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EDITORIAL NOTE

“It is important that the new entrants to the administrative services should at the earliest, nay, even at the outset of their careers, imbibe the philosophy and the basic values of the democratic system to develop the right attitudinal sensitiveness to the expectations of the common man in their future task as administrators”. This was the theme of the inaugural addresses by the Hon’ble Speaker of Lok Sabha, Shri Bal Ram Jakhar at the Appreciation Courses for I.A.S. Probationers, organised recently by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat. This issue opens with an article based on these addresses.

—*Avtar Singh Rikhy*

PARLIAMENT AND ADMINISTRATION

BAL RAM JAKHAR

The administrative services in the country serve the very people who send their representatives to the Parliament and constitute a continuing link, a perennial chain that goes on and on notwithstanding any changes in Government or the Party in power. It is important that the new entrants to the administrative services should at the earliest, nay, even at the outset of their careers, imbibe the philosophy and the basic values of the democratic system to develop the right attitudinal sensitiveness to the expectations of the common man in their future task as administrators. It is important to remember that the administrators have to deal all the time with the common man and the extent to which they are able to be of service to him will be the yardstick of their success or failure as administrators.

The term 'bureaucracy' has come to acquire an odious tinge and people do not have a high regard for this class. I would like to see a change in this situation. In fact, a new spirit needs to be imbibed by the administrators—a spirit, which stands for development, which means association with the people and a dedication to the service and prosperity of this great nation. Thereby, we shall forge a new link with the people, and a specific attitude towards the rural masses who constitute about eighty per cent of this nation. And, if we can give a new direction to our thinking towards them, their way of life, and provide them the basic amenities by the coordinated efforts of the administrative services and the Government, then a new chapter is bound to open up for the well-being of all our country men.

Adapted from the Inaugural Address by the Hon'ble Speaker at the Seventh and Eighth Appreciation Courses for Indian Administrative Service Probationers organised by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat in February, 1980.

In the Indian polity the people are sovereign. As the opening words in the Preamble to the Constitution—"We, the people of India"—remind us the Constitution itself derives its sanctity and authority from the people. And, Parliament has been accorded its place of primacy in our Constitutional and political set-up for the simple reason that it represents the people. It is first and last, the people's institution. Once the place and role of Parliament in our political set-up is thus correctly understood, it should be easy enough to appreciate the rationale of the various processes, procedures and practices of the Parliamentary institution. The fact that we at one stroke adopted even at the outset universal adult franchise has tended to obscure the significance and implications of this great step which we took at the hour of freedom. Let us not forget that many of the so-called advanced nations arrived at this goal only by slow stages over the years.

Several provisions in the Constitution relating to Parliament—those pointing to its vast legislative powers, its control over the nation's purse, the accountability of the Executive to the popular House and the requirement of its support for any Ministry to continue in office, its participation in the election and impeachment of the Head of the State and in the removal of the incumbents of other high offices under the Constitution, the requirement of its approval in cases of proclamation of Emergency and its power during an Emergency, and above all, its constituent power—to call only the more important provisions—only go to underscore the pivotal position of Parliament in our scheme of things.

Few Legislatures in the world have had a better start than the Parliament in India. A perceptive remark about our Parliament has been that it was a Legislature with a tradition even at its birth. How such powers as the Central Legislature of the pre-Independence days came to possess were wrested in instalments is well known. The Central Legislature, as a matter of fact, was but a pale shadow as compared to our Parliament today. Nonetheless, the fact remains that through the years of the working of the Central Legislature in India we had come to develop an attachment to and faith in the representative institution as the bulwark and best guarantee of the rights and liberties of the common man. We have, indeed, in a unique sense been fortunate in our history. Some of the leading men of the freedom struggle—stalwarts like Motilal Nehru, Bhulabhai Desai and Satyamurthi—had by their standards of legislative performance and behaviour, raised the prestige of the legislative institution. It was perhaps equally fortunate that we have had as the first President of the Central Legislative Assembly, Sir Frederick Whyte, one steeped in the traditions of the Mother of Parliaments, and, as our first ever elected President, Shri Vithalbai Patel who did more than anyone

else to establish the independence and authority of the legislative institution and thereby truly laid the foundation for the future Parliament of India. And, when the country's legislature emerged as the sovereign Parliament of the land, we still had with us some of the leading men of the freedom movement, imbued with a deep faith in the destiny of the Legislature as the people's institution, who, in the seed time of our Republic, nurtured our Parliament to grow along sound lines. So, our Parliament started off with the best auguries for success. Our own long democratic tradition and habits of democratic functioning down the centuries were no doubt at the back of it all.

Our Parliament has been compared to the Hindu Trinity with its triple function as Creator, Preserver and Destroyer. A moment's reflection will suffice to realise how apt this description is. A close nexus between the Executive and the Legislature is the Central feature of the Parliamentary system. The Executive is drawn from and stays part of the Legislature. In order to be in the Government, to continue as a Minister, the basic requirement is that a person has to be a member of the Legislature or become one within six months of his appointment as a Minister. There is then the key provision about the collective accountability of the Council of Ministers to the popular House of Parliament, that is, the Lok Sabha. Equally important is the other provision that no money shall be withdrawn from the Consolidated Fund of India save by the authority of law passed by Parliament. And, then the provision that not more than six months shall intervene between two sessions of Parliament is also there. Between them these provisions highlight the fact that under our Constitutional set-up a Government acquires its legitimacy and eligibility to continuance in office only through Parliamentary support and approval. In other words, it is Parliament that is, the Legislature—which makes and keeps the Government.

In every House, there is an element of new membership. There was sizeable number in the Sixth Lok Sabha; perhaps the number is more in the present House. And there may be many among this number who may not have had any previous legislative experience. In other words Legislature still provides the largest organised means of leadership recruitment. This is only natural. In the course of the very working of democratic politics, as new political forces emerge, they must eventually find their way into the Legislature. The Legislature is a great sifter. Many political careers may be made or marred on the floor of the House. As to Parliament's role as a Destroyer, I need not dwell on it. It is only obvious.

Parliament in India, as in other Parliamentary democracies, is a multi-functional institution performing a variety of roles. Foremost among them, in my view, is its representational role. Why, in fact, all the

other various aspects of its functioning—its role as a law-making body, as a controller of the Nation's purse, as overseer of the administration, as a redressor of public grievances, all flow from, and derive their meaning only from its status and character as an institution representing the people and their will. With its membership drawn from every part of the land and representing diverse interests, Parliament stands as a symbol of the unity of the nation with all its diversity. It is the supreme national forum through which the urges and aspirations, the feelings and anxieties—why, even the frustrations,—of the people find organised articulation. In a plural society of continental setting like ours, the value and usefulness of the Parliamentary institution as a channel of communication and interaction between the people and the Government cannot be over-emphasised. The Press and the mass Media, of course play their own part by providing the grist to the legislative mill—without them as some one said, legislators should come empty-handed to the House—but as the Chief forum which provides an organised outlet for the different interests and sections in the society to express themselves and get the Government to commit themselves on their stand and the lines of their proposed action, the parliamentary institution is manifestly irreplaceable. By enabling the tensions within the society to get played out and be harmonized, the Parliament has been performing a crucial cathartic role.

The original functions of Parliament as a body legislating and authorising supplies may still be regarded as its two primary responsibilities. In a democratic society law assumes its significance as a prime mover in social engineering. Law is an instrument of social adjustment. It has to mould society, even as it is moulded by it. In a free society, the interaction between law and society is open-ended and continuing. Law has not only to reflect social realities, it has also to provide a lead by holding forth new norms for the community to live up to in the course of its orderly march towards an ideal social order.

In India, as in most other countries of the world, the initiation of legislative proposals belongs to the Executive. This has given rise to an impression that Legislatures have declined as law-makers and been reduced to mere "rubber stamp legitimizers" of executive proposals. This is rather an extreme view. For, what emanates from the administrative corridor is but a draft, still to be refined in the legislative crucible to bring it in line with the nationally favoured policy and make it a socially relevant law. It is the Legislature which provides a forum for organised articulation of the various shades of public opinion in the country and exercise a shaping influence in the legislative process by getting the principal issues thrashed out, the details of legislation scrutinized and the interests of affected parties heard. As representatives of the people and

social investigators, the legislators alone are in special position to mould the content and contour of emerging legislation. It is the Legislature which provides the final touches and gives the final shape to legislation in the course of its passage through various stages before it becomes law.

In assessing the Legislature's contribution in law-making, to simply compute the percentage of legislative proposals that have undergone modification on the legislative floor, or even a qualitative assessment by analysing the occurrence of significant modifications, would be a routine kind of exercise stopping short in the realm of the tangible. For, that would be completely leaving out of account the pressures and influences the Legislature keeps continually exerting on the Executive. For, the form in which a measure is brought forward by the Executive may in particular cases itself owe to the parliamentary opinion prior to the formulation of the legislative proposals, though not explicitly so acknowledged.

In finance, even more than in legislation, the initiative in the formulation of proposals rests and if we examine closely, quite appropriately—with the Government. The Budget is after all an arithmetical manifest of government's programmes and plans of action, which the party in power should be able to pursue unhampered in fulfilment of its pledges and commitments to the people. But once the Government has submitted the budget and Parliament has voted the taxes and expenditure, the Government has to conform, to the last detail, to the parliamentary sanction.

The approval of the Budget is just half the way in a Parliament's control over Government expenditure. Parliament's task does not rest there but extends to seeing that the voted moneys are well and wisely laid out and for the purpose for which they were sanctioned, keeping in view the ends of economy, and optimum efficiency. In our Parliament, the three Financial Committees namely, (1) the Public Accounts Committee, (2) the Estimates Committee and (3) the Committee on Public Undertakings, help Parliament in this scrutiny.

The relationship between the Executive and the Parliament in the scheme of parliamentary oversight of Administration has to be appreciated in its perspective—it is one that is most intimate and does not admit of any antagonism. The relationship is one of inter-dependence and should be based on mutual trust and confidence. The two have their own distinctive roles. "The thing that Parliament is supposed to do" as pointed out by Professor Ogg, "is to furnish the inquiry and criticism that will keep the Ministers and their subordinates upto the mark—not to issue orders in advance as to what they shall do but to survey the things that they have already done and hold them to account therefor. A strong

executive government, tempered and controlled by constant, vigilant and representative criticism is the objective”.

In developing societies like ours, the parliamentary institution has to live up to and fulfil a new role expectation—as of an agent of change and a harmonising mediator among the contending forces in the polity. The end goal of the people and the Government in a democracy is progress. “Democracy must in essence mean”, Gandhiji long ago said, “the art and science of mobilizing the entire fiscal, economic and spiritual resources of all the various sections of the people in the service of the common good of all”. In a democracy, freedom, socio-economic justice and development mesh together in a total concept which envisages the full flowering of the individual and the society through a creative harnessing of all the physical, mental, material and spiritual resources of the community. In a country like ours, by the very compulsion of the situation, development becomes central to the democratic value system.

Development and social transformation imply re-appraisal of received norms and values, restructuring of existing societal arrangements, and even more, reorientation of custom-grown attitudes and habits of thinking so as to be in alignment with emerging needs and realities. This means change. And any change, if it is to be smooth and enduring, must be with the consent of the society and share the character of organic growth. And Legislature is the matrix where the diverse forces and interests in the polity must meet and interact for new ideas to emerge and a new value-culture to be born. And it is a significant fact of the Indian political scene that our Parliament, which has been a converging centre of influence in the polity all along, has shown remarkable dynamism as a positive mediating agent of change.

Ours is a unique Constitution. It is a sacred document. It represents the quintessence of the ideals and values we have held as a people down the ages and the hopes and aspirations and faiths and beliefs we came to acquire through the long years of our freedom struggle. It envisions a just social order. Our Constitution itself embodies the people's manifesto. It constantly reminds us of the great social purposes of democracy. With us, the end aim of all democratic existence and endeavour has been a fuller life for the common man. All that we do will be judged ultimately by this test—as to how far they are calculated to subserve, how far they take us nearer the core purpose of our existence as a democratic society. And it is through Parliament, the central institution in our polity, that the India of the dreams of our Founding Fathers must be realised.

SOCIAL LEGISLATION AND SOCIAL CHANGE

DR. RAM JEE SINGH

Change is the law of life but change is as well the life of law. The life of law has not been logic but experience. The law embodies the story of a nation's development through the ages and it cannot be dealt with as if it contained only the axioms and corollaries of a book of Mathematics. Law is evolving in the direction of collective human progress or total social good. The aim of sociological jurisprudence is welfare of society. Legal sociology presupposes the conception of society in a flux. The social heritage is rich but it is not perfect. Some of them are inconsistent with the ideals of a democratic society based on equality, like caste restrictions, *Pardah* system, infanticide, concubinage, prostitution, child marriage, ban on remarriage of widows etc. Hence, law must answer the felt necessities of time. Law changes according to the social structures. A feudal society has a different law with regard to property, family, marriage etc. than a commercial or industrial society. In fact, law is a body of ideals, principles, and precepts for the adjustment of the relations of human beings and the ordering of their conduct in society. To conclude, law must have two aspects: stability and dynamism, i.e., it must be stable and yet cannot be standstill or static.

Democracy is a government of laws. Rule of law is the foundation of a democratic state. Law crystallizes the wisdom of the law-makers and the genius of the electorate. Hence a piece of legislation plays the barometer of the social needs and aspirations of the community. But there is a gulf between the existing laws and the current needs of society. Hence legislation of today is to meet the social needs of yesterday.

Philosophy of law goes along with the philosophy of State. During the early Greeks, law pertained to an organised community. During the Romans, law was the condition of the State and during Augustus of the

Romans, the function of State was to maintain law and order. In the 17th and 18th centuries, individual was recognised as the sovereign in accordance with the doctrine of *laissez faire* leaving the least scope for State action. But during the 20th century, we have a philosophy of Welfare State instead of a purely Police State. Hence the impetus for the extensive enactment of social legislation. It began with the Industrial Revolution, when the law which had grown out of the feudal system proved inadequate to meet new conditions.

In India, during ancient times, charity (*danam*) led to the concept of social welfare. During the epic period it is said that none was miser or drunkard, or thief. However, during Kautilya's *Arthashastra* the king was said to be responsible for care and protection of the helpless. Buddha preached service to fellow beings. Ashoka established charity, truth, social service institutions, superintendence of liquor and prostitution. Sankar interpreted charity as equalisation of wealth (*danam sambibhagah*). The Muslim rulers practised Zakat as is evident in the cases of the emperors like Nasiruddin and Aurangzeb. During the British period, maintenance of law and order was the main concern of the people. But later, public health, education, industrial labour etc. came within the fold of the State. During post-independence period, more and more emphasis has been laid upon social welfare work. Expenditure on social service rose from Rs. 531 crores in the First plan to an estimated Rs. 9355 crores in the draft Sixth Plan, while on social welfare work it rose from Rs. 5 crores in the First Plan to an estimated Rs. 305 crores in the draft Sixth Plan. Social welfare is the result of an attempt to avoid the excess of unmitigated totalitarianism on the one hand and unbridled individualism on the other. In a Welfare State, all are assured of adequate help in case of need-illness, old age, physical and mental handicap or unemployment. State assistance is claimed as a right, not a charity, and no stigma of pauperism is attached to those who receive it.

Traditionally, law lagged behind social opinion and the function of social legislation is continually to adjust the legal system to a society which is constantly outgrowing that system. Hence, legislation calculated to bridge the gulf between the existing law and the current needs of society may be called 'Social legislation'. The term 'Social legislation' was first used in connection with Bismarck's achievements in Germany during the 1880's in obtaining legislation providing for social insurance against sickness, accidents, invalidity and old age. It involves "those measures which are intended for the relief and elevation of the less-favoured classes of the community."¹ The underlying principles behind social legislation are: Reverence for human personality, Equality, Promotion of social solidarity, Opportunities for spending leisure, State's duty towards the unemployed

¹James Ford: *Problems and Social Policy*, p. 264.

and the disabled, Individualism and collective good. Social legislation is the mechanics of relating and minimising the expectation of the least advantaged and socially underprivileged strata, consistent with the demands of equal liberty and equality of opportunity. It attempts to cover the gap between consensual values and apparent incongruence with prevailing patterns of behaviour. It involves "an active process of remedy by preventing or changing the wrong course of society or by selecting among the courses that are proved to be right."²

It is a modern phenomenon to create governmental agencies for the purpose of protecting groups of persons with special needs or of increasing the social as contrasted with individual welfare. In the narrow sense, social legislation limits itself to the benefit of disadvantaged or unprivileged groups and weaker sections of the society. However, in the broad sense of the term, it extends to any legislation of general welfare.

There is a close relation between social change and social legislation. Law is a powerful weapon in moulding and fashioning socio-economic order. In the words of H.S. Ursekar, it is an "effective weapon to create a new social order to bring about a bloodless social revolution." Social legislation provides "means and opportunities for the fulfilment of the hopes and aspirations of the average citizen."³ People look to the State to protect labour from exploitation, women from masculine domination, children from parental indifference and neglect and the poor from poverty. Not only this, it has to guard against disease, disorder and immorality. Hence the object of social legislation is to provide social and economic justice and remove injustices like slavery, infanticide, sacrifices, child marriage etc.

The social structure is subject to incessant change. However, the term 'change' itself is wholly neutral, implying nothing but difference through time in the object to which it is applied. The meaning of the term 'change' is itself continually changing. Social change is inevitable because there are environmental changes, organic changes, psychic changes etc. When it is said: "You can not change human nature", it is fair to reply, "It is human nature to change." And when there is change in human nature, the social change becomes inevitable. There are also ample evidences like personal evidence, historical evidence, ethnographic evidence, archaeological evidence etc. However, development and social change become conscious objectives of the modern state. Law must keep pace with the progressive society. It is impossible for law to anticipate all the situations and

²K.D. Gangrade (ed). *Social Legislation in India*, Delhi 1978. Vol. I, Introduction, page IX.

³V. V. Shastri, *Social Legislation in India in Social Welfare in India* 1955, p. 585.

to provide a code of rules applicable to every situation. Hence it is always difficult to express legislative intentions with perfect exactitude. Even the most careful drafting cannot claim to exclude the possibility and differing interpretations. Hence the meshes of the legal fabric requires constant mending to deal with ever-new situations. Social change is an essential feature of social life.

