyich Brezhnev noted that Soviet-Indian friendship “has convincingly proved its value for our peoples, for ensuring our common interests and, one can say, for the security of our two countries. It has also proved its value for peace in the world”.

India deservedly enjoys prestige of a great peace-loving country of Asia. We are aware that way back during the years of the independence struggle, India's national leaders Mahatma Gandhi and Jawaharlal Nehru, in charting her future positive foreign policy, proceeded from the fundamental imperative of universal peace for the country's independent national development and security. In implementing that policy India advocates peaceful co-existence and cooperation between countries with different socio-political systems, relaxation of international tensions, ending the arms race, and disarmament. As one of the sponsors of the movement of non-alignment India has made an important contribution to the cause of peace.

India's peace-loving foreign policy invariably meets with understanding and support of the Soviet Union. The identity or proximity in the stands taken by our two countries on important international issues underlie the successful Soviet-Indian cooperation in the field of foreign policy. That cooperation has become an important factor of security in Asia and throughout the world.

We all see that the situation in the world and its individual regions is determined by the activities of many forces, and above all by the confrontation of those working for peace, freedom and independence of the peoples and those unable to give up the policy of diktat and the use of force in international relations. Despite all the complexities and vicissitudes it becomes increasingly apparent with each passing year that forces of peace and progress have a growing impact upon international situation and the tendency towards relaxation of tensions is gaining ground as the principal trend of world development. In order to consolidate this tendency, and make it irreversible, mankind must put an end to the arms race, and proceed to real disarmament, above all, in the nuclear field.

The foreign policy activities of the Soviet Union which are determined by our Programme of Peace are directed towards achieving that major objective.

General and complete disarmament is the ultimate goal of our efforts. At the same time we do all in our power for the implementation of individual measures to end the arms race and to achieve disarmament.

The Soviet Union is prepared to reach agreement on complete cessation of further qualitative and quantitative build-up of arms and armed forces of states with a large military potential and on creating conditions for their subsequent reduction. On the basis of reciprocity we would agree to end the production of all types of nuclear weapons, to end the production and ban all other types of weapons of mass destruction, to renounce increases of armies and of conventional armaments of the permanent members of the Security Council and of countries which have military agreements with them.

These and other proposals of ours as well as the concrete steps at the current disarmament talks provide a good basis for curbing the arms race and proceeding to real disarmament measures.

In order to achieve progress towards that objective, one thing is required today: to strictly comply at all talks with the principle of equality and undiminished security of the sides and not to seek military superiority over the other side through military build-up.

The Soviet Union highly appreciates its cooperation with friendly India in strengthening international security, in averting the threat of war and in ending the arms race and achieving disarmament.

The problem of restructuring world economic relations on a democratic and equitable basis is a very important world problem, whose solution requires collective effort by all countries. The existing system of these relations bears the imprint of inequality; it is not consonant with the

needs of the world development and mainly serves the interests of big monopolies.

The initiative taken by developing countries to establish a new world economic order has been actively supported by socialist states. The Soviet Union regards with understanding the wishes of Asian, African and Latin American countries to have advanced technology transferred to them on a larger scale, to have the world monetary and credit system reformed, to see the activities of international monopolies limited, and to have a particularly privileged regime established for the least developed countries. Not only do we give political support to the justified demands of developing states, but we also render the assistance within our capacity in establishing and strengthening the basis of their economic independence.

The Soviet Union invariably advocates the normalisation of international trade and economic ties, the elimination of all forms of discrimination on political or social grounds, the establishment of truly equal and mutually advantageous relations between states, with the principle of non-interference in the internal affairs of each other strictly observed.

One of the main purposes of our visit to India is to discuss with Prime Minister Desai and other leaders of your country the possibilities of both countries to broaden further their multifaceted cooperation in the fields of economy, science, technology, culture, and in other fields. We are taking a new and important step in consolidating Soviet-Indian ties, having worked out a Long-Term Programme of Economic, Commercial, Scientific and Technical Cooperation between the Soviet Union and India. The forthcoming signing of the Programme will place our cooperation on a long-term and planned basis.

This is going to be very important for the future of our relations. The Soviet Union is presently engaged in preparing a plan for the next five years as well as the guidelines for our economic and social development up to 1990. Given the Long-Term Programme, our cooperation with India is going to be most fully reflected in our plans. Taking into account the economic potential and the enormous natural and manpower resources of our two countries, which have between them over one-fifth of the world's population, the magnitude of our cooperation can be very extensive. Moreover, it can cover various spheres of economy, science and technology. We can look with confidence to the future of our great cooperation.

Turning to the economy of our country, it should be said that ever increasing scale of production and high dynamism are its foremost features. In the last five years alone our country has in fact created an industrial potential equal to what the Soviet Union had in the late 1960s. Last

year the USSR produced much more electric power, oil and gas, mineral fertilizers and cotton than the entire world had produced in 1950.

Everybody is aware of the acute economic problems besetting today countries of the capitalist system. The economies of these countries are plying the rough seas of economic upheavals, recessions, and the undeclared trade war, and are afflicted with inflation and unemployment unprecedented in peace time and with a sick international monetary system. These are aggravated by the energy and food problems. Many countries fail to find an answer to the question of when and to how they are going to solve these problems and whether they lend themselves to solution at all which, of course, depends a great deal on the existing social conditions.

In its plans the Soviet Union provides for a stable growth of both its power industry and for an increased agricultural production for many years to come.

Over a very short period of time we have created in Western Siberia a new great fuel and energy complex, which has become the country's main fuel base. As a result, not only have we provided for our own needs in fuel and energy resources, but also have satisfied to a considerable degree the requirements in fuel and energy of other socialist countries, which together with the Soviet Union are partners in the Council for Mutual Economic Assistance.

Over the same five-year period we have channelled 160 thousand million roubles for the development of agriculture. This is more than the amount spent during the first fifty years of Soviet power.

The above figures attest to the persistence and purposefulness of our State in dealing with questions of its economic development. The results can be seen in the profound changes have been taking place in our country and in each Union Republic. Today the formerly extremely economically backward Kazakhstan generates per capita as much electric power as France and 1.4 times more than Italy. And in Kirghizia, where in the past one could hardly meet a literate person, there are more university students per ten thousand of the population than in Great Britain or in the Federal Republic of Germany.

Everything we are doing in the sphere of economy serves the attainment of our principle objective—to ensure constant improvement in the material and cultural standards of our people. During the five years our State has allocated approximately 30 per cent more resources than in the preceding five-year period for current consumption and for the construction of housing, schools, hospitals, and other non-productive facilities.

This has resulted in a considerable increase in personal incomes. Every fifth Soviet citizen has moved to new housing. Our people don't know unemployment or inflation. Our population enjoys greater income in terms of money while state prices for goods and services remain stable. For instance, the housing rent has not changed in the USSR for the last fifty years, and it is one of the lowest in the world.

As I have already said, we are working on a new five-year plan, which is to cover the period from 1981 to 1985. Like all our plans it will be a plan of creation and peaceful construction. The plan will contain new major targets to further develop the economy and raise the well-being of the people. Therefore, Soviet people are justified in linking their plans with stronger peace and the process of relaxation of international tensions and with deeper international cooperation.

Soviet people have again demonstrated their firm will for creative endeavour in the name of peace and progress at the recent elections to the Supreme Soviet. That was a most important political campaign which put in particular relief the unity of the people in building a new society, friendship of all nations and nationalities of our country, their devotion to the ideals of the Great October Revolution. Our Communist Party, which blocked at the elections with non-Party people, offered the nation a constructive election programme.

In brief, the essence of the domestic part of this programme is to ensure comprehensive development of our national economy in the interests of raising the well-being of the people, to ensure further flourishing of the country's spiritual life and the improvement of socialist democracy. The main objective of the democracy, as we see it, is to ensure widest possible and real opportunities for active participation of the broad masses of the working people in managing the affairs of the State and society.

You may ask: how does it actually work? To quote a few facts. In our country there are over 50,000 Soviets which have over 2,200,000 elected deputies. They are joined by over 30 mln. volunteers in various commissions and other bodies of public self-management. In the last two decades alone, over 20 mln. have been through the school of managing the State which are the Soviets. Furthermore, working people participate in management through such mass organisations as trade unions, the Young Communist League, labour collectives and many other voluntary unions and societies. The system in its entirety reliably ensures the effectiveness of socialist democracy.

In the field of foreign policy the main goals of our Programme are stronger peace, wider international cooperation, cohesion of all the forces advocating peace and social progress.

The Soviet voters were highly unanimous in supporting those goals; they cast their votes for the policy of the Party, for Soviet power, for peace, for their bright future.

I think it can be said that Soviet people voted also for friendship with India because they regard that friendship as an important result of the peace-loving policy pursued by the Soviet State.

In conclusion, I would like to say that a major role in developing Soviet-Indian relations belongs to contacts between the USSR Supreme Soviet and the Parliament of India. Contacts between them develop quite actively, and you are aware of that because many members of Parliament have already visited our country on Parliamentary delegations. Last spring the delegation of the Supreme Soviet visited India at your invitation. Members of that delegation told us that the hospitality and consideration of their Indian colleagues gave them an opportunity to learn about the life of the Indian people, to discuss important questions of our relations and to agree on the further development of inter-parliamentary ties between the two countries.

Deputies of the Supreme Soviet will soon receive in the Soviet Union an Indian Parliamentary delegation, and I am confident that the visit will be success, that it will promote cooperation and further mutual understanding between our two peoples.

Distinguished Members of Parliament,

This occasion is another proof of the friendly feelings and sympathy which historically bind together our two peoples. The Soviet-Indian talks, which have begun here in New Delhi, will enable us to learn better the positions of the two countries on fundamental questions of the modern international life and to identify further areas of cooperation between our two countries.

May I once again thank you for the opportunity to address you and to assure you that the Soviet Union will continue to strengthen and develop in every way friendship and fruitful cooperation with India.

I wish you successes in your activities and happiness and progress to the people of India.

Thank you.

**SPEECH BY SHRI K. S. HEGDE, SPEAKER, LOK SABHA AND PRESIDENT OF
THE INDIAN PARLIAMENTARY GROUP**

Your Excellency Mr. Chairman of the Council of Ministers of the USSR,
Vice-President Shri Jatti, Prime Minister Morarjibhai, Excellencies,
Members of Parliament and Friends:

It is a great pleasure to extend, on behalf of the Parliament and the people of India and on my own behalf, our warm greetings to your Excellency and welcome you here in this historic Hall.

Our Indo-Soviet friendship is a durable bond forged by genuine appreciation of the ideals and interests of our two peoples. That our relations have remained unaffected by many vicissitudes only indicates their inherent durability and strength. Based on principles of equality and reciprocity, our mutual relations have been nourished through the decades by feelings of genuine respect and confidence in each other and commitment to principles of peaceful co-existence.

Indo-Soviet friendship has naturally found practical expression in constructive cooperation in diverse fields such as trade, industry, science, culture and education. Through the Indo-Soviet Joint Commission we have sought out new areas of cooperation, a wider development of industrial collaboration and exchange of technologies and experiences. Economic and technological co-operation has played a significant role in diversifying our industrial base and strengthening our economic independence and self-reliance. The Bhilai and Bokaro steel works, the machine-building plant at Ranchi and heavy electrical works at Hardwar, now regarded as symbols of Indo-Soviet friendship, are but the more notable among several such projects that have come up all over the country.

In this world of close interdependence, nations have to mesh together their growth programmes on the principle of complementarity of needs and resources. And, there alone lies the hope for optimum human welfare. Vast sections of population on our planet still wait to be lifted from hunger, disease and want and are restively looking for a better morrow. Our resources are much too scarce and precious to be squandered.

Successive exchanges of visits by leaders, and contacts at other levels, as part of an on-going dialogue between our two countries, have helped deepen our relations and broaden the areas of our co-operation in the bilateral and international spheres. Our growing experience of bilateral co-operation has only left us confirmed votaries of peace and committed partners in a common striving for a climate of amity and stability in this world.

May I, Excellency reiterate how welcome you are in our midst and say how we look upon this visit as yet another significant step in further strengthening the ties of Indo-Soviet friendship.

May I thank you, Excellency, for your very inspiring address this evening. Also, may I add our request to you to convey the sincere greetings and good wishes of the people and Parliament of India to the great and warm-hearted people of your country.

CONFERENCE OF CHAIRMEN OF COMMITTEES ON PETITIONS

[The First Conference of the Chairmen of the Committees on Petitions of Parliament and the State Legislatures was inaugurated by Shri K. S. Hegde, Speaker of Lok Sabha on April 7, 1979. We reproduce below his inaugural address as also the address by Shri H. V. Kamath, Chairman, Committee on Petitions of Lok Sabha.

—Editor]

INAGURAL ADDRESS BY SHRI K. S. HEGDE, SPEAKER, LOK SABHA

Mr. Kamath, Mr. Joshi, Mr. Deputy Speaker and Friends,

I am extremely happy to associate myself with this very important conference. I consider the Committee on Petitions, which is really speaking a Committee of Grievances, as one of the most important Committees of any legislature. In theory, we consider that an individual citizen in a democratic set-up is the master; but, this is only in theory. We remember him only once in five years and that too during the elections. Thereafter, he is a completely forgotten man.

Most of the troubles today in this country and other countries are due to the fact that the well-founded grievances of the individuals are not attended to in time and they gradually become frustrated and that frustration later on manifests itself in violence. There is a great deal of violence in this country also. There is violence among the students; there is violence among the teachers; and there is violence among the workers. There are other areas also where there are conflicts. One of the reasons for this type of situation is that we have not been able to attend to the legitimate grievances of many of the people.

In a parliamentary democratic polity it is the representative institutions in the country that, as the bulwark of the citizens' liberties and the guardian of the public interest, have to come to the aid of common man. Why, the inherent right of a citizen to petition for the redress of his grievance had all along been universally recognised. In former days when we were ruled by kings, history tells us that in many kingdoms, kings invariably used to receive the individual citizens, hear their grievances and attend to them. In fact, we are told that many kings had very big bells in front of their palaces, where a person having a grievance could go and ring the bell and immediately he got an audience with the king to whom he could represent his grievance and get it rectified. It is interesting to know that even a horse which was starved by the its owner had gone there quietly and pulled the rope of the bell; the king had to call the owner and punish him. In old Greek cities, the city-States, this problem was not there, because it was really a government of the people, by the people and for the people. The individual citizens gathered together and they discussed their problems, and had their grievances rectified to the extent possible. But today the situation has vastly changed. In a big democracy like ours, it is very difficult to attend to the individual grievances; but there are legitimate grievances which need to be attended to. I have come across in my own experience hundreds of such legitimate grievances. I will refer to only two of them.

When I was a Judge of the Karnataka High Court, one day I happened to go to one of the mofussil courts. When I went there, a very old man came and prostrated before me. I asked him what the difficulty was. He said that he had retired several years ago—probably he said eight years, I do not remember exactly—and he had not got his pension even then. I was surprised to hear that. When I came back, I sent for the Registrar of the High Court and asked him what had happened. He told me that the Accountant General's office was raising one objection or the other. I told him that this matter must be settled within a week and if this was not done, somebody had to be punished. You will be surprised to know that the matter was settled within three days. That means, if somebody looks into the matter, the matter can be rectified.

Three days back, I got a representation from one of the persons from my constituency, where he said that his place in the hierarchy of his department, as settled by a decision of the High Court, against which the Government has not filed an appeal had not been given effect to. The exact place in the hierarchy had to be fixed by the Home Ministry here and the matter had been pending in the Ministry for over two years and he is about to retire.

With Government's growing welfare and developmental responsibilities, executive policies and decisions today impinge upon and affect the lives and

interests of citizens to an extent unknown before. Further, in our country, for reasons which are partly historical, there continues to be an emotional gulf between the Administration and the people, which has still to be bridged. The bureaucratic functionaries, largely impersonal and pre-occupied with their own needlessly complicated procedures and habits of functioning, have yet to oppositely reorient their approach and attitude to the public at large. In this situation a common man suffering under a hardship should be able to approach some representative authority for redress. If you tread on the corns of the rich their cry will be heard from Kashmir to Kanyakumari. It is rather the weak, the under-privileged and the unorganised sections of the society that need care and intervention.

For resolving the problem of public grievances the Scandinavian countries have sought a solution in the institution of the Ombudsman. There are similar or corresponding authorities with varying powers, jurisdictions and scope of functions in other countries, for example, the Procurator-General in the U.S.S.R. and Yugoslavia, or the Parliamentary Commissioner in Britain and New Zealand. In our own country, besides the Vigilance Commissioner, we have been thinking in terms of authorities like the Lokpal and the Lok Ayuktas, the latter already functioning in some of the States. While these institutions and functionaries are useful as far as they go, it will be appreciated that they have their own limitations in the sense that they come in only where corruption is alleged or the grievance takes the form of a complaint relatable to specific administrative acts or decisions. There are, likewise, the courts and the legal remedies. But then, apart from the fact that the legal processes are cumbersome, costly and time-consuming, there is also the fact that in many instances the grievance may not be susceptible of legal remedy. It is conceivable that an existing law, rule or procedure, which may be legally unassailable, may itself be the cause of a public hardship and need to be changed. There may well be also instances where the absence of a provision in law or an institutional arrangement or procedure may give rise to public difficulty and hardship. It should, therefore, be obvious that the existence of the courts or the aforesaid institutions cannot obviate the need for parliamentary intervention on behalf of the common man. I have said all this only to remind ourselves how pertinent is the role of the Committee on Petitions and its responsibilities in our situation.

It is necessary to find out ways how you will attend to the grievances of the individual citizens. For this it is no use merely thinking in terms of individual functionaries. There are good individuals, able individuals, conscientious individuals, like Shri Kamath, but they come and go. What is needed in my view is institutional guarantee, institutional arrangements, for the redress of such grievances.

I do think that in a country like India unless you have local self-Government units with vast powers at the local level, these grievances cannot be rectified. I think, we should have a three-tier system of Government, otherwise these grievances cannot be effectively attended to. Most of the grievances are local in character but they are very important to the persons concerned, and, therefore, an effective and powerful local self-Government unit is of the utmost importance if we are to have grassroot democracy in this country. This is one aspect of the matter.

Secondly, in every State there must be a cell which looks into the grievances of the people. It is not sufficient if there are only Petitions Committees in the Parliament and in the State Legislatures. They will not be able to attend to all the grievances. How many grievances can the Committees of the Parliament or of the State Legislatures look into? They can look into very few grievances, but the grievances are in thousands. Moreover, even the Petitions Committee in the Parliament as well as in the State Legislatures have to face a lot of difficulties. There are so many restrictions on the powers of this Committee, which, of course, needs looking into, to find out in what respects we can rectify them, in what respects the powers of the Committee can be defined and enlarged. This is a different matter. What is needed is that at the district level, at the divisional level, at the State level and at the Central level, in addition to the Petitions Committee in the Legislatures there must be Special Committees which look into the grievances of the people concerned. This is extremely important.

The demand for a Committee on Grievances was made in the Council of State as far back as 1921. As a matter of fact, it would be recalled that when the proposal was first mooted for a Committee on Petitions in the Council of State, the resolution moved in this behalf sought to empower the Council to receive public petitions "on all matters relating to public wrongs, grievances or disability, to any act or acts of public servants or to public policy" and asked for powers for the Committee to examine witnesses and record evidence. This however was not then granted by the Government of the day, with the result that the scrutiny of the Committee on Public Petitions eventually set up was confined to petitions relating to bills pending before the House. In post-Independence India, when the Committee started functioning here we took early steps to have the scope of petitions amplified so that petitions could be submitted not merely in respect of bills and other matters pending before the House but also on any matter of general public interest. The Committee on Petitions today has fairly large powers. I am not saying that they have all the powers which they deserve or which they require. On that aspect, I am sure, the Chairmen of the two Committees, Shri Kamath and Shri Joshi, will enlighten

you. But one thing is certain. Today, this Committee can at least look into the major grievances.

The grievances are of various types. Some of the grievances are due to lacunae in the legislation. When we enact a legislation, we are not able to foresee all the contingencies. The difficulties come to light only at a later stage. Therefore, there must be some machinery which could correct the legislative errors or legislative lacunae as early as possible. But, this again is an aspect which the Committee on Petitions must look into. This is because unless you correct those errors, unless you rectify these lacunae, you will not be able to remove the grievances of the people.

The second type of grievances come because of the bad administration of the law. There are good administrators—many of them—but there are, equally, bad administrators. There are administrators who are cussed in their behaviour, who treat all grievances with contempt. They do not have a human touch about the matter. They are merely satisfied in providing some explanation for their omissions or commissions.

Actually, sometimes, behind what may appear on the surface as an individual or personal grievances may be a faulty rule or procedure or practice or institutional arrangement (or absence of it) which may in fact be causing considerable public hardship and which may need to be set right. When you look into a grievance carefully, ascertain the relevant facts, and go behind the complaint into the underlying causes, you may well find that there is more to it than meets the eye. And the Committee may ultimately be able to not only bring relief to the immediate petitioner but also succeed in eliminating the cause of such grievance for the future. The Committee has to be open-minded and humane in its approach and proceed on the basis “no genuine grievance without a remedy”.

Your committees are not allowed to go into all matters which can be rectified and some of these go to courts or statutory bodies. The wheels of justice or judiciary move very slowly. Probably, my friend Shri Kamath will say they grind very slowly but they do grind in a way. There is no doubt about it. In my part of the country, there is a saying that if a person wants to curse another all that he need do is to see that there is a civil litigation in that family. It is no use saying that there are courts. You can go to the courts or statutory bodies, but there are hundreds of things of small character which ought to be decided and resolved at other levels. And we have to provide those levels. The statutory bodies, which were expected to dispense justice at a very quick pace, have again got into a rut. Therefore, these matters will have to be dealt with at other levels.

Our Committees on Petitions at the Centre have been vigilant and active. The Committee on Petitions of Rajya Sabha has functioned very effectively

over the years and has submitted, I learn, as many as 58 reports to the House so far. The Committee has entertained petitions from time to time from a wide cross-section of the society. There have been petitions from pensioners, workers, physically handicapped persons, working mothers and others. The Committee has been vigorously pursuing with the authorities the implementation of its recommendations and has met with a large measure of success in having quite a few of them implemented. The Committee on Petitions of the Lok Sabha has also done very good work. I congratulate the members of these Committees for it. I congratulate particularly the Chairmen, Shri Kamath and Shri Joshi. I am sure the other Committees in the States also have done very good work.

But, this is not enough. Let us remember, we have only touched the fringe or the tip; probably, not even that; the iceberg is still there. It has got to be tackled. The present Committee of Lok Sabha have gained enough insight and experience to be able to help me see in what respects the work of that Committee can be made more effective. I would like the Committees in the States also to give serious thought to the matter and see in what way things could be improved. One of the matters which probably your Conference will consider apart from how to improve the working of this Committee, is how to create agencies outside your Committee for the redress of grievances, if you are not debarred from doing this. You are the representatives of the people. And so you must give thought to this. Please do not think that all the problems can be solved by the Petitions Committee alone. It may be able to solve some of them, not all. We have, therefore, to create other institutions for solving them.

I am very glad you are all here today. I am sure your deliberations will throw up new ideas for improving the work of the Petitions Committee in our Legislatures to help them serve as an important instrument for resolving the grievances of the common man. I wish your Conference all success. Thank you very much. Jai Hind!

ADDRESS BY SHRI HARIVISHNU KAMATH, CHAIRMAN, COMMITTEE ON
PETITIONS OF LOK SABHA

Mr. Speaker and Friends,

It is my privilege to welcome you to this first Conference of the Chairmen of the Committees on Petitions. We are indeed deeply grateful to the Honourable Speaker Shri K. S. Hegde for his kind and inspiring address, which I am sure would give a proper perspective and direction to the deliberations of the Conference. In my opinion such a Conference should have been held much earlier as this Committee has been functioning since 1924—and the Committees in the States have also been functioning for a long time.

The origin of the Committee on Petitions of the Central Legislature dates back to the days soon after the introduction of the Montagu-Chelmsford reforms. It owes its origin to a resolution moved in the then Council of State by Sir Manekji Byramjee Dadabhoy on the 15th September, 1921, which sought to empower the Council if necessary by statute, "to receive public petitions on all matters relating to public wrongs, grievances or disability, to any act or acts of public servants, or to public policy". The resolution also sought the constitution of a Committee on Public Petitions with powers to examine witnesses and to record evidence. The resolution was, however, withdrawn in pursuance of an assurance given by the then Government that they would have the matter examined by a Committee. The promised Committee under the Chairmanship of Sir Alexander Philips Muddiman did not favour giving to the Legislature the wide powers proposed in the resolution, but nonetheless recommended that there should be a right of petitioning the Legislature by the people on matters of general public interest. It was in pursuance of that recommendation that the then Speaker of the Legislative Assembly, Sir Frederick Whyte constituted the first Committee on Public Petitions consisting of five members, on February 24, 1924. Its strength remained unchanged until April, 1954, when it was raised to fifteen, in order to provide adequate representation to all parties and groups in the House. Earlier, in 1933, the name of the Committee was changed as the "Committee on Petitions". The Committee is normally constituted annually by the Speaker and its Chairman is also appointed by him from amongst the members of the Committee.

The Committee on Petitions is in fact one of the legislative forums through which "the public and the Parliament come together" as they should in a genuine and effective parliamentary democracy.

In a parliamentary democracy, the people enjoy an inherent right to present petitions to Parliament for ventilating grievances and to offer constructive suggestions on matters of general public importance. The right finds a recognition—it is embodied as a matter of fact—in article 350 of the Constitution of India which reads: "Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be". So, any individual or section of society which feels aggrieved on a matter of general public interest may submit a petition to Parliament; and similarly in the States, to the State Legislatures.

In Lok Sabha, petitions may be presented, with the consent of the Speaker, on any Bill which has been published or introduced in the House or on any matter connected with the business pending before the House, or on any matter of general public interest, provided that it does not fall within

the cognizance of a court of law or a court of inquiry or a statutory tribunal or authority or a quasi-judicial body or a commission. Matters which should ordinarily be raised in a State Legislature or which can be raised on a substantive motion or resolution, or for which remedy is available under the law, including subordinate legislation, are also outside the scope of Committee on Petitions.

Every petition after its presentation to the House by a Member stands referred to the Committee on Petitions, which may direct its circulation in *extenso* or in summary form to the members of the House. In the case of specific complaints and grievances contained in the petitions, the Committee reports to the House after making such enquiries and taking evidence as it may consider necessary and suggests remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

Besides petitions presented to the House, the Committee on Petitions of the Lok Sabha also considers representations from associations and individuals regarding their grievances, under a Direction issued by the Speaker. The scope of the Committee on Petitions has thus been greatly widened in Lok Sabha. This has been done after independence, in recent years.

Petitions to the Legislature serve a two-fold purpose: firstly the merits of a matter of general public interest are highlighted and, secondly, the degree of importance which the public outside gives to the matter is clearly demonstrated. Their main object is of course to intensify and focus public opinion and ensure that the Government may be moved to quick action in cases of genuine public grievances.

The Committee on Petitions at the Centre has been doing useful work since its very inception. Its first Report presented to the House on 19th February 1925 related to the Indian Penal Code (Amendment) Bill, popularly known as the 'Age of Consent' Bill. I can say that but for the Committee's intervention, several matters of public importance might have escaped the then Government's notice and they would not have taken prompt action required in those cases.

I might narrate here a few instances wherein on account of the Committee's intervention, the Government have been moved to action, which resulted in redressal of public grievances.

During the Fourth Lok Sabha, the Committee in their Fourth Report made a number of recommendations in regard to increase in pension, sanction of *ad hoc* relief to pensioners, raising the amount of minimum pension, simplification of procedure for sanction and payment of pension and revision of the Pension Act, 1871. The then Government accepted the recommendation for grant of *ad hoc* relief to pensioners. The question again

came up before the Committee during the Fifth Lok Sabha and the Committee expressed the view that in view of the increased life expectancy and the phenomenal rise in the cost of living, the existing provisions of the Pension Act, 1871 and the relevant rules regarding the commutation of pensions were causing great hardship to those pensioners who had outlived their commutation period. The Committee therefore recommended that Government might review the whole scheme of commutation of pensions with a view to liberalising the relevant rules to mitigate the hardships of such pensioners.

In the field of welfare of women, I would like to cite the enactment of the Maternity Benefit (Amendment) Act, 1976, as a result of the recommendation of the Committee in Fifth Lok Sabha, which enabled payment of maternity benefits to women employees in factories and establishments covered by the Employees State Insurance Act, 1948.

During the Fifth Lok Sabha, the Committee had received representations regarding the hardships caused to the people by the dismantling of the Shahdara-Saharanpur Light Railway. The Committee after giving careful thought to the complaints recommended restoration of the railway line. The then Government not only accepted this recommendation but also agreed to convert it into a broad-gauge line.

Another matter which came up before the Committee was with regard to the claims made against the Railways on account of shortage found in consignments of pig-iron booked from steel plants. The Committee recommended the use of covered wagons and block rakes for loading of pig iron, periodical joint surprise checks of weighment of loaded wagons by the Railways and Steel Plants officers and at transshipment point by the Senior Railway Officers, simplification and streamlining of procedure for expeditious settlement of claims and coordination with State Governments to liquidate organised gangs indulging in pilferage, tightening of security arrangement in the exchange yards at Steel Plants and transshipment points. In pursuance of the recommendations, the then Government indicated in their action taken replies the steps taken by them on the above lines.

During the Fifth Lok Sabha itself, a recommendation was made by the Committee after considering complaints regarding over-billing and working of the Subscriber Trunk Dialling (STD) system in Delhi Telephones. The Government appointed an Expert Committee for examining the billing system in the Delhi Telephones District which made certain recommendations to the Government on the matter.

During the current Lok Sabha, when I have had the honour and privilege of being the Chairman of this Committee since July, 1977 the Committee observed in one case that there was lack of proper advance planning and forecasting in the matter of production, internal consumption and

export of agricultural products, as a result of which the farmers suffered. The Committee has recommended that complete and upto-date statistics should be maintained and Government should formulate and declare their policy in such matters well in advance, so that the interests of the growers are safeguarded and they are sure of reasonably remunerative prices for their produce. In another case, the Committee has recommended that time-limit for settlement of claims by the Railways should be statutorily laid down and provision should also be made for an appellate authority.

In quite a large number of cases, compensation claims and other grievances of displaced persons, outstanding for a long time, have been settled by the Department of Rehabilitation on intervention by the Committee on Petitions.

The Ministry of Railways (Railway Board) have also, as a result of the intervention by the Committee, settled a number of claims of the petitioners which had been outstanding for a long time or which had even been rejected earlier by the Railway Administration.

In another case, a bystander near a railway line suffered injuries as a result of a railway accident. This was a recent case which the Committee on Petitions, Lok Sabha disposed of and very successfully too. Under the Indian Railways Act, 1890, he was not entitled to any compensation. As a result of the intervention by the Committee, the Ministry of Railways gave him *ex-gratia* compensation as a very special case.

There is a growing awareness in the country about this instrument of Parliament, inasmuch as a relatively large number of persons and institutions are utilising the medium of this Committee for a speedy and satisfactory redress of their grievances against the Government in matters of current general public interest, for which no other effective remedy is available. This is not, however, to say that we may rest on our oars, but we should find ways and means of making this Committee—at the Centre and in States—a more effective instrument of redressing public grievances, even within the existing ambit of its functions and powers.

Friends, I would like to pay here my tribute to all my distinguished predecessors whose contribution to the growth and successful working of this Committee needs no elaboration. I must also acknowledge the helpful attitude of the Government in furnishing the information required by the Committee and thereby assisting it in its task although there were a few occasions when the Committee wished that the Government had done its part of the work more expeditiously.

I would further like to place on record our grateful thanks to Honourable Speaker Shri K. S. Hegde, who is a source of great strength and

inspiration to all of us engaged in the service of Parliament and the people. I may say that with the interest which the Honourable Speaker has been taking in the work of our Committee, we will be able to render even greater service to the people.

Friends, the problems faced by the Committees on Petitions of Parliament and State Legislatures in discharging their duties are no dissimilar. I am confident our discussions today and tomorrow will enable us to better understand our common difficulties which we might be encountering in the course of our work and thus lead to a more efficient performance so as to subserve the objective we all have in view, i.e. the service of the people in a democracy. I would like to thank all those who have cooperated with us in organising this Conference and I keenly look forward to its stimulating discussions and earnest deliberations.

It would be appropriate to mention that the proposal to organise this all India conference of Committees on Petitions was first mooted by our friend from Madhya Pradesh, Shri Jagdish Joshi, now Chairman of the Committee on Petitions of Rajya Sabha, a few months ago and then both of us worked together, and I am sure, he no less than myself have been considerably heartened and delighted by the wonderful and enthusiastic response from all the States to our invitation to this first ever All India Conference of the Chairmen of Committees on Petitions and this has resulted in a very happy get-together, I would say, a family get-together, for the purpose of strengthening one of the cardinal forums in our parliamentary democracy.

Before I close, I would like, on your behalf and on my own, to sincerely thank the Honourable Speaker Shri K. S. Hegde for inaugurating this Conference and giving us the benefit of his wise counsel and guidance. The points that he has raised very rightly in his inaugural address will, I am sure, be discussed today and tomorrow and we will have very fruitful discussions on the subject as well as the other subjects on the agenda. Friends, I thank you all for responding so readily to our invitation to this first ever Conference of Chairmen of Committees on Petitions of Parliament and State Legislatures in our country.

**SECOND CONFERENCE OF CHAIRMEN OF COMMITTEES ON
THE WELFARE OF SCHEDULED CASTES AND SCHEDULED
TRIBES**

[On April 21, 1979, Shri K. S. Hegde, Speaker, Lok Sabha inaugurated the Second Conference of the Chairmen of the Committees on the Welfare of Scheduled Castes, and Scheduled Tribes of Parliament and State Legislatures. We reproduce below his Inaugural Address as well as the address by Shri Ram Dhan, Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes of Parliament.

—Editor]

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

Mr. Ram Dhan, Mr. Shishir Kumar, Commissioner for Scheduled Castes and Scheduled Tribes, Mr. Secretary, Chairman and Members of the Scheduled Castes and Scheduled Tribes Committee of the Parliament and the various Legislatures, and Friends,

I am extremely thankful to you for inviting me to inaugurate this very important conference. I consider this conference as one of the most important Conferences. We had several Conferences of the various Committees in the past but according to my assessment, this Committee has more important tasks to discharge than any other Committee of Parliament or of the State Legislatures.

The Scheduled Castes and Scheduled Tribes Committee of the Parliament has done an exceedingly good work. In the course of one year they have submitted as many as 27 reports. Altogether, after this Committee came into existence, near about 60 reports have been submitted to the Government. And I am glad to say that the Government has accepted most of the recommendations made by this Committee.

The importance of this Committee must be considered in the background of our Constitution, where we have provided for the equality of all citizens,—not merely in courts of law, but socially, economically and politically. Our Constitution-makers had contemplated that within a very short time India will build up an egalitarian society where there will be no social distinctions, where the disparity in economic matters would be meagre and there will be complete political rights for all sections of the people.

Theoretically, we have given complete political rights to all sections of the people but there can be no equality in respect of political rights unless there is social equality—equality, if not in rigid terms, at least a near-equality-in the economic sphere also. We have failed to achieve this in the course of the last 30 years. Under article 17 of the Constitution, we have abolished untouchability. But still untouchability persists in this country. It may not be to the same degree as it existed at the time when we achieved our independence. But he must be a bold man who says that there is no untouchability today.

Very recently we heard the complaint of the sending out of a member of the Scheduled Castes from a temple in one of the States. That is not a lone instance, but there are instances of such practices of untouchability in various parts of the country. Therefore, it is of the utmost importance, that social equality must be achieved at the earliest possible opportunity. But as I said earlier there cannot be social equality without a degree of economic equality. Our founding-fathers had realised this difficulty. They thought that there should be an equitable distribution of wealth in this country and, accordingly, had provided under article 39 of our Constitution that the State should see that there is no concentration of wealth in the hands of only a few persons. This was a mandate given to the Government. How far this mandate has remained implemented is a matter for all of us to consider. In fact it is hardly implemented at all.