Law is one of the most important weapons both for social change and social control. The State has the responsibilities of anticipating social needs and prepare the people to accept the change. It must initiate suitable and timely action to mould social institutions and then also moulding the social consciousness of the people. If the State legislation outruns social urge, it remains ineffective. Hence the true limits of legislative competence must be found in the social consciousness of the people. If the people are made to feel that a particular legislative measure is in the interest of common good, then and then only the law can give direction, form and continuity to social change. Responsiveness to changing times should be an essential feature of the legislative functions of the modern state. Let us conclude that State action and voluntary action are not the anti-thesis of each other, rather they sprang from the same roots, and were designed to meet the same needs and had the same motivating force behind them.

Law in a Police State is static, while it is dynamic in a Welfare State. In a Police State, law plays a negative role but in a Welfare State it is positive, constructive and creative. In a Police State while the nature of legislation is piecemeal, in a Welfare State there is always a blue-print. In a Police State, the functional role of the State is missing because its main concern is 'law and order' while in a Welfare State, law is a potential and powerful instrument of social reform.

Social justice is linked with social reform, social welfare and social legislation. Social justice furnishes the ideological basis for social reform and welfare. However, social justice is rooted in social equality. Everyone has equal rights basically compatible with similar liberty of others. Social and economic inequalities are to be adjusted in such a way that they are both reasonably expected to be everyone's advantages and attached to positions and offices open to all. Both these aspects depend upon the kind of structure of the society. Liberty is relevantly related to the concept of justice and in determining what is 'social justice' the primary subject of justice is the "basic structure of the society or more exactly the way which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social co-operation."⁴

⁴John Rawls: *A theory of Justice*, Oxford University Press, p. 7.

The concept of social justice was relatively unknown in ancient India, so it was in ancient Europe. The fundamental concept of ancient thinkers was the supremacy of Law, the *Dharma* of the social order. According to the Vedic-Upanishadic ideology, the State is governed by an omnipotent Cosmic Law. According to the Smritis, there are two-fold sources of law—Common Law of Four-fold Castes and Customs of various local, social and economic groups. Kautilya's *Arthashastra* recognised King's executive verdict with the force of land and King's decree as having overriding authority. Nyaya and Mimamsa, both emphasised the two-fold aims—earthly prosperity and spiritual realisation. According to Yajnavalkya, the basis of law is both politics and spiritual merit. According to Kautilya, the Royal edict on secular legislation could supersede Dharma Shastra; however Narada recognised judicial decisions, customs, royal edicts and Dharma Shastra as the sources of law. Sri Srinivas Iyenger, therefore, holds that "the growth of a vigorous democracy in Ancient India was to a great extent prevented by the paramouncy of the Dharma concept and the consequent Divine Right of Kings."⁵

The Brahmanical theories recognised that the institutions of property and society were contingent upon the existence of the State which was Divine remedy for man's sin. In the Jaina-Buddha mythical traditions the institutions of property, government and society were practically unknown or not very much crystallised. The King could confiscate lands, property of the sinners. According to Manu, ownership of the soil belonged to clearers but treasure to the Kings. During 600 B.C. ownership in cultivable land was vested in private individuals.

All these posed great difficulty to our founding fathers in formulating minimum Fundamental Rights which formed the basic structure of the Indian Constitution. The Indian Constitution is first and foremost a social document. The majority of its provisions are either directly aimed at furthering the goals of the social revolution or attempt to foster this revolution by establishing the conditions necessary for its achievements. The core of the commitment to the social revolution lies in the Fundamental Rights and in the Directive Principles of State Policy in Parts III and IV. "These are the conscience of the Constitution."⁶ The Fundamental Rights seek to ensure freedom or liberty of the individual against coercion or restriction by the State. The Directive Principles aim at creating the material conditions for the enjoyment of freedom and liberty. The Chapters on Fundamental Rights and Directive Principles of State Policy reflect the philosophy of the Indian National Movement for bringing about

⁵Srinivas Sastry Endowment Lecture, Modern Law Journals Press, 1939.

⁶Granville Austin, *The Indian Constitution—Cornerstone of a Nation*, OUP, 1972, p. 50.

not only a national revolution but also a social and economic revolution. Fundamental Rights in the Indian Constitution stand like the Magna Carta or the English Bill of Rights, the French Revolution, The American Bill of Rights, Constitution of India Bill (1895), Commonwealth of India Bill (1925), Motilal Nehru Report (1928). As early as 1931, at the Karachi Session, the Indian National Congress had adopted a resolution "In order to end the exploitation of the masses, political freedom must include the real economic freedom of the starving millions." Professor Harold Laski had rightly observed that "Political equality. . . . is never real unless it is accompanied by virtual economic equality." Mr. Justice J. Reddy in his famous case *Kesavanand Bharati Vs. State of Kerala* had observed: "What is democracy without social and political justice or what values will it have, where its citizens have no liberty of thought, belief, faith or worship or where there is no equality of status and opportunity?" Maxby had said: "Deny possibility of liberty in the absence of equality". Lord Acton said that the passion for equality makes vain the hope for freedom.

The Preamble of our Constitution is a vivid social document because it includes socio-economic-political-justice, liberty and equality. The then Chief Justice of India, Mr. Justice Hidayatullah had said: "Our Preamble is at once a declaration of certain varities in our Constitutional life and also a prophecy. . . . Preamble and the two chapters of the Fundamental Rights and Directive Principles of State Policy represent the kind of society we wish to create. The rest of the Constitution is not new and it merely lays down the mechanics of Government."⁷ "The Fundamental Rights", according to Justice Hidayatullah, "are legal ends to be served by the State and the Directive Principles, the moral ends to be served by the Government." Another former Chief Justice, Subba Rao, in his Chimanlal Setalvad Law Lecture had observed: "Both *Rights* and *Directions* were fundamental but while the former could be enforced in a court of Law, the latter were not justiciable". In fact Chapter IV of the Indian Constitution is a Chapter of socio-economic revolution. Justice Reddy rightly says that "the object of Fundamental Rights is to ensure the ideal of political democracy and prevent authoritarian rule, while the object of the Directive Principles is to establish a Welfare State where there is economic and social freedom without which Political democracy has no meaning". The Indian Constitution itself has provided enough scope for Social Justice and the courts have been conforming to the spirit of the Constitution.

Social legislation and democratic values go together. Hence we find that many important social legislations have been upheld by the Courts.

⁷September 12, 1968.

For example, the Supreme Court in the case of *Crown Aluminium Works Vs. Their Workmen*⁸ regarding minimum wages rightly upheld that "no industry has the right to exist unless it is able to pay its workmen its bare minimum wages". In the case of *Express Newspaper Private Ltd. Vs. Union of India*⁹ it upheld the principles of minimum wages on the basis of Directive Principles. Similarly, in the case of *National Engineering Industries Ltd. Vs. Its Workmen* it upheld the payment of bonus. In the case of *Burhanpur Tapti Mills Vs. Burhanpur Tapti Mazdoor Union*¹¹ in matters of payment of gratuity and the case of *M/s Karamchand Thapar Vs. Their Workmen*¹² in the matter of Dearness Allowance, in the case of *Remington Rand of India Vs. The Workmen*¹³ and of *BEST Undertakings Vs. Mr. Agnes*¹⁴ in matters of Unfair Labour Practices, in the case of *Ganapati Nageshwar Rao Vs. A.P.S.R.T.C.*¹⁵ in the matter of Motor Vehicles Act (Nationalisation), and in the case of *State of Kerala Vs. Gwalior Rayon Silk Mfg.*¹⁶ it gave its opinion in favour of the labour and the common people.

In fact, in deciding these cases, the spirit underlying the Constitution was followed. Chief Justice Marshal of U.S.A. had rightly observed, "It is the Constitution we are expounding", though Justice Frank further had expressed the opinion that "It is hostile to a judicial system to involve the judiciary in the politics of the people." But since the Constitution is a social document, we cannot afford to neglect social legislation and social outlook. There is a vast number of important Central and State enactments in the field of social legislation in India on different subjects, like Bonded Labour, Child Labour, Labour Welfare, Land Reforms, Personal Law and Marriage Law, Public Health, Scheduled Castes and Scheduled Tribes, Social Welfare, Women's Welfare etc. Some of the Central Acts can be broadly divided into three categories:—

(a) *Social Reform Legislations:—*

1. Regulation No. 17 of 1829 (Prohibiting Sati System)
2. Indian Slavery Act, 1843
3. Hindu Widows Remarriage Act, 1858

⁸A.I.R. 1958 S. C. 30.

⁹A.I.R. 1968 S.C. 578.

¹⁰A.I.R. 1968 S.C. 538.

¹¹A.I.R. 1933, S.C., 1966;

¹²A.I.R. 19733 S.C. 839.

¹³A.I.R. 1970 S.C. 1421.

¹⁴A.I.R. 1964 S.C. 193.

¹⁵A.I.R. 1959 S.C. 308

¹⁶A.I.R. 1973 S.C. 713;

4. Caste Disabilities Removal Act, 1860
5. Indian Christian Marriage Act, 1872
6. Parsi Marriage and Divorce Act, 1936
7. Dissolution of Muslim Marriage Act, 1939
8. Hindu Succession Act, 1956
9. Hindu Minors & Guardianship Act, 1956
10. Hindu Adoption and Maintenance Act, 1956
11. Hindu Marriage Act, 1956

(b) Labour and Land Legislation:

1. Fatal Accidents Act, 1853
2. Workers' Compensation Act, 1923
3. Urban Land (Ceiling & Regulation) Act, 1926
4. Payment of Wages Act, 1936
5. Industrial Disputes Act, 1947
6. Land Acquisition Act, 1947
7. Minimum Wages Act, 1948
8. Employees State Insurance Act, 1948
9. Equal Remuneration Act, 1948
10. Factories Act, 1948
11. Mines Act, 1953
12. Contract Labour (Regulation & Abolition) Act, 1970.
13. Coal Mines (Nationalisation) Act, 1973

(c) Social Welfare Legislation:—

1. Mines Maternity Benefit Act, 1941.
2. Prevention of Food Adulteration Act, 1952
3. Estate Duty Act, 1953
4. Gift Tax Act, 1953
5. Untouchability Offences Act, 1955
6. Suppression of Immoral Traffic in Women and Girls Act, 1956
7. Slum Areas (Improvement and Clearance) Act, 1956
8. Khadi & Village Industries Act, 1956
9. Gold Control Act, 1958
10. Probation of Offenders Act, 1958
11. Orphans & Other Charitable Homes (Supervision & Control) Act, 1960
12. Dowry Prohibition Act, 1961
13. Protection of Civil Rights Act, 1975

In addition to these Central enactments, there are innumerable State enactments in the field of social legislation on various subjects like Land

Reforms, Rural Indebtedness, Tenancy, Social Welfare, Public Health, Bonded Labour, Scheduled Castes Development, Shops and Establishments, Gambling, Habitual Offenders, Personal Law etc.

A brief account of the various social welfare programmes and social security measures in other countries would be of interest for a comparative study. Australia provides old age pension, invalidity maternity, sickness and unemployment benefits and children's allowance. About 25 per cent of the Federal Budget is spent over Social Welfare. In Austria, the Social Insurance System covers all workers covering 95 per cent of the population. In Belgium, National Office for Social Security looks after Social Welfare and Social Security work. In Bulgaria, State Insurance contributions are compulsory for all workers. Medical aid is free. In Canada, income security and social service programmes are provided. The Canada Pension Plan (1969) is compulsory, contributory and earnings-related. Its Old Age Security Act, 1951 provides pensions for the old, while the Family Allowance Act, 1973 envisages help for children under 18 years. The Canada Assistance Plan (1966) was designed as a comprehensive public assistance measure. The Blind Pensions Act, 1951 and The Disabled Pensions Act, 1954 provide for assistance to the blind and the disabled. In Czechoslovakia, one single universal system of social security exists in the country. France provides contributory compulsory State Insurance for Social Security. In G.D.R. (East Germany), State Social Insurance is compulsory for all. In Hungary, since April, 1973 all citizens have been covered by the social welfare network. Its National Insurance Acts cover health, incapacity, children and unemployment benefits. Israel has a highly advanced system of social welfare. In Japan, 90 per cent of the people are insured under various social security schemes. In Kenya, there are State Pension and Welfare Schemes and a National Social Security Fund. In Lebanon, a scale of compensation for loss of employment was introduced in 1963. In Libya, the Government runs free health services. In Malawi, a Social Development Agency was set up in 1958 to take care of the child, the destitute, and the handicapped etc. In Malaysia, under the 3rd plan (1976—80), M 1044 million dollars have been allocated to social and community services. Mexico allots about 22 per cent of the Federal Budget over Social Security Scheme which is administered by the Mexican Social Security Institute. In New Zealand, a tax is levied on all incomes to finance social welfare services. In Nigeria, the National Provident Fund provides against sickness, retirement and old age. In Pakistan, social welfare services are run mainly through Development Schemes and Urban Community Projects. In Peru, social insurance is compulsory. In the Philippines, Public Health Services are provided free. Saudi Arabia has passed a far-reaching Labour Act and Social Security Ordinance in 1969. In Spain, National Insurance is compulsory. In Sweden, there is a fairly advanced system of social

security schemes. It has hospitals for 16.4 per 1000 inhabitants. In Switzerland, almost all citizens are insured against illness by the Federal Insurance Law, 1911. In Syria, old age pensions and other benefits are provided by law. In Tanzania, the Rural Development Division is responsible for social welfare work. In Tunisia, 80 per cent of the people get free health services. In the United Kingdom, a series of social security measures were enacted in 1940s. The Equal Opportunities Commission helps to enforce the Sex Discrimination Act (1975), the Equal Pay Act (1970) etc. In the U.S.A., social security benefits were increased by 70 per cent between 1969 and 1974 and during 1977, President Carter won support of the Congress for a comprehensive welfare reform plan. In the U.S.S.R., a comprehensive social security scheme exists which involved 37,000 million roubles in 1977. In Yugoslavia, all employed persons and their families are covered by the General Social Insurance Scheme.

There are, however, many difficulties in the enforcement of social legislation measures in India which may be grouped under the following heads:

Legal difficulties:—Sometimes, the social enactments are challenged in the courts and are declared violative of our Fundamental Rights enshrined in the Constitution. For example, The Suppression of Immoral Traffic against Women and Girls Act, 1956 has been challenged as violating the freedom of profession provided under article 19(1)g and the Bombay Prohibition Act, 1948 was held invalid under article 9(1) (d) (e) (f). It was perhaps on this account that the Sapru Committee had suggested to categorise the Fundamental Rights as justiciable and non-justiciable Rights to save such innocent social legislation.

Another legal difficulty arises because of *mens rea*. In order to establish the guilt of the accused it must be shown that the act must go with the guilty mind. Only a limited and exceptional class of offences can be committed without a guilty mind. In the case of social welfare offences, it can rarely be detected. Hence it would be better to dispense with the concept of *mens rea*.

Execution difficulties:—The enforcement of social legislation needs a separate machinery for supervision. Our present administration is more a law and order system and we cannot expect special attention to these problem which require a social outlook. The Police force must be properly trained in this context.

Judicial difficulty:—The judicial process in India is not only dilatory but also expensive. The weaker sections of the society like the women, the Harijans, the rural and urban poor and the

dowry sufferers etc. cannot go to the courts and spend so much of their time and money. For this the judicial process may be simplified and made less expensive. The State should bear the legal expenses of the weaker sections in such matters.

Popular difficulties:—No law, far less the social enactments, can succeed unless they are backed by the sanction of the people. For example, there is the famous Sharda Act or the Anti-Dowry Act but they are not implemented. Similarly, many fine Land Reform measures are never enforced because adequate popular support is lacking. As already stated social legislation is related to social reform and social change. Any change is resisted by the vested interests.

Hence, State legislation in such matters can only succeed if there is popular sanction behind it. The *Sati* system was abolished because there was a powerful movement behind it led by Raja Ram Mohan Roy. The Minimum Wages Act, the Money Lending Act, and the Land Reforms Measures can, therefore, succeed only when there is an adequate agrarian movement and social consciousness.

Conclusions: Our Constitution is not a book of sermons but a document of social action. In India, democracy and freedom must go together with social and economic justice. If we cannot eliminate poverty and destitution and provide food and shelter to our people and raise their standard, democracy and Constitution are empty words. Hence, the Parliament and the State Legislatures should take special interest in social legislation. If we see the time schedule of the legislatures we find that time-share for social legislation is very meagre. Much of the time is taken by political work. A separate Parliamentary Committee for evaluation of social legislation as to how far they have been implemented and what are the difficulties in that regard would prove to be helpful like the different parliamentary and legislative committees on Public Undertakings, Scheduled Castes, Estimates, etc. There has also been a nice suggestion that there should be a separate Law Commission for social legislation in view of its growing importance. Also, it would be better if instead of piecemeal social legislation, there is a five-year plan for social legislation. The proposed Law Commission on Social Legislation may suggest suitable legislation in this regard so that there may be a planned approach in this direction. Ordered evolution is the quintessence of social welfare. The society must be allowed to chew and digest the change, says H. S. Ursikar. Just as an architect prepares a blue-print of the structure in advance, similarly, the State must have a pre-planned programme of social legislation. Legislators are the trustees of the welfare of the community and it is their sacred duty to frame laws in keeping with the pace of society.

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 Oslo (Norway) from April 7—12, 1980. The composition of the Indian Delegation to the said meetings was as under:—

1. Dr. Shankar Dayal Sharma, M.P.—Leader of the Delegation.
2. Shri Rashed Masood, M.P.
3. Shri Rama Nand 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 Oslo:—

- (1) The strengthening of the process of *deterre*; the urgent need to arrive at international agreements in the field of arms control and disarmament and in particular the comprehensive strengthening of the nuclear weapon non-proliferation regime.
- (2) The problem of refugees: its juridical and humanitarian aspects.
- (3) The third United Nations Development Decade: its economic, social, educational, scientific, cultural and environmental aspects.
- (4) Progress towards the achievement of decolonization including the full implementation of the peoples' right to self-determination.

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

held in Oslo from April 7 to 12, 1980. From India, Shri S. S. Bhalerao, Secretary-General, Rajya Sabha attended the meetings.

Meetings of the Executive Committee of Commonwealth Parliamentary Association: Meetings of the Executive Committee of the Commonwealth Parliamentary Association were held in Jersey from April 21 to 25, 1980. Shri Bal Ram Jakhar, Speaker of Lok Sabha attended the meetings as Regional Representative for Asia.

PARLIAMENTARY DELEGATIONS FROM ABROAD

Bhutanese National Assembly Delegation: An 11-Member delegation of the Members of the National Assembly of Bhutan led by Dasho Pasang Tobgay, Pema Gatsel Dzongda, visited India in February-March, 1980, on the invitation of the Government of India under the aegis of Cultural Exchanges Programme 1979-80.