Now, with a view to have economic equality, a national policy for land reforms was contemplated as early as in 1952 and guidelines were given to the various States. Many States have passed legislations regarding land reforms. But in many cases these land reform measures have not been implemented. Under these land reforms laws, the Scheduled Castes and Scheduled Tribes people were intended to be benefited to a large degree. But the expected benefit has not flowed to the Scheduled Castes and Scheduled Tribes persons, and even the land that has been distributed, or, was purported to have been distributed to the Scheduled Castes and Scheduled Tribes persons has been snatched away by others under one pretext or the other. So, this is a great draw-back in the implementation of this scheme.

That is not all. There can be no sense of equality unless there is an equal distribution of offices of the Government. Occupation of offices is

an extremely important matter—not merely as providing employment to our people but as a matter of social status. Unless they occupy fairly key positions in the administration of the country, the necessary confidence cannot be generated in the minds of the persons of the backward classes or in the mind of the persons of the Scheduled Castes or the Scheduled Tribes. It is with that object in view that the Commissioner for Scheduled Castes and Scheduled Tribes was appointed. He has been asked to be a guardian angel to all the scheduled castes and scheduled tribes and to see that the protection guaranteed to the scheduled castes and scheduled tribes under the Constitution is faithfully implemented.

The work is being reviewed by the Scheduled Castes and Scheduled Tribes Committee of the Parliament. The Scheduled Castes Commissioner himself has many a time felt helplessness in the matter of implementing many of the regulations and many of the Government orders in the matter. It is of the utmost importance that we rigidly and faithfully implement them. We should strictly implement the various reservations provided for the scheduled castes and scheduled tribes in the governmental appointments, both at the Centre as well as in the States. This is of equal importance.

But, above all these things, the most important matter is compulsory education of all the people—including the scheduled castes and the scheduled tribes. Unless a person is educated—educated upto a particular standard at least—he can never attain social equality. Today there will be no social inequality between two educated people. All these questions of untouchability come in only when you meet an uneducated scheduled caste and scheduled tribe person. When he becomes educated, his social disabilities disappear. Therefore, it is of the utmost importance that there should be free and compulsory education for every child—including those of the scheduled castes and the scheduled tribes.

This was the main object which our founding-fathers had in mind when they enacted one of the Directives in the Directive Principles that by 1960 the State shall provide free and compulsory education to every child. We are now nearing 1980 and we have gone 20 years beyond the deadline, and yet, we have not provided free and compulsory education to children. Very recently I read in the papers that the present Education Plan contemplates that there will be free education by next year. But that is not enough. It is not enough to give merely free education. It must really be compulsory education and to do that many things have got to be done. It is necessary because a scheduled caste and scheduled tribe person cannot afford to send his children to school even if the education is free. Today his child is a helping hand in his home. Therefore, when he is deprived of that

help, some assistance to him is absolutely necessary in the matter of supplementing his income. It is also necessary that the child should be provided dress and other necessary things for the purpose of educating himself. I feel that this is a big task but that is a challenge which the Government must accept at all levels.

And in these matters, the various committees for Scheduled Castes and Scheduled Tribes—the Central and the State Committees— have to play a very important role. Your task is a difficult one. But you have to accept this challenge. Unless you accept that challenge, the constitutional goal cannot be reached at all. We have to reach that goal as early as possible.

And in so far as the Central Committee is concerned, under the guidance of esteemed friend, Mr. Ram Dhan, they are doing extremely good work. I know they have come to me many a time with one problem or the other and I have never hesitated to extend my hand of help to Mr. Ram Dhan and his committee at any stage. I know that the task that they perform is difficult and they have got to perform a still more difficult task in future. I do hope that the next committee that is being elected now will play an equally important role if not a more important role than that of the previous committee.

Friends, I have great pleasure in inaugurating this Conference and declaring it open. I wish all success for you in your endeavours. I am sure you will sit together in the next two days and discuss your common matters, share your thoughts and exchange your views and thereby you will come to know what are the things which have got to be improved and how they have to be improved.

This is the second Conference of this type that we are holding here. I am sure that this conference will lay down guidelines for the work of the various Committees functioning in the various States, as well as for the Committee functioning at the Centre. In this task of yours, as far as I am concerned, I am prepared to help you to the utmost possible extent. And I am quite sure that the State Governments and the State Speakers also will come to your help in these matters.

I thank you very much for giving me this opportunity to be with you this morning.

JAI HIND

**ADDRESS BY SHRI RAM DHAN, CHAIRMAN, COMMITTEE ON THE
WELFARE OF SCHEDULE CASTES AND SCHEDULED TRIBES OF
PARLIAMENT**

Mr. Speaker and Friends,

We are indeed grateful to the Honourable Speaker Shri Hegde for gracing the occasion with his presence and inaugurating the Conference. His inspiring address, I am sure, would give a proper perspective and direction to the deliberations of the Conference.

I have great pleasure in welcoming you all, my fellow Chairmen, to this Conference. The last Conference of the Chairmen of Committees on the Welfare on Scheduled Castes and Scheduled Tribes was held in January, 1976. Such a 'get-together' affords us an opportunity to discuss our mutual problems and to benefit from the exchange of views and experiences with one another.

Friends, as you may be aware, the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, consisting of 20 Members from Lok Sabha and 10 Members from Rajya Sabha, was first set up in 1968, on a motion adopted by Lok Sabha and concurred in by Rajya Sabha. The term of office of the members of the first Committee was two years. Thereafter, the Committee was constituted in 1970, 1971 and 1973 respectively in pursuance of motions adopted by Lok Sabha and concurred in by Rajya Sabha. Since the incorporation of the constitution and functions of the Committee in the Rules of Procedure in December, 1973, it has become a regular Committee of Parliament and its term of office fixed at one year. Accordingly, since 1976, the Committee has been constituted each year, in pursuance of motions adopted by Lok Sabha and Rajya Sabha in that behalf. The term of office of the present Committee is upto the 30th April, 1979.

The main functions of the Committee, as you are aware, are to consider the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under article 338(2) of the Constitution to report as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government, as also to examine the measures taken by that Government to secure due representation of the Scheduled Castes and Scheduled Tribes in services and posts under its control.

From time to time, the Committee selects such subjects pertaining to the welfare of Scheduled Castes and Scheduled Tribes as may seem fit to the Committee. The Committee may also examine matters of special interest to the Welfare of Scheduled Castes and Scheduled Tribes which may arise or come to light in the course of its working or which may be

950 LS—3.

specifically referred to it by the House or by Speaker. The observations/recommendations of the Committee are embodied in the Reports which are presented to both Houses of Parliament.

The Committee has proved to be an effective watch-dog for the implementation of Constitutional safeguards for Scheduled Castes and Scheduled Tribes which between them constitute more than one-fifth of the population of the country. It has made immense impact on the Government and the public sector undertakings in so far as the socio-economic development of the Scheduled Castes and Scheduled Tribes is concerned. The Committee see to it that justice is done to the Scheduled Castes and Scheduled Tribes so that they are fully integrated with the rest of the community and are drawn into the mainstream of national life.

Many of the subjects, which are of vital importance to the Welfare of Scheduled Castes and Scheduled Tribes, fall within the range of the State Governments and the Committee at the Centre cannot go into them. It is a matter of satisfaction that sixteen State Legislatures have set up their own Committees on the Welfare of Scheduled Castes and Scheduled Tribes to look after the well-being of the down-trodden sections of society. I hope that similar committees will also be constituted soon in other States.

Friends, so far as Parliamentary Committee is concerned, I am glad to inform you that since its inception in 1968, the Committee has presented to Parliament more than 80 Reports on various subjects pertaining to the welfare measures for Scheduled Castes and Scheduled Tribes, besides a number of Study Notes on the basis of tours undertaken by it. As many as 37 Reports have been presented since January, 1976, when we met last. The Reports of the Committee have earned wide appreciation from the public and the Press and made considerable impact on the various Government organisations as well as on public sector undertakings. It is a matter of satisfaction that generally about 60 to 65 per cent of recommendations of the Committee have been accepted by the Government.

It may not be out of place to mention in brief about the subjects taken up for examination and recommendations made by the Committee after the last Conference.

Some of the important subjects on which the Committee has presented its Reports to Parliament related to reservations for, and employment of, Scheduled Castes and Scheduled Tribes in certain Government Departments and Public Undertakings; Atrocities on Scheduled Castes; Educational and Housing Facilities for Scheduled Castes and Scheduled Tribes and allotment of land to them in the Union Territory of Delhi; and Admission and other facilities for Scheduled Castes and Scheduled Tribes in Indian Institutes of Management.

While the Committee is making all possible efforts to see that Government departments and public undertakings ensure implementation of instructions issued by Government from time to time in respect of reservations for, and employment of, Scheduled Castes and Scheduled Tribes and that Government also give careful consideration to the recommendations of the Committee, yet Government departments and public undertakings have still to go a long way in implementing these orders fully.

As a result of its examination, the Committee found that there were shortfalls in the representation of Scheduled Castes and Scheduled Tribes in services and posts under the control of the Delhi Administration; Department of Family Planning and Health Services; Irwin Hospital; Director General of Employment and Training; Delhi Electric Supply Undertaking; Films Division, All India Radio; and the Central Board of Excise and Customs. The Committee has recommended that special recruitment to recruit exclusively Scheduled Castes and Scheduled Tribes candidates should be resorted to so as to make good the shortfalls. In order that sufficient number of such candidates are available for recruitment, the Committee has suggested that advertisement should also be issued through the All India Radio so that the candidates living in remote places could also respond to these advertisements.

It has also come to the notice of the Committee that a large number of posts have been kept outside the purview of Reservation orders for Scheduled Castes and Scheduled Tribes in the Ministry of External Affairs and its subordinate offices; Films Division, Railways, Central Board of Excise and Customs and its field formations, etc. As the Committee is, in principle, opposed to any category of posts being exempted from the purview of reservations, it has recommended to the concerned Ministries and Departments to review their policies so as to make reservation orders applicable *in toto* to all the posts under their control.

In view of the fact that the boarding and lodging charges at the Institutes of Management at Ahmedabad, Calcutta and Bangalore are beyond the reach of an average Scheduled Caste or Tribe student, the Committee has recommended that the post-matric scholarships for such students should be raised from Rs. 110 per month at present to Rs. 300 per month.

In another report on allotment of Land to Scheduled Castes and Scheduled Tribes in the Union Territory of Delhi, the Committee has recommended, *inter alia*, that suitable legislative/administrative measures should be taken immediately to accord first preference to landless Scheduled Caste and Scheduled Tribe persons in allotment of 'gaon sabha' land. The minimum quantum of economic holding allotted to such a

person should not be the same in all areas but it should vary from area to area depending upon the quality and fertility of land. If any land, which is not fit for immediate cultivation, is allotted to a Scheduled Caste or Scheduled Tribe landless person, grant-in-aid should be provided to him to make the land cultivable. He should be exempted from the payment of land revenue for a period of two years from the date of allotment.

Various Study Groups of our Committee have also undertaken on-the-spot study tours where serious cases of atrocities have taken place like, Belchi, Agra, Marathwada and Nagpur and have submitted their reports to Parliament in certain cases. In some cases *e.g.*, in the case of Agra and Nagpur, our Committee has not been able to present its report to Parliament, as in the meantime, the State Governments decided to appoint Judicial Commissions to enquire into those incidents. In the case of disturbances in Marathwada region, in pursuance of a motion adopted in Lok Sabha on 10th August, 1978, a Study Group of our Committee visited the disturbed areas there and the report thereon is currently under preparation and is likely to be presented to Parliament by the end of this month.

Friends, I am glad to observe that the record of work done by the Committee is a testimony to the hard work of its members. It is the thoroughness of examination done by Members, particularly by the Conveners of the Study Groups, which enables the Committee to cover in depth all the subjects taken 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 interest of Scheduled Castes and Scheduled Tribes. The Committee proceedings are above party considerations and its recommendations are unanimous.

I must pay warm tributes to my honourable and distinguished predecessors who guided the Committee in its formative years. They have left a very rich heritage, which in my humble way, I am trying to continue.

The Committee has been greatly assisted in its work by the Office of the Commissioner for Scheduled Castes and Scheduled Tribes. One of the Deputy or Assistant Commissioners has invariably been present during the sittings of the Committee when it took evidence of the witnesses on the subject under its examination. I must put on record our gratefulness to these officers who have been rendering valuable help to the Committee.

I would, on this occasion, also like to place on record the Committee's appreciation of the helpful co-operation and the manner in which the official representatives of the Ministries/Departments gave free and frank replies to questions which were put to them during their evidence before

the Committee and for furnishing replies to points on which further information was desired by the Committee. This has greatly facilitated the work of the Committee.

The Committee has always received unfailing courtesy and consideration from the illustrious Speakers of Lok Sabha. We are sure that under the able guidance and inspiration of the Speaker, Shri K. S. Hegde, the Committee will rise to greater heights in the implementation of Constitutional and other safeguards for Scheduled Castes and Scheduled Tribes.

Today and tomorrow we shall be having useful discussions, which I hope, will help in making improvements in the working of our Committees.

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

Thank you.

ARE OUR RESPONSES ADEQUATE TO THE CHALLENGES INDIA FACES ?

T. A. PAI

Our founding fathers of the Constitution held out three principles—democracy, secularism and socialism—as the foundation for our development. No democracy can survive in India without the other two concepts being seriously made a part of our life. The time has come now to examine in depth how far these concepts have been accepted by us all. Emergency removed from us the freedom and emphasised only the responsibilities of the citizens. But when freedom was restored now, have we realised that we have some responsibilities in the enjoyment of that freedom? Even during emergency, the bulk of the people in the South at least felt that with emergency, a new freedom had been restored to them, for the time being at least, from the harassment of the hierarchy of the feudalistic system of which they were a part, by money-lenders and by their landlords. As long as the millions of the people in this country suffer from starvation and deprivation and are a part of the system which condemns them to a degrading way of life, freedom has been the property only of those of the intelligensia and the better off in the society. It is to be realised that freedom is indivisible. Unless the contents of freedom become meaningful for the millions of the people, they would not be interested in it.

What is happening all over the country in recent months is a reminder to us of the weakening of the delicate fabric of the concept of secularism with the Hindu-Muslim riots and it is for us to examine the ways and means of integrating the minorities with a national consensus. Socialism is an inevitable part of our democratic way of life, as unless, leave alone opportunities for the fuller development of every citizen, basic needs are denied to millions, a sense of deprivation becomes all-pervading for decent human living conditions.

In 20 years from now, we shall have our population reaching the one billion mark. The population of U.P. is likely to be 180 million and that of Bihar 120 million. Together the two States will have as much population as of India at the time of Independence. Will this mean that we will slip back in ensuring reduction of people below poverty line or will it mean that instead of 6 out of 10 Indians being below the poverty line now, at that stage we shall have the picture of 9 out of 10 Indians being below the poverty line? Unlike in many other countries, poverty being absolute in India, are our efforts to mitigate it commensurate with their problem or all these years they have lived with hope? With greater awareness, will the people of India be willing to tolerate these conditions any more?

Our efforts at family planning are at best mechanical. Evidence in all countries has shown that fertility has a direct relationship with the standard of living. It is true that unless we contain our population, even the present standards of living may not continue. But at the same time, the vicious circle has to be broken by a greater effort to reach the people to ensure a better living for them. Children being the only old age security in this country, do we have the courage to declare that any person or couple would be entitled to an old age pension if they are childless and become indigent? Do we have the courage to declare that all those who have accepted the family planning programme are entitled to a health insurance scheme covering their children? Unless we are willing to consider the population policy as a part of development itself, our development efforts might get negated. India has no parallels for a model for development and we may have to resort to unorthodox thinking to find out Indian solutions to our own problems. The whole community will have to be involved in bringing about a consciousness among the people of the country that if ever we have to preserve or ensure a better way of life to our children and grand-children, they have a responsibility to co-operate with a rational population policy.

We would require 235 million tonnes of foodgrains to look after this population. We have been assured that technically it is possible for India in view of the past experience to reach this goal. But the past experience should be an eye opener. Undoubtedly we have the ability to produce 125 million tonnes. The Government are still compelled to buy foodgrains and store at least 20 million tonnes. This is certainly not a surplus after meeting the needs of all human beings, but a sad reflection of the utter poverty conditions where people do not have the wherewithal to feed themselves. It is also shown that investment of thousands of crores of rupees over the last 15 years in producing this, there is a non-developmental aspect to it also, in as much as one third of the number of districts in India have been showing either static or minus growth. It is this aspect

that requires serious attention and our present policies have to be modified in the light of experience. Do we want to produce 235 million tonnes of foodgrains all over the country and people having no purchasing power should go hungry? Will these conditions be tolerated by our people? We have to examine seriously the question of production for whom and by whom which becomes equally relevant to agriculture as in Industry. Unless there is a serious effort to allow the millions of small and marginal farmers to develop their fullest potential, both of themselves and their land, and bring about a structural change in the property relationship, can our society survive?

Nearly 50 per cent of our population now being below age, we shall have the problem of absorbing 120 million young men and women seeking gainful employment. In 30 years of development, we have not been able to absorb more than 20 million people, and, as it has happened in many developing countries, employment tends to be in Government service. The present exercise of resorting to reservation on paper of job opportunities might create only more tensions in society without solving them. The answer to this problem is that simultaneously there should be greater and conscious efforts to increase the job opportunities by the growth of the economy. We attend to the easiest, avoiding the greater responsibility by concentrating efforts in ensuring growth. Countries like Japan which have reached the Zero growth rate are worried that soon their demographic composition will result in a larger proportion of older people and in another 10 years more of middle aged people with a small proportion of younger people, thus impairing the efficiency of the nation in relation to other countries like Taiwan, Korea and China. We shall have the greatest potential in this sense. What are our means to convert this great potential into real assets of development? Is the way that we go about will have all these assets converted into liabilities with millions of angry men and women, willing to destroy the nation.

Our educational system has direct relationship to how we develop our manpower. While it is agreed that drastic changes are necessary our efforts result in nibbling the issue at the periphery and not make education relevant to the future of this country.

Immediately and in two years we have the problem of looking after 4 lakhs of demobbed Jawans retiring at the age of 32 and 34. Do we have means of using these people by having a National Development Army, broken up into State units and enabling our young men to serve in it for a period of 5 years during which they could be provided with opportunities for learning trades and skills which might have a better meaning for their lives? Or shall we permit these people to be a nucleus

of disorder, accentuating the law and order situations which arise on account of problems which we have created in the very process of development.

All these issues can be settled only when we have stability in administration. Otherwise, any one of these issues getting out of control can destabilise any administration.

While it is admitted that technology is a powerful instrument to remove poverty, access to technology becomes equally important. Technology cannot transform any society. It is only in a transformed society that technology has been the means for growth and progress. For bringing about this transformation of our society we have passed many social legislations both at the Centre and in the States, but the implementation of these have been tardy and slow and they have not been implemented justly and fairly. We should have in the process developed a respect for law and a sense of responsibility in the citizen. How far we can and will apply ourselves to these structural changes is one more challenge which the Indian society is facing.

Even the basic values inherent in the Indian culture have been destroyed by our political process where the laws are broken by the law makers themselves. One glaring instance is the election expense and the justification of corruption in politics. Are we willing to face the challenge and bring some sense of decency and restore the values, bridging the gap between our professions and practice.

We have concentrated on development in terms of materialist advantages to the society and this not percolating to all, the theory of percolation being totally irrelevant to the Indian conditions, without emphasising values of hard work, discipline, sincerity, ambition and clean public life. The non-economic ideals are much more important than the financial investments. Without these, millions of dollars of foreign assistance can go down the drain and millions of rupees mobilised for development may turn out to be a meaningless exercise for millions of people in this country.

If ever we are interested in the future of our children, these challenges, which the Indian society is facing, cannot be avoided. It should make us, Members of Parliament, think more seriously whether we should engage our time, resources and energy in trying to find out effective solutions to these problems or engage ourselves in irrelevancies which may make the people feel that the very concept of democracy is not relevant if it does not deliver the goods.

BUDGETARY PROCESS IN THE INDIAN PARLIAMENT

R. R. MORARKA

The present budgetary process in India is essentially based on the British pattern introduced in the Central Legislative Assembly, more than half a century ago. Many changes have since taken place. On the country having become independent, the colonial economy has been transferred into national economy and planning has been adopted as the main strategy for economic development. With these, the volume, dimensions and the size of the national budget has increased manifold. Yet the budgetary process has basically remained the same. A question now arises whether that process is suitable for our altered needs. The main purpose of the budget is to ensure financial control and accountability to Parliament. Any budgetary process must therefore fulfil this basic requirement.

After the Constitutional reforms of 1919 and institution of a legislature at the Centre, the first budget for the financial year 1921-22 presented to the Central Legislative Assembly on March 1, 1921 provided for an expenditure of Rs. 129 crores and a revenue of Rs. 110.5 crores which included provincial contribution of Rs. 9.83 crores. As against these figures, the total expenditure provided in the central budget for 1978-79 is Rs. 18,417 crores and the total receipts are Rs. 17,367 crores. It was customary in those early days for the provinces to contribute to the Central revenue in lieu of certain revenue heads transferred to them under the 1919 reforms. These main heads were land revenue, excise, stamps, forest, registration and irrigation works, etc. The Centre retained opium, salt, customs, income tax, railways, post and telegraphs and military receipts. Therefore, the Meston Committee (1920) fixed the provisional contribution of Rs. 9.83 crores to the Central revenues. This Meston settlement was, however, inequitable and consequently some of the provinces faced temporary deficits. As a result, the Centre started remitting these contributions partly from 1925-26 and they were finally abolished in 1928-29.

Apart from revenue and capital expenditure, we now have some other important factors. It is not only the size of the budget but the spectrum

of Government activities itself has also very much widened. With this increase the budget has become quite complex. There is now the plan and non-plan expenditure. There are contributions to be made to public sector companies and corporations and to foreign countries towards their development. Then there is foreign aid, both in the form of grants and loans, etc.

The Centre's contributions to the States have also increased several times—it is of the order of Rs. 2024 crores for 1978-79 only as their share of taxes. With plan assistance and other *ad hoc* contributions the disbursement to the States is much more. According to the Seventh Finance Commission, the devolution to the States would substantially increase. The Centre also has to make contribution towards unforeseen contingencies like famine, drought, floods, epidemics or other natural calamities of that type.

Keeping in view these increasing Governmental activities, I feel that the time allotted for discussion on the Budget at its various stages is not quite adequate. Even for the first stage, *i.e.* the general discussion, it is very meagre; at the second stage, some of the Demands are voted without full discussion and some are guillotined, *i.e.* they are voted without any discussion at all. This is also for want of time. Perhaps it is not physically possible to allot more time to the budget discussion and therefore, it becomes imperative for Parliament to find alternative methods to exercise its control more effectively.

The increased size of the budget however is not all. The Finance Minister have since 1953-54 presented to Parliament thrice every year and four times in 1964-65 what are known as Supplementary Demands. In recent years, they have assumed huge proportions. For the year 1974-75, they totalled Rs. 1,727.46 crores. In 1975-76 they amounted to Rs. 1,636.43 crores. In 1976-77 the figure was Rs. 1,474 crores and in 1977-78 they amounted to Rs. 1,284.96 crores. The Supplementary Grants presented to Lok Sabha recently, *i.e.* on December 1, 1978 were for Rs. 631.20 crores.

Similarly, the Excess Demands are presented every year. These Demands become necessary when the government spends more than what is authorised by Parliament on any activity. Till the year 1969-70, *i.e.* even after planning era had long commenced these excess grants generally used to be of the order of Rs. 10 to 20 crores per year. Recently these demands have also become very large and they run into several hundred crores of rupees, *i.e.* several times bigger than the size of our first budget. For example, they amounted to Rs. 223.81 crores in 1971-72 and to Rs. 266.52 crores in 1974-75. The Public Accounts Committee has been emphasising year after year the need for more precise budgeting and better budgetary control. In fact the Committee in 1972-73 was much concerned to note the deterioration in this regard and desired that the

basic reasons that had led to the unprecedented increase in excess expenditure during the year should be identified and drastic steps taken to arrest the tendency to exceed the budget provisions.

The need for large Supplementary Grants leads me to conclude that our budget estimates lack precision. Secondly, the Executive disburses large amounts without the authority of Parliament and it comes to Parliament only for ratification of a *fait accompli* mainly because our Parliamentary control is not strict enough. The time allotted for discussion on these Supplementary Grants and Excess Grants is really very meagre. Sometimes only one hour is allowed for discussing or passing the Grants of several hundred crores of rupees. They are under several heads and relate to various ministries. Yet the time allotted is so little that Parliament cannot bestow any serious attention and therefore, cannot scrutinise the Demands properly. The result is that the executive government gets a sort of incentive to resort to this method of Supplementary and Excess Grants to avoid parliamentary scrutiny or criticism. I must illustrate my point with a recent example.

Supplementary Grants for Rs. 504.76 crores were presented to Lok Sabha on March 3, 1978 and they were discussed and voted on March 21, 1978. Time allotted for these Grants was one hour. The number of Demands concerned were 51, and among them there was a Demand of Rs. 220 crores in respect of Bokaro Steel Plant. The Government had converted a loan of Rs. 329 crores into the equity capital. Now if there was sufficient time, Parliament could have enquired why the original estimates of this particular project had gone up from Rs. 558.6 crores to Rs. 2,078 crores—a very substantial increase indeed. Not only this, there has been delay in commissioning this plant which not only escalated its cost but has also deprived us of much needed steel, which we had to import from outside. Thus the Parliamentary scrutiny and control is not what it should be, or, going a step further, it may be said that under the present budgetary process, it cannot be what it should be.

It is apparent that we have not only not provided better checks and counter-checks with the increase in our financial transactions, but we have dispensed with even some of those which existed previously. In the pre-independence era or till the first Lok Sabha, we had the system of Standing Committees in various departments of the Government of India. These Committees were instituted as part of the Montague-Chelmsford reforms. Their main purpose was “to familiarise elected members with the process of administration” and “assist the political education of India”. These Standing Committees functioned in advisory capacity and recorded their opinion on matters of policy and new schemes involving expenditure above a certain limit.

Among them was a Standing Finance Committee set up in 1921 of 10 elected members with Finance Minister as its Chairman. The functions of this Committee were "to scrutinise all proposals for new votable expenditure in all Departments of the Government of India; to sanction allotments out of lumpsum grants, to suggest retrenchment and economy in expenditure; and generally to assist the Finance Department of the Government of India by advising on such cases as may be referred to it by that department". Its scope was further expanded in 1946 covering non-voted heads also. There was a separate Standing Finance Committee for Railways. These committees, I regret to say, along with other standing committees were abolished in 1952.

It is my considered view that by abolishing these Standing Committees, we have removed a very important and useful instrument of Parliamentary scrutiny and control. With the increase in the size of our revenue and expenditure, one would have expected the number of such committees to be increased to cover all the activities of the Government, but instead of that even such committees as existed at that time were abolished on the ground that we then had an Estimates Committee, the Public Accounts Committee and the Committee on Public Undertakings. The Estimates Committee does of course examine some departments of Government from time to time and makes its report. These reports do serve very useful purposes. But the functions which this Committee performs are different from the purposes for which the Standing Committees were constituted. At present there is no scrutiny of any Demand before it is voted. In reality there is no Parliamentary control over any items of expenditure. The system of cut motion exists only in theory. In a party system on which our democracy is based, this right of cut motion is of no practical utility. No cut motion can ever be passed because if it is so passed, then it would amount to censor on Government and consequently the Government would have to resign.

Though Parliament is supreme and it is supposed to be controlling the public purse, yet its association with budgetary decisions at its formative stage is almost nil. It is framed by a very small, though competent group of civil servants and presented to the Finance Minister who may not always possess the necessary experience and ability to question these people.

Even during discussion at various stages on the Budget, *i.e.* general discussion, discussion on Demands for Grants or on the Finance Bill, only general grievances are ventilated. They too are often of political and social nature and are quite unrelated to the exact items of revenue or expenditure. The result is that on the expenditure side there has never been

any change made by Parliament in the proposals submitted by the Government. On the revenue side, of course, some changes are made by the Finance Minister at the time of consideration and passing of the Finance Bill.

I, therefore, feel that in order to have a real parliamentary scrutiny and control, we must revive this institution of Standing Committees. If this nomenclature is not liked, we may call them by any other name like the advisory committees and consultative committees etc. and submit the budget proposals as also the Supplementary Grants to them for scrutiny before the Demands are voted. The Excess Demands should also be examined in detail with a view to assure Parliament that the Government had no alternative but to incur that extra expenditure without the previous sanction of Parliament. The Public Accounts Committee is doing this work but only partially and not fully.

For these reasons not only should the old Standing Committees be revived but, if necessary, more such committees should be formed. The revival and proliferation of these committees are, of course, bound to be opposed by the Executive, because they would question their decision and wisdom, but that is a common feature in all democracies and the House should not be daunted by these hurdles, and should overcome them in the larger national interests.

The feeling in the British Parliament is not dissimilar. I had recently the opportunity of meeting the Deputy Leader of the delegation which visited India and he revealed that the Members of Parliament there also feel that parliamentary control on the public purse is not adequate and that they are devising ways and means of making it more effective and more real. They intend enlarging the number of Select Committees of the House which are analogous to our standing Committees so as to cover all Government departments and Government activities.

Parliament has established three Financial Committees here, namely the Public Accounts Committee, the Estimates Committee and the Public Undertakings Committee, to examine in detail the various items of expenditure which were approved by Parliament. Through these committees only does the administration come in direct contact with Parliament. The Public Accounts Committee scrutinises the Audit Report given by the Comptroller & Auditor-General to satisfy itself that the money spent was in accordance with Parliament's sanction, *i.e.* the amount was not more than what was sanctioned, and that it was incurred only on the schemes and services included in the Demands granted by Parliament. This Committee criticises both excess amounts spent and large saving made, because both indicate imprecise and poor budgeting. This Committee particularly

examines cases involving losses, nugatory expenditure and financial irregularities. Though the Public Accounts Committee has been functioning for more than half a century in this country, and it is supposed to be one of the most important and powerful Committees of Parliament, yet one finds in real life that its impact on the administration or financial discipline has been almost negligible. Year after year we find that the Ministry commits the same type of mistakes, sometimes by the same officer, and nobody has cared to improve the system, and only individual lapses here and there and individual irregularities are cured.

Then, we have the Estimates Committee which does not deal with the budget as such but suggests economic improvements, administrative reforms etc. It also suggests the form in which the estimates will be presented to Parliament. It was as a result of the recommendation of this Committee that the budget documents are made more informative and more intelligible. The concept of a performance budget, was also first recommended by this Committee in 1957-58. In 1972-73 again it reiterated its recommendation, and as a result, a full performance budget was introduced some time in 1975-76. So it is worth nothing that even after the recommendations of such an important Committee of Parliament, it took almost 20 years of the Government to implement this recommendation. That is a long period by any reckoning.

In 1924 the railway finances were separated from the general finances by a Separation Convention, and from that time onwards the Railway Budget is presented separately from the General Budget. It is also discussed and voted separately. That enables the elected representatives to focus their attention more on the activities of the railways, including its operations, efficiency, expansion, return etc. This system has stood the test of time, and it is found useful. It is interesting that in 1924 when the separation took place, neither the size of the General Budget was so big, nor the size of the railway finances was so large. Yet, to enable better scrutiny and special attention, they were separated. Today, the size of our budget is stupendous—it is about Rs. 20,000 crores. We must, therefore, try to separate at least those important activities which are already in a separate compartment namely the public sector undertakings—industrial, commercial and financial. These undertakings cover a very wide field of Government activities. They are today more than 170 in number, and this does not include the nationalised banks and financial institutions like the IDBI, IFC, ICICI, etc. and the Insurance Corporation, both Life and General.

Government investment in industrial and commercial undertakings alone is more than Rs. 12,000 crores without taking into consideration bank borrowings. Their annual turnover is more than Rs. 15,000 crores and they employ more than 15 lakh persons. They cover a wide spectrum of activities ranging from trading, consultation, construction, engineering,

mining, transportation, manufacturing and other miscellaneous services. They control the basic industries like coal, steel and transport and also occupy a pivotal position in the export-import trade of the country. In short, they now occupy the commanding heights of our economy. If we add to these financial dimensions, the money transactions involved in financial institutions, nationalised banks and others, the amounts become huge.

Since most of the corporations are independent and autonomous, their activities are essentially outside the purview of parliamentary control and scrutiny. Their employment policy is also not within the purview of the Public Service Commission. Their transactions and performance is outside the purview of the Comptroller and Auditor-General of India. These Corporations instead have what is called the commercial audit or voucher audit by Chartered Accountants, but they do not have the performance audit, *i.e.* the auditors are not supposed to go behind the propriety of the expenditure. As long as the expenditure is supported by regular vouchers and does not lack proper sanction, it does not matter whether that particular expenditure was or was not justified. These auditors cannot even comment on whether the affairs of the company are managed economically or extravagantly.

The point is that in our fast growing public sector, a large, very large, portion of Government activities involving huge public funds, which shall increase more and more, are put outside the control of Parliament, the Public Service Commission and the Comptroller and Accountant General of India under the garb of autonomy. The only control that Parliament exercises over them is through its Committee on Public Undertakings. This Committee reports to Parliament and in theory we have some kind of parliamentary supervision, but in reality the control is minimal. Firstly, the corporations are so many that the Committee cannot do justice to all corporations. Since its inception, the Committee to undertake to have so far examined only about 60 corporations. Secondly, under the existing system which is undoubtedly time-consuming, by the time the reports are made and any action is taken on them, the Committee's recommendations become so old that they hardly make any impact on their working. There are of course Parliament questions on some of these activities, but there again, the answers are often evasive and vague.

The Public Undertakings Committee, realising that the investment in public undertakings has assumed huge proportions, felt that "it is necessary that Parliament be provided ample time and opportunity to examine the Demands and accord approval". It also suggested that whenever additional investment is required, detailed an up-to-date information about past investment in such undertakings, their achievements and working results

should be made available to Parliament, so that it could exercise intelligent security before approving the same. The reports of the Committee on Public Undertakings are seldom, if at all, discussed in Parliament.

The Estimates Committee in its 24th Report in 1972-73 recommended that Government should bring out White Paper on new Public undertakings or expansion of existing ones involving an outlay of Rs. 100 crores or more. Though this recommendation was accepted by the Government and it also presented "white papers" on some projects, it has not honoured this commitment uniformly in all cases or even in most of the cases.

Thus for Parliament to have some effective control, a new system should be devised under which there could be more detailed examination of the performance of these huge corporations. I think if we have the institution of Standing Committees for each department then these committees can also cover public sector undertakings coming within its purview. Unless a proper and effective check on these public sector Corporations is provided soon the situation may go completely out of control and they may become a hot bed of corruption for the bureaucrats and a lucrative source of income for the unscrupulous politicians. It may be recalled that in the early years of the Life Insurance Corporation we had what is known as the Mundhra scandal. There are now many more scandals, much bigger in dimensions occurring with greater frequency. The existing system provides the authorities with perfect immunity in the garb of autonomy. So we must do something and do it quickly to inculcate a sense of responsibility in the managers of the public sector and insulate the finances from the caprices of whims and fancies of individuals occupying high position in political hierarchy.

Lastly, there is a strong tendency on the part of the Executive often to introduce major structural changes in various tax laws at the time of presenting the Budget in the Finance Bill. This is a most unsatisfactory process. Any such changes must be approved by the Parliament by means of a separate Bill duly examined and reported by a Select Committee. Statutory language is often complex and it is essential that these provisions are properly processed after hearing the public witnesses. It is not possible for Parliament to give the necessary attention to these provisions when they are introduced in the Finance Bill. Another equally important part of the Budget is to raise revenue by taxation or borrowing. The right to tax belongs to Parliament and Parliament alone. It is a serious right and very important duty is cast on Parliament to see that no injustice is done to any section of society by the tax laws. But there is a tendency on the part of the Executive to exercise blanket powers of taxation—they take the upper limit and they take the permission from Parliament to assess the actual tax within that limit. This system obtains particularly in the field of

Excise and Customs. The Government having taken sanction from Parliament, not only does it increase and reduce the duty at different times, but it also clubs the duties with other things. It fixes a particular value, where the actual value in some cases will be more and in other cases it may be less. But it fixes the average value and charges the excise duty on average. So, these items whose values are more stand to benefit while those whose values are less suffer. There was no such intention of Parliament and it does not really want his inequitous position.

In conclusion, it may be said that a modern budget is much more than a mere statement of revenue and expenditure. It is a major tool with the Government for carrying out its fiscal and economic policies and implement its developmental programmes. So Parliamentary control must therefore be real and effective. That alone can provide an insurance against wastage, extravagance, and leakage. We must revive the old Standing Committees and, simultaneously, should strengthen the existing Financial Committees by making them more effective. We must make our budget documents more informative and our discussion more pointed and purposeful.