The delegation called on the Speaker, Lok Sabha on February 12, 1980. The same day, a meeting between the delegation and Members of Parliament was held. The Speaker, Lok Sabha hosted a luncheon party in their honour.

Norwegian Parliamentary Delegation: In response to an invitation from India, a 9-Member Norwegian Parliamentary Delegation led by His Excellency Mr. Sverre Stray, Vice-President of the Storting visited India in February-March, 1980.

The delegation called on the Speaker, Lok Sabha on February 25, 1980. A meeting between the delegation and Members of Parliament was held on February 25, 1980. The Speaker, Lok Sabha hosted a dinner party in their honour on the same day.

Besides Delhi, the delegates visited some places of cultural and industrial interests viz., Agra, Jaipur, Aurangabad and Bombay.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period from January 1 to April 30, 1980, the following Programmes for Members of Parliament and Courses/Study Visits for officials, students, etc. were organised by the Bureau of Parliamentary Studies and Training:

Orientation Programme for New Members of Parliament: An Orientation Programme, particularly for the benefit of new Members of Parliament, to provide opportunities to Members to analyse various aspects of parliamentary practices and procedures and familiarise themselves with the operational mechanics of parliamentary institutions, was inaugurated by Shri Bal Ram Jakhar, Speaker of Lok Sabha, on March 27, 1980. Prof. Ramlal Parikh, M.P., proposed, on behalf of the participating Members, Vote of Thanks to Hon'ble Speaker.

The inaugural function was followed by a Discussion Session on "The Question Hour". The Programme was attended by 42 Members of Parliament. Two key-lectures on the subject under discussion were delivered by Shri Bhagwat Jha Azad (who also took the Chair at the Discussion Session) and Shri Indrajit Gupta, MPs. Thereafter, the subject was thrown open for discussion by the participating Members. At the conclusion, Prof. H. N. Mukherjee, Hony. Adviser, Bureau of Parliamentary Studies and Training, proposed a Vote of Thanks, on behalf of the Bureau, to the two key Speakers and all the participants.

Seventh Appreciation Course for I.A.S. Probationers: The Seventh Appreciation Course for the I.A.S. Probationers (1979 batch) was held from February 18—22, 1980. It was attended by 44 I.A.S. Probationers. The Course was inaugurated by the Speaker, Lok Sabha, Shri Bal Ram Jakhar, on February 18, 1980, who also delivered the opening lecture on the 'Parliament in the Indian Policy'. There were 16 talks and a Question-Answer Session during the five-day Course. The Probationers were addressed, among others, by Giani Zail Singh, Minister of Home Affairs, Shri P. Shiv Shanker, Minister of Law, Justice and Company Affairs; Shri Jagjivan Ram, M.P.; Prof. H. N. Mukherjee, Hony. Adviser, Bureau of Parliamentary Studies and Training; Shri Avtar Singh Rikhy, Secretary, Lok Sabha; Shri Maheshwar Prasad, Secretary, Department of Personnel and Administrative Reforms; Shri T. C. A. Srinivasavaradan, Home Secretary, Government of India; and senior officers of the Lok Sabha and Rajya Sabha Secretariats and the Government of India, on various aspects of the working of Parliament and its relationship with the different organs of the Government. A Question-Answer Session, presided over by Shri Avtar Singh Rikhy, Secretary, Lok Sabha, on "Parliament and Its Working" was held on the conclusion of the Course on February 22, 1980. The Probationers called on the President, Vice-President and the Prime Minister on February 19, 20 and 22, respectively.

Eighth Appreciation Course for I.A.S. Probationers: The Eighth Appreciation Course for I.A.S. Probationers, organised from February 25—March 1, 1980, was attended by 73 I.A.S. Probationers. Like the preceding Course this Course was also inaugurated by the Speaker, Lok Sabha, Shri Bal Ram Jakhar, on February 25, 1980, with an address on "Parliament in the Indian Polity". It was followed by a series of talks, on subsequent days, by, among others, Giani Zail Singh, Minister of Home Affairs, Shri P. Shiv Shanker, Minister of Law, Justice & Company Affairs; Prof. H. N. Mukherjee, Hony. Adviser, Bureau of Parliamentary Studies & Training; Shri S. S. Bhalariao, Secretary-General, Rajya Sabha; Shri Maheshwar Prasad, Secretary, Department of the Personnel and Administrative Reforms, and senior officers of the Lok Sabha and Rajya Sabha Secretariats

and the Government of India on various subjects of Parliamentary interest. At the end of the Course, a Question-Answer Session, presided over by Shri Avtar Singh Rikhy, Secretary, Lok Sabha, on "Parliament and its Working" was held on March 1, 1980. The Probationers called on the President on February 26, 1980 and the Vice-President and the Prime Minister on February 27, 1980.

Second Appreciation Course for P & T Accounts and Finance Service Probationers: The Second Appreciation Course for P & T Accounts and Finance Service Probationers was held on April 28 & 29, 1980. It was attended by 4 Probationers. The Course was inaugurated by Prof. H. N. Mukherjee, Hony. Adviser, Bureau, of Parliamentary Studies and Training, with a talk on "Accountability of the Executive to Parliament". This was followed by lectures by senior officers of the Lok Sabha and Rajya Sabha Secretariats on the Committee structure and the transaction of Financial Business in the Indian Parliament. At the end of the Course, a Question-Answer Session, presided over by Shri Avtar Singh Rikhy, Secretary, Lok Sabha, on "Parliament and its Working", was held on March 29, 1980.

Attachment Programme for State Legislature Secretariats Officials: (i) At request of the Orissa Legislative Assembly Secretariat, a Research Officer of that Secretariat, was attached from March 10—13, 1980, to the various Divisions and the principal Sections of the Library and Reference, Research, Documentation and Information Service of the Secretariat, so as to acquaint him with the working of LARRDIS. Also, the officer concerned had had discussions with the Director, LARRDIS and the Bureau officials.

(ii) At the request of the Arunachal Pradesh Legislative Assembly Secretariat, an Attachment Programme was organised for the Secretary-designate, Arunachal Pradesh Legislative Assembly. The Programme, which commenced on April 7, 1980, lasted till April 26, 1980. During the Course of the Attachment Programme, the Officer concerned was attached to senior officers and principal Sections of the Lok Sabha Secretariat dealing with Parliamentary Questions, Legislative and non-legislative Business, Parliamentary Committees, Parliamentary Conferences and Delegations to enable him to familiarise himself with the parliamentary practices and procedures.

Study Visit by I.A. & A.S. Probationers (1979 batch): A group of 15 I.A. & A.S. Probationers (1979 batch) accompanied by the Director and Deputy Director of the I.A. & A.S. Staff College, Simla, paid a study visit to the Bureau on January 30, 1980. The Probationers were enabled to watch the proceedings of the Lok Sabha during Question Hour. Thereafter, the salient features of the 'Working of Parliament' were explained to the Probationers at the Bureau.

Study Visit by participants in the 73rd Assistants (Director Recruit) Course conducted by the Institute of Secretariat Training and Management, Department of Personnel, Ministry of Home Affairs, Government of India, New Delhi: On March 18, 1980 eighteen directly recruited Assistants of various Ministries/Departments of Government of India, participating in the 73rd Assistants (Direct Recruit) Course conducted by the Institute of Secretariat Training and Management (I.S.T.M.), Department of Personnel and Administrative Reforms, Ministry of Home Affairs, Government of India, New Delhi, paid a study visit to the Bureau. The group, accompanied by the Deputy Director, I.S.T.M., was enabled to watch the proceedings of the Lok Sabha. This was followed by a Discussion Session at the Bureau when the salient features of the working of the Indian Parliament were explained to the visitors, and their questions on the subject answered.

Study Visit by the students of the Department of Journalism and Mass Communication, Punjabi University, Patiala: A group of 11 students, accompanied by the Head of the Department of Journalism, Punjabi University, Patiala, came on a study visit to the Bureau on March 27, 1980. At the Bureau, the visiting students were apprised of the broad aspects of the working of the Parliament. Thereafter, the group watched the proceedings of the Lok Sabha during the Question Hour.

Study visit by the students of the Department of Journalism, University of Poona, Pune: On a request by the Department of Journalism, University of Poona, Pune, a study visit by a group of 24 students, accompanied by four members of staff, was arranged by the Bureau on March 28, 1980. A lecture on "The Role of Parliament in the Indian Polity" was delivered by Prof. H. N. Mukherjee, Hony. Adviser, Bureau of Parliamentary Studies and Training. Later, the group watched the proceedings of the Lok Sabha during the Question Hour and of the Rajya Sabha in the afternoon.

On March 31, 1980, the visitors again called at the Bureau when a brief discussion on the "Salient Features of the Practices and Procedures of the Indian Parliament" was held.

Study Visit by the participants in a Seminar on "Role of an Organisation in regard to Parliamentary Work" organised by the Institute of Administrative Management, New Delhi: A study visit by the thirteen participants in a Seminar on "Role of an Organisation in regard to Parliamentary Work" held by the Institute of Administrative Management, New Delhi, was organised by the Bureau on March 4, 1980. The participants were apprised of the different aspects of the working of the Parliament in general and the functioning of the Parliamentary Committees and the 'Question in Parliament', in particular.

EXHIBITION OF BOOKS BY AND ON DR. B. R. AMBEDKAR

On the occasion of the birth Anniversary of Dr. B. R. Ambedkar on April 14, 1980, an Exhibition was organised in the Library Hall, Ground Floor, Parliament House to focus the attention of Members of Parliament on the collection in the Parliament Library of works by and on Dr. Ambedkar and other literature e.g. books, reports, debates and other publications relating to the welfare of Scheduled Castes and Scheduled Tribes, a cause so dear to his heart.

The Exhibition was inaugurated by the Speaker of Lok Sabha, Shri Balram Jakhar on April 14, 1980 in the presence of the Prime Minister, Shrimati Indira Gandhi and Members of Parliament when he and the Prime Minister garlanded the portrait of Dr. Ambedkar. The Exhibition was kept open for a week, till April 19, 1980.

Among the books on display were some of Dr. Ambedkar's rare works like his "Mr. Gandhi and the emancipation of the Untouchable", his Paper on problems of the Untouchables of India prepared for the Session of Conference of Institute of Pacific Relations held in Canada in 1942, his speech on "Annihilation of Caste System with a reply to Mahatma Gandhi" which he was to have delivered at the 1936 Annual Conference of the JAT-PAT TODAK MANDAL of Lahore, but remained undelivered owing to cancellation of the Conference; and other notable books such as "Who are Sudras?", "States and Minorities" and "The Untouchables and the Indian Constitution".

The collections on view also included studies like "Problems of Rupee—its origin and its solution", "The Evolution of Provincial Finance in British India", and "Parliamentary Democracy", which reflected Dr. Ambedkar's interest and involvement in other fields.

The Exhibition was very much appreciated by the MPs as a significant collection which gave a fairly vivid picture of the period in which the depressed classes of India had to struggle for their emancipation and the role played by Dr. Ambedkar, Mahatma Gandhi and other leaders in finding solution to some of the age-old problems affecting these people.

PRIVILEGE ISSUES

LOK SABHA

Making of important announcements by Ministers in the House first when the House is in session: On March 26, 1980, Shri Atal Bihari Vajpayee sought to raise a question of propriety against the Minister of Home Affairs (Giani Zail Singh) for not informing the House first about the dissolution of the Delhi Metropolitan Council on Friday, March 21, 1980, when the Lok Sabha was in session. While raising the matter, Shri Vajpayee stated, *inter alia*, as follows:—

“...It is a convention of democracy and of this House also that when the House is in session, Government should make important announcements in the House and not outside. On Friday, 21 March, the President decided to dissolve the Delhi Metropolitan Council. According to my information, he signed the notification at 3 O'clock and the Delhi Administration was informed about it at 4 O'clock. The House sat up to 6 O'clock on that day. The Home Minister could have come and made this announcement in the House. But, he did not do so. I have given a notice of question of privilege in this regard..... Everybody should show respect to this House, which has not been done in this case. The Home Minister is guilty of impropriety and I would like you to tell the Ministers that they should take the House seriously and protect its dignity. In this connection, it is very important to warn the Minister of Home Affairs”.*

The Deputy Speaker (Shri G. Lakshmanan) then observed, *inter alia*, as follows:—

“According to past precedents and rulings from the Chair, such a matter does not involve a question of privilege.....I am allowing it to be raised as a matter of propriety....”

*Original in Hindi

The Minister of State in the Ministry of Home Affairs and Department of Parliamentary Affairs (Shri P. Venkatasubbaiah), thereupon, stated as follows:—

“We do not show any disrespect to the House. We hold this House in high esteem. I would like to explain the matter to you. He has raised the question of propriety. I will say that the Government has not committed any breach of propriety also. The proclamation has been signed by the President in the afternoon of Friday. The process has to be carried on before the matter is placed before the Lok Sabha. We have taken the earliest opportunity of placing the proclamation on the table of the House. So, we have given the greatest respect. I once again re-iterate that there is no disrespect meant to this House”.

The matter was, thereafter, closed.

Alleged misleading information given to the House by a Minister during supplementaries to a Starred Question: On March 26, 1980, Shri Jyotirmoy Bosu, a member, sought to raise a question of privilege against the Minister of Energy, Irrigation and Coal (Shri A.B.A. Ghani Khan Choudhury) for allegedly giving misleading information to the House on March 11, 1980, during supplementaries to Starred Question No. 3 relating to power generated by the Damodar Valley Corporation.

While disallowing the question of privilege the Deputy Speaker (Shri G Lakshmanan) ruled, *inter alia*, as follows:—

“After going through the factual note furnished by the Minister for Energy and Irrigation, I do not find that the Minister has deliberately given any misleading information to the House. I have not, therefore, given any consent to Shri Bosu to raise the matter in the House as the question of privilege. A copy of the Minister’s factual note has already been given to Shri Bosu. If Shri Bosu still considers that there is any discrepancy in the statement of the Minister, he may give notice under Direction 115 which will be examined on merits...”

Subsequently, on March 28, 1980, when Shri Bosu sought to raise the matter under Direction 115, the Speaker (Shri Bal Ram Jakhar) observed, *inter alia* as follows:—

“...I do not find any substantial inaccuracy in the answer given by the Minister. I have not, therefore, given my permission to raise this matter under Direction 115.”

The matter was, therefore, closed.

Shouting of slogans and throwing of leaflets from the Visitors' Gallery on the floor of the House: On March 11, 1980, at 14.45 hours, three persons calling themselves Harbans Singh, Kailash Chander Bharti and Nand Ram shouted slogans and threw some leaflets from the Visitors' Gallery on the floor of the House. They were immediately taken into

custody by the Watch and Ward staff and removed from the Visitors' Gallery. Later in the day, the Speaker (Shri Bal Ram Jakhar) informed the House about the incident and said that though the visitors had made statements, they had not expressed any regret for their action. Immediately thereafter, the Minister of State for Parliamentary Affairs (Shri P. Venkata-subbaiah) moved the following motion:—

“This House resolves that the persons calling themselves Harbans Singh, Kailash Chander Bharti and Nand Ram who threw some leaflets from the Visitors Gallery and shouted slogans at 2.45 p.m. 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.

The 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 stern warning.”

After some discussion, the Minister of State for Parliamentary Affairs moved an amended motion as follows which was adopted by the House:—

“This House resolves that the persons calling themselves Harbans Singh, Kailash Chander Bharti and Nand Ram who threw some leaflets from the Visitors' Gallery and shouted slogans at 2.45 p.m. 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 let off with a stern warning.”

The contemnners were accordingly let off with a stern warning.

GUJARAT LEGISLATIVE ASSEMBLY

Shouting of slogans and throwing of pamphlets from the Visitors' Gallery on the floor of the House: On September 18, 1979, at about 1.20 P.M., when the Calling Attention Notice on the rising prices of essential commodities was being discussed in the House, 12 persons shouted slogans and threw pamphlets from the Visitors' Gallery on the floor of the House. They were immediately taken into custody by the security staff. Immediately thereafter, the Minister for Parliamentary Affairs (Shri Jashwantlal Shah) moved the following motion, which was adopted by the House:—

“That the persons in the Visitors Gallery who by their disorderly conduct have committed contempt not of any individual member but of the whole House be kept in the custody of the House till it is adjourned for the day”.

In pursuance of the above motion, the said 12 persons were kept in the custody of the House, till adjournment of the House for the day.

MEGHALAYA LEGISLATIVE ASSEMBLY

Alleged casting of reflections by a newspaper on a former Minister: On March 16, 1979, the Finance Minister (Shri M. N. Majaw) while presenting the Budget Estimates for the year 1979-80, stated, *inter alia*, as follows:—

“The Commission hopes to submit its report to the Government within a month or two. In the meantime, I am happy to inform the House that the Government of Meghalaya has decided to grant interim relief to all its employees, with effect from 1st April, 1979. The exact quantum of such relief category-wise is however being worked out.”

On June 18, 1979, Shri M. N. Majaw, who had ceased to be a member of the Cabinet, gave notice of a question of privilege against Shri Naresh Rajkhowa, Special Representative of *The Assam Tribune* at New Delhi and the Editor, Printer and Publisher of the said Newspaper, for publishing a news item under the caption “Decision on Interim Relief to the Meghalaya staff not finalised”, in its issue of June 13, 1979, which read, *inter alia*, as follows:—

“...An authoritative source said here today that the announcement made by the former Finance Minister Martin Narayan Majaw of the ousted Pugh Government in the budget speech had no binding on the present Government. Although the the Finance Minister made the speech, the Government was ousted before passing the budget. It was later revealed that Majaw made the announcement even without consultation with the old Cabinet and the Chairman of the Pay Commission Dr. Lyngdoh, a former Speaker of Meghalaya Assembly. The Chairman took strong exception to the announcement on matter which had been covered by terms of reference of the Commission. The Commission has not so far come to decision on it”.

While objecting to the sentence “It was later revealed that Majaw made the announcement even without consultation with the old Cabinet”, Shri Majaw contended in his notice that the impugned statement was baseless and adversely reflected upon his official duties as the then Finance Minister and also as a member of the Meghalaya Legislative Assembly.

On June 29, 1979, during the course of discussion on the above notice of question of privilege in the House, Shri Majaw stated that the decision to grant interim relief had the full approval of the then Cabinet and therefore, the newspaper report to the effect that this statement was made by him without consultation with the Cabinet had no factual basis. After some discussion, the matter was referred to the Committee of Privileges.