THE LEGACY OF OUR FREEDOM STRUGGLE*

H. N. MUKERJEE

In June 1757, on the poignant field of Plassey, British guile and Indian degeneracy combined to set up the East India Company as the real power in the land. Then followed a century of despair, when India was treated to a course of perhaps the most merciless exploitation in her history. "The loss of his old world, with no gain of a new one," wrote Karl Marx in one of his famous letters on India (10 June, 1853), "imparts a peculiar kind of melancholy to (India's) present misery."

Our people, in the mass, unlike the few elect, never really acquiesced in subjection and never applauded Britain's ingrained superiority. While the upper layers of society made their peace with the conqueror and then became so fascinated by British virtues that subjection lost its sting, the common people by and large were never reconciled to servitude and were never unready to fight.

Thus, a hundred years of continued warfare was needed before India was reduced to submission. Bloody and brutal wars of aggression were fought—in Bengal, on the plains of upper India, in Punjab, in the Carnatic and against the Marathas. There never was a time, till 1857, when some region or other in India was not clinging stubbornly to its independence. The British could win few battles outright, but they won campaigns. Mughal decay had thrown India, however, into such a welter of anarchy and demoralization that the British, representing the might and skill of the then internationally growing bourgeoisie, came out inevitably on top.

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The point, however, is that our people never submitted supinely. Whether it was the 'dacoits' (cf. China's 'bandits') so called by the hucksters of official history, or Thugs and Pindaris, many of whom, (as O. P. Bhatnagar's research has shown), were expropriated peasants rather than professional freebooters whom it took the British larger armies to suppress than were needed against Tipu Sultan and the Marathas; or the Sanyasis, described by Warren Hastings as "the stoutest and most active men of India", round whom Bankim Chandra Chatterjee wrote his 'Anand Math' and his hymn of patriotism 'Vande Mataram'; or Wahbis and Farazis whom W.W. Hunter called "extreme dissenters concerning matters of faith, communists and Red Republicans in politics", some of whose leaders moved about with a following of 80,000 men; or the peasants who rose in Saharanpur, in the Deccan, in Malabar, in the neighbourhood of Mysore and a hundred other places; or the aboriginal inhabitants of our land like Santals and Kols and Bheels—they struggled, with whatever means were handy, against the foreign usurper. It was not in the full sense of the word a national struggle but its magnificent prolegomena.

The "Mutiny" represented the crown and the climax of this stupendous, though often sightless, upsurge, "Eighteen Fiftyseven" was the contemporary summation of the peoples discontents, in the army and elsewhere. It was no mere rhetorical outburst for Disraeli to say in the British House of Commons (July 1857) that "the Sepoys were not so much the avengers of professional grievances as the exponents of general discontent" in "a great and formidable rebellion". There can be little doubt that the people in general were in sympathy with the rebels, once aptly described as "peasants in uniform", that the official papers clearly testify to the vastness of the upsurge, that even where agitation was not violent, there was deep unrest in the minds of the people. It is not without reason that Forrest, the historian of the mutiny; described it as "a warning that it is possible to have a revolution in which Brahmin and Sudra, Mohammedan and Hindu, were united against us."

On May 21, 1857, the celebrated journal "Hindoo Patriot" wrote: "It is no longer a mutiny but a rebellion...there is not a single native of India who does not feel the full weight of the grievances imposed on him by the very existence of British rule in India...grievances inseparable from subjection to foreign rule". The Rev. Alexander Duff who knew well the educated 'Bhadralok' of his time, said that "discontent lurked deeply in the hearts of millions" and that while "many are well enough disposed towards our rule, to talk of attachment would only tend to mislead".

Vinayak Damodar Savarkar who called the upsurge the 'War of Independence' of 1857 encountered much ridicule for what was criticized as an unhistorical appellation, but it is good he wrote the book. It lay bare

the ache in the Indian heart and also the sense of glory which 1857 symbolizes. When in 1944-45, Subhas Chandra Bose's Indian National Army adopted the 1857 rebels' slogan 'Chalo Delhi' ("On to Delhi"), it was a stroke of nationalist insight, redolent of history, however, pale-faced pedantry might cavil at it.

After 1857, and thanks to the shake-up it gave the country, developments in a recognizably more nationalist direction began steadily to flow. In 1858 the Bengali poet Rangalal Banerjee wrote his lines to freedom:

"Who cares to live in the lowliness of subjection? . . .

"Who would wear on his feet the shackles of slavery"?

To evade censorship, this had to be spoken by a 14th century Rajput, but it was unmistakably the voice of contemporary India. In the institution of the "Hindu Mela" (1867 and later) with its stress on the words "nation" and "national"; in the writings of Bankim Chandra Chatterjee and Rajnarayan Bose and Hem Chandra Banerjee and a dozen others, including even the young Rabindranath Tagore (born 1861) who, in his "teens bewailed the prevailing mendicancy of political agitation; in the anthology of national songs in Bengali published as early as 1872, which could be matched with popular writing in different languages; in the plays produced on the Indian stage in the eighteen 'seventies where the theme of **freedom circumvented the censorship; in the mood even of religious revivalist movements—there is writ large in the years after 1857 a genuine yearning for national self assertion.**

And there was no lack of struggle to match this assertion. From the 1850's, the Deccan saw serious peasant discontent leading up to widespread risings in 1874-75 and such stirring events as the insurrection led by Phadke in Maharashtra. The Indigo workers' revolt (1859-60) in several Bengal districts was described by Sisir Kumar Ghose, founder of "Amrita Bazar Patrika", who knew it inside out, as "the first revolution in Bengal after the advent of the British." About this, the Viceroy, Lord Canning himself wrote in 1860: "For a week it has caused me more anxiety than I have had since the days of Delhi". The Wahabi (and Farazi) upsurge continued in spite of the "retributive campaign of 1863" and the State Trials of 1864—71, leaving a rich legacy not only to Indian Muslims but to future national leaders like Bipin Chandra Pal who said he had felt the first baptism in freedom's fire when reading accounts of the Wahabi Trials. In the peasant uprisings in Pabna and Bogra districts (1872-73) the insurgents called themselves 'bidrohis' (rebels) and according to official texts "shook the whole of Bengal". Recent research is bringing out many other instances which, however, cannot be cited here.

The history of our national movement is often said to begin with the foundation of the Congress in 1885. Alan Octavian Hume, "Father of the Congress", and Lord Dufferin, the then Viceroy, had more than a hand in the business, but the Congress would have emerged anyhow, Hume or no Hume. Since the setting up in Bengal of the British India Society in 1843 and more notably the Indian Association in 1875, to be followed by organisation in Bombay and Madras, indications were not wanting that educated Indians inspired largely by western ideals wanted an all-India political organisation. It is more significant, as seen in a memorandum prepared by Hume, that in the early 'eighties poor men, pervaded with a sense of the hopelessness of the existing state of affairs, were "going to do something and stand by each other" and "that something meant violence"—also that a "terrible revolution" might ensue since a certain small number of educated classes would join the movement, assume here and there the lead, give the outbreak cohesion and direct it as a national revolt" (cf. W. Wedderburn "Alan Octavian Hume", 1913, pp. 80-81, 101).

The official sponsoring of the Congress seems to have been due to a desire of rulers to see it function as a sort of insurance against "revolution". Soon enough however, the real potentialities of the Congress began to be apparent, and Dufferin, who had once helped it into being, sought to ridicule as representative only of a "microscopic minority". It indicated that while on one hand, the Congress was a safety valve against the "menace" of mass insurgency, it was, on the other hand, the leader, indubitably, of the masses in the national struggle.

Four main stages are noticeable in India's march towards independence: the first (1905—1910) comprising what is broadly known as the Swadeshi movement, mainly in Bengal, Maharashtra and Punjab, with repercussions elsewhere; the second (1919—22), when Mahatma Gandhi sounded the trumpet of his Non-co-operation movement and roused the entire country as never before; the third (1930—34) when again he stirred India with his call of Civil Disobedience; and the fourth (1940—46), when the peoples' militancy, risen to a new qualitative pitch and assisted by the dynamics of a world war, wrenched from Britain the transfer of power. A notable part in the movement was played, particularly since the late 'twenties, by the working class and a little later the peasantry, growing to class consciousness with the emergence of socialist ideas and a communist movement and trying to link class objectives with the more immediate and widely shared urgency of a national democratic struggle.

Admiration of the British constitution and hope of sharing its blessings marked the early policy of the Congress, but forces soon began to develop which gave rise to direct resistance. A self-confident ardour strengthened by all that was heroic in India's own traditions, and "romantic, mystical,

aggressive” quasi-religious appeals for restoration of the country’s honour came to be propagated by people as diverse as Dayananda and Tilak and Aurobindo Ghose and Brahmabandhab Upadhyaya.

The ideology was largely Hindu in coloration, but it bore no conscious antagonism towards the Muslim. It was a declaration of war on “political mendicancy”, and when Lord Curzon decreed in 1905 the partition of Bengal, that province did not just groan in agony; she roared in protest. Meetings and demonstrations were held on an unprecedented scale, the boycott of British goods made striking strides, and the people’s pent-up patriotism found vent in stirring songs unmatched before or since, songs that suggest strongly that it was “bliss in that dawn to be alive, and to be young was very heaven”.

The “settled fact” of the partition of Bengal had to be “unsettled” in 1912, but meanwhile the Congress had divided into “moderates” and “extremists” and a reconciliation in 1916 proved very temporary. With Gandhiji’s advent, the “extremists” held from 1918 onwards a grip on the organisation and the “moderates” chose to break away. Even more notably, the revolutionary “terrorist” movement, which had begun in Maharashtra in the late ‘nineties, had galvanized India. This trend, the fruit of patriotic desperation and the noble impatience typical of all emotional upheavals, continued as a factor in our political life till the early ‘thirties. “Terrorism” was, in the Indian context, an inevitable phenomenon; it instilled a new fearlessness and a whole-hogging passion for freedom. No Indian will ever pour obloquy on the terrorists; they gave us back the pride in our manhood; for all their deficiencies in understanding they were the salt of our Indian earth.

During the World War I, attempts were made without prejudice to our self-respect to enlist foreign support in our fight for freedom. Indian revolutionaries functioned in Europe, at Kabul (where a “provisional government of free India” was set up with Raja Mahendra Pratap as President, Maulana Barkatullah as Prime Minister and Maulana Obeidullah Sindhi as Foreign Minister), in central Asian regions later incorporated into the Soviet Union, in the USA, Canada and Latin American countries where the ‘Gadar’ party wrote radiant pages in the history of our freedom struggle; and in the campaigns conducted by such figures as M. N. Roy and Virendra Nath Chattopadhyaya in near-impossible conditions. The Mussalmans of India were particularly “out of humour” with the British on account of the latter’s attitude towards Turkey whose Sultan was Khalifa to the Islamic world. While the Congress and the Muslim League (the latter set up in 1906 with connivance and encouragement from Government pursuing its policy of “divide and rule”) supported the war in resolutions of loyalty,

the country's temper was different. When the war ended and the situation became critical (the October Revolution in Russia inspiring still largely indeterminate hopes) India was ripe for a real onslaught for freedom. . .

This came in the shape of Gandhiji's movement of non-violent non-cooperation (1920—22) which is a saga in itself. The struggle was for the achievement of Swaraj which could no longer be delayed, particularly after the Khilafat 'wrongs' (perpetrated by British perfidy) had completely alienated the Indian Mussalman from the British and the Jallianwala Bagh massacre (April 1919) had shown up the utter heinousness and insufferability of British rule. Never before in history had India seen such insurgence of her people. Never had the country resounded so ardently to cries of 'Hindu Mussalman Ki Jai'. There was a grand crowd of Muslim leaders who were acclaimed by the entire people—Muhammad Ali and Shaukat Ali, Hakim Ajmal Khan, Abdul Kalam Azad, Hasrat Mohani, Mazharul Haque, Mufti Kifayatullah, Saifuddin Kichlew, Abdul Bari, M. A. Ansari and so many others. Massive hartals took place and the peasantry resorted to no-tax campaigns. For some time the British administration in India appeared indeed to be shaking. But all was to be in vain. The Swaraj which Gandhi had promised by the end of the year 1921 was still nowhere in sight. The Mahatma had insisted on a standard of non-violence which was found virtually impossible, and in February 1922, after some excesses committed by frenzied demonstrators in Chauri Chaura, Uttar Pradesh, the fight was withdrawn.

Hope gave way to despair, and for quite some time India sulked and sorrowed. To inject some little life into the body politic, C. R. Das and Motilal Nehru came out with a scheme of entering the legislature to pursue a programme of "insistent, consistent and persistent obstruction". But frustration was still the order of the day, and revolutionary terrorists—a great body of heroes from the earlier Chapekar Brothers and Khudiram Bose to the Chittagong raiders and the immortal Bhagat Singh in the 'thirties—raised their heads again. What hurt the wider national movement, however, was that Hindus and Muslims, forgetting the grand fraternisation of 1921, had moved apart, fought over the loaves and fishes of office, and recurrent riots, often engineered by imperialist provocation, took place all over the land. Things, however, began to look up when all parties decided to boycott the all-white Simon Commission that had been sent out impudently in 1928 to "Judge" India's fitness for the next instalment of constitutional "reforms". A militant political atmosphere then grew. The organization of the toiling people also went ahead, as witnessed by the formation of the workers' and peasants' party and Governments' launching of the celebrated Meerut Conspiracy case (1929) with a view to taking away from workers organizations their painfully emerging leadership and also driving

a wedge between the twin movements that were basically one, for national freedom and its fulfilment in socialism.

Younger leaders like Jawaharlal Nehru and Subhas Chandra Bose were then coming to the forefront, and it was in 1929 that the Congress at Lahore declared its goal of complete independence, an objective which had been pressed as early as in the Ahmedabad Congress (1921) by Maulana Hasrat Mohani. An All-parties Committee headed by Motilal Nehru had formulated a constitution for free India (1928) on the basis of dominion status within the British Commonwealth, but this was no longer in keeping with the new spirit of our people. In 1930, therefore, it was appropriate that the country had another great phase of struggle when Mahatma Gandhi summoned all patriots to join his campaign of Salt Satyagraha and generally of Civil Disobedience.

The struggle of 1930—32, interrupted by Gandhi's participation in the London Round Table Conference in 1931, showed once more the heroic spirit of our people, at Peshawar, Sholapur and Midnapore for instance, but the struggle had ups and downs, and it was a distressing finale when it was finally called off in May 1934. While the national movement had grown indubitably in strength, the one crucial factor of weakness was the persistence of the communal problem, for the alienation of the Muslim masses since 1922-23, though largely countered during periods of struggle had never really been healed.

This basic default has had to be dearly paid for later on. It enabled the British, when they were compelled to transfer power in 1947, to exact from us a terrible price, namely, the partition of India.

During World War II and on its termination, there could be seen numberless examples of the people's military in spite of the estrangement, which was sustained strongly and deliberately exaggerated by the British, between large sections of our two main communities. Even the Muslim League, however, could not keep away from the exhilaration in the Indian air and in 1937 declared its goal to be complete independence for India. Partition was still not seriously thought of, but three years later came the Pakistan resolution, and however one might look at it, whether as an evil aberration or as an inevitably evolved phenomenon, it affected the political picture in many pernicious ways that need not be recounted. As far as the Congress was concerned, it entered on a campaign of resistance; with "individual Satyagraha" in 1940 (after an offer of cooperation in the war effort on honourable terms had been turned down). More memorably, there was struggle again in August 1942 and thereafter, which gave notice

to Britain to "Quit India" and gave the country the reverberating slogan of "Do or Die".

The massive upsurge of the people was met by what Gandhiji described as the government's "leonine violence". While the country, particularly many radical elements, were ready to recognise the antifascist character of the war, the people could never in war conditions continue to tolerate on Indian soil what Mahatma Gandhi truly called "the double autocracy" that then ruled India. Thus, in August 1942 and subsequently, there took place a ruthless and wideranging fight, though the people, bereft of most of their leaders, could only strike in blind, spontaneous fury. The fight was raised to a higher level in 1945-46, by which time the perfidious imperialist plea that freedom was ruled out on account of the exigencies of war had lost every little shred of remotely tenable moral validity. There was wide and proud awareness of the epic performance of Netaji Subhas Chandra Bose who, undeterred by inadequate aid from fascist Japan, had with superb courage brought up his Indian National Army to the country's outposts in the expectation that a mass movement inside India would coincide with operations on the frontier. The minds of our people were aflame and over the issue of the release of the INA prisoners, unforgettable demonstrations took place all over the country. The 'mutiny' in the Royal Indian Navy at Bombay early in 1946, showed how the spirit of revolt and impatience for freedom had gripped even the armed forces so long sedulously isolated from our people. Enormous working class upheavals, extensive agrarian uprisings in different parts of India and the intrepid, often inspiring struggle of the states' peoples from Kashmir to Travancore stressed the same spirit. The British feeling themselves at bay sought agreement, held conferences at Simla (1945-46) with national leaders, sent first a Parliamentary delegation and then the Cabinet Mission, negotiated with diverse groups with subtle cunning and ultimately, fishing in the troubled waters of disagreement between the Congress and the Muslim League, went on to produce a calamitous situation of virtual civil war between the communities. Thus was prepared the ground for partition of the country, for the planting, so to speak, of a time-bomb in our sub-continent. The British Parliament, thus, transferred power to India on the peculiarly divisive terms incorporated in the Indian Independence Act which set up two separate states on Indian soil. It was a blow to the hopes and desires of all whose motto had always been: "Never rise but in the name of India and of all India!"

Even so, August 15, 1947, the date of the transfer of power, brought to our people a wonderful exhilaration. We had got freedom at a price, the price of partition, which is why Mahatma Gandhi felt no happiness when political freedom came to this country. Britain received much applause, even from India's leaders for having voluntarily renounced its authority in

the sub-continent. The British gesture however, was not perhaps so much due to "high principle" as to what the 'Manchester Guardian' was constrained to describe early in 1947 as a "less glorious desire to shelter before the storm broke."

Meanwhile, at midnight of August 15, 1947, Jawaharlal Nehru, as Free India's first Prime Minister, spoke words in India's Parliament, words which will not be easily forgotten: "Long ago we made a tryst with destiny and now the time comes when we shall redeem our pledge". Earlier, in 1945-46, Jawaharlal Nehru had spoken at countless mass meetings of the "glow of freedom" which would suffuse the country when political subjection was broken. History is a cruel goddess, and its lessons as we know by experience are quite often harsh. Even so, whatever the limitations imposed by the processes of history, Indian independence has changed the moral climate of the world. There is, besides, no end to the instruction and the inspiration we can derive from the varying phases of our struggle for freedom. We have known, whatever our deficiencies now and in the past, the shining features of sheer strength in our own people—the ache for a self-respecting status in the comity of nations, the capacity for heroism, for organisation, for struggle and sacrifice. There is no reason, even as things might seem distressing, for our country and our people ever to lose heart.

EXHIBITION ON INDIA'S STRUGGLE FOR FREEDOM
(1857—1947)

LARRDIS (1857-1957)

An Exhibition of books and photographs on India's Freedom Struggle was organised in December 1978-March 1979 by Parliament Library with a view to acquainting Members of Parliament with the volume and range of literature available on this important phase of Indian history. The exhibition was inaugurated by the Speaker of Lok Sabha, Shri K. S. Hegde in Parliament House Annexe on December 15, 1978, and was initially kept open till the 30th December. On a demand from the visitors, the Exhibition was opened to the public from February 14 to 18, 1979 and again to the Members of Parliament from February 19 to March 3, 1979.

The Exhibition was visited by a large number of persons, including M.Ps., university professors, scholars, students and others. On a single day, as many as 1200 persons visited the Exhibition. The great saga of the Indian Freedom Movement was sought to be conveyed to the viewers by the display of over 2000 books, reports and legislative debates, 180 enlarged photographs, blown-up clippings of old newspapers and photo-stats of rare documents and letters—all arranged in a chronological (though by no means rigidly) order under a thematic scheme, setting out the whole show in an interesting and attractive manner.

The Exhibition was much appreciated by Members and other knowledgeable visitors, many of whom left that in view of the inspiring character of its theme, the collection might be continued as a separate and permanent feature or part of the Library. It was also suggested that a special effort should be made to fill in the gaps in the present collection and make it as complete and comprehensive as it should be. There were many significant comments on the Exhibition by the visitors. While the hon.

Speaker Shri Hegde hoped that the "Exhibition will enable us to recapture the spirit and ethos of the freedom movement", Professor Madhu Dandavate, Minister of Railways observed that it was "an inspiring portrayal of the epic of our freedom struggle whose pages written in blood and tears will continue to inspire coming generations". To Shri Shanti Bhushan, Minister of Law, Justice and Company Affairs, it was an "inspiring display of the heroism of the men and women of India which got us our freedom due to which we can hold our head high in the world of today," and for Shri S. M. Joshi, Socialist leader and former M.P., "it was a very interesting thing to see the old records and pictures of the movement in which we participated, when we were young."

An intellectual sidelight of the show was the holding of two informal seminars—one on the need for further research and publication of literature on different aspects of the freedom movement, and the other on the theme "Gandhi and Development". The first was held on December 20, 1978, with Shri Bishamber Nath Pandey, Member of the Rajya Sabha, in the chair, and was attended by a number of Members of both the Houses as well as the Directors of Nehru Memorial Museum and National Archives, the Additional Director-General of Archaeology, Professor Nurul Hasan ex-M.P., and several other distinguished guests. The other seminar held on December 22, 1978, was presided over by Dr. Sushila Nayar, a life-long associate of Gandhiji and at present a Member of Lok Sabha, and a member of honorable Members of both Houses participated in the discussion.

For the convenience of the viewers and in order to present the theme in the setting of its historical development the Exhibition of books was divided into 21 broad but inter-connected sections, each section containing books written by Indian and foreign authors with varying parts of view so that an objective and balanced picture of our freedom movement could be cleaned.

The first section, containing books on the history of the Freedom Movement as a whole, started symbolically with two small books—one in Hindi and the other in English—on "Our Flag", with its bright tri-colour on the jacket, so that the Indian visitor, on entering the exhibition, saw first the National Flag and mentally bowed his head before proceeding further. This was followed by the display of a booklet "*Bankim Chandra Chatterji's Vande Mataram*", containing his soulstirring anthem in Nagri script and its English translation by Shri Aurobindo. The next book on the same song gave in a summary its history and its impact on the national movement and what leaders like Gandhiji and Jawaharlal Nehru had said about it. This was followed by a book on "*Jana Gana Mana*", free India's National Anthem, composed by Rabindranath Tagore. This anthem was

given in the Roman script together with its English translation by Tagore himself, as also its French, German and Italian versions.

Then followed a number of books (in Hindi and other Indian languages) on national and patriotic poems, songs and ballads composed by poets in these languages during the days of the freedom struggle. Among them could be mentioned now-rare items like an anthology of poems titled "*Jai Hind*" and another "*Hindustan Hamara*" besides "*Rashtra Kavithayen*" and "*Naujavan Desh Ke*".

Among the books exhibited on the Freedom Movement in general, mention may be made of the "*Nationalist Movement in India*" by Pattabhi Sitaramayya, "*History of the Freedom Movement in India*" upto 1918 in two volumes by R. C. Majumdar, Dr. Tara Chand's four volumes giving the entire history till the dawn of independence, "*Bharat Me Angreji Raj*" (Hindi) by Pandit Sunderlal and its English translation "*British Rule in India*" (which had long remained banned by the British) "*Role of Women in the Freedom Movement (1857-1947)*" by Man Mohan Kaur and "*History of Freedom Struggle in Princely States*" by R. L. Handa.

In this section were also books written for children entitled "*How India Won Her Freedom*" (in English, Hindi and other Indian Languages) by Krishna Chaitanya and "*Our Freedom Movement*" by the artist S. D. Sawant describing the whole history in pictures only.

The next section contained books on the political and economic conditions in India prior to 1857, so that one could get an idea about the climate and background leading to what Savarkar memorably called the First Indian War of Independence. Notable among the books in this section were such separate but classic works as "*The Economic History of India*" by Romesh Chandra Dutt, "*Rise of the Christian Power in India*" by Major B. D. Bosu and "*Notes on Indian History (664-1858)*" by Karl Marx.

The third section captioned "Freedom Struggle Begins: Early Rumblings" was a collection of books on the various movements and rebellions started in different parts of the country, more or less in isolation from each other against the British rule even before the comparatively better organised 1857 War. "*Civil Disturbances during the British Rule in India (1765-1857)*" by Sashi Bhushan Chaudhuri, for instance, gave an account of the generally little known risings against foreign rule in distant parts of Bengal and Upper India, Madras and Southern India, Bombay and Western India prior to 1857. Some other noteworthy publications in this section were "*A Peasant Uprising in Bengal, 1783: The First Formidable Peasant Rising against the Rule of the East India Company*" by Nathari Kaviraj. "*Anti-British Plots and Movements before 1875*" by K. K. Datta, and "*Bondage and Freedom: 1707 to 1858*" by Bisheshwar Prasad.

The fourth section dealing with the "1857 War of Independence" contained over 120 books mainly describing the first massive uprising against alien rule. In this as well as in other sections books written by both Indian and foreign authors have been displayed, so that a picture of the movement as seen by authors representing different shades of opinion could as nearly as possible be gained by the viewer. Thus, apart from the "*Indian War of Independence (National Rising of 1857)*" by V. D. Savarkar, "*Eighteen Fifty Seven*" by Surendranath Sen and "*Rebellion 1857: A Symposium*" edited by P. C. Joshi, this section includes *Kaye and Malle-son's History of the Indian Mutiny of 1857-58*, edited by Col. Malle-son in 6 volumes), "*A History of the Indian Mutiny*" by G. W. Forrest (in 3 volumes), "*Reminiscences of the Great Mutiny, 1857—59*" by William Forbes-Mitchel. A most interesting and suggestive study "*The First Indian War of Independence, 1857—59*" by Marx and Engels. A few biographies of the heroes and heroines of this revolt, *Tatya Tope*, *Nana Farnavis* and the *Rani Jhansi* adorned this section, besides 'the history of the Mutiny in some Indian languages and in individual places like Delhi, Meerut and Lucknow.

The next section dealt with what is often termed the "Indian Renaissance" beginning with Raja Rammohan Roy and marked by a general national awakening, with a pride in India's past cultural glory and an urge for social reform and political advancement. The Indian nation as a whole began to rise, as it were, from its century-old stupor caused by foreign domination and this era witnessed the birth in 1885 of the Indian National Congress which was destined to play an historic role in India's freedom movement. A few books notable in this section were "*The Renaissance in India*" being essays by Sri Aurobindo reprinted from the *Arva* (August to November, 1918), "*New Lamps for Old*", articles by Sri Aurobindo published in *Indu Prakash* during 1893-94 and the "*From Renaissance to Militant Nationalism in India*" by Sankar Ghose.

The subsequent three sections dealt respectively with the conditions in India in the late 19th century, the Swadeshi movement and the militant revolutionary movements. A few classics displayed in these sections were "*The Political Future of India*", "*England's Debt to India*" and "*Unhappy India*" by Lala Lajpat Rai, "*India-Bond or Free*", "*The Future of Indian Politics*" and "*How India Wrought for Freedom*" (now a rare collectors item) by Annie Besant, "*Poverty and Un-British Rule in India*" by Dada-bhai Naoroji, "*A Nation in Making*" by Surendranath Banerjea, "*Essays on Indian Economics*" by M. G. Ranade, "*Rise and Growth of Indian Militant Nationalism*" by M. A. Buch, "*Hindustan Godar Party: A Short History*" (in 2 volumes) by Sohan Singh Joshis, "*First Spark of Revolution*" and "*The Story of Indian Revolution*" by A. C. Guha etc. There were also

books on individual revolutionary movements like the 'Blue Mutiny or Indigo disturbances, the peasant uprisings in Pabna and Bogra, the Kuka, Wahabi and Aligarh movements, besides those on the Jallianwala Bagh, Alipore Bomb Case, Meerut Conspiracy Case and the Cawnpore Riots.

While the next section dealt with the freedom struggle in individual States and contained books brought out on the subject by the various State Governments like Kerala, Karnataka, Bihar, U.P. etc., a separate section was devoted to books on the Indian National Congress. It also contained publications dealing with other radical movements like those led by the socialist and communist parties. "*The History of the Congress*" by Pattabhi Sitaramayya, "*The Rise and Growth of the Congress in India*" by C. F. Andrews and others, the texts of the Congress Presidential Addresses and reports of proceedings of some of its Committees, an Encyclopaedia of the Congress by A. M. and S. G. Zaidi were the highlights of this section. "*Socialist Thought in Modern India*" by R. A. Prasad, "*Socialism and the National Revolution*" by Acharya Narendra Dev, "*Socialism and Peasantry*" by Asoka Mehta, "*In the Cause of People: Reminiscences*" by A. K. Gopalan, "*Documents of the History of the Communist Party of India*", (3 vols.) by G. Adhikari, and "*National Government or People's Government*" by M. N. Roy were a few of the books exhibited on the socialist and communist movements during the period.

Among the several books on the role of Indian Muslims in the nationalist movement, mention may be made of "*The Indian Muslims*" by W. W. Hunter, "*Evolution of Muslim Political Thought in India*" by A. M. Aaidi, "*Pakistan or The Partition of India*" by Dr. B. R. Ambedkar, "*Muslim Politics : (1906—47) and other Essays*" by Humayun Kabir and "*India and Pakistan: A Historical Survey of Hindu-Muslim Relations*" by V. B. Kulkarni.

The books on Non-cooperation and Civil Disobedience movements (1920—22, 1930—34) under Gandhiji's leadership, on Netaji and I.N.A. (1941—45) the Quit India Movement (1942) and the last phase leading to Partition and Transfer of Power (August 15, 1947) formed separate successive sections and gave a panoramic view of the fast-moving events of those days ending with the midnight of August 15, 1947 and the dawn of Independence.

The history of India's constitutional development from the beginning of British rule to the framing of free India's Constitution had been dealt with separately and books relating thereto were kept in an exclusive section, with sub-divisions in respect of those dealing with the Reforms of 1909 and 1919, the Constitution of 1935 and the Republican Constitution of 1950. The section also had a number of valuable reports on the various stages of constitutional development including the Motilal Nehru Report

of 1928, the Simon Commission Report, 1930 and the Constitution Proposals of the Sapru Committee, 1945.

The last section in the exhibition was devoted to the biographies of national leaders together with a selection, wherever possible, of volumes comprising their speeches and writings. Full-length biographies of over fifty national leaders and anthologies of life-sketches of many more, besides the multi-volume Who's Who of freedom fighters and martyrs and a Dictionary of National Biography covering the period 1800—1947 were among the volumes comprising this section.

An interesting feature of the exhibition was a collection of about 70 illustrative samples of literature in English, Hindi and all other Indian languages banned and proscribed by the then British Government during the days of the freedom struggle. A few of these publications exhibited were "*Quit India*" by R. K. Prabhu (English), "*Azad ki Garjana*" by Ganga Prasad (Hindi), "*Jug-Bani*" by Qazi Nazrul Islam (Bengali), "*Jallianwala*" by Darshak (Gujarati), "*Lathi Rajya*" by P. B. Pathak (Marathi), "*Ariloru Pangu*" by poet Subramania Bharati (Tamil) "*Bharata Swatantra Prathama Yudamu Katur*" by P. S. Acharya (Telugu), "*Congress Pushpanjali*" by Bharati Tek Chand (Urdu), among others.

In sorting out the books under the above noted classificatory sections, the Library had tried to follow a thematic presentation of the whole subject combined, to the extent possible, with a chronological order. It would be appreciated that while a certain amount of over-lapping was unavoidable in such a presentation, a more minute and exact classification under either the chronological or thematic pattern or both would not perhaps yield better results.

Over 2000 books, reports and legislative debates selected out of the voluminous corpus had also been put on display. While they represented the pick of the very much larger collection on the subject, in order that the number of exhibits remained within reasonable limits, the Library was conscious of the gaps that would require to be filled and would welcome suggestions from Members and others in this regard.

In organising this exhibition, Parliament Library had received unstinted and valuable cooperation and help from, among others, the National Archives, the Directorate of Advertising and Visual Publicity, the Nehru Memorial Museum and Library and the National Book Trust, who had either lent some of their books, photographs or other material or assisted in other ways.

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

Spring Meetings of the Inter-Parliamentary Union: The Spring Meetings of the Inter-Parliamentary Union were held in Prague (Czechoslovakia) from April 17—21, 1979. The composition of the Indian Delegation to the said meetings was as under:—

1. Shri Godey Murahari, Deputy Speaker, Lok Sabha—Leader of the Delegation.
2. Shri A. G. Kulkarni, M.P.
3. Shri Roop Nath Singh Yadav, M.P.
4. Shri S. S. Bhalerao, Secretary-General, Rajya Sabha—Secretary to the Delegation.

The Indian Delegates also attended the meeting of the Inter-Parliamentary Council held there.

The following subjects were discussed at the Study Committee Meetings in Prague:—

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

Meetings of the Association of Secretaries-General of Parliaments: The meetings of the Association of Secretaries-General of Parliaments were also

held in Prague from April 17 to 21, 1979. From India, Shri S. S. Bhalerao, Secretary-General, Rajya Sabha attended the meetings.

PARLIAMENTARY DELEGATIONS FROM ABROAD

Sri Lanka Parliamentary Delegation: In response to an invitation from India, an eight-member Sri Lanka Parliamentary Delegation led by the Honourable Gamini Dissanayake, M.P., Minister of Lands, Land Development and Mahaveli Development visited India in January, 1979. The delegation called on the Speaker, Lok Sabha on January 21, 1979. The Speaker hosted a dinner party in their honour on January 24, 1979. Besides Delhi, the delegates visited some places of cultural and industrial interest, viz. Agra, Jaipur, Chandigarh, Bhakra Nangal and Karnal.

Hungarian Parliamentary Delegation: In response to an invitation from India, a six-member Hungarian Parliamentary Delegation led by His Excellency Dr. Janos Peter, Deputy Chairman of the Parliament of the Hungarian People's Republic visited India in February, 1979. The delegation listened to the Address delivered by the President to the Members of both Houses of Parliament assembled together in the Central Hall on February 19, 1979. They also watched the proceedings of Lok Sabha and Rajya Sabha on the same day. The Speaker, Lok Sabha hosted a dinner party in their honour on February 14, 1979 and a meeting was held on February 21, 1979 between the delegation and members of Indian Parliament. Besides Delhi, the delegates visited some places of cultural and industrial interest, viz. Agra, Bombay and Bangalore.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period from February 16 to May 15, 1979 the following Seminars/Courses were organised by the Bureau of Parliamentary Studies and Training:—

Seminar on "Parliament and Planning": A Seminar on "Parliament and Planning" was held under the joint auspices of the Bureau and the Indian Parliamentary Group in Committee Room (Main), Parliament House Annexe, on March 17, 1979.

The Seminar commenced with the opening remarks by Professor H. N. Mukerjee, Honorary Adviser, Bureau of Parliamentary Studies and Training. The Chair was taken by Shri R. Venkataraman, M.P.

Besides Members of Parliament and of the Indian Parliamentary Group, two representatives from each State Legislature were invited to attend the Seminar. The Seminar was attended by 38 Members of Parliament, 31 Members of State Legislatures and 10 Associate Members of the Indian Parliamentary Group.

The following were the panel speakers:

1. Smt. Leela Damodara Menon, P.M.
2. Shri Shyamnandan Mishra, M.P.
3. Shri R. Venkataraman, M.P.

Besides the two panel speakers, namely, Smt. Leela Damodara Menon, M.P. and Shri R. Venkataraman, M.P., seven M.Ps., 14 Members of State Legislatures and six Associate Members of the Indian Parliamentary Group participated in the Seminar.

Professor P. G. Mavalankar, M.P. who spoke at the conclusion of the Seminar, proposed vote of thanks to the panel speakers and other participants in the Seminar.

Seminar on "Social Legislation and Problems of Implementation": A Seminar on "Social Legislation and Problems of Implementation" was organised under the joint auspices of the Bureau and the Indian Parliamentary Group in Committee Room (Main), Parliament House Annexe, on May 5 and 6, 1979.

The Seminar was inaugurated by the Speaker, Lok Sabha, Shri K. S. Hegde, on May 5, 1979 after Professor H. N. Mukerjee, had made the opening remarks. While on May 5, 1979, Shri T. A. Pai M.P., was in the Chair, on May 6, 1979 the Chair was taken, in turn, by Shri K. Suryanarayana, M.P. and Shri Pai.

Besides Members of Parliament and of the Indian Parliamentary Group, two representatives from each State Legislature were invited to attend the Seminar. The Seminar was attended by 35 Members of Parliament, 36 Members of State Legislatures and 6 Associate Members of the Indian Parliamentary Group.

The following were the panel speakers:

1. Shri Jagdish Joshi, M.P.
2. Professor P. G. Mavalankar, M.P.
3. Shri T. A. Pai, M.P.
4. Dr. Ramji Singh, M.P.
5. Shri Indradeep Sinha, M.P.

Besides the five panel speakers, seven Members of Parliament, 16 Members of State Legislatures and three Associate Members of the Indian Parliamentary Group participated in the Seminar.

The vote of thanks to the Speaker, Lok Sabha, and other participants in the Seminar was proposed by Professor H. N. Mukerjee.

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 "Legislation: How it is framed and how it is passed", which was attended by 16 Members of Parliament, was held in Committee Room (Main), Parliament House Annex, on March 20, 1979 and Dr. Ramji Singh, M.P. led the discussion. Another Discussion Session on "The Committees at Work: The Petitions Committee", attended by 22 Members of Parliament, was held at the same venue on March 21, 1979. Shri Jagdish Joshi, M.P., led this discussion.

PRIVILEGE ISSUES

LOK SABHA

Alleged misleading information given by a Minister in the House during supplementaries to a Starred Question: On March 8, 1979, the Speaker, Shri K. S. Hegde, informed the House as follows:—

“Shri Eduardo Falerio gave notice of a privilege motion in December, 1978, against the Minister of Energy (Shri P. Ramachandran) for giving certain informations which according to him are untrue. These informations were given during the supplementaries to Starred Question No. 249 on 6th December, 1978, regarding the loss incurred by Coal India Ltd. I called for the comments of the Minister of Energy in that regard.

From the factual note furnished by the Ministry of Energy with the approval of the Minister, I found that the allegation that untrue informations had been given to Lok Sabha deliberately and wilfully by the Minister was not well founded. I did not, therefore, give my consent for raising the matter as a question of privilege under rule 222. A copy of the factual note of the Ministry of Energy was under my direction, given to Shri Faleiro.

In his letter dated the 6th March, 1979, Shri Faleiro took objection to the fact that the note was submitted by Shri R. P. Khosla, Joint Secretary and not by the Minister himself. This objection is not tenable. The note in question was submitted in accordance with usual practice. I do not think that the Minister has committed any error in doing so, much less a breach of privilege.

By the same letter, Shri Faleiro had given notice of a privilege motion against Shri R. P. Khosla. He contended therein that the factual note supplied by Shri R. P. Khosla with the approval

of the Minister was 'not only uncalled for in this matter but also contained grossly untrue statements to the knowledge of the officer concerned.

In his reply dated 5th March, 1979, Shri Khosla has reiterated the facts submitted by him earlier. He asserted that the facts stated in the note are correct. Shri Faleiro has not placed before me any material to show that the note contained any untrue statement. He has merely asserted that according to his information, the facts stated are not correct. He has not even disclosed the source of his information. It may be noted that he was not basing his contention on the basis of personal knowledge. No breach of privilege can be founded on such hearsay information.

Moreover, the note submitted by Shri Khosla was with the approval of the Minister and, therefore, the responsibility for the same is that of the Minister and not of Shri Khosla. He was merely the channel through which the facts were submitted to me. Hence, there can be no question of any privilege motion against Shri Khosla. The consent asked for is not accorded".

The matter was, thereafter, closed.

Alleged leakage of Budget proposals for 1979-80 before their presentation to Parliament: On March 7, 1979, the Speaker, Shri K. S. Hedge, informed the House as follows:—

Sarvashri Vayalar Ravi and Vasant Sathe, M.Ps., gave notices of question of privilege against the Deputy Prime Minister and Minister of Finance (Shri Charan Singh) re: alleged leakage of Budget proposals for 1979-80 before their presentation to Parliament, as published in the *Sunday Northern India Patrika*, Allahabad, and *Morning Echo*, New Delhi.

When Sarvashri Vayalar Ravi and Vasant Sathe sought to raise the matter in the House on the 5th March, 1979, I had said that I would call for the comments of the Deputy Prime Minister and the Minister of Finance.

The Ministry of Finance has sent two detailed factual notes in respect of the two notices, with the approval of the Deputy Prime Minister and Minister of Finance, in which they have concluded that the reports appearing in the newspapers concerned were purely in the nature of speculation and guess-work and were not based on any knowledge of the contents of the Budget. They have also stated that it is not unusual for economic analysts and newspapers to make such forecasts of

the likely features of a forthcoming Budget particularly after the publication of Economic Survey and that the reports published in the *Northern Indian Patrika* and the *Morning Echo* could not possibly be based on any leakage of Budget proposals. There is also wide discrepancy between the speculation made in those papers and the actual budget proposals in major respects.

I have compared all that. There is wide divergence between the two.

I am not satisfied even *prima facie* that there has been any leakage of the Budget proposals. In this view, it is not necessary to go into the question whether the leakage of a budget is a matter coming under Rule 222.

In fact, my predecessor had given a ruling that the leakage of budget does not come under rule 222. But I am not pronouncing on it, because the matter requires further examination. . .

I do not, therefore, give my consent for raising the matter in the House as a question of privilege under Rule 222."

The matter was, thereafter, closed.

Throwing of papers from the Visitors' Gallery on the floor of the House: On March 6, 1979, at about 12.25 hours, two persons calling themselves Swami Ananda Bharati and Gururaj threw some papers from the Visitors' Gallery on the floor of the House. They were immediately taken into custody and removed from the Visitors' Gallery by the Watch and Ward staff. Before the adjournment of the House on that day, the Chairman (Shri N. K. Shejwalkar) informed the House as follows:—

"As the House is aware, at about 12.25 P.M. today, two visitors who have disclosed their names as Swami Ananda Bharati and Shri Gururaj threw some papers from Visitors' Gallery on the floor of the House. The Watch and Ward Officer took them into custody immediately and interrogated them. The visitors have made written statements but not expressed regret for their action.

I bring it to the notice of the House for such action as the House may deem fit."

The Minister of Parliamentary Affairs and Labour, Shri Ravindra Varma, then moved the following motion, which was adopted by the House:—

This House resolves that the persons calling themselves Swami Ananda Bharati S/o Shri Venkannacharya and Gururaj S/o Shri Advi Rao, who threw some papers from the Visitors'

Gallery on the floor of the House at about 12.25 hours today and whom the Watch and Ward Officer took into custody immediately have committed a grave offence and are guilty of the contempt of this House.

This House further resolves that they be kept in the custody of the Watch and Ward Officer till the rising of the House today and thereafter released with a warning."

Swami Ananda Bharati and Gururaj were led off with a warning after the rising of the House.

Entry of non-Members into Lok Sabha Chamber: On February 22, 1979, the Speaker informed the House as follows:—

"Shri Kanwar Lal Gupta gave notice of a question of privilege against Shrimati Indira Gandhi and some other persons including certain members of the other House for entering into the Lok Sabha Chamber and staying there for about four hours after the adjournment of the House on the 19th December, 1978, without the permission of the Speaker, and behaving in an undignified way in the Chamber.

I have made an enquiry into the matter and issued necessary directions to the Watch and Ward staff of ensure that in future no Member is allowed to escort under any circumstances, inside the Chamber of Lok Sabha any non-Member, including near relatives, ex-Members or Members of the other House, before or after the sitting of the House and that under no circumstances the Lok Sabha Chamber should be used by anyone for holding a press conference or for briefing the press correspondents, etc.

So far as Shrimati Indira Gandhi is concerned, she had to stay in the Lok Sabha Chamber in view of the resolution adopted by the House earlier that day regarding her expulsion and imprisonment and the consequent steps required to be taken in that connection.

It would not be proper for this House to consider the alleged wrong acts by certain Members of the other House as that would be against the well-established conventions for harmonious relations between the two Houses.

Taking all circumstances into consideration, I do not think that this is an appropriate case to take action on a question of privilege under rule 222. I, therefore, do not give my consent to raise the matter under rule 222."

Shouting of slogans and raising obstruction within the precincts of the House: On December 21, 1978, during the Question Hour, Shri Vinayak Prasad Yadav, a member, stated¹ in the House as follows :

“Mr. Speaker, I want to raise a point of order. I was coming from Gate No. 1. There, some 15 to 20 youngmen are not allowing any M.P. to come inside the Parliament House and are shouting. Therefore, I request you to get the way cleared, so that no one may obstruct the Hon. members from coming inside the House..”

A little later, Shri Kanwar Lal Gupta, another member, complained² as under:

“I was coming to Parliament . . . I would not come to the House. I was delayed by 15 minutes... About 10 or 12 people attacked my car... They are obstructing. . . . This is the first time that members have been obstructed like this and they are only a handful of people... I did not talk to them. I only said ‘kindly allow me’, but they did not allow me. It took me fifteen minutes to come here. So, please find out what is the action taken..”

The Speaker (Shri K. S. Hegde) then informed³ the House as follows:

“After the complaint was made... The latest report that I have got is that all those intruders have been separated and left in the charge of the police. I shall go into the matter.”

Later in the evening, the Speaker informed⁴ the House as follows:

“A complaint was made in the morning in the House that a number of persons were shouting slogans within the precincts of the House and also causing obstruction. These persons have been got removed from the precincts of the House by the Watch and Ward and police officers. They are in police custody at present. I think if the House agrees, we can let them off.”

The House agreed and they were let off.

¹L.S. Deb., December 21, 1978. cc. 6-7 (original in Hindi).

²Ibid., cc. 15—20.

³Ibid., c. 20.

⁴Ibid., c. 412.

RAJYA SABHA

Reported statement by Prime Minister about abolition of the House: On March 5, 1979, Shri Anant Prasad Sharma, a member, sought to raise a question of privilege against the Prime Minister, Shri Morarji Desai for making a statement that he was not in favour of continuance of the Rajya Sabha. While raising the matter, Shri Anant Prasad Sharma stated, *inter alia*, as follows:—

“Sir, on the 15th of January, a news item appeared, detailed Bhopal, wherein the Prime Minister is reported to have made a statement that he is not in favour of the continuance of the Rajya Sabha. I would like to quote:

‘The Prime Minister said, we have no majority in Rajya Sabha; when we get majority, the party will think about it; there are some members in my party who want to **keep** the Rajya Sabha, he added’.

... I have already given notice of a privilege motion against the Prime Minister. Was it proper for the Prime Minister to have made this public statement outside Parliament when Rajya Sabha and Lok Sabha were both conceived as the Parliament of India? Can the Prime Minister talk about Rajya Sabha like this? Therefore, I have raised this and I would like to seek your permission....”

The Chairman, Shri B. D. Jatti, while disallowing the question of privilege ruled as follows:—

“...I have disallowed this notice and have informed all Members who had raised this. It is not the practice that when once a thing is disallowed, the same thing is repeated like this....”

The matter was, thereafter, closed.

PUNJAB VIDHAN SABHA

Alleged threat to a member on telephone: On January 13, 1978, Sardar Sukhdev Singh Dhillon, a member, sought to raise a question of privilege alleging that on the 12th January, 1978, at night a person had threatened him and used abusive language on the telephone in connection with an enquiry into an embezzlement demanded by him in the House through a supplementary question. The Speaker (Sardar Ravinder Singh) asked the member to come to his chamber and explain the position. The member accordingly met the Speaker in his chamber. In this connection, the Speaker also received a notice of question of privilege from Shri Satya Pal

Dang, another member, on the ground that some one on the telephone had abused Sardar Sukhdev Singh Dhillon and held out threats to him of dire consequences for having dared to suggest any enquiry into the alleged irregularities in connection with the purchase of some insecticides.

The Speaker, while giving his consent to the question of privilege being raised, observed that the rights of the members expressing themselves frankly and freely within the precincts of the Vidhan Sabha must be upheld above everything else, if the democratic process had to have any meaning in order to maintain its tradition and enhance it further.

Thereafter, Shri Satya Pal Dang moved a motion seeking to refer the matter to the Committee of Privileges. The motion was adopted by the House.

The Committee of Privileges, after hearing Shri Satya Pal Dang and Sardar Sukhdev Singh Dhillon, M.L.As., in their Report, presented to the House on March 31, 1978, reported, *inter alia*, as follows:—

- (i) "The Committee has considered the matter at length and is greatly concerned that a member of the House has been threatened which means an obstruction in the execution of his duties as a member.

In the present case, the Committee afforded sufficient opportunity to the member to identify the person who was reported to have threatened him/intimidated him and intimate his name to the Committee. But unfortunately, the member has not been able to identify that person and furnish his name to the Committee. In these circumstances, it is not possible for the Committee to proceed further in the matter."

- (ii) "As a matter of principle, the Committee is firmly of the view that any threat held out to a member or intimidation of a member in regard to anything said or done by him in the execution of his duties constitutes a breach of privilege and contempt of the House. But since in this case, the person who is reported to have threatened/intimidated the member has not been identified, the Committee, is unable to make any concrete recommendation in this connection."

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

HOUSE OF COMMONS (U.K.)

Raising of privilege issues in the House: The Committee of Privileges of the House of Commons, U.K. in its Third Report¹ (Session 1976-77),

¹H.C. (U.K.) (1976-77), 417.

while considering the recommendations of the Select Committee on Parliamentary Privilege of December, 1967, *inter alia* stated as follows:—

“How complaints should be raised in the House:

9. In line with their objective of reducing to the essential minimum the number of complaints made in the House, and in order to give adequate time for a Member to consider whether to bring a potential complaint to the notice of Parliament, the 1967 Committee recommended a new procedure for the raising of complaints. Under this procedure a complaint would not be submitted to Mr. Speaker in the House, but would be given a preliminary examination by the Committee of Privileges, who would decide whether the matter merited further enquiry. If they decided that it did not, a Motion requiring the Committee to consider it would be given precedence if it attracted fifty signatures. In the light of subsequent experience, Your Committee doubt the need for so drastic a departure from current practice. The number of frivolous or unnecessary complaints has recently given less cause for anxiety, and the evidence of the Clerk of the House has shown that large number of potential complaints are nowadays dealt with without having to be raised on the floor of the House, after Members have sought advice. Your Committee are not entirely satisfied, however, that the present practice of raising a matter in public at the earliest opportunity always gives adequate time for making the complaint or for Mr. Speaker to consider it, and they recommend the introduction of the following procedure:—

- (1) A Member who wished to raise a Privilege complaint would be required to give written notice of the matter to Mr. Speaker's Office on a sitting day as soon as reasonably practicable after the Member had notice of the alleged contempt or breach of privilege.
- (2) If Mr. Speaker considered that the matter was of an urgent character (*e.g.* that it raised a continuing contempt which needed rapid intervention, or was such that the offender was entitled to know that he might be in contempt) he would inform the Member that he would be prepared to rule on the complaint that same day. This would be a most exceptional procedure.
- (3) Normally while the matter was under consideration by Mr. Speaker, the Member himself would have a longer time than at present to decide whether or not he wished to pursue the

complaint, and to seek advice if he so wished. If the complaint were not withdrawn Mr. Speaker would decide whether or not it raised issues which would justify him in giving precedence to a motion relating to it.

- (4) If Mr. Speaker decided against giving precedence he would inform the member by letter and it would not be in order to raise the matter of precedence with him in the Chamber.
- (5) If Mr. Speaker decided to allow precedence he would tell the Member the day when he would announce his decision, which would be within the Speaker's discretion, but would usually be as soon as reasonably practicable after the receipt of the complaint. Mr. Speaker's announcement would be the first intimation of the complaint the House had received, and Your Committee consider that it would be preferable for the Motion relating to it to be made on the following day. The member whose complaint it was would table a Motion setting out briefly the nature of the complaint in the form of the prefatory words used in Private Members' Motions ("To call attention to.....and to move.....") and concluding with the appropriate Motion—normally to refer the matter of the complaint to the Committee of Privileges.
10. Your Committee draw attention to certain aspects of the above proposal. One involves some relaxation of the "earliest opportunity" rule to permit a complaint to be considered if it is raised as soon as reasonably practicable after the Member had notice of the alleged contempt. This is to permit a case to be raised where, for example, a Member had been ill, or away from the House on Parliamentary business, but is not intended to allow the raising of stale cases, or to permit Members to use the threat of raising a complaint in communicating with alleged offenders. The interpretation of "as soon as reasonably practicable" would be a matter entirely in Mr. Speaker's discretion. In a recent case, ²Mr. Speaker held that a complaint was out of time because a Member had waited until he had obtained a transcript of a broadcast before raising his complaint. Under the procedure proposed by Your Committee, the Member would have given private notice to Mr. Speaker's Office at the earliest practicable opportunity, and the transcript could have been obtained while the matter was under

²On 9th and 10th May, 1977.

consideration. Your Committee do not recommend that a Member should be required to obtain a transcript in cases of complaints based on broadcasts, as in fact the broadcasting authorities are under no obligation to provide them. It is, of course, desirable that transcripts should be sought where they are available but complaints about broadcasts are in essence no different from other complaints based on spoken words, for which there will frequently be no transcript.

11. The second change in practice to which attention should be drawn is that it would fall to the Member who made the complaint to move the reference to the Committee of Privileges, or other appropriate Motion. This would replace the present practice (which is a recent development) whereby the Leader of the House normally makes the Motion. Since he is a Member of the Committee which is to examine the matter to be referred, it is better that he should make the Motion to refer, but should be free to give the House such advice as he considers appropriate in his capacity as Leader of the House. If the House decides not to refer a matter to the Committee, or if the Committee find that the matter does not call for further action, this does not, of course, reflect on Mr. Speaker's decision that a complaint raised issues that merited the attention of the House.
12. A further aspect of the proposed new procedure which your Committee have considered is the possibility that a novel point of privilege might go unrecorded as a consequence of no mention being made in the House of Privilege applications that Mr. Speaker rejects. Your Committee are confident however, that if such a matter arose Mr. Speaker would wish to make a statement to the House, and the proposed procedure does not preclude him from doing so."

The procedure recommended by the Committee of Privileges in para 9 of their Third Report quoted above, was discussed and agreed to by the House of Commons on February 6, 1978.

Alleged charges of blatant racialism made by a member during discussion on a Bill: On February 22, 1978, when Mr. Tam Dalyell, a member, sought to raise^a a question of privilege in regard to charges of blatant racialism that were made during the debate on the Scotland Bill by Mr. Donald

^aH.C. Deb., February 22, 1978, c. 1441.

Steward, another member, the Speaker (Mr. George Thomas) ruled as follows:—

“The hon. Gentleman knows that the House decided only last week that questions of privileges are now raised with me by letter and that it is not necessary for me to inform the House when I do not accept that privilege is involved. When I agree that it is a matter that should have precedence, I call on the Hon. Member concerned to rise in his place. The House decided that only a week ago.”

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

Premature publication in press contents of a Report of the Select Committee on Race Relations and Immigration, before its presentation to the House: On March 10, 1978, the Speaker (Mr. George Thomas) informed the House as follows:—

“... I have received a letter from the right hon. Member for Sunderland, North (Mr. Willey), the Chairman of the Select Committee on Race Relations and Immigration, concerning a question of privilege, which I shall shortly read to the House.

Before I do so I should remind the House of the new procedure relating to privilege complaints which was brought into effect by the resolution passed on 6th February, of this year. A Member who wished to raise a complaint must, now do so in writing to me as soon as reasonably practicable after he has had notice of the alleged breach of privilege. If I decide that the matter should be given precedence, I shall announce my decision to the House, and it will then be for the Member concerned to table the appropriate Motion in his own name for consideration by the House on the following day.

The relevant extracts from the right hon. Member's letter, which is dated 8th March, 1978, read as follows:—

“The Select Committee, of which I am Chairman, have been considering their report on immigration in the last few weeks, but no report has yet been made to the House.

I request you to consider and rule whether the report of the Committee's proceedings in *The Sunday Times* (5th March), *The Guardian* (6th March) and *Daily Mail* (today) constitute a *prima facie* breach of privilege, which should be referred by the House to the Privileges Committee.”

The Speaker said that he had given this matter the most careful consideration and he had to rule that the complaint by the right hon. Member in respect of reports in *The Sunday Times* newspaper of 5th March

and in *The Guardian* newspaper of 6th March was not raised as soon as reasonably practicable after their appearance. However, in respect of the two other reports in *The Guardian* newspaper and the *Daily Mail* newspaper of 8th March, he had come to the conclusion that the right hon. Member's complaint was made to him as soon as reasonably practicable and that this was a matter on which the House should have an opportunity to express an early opinion. Accordingly, he was prepared to give precedence over the Orders of the Day to a motion concerning the two letter newspaper reports. If the right hon. Member tabled the necessary motion that day itself, it would accordingly have precedence over the Orders of the Day at the next sitting of the House. He observed:—

“It may be helpful if I remind the House that should the House decide to refer this matter to the Committee of Privileges, it will be open to that Committee, in accordance with the resolution of 30th October, 1947, to inquire not only into the matter of the particular complaint but into the facts surrounding and reasonably connected with the complaint. It would be for the Committee of Privileges to consider whether such facts include the earlier newspaper report to which the right hon. Member has referred.”

The Committee of Privileges, in their First Report,⁵ presented to the matter be referred to the Committee of Privileges. After some discussion, the motion was adopted by the House by 133 votes to 70 votes.⁴

The Committee of Privileges, in their First Report,⁵ presented to the House on April 19, 1978, stated, *inter alia*, as follows:—

- (i) This was the first matter referred to Your Committee since 6th February, 1978, when the House formally agreed to the recommendations of their Third Report of last Session.⁶ That Report confirmed certain recommendations contained in the Report of the earlier Select Committee on Parliamentary Privilege.⁷ One such recommendation was their advocacy of a general rule to be followed by the House, namely—“that its panel jurisdiction should be exercised (a) in any event as sparingly as possible and (b) only when the House is satisfied that to exercise it is essential in order to provide reasonable protection for the House, its Members or its officers, from such improper obstruction or attempt at or threat of obstruction as is causing or is likely to cause, substantial interference with the performance of their respective functions”.

¹ *Ibid.*, cc. 42-43.

⁵ H.C. (U.K.) (1977-78), 376.

⁶ H.C. (U.K.) (1976-77), 427.

⁷ H.C. (U.K.) (1967-68), 34.

- (ii) "The articles, published on 8th March, 1978, purported to give details of the contents of a Draft Report of that Committee before the Report had been presented to the House. Mr. Willey, in his original letter to Mr. Speaker, had complained also of two similar articles on earlier dates in the *Guardian* (6 March) and the *Sunday Times* (5 March)", Mr. Speaker in ruling that precedence should be given to the complaint, restricted its application to the two articles appearing on 8th March, but made it clear to the House that the Committee of Privileges, in investigating the matter, would be free, in accordance with the Resolution of the House of 30th October, 1947, to inquire into facts surrounding and reasonably connected with the complaint—including, in this case, the two other articles. The Report to which the articles referred was actually presented on 13th March, and was not published until 21st March."
- (iii) "Initially, therefore, your Committee were at a disadvantage in not being able to compare the newspaper articles referred to them with the text of the Report. However, from information provided by Mr. Willey and the Clerk of the Select Committee, and subsequently on publication of the Report, they reached the conclusion that parts of the articles were more than inspired speculations, and should only have been written as a result of first-hand knowledge of the draft Report or through information given by one or more members of the Committee. This being so, your Committee are in no doubt that publication of the articles falls within the resolution of the House of 21st April 1837, 'That the evidence taken by any select committee of this House and the documents presented to do such committee, and which have not been reported to the House, shall not be published by any member of such committee, or any other person'. It follows from this that the publication of the two articles, and other similar articles, if those articles were published, as your committee have concluded, with knowledge, constituted a contempt of the House and that their authors and publishers have placed themselves within the panel jurisdiction of the House. Further, their publication constituted an improper interference with the work of the Select Committee on Race Relations and Immigration, whose comprehensive Report could have been damaged by premature disclosure."

- (iv) In considering how to deal with contempts of this kind, your Committee recognised, as did their predecessors in similar cases in 1972 and 1975 relating to the Select Committee on the Civil List and the Select Committee on a Wealth Tax,⁹ that the prime offender in this case is the person (or persons) who supplied the Press with the information on which the offending articles were based. They noted that in the Wealth Tax case, in order to give an opportunity to any member of the Select Committee to assist the Committee of Privileges to discover who was responsible for disclosure on that occasion, a letter had been sent to every member of the Select Committee requesting their assistance.”
- (v) “Notwithstanding that this failed to elicit any helpful information at that time, your Committee decided that it was right to afford a similar opportunity to honourable members of the Select Committee on Race Relations and Immigration of giving them any relevant information which they might have. Accordingly, a letter was sent to all members of that Committee requesting their assistance. From the replies received, it has not been possible for Your Committee to discover who was the informant in the case referred to them. In these circumstances, they repeat the view of their predecessors—that the person (or persons) who provided the information to the Press committed a serious contempt of the House.”
- (vi) Being unable to recommend to the House any course of action in respect of the principal offender, Your Committee had to consider what, if any, action they should propose in respect of the journalists or editors concerned. They do not wish to give credence to the view that the publication of articles which contain premature disclosure is less deserving of the censure of the House than has been that of previous articles, or that in future the leaking of Select Committee proceedings will be regarded less seriously than in the past. However, they do not think that this case is so serious as to call for further action, particularly as they have throughout their deliberations been keenly aware of the House’s view . . . that in the absence of improper obstruction leading to substantial interference, its penal jurisdiction should be used as sparingly as possible.
- (vii) Accordingly, your Committee, having already stated their opinion that the publication of the articles was a contempt of the House, recommend that no further action should be taken.

⁹H.C. (1975-76), 22.

- (viii) Your Committee are aware that, in this first case under the new procedure, their Report has a significance which previous Reports have not had. That is to say, they realise that in all representations made to him in future, Mr. Speaker will have regard, in deciding whether precedence should be given to a particular complaint, to previous Reports of this Committee. Their recommendation that no action should be taken is not intended to reflect upon the House's reference to them of this particular case."
- (ix) It was represented to Your Committee, during their deliberations, that there was no case for a charge of contempt in respect of the articles referred to them, as the Report of the Select Committee had been sent to be printed before the articles appeared. Their attention was drawn to a ruling by Mr. Speaker Clifton Brown in 1948 in the course of which he said 'My predecessors have ruled that once a Report has gone to the printers it has technically been laid before the House, and a breach of privilege does not exist.¹⁰ They wish to take this opportunity to clarify this ruling.'
- (x) It is true that a draft, or parts of a draft, of the Select Committee's Report, had been sent to the printer at the time in question. But this is irrelevant since it is common practice for Select Committees and other investigatory bodies to begin printing operations before a final text is agreed. The earliest moment at which an agreed report can be regarded as having been formally sent for printing is the day on which it is presented to the House and ordered by the House to be printed. The full ruling of Mr. Speaker Clifton Brown makes it clear that the essential preliminary to printing a Report is the laying of it before the House—in this case, on 13 March, five days after publication of the newspaper articles."

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

Protection of publication of proceedings of the House in criminal cases: During the proceedings at the Court of the Tottenham Magistrate in November, 1977, in connection with charges under the Official Secrets Acts, a witness who was an officer of the security services was allowed, under a ruling of the Court to give evidence anonymously, as Colonel 'B'. The Colonel's name was subsequently published in December, 1977, by the *Leveller* magazine and by others, who were then charged in March, 1978 with contempt of court. The hearing of the case was set down for

¹⁰H.C. Deb., July 27, 1948, c. 1126.

April 24, 1978, but the judgment was not given until May 19, 1978. Meanwhile, on April 20, 1978, the officer's name was disclosed in the House, during questions following the Business statement, by the honourable members for Barking, Lewisham West, Ormkirk, and Bristol North-West. The name was thereafter published in the Official Report, in certain newspaper reports on the following day and in that day's broadcast of the House's proceedings.

On April 20, 1978,¹¹ Mr. J. W. Rooker, a member, raised the following matter:—

“...Mr. Speaker, I apologise for interrupting the business of the House to seek your guidance and ruling. It is within the knowledge of hon. Members that during the course of this evening the Director of Public Prosecutions sent a memorandum to the editors of the national Press in Fleet Street consisting of two sentences. I wish to point out that this memorandum flies in the face of all that we thought this House stood for, in the sense that we thought that our proceedings could be reported factually, accurately and without prejudice to the public by the media.

The memorandum from the Director of Public Prosecutions reads as follows:—

‘The legality of revealing the identity of Colonel “B”, a witness in the prosecution of Aubrey, Berry and Campbell is the subject matter of pending proceedings for contempt of court before the Divisional Court of the High Court of Justice. It is not accepted despite the naming of the Colonel on the Floor of the House of Commons that the publication of his name would not be a contempt of court, even if it was part of a report of proceedings in the House.’

It is extremely important that this matter settled speedily, that is, this evening, simply because if it is allowed to pass until tomorrow there will have been a *fait accompli* and the House and the public will have had taken away from them a right which they thought they already had.”

After a brief discussion, Mr. Graham Page, another member moved the following motion:—

“The statement of the Director of Public Prosecutions is *prima facie* a contempt of this House, and shou'd be referred to the Committee of Privileges.”

¹¹H.C. Deb., April 20, 1978, cc. 812— 818.

The Speaker, Mr. George Thomas, thereupon ruled as follows:—

“Following recent precedents, I never rule on privilege when the matter is raised. I always ask for time to consider it. The right hon. Member for Crosby (Mr. Page) will not expect me to go further than that tonight. I am quite prepared to rule on it tomorrow morning, when I shall have had time to consider it.”

On April 21, 1978, the Speaker ruled¹² as follows:—

“The House will recall that yesterday evening points of order were raised in relation to a communication to the Press from the Director of Public Prosecutions. According to this communication, it was not accepted that, despite the naming of a certain person on the Floor of the House of Commons, the publication of his name would none the less not be a contempt of court even if it were part of a report of proceedings in the House.

During the course of the raising of these points of order, the right hon. Member for Crosby (Mr. Page) sought my consent that the matter should be given immediate precedence over the existing business as a matter of privilege. I did not then feel able to give such consent, but undertook to rule on the matter this morning.

The right hon. Gentleman has since confirmed his request in writing.

I have given the most careful thought to the right hon. Gentleman's request, and to the terms of the message of which the complaints was made. It is quite clear that no attempt of any kind has been made to obstruct the due publication of the *Official Report*. The warning was addressed solely to the media.

Were this warning to be followed by legal action, it would not be the first time that the reports of parliamentary debates in the Press had been the subject of proceedings in the courts. As it is stated on page 81 of ‘Erskine May’:

“There is a distinction between the absolute privilege of Members speaking in the House... and the qualified privileges of a publisher reporting words spoken; in the latter case publication of parliamentary proceedings is protected, not specifically by privilege of Parliament, but on the analogy of the publication of proceedings in courts of justice.”

²*Ibid.*, April 21, 1978, cc. 865-66.

This principle was followed in the case of *Wason V. Walter* in 1868, and no claim has been made by Parliament either at the time or since, that its privileges were infringed by this or any other similar action. Our privilege is something that was dearly obtained by our predecessors, but if it is abused it will be endangered. In view of the order of the court prohibiting the disclosure of the colonel's name, I am really being asked to rule that in future any hon. Member may use the privilege of this House to remove the matter from the jurisdiction of the courts and then to claim that the courts have no further power. I am not prepared to give such a ruling. It is, of course, open to any right hon. Member to table his or her own motion asking for the matter to be referred to the Committee of Privileges and then to seek time to have the matter debated. However, my ruling is that the Director of Public Prosecutions has in no way done anything which would justify me in giving a complaint precedence over the Orders of the Day.

For these reasons, I have to rule that I cannot allow this matter to have precedence over the normal course of business.

The House will recall that under the new procedure agreed by the House on 6th February it is necessary for an hon. Member to make his complaint in writing, and that thereafter it is for me, if I decide against giving precedence to inform the hon. Member by letter. It is not then in order for him to pursue the matter of precedence in the Chamber. I have written in reply to the right hon. Member for Crosby informing him of my decision. At the same time, in certain circumstances I am specifically permitted to make a statement in the House and I am following that practice in giving this ruling.

There can be no point of order on my ruling, in accordance with the decision of the House, on 6th February, this year. I have indicated to the House the course that any right hon. or hon. Member should now take if he wishes to pursue the matter."

On April 24, 1978, the Speaker, while deciding the admissibility of an application under Standing Order No. 9 about the action and advice of the Director of Public Prosecutions relating to the reporting of the proceedings of the House, observed¹³ as follows:—

"On Thursday last when I did not intervene following questions naming the officers described as Colonel 'B' the reason was that both my advisers and I were unaware that the matter was *sub-judice*. I can only presume that my ignorance must have been

¹³*Ibid.*, April 24, 1978, cc. 1007-08.

shared by the rest of the House since our practice allows any hon. Member to draw the attention of the Speaker to any alleged breach of our rules, and no Member rose on a point of order.

Since then I have had inquiries made and it is quite clear to me that the identity of this officer forms an integral part of criminal proceedings and therefore clearly comes within the *sub-judice* rule under which—and I quote from the Resolution of the House on 23rd July 1963:—

‘Matters awaiting or under adjudication in all courts exercising a criminal jurisdiction. . . . should not be referred to. . . . in any motion. . . . debate, or. . . . question. . . . including a supplementary question.’ (*Official Report*, 23rd July, 1963; Vol. 681, c. 1417).

This resolution is expressed to have effect as regards criminal cases from the moment the law is set in motion by a charge being made and cases to have effect only when the case is concluded. This is a rule of the House. All hon. Members are bound by it even if they do not like it and, as Speaker, I am bound to ensure that it is observed. The proper course for hon. Members who disapprove of the rule is for them to attempt to get it altered but not to flout or even to bend it.

Therefore, I must advise the House that I will not permit any further identification of the Officer nor any reference to the criminal cases in which he is involved.

Having put the House on notice in this matter, I must emphasise that I intend to enforce the rule and will continue to do so until the case is no longer *sub-judice*.

I understand that a motion has been tabled this day that the communication from the Director of Public Prosecutions to the Press concerning the publication of words used in this House should be referred to the Committee of Privileges. Although my ruling about giving precedence over the Orders of the day must, of course, stand, if the House eventually decides that the matter should go to the Committee of Privileges, I shall be content.”

On May 2, 1978, the Lord President of the Council and Leader of the House of Commons (Mr. Michael Foot) moved¹⁴ the following motion, which was adopted by the House after a brief discussion:—

“That the matter of publication of the Proceedings of the House, other than by order of the House, in so far as the Privileges

¹⁴*Ibid.*, May 2, 1978, cc. 36—101.

of this House are concerned and the matter of the application of the *sub-judice* rule during Business Questions on Thursday, 20th April be referred to the Committee of Privileges.”

The Committee of Privileges, in their Second Report¹⁵ presented to the House on July 31, 1978, stated *inter alia*, as follows:—

- (i) In your Committee's view the terms of the statement issued on the Director's instructions require to be examined with care. Its first sentence was no more than a factual statement, which drew attention to the undisputed fact that the legality of revealing the identity of Colonel 'B' was already the subject matter of proceedings then pending in the courts. No complaint could be made of this. Its second sentence couched in careful phraseology, reserved the Director's position as to whether the further publication of Colonel 'B's name would amount to a contempt of court even if its publication formed part of a report of proceedings in the House. It is plain from the context and circumstances that the Director was not referring and could not properly have been understood to be referring, to a report in Hansard (which would be the subject of absolute privilege from civil or criminal proceedings by virtue of section 1 of the Parliamentary Papers Act 1840) but to reports in the Press and by the broadcasting authorities.”
- (ii) “Upon this second sentence two issues of law arise. The first is whether, other matters apart, the publication of Colonel 'B's' name by the Press and in broadcasts amounted, or would have amounted to a contempt of court. The Queen's Bench Divisional Court, in the case of *Attorney General v. Peace News and others*, has held that such publication prior to 20 April, 1978 did amount to a contempt of court. But leave to appeal to the House of Lords has been granted and the issue is again *sub-judice*. Your Committee do not comment further upon that issue.”
- (iii) The second issue is whether, assuming that the Divisional Court's view was right, publication of the name would, by reason, and solely by reason, of its being part of a Press or broadcast report of what happened in the House, be protected by privilege from condemnation as a contempt of court. Your Committee do not find it necessary to reach a final view on this question. They note however, that when in 1840 Parliament addressed itself to the problem created by *Stockdale v.*

¹⁵H.C. (U.K.) (1977-78), 667.