The Committee of Privileges, in their Fourteenth Report, presented to the House on November 30, 1979, reported, *inter alia* as follows:—

- (i) “It is worth noting in this connection that the news item appeared almost three months after the presentation of the Budget

and when Shri M. N. Majaw ceased to be a member of the Cabinet. The Committee went through the news item to see whether there was any misrepresentation of the statement made relating to the granting of interim relief on the floor of the House. There was no direct reference to the budget speech of the then Finance Minister, but on the contrary the news item alluded to certain matter which was alleged to have taken place in the Cabinet and the Meghalaya Pay Commission”.

(ii) “. . . No doubt the hon’ble complainant has a ground for complaint against the newspaper in this case but the Committee feels that this particular matter does not come within the purview of the privileges of the House.”

(iii) “The Committee was, therefore, faced with the only issue whether the impugned report in *The Assam Tribune* contained any adverse comment against Shri Majaw in his performance or character as a member of the House, independent of his functions as a member of the then Cabinet performing executive duties. The Committee was of the firm opinion that since the news item did not refer to Shri Majaw as a member of the Assembly, the complainant’s allegation that there was an adverse comment by the newspaper against him in his capacity as a member of the House was far fetched. What happened inside the Cabinet prior to the presentation of the Budget was entirely a matter in which the House as a whole was not directly involved. The Committee, therefore, is of the opinion that the news item in no way affects the complainant in his duties as a member of the House nor casts any reflection on his character as such although it could be argued that the paper report made a reference to him in somewhat unpalatable terms in his duties as a Finance Minister within the perimeter of the Cabinet. The Committee, therefore, feels that there is no *prima facie* case and hence this matter need not be pursued further. The Committee, however, endorses the opinion that any controversy arising out of the matter of this nature affecting the duties of the member as a Minister could have been put at rest if the Government had issued an appropriate rejoinder in time.”

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

Alleged interference with the business of the House and casting of reflections on its proceedings by a Minister: On January 23, 1979, Shri Upstar Kharbuli a member, gave notice of a question of privilege against the then Minister of Law and Parliamentary Affairs, Revenue and Community Development (Shri Martin Narayan Majaw) for allegedly interfering with the business of the House and casting reflections on the proceedings of the House. The notice read, *inter alia*, as follows:—

“1. That a sum of Rs. 6,966 was arranged by taking advance from the Contingency Fund for construction of a Garage and

enclosure to the ground floor of the residence of the Law Minister, under Grant No. 8 of Supplementary Demand for Grant and Supplementary Appropriation for 1978-79, which was brought before the House on 19th January, 1979 for regularisation. The Supplementary Demand for Grant under Grant No. 8 was passed by the House on 19th January, 1979 and the fund was made available for the purpose as mentioned above.

2. That the Minister-in-charge, Law, etc. *vide* D.O. Letter No. ML. 9/78, dated 22nd January, 1979 under his signature addressed to Bah Fuller, i.e., Minister-in-charge, P. W. D., etc., (copies of which were circulated to all MLAs among others), directed that the amount may be utilised for construction purposes other than what it was voted for by the House. . . .

3. The Minister-in-charge, Law, etc. further sent the copy of the said letter to the Chief Engineer, Meghalaya P.W.D., which amounts to intervening a Government Official from carrying out his Official Duty.

4. That it is evident from the said D.O. letter that the nature of the scheme was not urgent and important, as mentioned in the Explanatory Note of the Supplementary Demand No. 8.

5. That by writing such D.O. Letter and circulating the same publicly, the Minister-in-charge, Law, etc., interfered with the Business of the House which reflected on the character of the proceedings of the House. Shri Martin Narayan Majaw, Minister of Law has also shown disrespect to the proceedings of the House as would be evident from the said D.O. Letter.

6. That such act of the Minister of Law amounts to Breach of Privilege and contempt of the House."

Copies of the impugned D.O. letter addressed by the Minister of Law to Minister of Public Works Department etc. were endorsed to the Chief Minister, the Deputy Chief Minister, all the Ministers, the Speaker, the Deputy Speaker, all Members, all MDCs, the Chief Engineer, PWD, the Estate Officer, PWD, the Secretary, Meghalaya Legislative Assembly and the Director of Information and Public Relations for wide publicity. The D.O. letter read, *inter alia*, as follows:—

"Thank you very much for your efforts to secure for my Car the use of a temporary collapsible garage, which would be owned by Government, and would be fitted up in my premises for the protection of the Government Car during my term of office. The House endorsed your demand by a comfortable majority, even though the Opposition pressed bitterly for a division on such a minor issue.

On further consideration, however, despite the endorsement by the House, I have decided to continue living under the same conditions as I have been for the last ten months, without any

garage, furniture, office equipment, curtains, etc., not even a pin—from Government. The money thus saved may be utilised for other construction activities”.

On January 24, 1979, Shri Kharbuli raised the matter in the House and after some discussion, the Speaker referred the matter to the Committee of Privileges.

The Committee of Privileges, in their Thirteenth Report, presented to the House on November 30, 1979, reported. *inter alia*, as follows:—

(i) “The Committee noted that the only point at issue was whether the Minister of Law interfered with the business of the House or cast any reflection on the proceedings of the House by addressing the D.O. Letter. The contents of the complainant was that the contents and tone of the letter were such as to be little the dignity of the House and that the Minister was therefore guilty of the contempt of the House. Contempt has been defined as a breach of some definable privileges as also a commission of certain offences against the House which cannot be properly called breach of any known privileges. In other words, Contempts are affronts to either the dignity of the House or to its authority. The Committee carefully considered whether the letter objected to could be brought under this category within the meaning of the term “contempt” to the extent of showing affront to the House. The Committee felt that the tone of the letter written by the Minister, Law, could be attributed to his style of expression without any deliberate intention to slight the member of the House. The letter does not contain any expression which comes within the meaning of the term “contempt”.

(ii) Having considered the totality of the situation, the Committee did not think that there was any malafide on the part of the Minister, Law, in writing the D.O. letter and as such the Committee recommends that the case be dropped”.

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

UTTAR PRADESH LEGISLATIVE ASSEMBLY*

Refusal by member to give evidence before Committee of other House:

A member of the House, Shri Guru Dutt Solanki was also the Chairman of the State Warehousing Corporation. The U.P. Legislative Council had appointed a Committee of the members to enquire into the affairs of the said Corporation. This Committee wanted to have the assistance and evidence of Shri Solanki in the matter, but Shri Solanki, in letters written to the Chairman of the Legislative Council, objected to the nomination of a particular member in the Committee and declined to co-operate with the Committee so long as there was no decision regarding the appointment of

*Contributed by Uttar Pradesh Legislative Assembly Secretariat.

the said member in the Committee of the Council. This was considered *prima facie* a breach of privilege and contempt of the House, but as Shri Solanki was a member of the Legislative Assembly, the Chairman referred the matter to the Speaker for necessary action. The Deputy Speaker who was performing the duties of the office of the Speaker, after going through the records received from the Council Secretariat in this respect as well as the clarification received from Shri Solanki, informed the House on February 7, 1980 that there were two aspects of the question. The first was whether the House or a Committee thereof could summon a member of the other House for evidence without the permission of the House of which he was a member and even if that House had permitted him whether he could be forced to give evidence, and whether his declining to give evidence or co-operate with a Committee of the other House would constitute breach of privilege and contempt of the House.

The Deputy Speaker, referring to articles 105 (3) and 194 (3) of the Constitution, *May's Parliamentary Practice* (19th Ed. pp 686—88), John Hatsell's "*Precedents of Proceedings in the House of Commons with Observations*", (Vol. III, pp. 19—21) and Kaul and Shakhder's "*Practice and Procedure of Parliament*" (Hindi edition pp. 274-275), observed that looking into all these precedents and decisions, there was no question of breach of privilege and contempt of the other House by Shri Solanki on the basis of his refusal to associate or to co-operate with and to give evidence before the Committee, and Shri Solanki was even within his privileges under article 194 (3) when he refused to co-operate in giving evidence before the Committee of the Legislative Council. The Deputy Speaker, however, referring to the second aspect of the question, held that the objection of Shri Solanki about the nomination of a member by the Chairman of the Council, on a Committee of the Council of that House and the language used by him in that respect was not proper, though he could have refused to give evidence before that Committee. But in view of the unconditional apology tendered by Shri Solanki in this respect, the Deputy Speaker observed that if the House agreed, no further action should be taken in the matter. This was agreed to by the House and the matter was, therefore, closed.

Alleged misbehaviour by a Government Official with a member: On January 25, 1980 the Deputy Speaker informed the House that Shri Khan Mohammed Atif, a member of the House, had on August 31, 1979 sent in an intimation alleging breach of privilege by Shri O. P. Juloria, an Officer of the Regional Passport Office of the Government of India at Lucknow in as much as he had used harsh words for and misbehaved with him when he had gone to see him. The Deputy Speaker apprised the House about the action taken by the State Government in this regard and said that the Ministry of External Affairs of the Government of India had informed him

that the Regional Passport Officer had denied that he had misbehaved with the member. The State Government was of the opinion that the Cabinet Secretariat of the Government of India should be requested to issue instructions to the Officers of the Central Government Regional Passport Offices and other such public officers, to ensure that when the members of the Legislature met them they should be received with due courtesy. Disallowing the question of privilege the Deputy Speaker observed that when Shri Khan Mohammed Atif had gone to see Shri Juloria, he had not done so in his capacity as a member nor did it relate to the proceedings of the Vidhan Sabha. There being no *prima facie* case of breach of privilege, he expressed the hope that the State Government would address the Central Government for issuing the proposed instructions immediately.

Alleged suppression of information by Minister: The Deputy Speaker informed the House on January 25, 1980 that Shri Ravindra Nath Tiwari, a member, had given notice of a question of privilege on August 27, 1979 against Shri Mulayam Singh Yadav, Minister of Co-operation and Shri Madhukar Dighe, Minister of Parliamentary Affairs alleging that he had not received any reply from them regarding the *ad-hoc* appointment of daily wage employees by the Land and Development Bank, Lucknow and other Apex Co-operative Societies, after charging two to three thousand rupees without the approval of the Registrar, though the matter had been raised by him under rule 301 on June 9, 1979. Shri Tiwari pointed out that in spite of a Direction issued by the Chair that an interim reply about any issue raised before the House under Rule 301 would be sent to the concerned member by the concerned Minister and the announcement by the Minister for Parliamentary Affairs that he was separately making arrangements for making the replies available to the members on matters raised under Rule 301 and that he would personally look into the present case, it was felt that the Minister for Parliamentary Affairs had tried to suppress the matter by not acting in accordance with the announcement made in the House.

While referring to the information on the subject received from the Minister of Co-operation and the Minister of Parliamentary Affairs, the Deputy Speaker observed that the former had stated that action had been taken against an official responsible for delay in making the relevant information available and he had expressed regrets for not sending the information in time to the member. The Minister for Parliamentary Affairs had assured that necessary orders had been issued by the Government to its subordinate officers for strictly following the directions regarding sending interim replies to the notices under Rule 301 within 7 days and the final replies within a period of one month. Necessary machinery was also being set up for supervising the action taken in such matters and it was hoped that when such a machinery fully came into being, observance of

orders in this regard would be ensured. Taking into consideration the aforesaid action and assurances and expression of regret, the Deputy Speaker treated the matter as closed.

Privileges of Committees and their Members: The Deputy Speaker informed the House on January 25, 1980 that Shri Virendra Pati Yadav, Chairman, Public Undertakings and Corporations Committee had given a notice on September 3, 1979 about a question of privilege against Shri Ramesh Chand Jain, Managing Director, U.P. State Agro-Industrial Corporation to the effect that he did not co-operate in the functions of the Public Undertakings and Corporations Committee and that he had also become an obstacle in its working. He knowingly did not furnish the necessary information to the Committee about certain financial irregularities though he was asked therefor a number of times.

Giving his ruling in the matter, the Deputy Speaker said that Rule 63 of the Rules of Procedure and Conduct of Business in the U.P. Assembly provided that a matter regarding breach of privilege of a member or of the House or of any of its Committees could be raised with the permission of the Chair through a notice by a member, through a report from the Secretary or through a petition or through a report of the Committee. As in this matter the question of privilege of the Chairman of the Committee and its members, alleging putting of obstacles in its working, had been raised, it, therefore, appeared to be reasonable that such a matter should be raised through a report of the Committee because the matter, on which Shri Yadav had made allegations could be a part of the proceedings of the Public Undertakings and Corporations Committee and the question as to whether there was a contempt of the Committee or not could be decided *prima-facie* by the Committee itself and complained through a report. He therefore did not admit the question of privilege.

Alleged character assassination by newspapers: The Deputy Speaker informed the House on January 29, 1980, that Shri Bankey Lal, a member, had given a notice of question or privilege, against the Editor, "Swatantra Bharat", the Editor, "Dainik Jagran" and the Editor, "National Herald" and Reporter of the United News of India, a news agency. The member had stated that a news item based on a report by the UNI Reporter and published in these newspapers alleged that the member was behind the atrocities committed by the police on the farmers in the Narainpur Village of the Deoria District. The member had complained that he had been humiliated by this baseless news and attempts at his character assassination. He had also stated that during the session of the House attempts had been made to create a public sensation against him by getting such a baseless report published in the proceedings of the House. It was a deliberate interference by the newspapers in his activities as a member of Legislative Assembly.

Giving his ruling in the matter, the Deputy Speaker observed that the copy of the daily 'Swatantra Bharat' and 'Dainik Jagran' which were alleged to have published the said report of the UNI had not been enclosed with the notice, as required under Rule 64 of the Rules of Procedure and Conduct of Business, 1958. He, therefore, did not admit the said notice.

On February 5, 1980, the Deputy Speaker informed the House that Shri Bankey Lal had again given another notice on January 30, 1980 about the question of privilege against the aforesaid persons and had enclosed the issues of the *Swatantra Bharat* (city edition), *Dainik Jagran* (city edition) and *National Herald* (city edition) of January 28, 1980 in which the news about the Narainpur incident of January 14, 1980 had been published. The Deputy Speaker ruling out the question of privilege observed that it was clear from the news item on the three newspapers that it did not relate to the proceedings of the House and nothing had been said in those reports which made any reflections on any action of the Member done in his capacity as a member. Therefore, no question of the breach of privilege was involved in the matter. He did not allow it be raised in the House.

UTTAR PRADESH LEGISLATIVE COUNCIL*

Delay in getting entry into the Vidhan Bhawan: Some notices were received by the Chairman under Rule 223, one of which from Shri Hari Krishan Awasthi sought to raise a question of privilege against the District Collector, Lucknow, under whose orders the road leading to the Vidhan Bhawan had been sealed with barricades, as a result of which he had undergone a humiliating experience and had reached 10 minutes late to attend the sitting of the House on January 28, 1980. The second notice from Shri Rama Sankar Sanwal stated that he reached Vidhan Bhawan late by 7 minutes to attend the sitting of the House as Gate No. 5 had been closed on January 28, 1980 at 1200 noon and was thus obstructed from attending the proceedings of the House. In the third notice, Shri Ravinder Kishore Sahi sought to raise a question of privilege as he was not allowed to enter the Vidhan Bhawan through Gate No. 7 on January 30, 1980.

Giving his ruling on the admissibility of the notices, the Chairman observed that he had invited the leaders of all the parties including the Leader of the Opposition, the Leader of the House and the Chief Minister to his Chamber. At that time the Chief Minister had assured all the leaders that adequate arrangements would be made so that there might not be any inconvenience to the members in their movements. On that

*Contributed by the U.P. Legislative Council Secretariat. Original in Hindi.

day, the question whether it was necessary to listen to the Chief Minister in the matter was also raised and it was decided that it was not necessary to do so as the question of breach of privilege was against the District Collector. In this connection, the Chairman, ruling out all the notices of question of privilege, invited attention of the members to the following ruling by the Speaker of the House of Commons, United Kingdom:

“Despite the traffic policeman’s suggestion that Mr. John Lewis, M.P. would not be able to get through the park to the House due to traffic congestion, the M.P. went ahead on 3rd July, 1951. A traffic jam ensued and the policeman had to cry a halt to the M.P. But on seeing his M.P. badge the policeman politely asked if he was in hurry. As the M.P. said ‘yes’, the policeman replied, ‘Very well, Sir, carry on’. The member complained that he was thereby delayed and obstructed and raised the privilege issue. The Committee of Privilege found the policeman in the right and cited a prior ruling by Speaker Fitzroy on 25th November, 1937 to wit:

In the sessional order to the police the words “passages through the streets leading to this House be kept free and open” refer to the neighbourhood of the House and not to streets remote or at an indefinite distance from the House”.

The Committee found that the park in question was remote from the House and that the obstruction to the M.P. was not by the police but the traffic and added in conclusion that the privileges of the House of Commons applied to individual members only in so far as they were necessary in order that the House might freely perform its functions. Such privileges did not exalt the member above the ordinary restraints of law which applied to his fellow citizens. They did not discharge the member from obligations to society which applied to him as much and perhaps more closely in that capacity as they applied to other subjects of the Crown. The House accepted the report and the useful guidance it provided on some difficult matters.”

Alleged publication of report of a Committee of the House: A notice of question of privilege was given by Shri Negendra Nath Singh, Shri Ram Naresh Singh and Shri Ravinder Kishore Shahi under Rule 223 on February 4, 1980 stating that Shri Brahma Datt, the Chairman of the Inquiry Committee constituted by the House to inquire into the Narayanpur incident had himself gone to Narayanpur on February 2, 1980 and after making inquiries into the so-called facts had given his own report to a newspaper. A copy of the said report published in the *Swatantra Bharat* was also enclosed with the notice wherein it was alleged that this act of Shri Brahma Dutt constituted contempt of the House as also of the Narayanpur Incident Inquiry Committee.

The Chairman informed the House on February 4, 1980 that when the admissibility of the above mentioned notice was being considered,

Shri Shiv Prasad Gupta had made a suggestion that since the members of the House had expressed lack of confidence against the Chairman of the Committee, the Committee itself should be wound up and, if necessary, another Committee headed by a new Chairman should be constituted.

Giving his ruling on the notice of question of privilege, the Chairman referred to the adjournment motion regarding the Narayanpur incident on January 8, 1980 during the discussion on which a suggestion to get the incident investigated by a Committee of the House had been made. While giving his ruling on the said Motion on January 29, 1980 he had stated that judicial inquiry regarding the Narayanpur incident had been ordered by the Government and it did not appear justified that a Committee of the House should be constituted to go into the matters which were to be looked into by the Judicial inquiry. But in order to keep up the morale of the people of this place as also to create a feeling of security and peace among them, he had accepted the motion to constitute a Committee of the House in an amended form and, with the approval of the House, only those members were appointed in the Committee, whose names were suggested by Shri Brahma Datt. The Committee was not required to submit its report to the House after inquiry into the incidents which took place at Narayanpur.