Hansard, it passed legislation according absolute protection to the publishers of Parliamentary papers, including the official reporters of its proceedings in *Hansard*, but only qualified privilege to any one who published extracts or abstracts from *Hansard* or other Parliamentary papers. The contention that nonetheless absolute privilege applies to Press reports of speeches made of events occurring in Parliament seems to Your Committee to be plainly inconsistent with Parliament's intentions in passing the 1840 Act. Moreover, whilst the 1840 applied the privilege to both civil and criminal proceedings, there are no common law authorities which establish the like privilege for reports of speeches made or events occurring in Parliament in respect of criminal proceedings. Your Committee are therefore think it improbable that the common law privilege protecting Press and broadcast reports of proceedings in Parliament extends to criminal proceedings, including proceedings for contempt of court. They note that the memoranda submitted by representatives of the media do not claim that it does. whether it should be a different question."

- (iv) "But even if Your Committee's tentative view that it does not extend so far is ultimately held to be mistaken, it is plain to Your Committee that the Director was fully entitled to reserve his position by means of the careful phraseology which he used. That phraseology, addressed to the media which were seeking guidance, was intended as a warning to them that they should not regard it as established law that reports of things said in Parliament were *ipso facto* protected by privilege against proceedings for contempt of court."
- (v) "Your Committee have to consider whether it would be right to construe the Director's statement as an improper obstruction, or attempt at or threat of obstruction, such as would be likely to cause substantial interference with the performance by Members of their functions. In Your Committee's view, it is not reasonable so to construe it and accordingly Your Committee are satisfied that the Director's statement was not a contempt of the House.
- (vi) Your Committee have had regard to the circumstances in which the Director's statement was made, and in particular to the requests for immediate guidance which the Press were making to him, to the care which he took to obtain speedy legal advice before giving such guidance, and to the careful wording of the statement. It is Your Committee's opinion that, even if they had taken the view that the Director's statement was capable

of amounting to a contempt of the House, this could not possibly be a proper case for the exercise of the penal jurisdiction of the House."

- (vii) Your Committee regret that it has not been possible, in the time available, to report on the remainder of the matters referred to them by the House. The four honourable Members principally concerned in the events in the House on 20 April raised with Your Committee during the last weeks of July various preliminary procedural points which made it impossible to reach conclusions about their conduct. Moreover, the issues before your committee involved far-reaching consideration of the law as it now is, or as it should be adapted for the future.
- (viii) The broader questions concerning the law were the subject matter of many of the speeches during the debate in the House (official Report, 2 May, 1978, cols. 36—101) and of most of the memoranda which have been submitted to Your Committee during recent weeks by bodies representative of the media and others. Those speeches and memoranda require detailed consideration to enable your Committee to reach conclusions about the existing state of the law, having regard to the differing contentions which have been advanced about it. Your committee recognize and endorse the public interest in the freedom of the media to report fairly and accurately what is said and done in Parliament. They accept also that any doubts which may exist as to the extent of, or the limits upon, that freedom could affect the relationship between Parliament, the Press and the public. They are therefore most anxious that any such doubts should be removed as soon as is practicable. They recognise also, however, that other factors of public interest must be taken into account in addition to that of the freedom to report proceedings in Parliament. The public interest involved in maintaining fair trials and national security cannot be ignored. Your Committee are conscious moreover, that the greater the extension of the boundaries of freedom to report, the greater is the need for Members of the House if necessary, to exercise self-discipline over its Members. Parliament's task, in considering these broader questions, will be to achieve the most satisfactory balance between the conflicting aspects of the public interest and to give effect to such changes in the law or in the practice of Parliament's as may be needed."
- (ix) For these reasons, Your Committee recommend that the remaining matters referred to them should be considered by a Select Committee in the next Session of Parliament.

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

PROCEDURAL MATTERS

LOK SABHA

List of Business: Ordinarily the item regarding presentation of the Railway Budget is included in the List of Business after formal items. On February 20, 1979, on a request by the Minister of Railways, the Speaker agreed to include the item immediately after the Question Hour in the List of Business for that day. Accordingly, the Minister of Railways started his Budget speech at 12.00 hours and concluded it at 13.15 hours when the House adjourned for lunch. Other formal items of business, viz., papers to be laid on the Table, Assent to Bill's, Government Bills etc., were disposed of after the House reassembled after lunch-break.

Text of Calling Attention Notice: On February 23, 1979 in connection with a statement being made in response to a Calling Attention Notice, a member (Shri Jyotirmoy Bosu), whose name was in the third position, sought to place on record the text of his notice which was at variance with the admitted text. Conceding that the Lok Sabha Secretariat was not to blame, the member asked as to what would happen if the member whose name was first on the item was not present to call attention. On objection being raised, the Speaker observed that the member could not read out his notice as the text admitted by him was based on the notice tabled by the member who had secured first position in the ballot. If the member disagreed with the text so admitted, he might not participate in the Calling Attention debate.

Statements by Ministers in response to Calling Attention Notices: On March 5, 1979, a Calling Attention Notice was already included in the day's list of business at the usual place. Another Calling Attention Notice to the Minister of Shipping and Transport was admitted for the same day and fixed to be taken up at 17.15 hrs. At about 14.30 hrs. the Minister of Shipping and Transport sent a letter to the Speaker stating that as he would be busy in the other House at the time when the Notice would be

taken up, the Minister of State for Home Affairs might be permitted to make the statement on his behalf. At 17.30 hrs. when this Calling Attention Notice was taken up and the Minister of State for Home Affairs sought to make the statement, some members raised points of order that the Minister was not entitled to reply to the Notice which was addressed to the Minister of Shipping and Transport. Several other members made submissions opposing the point of order but there was no unanimity in the House over the issue. Accordingly, the Notice was postponed by the Speaker to the next day when the Minister of Shipping and Transport was present and made the statement.

Calling Attention Notice—course adopted when Members were not satisfied with Minister's statement: On March 16, 1979 the Minister of State for Home Affairs, Shri S. D. Patil, made a statement in response to a Calling Attention Notice regarding reported maltreatment of the representatives of People's Union of Civil Liberties from Delhi visiting Singbhum district to enquire into the complaints of violation of human rights of Adivasis. Several Members were not satisfied with the information supplied by the Minister. A clarification was then sought whether the matter would be referred by the Central Government to the Commissioner for Scheduled Castes and Scheduled Tribes for inquiry and report. The Minister of Home Affairs, Shri H. M. Patel, stated that the statement made earlier by the Minister of State was based on the information received from the State Government and that appropriate action would be taken after obtaining further clarifications from them. The Deputy Speaker, thereupon, suggested to the Minister of Home Affairs that the entire proceedings relating to the Calling Attention Notice might be sent to the Commissioner for Scheduled Castes and Scheduled Tribes.

Sitting of the House on the same day after adjournment: On March 22, 1979, after matters under rule 377 were raised, the Speaker informed the House about the death of Shri Jayaprakash Narayan. Thereafter, obituary references were made to the passing away of Shri Jayaprakash Narayan and at 13.50 hours, the House was adjourned for the day, to meet again at 11 A.M. on March 23, 1979. Shortly after the adjournment, when it was discovered that the news regarding the death of Jayaprakash Narayan was incorrect, the Speaker, in exercise of the powers under the proviso to rule 15, directed that the House which had been adjourned till the next day would sit at 17.00 hours on the same day for transacting business not concluded earlier. Accordingly, a special Bulletin—Part II was issued and a copy of the special List of Business for consideration of items of business included in the revised list of Business for March 22 and not concluded was also simultaneously issued to members. Both the special Bulletin—Part II and the List of Business were circulated to members at their Delhi residences as also distributed to them in the Central Hall. Simultaneously, Members

were also contacted on telephone by the Staff of the Secretariat and informed of the proposed sitting. The All India Radio was also asked to make special broadcasts in this regard.

The House reassembled at 17.00 hrs.

Use of languages other than Hindi or English during Question Hour: On March 20, 1979 the Speaker made an announcement in the House regarding the First Report of the Committee on the Use of Language which had recommended that a member whose name appeared in the List of Starred Questions and who gave advance notice for putting supplementaries in a language mentioned in the Eighth Schedule of the Constitution, for which arrangement for simultaneous interpretation already existed, might be allowed to put his supplementaries in the Question Hour only in that language. The Committee had further recommended that this facility might be made available subject to the following conditions:

- (i) It might be availed of only by members (not more than two) in whose names the Question appeared in the Starred List only;
- (ii) Advance notice in this behalf should be given (in writing by the members concerned) not later than 3 P.M. on the working day preceding the day on which the Question was listed for oral answer;
- (iii) The facility would not be available to members, other than those in whose name the Question stood listed in the Starred List;
- (iv) In the printed Debate (original version) only an English version of the supplementary Questions asked in a language other than Hindi or English should be incorporated. This should be on the same lines as was already being done at present in respect of speeches delivered by Members in a language other than Hindi or English while participating in debates on Bills, Resolutions, etc.

The Speaker solicited the co-operation of the Leaders of Parties and Groups and Members to implement the above recommendations of the Committee on an experimental basis.

Adjournment of the House on death of a Member: A member of the House, Shri H. L. Patwary, died at 17.15 hrs. on March 28, 1979 in a hospital at New Delhi. On the same day the Speaker informed the House at 17.49 hours about the member's death and adjourned the House for the day, observing that obituary references would be made on the next day. The item regarding obituary reference was accordingly included at the appropriate place in the Revised List of Business for March 29, 1979. On that day at 07.00 hrs. the body of Shri Patwary was taken by air service to Gauhati. The Speaker held a meeting with Leaders of Parties and Groups on the same day at 10.30 hrs. to consider the question whether the House should be adjourned again on that day after making references to Shri Patwary. It was agreed that the present practice of adjourning the House

for the day on the demise of a sitting Member in Delhi might be followed in this case also. When the House met at 11.00 hrs. references were made to the deceased and thereafter the House adjourned for the day without transacting any business.

Obituary references re: former heads of State/Government: On April 6, 1979 on submission made by members to make obituary references to Shri Z. A. Bhutto, former Prime Minister of Pakistan, the Speaker observed that in regard to a person other than a member or a former member, he made an obituary reference only when there was unanimity or near-unanimity in the House for making such a reference. The Speaker observed that the discretion for making a reference to such a person should better be left to the Government rather than to him. He further observed that in the case of Shri Bhutto, his execution was in pursuance of a judgment of a Court and it would not be proper for the Chair to cast a reflection on the decision of a Court. On a suggestion that the House should be allowed to make a reference on a motion moved by a private member, the Speaker observed that there was no motion before him and he would consider it only when a proper notice under the Rules was tabled and sent to him.

UTTAR PRADESH VIDHAN SABHA*

Election of Speaker: The Speaker, Shri Banarasi Dass, resigned on February 26, 1979, before contesting the election for Leader of Uttar Pradesh Janata Legislature Party. He was elected Leader of that Party on February 27, and was sworn in as Chief Minister on February 28, 1979, alongwith other Ministers. This was the second case when a Speaker of the State Assembly had resigned in the midst of the term of his office. The earlier case was that of late Rajarshi Purushottam Dass Tandon. But it was for the first time that a Speaker had become Chief Minister in the State.

As the post of Speaker fell vacant, the Deputy Speaker Shri Jagannath Prasad performed the duties of the office of Speaker under article 180(1) of the Constitution. Rule 8 of the Rules of Procedure and Conduct of Business of the U.P. Legislative Assembly requires that the election of the Speaker shall be held on such date as the Governor may fix provided that the date so fixed is in the case of a vacancy occurring during the term of the Assembly within fifteen days from the date of the occurrence of the vacancy in the Assembly if at that time sitting or from the date on which the Assembly first meets thereafter if it is not so sitting. When

*Contributed by the U.P. Vidhan Sabha Secretariat, Original in Hindi.

Shri Banarasi Dass resigned from the office of Speakership, the Assembly was not in Session. Therefore, as required by rule 8, the date for the election of the Speaker had to be fixed within fifteen days from March 8, 1979. But before this period of fifteen days expired, a motion was moved by the Chief Minister and adopted by the House on March 20, 1979, whereby the relevant provisions of the proviso to sub-rule (1) of the said rule 8 were suspended and it was decided to hold the election for the office of the Speaker on such date as the Governor may appoint until March 27, 1979. The Governor fixed March 27, 1979, as the date on which the election of the Speaker was to be held. But, again, on March 26, 1979, another Motion was moved by the Chief Minister and adopted by the House in continuation of the previous Motion, further suspending the provisions of the said Rules and deciding that the election of the Speaker be held on a date to be fixed by the Governor within fifteen days of the commencement of the next Session of the Assembly. The Governor also cancelled his earlier order fixing March 27, 1979, as the date for the aforesaid election, about which the House was informed on the same day, *i.e.* on March 26, 1979, before the close of the day's sitting. Accordingly, the Speaker's office remained vacant and the election thereto is to be held in the next Session commencing from May 2, 1979.

Motion of Thanks on Governor's Address.—It is the usual practice in the Assembly that a back-bencher gives notice of a Motion of Thanks to the Governor for his address to both the Houses assembled together. It is to be seconded by another member as per Rules of the Assembly. In the past, only one notice of such a motion used to be received by the Assembly Secretariat. This year, there were two such notices of identical motions. Accordingly, the motion was listed in the agenda by giving the names of each set of mover and seconder in the order the notices were received. A member of the ruling party objected to two separate proposals and seconders to the Motion of Thanks as being against the rules. He was supported in his contention by another member of the ruling party and also by the Leader of the Opposition. The Chief Minister, clarifying the position, announced the names of the mover and the seconder who would move the motion. The Deputy Speaker observed that as the notices of both the motions were duly received in the Assembly Secretariat, they had to be included in the Agenda but the motion could be moved, as had been made clear by the Chief Minister, by only one member and seconded by another.

Sittings of the House in a year.—On December 7, 1978, Shri Shyam Dhar Mishra raised a point of order stating that according to the amended rule 14 of the Rules of Procedure and Conduct of Business in the Legislative Assembly, the House should sit for 90 days in a year. Since how-

ever, during the year 1978 the House could not sit for 90 days, there was a violation of the rules. The Minister of Parliamentary Affairs assured the House that he would try to comply fully with the rules during the year 1979. After hearing some members on this point, the Speaker asked the Chief Minister and the Minister of Parliamentary Affairs that in fact the session must continue for 90 days.

Summoning of the House.—On the same day, Shri Shyam Dhar Mishra, raised another point of order referring to rules 4 and 22 of the Rules of Procedure and Conduct of Business in the Assembly and stated that 14 day's notice was required for summoning of the session of the House and that the business should be intimated 15 days in advance. Since, therefore, this was not done during the current session, its summoning was not in order. The Minister of Parliamentary Affairs said that it would be his endeavour that the members got intimation of the business in advance so that they did not have any difficulty for their preparations. The Speaker observed that rule 4 had not been violated and that his office had issued the notice 14 days in advance.

Replies to questions: Shri Ganeshi Lal Choudhary, while raising a point of order on December 8, 1978, referred to rule 32 of the Rules of Procedure and said that the replies to the question should be made available one day in advance, but this was not being complied with. So either the Rules be amended or directions be issued to the Government to make available to the members the replies to the questions one day in advance. The Speaker upholding the point of order invited the attention of the Minister of Parliamentary Affairs to the matter and said that if the replies to the questions were not made available one day in advance he would not include them in the List of Business.

Private Members' Business: On December 15, 1978, Shri Sohanvir Singh Tomar referring to the violation of rule 23 said that whenever any business was set for the day meant for non-official business, the same was changed at the last minute. The Speaker observed that the rules provided that unless otherwise directed by the Speaker, the most important rule was the decision of the House. Accordingly, on December 15, the House by adopting a resolution had decided to do away with 'non-official day' and to continue the discussion regarding prevention of communal riots in the background of happenings in Aligarh. The Speaker further stated that arrangements with regard to non-official business would be made in consultation with the Leader of the House.

Not answering questions on grounds of secrecy or public interest: Shri Rajendra Kumar Gupta, on December 17, 1978, invited attention to rule 28(15) and said that when a question was admitted by the Speaker and

950 LS—7.

went to the concerned Minister and the Minister did not want to reply there-
to on the ground of secrecy or public interest, he had to write to the Spea-
ker and seek his permission. He wanted to know if Speaker's permission
had been obtained with regard to a question which had not been
replied to during the Question Hour on that day on grounds of
secrecy. The Speaker referred to a similar question raised by Shri Pratap
Singh in 1960 and the reply given thereto by the then Speaker and said
that the Government did not answer a question if it considered the same
as secret. It had right not to answer a question. While inviting the atten-
tion of the Chief Minister, the Speaker stated that rule 28 (15) was very
clear, but the government should take the plea of secrecy only in such
cases where the security of the State was in fact involved or the question
was such the reply to which would adversely affect public interest. When
such questions were not replied on procedural (technical) grounds, the
members naturally felt that their rights were violated. So far as the point
of order was concerned, the Speaker stated that he was at the moment not
revising the ruling given earlier in this regard. But he would consider it
and would like a high level meeting to be held on this point. The Chief
Minister should also consult his legal adviser and discuss the matter in his
Department, so as to issue guidelines detailing the circumstances under
which it was not possible to reply on the ground of secrecy or public inter-
est, so that Secretaries of the concerned Departments while preparing
the replies or Ministers while answering questions in the House kept those
guidelines in mind.

The question was again raised by Shri Govind Singh Negi on a point
of order on December 29, 1978, when the Speaker observed that the
Cabinet should decide some guidelines to define what was secret and on
what type of question the plea of secrecy could be taken. It was however,
the prerogative of the Minister to refuse to reply on the plea of public
interest or secrecy. He could not force him to reply.

Participation in debates by persons in jail: Shri Shatrudh Prakash,
while intervening in the speech of the Minister of Education on December
28, 1978, raised a point of order and stated that the question of calling all
those opposition leaders who were in Jails, to take part in the deliberations
of the Assembly fell under the powers of the Speaker and it had nothing
to do with the Government. While giving his ruling on the point of order,
the Speaker observed that so far as the Rules of Procedure were concerned
there was no precedent regarding calling individuals who were under trial
or convicts, to participate in the proceedings of the House.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(January 1, 1979 to March 31, 1979)

DEVELOPMENTS AT THE CENTRE

INDIA

Cabinet Changes : On January 24, Shri Charan Singh and Shri Rabi Ray were sworn in as the new Cabinet Ministers. Shri Charan Singh who was allotted the portfolio of Finance and Shri Jagjiwan Ram who continued to hold the Defence portfolio were designated Deputy Prime Ministers. Shri Rabi Ray was allotted the portfolio of Health & Family Welfare and Shri H. M. Patel till then Finance Minister was given charge of the Ministry of Home Affairs.¹

Four Ministers of State viz., Shri Ram Kinkar, Shri Janeshwar Mishra, Shri Jagbir Singh and Shri Narsingh were also sworn in on January 26. Consequently, the following reallocation of the portfolios among the Ministers of State was made :

Shri Ram Kinkar: *Works and Housing and Supply and Rehabilitation*; Shri Janeshwar Mishra: *Energy*; Shri Jagbir Singh: *Information and Broadcasting*; Shri Narsingh: *Petroleum, Chemicals and Fertilizers*; Shri Fazlur Rehman : *Planning*; and Shri Jagdambi Prasad Yadav : *Health and Family Welfare*.²

¹ Lok Sabha Secretariat Circular No. 7770 dated January 27, 1979.

² Lok Sabha Secretariat Circular No. 7773, dated January 31, 1979.

AROUND THE STATES

ANDHRA PRADESH

Expansion of Ministry : The State Ministry was expanded on January 10 by the addition of two new Ministers of Cabinet rank and one Minister of State. Besides, a Minister of State was elevated to Cabinet rank. The allocation of portfolios was as follows :

Cabinet Ministers :

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

Ministers of State :

Shri N. Basavaiah : *Major and Medium Irrigation, attached to the Chief Minister and Muzrai (independent) charge*.³

Resignation by Ministers : Shri Devendra Ghalappa, Minister for Animal Husbandry and Dairy Development and Shri G. Ramaswamy, Minister of Fisheries, tendered their resignations from the Council of Ministers on January 19 and March 22 respectively.⁴ The Panchayat Raj Minister, Shri B. Baga Reddy and the Parliamentary Secretary, Shri K. E. Krishnamurthy resigned from the Ministry on March 14.⁵

Bye-elections : In the bye-elections to the two Parliamentary constituencies of Secunderabad and Siddipet (SC) and the two Assembly Constituencies of Nidumoli (SC) and Sattupalli, held on January 7, the Congress (I) candidates were declared elected from the two Parliamentary Constituencies and the Sattupalli Assembly Constituency. The Nidumoli Assembly Constituency however returned a CPI(M) candidate.⁶

BIHAR

Resignation by Governor : The President accepted, with effect from January 31, the resignation tendered by the State Governor, Shri Jagan Nath Kaushal and appointed Justice Krishna Ballabh Narain Singh, Chief Justice of the Patna High Court to discharge the functions of the Governor till a successor was appointed to fill the vacancy.⁷

³ *Deccan Herald*, January 18, 1979.

⁴ *Hindustan Times*, January 20 and *Patriot*, March 23, 1979.

⁵ *Times of India*, March 15, 1979.

⁶ *Deccan Herald*, January 10, 1979.

⁷ *National Herald*, January 31, 1979.

Resignation by Minister : Shri Baidyanath Mehta, Excise and Soil Minister, tendered his resignation from the Council of Ministers on February 27.⁸

Bye-election : In the bye-election to the Matihani Assembly Constituency in Begusarai District, held on March 18, Shri Deokinandan Singh of the Communist Party of India was declared elected to the State Assembly.⁹

GUJARAT

Death of Minister : Shri Ballabbhai Contractor, Minister for Industries, Parliamentary Affairs and Sports died on March 1.¹⁰

HIMACHAL PRADESH

Resignation by Minister : On March 12, Shri Kishori Lal Vaidya, Tourism Minister, tendered his resignation from the State Ministry.¹¹

MEGHALAYA

New Ministry : A new Ministry, consisting of the representatives of the All-India Hill Leaders Conference and the Public Demands Implementation Committee, headed by the outgoing Chief Minister, Shri D. D. Pugh, was sworn in on February 21. The allocation of portfolios was as follows :

Shri D. D. Pugh: *Chief Minister, Education, Sports, Planning, Community Development, P.W.D., Transport, Health and Family Welfare, Soil Conservation, Tourism, Forests and Public Relations* Shri P. R. Kyndiah: *Industries, Cooperation, Municipal Administration, Food and Civil Supplies*; Shri M. N. Majaw: *Finance, including Taxation, Law and Parliamentary Affairs*; Shri J. D. Pharmen: *Power, Mining and Geology, Excise, Border Areas Development and Public Health Engineering*; Shri B. W. Momin: *Agriculture, Irrigation and Animal Husbandry*; Shri Jendan Morak: *Sericulture and Weaving, Labour, Social Welfare, Civil Defence and Home Guards*; Shri Jackman Marak: *Relief and Rehabilitation, District Council Affairs, Town and Country Planning*; Shrimati Miraim Shira: *to assist the Minister for Health and Family Welfare*; Shri S. P. Swer: *to assist the Minister for PWD, Transport and Tourism*; Shri E. K. Mawlong: *to assist the Minister for Food and Civil Supplies and Soil Conservation*; Shri Bhadreswar: *to assist the Minister for Social Welfare.*

⁸ Patriot, February 28, 1979.

⁹ The Tribe, March 22, 1979.

¹⁰ Hindustan Times, March 2, 1979.

¹¹ Hindustan Times, March 13, 1979.

¹² Assam Tribune, February 2, 1979.

Two more Ministers of State viz., Shri Upstar Kharbuli and Shri J. Khongjoh, were included in the Ministry on February 27, raising its strength to 13.¹³

MADHYA PRADESH

Bye-election : The Janata Party candidates, Shri Kusha Bhau Thakre and Shri Manmohan Singh, were declared elected to Lok Sabha and the State Assembly respectively from the Parliamentary Constituency of Khandwa and the Assembly Constituency of Champa, which went to polls on February 4.¹⁴

MAHARASHTRA

New Leader of Opposition : Shrimati Prabha Rao, who was elected Leader of the Congress (I) Legislative Party on February 5, was recognised on February 17 as Leader of the Opposition in the Legislative Assembly.¹⁵

MANIPUR

New Speaker : On January 12, the Janata Party nominee, Shri R. K. Ranbir Singh was elected Speaker of the State Assembly.¹⁶

New Minister : Shri Y. Yaima Singh was sworn in as a Cabinet Minister on January 19.¹⁷

SIKKIM

Death of Leader of Opposition : Shri Chatur Singh Roy, Leader of the Opposition in the State Assembly, died on February 21.¹⁸

UTTAR PRADESH

Resignation of Chief Minister and formation of New Ministry: Following his defeat at the Janata Legislature Party meeting held on February 15, Chief Minister Shri Ram Naresh Yadav tendered the resignation of his Council of Ministers to the State Governor.¹⁹

¹³ *Indian Express*, February 28, 1979.

¹⁴ *Statesman*, February 7 and *Indian Express*, February 8, 1979.

¹⁵ *Free Press Journal*, February 6 and 18, 1979.

¹⁶ *Statesman (Calcutta)*, January 13, 1979.

¹⁷ *Statesman*, January 20, 1979.

¹⁸ *Times of India*, February 23, 1979.

¹⁹ *Times of India*, February 2, 1979.

A new 7-member Cabinet headed by Shri Banarasi Das, who had earlier resigned from the Speakership of the State Assembly on February 26, was sworn in on February 28. The Ministry was subsequently expanded raising its strength to 27. The allocation of portfolios was as follows :

Shri Banarasi Das : *Chief Minister, Home, Information, General Administration and Planning*; Shri Ram Naresh Yadav : *Deputy Chief Minister, Industry and Handloom*; Shri Narain Singh : *Deputy Chief Minister, Revenue and Scarcity*; Shri Abdul Halim : *Animal Husbandry and Dairy*; Shri Abid Ali Ansari : *Tourism and Hill Development*; Kazi Mohiuddin : *Forest*; Shri Kailash Nath Singh Yadav : *Adult and Primary Education*; Shri Kranti Kumar : *Labour and Employment*; Shri Khayali Ram Shastri : *Minor Irrigation*; Smt. Chandrawati : *Harijan and Social Welfare*; Shri Jamuna Prasad Bose : *Panchayati Raj and Rural Development*; Shri Deu Ram : *Home Guards and Civil Defence*; Shri Beni Prasad Verma : *Jails*; Shri Madukar Dighe : *Finance Institutional Finance and Parliamentary Affairs*; Shri Malkhan Singh : *Food and Civil Supplies*; Shri Mulayam Singh Yadav : *Cooperation*; Shri Mohammad Masood Khan : *Housing, Relief and Rehabilitation*; Shri Rama Shankar Kaushik : *Health, Excise and Prohibition*; Shri Rajendra Singh : *Irrigation*; Shri Ram Odhar Pande : *Local Self Government*; Shri Reoti Raman Singh : *Power*; Shri Shiv Mangal Singh : *Agriculture and Sugarcane Development*; Shri Shivanand Nautiyal : *Higher Education*; Shri Satya Prakash Malaviya : *Transport*; Shri Shri Chand : *Law and Judiciary*; Shri H. K. Shrivastava : *Youth and Sports Activities and Culture Affairs* and Shri Trilok Chand : *Public Works*.²⁰

WEST BENGAL

Bye-election : On January 22, Shri Abdus Sayeed of the C.P.I.(M) and Shri Shantiram Mohate of the Congress Party were declared elected to the State Assembly from the Mahestala and Purulia Assembly Constituencies respectively.²¹

UNION TERRITORIES

ARUNACHAL PRADESH

New Lt. Governor : Shri R. N. Haldipur was sworn in on January 18 as the Lieutenant Governor of the Union Territory.²²

²⁰ *National Herald*, February 27; *The Tribune*, March 1 and *Times of India*, March 8, 1979.

²¹ *Statesman*, January 23, 1979.

²² *Times of India*, January 19, 1979.

DEVELOPMENTS ABROAD

AFGHANISTAN

New Prime Minister : On March 27, Foreign Minister Mr. Hafizullah Amin was named the new Prime Minister of the country. He presented, on March 31, his 18-member cabinet to President Nur Mohammad Taraki.²³

ALGERIA

Appointment of New President and P.M. : Colonel Benjedid Chadli was sworn in as President and Colonel Mohammad Ben Ahmad was named as Prime Minister of the country on February 9 and March 8 respectively.²⁴

BANGLADESH

General Election : In the General election held on February 18 to the 300 member Parliament, the Bangladesh Nationalist Party of President Zia-ur-Rehman won a two-thirds majority securing 207 seats. The final results announced by the Election Commission on March 7 were : Bangladesh Nationalist Party—207; Awami League (Malek Group)—39; Rightists' Alliance (of Muslim League and Islamic Democratic League)—20; National Socialist Party—8; Awami League (Mizan Group)—2; Bangladesh National League—2; Peoples' Front—2; Democratic Movement—1; Bangladesh Proletariat Party—1; National Awami Party (pro-Moscow)—1; Unity Party (pro-Moscow)—1; and Independents—16.²⁵

New P.M. : On March 30, President Zia-ur-Rehman named the Labour Minister, Mr. Shah Azizur Rehman as the new Prime Minister.²⁶

BRAZIL

New President : General Joao Baptista Figueiredo took office, on March 15, as the country's 29th President.²⁷

²³ *Times of India*, March 28, 1979 and *Statesman*, April 2, 1979.

²⁴ *Statesman* (Calcutta), February 11 and *Times of India*, March 10, 1979.

²⁵ *Patriot*, February 22 and *Indian Express*, March 9, 1979.

²⁶ *Amrit Bazar Patrika*, March 31, 1979.

²⁷ *International Herald Tribune* (Jurich), March 16, 1979.

CANADA

Dissolution of Parliament : The Governor-General, Mr. Edward Schreyer dissolved the Parliament on March 26 and announced the holding of fresh elections on May 22.²⁸

CHAD

New President : On February 15, President Felix Malloum abandoned power after seeking refuge under French Army protection at N' dajamena. He was reportedly replaced by Mr. Wadal Abdelkader Kamongue, former Foreign Minister.²⁹

Death of Minister : On March 6, the Deputy Foreign Minister, Mr. Hissene Alkhotti was killed in the nation's month long civil war.³⁰

CHINA

New Minister : Mr. Chiang Nan-hsiang was appointed Minister of Education on February 5.³¹

CONGO

New President : On March 31, Colonel Denis Sassou Nguessou was declared elected as President of the country.³²

GHANA

New Ministers : On January 2, Mrs. Gloria Amon Nikoi and Mr. Gautav Korantengaddow were appointed Foreign Commissioner (Minister) and Justice Commissioner respectively.³³

Revocation of Emergency : The two-month old state of emergency imposed after a wave of industrial unrest and strikes in the country was lifted on January 1.³⁴

GRENADA

New Government : In a *coup* on March 13, the opposition leader, Mr. Maurice Bishop overthrew the Government of Sir Eric Gairy in the

²⁸ *Times of India*, March 28, 1979.

²⁰ *Patriot*, February 16, 1979.

⁰⁰ *Times of India*, March 10, 1979.

³¹ *Tribune*, February 7, 1979.

²² *The Tribune*, April 2, 1979.

³³ *Statesman*, January 4, 1979.

³⁴ *The Strait Times*, January 2, 1979.

Caribbean Island of Grenada and named himself Prime Minister of the new revolutionary government.³⁵

IRAN

New Government : On January 4, the Shah of Iran Mohammad Raza Pahalvi signed a royal decree appointing Mr. Shahpur Bakhtiar, as Prime Minister in place of General Gholam Reza Azhari, who resigned on January 1.

Following mounting pressures and street-fighting between the supporters of the exiled religious leader, Mr. Ayotollah Khomeini and the troops, Prime Minister, Mr. Bakhtiar tendered his resignation on February 11. Dr. Mehdi Bazargan, a nominee of Mr. Ayotollah Khomeini took over on February 12 as new Prime Minister of the country and named on February 13 seven members of his new cabinet.³⁶

ITALY

Resignation by P.M. : Following his defeat on a vote of confidence in the Senate, Prime Minister, Mr. Giulio Andreotti tendered the resignation of his 10-day old Government to President Sandro Pertini on March 31. On April 2, the President dissolved the country's Parliament.³⁷

MALAYSIA

Death of King : On March 29, the King (Yang Diperatuan Agung) Tunku Yahia Petra Ibni al-Marhum Sultan Ibrahim died of heart attack³⁸

MOROCCO

Resignation by P.M. : Prime Minister Ahmad Osman tendered his resignation to king Hassan on March 21.³⁹

PAKISTAN

Upholding of Bhutto's death sentence : By a 4-3 majority decision the Supreme Court upheld, on February 6, the death sentence awarded by the High Court to the former Prime Minister, Mr. Z. A. Bhutto for ordering a political murder in 1974. The petition filed by the former Prime

³⁵ *Times of India*, March 14, 1979.

³⁶ *Ceylone Daily News*, January 3, *Free Press Journal*, February 6, *Amrit Bazar Patrika*, February 12, and *Hindustan Times*, February 13, 1979.

³⁷ *The Tribune*, April 2, and *Statesman*, April 3, 1979.

³⁸ *Times of India*, March 30, 1979.

³⁹ *Patriot*, February 23, 1979

Minister, for a review of the confirmation of death sentence was rejected by the Supreme Court on March 24. The Court, however, observed that "the grounds for reviewing the sentence of death were relevant for consideration by the executive authorities in the exercise of their prerogative of mercy". The President, General Zia-ul-Haq, however did not exercise his prerogative despite requests for clemency from various quarters. Mr. Bhutto was hanged on April 4.⁴⁰

PERU

New P.M. : General Pedro Richter Prada was sworn in on January 1, as the new Prime Minister of the country.⁴¹

Declaration of emergency : The military Government declared a state of emergency on January 6 and suspended constitutional guarantees for 30 days to deal with the 3-day general strike to protest against rising living costs.⁴²

RUMANIA

New P.M. : On March 30, Mr. Ilie Verdet was elected new Prime Minister in place of Mr. Manea Manesou, who resigned on March 29.⁴³

SAINT LUCIA

Attainment of Independence : Saint Lucia, an island in the Caribbean ruled by the British for 165 years, attained independence on February 22.⁴⁴

SOUTH YEMEN

Resignation by President : Mr. Abdel Fattah Ismail presented his resignation on March 29 in order to allow North Yemeni head of State, Mr. Ali Abdallah Saleh to become President of a unified Yemen.⁴⁵

TURKEY

Extension of Martial Law : The Martial Law imposed on December 26, 1978 in 13 key provinces of the country was extended by Parliament on February 25, 1979 for a further period of two-months.⁴⁶

⁴⁰ *Statesman*, February 7 & *Times of India*, March 25 & April 5, 1979.

⁴¹ *Times of India*, February 2, 1979.

⁴² *Statesman (Calcutta)*, January 8, 1979.

⁴³ *The Tribune*, March 31, 1979.

⁴⁴ *Statesman (Calcutta)*, February 23, 1979.

⁴⁵ *Patriot*, March 30, 1979.

⁴⁶ *Times of India*, February 27 1979.

UNITED KINGDOM

Defeat of Labour Government : The Labour Government headed by Prime Minister, Mr. James Callaghan was defeated on March 28 in a no-confidence motion tabled by the Conservative Party opposition Leader Mrs. Margaret Thatcher by 311 votes to 310. Consequently, on March 29, Queen Elizabeth II fixed May 3 as the date for holding of fresh General Elections in the country.⁴⁷

UNITED NATIONS

New World Court President : On February 24, Sir Humphrey Waldock of Britain and Mr. Taslim Olawale Elias of Nigeria were elected President and Vice-President respectively of the International Court of Justice replacing Mr. Himenez De Archaga of Uruguay and Dr. Nagendra Singh of India.⁴⁸

U.S.S.R.