The Chairman also referred to the statement by Shri Brahma Datt in the House that he had gone to Narayanpur on February 2, 1980 not as a Chairman of the Committee but as a Leader of the Opposition and he had investigated the incidents of that place in that very position and had not done any work as a Chairman of the Committee. Shri Brahma Datt had prepared a report on the incidents and he had given a copy thereof to the Chairman on that day in the House. There was no such mention in the report that he was presenting it as a Chairman of the Committee. Further, the Legislative Council Secretariat had issued the formal notice about the formation of the Committee only on February 2, 1980 and it had not as yet initiated any action in a formal manner.

The Chairman observed that the question of contempt of the Committee and of the House arose only when a report of any Committee was published in the newspapers before it was presented to the House. Since the report published by Shri Brahma Datt in the matter was not a report of the Committee of the House, the question of contempt of the Committee and the House did not arise in the present case. But the question for consideration was that if the Leader of the Opposition happened to be a member or a Chairman of any Committee constituted by the House, then in what way could there be a coordination between the two types of duties. The Leader of the Opposition had himself stated that he could in no case, abandon the responsibility of his position. On

the other hand, the Leader of the House and other members had advanced the argument that when the Leader of the Opposition was Chairman of the said Committee, he should not have made any statement outside the House or the Committee as might have had even the farthest connection with the matter under consideration of the Committee. Under these circumstances the point for consideration was whether the statement given to the press by the member as Leader of the Opposition could be considered as justified or not.

The Chairman further observed that in spite of his best efforts he could not come across any precedent on the basis of which he could give his ruling on the question. But, keeping in view certain past principles and few established practices, it would be reasonable to say that if there were possibilities of any anomaly in discharging the responsibilities of two offices efforts should be made to find out a way to remove the anomaly. If under any circumstances no appropriate solution could be found then in the interest of development of healthy parliamentary traditions, it was necessary that in such a situation the concerned members should try to find a way out by choosing one of the responsibilities, otherwise it would become impossible for such members to perform their dual responsibilities. He expressed the view that keeping in view the maintenance of healthy parliamentary traditions it would have been better if the Leader of the Opposition had not released his statement to the press for publication.

As regards the suggestion to dissolve the Committee, the Chairman observed that the members of the Committee had been appointed consequent upon a resolution adopted by the Council in terms of Rule 78 (1) of the Rules of Procedure. Since the members of the Committee were appointed by the House the right of dissolving the Committee also rested with the House. No formal motion had been brought before the House for dissolution of the Committee. Though Shri Shiv Prasad Gupta had made a reference to it, no notice had been given in writing. Further when this suggestion was made, the House was discussing the admissibility of the notice under Rule 223 and no motion could be taken up when some other matter was being discussed in the House. If the House felt that the Committee had become useless then the consent of the House could be obtained about its winding up by bringing a formal motion before the House.

The Chairman, in the end, informed the House that Shri Brahma Datt had requested through a letter that to raise the morale of the people of Narayanpur, his resignation from the Chairmanship of the Committee might be accepted.

GOA, DAMAN AND DIU LEGISLATIVE ASSEMBLY*

Making of important statement by Minister outside the House when the House is in session: On January 24, 1980, Shri V. D. Chodankar, an Opposition Leader, gave notice of a question of privilege against the Chief Minister for making an important policy statement regarding exemption from the Entertainment Tax of theatres and dramas, at a public meeting on January 21, 1980 at Azad Maidan, Panaji, when the House was in session.

The Speaker disallowing the question of privilege, in his ruling on the same day, invited attention of the members to the following passage in Kaul and Shakhder's treatise on "*Practice and Procedure of Parliament*":

Statements made by Ministers at party meetings are not privileged. No privilege of Parliament is involved if statements on matters of public interest are not first made in the House and are made outside. Such actions are against conventions and propriety but do not constitute any basis on which breaches of privilege can be founded."

The Speaker further observed that the matter was only a question of courtesy, propriety and desirability which should impel the Minister to make the statement first in the House when it was in session.

Disorderly Conduct by a member: On January 24, 1980, the Speaker read the following notice of question of privilege received from Shri Shaikh Hassan Haroon:

"Under Rule 74 of the Rules of Procedure, I give notice of my intention to raise a question of breach of privilege and contempt of the House against Shri Vinayak Chodankar, the then Minister for Agriculture who created grave disorder in the House at the commencement of the sitting of the Assembly on 23rd April, 1979, by throwing Chair and Constitution of India and doing other acts of extremity, along with other members of then M. G. Legislature Party and prevented the Hon. Speaker to conduct the business set forth for the day. The disorderly conduct of the said member and other members was witnessed by the then Speaker, Shri Fugro, hon. members, officers etc. assembled in the House. The offence became more grave since the day was set forth for discussion and voting of the Budget. It is my contention that by disregarding the authority of the Chair and by persistently and wilfully obstructing the House to conduct its business, the said members have committed a serious breach of privilege and contempt of the House".

After Shri Chodankar had given his explanation in the matter, Shri Shaikh Hassan Haroon moved a motion that under Rule 78 of the Rules of Procedure and Conduct of Business in the Assembly the question of

*Contributed by the Goa, Daman and Diu Legislative Assembly Secretariat.

breach of privilege and contempt of the House against Shri V. D. Chodankar, and others for their disorderly conduct on April 23, 1979 be taken into consideration forthwith.

Under Rule 77(4), Shri V. D. Chodankar was asked to withdraw from the House for a short while and was recalled. After a brief debate on the matter, under Rule 82 of the Rules of Procedure, Shri Shaikh Hassan Haroon moved the following substantive motion:

“Having considered the motion moved under Rule 78, this House resolves that Shri V. D. Chodankar along with other members of the Maharashtrawadi Gomantak Party have committed serious breach of Privilege and gross contempt of the House.

This House therefore, keeps on record its high displeasure over the unhappy incident, and the matter be closed.”

The motion was then put to vote and was adopted by the House.

HOUSE OF REPRESENTATIVES (AUSTRALIA)

Casting of reflections on members by a newspaper: On February 28, 1978, Mr. Yates, a member raised¹ a question of privilege regarding an editorial published in the *Sunday Observer* of February 26, 1978, under the heading ‘Political Bludgers’ which read as follows:—

“The overtaxed, government-burdened people of Australia were treated to a disgusting exhibition by many Federal politicians this week.

Many of our so-called leaders proved themselves lazy, two-faced bludgers at the opening of the 31st Parliament in Canberra. It happened last Tuesday and, until now, not one newspaper has bothered to point out the outrageous antics of these power-puffed the spians of the parliamentary stage.

While our new Governor-General, Sir Zelman Cowen, delivered his speech to the combined Houses, politicians from all sides appeared in their newly-cleaned suits.

Colours were carefully chosen for ties and handkerchiefs, and members’ wives preened themselves for the ceremonial hoo-ha.

Of course, the television cameras were rolling. Here was a chance to be shown off to the public.

Politicians were actually seen in the House, apparently taking some notice of official business.

But after the official ceremonies were over they skulled out like thieves in the night.

While new Opposition Boss Bill Hayden made his first speech in the House as leader, Members lounded about in the bar.

¹House of Representatives (Australia Deb., February 28, 1978 p. 195.)

And when Federal Treasurer John Howard built up to an important parliamentary appearance the House was half empty. Once again the bar was adequately occupied.

Surely we can expect our Federal Parliamentarians to have enough interest in the affairs of government to remain in the House during the first session of government business.

Surely they should be interested in the performance of two major political figures.

Or would they? Probably not—the money's still pretty good, and they only have to con the voters once every three years".

Later in the day the Speaker (Sir Billy Mackie Shedden) observed² as follows:—

At the commencement of the sitting of the House today the honourable member for Holt (Mr. Yates) raised a question of privilege. He raised the question of privilege in terms of whether an article which appeared in a newspaper breached parliamentary privilege in the sense that it was a contempt of the Parliament. Under the Standing Orders, the Speaker is required to consider the matter, for if the Speaker decides that it amounts to a *prima facie* case of contempt amounting to a breach of privilege that matter must take precedence over all other matters until disposed of. The fact that I have now concluded that it does amount to a *prima facie* breach of privilege means that the matter now has precedence over all other matters until disposed of. The honourable member for Holt is entitled to move his motion".

Mr. Yates then moved³ the following motion, which was adopted by the House:—

"That the matter of the editorial in the Sunday Observer of 26 February, 1978 be referred to the Committee of Privileges".

The Committee of Privileges, after examining Mr. Peter Stuart Isaacson, Managing Director and Editor-in-Chief, and Mr. Alan Leonard Armsden, editor of the *Sunday Observer*, in their Report⁴ presented to the House on April 7, 1978, reported, *inter alia*, as follows:—

(i) "Powers, Privileges and Immunities of the House of Representatives, and of its Members

Section 49 of the Commonwealth of Australia Constitution Act provides that:

The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the Committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament

²*Ibid.* p. 228.

³*Ibid.*

⁴Parliamentary paper No. 120/1978.

- of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth”.
- (ii) “Except in relation to a few minor powers, *viz.*, Parliamentary Papers Act (Protection of Printer), Parliamentary Proceedings Broadcasting Act (Protection of Australian Broadcasting Commission) and Public Accounts Committee Act and Public Works Committee Act (provisions respecting witness before these committees), the Parliament has not declared its privileges and they therefore remain those of the House of Commons as at 1 January 1901.”
 - (iii) “Although the editorial may have been understood as a reference to one day the allegations contained in the editorial clearly related to two separate days—Tuesday, 21 February, 1978 when the opening of the 31st Parliament occurred, and Wednesday, 22 February, 1978 when the Leader of the Opposition raised a matter of public importance in the House of Representatives, to which the Treasurer responded in debate”.
 - (iv) “The allegations contained in the editorial were examined by the Committee. It is satisfied that they are without foundation. In addition, the Committee considered that the editorial cast reflections upon members in such a way as to bring the House into contempt”.
 - (v) “The committee called two witnesses, Mr. Peter Stuart Isaacson, Managing Director and Editor-in-Chief, Peter Isaacson Publications Pty. Ltd., owners and publishers of the Sunday Observer, and Mr. Alan Leonard Armsden, who, at the time of publication of the editorial, was editor of the Sunday Observer.”
 - (vi) “Mr. Isaacson accepted responsibility for publication of the editorial. The Committee noted that Mr. Isaacson had not read the editorial before publication and had not personally authorised the use of certain words which he described as intemperate. He indicated his agreement with the proposition put to him that the editorial was both inaccurate and irresponsible.
 - (vii) “The Committee appreciated the responsible attitude of Mr. Isaacson and his personal commitment in evidence to the Committee of upholding the dignity of the Parliament”.
 - (viii) “Mr. Isaacson undertook to publish an apology incorporating his acknowledgement that the editorial was inaccurate and irresponsible. This apology was published in the Sunday Observer of 19 March 1978.”

[The said apology read as follows:—

“Privilege and Parliament—AN APOLOGY

IN OUR issue of February 26 we criticised some Federal politicians for their non-attendance at sittings following the opening of Parliament on the previous Tuesday.

The intention of the article was not to show any disrespect for Parliament as an institution, only to criticise some members for what we believed was dereliction of their duty to constituents.

Some of the facts were inaccurate, the language used in the article emotive and in some cases irresponsible. We regret these lapses.

Members cannot be in the chamber for the full period of every sitting. Attendance at committee meetings, interviewing constituents and other important duties often preclude this. Most members of Parliament work hard.

Apart from social and official duties within their electorates, the time and effort required to keep abreast of legislation before the House, research required prior to speaking all add up to a very full, often overfull, workload".

- (ix) "The editorial was actually written by Mr. Armsden. The Committee noted from his evidence that he was unable to personally vouch for the accuracy of any of the alleged facts contained in the editorial; his admission that he was not present in Canberra on the days in question; his further admission that his information was unreliable and his alleged source would not be used by him again, and his admission that he would not write the same editorial again and that he regretted its inaccuracy".
- (x) "Mr. Armsden ceased to hold the position of Editor of the Sunday Observer on 15 March 1978 and is no longer employed by Peter Issacson Publications Pvt. Ltd."
- (xi) "The Committee finds:
 - (a) That publication of the editorial in the Sunday Observer of 26 February 1978, in having reflected upon Members of the House of Representatives in their capacity as such, constituted a contempt of the House of Representatives, and
 - (b) That Mr. Peter Stuart Issacson Managing Director and Editor-in-Chief, Peter Issacson Publications Pvt. Ltd., and Mr. Alan Lesnard Armsden, Editor of the Sunday Observer at the time of publication of the editorial, are both guilty of contempt of the House of Representatives".
- (iix) "The Committee recommends in the case of Mr. Issacson that, in view of his expressions of regret made before the Committee and his publication of an adequate and acceptable apology, no further action be taken".

- (xiii) "The Committee further recommends in the case of Mr. Armsden that in this particular instance his demeanour and his actions are not worthy of occupying the further time of the House."
- (xiv) "In considering the present matter, members of the Committee were concerned at the limited range of options available to the Committee should it wish to recommend the imposition of a penalty".
- (xv) "As stated earlier in this Report, the privileges of the House of Representatives are those of the United Kingdom House of Commons in existence as at 1 January 1901. The principal penalties which the House may impose upon a privilege offender would appear to be:
- (a) to reprimand;
 - (b) in the case of an offence committed by a newspaper or other media organisation, to exclude its representative(s) from the precincts of the House; and
 - (c) to sentence to a term of imprisonment".
- (xvi) "Administration of a reprimand can be entirely unsatisfactory in certain instances. The Committee believes that the penalty of imprisonment is inappropriate except in the case of the most serious of privilege offences."
- (xvii) "The power to fine was once exercised by the United Kingdom House of Commons but it fell into disuse about 300 years ago. Possession by the Commons of the power of imposing fines was denied by Lord Mansfield in the case of *R. V. Pitt and R. V. Mead*.⁵ Consequently, the power of the House of Representatives to impose a fine must be considered extremely doubtful. It seems to your Committee that the imposition of fines could be an optional penalty in many instances of Privilege offences".
- (xviii) "The Committee strongly recommends to the House of Representatives that the whole question of Parliamentary privilege should be referred to it for investigation and report to the House. Such reference should be couched in the broadest possible terms covering such matters as the means by which complaints of breach of privilege are referred to the Committee, the method investigation of the complaint, by the Committee, and the penalties which should be available to the House in respect of privilege offenders.

On April 7, 1978, the Chairman of the Committee of privileges (Mr. Donald Cameron), after presenting the Report, sought⁶ leave of the House to make a short statement in connection herewith, which was granted by the House. In his statement, Mr. Donald Cameron, while

5. (1762) 3 Burr., 1335.

⁶.House of Representatives (Australia) Deb., April 7, 1978, pp.: 1228-29.

giving a brief resume of the findings and recommendations of the Committee, stated, *inter alia*, as follows:—

“The report of the Committee contains another recommendation of particular significance. The Committee strongly recommended that the whole question of parliamentary privilege should be referred to it for investigation and report to the House. Such reference should be couched in the broadest possible terms, covering such matter as the means by which complaints of breach of privilege are referred to the Committee, the method of investigation of the complaints by the Committee and the penalties which should be available to the House in respect of privilege offenders.

The Committee believes that such a general review of parliamentary privilege is overdue. In 1966 the United Kingdom House of Commons appointed a Select Committee to review the law of parliamentary privilege as it affected that House and the Procedure by which cases of Privilege are raised and dealt with by that House and to report whether any changes in the law of privilege and practice of that House were desirable. That Committee presented a comprehensive report to the House of Commons in December 1967. A review of the 1967 recommendations was carried out by the House of Commons Committee of Privileges last year, and the Commons debated the matters and passed certain resolutions in respect of parliamentary privilege as recently as 6 February this year—just eight weeks ago. The Committee of Privileges believes that a similar review of the law of privilege as it affects this House is most desirable and will attract general support. It believes that it is the responsibility of the Parliament itself to undertake such an investigation and commends its recommendation to the House for its early consideration.”

The Minister for Business and Consumer Affairs (Mr. Fife) then moved the following motion, which was adopted by the House:—

“That consideration of the report be made an order of the day for Wednesday, 12 April, 1978”.

On April 12, 1978, the Leader of the House (Mr. Sinclair) moved⁷ the following motion:—

“That consideration of the Order of the Day No. 1—Privileges Committee—report relating to an editorial published in the *Sunday Observer*, 26 February, 1978 be postponed until 5 May, 1978”.

After some discussion, the above motion was adopted by the House.

⁷*Ibid.*, April 12, 1978, p. 1462.

On April 13, 1978 the following motion moved⁸ by the Leader of the House (Mr. Sinclair) was adopted by the House:—

“That the resolution of the House of 12 April, 1978 making consideration of the report from the Privileges Committee relating to an editorial published in the *Sunday Observer* of 26 February, 1978 an Order of the Day for Friday, 5 May, 1978 be rescinded and that consideration of the report be made an Order of the Day for this day of sitting”.

Thereafter, the following motion was moved⁹ by the Leader of the House:—

“That —

1. The House agrees with the Committee in its findings and with its recommendations in relation to the matter of an editorial published in the *Sunday Observer* of 26 February, 1978.
2. The House agrees in principle with the Committee's recommendations in relation to privilege in general, but is of the opinion that the investigation proposed should be undertaken by a joint select committee, the resolution of appointment of which should be submitted to the House at the earliest opportunity”.

After some discussion, the above motion was adopted by the House.

⁸.*Ibid.*, April 13, 1978, p. 1520.

⁹.*Ibid.*

PROCEDURAL MATTERS

LOK SABHA

Adjournment motions—admissibility of: On 21 March, after the Question Hour, a number of members rose in their seats pressing for discussion on the adjournment motions they had tabled. One of the members wanted to know the grounds on which his notice of adjournment motion regarding the incidents in the High Court building of Gwalior had been rejected. He further submitted that in such cases the member should be informed of the ground of rejection of his notice. Another member joined him and made a submission in the same vein. The Speaker thereupon observed that the Chair was not bound to give reasons for withholding consent to an adjournment motion. Later, in the evening of the same day, the Minister of Home Affairs, however, made a statement on the subject *viz.* reported clash between some policemen and lawyers in Gwalior.

Private Members Business—time for: On March 21, 1980 at 15.30 hrs. when the Minister of State for Home Affairs was in the midst of his reply on the motion regarding the Twenty-fifth Report of the Commissioner for Scheduled Castes and Scheduled Tribes, some members pointed out that it was time for taking up private members' business. The Chairman observed that if the House agreed, the Minister might be allowed to complete his reply and the time for private members' business could be correspondingly extended so that the time for private members' business was not curtailed. The House agreed to this, and on the Minister completing his reply, Private Members' Business was taken up at 15.35 hrs.

Convention that Members of Business Advisory Committee do not participate in discussion of its Report in House: On March 20, 1980 during the discussion for adoption of the Third Report of the Business

Advisory Committee, when some members of the Committee wanted to speak, the Deputy Speaker pointed to the convention that members of the Business Advisory Committee did not participate in the proceedings of the House on the Committee's Reports and appealed to Members not to depart from that convention.

Debates—time for members to participate in: On 18 March during the discussion on the Budget of the State of Uttar Pradesh, members pressed for more time and after taking the sense of the House the Deputy Speaker observed that the House might sit up to 8.00 P.M. to complete the discussion. At 7.59 P.M. a closure motion was moved and adopted by the House, whereupon the Finance Minister was called to reply to the debate. Several members then demanded that more time might be given for discussion and all those who wished to speak might be allowed to do so. The Deputy Speaker who was in the Chair observed that those members who had had no opportunity to speak before the adoption of the closure motion would be allowed to speak on the Appropriation Bill. A number of members were accordingly called upon to speak on the Appropriation Bill.

Supplementary questions: On March 13, 1980 during the course of supplementaries on a Starred Question, after a member had asked a supplementary question, the Speaker observed that the members should ask "pointed questions, and not make speeches during the Question Hour, so that the time of the House is utilised usefully". He further observed that the questions should be relevant and the replies of the Minister's should also be relevant.

Absence of Minister from the House: On March 12, 1980 as soon as the House met, when the first question was called it was noticed that the Minister of State in the Ministry of Industry who was to give reply to the question was not present in the House. Upon exception being taken to this by some members, the Prime Minister, sharing the feelings of the members, expressed regret over the Minister's absence. The Minister of Finance and Industry, who in the meantime came to the House, also apologised to the House for his colleague's absence and offered to answer the question on his behalf. Shortly thereafter, the Minister of State in the Ministry of Industry also arrived and replied to the supplementaries. Later, during the day, the Minister wrote a letter to the Speaker explaining the reasons for his absence from the House for a short while that morning.

Special arrangements for new Members: Special arrangements were made by the Lok Sabha Secretariat in a Committee Room in Parliament House for receiving the newly elected Members of the Seventh Lok Sabha.

and attending to their immediate needs such as allotment of temporary accommodation, issue of temporary Identity Cards, supply of publications like the Rules of Procedure, Directions by the Speaker, Handbook for Members etc. Arrangements were also made in the Room for taking of photographs of the Members, and for the issue of permanent Identity-cum-Railway Passes to them. A separate counter in the room also displayed the periodicals and publications being brought out by the Parliament Library, Reference, Research, Documentation and Information Service (LARRDIS). Here Members were requested to indicate the choice of publications to be supplied to them on a regular basis. These arrangements continued in the Committee Room for about two weeks as necessary and were found to be useful by the new Members.

Legislative competence of the House: Under Rule 72 of the Rules of Procedure and Conduct of Business in Lok Sabha, if a motion for leave to introduce a Bill is opposed, the Speaker, may after permitting brief statements from the Member who opposes the motion and the Member who has moved the motion, put the question before the House. Where, however, the introduction of a Bill is opposed on the ground that it initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon. On January 25, a number of Members opposed the introduction of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Bill, 1980. Several Members even challenged the legislative competence of the House to entertain the measure. The Speaker put the motion for leave to introduce the Bill to the vote of the House, observing that it was not the practice for the Chair to give any ruling on the question of legislative competence. The motion was thereafter adopted after a division, whereupon the Minister of Commerce introduced the Bill.

Side remarks by Members while taking oath: On the first day of the First Session of the Seventh Lok Sabha, January 21, 1980, when three members (Shri Ramavatar Shastri, Mrs. Anbaram and Shri Niren Ghosh) made certain remarks while taking oath or making affirmation, the Chairman (Shri Tridib Chaudhuri) observed that such side remarks by the Members would not form part of the proceedings.

TRIPURA LEGISLATIVE ASSEMBLY*

Private Members' Business—relation of notice period: The rules of Procedure and Conduct of Business in the Tripura Legislative Assembly provide that members willing to move resolutions on the day meant for

*Based on the information received from the Tripura Legislative Assembly Secretariat.

Private Members' Business shall give notice to that effect at least 2 days before the date of ballot. A direction issued by the Speaker regarding balloting of Private Members' Resolutions provides that the balloting shall be held 16 days before the date fixed for Private Members' Business. But the period of 16 days' notice is seldom available for the purpose for the first Friday (Private Members' day) of the Session because of the fact that the Summons are issued with 15 days' notice on almost all the occasions. Therefore, in order to give opportunities to the members to give notices of their Resolutions for the first Friday, the Speaker had to waive the requirement of notice period in exercise of his residuary powers. Sometimes it happened that members were asked to give notices of their Resolutions 2 days before the date fixed for Private Members' Business. During the March 1980 session of the Assembly the first day of the Session, being Friday, was fixed for Private Members' Business and as there was no time to follow the notice period prescribed in the Rules due to late notice for summoning of the House, the members were allowed by the Speaker in relaxation of the Rules to give notices of their Resolutions by Wednesday, that is two days before the date fixed for Private Members' Business.

UTTAR PRADESH LEGISLATIVE ASSEMBLY*

Withdrawal of motion re: expulsion of Member: On January 25, 1980, a member of the House, Dr. Ashwini Kumar Chaturvedi 'Rakesh' insisted on asking a supplementary question by way of clarification, arising out of a short notice question, which the Deputy Speaker did not allow. He did not resume his seat even when he was asked by the Deputy Speaker to take his seat repeatedly. His persistence resulted in disorder in the House. The Chief Minister, as Leader of the House, moved a motion for suspending Dr. 'Rakesh' as his behaviour was considered to be a contempt of the House. A point of order was raised to the effect that no such motion could be moved unless the Deputy Speaker had named the particular member. The Deputy Speaker, however, after hearing certain members, observed that the House under the proviso to Rule 63 of the Rules of Procedure and Conduct of Business of the House, could take action against a member without his being named by the Presiding Officer, when a contempt had been committed by him in view of the House. However, before the motion was put to vote, an appeal was made by the Deputy Leader of the Janata Party to the Chief Minister to withdraw the motion. As the Leader of the House had at that time gone to the Upper House, the Deputy Chief Minister, Shri Ram Naresh Yadav, sought to move for permission of the House to withdraw the motion,

*Contributed by U.P. Legislative Assembly Secretariat.

which too was objected to by another member saying that only the mover of the motion could move for such withdrawal. This objection was upheld and later on the motion was withdrawn by the Leader of the House, when he came back to the House.

Filling up of vacancies in Legislative Committee: On 25 January, 1980 the House adopted the following motion moved by the Minister of Parliamentary Affairs authorising the Speaker to nominate Members to fill casual vacancies in certain committees:

“that in order to fill up the casual vacancies in the Estimates Committee, the Public Accounts Committee, the Committee on Public Undertakings and Corporations and the Joint Committee on Scheduled Castes, Scheduled Tribes and Vimukta Jaties for the year 1979-80 and for the 29 standing Committees to advise the Ministers, the House, by suspending the provisions of the relevant rules and resolutions to the extent these are related to the procedure of election for filling such vacancies in the said Committees, authorises the Speaker for the nomination of the members of the Vidhan Sabha and resolves that such nominated members will be considered duly elected on the said Committees according to the rules and resolutions”.

Admissibility of motions: On 8 February, 1980 the Leader of the Congress (I) Party in the Assembly wanted to move a motion, recommending to the Central Government to punish the guilty persons on the basis of the report of the Vaidyalingam Commission. The admissibility of the motion was opposed by the Chief Minister on the ground that such a motion was not within the jurisdiction of the House as neither any such report was before the House for consideration nor any copy thereof was made available to the members. Besides, the Business Advisory Committee had not allotted time for it. The Deputy Speaker, after hearing other members also, observed that he had already allowed the motion under rule 106 of the Rules of Procedure and Conduct of Business of the House. As, however, under Rule 30 non-official business was to continue on the day upto 5 p.m. the House had to be moved for suspension of the rules to take up the motion of the Congress (I) Leader by interrupting the non-official business. The motion could, of course, be taken up for consideration without suspending the rule after 5 p.m. Accordingly, he fixed the motion to be taken up after 5 p.m. and directed the supplementary agenda to be prepared for the purpose. However, as soon as the mover stood up to move the motion there was pandemonium in the House and the House, on a motion moved by the Education Minister and adopted by the House adjourned *sine die* without any discussion on the said motion.

*Election of Speaker:** The election to the office of the Speaker was to be held on a date to be fixed by the Governor within 15 days from the commencement of the the session on January 23, 1980†. Accordingly, the date was to be fixed on or before February 7, 1980 but as this was not possible another motion was passed by the House providing that the election of Speaker be held in the current session on any such date, which may be fixed by the Governor. The Governor fixed February 8, 1980 for the purpose and nominations were called for and received by 12.00 hours of February 7, 1980. There was however, a rethinking on the matter, and a motion was again moved in the House suspending the relevant rules and allowing a date to be fixed by the Governor for the election to the office of the Speaker within 15 days from the commencement of the next session of the House. The Assembly was however, dissolved with effect from the afternoon of February 17, 1980 with the result that the office of Deputy Speaker too fell vacant as he ceased to be a member of the Assembly from that date. Article 180 of the Constitution empowering the Deputy Speaker or other person to perform the duties of, or act as, Speaker was suspended under the President's Proclamation. Thus there was no Speaker or other person performing his functions after dissolution of the Assembly.

*Based on the information received from the U.P. Legislative Assembly Secretariat.

†See *JPI*, Vol. XXVI, No. 1, March, 1980, p. 50.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(January 1 to March 31, 1980)

INDIA

DEVELOPMENT AT THE CENTRE*

*Parties performance in General Election*¹. The number of contestants, seats won and votes polled and percentage of votes secured by different parties in the Seventh General Election held on January 3 and 6 for the 525 seats in Lok Sabha were as follows:

Party	Seats contested	Seats won	Votes polled	%age of votes Secured
Congress (I)	489	351	83938634	42.66
Janata	432	31	37259854	18.94
Janata (S) Lok Dal	292	41	18560976	9.43
C.P.I. (M)	62	35	11867796	6.03
Congress (U)	212	13	10453549	5.31
C. P. I.	47	11	5122172	2.61
AIADMK	24	2	4674064	2.38
D. M. K.	16	16	4236537	2.15
Akali	7	1	1396412	0.71
Others and Ind.	3030	24	19250914	1.78

*Covers the period from February 1 to March 31, 1980. For developments during January 1980, See J.P.I., March 1980, pp. 51—53.

¹Based on "The People's Verdict: DCM Computer-based Study" by G. G. Mirchandani, Vikas Publishing House, 1980.

Dissolution of State Assemblies: On February 17, President Sanjiva Reddy signed nine separate proclamations under Article 356 of the Constitution dismissing the non-Congress (I) Ministries and dissolving the Legislative Assemblies in Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, Punjab, Orissa, Gujarat, Maharashtra and Tamil Nadu and bringing these States under the President's rule².

Expansion of Ministry: The Union Council of Ministers was expanded with the swearing in, on March 3, of five new Ministers. One more Minister was sworn in on March 7. The allocation of portfolios among them was as follows:

Cabinet Ministers:

Shri C. M. Stephen: *Communications*;

Shri Veerendra; Patil: *Petroleum and Chemicals*.

Ministers of State:

Shri C. P. N. Singh: *Defence and Departments under the charge of Prime Minister*;

Shri Sita Ram Kesri: *Parliamentary Affairs*;

Shri Charanjit Chanana: *Industry*;

Shri Z. R. Ansari: *Commerce*³.

AROUND THE STATES

ANDHRA PRADESH

Resignation by Deputy Speaker: On February 13, Shri K. Prabhakar Reddy resigned from the office of the Deputy Speaker of the State Assembly on joining the Congress (I)⁴.

Allowances for Presiding Officers and the Chief Whip: The Andhra Pradesh Payment of Salaries and Pension and Removal of Disqualifications Act, 1953 was amended to provide *inter alia*, for the payment of a sumptuary allowance of Rs. 5,000 per annum to the Speaker and the Chairman of the State Legislature and a motor car allowance of Rs. 750 per mensem to the Chief Whip, the Government Whip in the Council, if he does not use the conveyance made available to him by the State Government⁵.

HARYANA

Change of Party by the Ministry: The Janata Ministry in the State was 'converted' into Congress (I) Ministry, with the Chief Minister and 37 other Janata Legislators joining the Congress (I) on January 22, thereby raising the strength of the Congress (I) Party in the 90-member House to 46.

²Times of India, February 18 and Asian Recorder, 1980, p. 153²⁷.

³Times of India, March 4 and Hindustan Times, March 8, 1980.

⁴Hindustan Times, February 14, 1980.

⁵Information received from the State Legislature Secretariat.

Dr. Mangal Sein, Shrimati Kamla Verma and Shri Jai Narain, who did not join Congress (I) along with the Chief Minister, tendered their resignations from the Ministry.⁶

Pay-rise for Deputy Ministers and MLAs: On February 25, the State Cabinet decided to raise the monthly salary of Deputy Ministers from Rs. 800 to Rs. 1,000 and of the Chief Parliamentary Secretary and Parliamentary Secretaries from Rs. 400 to Rs. 500. This was in addition to their salary of Rs. 500 a month as legislators.

The Cabinet also decided, on March 17, to raise the Constituency Allowance admissible to legislators from Rs. 300 to Rs. 500 a month and to grant free medical facilities to ex-MLAs and their dependents.⁷

New Governor: Shri G. D. Tapase was sworn in on February 28 as the new Governor of the State by the acting Chief Justice of the Punjab and Haryana High Court, Dr. P. C. Jain.⁸

HIMACHAL PRADESH

New Ministry: Following the resignation of Shri Shanta Kumar as Chief Minister on February 14, a new 3-member Congress (I) Ministry headed by Shri Ram Lal was sworn in by Governor Shri Aminuddin Ahmed Khan.⁹

KARNATAKA

Resignation by Chief Minister and formation of new Government: Chief Minister Shri D. Devraj Urs tendered the resignation of his Ministry on January 7 to Governor, Shri Govind Narain following defeat of his Congress (U) Party in the Lok Sabha elections.¹⁰

As a result of large number of M.L.A.s belonging to Congress (U) and the Janata Party joining the Congress (I) the strength of the Congress (I) in the 225 member House rose from 49 to 134. A new 3-member Congress (I) Ministry headed by Shri R. Gundu Rao, who was till then Leader of the Opposition in the State Assembly, was sworn in on January 12. The Ministry was expanded on February 25 and 27 and the final allocation of portfolios was as follows:

Cabinet Ministeries:

Shri R. Gundu Rao, *Chief Minister, Personnel and Administrative Reforms, Cabinet Affairs, Home (excluding Prisons and Transport), Public Works and Electricity (excluding Public Health,*

⁶ *Hindustan Times*, January 23 and *Statesman*, January 24, 1980.

⁷ *Times of India*, and *The Tribune* February 26, and *Hindustan Times*, March 18, 1980.

⁸ *Times of India*, February 29, 1980.

⁹ *Hindustan Times* and *Statesman*, February 15, 1980.

¹⁰ *Statesman*, January 8 and *Times of India*, January 13, 1980.

Engineering, Minor Irrigation and Ports and Inland Water Transport), Food and Forests, Commerce and Industry (excluding small-scale Industries and Sericulture), Bangalore Development Authority, Literary and Cultural Affairs and Development of Kannada, Shri S. Bangarappa: Revenue and Agriculture; Shri Veerappa Moily: Finance and Planning; Shri Y. Ramakrishna: Law and Parliamentary Affairs, Veterinary and Animal Husbandry; Shri G. B. Shankara Rao: Education; Shri A. B. Jaknur: Cooperations Shri A. K. Abdul Samad: Health and Family Welfare; Shri Dharam Singh: Housing and Urban Development; Shri Begane Ramaiah: Rural Development and Panchayat Raj; Shri C. M. Ibrahim: Small Scale Industries, Wakf and Haj Committee and Labour; and Shri M. M. J. Sadyojathappa: Transport, Minor Irrigation and Public Health Engineering.

Ministers of State:

Shrimati Manorama Madhwaraj: Social Welfare, Backward Classes and Minorities, Women and Children Welfare; Shri D. B. Yonkatappa: Horticulture and Prisons; and Shri Sudhendra Renuka Rajendran: Sericulture and Youth Services; Shri K. Yonkatappa: Horticulture and Prisons; and Shri Sudhendar Kasabe: Agricultural Marketing and Muzrai¹¹.

New Leader of Opposition: On January 24, Shri D. Devraj Urs was recognised as Leader of the Opposition in the State Assembly.¹²

By-election: In the by-election to the Gulbarga Lok Sabha seat held on February 24, Shri C. M. Stephen of the Congress(I) was declared elected defeating Shri Babu Gowda, a nominee of the combined Opposition.¹³

KERALA

General Election: In the general election to the 140-member Kerala Legislative Assembly held on January 21, the Left Democratic Front won 93 seats—just one short of a clear two-thirds majority, as against 41 seats secured by the United Democratic Front. The final party-position was as follows:

Left Democratic Front—93 [CPI(M)—35, Congress(U)—21, CPI-17, Kerala Congress(M)-8, R.S.P.-6, A.I.M.L.-5 and Kerala Congress(I)-].

United Democratic Front—41 [Congress(I)-17 IUML 14, Kerala Congress(J)-6, NDP-3 and PSP-1].

Janata Party—5 and Independent—1.¹⁴

New Ministry: On January 25, a 17-member Council of Ministers headed by Shri E. K. Nayanar, leader of the Joint Legislature Party of Left

¹¹. *Decan Herald*, February 26, 1980.

¹². *Times of India*, January 25, 1980.

¹³. *Tribune*, February 26, 1980.

¹⁴. *Asian Recorder*, 1980, p. 15327.