New Ministers : Mr. Alexei Yashin was appointed Minister of Building Material and Mr. Pavel Finogenov, a Minister of the Defence Industry, on January 24 and January 30, respectively⁴⁹

Elections to the Supreme Soviet : In the election to the country's Parliament held on March 4, the Central Electoral Commission announced the election, by 99.99 percent electorate, of 1500 Deputies, which included 522 workers, 244 collective farmers and 487 women.⁵⁰

VIETNAM

Cabinet changes : Three Ministers, including the Vice-Premier, Mr. Vo Chi Cong, were relieved of their posts on February 25⁵¹

ZAIRE

Cabinet Reshuffle : On March 7, President Mobutu Sese Seko reshuffled his Cabinet appointing Mr. Boloko Lokongo and Mr. Nguza Korli Bond as the new Prime Minister and the new Foreign Minister respectively, replacing Mr. Mpinga Kasenda and Mr. Umba Di Lutete.⁵²

⁴⁷ *Statesman*, March 29, and 30, 1979.

⁴⁸ *Patriot*, February 26, 1979.

⁴⁹ *The Tribune*, January 26 and *Patriot*, January 31, 1979.

⁵⁰ *Amrit Bazar Patrika*, March 8, 1979.

⁵¹ *Statesman*, February 26, 1979.

⁵² *Statesman (Calcutta)*, March 8, 1979.

ZAMBIA

New Cabinet : Following the general elections held in December 1978, a new 19-member cabinet was announced by President Kenneth Kunda on January 2.⁵⁸

⁵⁸ *The Ceylone Daily News*, January 4, 1979.

SESSIONAL REVIEW

LOK SABHA

The Seventh Session of the Sixth Lok Sabha commenced on February 19, 1979 with an Address by the President to both the Houses assembled together. A brief resume of some of the important discussions held and other business transacted upto March 31, 1979 is given below:

A. DISCUSSIONS

President's Address : In his Address to the Members, the President stated that the Government was considering basic reforms in electoral laws and procedures in order to make the electoral process more equitable and less susceptible to pernicious influences. The detailed proposals evolved would be discussed with the political parties.

The Government had continued its effort at freeing the democratic processes from the shackles of Emergency and restoring the rule of law and proposed to bring forward legislation to constitute Special Courts for trial of offences committed by persons holding high political and public office during the Emergency.

The centre of political processes had been shifting from urban to rural areas over the last few years and the rising expectations of the rural community were accompanied by an increase in social tensions. The success of democracy would depend on "our ability to manage this shift both in political and economic terms, in an orderly manner". For ameliorating the economic conditions of the rural poor, a significant step taken during 1978-79 was the introduction of the programme of integrated Rural Development. Besides, a viable production-cum-distribution scheme consisting of a package of measures covering production, procurement, storage, transportation and distribution would be taken up for implementation throughout the country in July, 1979.

In the field of international affairs, India's relations with the major powers were based on deep commitment to non-alignment, mutuality of interest, reciprocity and constructive cooperation. The Government steadfastly pursued the policy of non-alignment with regard to the rest of the World and positive cooperation with all countries. Steps had been initiated towards the normalisation of relations with the People's Republic of China on the basis of Panchsheel. Expressing grave concern at the developments on the Sino-Vietnamese border which carried the potential to endanger international peace and stability, the President called for immediate end of the fighting and the withdrawal of Chinese forces from Vietnam as a first step.

India had also continued to work actively in the international forums and U.N. Conferences for the cause of disarmament, specially nuclear disarmament as she firmly believed that commitment to "disarmament is an essential step for setting mankind on the path of peace, progress and stability". India's consistent policy to support the just cause of the Arabs remained unchanged and it was India's sincere hope that freedom would come to Namibia and Zimbabwe in the near future.

Motion of Thanks on the President's Address: A motion of thanks on the President's Address was moved by Shri Yagya Datt Sharma on February 22, 1979. Initiating the discussion, Shri Sharma complimented the Government for bringing about a family like atmosphere in the Centre-State relations. He suggested that for proper implementation of the Plan schemes it was necessary to entrust them to honest persons.

Seconding the motion, Shri Ashoke Krishna Dutt said that the President's Address had significantly enumerated several provisions on electoral reform and about the change which was going to be brought about in the control and management of Akashvani and Doordarshan. It was expected that in future, no person having designs will ever be able to attempt to misuse high office and commit excess. He further said that the progress in the agricultural and industrial fields had been remarkable and the national income had grown by 7.4 per cent as against 1.4 per cent in the previous year. He sought cooperation of all in fighting out the evil of poverty in the country.

Shri C. M. Stephen, Leader of the Opposition, opposing the motion saw absolutely no scope or justification for complacency. In his view domestic savings and investments were going down, the public sector had started incurring a loss, the consumer cost of living index was moving up and corruption had become law of the land. The Government's policies and social tensions had led to the break-down of the law and order situation. He stressed the need for proper leadership to solve the problems facing the country.

The discussion on the motion continued for four days. Speaking on February 26, 1979 Shri Govindan Nair felt that the only way to contain the problem of casteism and communalism was to restore the authority of the Constitution. He called for creation of a separate State for tribals living in Bihar, Orissa and Madhya Pradesh to help them solve their problems.

On February 27, Shri A. Bala Pajanoor said that the Address did not mention any concrete programme for solving the unemployment problem. He wanted an assurance from the Government that nothing would be done in Pondicherry without consulting the people there.

Replying to the discussion on February 28, 1979, the Prime Minister, Shri Morarji Desai maintained that the performance of the Government was neither dismal nor unsatisfactory under the circumstances in which they were working. The consumer goods were now available to all people without any let or hindrance and at comparatively lower prices. The atmosphere of violence prevailing in the country was a matter of concern for all. While the Government on its part was trying to meet the situation as best as it could, there was a need to find out ways and means to curb the incidence of violence. Opposition Leaders were consulted on communal incidents and cases of atrocities against the Harijans. A Committee representing all parties had been appointed under the Chairmanship of the Deputy Prime Minister and Minister of Defence to suggest remedial measures.

Shri Desai further said that the policy of utilising nuclear energy for peaceful purposes was being pursued far more vigorously than before and progress was also being made in the field of Science and Technology and more funds had been allotted for its advancement.

The Prime Minister did not agree with some Members that the visit of the Foreign Minister to China was ill-timed or he had compromised on any matter. In fact, the moment he found that China had attacked Vietnam, he had cut-short his tour and had come away. It had been made clear to China that the problem of land occupied by it would have to be solved to India's satisfaction. China had agreed that they would have no dealings with the rebels from Nagaland and elsewhere.

In a reference to Pondicherry, the Prime Minister indicated that it could not remain separate for long. Its merger had to be done in a proper manner. But the Government had not taken any decision.

Shri Desai denied that the Government was adopting a vindictive attitude against the former Prime Minister. She had in reality complete freedom of expression and mobility. The special courts to be set up for

the expeditions disposal of cases would follow only the ordinary procedure for trials.

The Motion was adopted by the House on February 28, 1979.

Prime Minister's visit to Sri Lanka: On the invitation of the President of Sri Lanka, the Prime Minister, Shri Morarji Desai visited that country from February 3 to 6, 1979. Making a statement on February 20 1979, he informed the House that during the visit, he had several opportunities to discuss with the President, the Prime Minister and other Ministers of the Government of Sri Lanka a wide range of subjects of mutual interest and to exchange views on regional and international issues. There were no bilateral outstanding problems between India and Sri Lanka. The discussions centered mainly around ways and means of bringing about closer cooperation between the two countries in all fields. The implementation of India-Sri Lanka Agreement of 1964 was reviewed with Sri Lanka leaders and the officials on both sides had been asked to streamline and improve the procedure involved. He also met members of the Indian community both at Kandy and Colombo as well as representatives of the various Indo-Sri Lanka Associations and also had an opportunity of discussing the problems faced by some of the persons due for repatriation to India. He had directed the Indian Mission in Sri Lanka to facilitate the completion of formalities required for this repatriation.

External Affairs Minister's visit to China: Making a statement on February 21, 1979, the Minister of External Affairs, Shri Atal Bihari Vajpayee informed the House that he had three sessions of talks in Peking with the Foreign Minister Mr. Huang Hua, a long conversation with Vice-Premier Mr. Teng Hsiao-ping and finally, a meeting with the Premier Mr. Hua-Kuo-feng. All these meetings were characterised by an atmosphere of cordiality. All major issues of common concern to the two countries were covered in the talks. Both sides agreed on some of the issues such as the vital importance of supporting the struggle for liberation in Southern Africa and the need for comprehensive settlement in West Asia which must include the fulfilment of Palestinian rights. However, both sides clearly recognised that India had different assessments on the inevitability of war, the logic of disarmament and the prospects of detente. The Chinese Government showed an understanding of India's policy towards Pakistan and other neighbours and expressed, both in public and in private conversations, its appreciation of the efforts, and indeed, the rationale and success of India's policy.

According to the Minister the conversations provided an opportunity for the first time in 19 years for a from exchange of views, during which

950 LS—8

he made it clear that the unresolved boundary question must be satisfactorily settled if relations of mutual confidence were to be established between India and China. These exploratory preliminary contacts had at least unfrozen the issue and both Governments were agreed on the need to reflect further on the possible ways to resolve "this crucial question". In his view the common willingness to recognise it as such, was not an insignificant step forward.

Shri Vajpayee said that he had informed the Chinese leaders that Dalai Lama and Tibetan refugees had been extended asylum and resettlement facilities in India in deference to the Dalai Lama's spiritual position. India would not stand in their way, if they decided to return to their places of origin.

regards the situation in Indo-China, the Chinese leaders had expressed their view-point on the deterioration of their relations with Vietnam. He had clearly expressed his concern at the prevailing tension in the area and had stressed that each of the two countries in the region was entitled to respect for its sovereignty and territorial integrity and must be enabled to maintain its independence. It was a matter of regret that in the course of frank exchanges, where it had been clearly recognised that both the countries had differing perspectives on the international situation, the Chinese leaders did not inform him of the possibility of the developments on the China-Vietnam border.

It was not too far-fetched to believe that neither China nor India could profit from an attitude of hostility or even detachment of a kind which characterised their relations for many years. It was hoped that given mutual respect based on equality and dignity, these relations would also improve bilaterally and fit into the web of positively oriented and advantageous relationship, which was the essence of India's foreign policy.

Chinese invasion of Vietnam: On February 21, 1979 raising a discussion on the Chinese invasion of Vietnam and consequent threat to the freedom of nations in Asia, Shri Bedabrata Barua wanted the Government to immediately call a conference of the Asian countries and see that the aggression was not only stopped, but the action of China was condemned sufficiently and that there was enough security in Asia for all freedom loving people. Shri A. Bala Pajanjor also expressed similar opinion and said that India should condemn the Chinese aggression of Vietnam in the strongest term.

Participating in the resumed discussion on February 23, 1979, Shri M. N. Govindan Nair expressed solidarity with the people of Vietnam and voiced the demand for withdrawal of the Chinese army from the Vietnamese territory.

Replying to the two-day discussion, the Minister of External Affairs, Shri Atal Bihari Vajpayee expressed India's solidarity with the brave and valiant people of the Republic of Vietnam who were facing a new crisis after having fought against imperialism and secured their independence. No country however big and strong, could act like a policeman of the world. Gone were the days of punitive expedition and gunboat diplomacy. The situation had to be defused. The escalation would lead to global repercussions. All countries and particularly the great powers had to put pressure on the People's Republic of China to withdraw from the Vietnamese territory. An aggressor could not be allowed to enjoy the fruits of his aggression. The problems, if any, could be discussed bilaterally and in a peaceful manner. The use of force must be ruled out and those who wanted to use force must be condemned universally.

Shri Vajpayee urged that his visit to China be considered separately on merits and conclusion should not be drawn that it was a complete failure because China decided to attack Vietnam. As soon as he came to know about the massive attack, he conveyed his grave concern to the Chinese authorities in Peking through their Ambassador who was accompanying him. At the same time he decided to cut short his visit to Peking which, he felt, was a civilised way of protest.

Railway Budget: Presenting the Railway Budget for 1979-80 to Lok Sabha, on February 20, 1979, Minister of Railways, Shri Madhu Dandavate said that he had proposed a number of measures offering a better deal to the rail users and to the railway staff. While the Railways had achieved a record surplus of Rs. 126.23 crores in 1977-78 the surplus projected in the 1979-80 Budget was only Rs. 88.49 crores. The Budget estimates for the year 1979-80 envisaged gross traffic receipts of Rs. 2278 crores or Rs. 113 crores more than the revised estimates for the current financial year. The working expenses were estimated at Rs. 1828 crores or Rs. 142 crores over the revised estimates for the current year. He proposed a revision in the freights and fares in selective areas, which would yield an additional revenue of Rs. 178 crores.

Shri Dandavate stated that in pursuance of the declared policy of the Government to give priority to agriculture, the Railways would extend the special travel concession to Kisans visiting industrial and agricultural exhibition at national levels. With the new perspective in favour of rural development, agriculture-oriented lines would claim the same priority as the project-oriented lines. To commemorate 1979 as "the International Year of Child", it was proposed to raise the age limit for free travel for children from 3 years as at present to 5 years as a regular measure.

General discussion on the Railway Budget was initiated on March 5, 1979 by Shri Nihar Laskar who said that as a result of the new burden of Rs. 178 crores imposed on the railway users, the prices of all commodities would go up and affect the entire economy of the eastern region. The discussion continued on March 6, 7 and 8, 1979 in which fifty members participated.

Winding up the debate on March 8, 1979, the Minister of Railways, Shri Madhu Dandavate announced a 50 per cent cut in the proposed increase in the fares stipulated in the Budget and explained that First Class fares had been fixed at four times the second class fares. In regard to the seasonal tickets, the previous concession by which quarterly passes were available at two-and-half times of monthly pass would be restored. He ruled out that wagon movement had suffered. In fact, the wagons got locked up for a longer distance and took more time to and fro owing to the change in the pattern of traffic on account of movement of foodgrains from Punjab and Haryana to the South. The question of bonus to railwaymen was being examined by a Cabinet sub-Committee and the final decision would be taken after the matter was further examined by the Ministry of Finance.

General Budgets: The Deputy Prime Minister and the Minister of Finance, Shri Charan Singh presented the General Budget for 1979-80 to Lok Sabha on February 28, 1979. Presenting the Budget he said that the performance of the Indian economy during the year was a matter of great satisfaction. Agricultural production had continued at a record level for the second year in succession. Industrial production was expected to register an increase of 7 to 8 per cent in the current year. Price stability achieved last year had continued throughout the current year as well.

The Budget included the total receipts of the Central Government for 1979-80 at Rs. 16,651 crores as against the estimated expenditure of Rs. 18,526 crores. Thus the over-all budgetary gap at the existing rates of taxation would be Rs. 1,975 crores, which would be covered to the extent of Rs. 620 crores by the additional revenues and the receipts on Compulsory Deposits by income-tax payers. The residual deficit would be of Rs. 1,355 crores. Shri Charan Singh stated that he had carefully assessed the inflationary potential of a deficit of this size, and he was confident that it would be possible to maintain reasonable price stability in the coming year. He maintained that he had not neglected either large industry or its infra structure in the process. On the contrary, he had positively encouraged them, while trying to lay maximum emphasis on agricultural rural development and labour intensive industry.

General discussion on the Budget commenced on March 12, 1979 and continued on March 13, 15 and 16, 1979. Initiating the debate on March 12, Shri R. Venkataraman said that the Budget could not be termed as a "Kisan Budget" since it did not lay emphasis on agricultural development and rural industries. The price stability, as expressed in the Budget, was also illusory as there was no check on the expansion of money supply and its continuance would lead to rise in prices. He urged the Government to give serious thought to effecting reduction in the taxes as the effect of tax proposals on prices would not be less than 10 per cent.

Shri Govindan Nair demanded nationalisation of jute, sugar and other industries and introduction of a public distribution system. There was a need to build up the necessary infra-structure for development of the rural industries and declaration of a tax holiday till the production commenced.

Replying to the discussion on March 16, Shri Charan Singh said that the substantial resource mobilisation effort in the Budget was to contain budget deficit within safe limits. The Government would continue to make every effort to limit the growth of money supply in such a way as not to upset price stability.

The reduction of duty on some agriculture inputs like fertilisers should be seen as a part of the comprehensive strategy of increasing the productive of small and marginal farmers by making it possible for them to use modern inputs more intensively.

Taxes on luxuries had not been levied on the basis of location or residence. It was grossly unfair to see any prejudice against the urban sector. By taxing those who had the capacity to pay, he was merely trying to rectify some of the past mistakes in an effort not to set one class against the other, but in the true Gandhian spirit, to help usher a more integrated and less unequal society.

The Finance Minister announced withdrawal of the increase in the excise duty on confectionery, cocoa powder, chocolates and biscuits. Other items on which total or partial withdrawal of excise duties was announced included lower grade soap, tooth paste, tooth brushes, locks, matchbox footwear etc.

After the general discussion on the budget had concluded, the Demands for Grants on Account were voted in full and the relevant Appropriation Bill was passed.

Mizoram Budget: On March 12, 1979, the Minister of State in the Ministry of Finance, Shri Satish Agrawal presented the Budget for 1979-80 of Mizoram which was under President rule. The Budget included revenue

receipts at Rs. 45.52 crores including Rs. 43.31 crores as grants-in-aid from the Central Government and an equivalent expenditure on revenue account, *i.e.*, at Rs. 45.52 crores.

Intervening in the resumed discussion on March 21, 1979, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal informed the House that elections in the Union Territory would be held on April 27, 1979. There was no question of revival of the demand for independence as the Mizo National Front was now divided thoroughly. After the Minister replied to the debate all the Demands for Grants on Account for 1979-80 were voted in full.

Pondicherry Budget: On March 12, 1979, the Minister of State in the Ministry of Finance, Shri Satish Agrawal presented the Budget of Pondicherry for 1979-80 which was also under President rule. The Budget included the receipts at Rs. 26.90 crores including Rs. 10.28 crores as grants-in-aid from the Central Government and an equivalent expenditure on revenue account.

Speaking on the Budget on March 21, 1979, Shri A. Bala Pajanor demanded immediate elections in Pondicherry. He said that the demands of the people for statehood to the Union Territory, establishment of a separate High Court, a University, and an airport should also be conceded. The future of the Union Territory should be decided after taking into account the wishes of the people.

The Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal intervening in the debate said that elections in Pondicherry would be held not later than September 1979 and all points of view would be taken into consideration when the question of its merger was dealt with.

After Shri Satish Agrawal replied to the debate, all the Demands for Grants on Account (Pondicherry) 1979-80 were voted in full.

Presence of U.S. Naval Task Force in the Gulf Area: Making a statement on March 12, 1979, the Minister of External Affairs Shri Atal Bihari Vajpayee said that India being committed to keep the Indian Ocean free from big power rivalry and naval presence. He was therefore distressed at the announcement regarding the United States Government despatching a carrier led naval task force to the Indian Ocean and the Gulf Area. It was contrary to the spirit of the U.N. resolution on keeping the Indian Ocean as a Zone of Peace and could not assist the process of bringing stability in a region which had seen serious up-heavals and was still seething with tensions and uncertainty. The increased military and naval presence in the area and fears of involvement of great powers could have

adverse political and economic consequences which would not ease but only add to the tensions in that vital region.

The matter was raised again on March 20, 1979 through a Calling Attention Notice by Shri K. P. Unnikrishnan. The Minister of External Affairs making another statement in response thereto expressed India's concern in the matter in the wake of the recent events in Iran and Afghanistan. Keeping with the declared purpose of extending detente to all regions of the World, India could not but caution against any new military arrangement involving super-powers or non-regional countries.

Dearness Allowance to Central Government Employees.—On March 30, 1979, the Deputy Prime Minister and Minister of Finance, Shri Charan Singh informed the House that the offer made by the Government and since accepted by the Staff side covered (i) merger of dearness allowance with pay at the average index level 272 for retirement benefits with effect from September 30, 1977; (ii) payment in cash of the 6th and 7th instalments of additional dearness allowance at the higher rates of 4 per cent and 3 per cent with effect from December 1, 1978. The higher rates would be adopted for future instalments of dearness allowance also; (iii) liberalisation of the pension formula incorporating a slab system and (iv) refixation of ceilings on dearness allowance. The Government had decided to grant to pensioners and family pensioners simultaneously the instalments of relief corresponding to the 7th instalment of additional dearness allowance to serving employees. It had also decided to raise the ceiling (i) pay for drawing dearness allowance to Rs. 2,750 with slight marginal adjustments subject to a minimum dearness allowance of Rs. 150; and (ii) maximum pension to a total of Rs. 1500 inclusive of relief upto index level 328. The pensions of defence personnel would also be enhanced. The improvements were estimated to cost the Government about Rs. 500 crores upto the end of 1983-84.

Situation arising out of Pakistan going Nuclear.—Making a statement on March 30, 1979 in response to a Calling Attention Notice by Shri Yadendra Dutt, the Minister of External Affairs, Shri Atal Behari Vajpayee stated that the Government had come across reports regarding the efforts of the Government of Pakistan to purchase equipment which could be used for a programme to develop nuclear explosion capability. While the Government had no information of China giving assistance for Pakistan's nuclear programme, the possibility of its having received some material from France could not be ruled out. In the light of such reports, the Prime Minister had written to President Zia of Pakistan on February 8, expressing India's concern over the matter. President Zia in his reply

of March 3, 1979, had stated that Pakistan's entire nuclear programme was geared to peaceful uses of atomic energy and that Pakistan had no intention of acquiring or developing nuclear weaponry. India earnestly hoped that the assurance given by President Zia would be adhered to in the acquisition of nuclear technology. India, he reiterated, had unilaterally announced its intention to gear its nuclear programme only for peaceful purposes.

B. LEGISLATIVE BUSINESS

Special Courts Bill.—Moving the motion for consideration of the Bill* on February 28, 1979, the Minister of Home Affairs Shri H. M. Patel recalled that the Government had repeatedly assured the House as also the public generally that wherever crimes had been committed under the cover of emergency, unmindful of the law, they would be brought before the courts. The ordinary criminal courts could not reasonably be expected to bring such trials to an early conclusion for a variety of reasons. The Government, therefore, decided to establish special courts at a high level to deal exclusively with such offences. The Supreme Court to which a reference was made under article 143 of the Constitution had endorsed the constitutionality of the measure establishing special courts for securing speedy trials of such offences. Commending the Bill to the House, the Minister said that the Special Courts would be presided over only by the sitting Judges of the High Courts and all cases before such Special Courts would be tried in accordance with the provisions of the Code of Criminal Procedure applicable to warrant cases triable by magistrates. An appeal shall lie as of right from any judgment or order of the Special Court to the Supreme Court both on facts and on law.

Opposing the Bill on March 1, 1979, the Leader of the Opposition, Shri C. M. Stephen said that the Bill confirmed the conviction and the fear that it was going to be a case of hand-picked offenders being put before handpicked judges with a pre-arranged dispensation, whereunder prearranged judgment could be handed down in the service of justice and in the prosecution of law in the country.

* The Bill was introduced by the Minister of Home Affairs Shri H. M. Patel on February 21, 1979. The motion for leave to introduce the Bill was opposed by some members on the ground that it violated article 14 of the Constitution and an identical Bill moved by Shri Ram Jethamlani on August 24, 1978 was before the House. Replying to the objections, Shri Patel maintained that article 14 of the Constitution did not apply as the Bill in question referred to the whole class of offenders and, further, it differed on four points from the Bill pending before the House.

Replying to a two-day discussion, Shri Patel denied the charge that the Government had some ulterior motive in bringing forward the legislation. He reiterated that it was only interested that those persons against whom there was *prima-facie* cases were prosecuted and the prosecution was completed with the utmost despatch that was fair.

The possibility and advisability of extending the scope of the Bill could certainly be examined, but not in the present occasion as it would lead to many implications. The present measure had been brought forward with the clear and specific object of trying Emergency offenders.

The motion was adopted and the Bill, as amended, was passed on March 9, 1979.

Sugar Undertakings (Taking-over of Management) Amendment Bill.—On March 9, 1979 moving a motion that the Bill* be taken into consideration, the Minister of State in the Ministry of Agriculture and Irrigation, Shri Bhanu Pratap Singh said that a provision in the Act relating to vesting of management of Sugar Undertakings in the Central Government had given rise to some ambiguity. The interpretation of Section 3(1)(b) relating to arrears of cane dues in fact undermined the very object of giving relief to cane growers. The said section had been amended to bring out clearly the sense behind the words and protect the interest of the cane growers. The present measure sought to replace the Ordinance promulgated on January 31, 1979 to that effect.

Replying to the discussion on March 20, 1979, the Minister said that it was an achievement of the new sugar policy that sugar was now being sold at cheaper rates and was available in plenty. No sugar factory had been taken over by the Government without consulting the State Government concerned. The reduction in excise duty on sugar would result in wiping out the khandsari units and gur manufacturers. The Government, however, was considering the possibility of fixing the price of cane according to the quality from the next season.

The motion was adopted and the Bill was passed on the same day, *i.e.* March 20, 1979.

Industries (Development and Regulation) Amendment Bill.— On March 23, 1979, moving a motion that the Bill** be taken into consideration, the Minister of Industry, Shri George Fernandes said that the Bill pertained to two amendments to the Industries (Development and Regulation) Act: one relating to the new industrial policy under which a large number of items had been reserved for exclusive manufacture by the small

* Introduced in Lok Sabha on February 19, 1979.

** Introduced in Lok Sabha on February 22, 1979.

scale sector and the other extending the period of moratorium on industries take-over from five to eight years. The present measure sought to replace the Ordinance promulgated in December 1978 to that effect.

Initiating the discussion on March 26, 1979, Shri Vasant Sathe welcomed the measure and called for a national debate on the Industrial policy. Shri A. Bala Pajnor supporting the Bill stressed the need for a comprehensive measure to encourage small-scale and cottage industries.

Replying to the brief discussion which ensued, the Minister assured the House that the Government would come forward soon with a comprehensive Bill to amend the Industries (Development and Regulation) Act. It was also proposed to introduce a special legislation aimed at giving protection to the small scale industries. The Government would import foreign technology, wherever it was absolutely necessary and would leave no stone unturned to take-over such units as were rendered sick by mismanagement. There was no question of returning a sick unit to the owner after it was taken over under the Industries (Development and Regulations) Act.

The Bill, as amended, was passed on the same day.

RAJYA SABHA*

HUNDRED AND EIGHTH SESSION

Rajya Sabha met for its hundred and eighth session on Monday, February 19, 1979 and adjourned on March 28, 1979. Some of the important items of business transacted during the session are briefly mentioned below:

A. DISCUSSIONS

China's attack on Vietnam.—On February 20, 1979 Shri G. C. Bhattacharya called the attention of the Minister of External Affairs to the reported attack by China on Vietnamese territory and the Government of India's reaction thereto. Making a statement on the subject, the Minister of External Affairs, Shri Atal Bihari Vajpayee said that after the reports of the massive attack by Chinese troops across the Sino-Vietnamese border, the Prime Minister had, on February 18, 1979, issued a statement expressing Government's profound shock and distress at the outbreak of hostilities which could endanger international peace and security and underlining the urgent need for the withdrawal of Chinese forces from the Vietnamese territory. Shri Vajpayee said that when he heard of the developments he decided immediately to cancel the remaining programme

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

of his stay in China and sought the help of the Chinese authorities to get to Hong Kong and to return to India the same day. The Government's serious concern at these developments was conveyed to the Chinese authorities in Peking through the Chinese Ambassador to India, who was accompanying the Indian party on tour in China early on the 18th February before it left Hangchow. The present situation was a matter of grave concern to the entire international community. India wanted to eventually see peace and stability made secure so that nations in their independence could resume economic co-operation in the region.

Replying to the points raised by the members, Shri Vajpayee said that the first and foremost requirement was the withdrawal of Chinese forces from the Vietnamese territory. Then, if there were any questions, they could be discussed at the negotiation table, but in no case use of force should have been resorted to by the People's Republic of China. The Security Council, as it was composed today, might not be in a position to take immediate or very effective action. India, with the other non-aligned nations and with like-minded countries, would like to find out whether something concrete could be done in order to defuse the situation.

Virginity test of Indian Immigrants to U.K.—On February 21, 1979, the Minister of External Affairs, Shri Atal Bihari Vajpayee in a statement said that as a result of public outcry both in Britain and India over the virginity tests being carried out on Indian women immigrants at London, the British Home Secretary had given explicit instructions on February 2, 1979 that immigration officers should not ask Medical Inspectors to examine passengers with a view to establishing whether they had borne children or had sexual relations. On February 5, 1979 the British Home Secretary made a statement in the House of Commons to this effect. The British Government in a letter from the Parliamentary Under Secretary in the Foreign Office to the Indian High Commissioner in London had conveyed their "deep regret" over the recent incident on February 9, 1979. It was further stated therein that steps taken by the British Government would ensure that no such incident would occur again. A copy of the letter was given to the Ministry of External Affairs by the British Deputy High Commissioner on February 13, 1979.

Replying to the points raised by the members, the Minister said that the whole difficulty was that those who were subjected to this test were asked to give a written consent, and in their anxiety to seek entry into the United Kingdom, they had been allowing themselves to be subjected to this practice. Under the immigration laws, medical examination was allowed. But the laws did not specifically say anything about gynaecological tests. It was open for any passenger to come back to India, to refuse to enter

England if he or she was required to be subjected to such type of treatment. If inhuman treatment was meted out to the Indian emigrants, they should not step into that land to vindicate their self-respect.

Taking over of Sugar Mills by Government.—On March 16, 1979, Shri Ramanand Yadav raised a discussion on points arising out of replies given to Unstarred Question No. 90* and said that although the Government had stated that the sugar mills owed Rs. 120 crores to the cane-growers as arrears of the cost of sugarcane, it did little to get these arrears paid to them. Taking-over of certain sugar-mills by the Government had not eased the situation in this regard either. In Bihar, of the two mills taken over by the Government, the Motipur Sugar Mill had not paid a sum of Rs. 11 lakhs to the farmers since 1977-78 onwards. He wanted to know what steps were being taken by the Government to ensure speedy payment of the cane dues to the farmers and whether the Government was going to create a buffer-stock of sugar and if so, its modalities? The Government should ensure that the income derived from the buffer-stock was utilized for making payments for cane dues to the farmers.

Replying to the discussion, the Minister of State in the Ministry of Agriculture and Irrigation, Shri Bhanu Pratap Singh admitted that a big amount was due to the farmers on account of non-payment of price of sugar-cane by the mills. As on February 15, 1979, this sum stood at Rs. 100 crores in the whole of the country. The arrears, however, pertained mainly to Uttar Pradesh and Maharashtra as these two States produced maximum sugar. The Government had expected that after de-control sugar would sell at least at the rate of Rs. 2.75 per kilogram in the market but it was actually sold at much less price with the result that sugar factories were not in a position to make payment to the cane-growers. A buffer stock of sugar would be created to improve this position and the income derived from it would be utilized for making payments to the cane-growers whose amounts were due. The credit limit of the mills had also been increased by the Banks keeping in view the increased production of sugar and these mills had been given instructions to make payments to the cane-growers as a result of this increased credit limit. The prices of sugar were somewhat rising and it would help the cane-growers and the sugar-mills, but if the prices went beyond the limit of Rs. 2.75 per kilogram, the Government would definitely intervene in the matter, and might take steps to control sugar again.

*Motion of Thanks on the President's Address***—On February 21, 1979, Shri Surendra Mohan moving the motion of Thanks on the President's Address, said that the President had drawn the attention of the

* Question answered on February 21, 1979.

** Laid on the Table of the Rajya Sabha on the 19th February, 1979.

country to the great urge of the rural poor for economic welfare. For the first time, concerted attention was being given to the fact that irrigation would be made available to as many people as possible. The Government's policy was to promote the growth of small and cottage industries for improvement of the rural economy. The national income had for the first time increased by over 7 per cent, and it was hoped that next year also there would be a similar increase in it. However, the relevant question was how this wealth was generated and would it be redistributed so that there could be distributive justice for all.

The motion was discussed on February 21, 22, 26, 27 and 28, 1979. Replying to the debate on February 28, 1979, Shri Morarji R. Desai, Prime Minister, said that there was more production and better distribution on the food front. The employment was coming up and unemployment was being reduced by improvements in agriculture, in cattle breeding, in poultry and in various cottage industries. The banks were now giving proper assistance to the people for self-employment also. Referring to the policy on China, he observed that talks were going on with the Chinese Government to solve the boundary problems to the satisfaction of both the parties. There was no question of pleasing China, he said.

All the amendments moved were either by leave withdrawn or negatived and the Motion of Thanks as originally moved was adopted.

U.S. naval fleet in the Indian Ocean.—On March 22, 1979, Shri G. C. Bhattacharya called the attention of the Minister of External Affairs to the reported proposal of the United States of America to station a new naval fleet in the Indian Ocean and to forge a new military alliance with China, Saudi Arabia, Pakistan and Bangladesh.

Replying to the discussion, the Minister of External Affairs, Shri Atal Bihari Vajpayee said that Government's concern over the despatch by the U.S. Government of a carrier-led naval task force to the Indian Ocean had been expressed earlier in the House but so far there was no confirmation of the reports that a new military alliance involving China, Saudi Arabia, Pakistan and Bangladesh was being forged. Recent events had made it more than clear that increased military and naval strength in the region and enhanced presence by one or both super powers could have adverse consequences, and add to the tensions in the region, which would be of concern to the entire world. The United Nations was already seized of this problem of making the Indian Ocean a zone of peace. A conference of littoral and hinterland States of the Indian Ocean and the Gulf was to be held in the coming months.

Replying to the points raised by the hon. members, the Minister said that after the dissolution of CENTO if any countries decided to forge a

new military alliance, they would be acting against their own interest and against the interests of the entire region. India would like all the foreign bases including that of Diego Garcia to be dismantled.

Railway Budget, 1979-80—General Discussion.—The Budget (Railways)* for the year 1979-80 came up for general discussion in the Rajya Sabha on March 6, 7, 8 and 12, 1979. Initiating the discussion, Shri Anant Prasad Sharma said that the people who were responsible for running the railways in the country efficiently and for enabling the Railway Minister to present a surplus Budget before Parliament had been completely ignored. It would be in the fitness of things if the Minister even now announced the payment of bonus at 8.33 per cent to the Railwaymen. The budget had deprived the people also of their legitimate demands as it had increased the fares and freights.

The Minister of Railways, Professor Madhu Dandavate replying to the discussion said that the traffic pattern in the country had completely changed as a result of certain good things that Government had done and the more important indicator of the traffic progress in the country was the tonne kilometreage and the passenger kilometreage. The record food production in the last financial year led to the stoppage of all food imports but the process of reaching far-flung areas kept the wagons locked up for a longer period of time. Also, heavy imports of fertilisers resulted in the increase of load on the railways. The question of bonus had already been examined by a sub-committee of the Cabinet. The Finance Ministry was processing it, and it was only after this work was completed that the decision on the question of bonus would be taken.

The General Budget, 1979-80—General Discussion.—The general discussion on the Budget (General)† for the year 1979-80 took place in the House on March 12, 13, 15, 19 and 20, 1979. Initiating the discussion, Shri Pranab Mukherjee said that the growth rate in construction had gone down from 13.2 per cent in 1976-77 to 8 per cent in 1977-78. The growth rate in respect of electricity, gas and water supply had also come down from 13.7 per cent to 3.7 per cent. Similarly, the growth rate in respect of banking and insurance as a group had come down from 19.2 per cent to 11.1 per cent. The state of affairs in other fields was also similar. The Jha Committee had been appointed to restructure the indirect taxes, particularly the excise duty. Taxation was the most effective instrument to raise resources for planned economic development.

As regards foreign exchange in 1978-79 the growth of foreign exchange was only 12 per cent as compared to 128 per cent in 1975-76, 92 per

* Laid on the Table on February 20, 1979.

† Laid on the Table on February 28, 1979.

cent in 1976-77 and 55 per cent in 1977-78. The Government had invested more than \$ 770 million in United States securities only at the rate of six per cent interest whereas it could have obtained 11 to 12 per cent interest if the investment had been made in other securities including British sterling pound.

The Government had failed to achieve even a modest return of 4.8 per cent on the investment in the public sector in the current year. There was no justification for pushing the States to a position where even in the initial stages they were going to lose to the tune of Rs. 50 crores on the policy of prohibition.