Democratic Front, was sworn in by the Governor. The allocation of portfolios was as follows:

Shri E. K. Nayanar: *General Administration and Planning*; Shri T. K. Ramakrishnan: *Home*; Smt. K. R. Gowri: *Agriculture*; Shri N. K. Krishnan: *Harijan Welfare and Excise*; Shri P. C. Chack: *Industries*; Shri Aryadan Muhammed: *Health*; Shri A. C. Shanmughadas: *Community Development*; Shri P. S. Srinivasan: *Revenue*; Shri E. Chandrasekharan Nair: *Food and Civil Supplies*; Dr. A. Subba Rao: *Irrigation*; Shri Baby John: *Education*; Shri R. S. Unni: *Local Administration* Shri K. M. Mani: *Finance*; Shri Lonappan Nambadan: *Transport*; Shri R. Balkrishnan Pillai: *Electricity*; and Shri P. M. Abbu-Backer: *Public Works*.¹⁵

New Presiding Officers: Shri A. P. Kurien of the CPI(M) and Shri M. Zakaria of the All India Muslim League were elected Speaker and Deputy Speaker of the Legislative Assembly on February 15 and February 22 respectively.¹⁶

MADHYA PRADESH

Salary for Leader of the Opposition: On February 16, Governor Shri C. M. Poonacha promulgated an ordinance providing for a monthly salary of Rs. 1,500 besides other perquisites to the Leader of the Opposition in the State Assembly. The Ordinance *inter alia* provided for (i) a free residence at Bhopal to be furnished within a maximum expenditure of Rs. 35,000; (ii) a motor-car with a driver; (iii) Rs. 300 per month as a consolidated allowance in lieu of Daily Allowance for his tours and (iv) free medical attendance and treatment for himself and his family.¹⁷

MANIPUR

General Elections: In the general elections to the 60-member Legislative Assembly held in the first week of January along with the Lok Sabha poll, no party emerged with a working majority, the final party-position being: Congress (I)—13, Janata Party-10, Congress (U)—6, C.P.I.—5, CPI(M)—1, Manipur People's Party—3, Kuki National Assembly—2 and Independents—19. Election in one constituency was countermanded due to the death of a candidate.¹⁸

Formation of coalition Ministry: A 4-party coalition Ministry headed by Shri R. K. Dorendra Singh, who was earlier elected leader of the Congress(I) Legislative Party, assumed office on January 14, thereby ending the two-month old President's rule in the State.¹⁹

¹⁵*Ibid.*

¹⁶*Statesman (Calcutta)*, February 16, and *Times of India*, February 23, 1980.

¹⁷*Hindustan Times*, February 17, 1980.

¹⁸*Asian Recorder*, 1980, p. 15313.

¹⁹*Statesman (Calcutta)*, January 15, 1980.

New Speaker: Shri Yumnam Yaima Singh was unanimously elected on February 18, as the new Speaker of the Legislative Assembly.²⁰

NAGALAND

Resignation by Ministers: On March 29, four Ministers of State tendered their resignations from the Council of Ministers and the Party, reducing the United Democratic Front Ministry headed by Shri Vizol to a minority of 25 members in a House of 60.

Shri Vizol tendered the resignation of his 28-month old Ministry on April 18 and on the same day a new 3-member coalition Ministry headed by Shri S. C. Jamir was sworn in by the State Governor, Shri L. P. Singh.²¹

ORISSA

By-elections: Shri Harihar Soren was declared elected to the Lok Sabha in the by-election to the Keonjhar Parliamentary constituency held on February 24, defeating Shri Govinda Munda of the Lok Dal.²²

TAMIL NADU

Pension for legislators: On February 12, the State Assembly passed the Tamil Nadu Payment of Salaries (Amendment) Bill providing for a minimum pension of Rs. 250 and a maximum of Rs. 500 per month for legislators. Those who have served even a single term of office with a minimum period of one year will get a minimum pension of Rs. 250 per mensem, with additional sum of Rs. 50 per month for every further period of one year as Member, subject to a maximum of Rs. 500. Every person, who after March 1, 1952 had been or is a Member, for one term, of the Legislative Assembly or Council or of both, shall be eligible for the pension.²³

UTTAR PRADESH

By-elections: Shri Arun Kumar Nehru and Shrimati Usha Verma, both belonging to the Congress (I), won the Rae Bareli and Lakhimpur Khairi Lok Sabha seats respectively, the by-elections to which were held on February 24.²⁴

New Governor: Shri C. P. N. Singh was sworn in on February 28 by the Chief Justice of the Allahabad High Court, Justice Satish Chandra as the new Governor of the State, succeeding Shri G. D. Tapase who was transferred to Haryana.²⁵

²⁰ *Hindustan Times*, February 20, 1980.

²¹ *Times of India*, March 30 and *Indian Express*, April 19, 1980.

²² *The Tribune*, February 26, 1980.

²³ *Indian Express* and *The Hindu*, February 13, 1980.

²⁴ *Hindustan Times*, February 26, 1980.

²⁵ *Asian Recorder*, 1980, p. 15371.

WEST BENGAL

By-election: In the by-election to the Serampore Parliamentary constituency held on February 24, the CPI(M) candidate Shri Dinen Bhattacharya was declared elected to the Lok Sabha, defeating his nearest Congress (I) rival, Dr. Gopal Das Nag.²⁶

UNION TERRITORIES

ARUNACHAL PRADESH

General Elections: No party secured an absolute majority in the general election to the 30-member Legislative Assembly held alongwith the Lok Sabha poll on January 3. The final party-position was: Congress (I)—13, People Party—13 and Independents—4.²⁷

New Ministry: On January 18, a 3-member Congress (I) Ministry headed by Shri Gagong Apong was sworn in by the Lt. Governor, Shri R. N. Haldipur, ending the two month old President's rule in the Union Territory. The Ministry was expanded on February 1 and the allocation of portfolios was as follows:

Shri Gagong Apong, Chief Minister: *All Departments not assigned to any Minister*; Shri Khariro Krong: *Rural Development, Fisheries, Animal Husbandry and Veterinary Services*; Shri Tengam Ngemu: *Finance, Industry, Labour, Research and Panchayat*; Shri Tadar Tang: *Education and Transport*; Shri Tadak Dulom: *Health, Information and Public Relations and Economics and Statistics*; Shri Tashering Tashi: *Cooperation, Tourism, Law and Parliamentary Affairs, Rehabilitation and Settlement*.

Two more Deputy Ministers were sworn in on February 28, increasing the strength of the Ministry to 8.²⁸

New Presiding Officers: On January 29, Shri T. L. Rajkumar and Shri Pasang Wangchuk Sona were declared elected Speaker and Deputy Speaker respectively of the legislative Assembly.²⁹

DELHI

New Lt. Governor: President Sanjiva Reddy appointed, on February 15, Shri Jagmohan as the new Lt. Governor in place of Shri D. R. Kohli who resigned on January 27.³⁰

²⁶ *The Tribune*, February 26, 1980.

²⁷ *Asian Recorder*, 1980, p. 15314.

²⁸ *Times of India*, February 7, and February 29, 1980.

²⁹ Information received from the Arunachal Legislature Secretariat.

³⁰ *Times of India*, February 16, 1980.

Dissolution of Metropolitan Council: On receipt of a report from the Lt. Governor Shri Jagmohan, President Sanjiva Reddy issued an Order on March 21 dissolving the Metropolitan Council.⁸¹

GOA, DAMAN AND DIU

General Elections: In the general election to the 30-member Legislative Assembly held along with the Lok Sabha poll, the Congress (U) won an absolute majority by winning 20 seats. The Marathawadi Gomantak Party secured 7 seats and Independents—3.⁸²

New Ministry: On January 16, a new 4-member Ministry headed by Shri Pratap Singh Rane was sworn in by Lt. Governor, Col. Pratap Singh Gill, ending the nine month old President's rule. The allocation of portfolios was as follows:

Cabinet Ministers:

Shri Pratap Singh Rane, Chief Minister: *Home, Finance, Industry, General Administration and Information;* Shri Francisco Sardinha; *Education and Power;* Shri Dayanand Narvekar: *Law, Judiciary, Labour and Housing.*

Ministers of State:

Shri Joildo Aguir; *Independent charge of Agriculture, Animal Husbandry and Tourism.*⁸³

On February 11, Shri Harish Narayan Prabhu Zantya was sworn in as the fifth Minister with the portfolios of Civil Supplies, Social Welfare and Tourism.⁸⁴

New Presiding Officers: Shri Froliano Machado and Shri Vaikunt Govind Gauns Desai were elected Speaker and Deputy Speaker respectively of the State Assembly on January 21 and January 22.⁸⁵

PONDICHERRY

General Elections: The D.M.K.—Congress (I) alliance won 24 seats in the elections to the 30-member Legislative Assembly held simultaneously with the Lok Sabha poll on January 3 and 6. The final party position was: D.M.K.—14, Congress (I)—10, Janata—3, C.P.I.(M)—1, Muslim League—1 and Independent—1.⁸⁶

⁸¹. *Hindustan Times*, March 22, 1980.

⁸². *Asian Recorder*, 1980 p. 15314.

⁸³. *Indian Express*, January 17, 1980.

⁸⁴. *Statesman*, February 12, 1980.

⁸⁵. *Times of India*, January 22 and 23, 1980.

⁸⁶. *Asian Recorder*, 1980, p. 15314.

New Government: A 6-member DMK—Congress (I) coalition Ministry led by Shri D. Ramachandran was sworn in on January 16, by Lt. Governor Shri B. T. Kulkarni, ending the 14-month old President's rule in the Union Territory.³⁷

New Presiding Officers: Shri Farook Maricar of the Congress (I) and Shri L. Joseph Mariadoss of the D.M.K. were elected Speaker and Deputy Speaker of the Legislative Assembly on January 25 and 29, respectively.³⁸

DEVELOPMENTS ABROAD

AFGHANISTAN

New Deputy Prime Minister: On January 15, President Babrak Karmal, Chairman of the Revolutionary Council, announced the appointment of Mr. Asadullah Sarvari as Deputy Prime Minister and Deputy Chairman of the Revolutionary Council.³⁹

BANGLADESH

Resignation by Deputy Prime Minister: On January 2, Mr. Moudud Ahmed, Deputy Prime Minister and incharge of Water, Resources and Flood Control relinquished his office.⁴⁰

BURMA

New Foreign Minister: On March 19, Mr. U. Lay Maung was named the new Foreign Minister, replacing Mr. U. Myint, in the 17-member Cabinet headed by Prime Minister Maung Kha.⁴¹

CANADA

General Elections: In the general elections held for the 182-seat Parliament, former Prime Minister Mr. Pierre Trudeau's Liberal Party won, on February 19, 147 seats as against 103 seats secured by Prime Minister Joe Clark's Progressive Conservatives. 32 seats were won by the socialist New Democratic Party.⁴²

New Prime Minister: On March 3, Mr. Pierre Trudeau was sworn in as Prime Minister of the country for a fourth term.⁴³

³⁷. *Statesman (Calcutta)*, January 17, 1980.

³⁸. *Times of India*, January 26 and *Hindustan Times*, January 30, 1980

³⁹. *Hindustan Times*, January 16, 1980.

⁴⁰. *Hindustan Times*, January 3, 1980.

⁴¹*Statesman*, March 20, 1980.

⁴². *Hindustan Times*, February 20 and *Statesman* March 26, 1980.

⁴³*Statesman*, March 54, 1980.

CHILE

Dismissal of Foreign Minister: Foreign Minister Mr. Hernan Cubillos was dismissed from his post by President Augusto Pinochet on March 26.⁴⁴

EL SALVADOR

Martial Law: The military government declared, on March 6, a state of Martial Law in the country and suspended the civil rights in the wake of political violence.⁴⁵

IRAN

Election of President: In the presidential election held on January 25, Mr. Abolhassan Bani-Sadr won 75.7 per cent of the votes, according to the results published by the Interior Ministry on January 28.

Mr. Bani-Sadr was sworn in, on February 4, as Iran's first President by the religious Leader Ayatollah Khomeini.⁴⁶

ITALY

New Government: Prime Minister Mr. Francesco Cossiga, a Christian Democrat, whose minority government resigned on March 19, formed a new Government on March 27 with the support of Socialist and Republic Parties, which gave him a clear majority in both the Houses of Parliament.⁴⁷

MAURITANIA

New Head of State: Lt. Col. Mohamed Khouna Haidalla replaced Lt. Col. Mohamed Mohod Ould Loculy as the new Head of the State on January 5.⁴⁸

NEPAL

Resignation by Ministers: Foreign Minister K. B. Shahi, Commerce and Industry Minister H. N. Rajuariya and five other Ministers resigned on January 14, following expiry of their terms in the National Legislature. Shri K. B. Shahi was, however, reappointed as Foreign Minister.⁴⁹

POLAND

New Prime Minister: On February 18, Mr. Edward Bubiuch was named the new Prime Minister of the country replacing Mr. Piotr Jaroszewicz, who resigned on February 15.⁵⁰

⁴⁴. *Times of India*, March 27, 1980.

⁴⁵. *Times of India*, March 7, 1980.

⁴⁶. *Times of India*, February 6 and *Asian Recorder*, 1980, p. 15300.

⁴⁷. *Statesman*, March 24 and 28, 1980.

⁴⁸. *Hindustan Times*; January 6, 1980.

⁴⁹. *Times of India*; January 16, 1980.

⁵⁰. *Statesman* February 16, and *Indian Express*, February 19, 1980.

PORTUGAL

New Government: A centre-right government headed by Prime Minister Francisco Sa Carneiro was sworn in by President Ramalho Eanes on January 3.⁵¹

ROMANIA

Re-election of President: On March 28, the Romanian Communist Leader Mr. Nicolae Ceausescu was re-elected President of the country by the National Assembly (Parliament).⁵²

New Deputy Prime Minister: In a government reshuffle on March 29, the First Lady, Mrs. Elena Ceausescu, wife of President Nicolae Ceausescu, was named the first Deputy Prime Minister—the highest government post held by a woman in a Communist country.⁵³

SUDAN

Dissolution of Parliament: President Gaafar Nimeiri dissolved Parliament and the Regional Legislative Assembly of South Sudan on February 4 and appointed a 12-member Committee headed by Lt. General Abdel Majid Hamid, the first Vice-President and Defence Minister to supervise the elections for both Houses of Parliament.

The two Houses were to have continued for two more years but the National Congress of Sudanese Socialist Union, the country's only authorised political party, recommended fresh elections as part of political and economic reforms.⁵⁴

SURINAM

New Civilian Government: Following the overthrow of Mr. Henck Arron in a military *coup* on February 25, Mr. Henc R. Chin-a-Sen was sworn in on March 16 as Prime Minister of the new civilian government consisting of 12 Ministers and 4 Junior Ministers.⁵⁵

SYRIA

New Prime Minister: President Hafez Assad appointed, on January 14, Dr. Abdul Rauf Al-Kasam as the new Prime Minister of the country, succeeding Mr. Mahammed Ali Al-Halabi.⁵⁶

⁵¹. *Patriot*, January 5, 1980.

⁵². *Times of India*, March 30, 1980.

⁵³. *Times of India*, March 31, 1980.

⁵⁴. *Hindustan times*, February 6, 1980.

⁵⁵. *Statesman*, March 17, 1980.

⁵⁶. *Statesman (Calcutta)*, January 15, 1980.

THAILAND

New Prime Minister: On March 3, General Prem Tinsulanonda, Commander-in-Chief of the Army was selected by Parliament as the new Prime Minister in succession to Gen. Kriangsak Chomanan, who resigned his post after remaining 27 months in office.⁵⁷

U.S.S.R.

New Deputy Prime Minister: Mr. Guri Marchuk was appointed, on January 28, as Deputy Prime Minister and Chairman of the State Committee on Science and Technology, replacing Mr. Vladimir Kirillin who was relieved from these posts on January 22.⁵⁸

VIETNAM

Death of President: Mr. Ton Duc Thang. President of the country died on March 30.⁵⁹

ZIMBABWE

General Elections: In the Independence elections to the 100-seat Parliament which ended on February 29, the Zimbabwe African National Union (Patriotic Front) of Robert Mugabe won an absolute majority securing 57 seats. Mr. Joshua Nkomo's Patriotic Front Party and Ian Smith's Rhodesian Front won 20 seats each. The remaining 3 seats went to Bishop Muzorewa's United African National Council (UANC).

On March 4, the Governor, Lord Soames invited Mr. Robert Mugabe to form a government.⁶⁰

Attainment of Independence: After 90 years of White minority domination, Zimbabwe became an independent country on the night of April 17. Rev. Banana and Robert Mugabe were sworn in as President and Prime Minister respectively of the new nation.⁶¹

⁵⁷. *Times of India*, February March 1 and 4, 1980.

⁵⁸. *Times of India*, January 24 and *Hindustan Times* January 30, 1980.

⁵⁹. *Hindustan Times*, April 1, 1980.

⁶⁰. *African Recorder*, 1980, pp. 5315—18.

⁶¹. *Free Press Journal*, April 18 and *Deccan Herald*, April 19, 1980.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY
INTEREST

[The **Constitution (Forty-fifth Amendment) Bill, 1980** was introduced in Lok Sabha on January 23, 1980. The Bill was passed by Lok Sabha on January 24 and by the Rajya Sabha on January 25, 1980 and assented to by the President of India on April 14, 1980. We reproduce the Bill as passed by the two Houses of Parliament and assented to by the President.

— Editor]

THE CONSTITUTION (FORTY-FIFTH AMENDMENT) ACT, 1980

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and commencement.* (1) This Act may be called the Constitution (Forty-fifth Amendment) Act, 1980.

(2) It shall be deemed to have come into force on the 25th day of January, 1980.

2. *Amendment of article 334.* In article 334 of the Constitution, for the words "thirty years", the words "forty years" shall be substituted.

SESSIONAL REVIEW

LOK SABHA

SECOND SESSION

The Second Session of Seventh Lok Sabha was held from March 11 to March 28, 1980. A brief resume of the important discussions and legislative business transacted by the Lok Sabha during the session is given below:

A. DISCUSSION

Railway Budget: On March 11, 1980, the Minister of State in the Ministry of Railways, Shri C. K. Jaffer Sharief presented the Budget Estimates for the year 1980-81 for obtaining "Vote on Account" to cover the anticipated expenditure upto the end of July, 1980. The Budget envisaged a target of originating revenue earning traffic of Rs. 214.4 million tonnes and a growth rate of 6 per cent in passenger traffic. With the gross traffic receipt being 2545.35 crores and the total expenditure being Rs. 2583.47 crores, an overall net deficit of Rs. 38.12 crores was anticipated. The Minister assured the House that the development of backward and hilly areas would be given due priority within the constraints of the resources. To enable the Railways to play their assigned role in the national development, schemes for modernisation and expansion, both for freight and passenger traffic would be given priority.

He informed the House that the long pending demand of the railwaymen for bonus had already been finalised and a Productivity-linked Bonus Scheme evolved mutually by the two recognised Federations and the Railway Board.