Replying to the discussion, the Deputy Prime Minister and Minister of Finance, Shri Charan Singh said that the ultimate solution to the problem of poverty lay in the creation of employment, and that agriculture and cottage industries alone could provide employment on a scale commensurate with the country's resources and needs. The fiscal policy should be geared more to the stimulation of agriculture and the rural economy. The apprehension that the Budget deficit of Rs. 1358 crores would inevitably set off an inflationary spiral was not well-founded. With the comfortable position with regard to food stocks and foreign exchange, and with appropriate import and monetary policies, there was no reason why some risk should not be taken for the sake of development. A viable strategy for the removal of poverty in the country should have rural development as its main plank. Those who criticised the Budget as soft on the rural rich and hard on the urban population tended to forget that the Budget would affect the rich equally whether they lived in the rural or in the urban areas. In selecting the various commodities for taxing at a relatively high rate, he had chosen either the luxuries to restrain inessential consumption or the machine-made goods to afford a measure of protection to the more labour-intensive decentralised sector. It was not because of any inherent bias against the urban sector that the Budget proposals affected the rich though the proportion of the rich in the population was more in the urban than in the rural areas.

Taxation of the upper class consumption, excise duty exemption in favour of labour-intensive production in the decentralised sector, relief in agricultural inputs, sizeable provision for dairy development, cottage and small industries and the Food for Work Programme, were the clearly defined objectives of the Budget which would reduce all disparities, curb waste, promote production and create employment opportunities for the poor.

Supply of nuclear fuel for Tarapur Atomic Plant: On March 7, 1979, Shri Shiva Chandra Jha called the attention of the Prime Minister to the

reported Indo-U.S. differences on the supply of nuclear fuel for the Tarapur Atomic Plant. Making a statement, the Prime Minister, Shri Morarji R. Desai said that there were no differences between the Government of India and the Government of U.S.A. on this matter. The U.S. President had committed himself to making the supplies. The U.S. Administration was also trying its best to ensure that the pending licences were cleared promptly. There was no doubt that delays had taken place in clearing the licences and effecting the supplies but the delays had occurred because of the cumbersome procedures involving the Nuclear Regulatory Commission of the U.S.A. which, under the existing procedures, had to approve the licences. The Commission had its own procedures including, as happened in the present case, public proceedings whenever there were objections raised by any one. In the present case objections were raised by the environmentalists in the U.S.A. Replying to the points raised by the members, Shri Desai said that no specific time had been provided in the Agreement for making the supply. So long as this Agreement lasted, India could not enter into any agreement with any other country.

B. LEGISLATIVE BUSINESS

The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous provisions (Amendment) Bill, 1979. On March 5, 1979, moving the motion for consideration of the Bill*, the Minister of Parliamentary Affairs and Labour, Shri Ravindra Verma said that it sought to replace the Ordinance promulgated on January 31, 1979. Two statutory Wage Boards, one for non-journalist newspaper employees and the other for the working journalists were set up by the Central Government on June 11, 1975 and February 6, 1976 respectively for revising the rates of wages of newspaper employees. The two Wage Boards had a common Chairman, Shri D. G. Palekar, a retired Judge of the Supreme Court and two common independent members, viz., Shri Bhagwati and Shri R. C. Dutt. Each of the Wage Boards also included two representatives of employers and employees. The Wage Boards on non-journalists and working journalists started working in 1975 and 1976 respectively and submitted interim reports on June 16, 1976 and October 12, 1976 respectively. Immediately after the present Government took over, it took action on the interim reports and notified interim rates of wages for non-journalists and working journalists on April 1, 1977. Some of the newspaper managements challenged the interim wage rates in the various High Courts on the ground that they were excessive and would have adverse affect on the newspaper industry. They also contended that the independent members

*The Bill as passed by the Lok Sabha was laid on the Table of Rajya Sabha on February 22 1979.

were not really independent and the Wage Boards were not, therefore, properly constituted. Later, in December, 1977, the representatives of the newspaper employers on the Wage Boards wrote to the Government that they were withdrawing from the Wage Boards under instructions from the Indian and Eastern Newspaper Society and the Indian Languages Newspaper Association which had nominated them. In the face of the withdrawal of the representatives of the employers, the Chairman felt compelled to cancel further sittings of the Wage Boards. When a stalemate was thus created in the working of the Boards, every effort was made to look for a way out of the impasse that was acceptable to both the parties. One of the proposals that emerged was that the employers and employees might try to identify the parameters of wage revision through bilateral negotiations and that on points on which differences of opinion persisted the view of the Chairman could prevail and the whole agreement could then be processed through the Wage Boards themselves. The representatives of the employees agreed to the proposals. However, the representatives of the employers did not find the proposal acceptable. The result was that the impasse in the work of the Boards continued. Shri Palekar who was the Chairman of the two Wage Boards had already been appointed to constitute two single-member tribunals. It was hoped that the tribunals would not be able to proceed with their work with the utmost expedition and that they would receive full co-operation from the employers as well as the employees in the newspaper industry.

Later replying to the debate, Shri Ravindra Varma said that the Government was trying to find a solution based on bipartite negotiations so that it might not be challenged in a court of law which would result in delay and, perhaps, in all the risk that one ran when one went to a court of law. The employees organisations were willing to accept the method of bipartite negotiations.

The Minister further said that the freedom of the press was also a question of assuring the total independence of the press. Democracy of any description could not be safe if the springs of public opinion were not free from monopolistic control. The Bill dealt primarily with the mechanism for ensuring wage revision. The Government would do every thing, to enforce its award.

The motion was adopted and the Bill was passed on the same day.

The Special Courts Bill, 1979: On March 21, 1979, moving the motion for consideration of the Bill* as passed by Lok Sabha, the Minister of Home Affairs, Shri H. M. Patel, said that the House was already aware of the findings of the Shah Commission of Inquiry. The report had revealed

* The Bill as passed by the Lok Sabha was laid on the Table of the Rajya Sabha on March 12, 1979.

how during the period of emergency, the rule of law had been ignored and how persons in authority had tended to act arbitrarily violating the law and causing great human suffering and injustice. As these revelations provided ample justification for further legal action, a reference was made to the Supreme Court under article 143 of the Constitution, seeking its advisory opinion on the Bill. The Supreme Court had opined that Parliament had the legislative competence to create Special Courts. The Bill provided for the establishment of an adequate number of courts to be called Special Courts. Only sitting Judges of the High Courts would preside over these Courts. All cases before the Special Courts would be tried under the provisions of the Code of Criminal Procedure applicable to warrant cases triable by magistrates. An appeal would lie to the Supreme Court both on facts and on law.

Replying to the debate, Shri Patel further stated that there was no vindictiveness anywhere. No new law was being provided in the Bill, the criminal law remained the same, and the law of evidence was also not being disturbed at all. The Bill was designed to ensure a fair and speedy trial so that the innocent could prove their innocence while the guilty could also have their guilt established as quickly as possible. The important amendments, that the Chief Justice be the appointing authority for appointing the Judges of the Special Courts and that the Bill be confined not to the period of emergency only but made applicable for excesses thereafter also, moved by Shri Devendra Nath Dwivedi and Shri Bhupesh Gupta respectively were accepted.

The motion to pass the Bill was thereafter adopted and the Bill, as amended, was passed.

The Aligarh Muslim University (Amendment) Bill, 1977: On March 2, 1979, the House took up the Bill* for discussion. Its motion for consideration had been moved earlier by Shri Trilooki Singh on July 28, 1978. Replying to the debate, Shri Triloki Singh said that the Aligarh Muslim University should be given the status of a minority character in terms of the provisions of article 30 of the Constitution. The Bill sought only to import the idea that this institution was established at the instance of the Muslims of India. The whole trouble arose with the Supreme Court judgment in the *Aziz Pasha* case where it was held that it was not an institution established by the Muslims of India, and that, therefore, it could not be given a minority character in terms of article 30 of the Constitution. Before that, nobody thought that it was not a minority institution. The Supreme Court's finding was one of law and a finding of law could always be changed by Parliament or by the Legislature of a State if it related to a State subject. If any thing had been brought about as a result of a

*Introduced in the Rajya Sabha on August 5, 1977.

contract between two parties then it could not be changed without reference to the other parties. The Aligarh Muslim University came into being as a result of an agreement entered into between the Secretary of State for India on the one side and the Aligarh Muslim University Foundation Committee and the Mohammadan Anglo-Oriental College on the other side. The objective of the Bill was that it should be made explicit, clear, unambiguous, that the Aligarh Muslim University was founded by the Muslims of India. The mere fact that a degree awarded by a College had to be recognised by Government by a statute did not take away the minority character of institution.

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

C. OBITUARY REFERENCES

During the session, the Chairman made references to the passing away of Shri Baddam Yella Reddy, Shri Ram Prasad Tamta, Shri Jogendra Singh, Shri V. V. Ramaswamy and Shri Jairamdas Daulatram, ex-members and Shri (Dr.) Chandramanil Chowdhary, sitting member. The House stood in silence for a minute as a mark of respect to the memory of the deceased.

STATE LEGISLATURES

ASSAM LEGISLATIVE ASSEMBLY*

Administration of North Cachar Hills District: On November 22, 1978, the Assembly discussed and passed the following resolution moved by Shri Sona Ram Thaoson, Minister, Hill Areas:

“WHEREAS the then Chief Executive Member of the North Cachar Hills District Council having *prima facie* lost the confidence of the majority of the Members of the District Council tried to cling on to office by the use of undemocratic methods, because of which it was considered expedient and desirable not to allow the Executive Committee of the North Cachar Hills District Council to run the administration of the North Cachar Hills District Council in such an undemocratic manner;

AND WHEREAS the Governor was satisfied that situation had arisen in which the administration of the North Cachar Hills Autonomous District Council could not be carried on in accordance with the provisions of the Sixth Schedule to the Constitution and accordingly in exercise of the powers conferred on him under sub-paragraph (2) of paragraph 16 of the Sixth Schedule to the Constitution of India has assumed to himself with effect from 23rd November, 1978 the administration of the said North Cachar Hills Autonomous District Council as well as all the functions and powers vested in or exercisable by the North Cachar Hills Autonomous

*Contributed by the Assam Legislative Assembly Secretariat.

District Council, vide Government Notification No. HAD. 341/78/72 dated 3rd November, 1978.

NOW, THEREFORE, the Assam Legislative Assembly hereby resolves that the order of the Governor No. HAD. 34/78/72 dated 3rd November, 1978 notified under sub-para (2) of paragraph 16 of the Sixth Schedule to the Constitution of India assuming to himself the administration of the North Cachar Hills Autonomous District Council including all functions and powers vested in or exercisable by the said District Council be approved as provided for under sub-paragraph (3) of paragraph 16 of the Sixth Schedule to the Constitution.

Salaries and Allowances of Members: On November 28, 1978, Shri Ramesh Chandra Saharia moved the following resolution in the House:

This Assembly do now recommend to the Government of Assam to revise the Salary and Allowances of the Members of the Assam Legislative Assembly with retrospective effect, *i.e.* from First April, 1978 from existing salary of Rs. 350.00 P.M. to Rs. 600.00 P.M. and from the existing fixed T.A. of Rs. 200.00 P.M. to Rs. 400.00 P.M."

The discussion on the resolution continued on December 1, 1978 also when it was adopted by the House.

BIHAR LEGISLATIVE ASSEMBLY*

No-confidence motion: A motion of no-confidence against the Council of Ministers was moved by Shri Chaturanan Mishra, Leader of the Communist Party of India group in the House on December 27, 1978. As soon as the motion was admitted, the Chief Minister who was present in the House rose and insisted that the motion should be immediately discussed. The Speaker however, observed that it would not be proper to take up the motion for discussion immediately as it would deprive several members of the Opposition from participating in the debate. He said that he would fix a date for discussion on the motion later on after consulting the leaders of the different parties. The debate on the motion took place on January 5 and 6, 1979, in which 17 members including the Chief Minister participated. On being put to vote on January 8, 1979, the motion was negatived: Ayes: 76; Noes: 215.

KARNATAKA LEGISLATURE**

Suspension of members: On January 23, 1979 the Legislative Assembly adopted a motion moved by the Chief Whip, Shri Bhaskar Shetty, for the suspension of 52 members from the service of the House till the end of its current sittings.

*Contributed by the Bihar Legislative Assembly Secretariat.

** Contributed by the Karnataka Legislative Secretariat.

A similar motion seeking suspension of 17th members till the termination of the current sittings was adopted by the Legislative Council also on January 24, 1979.

TRIPURA LEGISLATIVE ASSEMBLY*

Recommendations of the Seventh Finance Commission: On January 1, 1979, the Assembly adopted the following resolution:

“The House after going through the summary recommendations of the Seventh Finance Commission as accepted by the Government of India resolves unanimously that the Government of India and the National Development Council be moved to modify suitably the recommendations of the Seventh Finance Commission so that poor and backward States like Tripura may have enough of resources for development with ideas of bringing the level of development to that of developed States.”

* Contributed by the Tripura Legislative Assembly Secretariat.

BOOK REVIEWS

THE PRESIDENT AND THE PARLIAMENT. By Dr. R. N. Mishra, Vora & Co. Publishers (Pvt.) Ltd., Rs. 30.

This is a very welcome addition to the literature on the powers, responsibilities and duties of the President, confined to the President's relations with the Parliament only. Though the scope of the book appears to be limited, in fact it is not so limited because the executive, the Council of Ministers, draws all its powers from the Constitution and is dependent for its existence on winning and retaining the confidence of the House of the People. Thus many situations can be visualised when the Council of Ministers may come in between the President and the Parliament, not necessarily always as a bridge but as a hurdle also. We shall look into one or two examples.

In his in-depth study of the President's powers, the learned author has very much relied on the analogous powers enjoyed by the Governments, and has discussed and analysed copious instances of the exercise of powers by Governors where as no occasions have at the centre for the exercise of similar powers by the President. Because situations in which certain powers, conferred on the President by the Constitution, have not occurred in which they could be rightly exercised does not prove that such powers have lapsed and can no longer be invoked, when situation demands their use. Upto date, the President has dissolved the Lok Sabha twice, on December 27, 1970 and January 18, 1977, on the advice of the Council of Ministers. There was no occasion when the Council of Ministers advised the President to dissolve Lok Sabha and he refused. On the other hand, Dr. Misra has cited several examples of similar advice being refused by Governors. Punjab's Chief Minister Gurnam Singh lost his majority due to defections from his party, submitted his resignation on November

22, 1967 and advised the Governor to dissolve the Assembly and hold mid-term elections. The Governor, D. C. Pavate, rejected the advice and invited Shri Lachman Singh Gill to form the Government. The Governor in his statement to the Press explained his reasons for turning down the advice of the outgoing Chief Minister. "It is not fair either to the taxpayer or to the Government to go to the polls every now and then. As long as it is possible to form a Government, we should do it."

In Madhya Pradesh, the then Chief Minister Raja Naresh Chandra Singh "resigned on March 20, 1969 after being in office for a week without facing the Legislature. The outgoing Chief Minister advised the dissolution of the Assembly to the Governor, Mr. K. C. Reddy (who) after carefully examining all aspects of the issue, rejected the advice of the outgoing Chief Minister to dissolve the Assembly and to hold a mid-term election."

In Orissa, the case was somewhat different. The then Chief Minister, Mr. R. N. Singh Deo lost majority due to defections. "(He) tendered his resignation to the Governor on January 9, 1971 and recommended the dissolution of the Assembly. The Governor refused to accept the recommendation of the Chief Minister for dissolution of the Assembly, but accepted the resignation of the Chief Minister and the Council of Ministers was dissolved. The Governor made a quick round of consultations with the different political parties in a bid to explore the possibilities for the formation of an alternative Government. When the possibility of an alternative Ministry appeared to him to be remote, he recommended to the Centre that dissolution was the right course and the Assembly was dissolved on January 23, 1971".

The Chief Ministers of Gujarat and Bihar also lost their majority due to defections in May and June, 1971, respectively and recommended dissolutions of their Assemblies to their Governors, which were rejected. President's rule followed in Gujarat and a new Ministry was inducted in Bihar.

On the other hand, the Government of Punjab accepted the resignation of the Chief Minister Mr. P. S. Badal, in June, 1971, who also had lost his majority, due to withdrawal of support by 17 legislators, and "the Governor acted on his advice (to dissolve the Assembly) at once, without exploring the possibilities of forming an alternative Ministry".

Similar was the action of the Governor of Orissa, when "Mrs. Nandini Satpathy, the then Chief Minister, tendered her resignation to the Governor on March 1, 1973, and recommended dissolution of the Assembly. The

Governor accepted the advice of the Chief Minister. . . and the Assembly was dissolved, Thus the President's rule was clamped down without providing an opportunity to the opposition to form an alternative Government and test its strength on the floor of the House. In this way, the Governor decided the fate of Government in the Raj Bhawan on the advice of Chief Minister who no longer had the confidence of the House."

He summed up: "The issue on these occasions was whether the Governor as bound to grant dissolution of the Assembly on the advice of a minority Chief Minister or he possessed the discretion to reject it and explore the possibilities of an alternative stable Ministry Experience has so far shown, as is evident from the above-quoted episodes, that, in practice, this power of dissolution of the Assembly has been exercised by the Governors in none too consistent a fashion,".

Dr. Misra has quoted the opinions of British experts, authors, and statesmen. Churchill, former Prime Minister, is reported to have said "That although advice to dissolve comes from the Prime Minister, it is only advice and may, in exceptional circumstances, be disregarded. This is one of the exceptional occasions, when the prerogative of the Crown comes into play and where in doubtful circumstances the Crown would refer to other advices. It has been done on several occasions." In fact, there has been no instance in the last more than one hundred years of the British Sovereign refusing a dissolution.

Several instances of such refusal to dissolve the Parliaments of the British colonies by their Governors-General, on the advice of the respective Prime Ministers have been cited and discussed.

The then Prime Minister of India, Shrimati Indira Gandhi, advised Rashtrapati V. V. Giri in 1970 and Fakhruddin Ali Ahmed in 1977 to dissolve the Lok Sabha, while she was commanding majority support on both occasions and her advice was promptly accepted and acted upon. Thus, no occasion has arisen of a Prime Minister, no longer in the confidence of the House, advising dissolution of Lok Sabha to the Rashtrapati.

The other side of the question, whether the President has the power to dissolve the Lok Sabha on his own or even in the face of the advice of the Council of Ministers, commanding majority in the House, not to dissolve it, should also have been discussed and analysed in greater depth. The reason is that: "By the Constitution (42nd Amendment) Act, 1976, the advice of the Council of Ministers is made binding on the President in the exercise of his functions. So the position of the President ceases to be that of an impartial umpire in the constitutional process of the dissolution of the Lok Sabha."

However, the author has done very well in quoting Dr. E. A. Forsey, the noted Canadian authority on matters constitutional as having said: "The danger of Royal absolutism is past, but the danger of Cabinet absolutism, even of Prime Ministerial absolutism, is present and growing. Against that danger the reserve power of the Crown and specially the power to force or refuse dissolution, is in some instances the only constitutional safeguard."

In the light of Dr. Forsey's views, one would have expected the learned author to have gone into the extension of the life of the Lok Sabha by a Constitution amendment from 5 to 6 years in 1975. Then the Lok Sabha further extended its life by one year, from 6 to 7 years. That it did not actually run into the 7th year, because the President dissolved it on January 18, 1977, on the advice of the Council of Ministers is a different story. When the Ministry, or for that matter, the then Prime Minister felt that she could easily come back with similar, if not greater majority, she got the Lok Sabha dissolved. Had she felt otherwise, probably she would have got the Parliament to agree to perpetuate its life indefinitely, one year at a time. Without referring to the most recent constitutional events in India, the author rightly says: "Let us assume, a Cabinet with a majority in both Houses tries to use that majority to prolong the life of Parliament indefinitely. In that event, a forced dissolution would be the only constitutional means of preserving the right of the people."

However he has cited instances where Governors-General of British Dominions or Colonies have refused to dissolve or have dissolved their Parliaments on their own. The most celebrated case is that of Sir John Kerr, the Governor General of Australia who dismissed on November 11, 1975, Mr. Whitlam, the Prime Minister and his cabinet, even though it commanded majority votes in the House, and thereafter, on the advice of the new Prime Minister dissolved the Parliament also. The author has discussed this case in some detail and concluded thus: "It undoubtedly created a singular precedent for the dismissal of a Prime Minister who was in full command of the confidence of the House of Representatives by a Governor-General in exercise of his own personal discretion."

The President has the power to address either House of Parliament or both the Houses assembled together and for that purpose may require the attendance of the members. It is incumbent upon the President to address both the Houses of Parliament assembled together at the commencement of the first session after each general election to the Lok Sabha as well as at the commencement of the first session of every year. The author throws good light on the procedure at such a meeting and the speech drafted by the Cabinet, which the President reads out. But surely, this is an obligation for the President, not a matter of right, when he must summon the

members to hear him, and read out to them a speech prepared for him. The question of right or power arises when the President has the discretion to address or not to address the members and to tell them only what he, in his individual or personal wisdom, decided to include some topics and exclude other. But this aspect has been left untouched. In his letter to Prime Minister Nehru, President Rajendra Prasad had insisted that he had the independent right to address the Parliament, on his own, that is, irrespective of what advice the cabinet may give him in this respect. Nehru stoutly denied that the President had any such right. This controversy remained then merely academic, and the occasion for the President to test his powers, as it were, in 1951, did not arise. This issue should have been discussed in its historical perspective.

Similar is the case of the President's power to send messages at any time to either House of Parliament whether with respect to a Bill then pending in Parliament or otherwise. At any rate, since the commencement of the Indian Constitution, the President has, however, not sent any message under article 86(2).

Dr. Rajendra Prasad has asserted his rights as President in his letter of September 15, 1951 to the Prime Minister in respect of the Hindu Code Bill pending before Parliament: "I propose to watch the progress of the measure in Parliament from day to day and if I feel at any stage that I should inform the Parliament also of my view point, I may send to it a message when I consider it appropriate to do so. My right to examine it on its merits when it is passed by Parliament before giving assent to it is there."

The Prime Minister replied on the same day: "I do not wish to say much on this subject except that, in our view, the President has no power or authority to go against the will of Parliament in regard to a Bill that has been well considered by it and passed. The whole conception of Constitutional Government is against any exercise by the President of any such authority."

The President while disagreeing with the Prime Minister, had replied in his letter of September 18, 1951 :

"... (The President) is liable to impeachment if he acts in violation of the Constitution and because our Constitution is a Federal Constitution strictly limiting the powers and functions of the Union and States and conflicts regarding legislation reserved for the consideration of the President between the State Government and Legislature on the one hand the Union Ministry on the other cannot be altogether ruled out. In such cases, an awkward and impossible situation will arise if the

President is bound to act on the advice of his Ministers against the decision of the State authority even in matters falling exclusively within the latter's jurisdiction."

The reader will miss a discussion of the Presidential assent to Bills, in the light of the above controversy. In response to a query by President Prasad in the Constituent Assembly as its President, Dr. Ambedkar moved for inclusion of an Instrument of Instructions in the Constitution, which said that the President shall exercise his powers in accordance with the advice tendered to him by the ministry. On this Dr. Rajendra Prasad, as the presiding officer, once again pointed out that the Instrument bound the President only in the exercise of "executive powers of the Union and not in its legislative powers". One misses a discussion on what effect the 42nd amendment would have on the legislative powers of the President.

The most important omission is a discussion of the constitutional provisions for impeachment of the President by Parliament—one House to prefer the charge and pass resolution of impeachment and the other to investigate the charges of violation of the Constitution. By the Forty-second amendment of the Constitution the President has been left with no freedom of action. In this light he may not be held guilty of doing any wrong. One do not hang the hangman for hanging a murderer sentenced to death by hanging. If the President has acted against the advice of his ministry, then there would be a case against him. But, from "the question whether any, and if so what, advice was tendered by Ministers shall not be inquired into in any Court" [Art. 74(2)] the pertinent question arises, whether Houses of Parliament shall or shall not have the power to inquire into the fact whether any and if so what, advice was tendered by the Ministers to the President. This also should have been examined by the learned author.

Despite a few omissions shown above, this is a very informative and scholarly book, in which various sides of the topics discussed, have been scholarly analysed, and, therefore, shall prove not only very interesting but instructive also to students of Indian Constitution.

MRITYUNJAY PRASAD.

LEGISLATURES AND INDIAN DEMOCRACY. By D. N. MISHRA, Concept Publishing Company, Delhi, 1978. 205 pages. Rs. 38; \$ 8.

Evolution of parliamentary practices and privileges is history of the constant tussle between the constitutionalists and the traditionalists and, therefore, its evolution, as correctly pointed out by the author in his book 'LEGISLATURES AND INDIAN DEMOCRACY' has been rather slow but steady. In a parliamentary democracy, the government

is responsible to the people through the institution of Parliament and, therefore, Parliament has the right to supervise and guide the government. In order to discharge this duty smoothly and harmoniously, a Parliament has its rules of procedure for the conduct of its business and in order to enforce these rules objectively, the institution of Speaker has been provided who in the case of differing interpretations gives his ruling which is binding upon all the political forces represented in the Parliament. Here, the Speaker plays a decisive role first as a "guardian of the privileges of the House" and, secondly, as "an agent of the House" who faithfully implements the collective will of the House. In his book, the author has exhaustively but in a rather descriptive manner dealt with the Parliamentary procedures (Chapter 1), the Role of Speaker (Chapter 2) and the Purpose of Questions (Chapter 3). Though in the concluding Chapter, the author has made some valuable suggestions to further improve the efficacy of the 'Question Hour', yet, from the point of view of further improving the laid down rules and procedures etc. in the fast changing political scenario, this book is not an innovative one.

The book focuses attention on the comparative study of the procedures and practices of raising questions as obtaining in the various Legislatures in India and outside, with a particular emphasis on the Bihar Legislative Assembly (1952—62). In Chapter 2, fluctuations in frequency, mode and topics of questions raised in the Bihar Legislative Assembly has been statistically analysed to show that all the Members do not take trouble to question the government and that a majority of questions are put by the Opposition members. The functional purpose of raising a question is not only to draw attention of the government to its own deficiencies and to certain pressing public problems but also to enquire into the conduct of the Administration. This is done by asking Starred questions, Short Notice questions, related Supplementary questions, Half-an-Hour debate, Call Attention Notices and Unstarred questions etc. The importance of getting a reply on the Floor of the House is that the reply is binding on the governments and they get committed to fulfil the assurances given on the floor of the House. Also, any deliberate incorrectness in the reply or reluctance to enforce the replies exposes the Government to charges of misleading the House which may ultimately lead to a Motion of breach of privilege. The author should have examined this aspect also. In his introduction, he opines: "the Member is completely a free agent while asking questions. The only limit on his freedom of action is that which his conscience dictates" (p. 12), whereas on page 140 the author gets closer to the reality and recognises: "so the intention, language, manner etc. of questions put

by the government supporters and the Opposition Members differ substantially." It is a fact that Members of the Treasury Bench do feel some sort of limitations in putting up a question.

In relation to Parliamentary procedures, the Question Hour can truly be called "*matre pulchra filia pulchrior*;" and the author in a gratifying manner has gone deep in describing the progressive evolution of Parliamentary practices right from the House of Commons of the United Kingdom. The enquiry of Earl Cowper on the subject of Robert Knight in January, 1721 is stated to be the first recorded Parliamentary question of the British Parliament. One agrees with the contention of the author that the Indian Parliamentary procedure is not a replica of procedures obtaining in the House of Commons though it is mainly influenced by it. The Indian Councils Act, 1861 did not provide for asking questions. The right of asking questions, for the first time, was allowed under the Indian Councils Act, 1892 and the provision for asking supplementaries was provided in the rules framed under the Act of 1909. A definite set of rules about admissibility of questions was framed in 1921 when the Central Legislature came into existence; and, this *mutatis mutandis* continued up to 1947. 'Half-an-Hour-discussion' and the rules for Short Notice questions are innovations of the Provisional Parliament (1951-52). Under Article 208(1) of the Constitution of India, the rules of procedure and conduct of business in the Lok Sabha have been framed, Chapter 7 of the Rules book deals with questions and the criteria of their admissibility. A comparative study of the rules of procedure for Lok Sabha and those for the Bihar Assembly makes one agree with the author that the rules of the Bihar Assembly are not a replica of the rules of the Indian Parliament. The first 'Half-an-Hour' of the Question Hour in the Bihar Assembly is reserved for the Short Notice Question whereas in Lok Sabha, vide its rule 52(2), Short Notice Questions are taken up just after the oral questions. Again, whereas in the Bihar Assembly, a Member has to give advance notice of 14 days, in Lok Sabha a minimum advance notice of 10 days has been prescribed. So far as length of question is concerned, a question is not to exceed 120 words in the Bihar Assembly and vide Rule 41(2)(vi) should not generally exceed 150 words in the Lok Sabha (and not five clauses as mentioned by the author at page 166). It is interesting to note that there is no such limitation prevailing in the British House of Commons and, once, Sir Winston Churchill put a question in one sentence containing 368 words and it was allowed by the Speaker of the day.

The Parliament as well as almost all the State Legislatures have a 'Committee on Government Assurances' which scrutinises the assurances,

promises and undertakings etc. given by the Ministers on the floor of the House in reply to certain questions or debates and its main job is to see that the government fulfils these assurances within a time framework. One major dilemma faced by the parliamentarians and the legislators is inadequate replies given by the Ministers, particularly in cases of Unstarred questions. There does not seem to be an effective and simplified procedure for an effective parliamentary check on this growing tendency. The remedy available under Chapter 8 on 'Half-an-Hour-discussion' is rather cumbersome and cannot be frequently resorted to. It is hoped that the author will devote attention to these lacunae and introduce some thought-provoking innovative suggestions in its next edition.

I hope this book will prove very useful to the serious students of political science, constitution history of India and to new Members of the Parliament and that of the State Legislatures.

RITLAL PRASAD VERMA

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APPENDIX I

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

The Seventh Session of the Sixth Lok Sabha commenced on February, 20, 1979. The details about its activities will be published in the July-September, 1979 issue of the Journal. The information relating to the sittings of Committees of Lok Sabha during the period November 1, 1978 to January 31, 1979 is given below :—

Name of Committee	No. of sittings held during the period Nov. 1, 1978 to Jan. 31, 1979
1	2
(i) Accommodation Sub-Committee .	2
(ii) Business Advisory Committee .	5
(iii) Committee on Absence of Members .	1
(iv) Committee on Public Undertakings	9
(v) Committee on Papers laid on the Table . . . . .	..
(vi) Committee on Petitions	13
(vii) Committee on Private Members' Bills and Resolution .	..
(viii) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	19
(ix) Committee on Privileges	4
(x) Committee on Government Assurances	3
(xi) Committee on Subordinate Legislation	6
(xii) Estimates Committee	21
(xiii) General Purposes Committee	1
(xiv) Rules Committee . . . . .	..
(xv) House Committee	3
(xvi) Public Accounts Committee . . . . .	..
(xvii) Railway Convention Committee . . . . .	..

I

2

Joint Select Committees :

(i) Joint Committee of Chairmen, House Committees of both the Houses of Parliament	1
(ii) Joint Committee on the Multi-State Co-operative Societies Bill, 1977	5
(iii) Joint Committee on the Khadi and Village Industries Commission (Amendment) Bill, 1978	5
(iv) Joint Committee on the Air (Prevention and Control of Pollution) Bill, 1978	2
(v) Joint Committee on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1978	2

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE HUNDRED-EIGHTH SESSION OF RAJYA SABHA

1. Period of the Session	February 2, 1979 to March 28, 1979.	
2. Number of meetings held	26 sittings	
3. Total Number of sitting hours	168 Hours and 18 minutes (excluding lunch break).	
4. Number of divisions held	20	
5. <i>Government Bills :</i>		
(i) Pending at the commencement of the Session		8
(ii) Introduced		4
(iii) Laid on the Table as passed by Lok Sabha		16
(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		
(ix) Discussed . . . . .			18
(x) Passed	7	
(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		10
6. <i>Private Members' Bills :</i>		
(i) Pending at the commencement of the Session		23
(ii) Introduced		6
(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		
(vi) Discussed		3
(vii) Withdrawn		1
(viii) Passed		1
(ix) Negatived	}	NIL
(x) Circulated for eliciting opinion		
(xi) Part-discussed		1
(xii) Discussion postponed	}	NIL
(xiii) Motion for circulation of Bill negatived		
(xiv) Referred to Select Committee		
(xv) Pending at the end of the Session		27
7. Number of Discussions held under Rule 176 : (Matters of Urgent Public Importance).		
(i) Notices received		4
(ii) Admitted		2
(iii) Discussion held		2 (one concluded other not concluded).
8. Number of Statements made under Rule 180 : (Calling-Attention to matter of Urgent Public Importance)		
Statements made by Ministers		15
9. Half-an-hour discussion held		6
10. (Statutory Resolutions) :		
(i) Notices received		1
(ii) Admitted		1
(iii) Moved		1
(iv) Adopted		1
(v) Negatived		NIL
(vi) Withdrawn		NIL
11. Government Resolutions		
(i) Notices received		One
(ii) Admitted		One
(iii) Moved		One
(iv) Adopted		One

12. *Private Members Resolutions :*

(i) Received	10
(ii) Admitted	10
(iii) Discussed	1
(iv) Withdrawn	Nil
(v) Negatived	1
(vi) Adopted	Nil
(vii) Part-discussed	Nil
(vii) Discussion postponed	Nil

13. *Government Motions:*

(i) Notices received	1
(ii) Admitted	1
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil

14. *Private Members' Motions :*

(i) Received	36
(ii) Admitted	31
(iii) Moved	Nil
(iv) Adopted.	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil

15. *Motions regarding Modification of Statutory Rule :*

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

16. Number of Parliamentary Committee, created, if any, during the session Nil
17. Total number of Visitors' Passes 3002
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued 208 on 21st March, 1979.
19. Number of motions for Papers under Rule 175 :
- (i) Brought before the House NIL
- (ii) Admitted and discussed NIL
20. Total number of questions admitted:
- (i) Starred 444
- (ii) Unstarred (including Starred Questions) 2131
- (iii) Short-Notice Questions 6
21. Discussion on the Working of the Ministries.
22. WORKING OF PARLIAMENTARY COMMITTEES :

Name of Committee	No. of meetings held during the period Nov. 1, 1978 to Jan. 3, 1979	No. of Reports presented during the Session
(i) Public Accounts Committee . . . . .		..
(ii) Committee on Public Undertakings . . . . .	..	..
(iii) Business Advisory Committee	4	Nil
(iv) Committee on Subordinate Legislation	12	1
(v) Committee on Petition	7	Nil
(vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	..	..
(vii) Committee of Privileges	4	Nil
(viii) Committee on Rules	1	Nil
(ix) Joint Committee on Offices of Profit . . . . .	..	..
(x) Committee on Government Assurances	7	Nil
(xi) Joint Committee on the Viswa Bharati (Amendment) Bill, 1978	5	..
(xii) General Purposes Committee	1	..
23. Number of Members granted leave of absence	2	..
24. Petition presented	Nil	

25. NUMBER OF NEW MEMBERS SWORN WITH DATES :

Sl. No.	Name of Members Sworn	Date on which Sworn
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NIL

26. OBITUARY REFERENCES

Sl. No.	Name	Sitting Member/ Ex-Member
1	Shri Baddam Yella Reddy	Ex-M.P.
2	Shri Ram Prasad Tamta	Ex-M.P.
3	Shri Jogendra Singh	Ex-M.P.
4	Shri (Dr.) Chandramanilal Chowdhary	(Sitting Member)
5	Shri V. V. Ramaswamy.	Ex-M.P.
6	Shri Jairamdas Daulatram	Ex-M.P.

APPENDIX III

Statement showing the Activities of the States Legislature during the period November 1, 1978 to January 31, 1979

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
Andhra Pradesh L.C.	..	..	..	..	566(145)	(10)	..
Andhra Pradesh L.A.	..	..	..	..	..	..	..
Assam L. A.	20-11-78 to 6-12-78	13	11	10	1127(1023)	72(69)	41(15)
Bihar L. C.	26-12-78 to 16-1-79	14	(6)	..	909(832)	(22)(2)	221(60)
Bihar L. A.	26-12-78 to 15-1-79	13	2(7)	?	(1439)	876	(39)
Gujarat L. A.	22-1-79	7	5(1)	3	3338(1607)	379(265)(6)	41(40)
Haryana L. A.	..	..	..	..	..	..	..
Himachal Pradesh L. A.	..	..	..	..	..	..	..
Jammu and Kashmir L. C.	..	..	..	..	..	..	..
Jammu & Kashmir L. A.	..	..	..	..	..	..	..
Karnataka L. C.	19-1-79 to 31-1-79	9	2(10)	..	242(237)	28(26)	11(3)
Karnataka L. A.	18-1-79 to 31-1-79	9	12(11)	..	565(258)	1(1)	13(4)
Kerala L. A.	..	..	..	..	..	..	..
Madhya Pradesh L. A.	..	..	..	..	..	..	..
Madhya Pradesh L. C.	..	..	..	..	..	..	..

Maharashtra L. A.	.	.	.	.	..	..	..	..	..	..
Manipur L. A.	.	.	.	..	..	..	..	..	..	..
Meghalaya L. A.	.	.	.	9-1-79 to 24-1-79	12	4(4)	42(42)	316(314)	1(1)	..
Nagaland L. A.	.	.	.	12-11-78 to 16-11-78	4	4(4)	74(61)	23(33)	3(3)	..
Orissa L. A.	.	.	.	..	..	..	..	..	..	..
Punjab L. A.	.	.	.	..	..	..	460(297)	129(99)	..	..
Rajasthan L. A.	.	.	.	4-11-78 to 15-11-78	7	3(8)	84(325)	10(658)	..	..
Sikkim L. A.	.	.	.	..	..	..	..	..	..	..
Tamil Nadu L. C.	.	.	.	..	..	..	..	..	..	..
Tamil Nadu L. A.	.	.	.	..	..	..	..	..	..	..
Tripura L. A.	.	.	.	17-1-79 to 15-1-79	5	5(4)(c)	203(160)	18(34)(d)	..	..
Uttar Pradesh L. C.	.	.	.	13-12-78 to 28-12-78	6	2	313(237)	8(8)	60(53)	..
Uttar Pradesh L. A.	.	.	.	6-12-78 to 30-12-78	11	9(6)	1837(1535)(c)	448(391)	964(793)(f)	..
West Bengal L. A.	.	.	.	17-11-78 to 15-12-78	19	38(36)	686(221)	349(142)	20(9)	..
UNION TERRITORIES :										
Arunachal Pradesh L. A.	.	.	.	..	..	..	..	..	..	..
Delhi Metropolitan Council	.	.	.	20-11-78 to 25-11-78	5	1(1)	95(40)	154(95)	..	..
Goa, Daman and Diu L.A.	.	.	.	..	..	..	..	..	..	..
Mizoram L. A.	.	.	.	..	..	..	..	..	..	..
Pondicherry L.A.	.	.	.	..	..	..	..	..	..	..

NOTE : (i) Figures in Cols. 4 and 5 indicate the number of Bills introduced followed by the number of Notices 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) Converted from Starred questions Notices.
(b) Includes 101 Notices received as Starred question but admitted as Unstarred.
(c) One Bill referred to the Select Committee.
(d) Includes 17 Starred questions admitted as Unstarred.
(e) Includes 990 Notices admitted as Unstarred.
(f) Includes 410 Notices received as Starred and 197 received as Unstarred.

APPENDIX-III (Contd.)

Committees at Work/Number of Sittings held and number of Reports presented.

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Business Advisory Committee																
Committee on Government Assurances																
Committee on Petitions																
Committee on Private Members' Bills and Resolutions																
Committee on Privileges																
Committee on Public Undertakings																
Committee on Subordinate Legislation																
Committee on the Welfare of SC and ST																
Estimates Committee																
General Purposes Committee																
House/Accommodation Committee																
Library Committee																
Public Accounts Committee																
Rules Committee																
Joint/Select Committee																
Other Committees																
Andhra Pradesh L. C.		19	9													(a)
Andhra Pradesh L. A.		23	3	5	13	13			25			7	21	2		(b)
Assam L. A.		3	5	3(1)	4(1)	2			7			1	5(1)			..
Bihar L. A.		4(3)8	25(1)	31(8)	..	3	50(2)	7(1)	85			7	18	27(5)	7	(c)
Bihar L. C.		6(5)	7(1)	7(1)	2(2)	4(2)	8(1)		..			8	7	..	..	(d)
Gujarat L. A.		1(1)	2	2(2)	2	5	4		6			1	..	4	2	(c)
Haryana L. A.								
Himachal Pradesh L.A.		14	3	1	14	14	9		12	1	1	1	12	1	..	..
Jammu & Kashmir L.A.		6	7	..	13	25	12		19	5	4	2	21			(f)

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Delhi Metropolitan Council	2(2)	3	..	..	..	..	..	..	..	..	..	..	..	..	(p)	..
Goa, Daman and Diu L.A.	..	2	..	..	..	..	2	..	3	..	..	..	2	..	..	..
Mizoram L.A.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Pondicherry L.A.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

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

(a) House Committee on Board of Intermediate Examinations—22 sittings.

(b) Amenities Committee—3 sittings

(c) (i) The Joint Select Committee on Bihar State Housing Board Bill 1977—1 sitting and (ii) The Select Committee on Sales Tax Bill, 1978—1 sitting.

(d) Miscellaneous Matters Committee—8 sittings.

(e) Select Committee on the Gujarat Public Libraries Bill, 1977—1 sitting.

(f) (i) A bill to amend the J. & K. Right of Prior purchase Act—1 sitting; and (ii) A Bill to amend the J. & K. Urban Immovable Property Tax Act, 1962—2 sittings.

(g) Scheduled Tribes Welfare Committee—18 sittings and Scheduled Castes Welfare Committee—19 sittings.

(h) Rules Committee—1 sitting and Sub-Committee—12 sittings.

(i) (i) The Code of Criminal Procedure (Rajasthan Amendment) Bill, 1978—3 sittings.

(ii) The Rajasthan Universities Teachers (Absorption of Temporary Lectures) Bills, 1978—2 sittings and (iii) The Rajasthan Universities Teachers and Officers (Special Conditions of Services) (Amendment) Bill, 1978—5 sittings.

(j) Select Committee of U.P. University (Amendment) Bill, 1978—1 sitting.

- (k) (i) Committee on Compilation of Ruling—3 sittings; (ii) Kanpur Vishvavidyalaya mein B. Ed. ki Karkhona mein Pravesh Sambandhi Aniyakmitaon ki Jaanch Samiti—3 sittings; (iii) Sansadiya Ahyayan Samiti—9; and (iv) Kanpur ki Jansewak Sehkari Grah Nirman Samiti—2 Sittings.
- (l) One sitting of the Sub-Committee.
- (m) Select Committee on the U.P. Revenue Code Bill, 1977—5 sittings.
- (n) (i) Select Committee on the West Bengal Town and Country (Planning and Development) Bill, 1978—4 sittings; and (ii) Select Committee on the West Bengal Land (Farm-Holding) Revenue Bill, 1978—3 sittings.
- (o) The Select Committee on the Arunachal Pradesh Weights and Measures (Enforcement) Bill, 1978—1 sitting.
- (p) (i) Committee appointed to consider the resolution regarding conversion of N.D.M.C. into an elected body—1 (i); and (ii) Committee appointed to consider the powers, privileges, salary and allowances of Members of the Metropolitan Council of Delhi—1 sitting.

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND AMENDED TO BY THE PRESIDENT
DURING THE PERIOD 1ST NOVEMBER, 1978 TO 31ST JANUARY, 1979.

S. No.	Title of the Bill	Date of assent by the President
1	The Repealing and Amending Bill, 1978	26-11-1978
2	The Employment of Children (Amendment) Bill, 1978	29-11-1978
3	The Additional Duties of Excise (Textiles and Textile Articles) Bill, 1978	6-12-1978
4	The Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Bill, 1978	8-12-1978
5	The Bolani Ores Limited (Acquisition of Shares) and Miscellaneous Provisions Bill, 1978	8-12-1978
6	The Prize Chits and Money Circulation Schemes (Banning) Bill, 1978	12-12-1978
7	The Water (Prevention and Control of Pollution) Amendment Bill, 1978	12-12-1978
8	The Code of Criminal Procedure (Amendment) Bill, 1978	18-12-1978
9	The Suppression of Immoral Traffic in Women and Girls (Amendment) Bill, 1978	26-12-1978
10	The Motor Vehicles (Amendment) Bill, 1978	26-12-1978
11	The Payment of Bonus (Amendment) Bill, 1978	30-12-1978
12	The Sugar Undertakings (Taking Over of Management) Bill, 1978	30-12-1978
13	The Appropriation (Railways) No. 4 Bill, 1978	8-1-1979
14	The Appropriation (Railways) No. 5 Bill, 1978	8-1-1979
15	The Appropriation (No. 5) Bill, 1978	10-1-1979
*16	The Constitution (Forty-fourth Amendment) Bill, 1978	Awaiting assents. [see proviso to article 368(2) of the Constitution].

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

APPENDIX V

BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD NOVEMBER 1,
1978 TO JANUARY 31, 1979

ASSAM LEGISLATIVE ASSEMBLY

1. The Bengal, Agra and Assam Civil Courts (Amendment) Bill, 1978.
2. The Gauhati University (Amendment) Bill, 1978.
3. The Dibrugarh University (Amendment) Bill, 1978.
4. The Gauhati Municipal Corporation (Amendment) Bill, 1978.
5. The Gramdan (Amendment) Bill, 1978.
6. The Assam Appropriation (No. III) Bill, 1978.
7. The Assam Appropriation (No. IV) Bill, 1978.
8. The Assam Appropriation (No. V) Bill, 1978.
9. The Assam Appropriation (No. VI) Bill, 1978.
10. The Assam Appropriation (No. VII) Bill, 1978.

BIHAR VIDHAN SABHA

1. The Bihar Preserved Place Bill, 1978.
2. The Bihar Electric Supply Undertakings (Acquisition) Bill, 1978.
3. The Bihar Cycle Rickshaw (License Regulation), Bill, 1978.
4. The Bihar Appropriation (Bill No. 3) Bill, 1978.
5. The Motor Vehicle (Bihar Amendment) Bill, 1977.
6. The Motor Vehicle (Bihar Second Amendment) Bill, 1977.
7. The Bihar Farmer and Village Agriculture Department, Regional Development Agency Bill, 1977.

GUJARAT LEGISLATIVE ASSEMBLY

1. The Bombay Provincial Municipal Corporation (Gujarat Amendment) Bill, 1979.

KARNATAKA LEGISLATIVE COUNCIL

1. The Karnataka Stamp (Amendment) Bill, 1979.
2. The Karnataka Preservation of Trees (Amendment) Bill, 1979.
3. The Karnataka Co-operative Societies (Amendment) Bill, 1979.
4. The Karnataka Municipal Corporations (Amendment) Bill, 1979.
5. The Karnataka Municipalities (Amendment) Bill, 1979.
6. The Karnataka Urban Land Tax (Amendment) Bill, 1979.

7. The Karnataka Electricity (Taxation on Consumption) (Amendment) Bill, 1979.
8. The Karnataka Legislature Salaries and Pensions (Amendment) Bill, 1979.
9. The Karnataka Contract Carriages (Acquisition) (Amendment) Bill, 1979.
10. The Karnataka Ministers' Salaries, Pensions and Allowances (Amendment) Bill, 1979.

KARNATAKA LEGISLATIVE ASSEMBLY

- *1. The Karnataka Municipalities (Amendment) Bill, 1979.
- *2. The Karnataka Municipal Corporation (Amendment) Bill, 1979.
- *3. The Karnataka Co-operative Societies (Amendment) Bill, 1979.
- *4. The Karnataka Ministries' Salaries, Pensions and Allowances (Amendment) Bill, 1979.
- *5. The Karnataka Essential Services Maintenance Bill, 1979.
- *6. The Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Bill, 1979.
- *7. The Karnataka Contract Carriages (Acquisition) (Amendment) Bill, 1979.
- *8. The Karnataka Command Areas Development (Amendment) Bill, 1979.
- *9. The Mysore Electrical Industries Limited (Acquisition of Shares) Bill, 1979.
- *10. The Karnataka Electricity (Taxation on Consumption) (Amendment) Bill, 1979.
- *11. The Karnataka Urban Land Tax (Amendment) Bill, 1979.
- *12. The Karnataka Inams Abolition Law (Amendment) Bill, 1979.

NAGALAND LEGISLATIVE ASSEMBLY

- *1. The Nagaland Village and Area Councils Bill, 1978.
- *2. The Nagaland Legislative Assembly Members' Salaries & Allowances (2nd Amendment) Bill, 1978.
- *3. The Nagaland Interpretation and General Clauses Bill, 1978.
4. The Nagaland Appropriation (No. 5) Bill, 1978.

RAJASTHAN VIDHAN SABHA

1. The Rajasthan Identification of Prisoners (Amendment) Bill, 1978.
2. The Entertainments and Advertisements Tax (Amendment) Bill, 1978.
3. The Public Wakfs (Extension of Limitation) (Rajasthan Amendment) Bill, 1978.
4. The Rajasthan Appropriation (No. 3) Bill, 1978.
5. The Rajasthan Appropriation (No. 4) Bill, 1978.

*Awaiting assent.

6. The Rajasthan Urban Property (Restriction of Transfer) Repeal, Bill, 1978.
7. The University of Rajasthan (Amendment) Bill, 1978.
8. The Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) (Amendment) Bill, 1978.

TRIPURA LEGISLATIVE ASSEMBLY

- *1. The Tripura Official Language Amendment Bill, 1979.
- *2. The Salaries and Allowances of the Chairman, Vice-Chairman and the Commissioners of the Agartala Municipality Bill, 1979.
- *3. The Tripura Homoeopathic System of Medicine Bill, 1979.
- *4. The Tripura Appropriation (No. 6) Bill, 1979.

UTTAR PRADESH LEGISLATIVE ASSEMBLY

- †1. The U.P. Panchayat Raj (Amendment) Bill, 1978.
2. The U.P. Cooperative Land Development Banks (Second Amendment) Bill, 1978.
- †3. The U.P. Rural Local-self Government Laws (Second Amendment) Bill, 1978.
- †4. The U.P. Urban Local-self Government Laws (Second Amendment) Bill, 1978.
5. The U.P. Sales Tax (Amendment and Validation) Bill, 1978.
- †6. The U.P. Appropriation (Second Supplementary 1978-79) Bill, 1978.

WEST BENGAL LEGISLATIVE ASSEMBLY

1. The Provincial Small Cause Courts (West Bengal Amendment) Bill, 1978.
2. The West Bengal Co-operative Societies (Amendment) Bill, 1978.
- *3. The West Bengal Co-operative Societies (Second Amendment) Bill, 1978.
- *4. The West Bengal Cold Storage (Licensing and Regulation) Amendment Bill, 1978.
5. The West Bengal Homoeopathic System of Medicine (Second Amendment) Bill, 1978.
6. The West Bengal Cattle Licensing (Amendment) Bill, 1978.
7. The West Bengal Taxation Laws (Second Amendment) Bill, 1978.
- *8. The West Bengal Housing Board (Amendment) Bill, 1978.
9. The Calcutta and Suburban Police (Amendment) Bill, 1978.
10. The Calcutta and Suburban Police (Second Amendment) Bill, 1978.
11. The Darjeeling Hill Areas Development Council (Amendment) Bill, 1978.
- *12. The West Bengal Premises Tenancy (Second Amendment) Bill, 1978.

*Awaiting assent.

†Passed by the Legislative Council also

- *13. The West Bengal Land Development and Planning (Amendment) Bill, 1978.
- *14. The Land Acquisition (West Bengal Amendment) Repealing Bill, 1978.
- *15. The West Bengal Panchayat (Third) Amending Bill, 1978.
- 16. The West Bengal Panchayat (Fourth) Amending Bill, 1978.
- *17. The West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Bill, 1978.
- *18. The Bengal, Agra and Assam Civil Courts (West Bengal Amendment) Bill, 1978.
- *19. The Bengal, Agra and Assam Civil Courts (West Bengal Second Amendment) Bill, 1978.
- *20. The Presidency Small Cause Courts (West Bengal Amendment) Bill, 1978.
- *21. The Code of Criminal Procedure (West Bengal Amendment) Bill, 1978.
- 22. The West Bengal Relief Undertakings (Special Provisions) Amendment Bill, 1978.
- *23. The West Bengal College Service Commission Bill, 1978.
- 24. The Bengal Legislative Assembly (Members' Emoluments) (Amendment) Bill, 1978.
- 25. The Motor Transport Workers (West Bengal Amendment) Bill, 1978.
- 26. The West Bengal Gambling and Prize Competitions (Amendment) Bill, 1978.
- 27. The Bengal Smoke-nuisance (Amendment) Bill, 1978.
- *28. The West Bengal Legislative Assembly Proceedings (Protection of Publication) Bill, 1978.
- *29. The West Bengal Land (Requisition and Acquisition) (Amendment) Bill, 1978.
- *30. The West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Bill, 1978.
- 31. The West Bengal Fire Services (Maintenance of Discipline) Repealing Bill, 1978.
- 32. The West Bengal Bhudan Yagna (Amendment) Bill, 1978.
- 33. The West Bengal Central Valuation Board Bill, 1978.
- *34. The Motor Vehicles (West Bengal) Second Amendment) Bill, 1978.
- *35. The Calcutta Tramways Company (Acquisition of Undertaking) (Amendment) Bill, 1978.
- *36. The Bangabasi Group of Colleges (Taking over of Management) Bill, 1978.

*Awaiting assent.

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL AND STATE GOVERNMENTS DURING THE PERIOD 1st NOVEMBER, 1978 TO 31st JANUARY, 1979

S.No.	Subject	Date of promulgation	Date on which laid before House	Date of Cessation	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
1.	The Sugar Undertakings (Taking Over of Management) Ordinance, 1978 (No. 5 of 1978)	9-11-78	20-11-78		Replaced by legislation.
2.	The Industries (Development and Regulation) Amendment Ordinance, 1978 (No. 6 of 1978)	30-12-78	19-2-79		Do.
3.	The Punjab Excise (Delhi Amendment) Ordinance, 1979 (No. 1 of 1979)	20-1-79	19-2-79		Do.
4.	The Sugar Undertakings (Taking over of Management) Amendment Ordinance, 1979 (No. 2 of 1979)	31-1-79	19-2-79		Do.
5.	The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Ordinance, 1979 (No. 3 of 1979)	31-1-79	19-2-79		Do.
STATE GOVERNMENTS					
ANDHRA PRADESH					
1.	The Andhra Pradesh Excise (Amendment) Ordinance, 1978	4-11-78	8-2-79	21-3-79	Replaced by Legislation.
2.	The Andhra Pradesh General Sales Tax (Second Amendment) Ordinance, 1978	21-11-78	Do.	Do.	Do.

1	2	3	4	5	6
3.	The Andhra Pradesh Land Revenue (Enhancement) Amendment Ordinance, 1978	24-11-78	8-2-79	2-3-78	Replaced by legislation.
4.	The Andhra Pradesh Motor Vehicles Taxation (Amendment) Ordinance, 1978	28-11-78	Do.	Do.	Do.
5.	The Andhra Pradesh Tenants and Ryots Protection Ordinance, 1979	4-1-79	Do.	Do.	Do.
6.	The Andhra Pradesh Tenancy Laws (Amendment) Ordinance, 1979	11-1-79	Do.	Do.	Do.
ASSAM					
1.	The Gauhati Municipal (Amendment) Ordinance, 1978	23-8-78	20-11-78	29-11-78	Replaced by legislation.
2.	The Gauhati University (Amendment) Ordinance, 1978	27-9-78	Do.	5-12-78	Do.
3.	The Dibrugarh University Ordinance, 1978	27-9-78	Do.	5-12-78	Do.
BIHAR					
1.	The Bihar Municipal and Patna Municipal Corporation (Second Amendment) Ordinance, 1978		26-12-78		Only laid on the Table.
2.	The Patna Corporation (Third Amendment) Ordinance, 1978		Do.		Do.
3.	The Bihar Medical Education Institution (Regulation and Control) Second Ordinance, 1978		Do.		Do.
4.	The Bihar Municipal (Third Amendment) Bill, 1978		Do.		Do.
5.	The Bihar Land Rent (Recession from Payment) Third Ordinance, 1978		Do.		Do.
6.	The Bihar Land Enforcement (Second Amendment) Ordinance, 1978		Do.		Do.

7. The Bihar Cess (Second Amendment) Ordinance, 1978	Do.	Do.
8. The Chhota Nagpur and Santhal Pargana Local Self development Authority (Third Amendment) Ordinance, 1978	Do.	Do.
9. The Bihar Excise (Second Amendment and Validation) Ordinance, 1978	Do.	Do.
10. The Bihar Irrigation Regional Command (Second Amendment) Ordinance, 1978	Do.	Do.
11. The Bihar Irrigation Law (Second Amendment) Ordinance, 1978	Do.	Do.
12. The Bihar Aid to Industries (Second Amendment) Ordinance, 1978	Do.	Do.
13. The Rajendra Agriculture University (Second Amendment) Ordinance, 1978	Do.	Do.
14. The Bihar Khadi and Village Industries (Third Amendment) Ordinance, 1978	Do.	Do.
15. The Motor Vehicle (Bihar third Amendment) Ordinance, 1978	Do.	Do.
16. The Motor Vehicle Taxation (Second Amendment) Ordinance, 1978	Do.	Do.
17. The Bihar Hindu Religious Trust (Second Amendment) Ordinance, 1978	Do.	Do.
18. The Bihar Land and Water Protection and Land Development (Second Amendment) Ordinance, 1978	Do.	Do.
19. The Bihar, Secondary Education Board (Third Amendment) Ordinance, 1978	Do.	Do.
20. The Bihar Panchayat Raj (Third Amendment and Validation) Ordinance No. 1978	Do.	Do.
21. The Bihar University Services Commission (Second Amendment) Ordinance, 1978	Do.	Do.

1	2	3	4	5	6
22	The Bihar Non-Government Physical Training College, Non-Government Teachers Training College and Non-Government Primary Teachers Training College (Control and Regulation) Second Ordinance, 1978		26-12-78		Only laid on the Table.
23	The Patna University (Fourth Amendment) Ordinance, 1978	Do.			Do.
24	The Patna University (Fifth Amendment), Ordinance, 1978	Do.			Do.
25	The Bihar Panchayat Election Rules and list of Supplementary Voters (Validation) Second Amendment Ordinance, 1978	Do.			Do.
26	The Bihar State Universities (Fourth Amendment) Ordinance, 1978	Do.			Do.
27	The Bihar State University (Fifth Amendment) Ordinance, 1978	Do.			Do.
28	The Bihar Inter-University Board (Second Amendment) Ordinance, 1978	Do.			Do.
29	The Bihar District Board and Local Board (Regulation and Management) (Second Amendment) Ordinance, 1978	Do.			Do.
30	The Bihar Panchayat Samittee and Zila Parishad (Third Amendment) and Validation Ordinance, 1978	Do.]			Do.
31	The Bihar Sales Tax Second Amendment Ordinance, 1978	Do.			Do.
32	The Bihar Regional Development Authority Second Ordinance, 1978	Do.			Do.
33	The Bihar Cycle Raktshaw (Licence Regulation) Second Ordinance, 1978	Do.			Do.
34	The Bihar Agriculture Production Market (Second Amendment) Ordinance, 1978	Do.			Do.

35	The Bihar Agriculture and Village regional Development Agency Second Ordinance, 1978	Do.	Do.
36	The Bihar Co-operative Society (Second Amendment) Ordinance, 1978	Do.	Do.
37	The Bihar Motor Vehicle (Fourth Amendment) Ordinance, 1978	Do.	Do.
38	The Bihar Sugarcane (Supply and Purchase Regulation) Second Ordinance, 1978	Do.	Do.
39	The Bihar State Housing Board, Second Ordinance, 1978	Do.	Do.
40	The Bihar Forest Production (Trade and Regulation) Second Ordinance 1978	Do.	Do.
41	The Bihar Agriculture Operations and Miscellaneous Provisions (Banks) Second Ordinance, 1978	Do.	Do.
42	The Electric Supply Undertakings (Acquisition) Second Ordinance, 1978	Do.	Do.
43	The Tana Bhagat Rayot Agriculture Land Transition (Amendment) Ordinance, 1978	Do.	Do.
44	The Bihar Criminal Control Ordinance, 1978	Do.	Do.
45	The Bihar Panchayat Samiti and Zilla Parishad (Fourth Amendment and Validation) Ordinance, 1978	Do.	Do.
46	The Bihar Bhoodan Movement (Amendment) Ordinance, 1978	Do.	Do.
47	The Bihar Co-operative Society (Third Amendment) Ordinance, 1978	Do.	Do.
48	The Bihar-Land Acquisition (Bihar Amendment) Ordinance, 1978	Do.	Do.

1	2	3	4	5	6
		GUJARAT			
1	The Bombay Provincial Municipal Corporations (Gujarat Second Amendment), Ordinance, 1978		23-1-79		Replaced by legislation.
2	The Gujarat Minor Forest Produce Trade Nationalisation (Second) Ordinance, 1978		30-1-79		
3	The Bombay Animal Preservation (Gujarat Amendment) Ordinance, 1978		24-1-79		
4	The Gujarat Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1978		23-1-79		
5	The Gujarat Municipalities (Amendment and Validation) Ordinance, 1978		23-1-79		
6	The Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Ordinance, 1978		23-1-79		
		JAMMU & KASHMIR			
1	The Jammu & Kashmir Universities (Amendment) Ordinance, 1978				
		MADHYA PRADESH			
1	Madhya Pradesh Sahakari Societies (Sanshodhan) Adhyadesh, 1978,		24-11-78		7-3-79
2	Madhya Pradesh Ayurvedic Ashakaya Mahavidyalayon Ke Chhatrason Ke Parkshan Sambandhanvishesh Upbandh Adhyadesh, 1978.		14-12-78		Do.
3	Madhya Pradesh Civil Nyaya (Sanshodhan) Adhyadesh, 1978		19-12-78		Do.

PUNJAB

- 1 The Punjab Agricultural Produce Markets (Second Amendment) Ordinance, 1978 11-10-78
- 2 The Punjab Municipal (Second Amendment) Ordinance, 1978 20-12-78

RAJASTHAN

- 1 Rajasthan Lokayukta tatha Uplokayukta (Sanshodhan) Adhyadesh, 1978 22-8-78
- 2 Rajasthan Vikray Kar (Sanshodhan) Adhyadesh, 1978 28-5-78
- 3 Rajasthan Aabkari (Sanshodhan aur Vistar) Adhyadesh, 1978 1-9-78
- 4 Rajasthan Madhya Nishedh (Sanshodhan aur Vistar) Adhyadesh, 1978 1-9-78
- 5 Rajasthan Vishwavidyalaya Adhyapak (Asthai Pradhyapkaon ka Aameelan) Adhyadesh, 1978 8-6-78
- 6 Rajasthan Nagar Sudhar (Sanshodhan) Adhyadesh, 1978 15-6-78
- 7 Rajasthan Vishwavidyalaya Adhyapak (Asthai Pradhyapkon ka Aameelan) Sanshodhan Adhyadesh, 1978 (No. 8 of 1978) 10-7-78
- 8 Rajasthan Nagarpalika (Sanshodhan) Adhyadesh, 1978 1-8-78
- 9 Rajasthan Vishwavidyalaya (Sanshodhan) Adhyadesh, 1978 18-9-78
- 10 Rajasthan Kashtkari (Sanshodhan) Adhyadesh, 1978 22-6-78
- 11 Rajasthan Krishi Joton par Adhikarn Secma Adhiropan (Dwitiya Amendment) Ordinance, 1978 14-8-78
- 12 Rajasthan Vidhan Sabha (Adhikaron aur Sadashyen ke Parilab avam Pension (Sanshodhan) Adhyadesh, 1978 26-7-78
- 13 Dand Prakriya Sanhita (Rajasthan Sanshodhan) Adhyadesh, 1978 4-8-78

1 2 3 4 5 6

TRIPURA

1 Laying of the Salaries and Allowances of the Chairman, Vice-Chairman and the Commissioners of the Agartala Municipality Ordinance, 1978 20-12-78 17-1-79 Replaced by legislation.

UTTAR PRADESH

1 The U. P. Sales Tax (Amendment and Validation) Ordinance 1978. 13-11-78 7-12-78

2 The U. P. Excise (4th Amendment) Ordinance, 1978. 30-11-78 7-12-78

3 The U. P. Universities (Amendment) Ordinance, 1979 6-1-79

4 The U. P. Krishi Utpadan Mandi Samities (Alpalkik Vyavastha) (Sambodhan) Ordinance, 1979. 6-1-79

5 The U. P. Sales Tax (Amendment and Validation) Ordinance, 1979. 16-1-79

6 The U. P. Excise (Amendment) Ordinance, 1979 16-1-79

7 The U. P. Municipality, Notified Area and Town Area (Alpalkik Vyavastha) (Amendment) Ordinance, 1979 16-1-79

WEST BENGAL

1 The West Bengal Panchayat Second Amending Ordinance, 1978 25-10-78 20-11-78 2-1-79 Replaced by legislation

2 The Motor Transport Workers (West Bengal Amendment) Ordinance, 1978 20-10-78 Do. Do. Do.

3 The West Bengal Relief Undertakings (Special Provisions) (Amendment) Ordinance, 1978 3-11-78 Do. Do. Do.

Sl. No.	Name of State/ Union Territory	Seats	Janata	Cong. (I)	Cong.	CPI(M)	AIADMK	Other Parties	Unattached	Total	Vacancies
15.	Orissa	21	16	3	1	1	..	..	1	21	..
16.	Punjab	13	3	..	1	..	8(g)	..	..	12	1
17.	Rajasthan	25	24	1	..	..	..	..	..	25	..
18.	Sikkim	1	1	..	..	..	..	..	..	1	..
19.	Tamil Nadu	39	2	8	6	17	2(f)	..	1	36	1
20.	Tripura	2	1	..	1	..	..	..	..	2	..
21.	Uttar Pradesh	85	84	1	..	..	..	..	..	85	..
22.	West Bengal	42	16	1	2	17	6(g)	..	..	42	..
(ii) Union Territories											
23.	Andaman and Nicobar	1	..	1	..	..	..	..	..	1	..
24.	Arunachal Pradesh	2	1	1	..	..	..	..	..	2	..
25.	Chandigarh	1	1	..	..	..	..	..	..	1	..
26.	Dadra and Nagar Haveli	1	..	1	..	..	..	..	..	1	..
27.	Delhi	7	7	..	..	..	..	..	..	7	..
28.	Goa, Daman and Diu	2	..	1	..	..	..	..	1	2	..
29.	Lakshadweep	1	1	..	..	..	..	..	..	1	..
30.	Mizoram	1	..	..	..	..	..	..	1	1	..

31. Pondicherry	1	..	..	..	..	1	..	..	1
Anglo-INDIAN	2	1	..	..	..	..	1	1	2
TOTAL	544	301	82	62	22	18	35	16	536
									7

*Excluding the Speaker.

(a) National Conference—2

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

(c) RPI (Khobargad)—1

(d) Peasant and Workers Party—6, RPI (Khobargad)—1

(e) Akali Dal—8

(f) CPI—2

(g) R.S.P.—8, F.B.—3

Panjab	7	3	1	1	..	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..
Rajasthan	10	3	4	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sikkim	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tamil Nadu	18	2	..	1	8	1	1	3	..	..	..	..	..	..	..	..	..	..	..	2
Tripura	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Uttar Pradesh	34	4	9	..	21	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
West Bengal	16	8	1	2	..	3	1	..	1	..	..	..	..	..	..	..	..	..	..	..
Arunachal Pradesh	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Delhi	3	3	2	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Mizoram	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Pondicherry	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Nominated	12	1	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	8
TOTAL	244	46	67	9	70	9	8	2	3	1	1	1	1	1	1	1	1	1	1	13	
																					8*

*Out of 12 nominated Members, 4 have joined different political parties.

C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Janata	Cong.(I)	Cong.	CPI (M)	CPI	AI ADMK	Akali	Other Parties	Ind.	Total Vacancies	
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Andhra Pradesh L. C. (As on 15-2-79)	90	9	36	13	1	2	..	..	3(d)	4	68	22
2. Andhra Pradesh L.A. (As on 15-2-79)	295	50	216	7	8	6			3(b)	3	293	2
3. Assam L. A. (As on 1-2-79)	126	60	8(c)	24	11	6			8(d)	9	126	
4. Bihar L. C. (As on 15-2-79)	96	30	33	8		5			1(e)	5	82	14
5. Bihar L. A. (As on 31-1-79)	325	214	44	13	4	20			18(f)	10	324*	1
6. Gujarat L. A. (As on 15-2-79)	182	108	56	8					4(g)	6(h)	182	
7. Himachal Pradesh L. A. (As on 15-2-79)	68	54		9						5	68	
8. Jammu and Kashmir L. A. (As on 15-2-79)	78	11	7	1					58(i)	1	78	
9. Karnataka L. C. (As on 1-2-79)	63	20	28	3					7	4	62*	7
10. Karnataka L. A. (As on 1-2-79)	225	57	155	1		3	..		2(j)	5	224*	1
11. Madhya Pradesh L. A. (As on 15-2-79)	321	230	58	21			..		1(k)	9	320*	1

12. Manipur L. A. (As on 15-11-79)	60	44	11	4	1	60	..
13. Meghalaya L. A. (As on 15-2-79)	60	1	17	..	38(f)	4	60
14. Nagaland L. A. (As on 16-2-79)	60	..	..	..	40(m)	5	60
15. Punjab L. A. (as on 15-2-79)	117	25	15	2	8	7	58(n)
16. Rajasthan L. A. (As on 18-2-79)	200	149	25	16	1	1	..
17. Sikkim L. A. (As on 15-11-78)	32	26	..	..	..	..	..
18. Tamil Nadu L. C. (As on 15-11-78)	63	1	4	1	1	14	17
19. Tamil Nadu L. A. (As on 15-11-78)	235	8	27	12	5	126	56(r)
20. Tripura L. A. (As on 15-2-79)	60	..	..	..	..	..	..
21. Uttar Pradesh L. C. (As on 15-2-79)	108	44	34	13	3	..	11(t)
22. Uttar Pradesh L. A. (As on 15-2-79)	426	355	43	7	1	9	2(u)
23. West Bengal L. A. (As on 15-2-79)	295	29	11	10	178(v)	2	61(w)

UNION TERRITORIES

1. Arunachal Pradesh L. A. (As on 16-2-79)	33	24	8(x)
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33

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8(x)

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	1	2	3	4	5	6	7	8	9	10	11	12	13
2. Delhi Metropolitan Council. (As on 15-2-79)		60	43	10	1			59	1
3. Goa, Daman & Diu L. A. (As on 5-4-79)		30	3	..	10	..	..	..	..	15(j)	2	30	..

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

(a) Progressive Democratic Front.

(b) Majlis-ul-Muslimeen.

(c) Election of one Member namely, Shri S. R. Das was declared void by the Gauhati High Court *vide* order dated 14-8-1978. But the Supreme Court has stayed the operation of the judgment of Gauhati High Court till disposal of his petition.

(d) R.C.P.I.—4; and P.T.C.—4.

(e) Teachers.

(f) All India Jharkhand, Samyukta Virodhi Morcha Vidhyak Dal—8, Lok Paksha Vidhyak Dal—17, Forward Block—1 and Nominated—1.

(g) Congress Party Non-Aligned.

(h) Three Support to Janata Party and 3 are Independents.

(i) National Conference—32, Janata Front—3, Jamati Islamia—1, Nominated—2.

(j) Muslim League—1, R.P.I.—1.

(k) Nominated.

(l) Includes APHLC—20, HSPDP—15, PDIC—2, J.N.U.—1.

(m) United Democratic Front—39, N.C.N.—1.

- (n) One Member of the Shiromani Akali Dal namely, S. Harpreet Singh Sandhu has no right to vote.
- (o) Pragatisheel Dal.
- (p) Sikkim Prajantantra Congress.
- (q) DMK—13, Teachers Graduate Progressive Front—3, United Party—1, Indian Union Muslim League—2.
- (r) Includes DMK—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.
- (s) R.S.P.—2, Forward Block—1, Tripura Upajati Juba Samiti—4.
- (t) Shikshak Dal—8, Nirdaliya Sangh—2, Rashtrawadii Dal—1.
- (u) Socialist Party—1, Nominated —1.
- (v) Including one independent Member supported by CPI (M).
- (w) Forward Block—26, Revolutionary Socialist Party—20, Revolutionary Communist Party of India—3, Forward Block (Marxist)—3, Biplabi Bangla Congress—1, Socialist Unity Centre—4, CPI (ML)—1, Muslim League—1, Congress for Democracy—1, Nominated Under Article 333 of the Constitution—1.
- (x) People's Party of Arunachal Pradesh.
- (y) Maharashtrawadi Gomantak Party.