The House commenced a combined discussion on the Demands for Grants on Account (Railways), 1980-81 and the Supplementary Demands for Grants (Railway) 1979-80 on March 12, 1980. Initiating the discussion, Shri Jagpal Singh wanted the Government to assure the House that no

new taxes would be levied on passengers after the election to the State Assemblies. He stressed the need for improving the conditions of passenger-trains and laying of railway line in the backward areas.

Professor Madhu Dandavate said that after three consecutive surplus Railway Budget the deficit shown in the present Budget was a clear indication of the heavy burden in the offing. He suggested that by conducting research, reduction might be effected in the cost of electrification which was Rs. 13 lakhs per kilometre at present.

Replying to a day-long discussion in which as many as 17 Members participated*, the Minister of Communications, Shri C. M. Stephen denied that the Government had brought forward a "Vote on Account" with an ulterior purpose. A deeper analysis was necessary for presenting the full budget and the time at the disposal of the Government was not enough. He attributed the deficit in the Railway Budget to the coming down of the freight haulage and the steady fall in the traffic haulage. The Government would do its best to improve the situation.

The Demands for Grants in question were voted in full.

General Budget, 1980-81: Presenting the General Budget for 1980-81 to Lok Sabha on March 11, 1980, the Finance Minister, Shri R. Venkataraman, reiterated Government's commitment to repair the damage caused to the economy during the recent past and to work tirelessly for rapid economic development, for removal of poverty and social inequalities and for implementation of the 20-point economic programme. The Government needed some more time to assess the damage suffered by the economy and to evolve a coherent medium-term strategy for the revival and restoration of its health. Systematic efforts were being made to improve the functioning of vital infrastructure sectors such as coal, power, ports and Railways since the Government assumed office. A Cabinet Committee on Industrial Infrastructure had been able to identify some short-term solutions designed to improve their working. Besides, vigorous efforts were being made to augment supplies of essential commodities like vegetable oils, kerosene and diesel and to ensure their equitable distribution. Through a more effective functioning of the Public distribution system and systematic

*The Members who participated in the discussion were Sarvashri S.B. Chavan, Bhagwat Jha Azad, M. M. Lawrance, Dr. Rajendra Kumari Bajpai, Sarvashri Y. S. Mahajan, and Jamilur Rahman, Professor Narain Chand Parashar, Sarvashri D.S.A. Sivaprakash, Virdhi Chand Jain, Mool Chand Daga, Ramavater Shastri, Tapeshwer Singh, G. M. Banatwalla, C. Chinna-swamy and Swami Indervesh.

efforts to curb hoarding and blackmarketing, Government was trying to contain the pressure on the prices of the commodities which were in short supply.

The overall budgetary gap at the existing rates of taxation would be Rs. 1235 crores. While seeking to continue the existing rates of income-tax for the financial year 1980-81, the Finance Minister proposed to exempt from income tax the income of all statutory corporations or bodies wholly financed by the Central and State Governments and established for promoting the interests of the Scheduled Castes and Scheduled Tribes and also for awards for outstanding work in alleviation of the distress of the poor, the weak and the ailing. He proposed to continue the tax exemption to the residents of Ladakh for another period of 3 years.

The House commenced discussion on the Budget, the Demands for Grants on account and the Supplementary Demands for Grants for 1979-80 on March 12, 1980, together. Initiating the discussion, Shri Charan Singh said that the contention of the Minister of Finance that the Government had inherited a stagnant economy was factually incorrect. A look at the past figures would reveal that the increase in the national income was 5.2 per cent in 1977-78 and 4.1 per cent in 1978-79, while during Congress rule from 1951 to 1977, the compound rate of increase in national income was only 3.6 percent. The discussion continued for three days in which as many as 36 Members participated. Participating in the resumed discussion on March 13, Shri Indrajit Gupta wanted the Government to spell out the measures to combat the uncontrollable inflation and galloping prices.

Replying to the debate on March 14, 1980 Shri Venkataraman made it clear that in the interim budget one could not give any indication of the policies without backing it up by proposals for fulfilling them with adequate provision. Although the *'Economic Survey'* had not preceded presentation of the Budget, some of the priorities such as emphasis on the 20-point programme and on the weaker sections of the society had been clearly indicated. He said that restrictive credit policy would be followed to control the expansion of money supply. It would, however, be ensured that the credit curb, which was absolutely necessary in the circumstances, did not affect the expansion of production in the country. Introduction of an efficient

*The Members who participated in the discussion were Sarvashri D. L. Baitha, Sunil Maitra, Laxman Karma, Mrutyunjaya Nayak, Lakshman Mallick, Satish Agarwal, Xavier Arakal, Harish Rawat, Dharam Bir Sinha, G. L. Dogra, S.R.A.S. Appallanaidu, K. Arjunan, Dalbir Singh, P. K. Thungon, Chitta Basu, P.V.G. Raju, N. Soundrarajan, Kusuma Krishna Murthy, Shivkumar Singh, Uttambhai H. Patel, M. Ramgopal Reddy, C. Palaniappan, Dileep Singh Bhuria, A. K. Roy, K. T. Kosalram Zainul Basher, Ram Nagina Misra, T. R. Shamanna, Dr. Krupasindhu Bhoi, Harikeesh Bahadur, Sunder Singh, Krishan Dutt and Prof. Nirmala Kumari Shaktawat.

distribution system of controlled and scarce commodities, use of the Preventive Detention Act against hoarders and blackmarketeers and import of commodities like cement and edible oil which were in short supply, were some of the other measures to be taken in this direction. He reiterated Government's commitment to the principles of planning and said that adequate provision had been made to see that the plan process was not in any way affected. The current year's plan would be dovetailed into the total plan for the year 1980-85.

After discussion the Demands for Grants in question were voted in full.

State Budgets—General Discussion: On March 14, 1980, the Minister of Finance, Shri R. Venkataraman presented to the Lok Sabha the Budgets for 1980-81 in respect of the Centrally-ruled States of Assam, Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh. The discussion on the Budgets was held on March 15, 17 and 18, 1980. On the first day, March 15, the House discussed the Budgets of Assam, Bihar, Gujarat and Madhya Pradesh.

Replying to the discussion on the Assam Budget, Shri R. Venkataraman said that the present situation in Assam was very delicate and the whole issue was being handled by the Prime Minister at her level. She had held two meetings with the Leaders of the Opposition in the Parliament and some consensus had been arrived at. The matter was still under negotiations with the students of Assam and the Government was doing its utmost to see that some reasonable solution was arrived at by discussions and mutual consultations.

On the Bihar Budget, Shri Venkataraman said that efforts were being made to improve the economic conditions in the State. In order to alleviate the sufferings caused by drought, sufficient allocation of food-grains had been made under the Food-for-Work-Programme. He assured the House that the Centre would provide the necessary funds for the Ganga Basin Works Scheme.

On the Gujarat Budget, the Finance Minister said that there was a welcome step-up in the Plan Outlay of the State for 1980-81 for its economic development. Provision had been made for the supply of 41,000 tonnes of food under the normal Food-for-Work Programme and an additional 7500 tonnes under a special programme for the drought affected areas. The provision had been substantially increased for tribal welfare schemes.

Winding up the debate on the Madhya Pradesh Budget, Shri Venkataraman said that in pursuance of the directions of the Committee of Secretaries, which recently toured the drought affected areas, the State Government had been asked to provide employment only through the muster roll and not through the contractor.

The Budget of the States of Maharashtra and Orissa were discussed on March 17, 1980. The Minister of Finance, replying to the discussion on the Maharashtra Budget, said that the Plan outlay for the State had been increased from Rs. 762.5 crores to Rs. 801 crores. In order to meet the drought situation in the State, a special allotment of 55,000 tonnes under the Food-for-Work-Programme had been made.

In regard to the Orissa Budget, Shri Venkataraman said that the Centre was doing its best to relieve the distress in the State. The Central assistance to the State had been raised to Rs. 145 crores for 1980-81 as against Rs. 119 crores for 1979-80. He assured the House that the Centre would also consider the question of increasing the investment in the State as and when appropriate and viable projects came up. The proposal to set up a steel plant at Paradip was also under the active consideration of the Government.

The discussion on the Budgets of Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh was held on March 18, 1980.

Replying to the discussion on the Punjab Budget, the Finance Minister claimed that power generation would go up to 1549 megawatts during 1980-81. On the demand for setting up heavy industries in the State, the Minister was not in favour of giving blanket permission for starting such industries without examining their viability.

Replying to the debate on the Rajasthan Budget, the Finance Minister informed the House that enough assistance had been given by way of both food for work programme as well as cash allotment to the State. He assured the House that all the on-going projects assisted by the World Bank or the International Development Association would, however, be fully financed. High priority was also being given to the Rajasthan Works Project, he announced.

Winding up the debate on the Tamil Nadu Budget, Shri Venkataraman said that power shortage in the State was partly due to the low utilization of the thermal power stations at Ennore, Tuticorin and Neyveli. A team of experts was being sent to those stations to set them right. Under the normal "Food for Work" programme, 73,000 tonnes of foodgrains had been allocated to the State which appeared to be sufficient.

Replying to the debate on the Uttar Pradesh Budget, the Finance Minister informed the House that the plan provision for the State had been increased from Rs. 807 crores to Rs. 850 crores. Irrigation and Power accounted for 5.5 per cent of the total outlay. It would, however, be open to the new Government after the Assembly elections to rearrange priorities, he added.

Replying to the criticism that the support price of wheat fixed at Rs. 117 per quintal was not enough, the Minister disclosed that it had been fixed by the Agricultural Prices Commission after taking into account the cost of production and other factors.

Atrocities on Harijans and Adivasis: The atrocities on Harijans and Adivasis was the subject matter of a discussion raised under Rule 193 on March 13, 1980, by Professor Madhu Dandavate. He was of the view that the atrocities on these classes had both the caste and class considerations. Suggesting possible solutions to the problem, he proposed the revival of the National Integration Council, confiscation of property of those found guilty of committing such atrocities: payment of adequate compensation to the victims, disarming the landlords, treating illegal eviction of Harijans and Adivasis from their lands as a cognisable offence and giving a statutory status to Scheduled Caste Commission.

In a brief discussion which ensued, ten members* participated. Shri Ram Vilas Paswan demanded that the subject of atrocities on Harijans should be brought under the Concurrent List of the Constitution. Shri Buta Singh, on the other hand, pleaded that it should be handled by the Central Government. Shri R. R. Bhole suggested imposition of collective fines on *Mukhias and Patels*. Shri T. Nagaratnam was in favour of setting up Special Courts in each district for expeditious disposal of cases involving atrocities on Harijans. Shri Indrajit Gupta held that such problems would continue till such time the question of possession of land was solved. Shri Dharam Bir Sinha called for the appointment of a Parliamentary Committee to go into the matter.

Intervening in the discussion, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana, said that many of the suggestions made by Members including the revival of National Integration Council were already under the active consideration of the Government. The Prime Minister was deeply interested in the welfare of Scheduled Castes and Scheduled Tribes. The 20-point programme and tribal sub-plans had since been started by the Government for their welfare and overall development.

Referring specifically to the Pipra incidents, Shri Makwana said that at the request of the State Government, the High Court of Bihar had appointed a special judge for trying this case. The State Government expected that

*The members who participated in the discussion were Sarvashri Ram Vilas Raswan, Buta Singh, P. R. Bhole, T. Nagaratnam, Indrajit Gupta, Dharam Bir Sinha, Baleshwar Ram, Mukunda Mandal, Mool Chand Doga, and Yogendra Makwana.

the trial would be over within two months. The Central Government had issued guidelines to the State Governments regarding trial of such cases by special judges. The Minister assured the House that the Government had taken all precautions to see that such incidents did not occur in future in the country.

The Prime Minister, Shrimati Indira Gandhi, who replied to the discussion shared the concern expressed by Members. She reiterated that it was the responsibility of the Government to assure Harijans and tribals of full protection and to see that the guilty persons are punished. While the Government was committed to protect its citizens, the Prime Minister said, it was the responsibility of all to work towards ending the evils of casteism and communalism. It has to be a people's movement and must be tackled at local levels. She appealed to the Members to create an atmosphere where people would not be have in such barbarous manner, however much their feelings were aroused.

Productivity Linked Bonus to P&T Employees and Workers of Defence Production Establishments: Making a statement on March 14, 1980, the Minister of Communications Shri C. M. Stephen announced that the Government had decided to pay bonus linked to productivity to the employees working in the P&T Department. He declared that an *ad hoc* payment of 15 days' wages would be made in the year 1979-80, as a measure of goodwill towards the staff for agreeing to the principle of bonus linked to productivity. A formula for determining productivity of the employees had been evolved and would be applied for payments of bonus from 1980-81 onwards. The scheme would cover casual labour and Extra Departmental Employees. The total expenditure on this account during 1979-80 would be about Rs. 13.60 crores and would benefit about 7.5 lakh employees.

On March 28, 1980, the Minister of State in the Ministry of Defence, Shri C. P. N. Singh informed the House that the Government of India had already accepted the scheme for the grant of productivity linked bonus to the workers of Defence Production Establishments also. As a token of appreciation of the employee's representatives accepting the scheme, the Government had decided to make an *ad hoc* payment equal to fifteen days' wages during the current financial year. The proposal for grant of bonus to other categories of civilian workers in Defence Establishments was under consideration separately, the Minister added.

Drought Conditions in the Country: Making a statement in response to a Calling Attention Notice by Shri K. Lakkappa, the Minister of Agriculture and Rural Reconstruction, Shri Birendra Singh Rao said on March 17, 1980 that although the rainfall was deficient in 16 States, 11 States were particularly hard hit. Central teams had visited all the affected States

for an on-the-spot assessment of the drought situation. On the basis of the reports of the teams and on the recommendations of the High Level Committee on Relief, an amount of Rs. 156.95 crores had been approved as Central assistance to these States. To enable farmers in the drought affected States to recoup part of the loss sustained during the Kharif season by raising a good rabi crop, short term loans worth Rs. 76.50 crores had been provided. Under the normal Food for Work Programme, 12.51 lakh M. T. foodgrains had also been allocated. A Food for Nutrition Programme with an allocation of 1 lakh M. T. foodgrains had also been launched for the benefit of the vulnerable sections of the population like pre-school children, expectant and nursing mothers, old and infirm persons and the physically handicapped individuals.

The Government was keen to ensure that there was no let up of the relief operations by the State Governments and that the relief reached those for whom it was meant. With the co-operation of the State Governments who were implementing the relief operations, the Central Government hoped to tide over the situation.

Answering questions, the Minister assured the House that within the next 10 years every village presently with no drinking water source, would be supplied with drinking water.

Twenty-Fifth Report of the Commissioner for Scheduled Castes and Scheduled Tribes: On March 19, 1980, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana moved a motion in the House that the Twenty-Fifth Report of the Commissioner for Scheduled Castes and Scheduled Tribes be taken into consideration. He observed that the report contained a number of valuable suggestions.

Referring to the atrocities on Harijans, the Minister said that the economic backwardness of these classes was mainly responsible for this situation. The Government were keen about their economic upliftment and a number of schemes had been evolved for this purpose. He informed the House that at the State levels, Scheduled Castes Welfare Corporations had since been formed and the Central Government was providing more funds to them. A tribal sub-plan for the upliftment of the Scheduled Tribes and a special component plan for the upliftment of Scheduled Castes in all the States was in operation since 1975. The Civil Rights Protection Bill, passed in 1975, also provided protection to these Communities.

The Minister urged the religious leaders of the country to take interest in the Welfare of these Communities and sought their co-operation for removal of untouchability.

Participating in the resumed discussion on the subject on March 20, 1980, Shri C. T. Dhandapani suggested that there should be a Central legislation to give incentives to those who married a Harijan boy or a Harijan girl.

Replying to the three-day discussion on March 21, 1980, in which as many as 43* members participated, Shri Makwana felt that the present outlay of 4 per cent or 4.68 per cent earmarked for Scheduled Castes and Scheduled Tribes was meagre and he would impress upon the State Governments to augment the amount.

Detailing further the various steps taken by the Government for the welfare of Scheduled Castes and Scheduled Tribes, the Minister informed the House that the Chairmen of all the Banks were being asked to implement the differential rates of interest scheme introduced under the 20-point programme for economically backward and down-trodden people. The total outlay of the tribal plan had also been increased in the Sixth Plan, he announced. To remove the problem of land alienation faced by the tribals, regulations had been framed under the 5th schedule of the Constitution to ensure that land was not transferred from tribals to non-tribals without the approval of the competent authority.

Supply of Nuclear Fuel by the USA for Tarapur: Making a statement on March 20, 1980 in response to a Calling Attention Notice by Shri Ram Gopal Reddy, the Minister of External Affairs, Shri P. V. Narasimha Rao, told the House that the October-1963 Cooperation Agreement between the Governments of the two countries had committed the U.S. Government to provide fuel supplies as needed throughout the lifetime of the Tarapur Station, till October 1993.

According to Shri Rao, the supplies of enriched uranium for use as a fuel at Tarapur were being made fairly regularly until early 1976. Since then, there had been considerable delays in fuel shipments. While the U.S. Government had not so far finally refused to make available supplies of fuel for the Tarapur Station, there had been persistent delays in supplies

*The Members who took part in the discussion were: Sarvashri Chandrajeet Yadav, Kusuma Krishna Murthy, Eduardo Faleiro, Krishna Chandra Halder, Suraj Bhan, Arvind Netam, D. P. Yadav, Dileep Singh Bhuria, P. K. Kodyan, Giridhar Gomango, R. R. Bhole, A. C. Das, Harikesh Bahadur, N. E. Horo, Ram Lal Rahi, Harish Rawat, Jagpal Singh, Ram Pyare Panika, Hiralal, R. Parmar, Pius Turkey, Uttam Rathod, Rajnath Sonkar Shastri, Dalbir Singh, Mahabir Prasad, Bheekhabhai shibu Soren, Ranjit Singh, Maganbhai Barot, K. Pradhani, R. N. Rakesh, Bapusaheb Parulekar, A. R. Mallu, Mool Chand Chand Daga C. Chinnaswamy Ram Swaroop Ram, Godil Prasad Anuragi, Narsinh Makwana, Chintamani Jena, Buta Singh, Smt. Sahodrabai Rai, Smt. Vidya Chennupati and Smt. Bibha Ghosh Goswami.

during the last four years. Two export licence applications for 19.8 tonnes each of enriched uranium were currently pending with the U.S. authorities. India had repeatedly expressed grave concern to the U.S. Government on the inordinate delays in approving fuel supplies for Tarapur. The terms of the Cooperation Agreement could not be changed unilaterally by either party. The Government of India had abided by the Agreement in its letter and spirit, the Minister added. He assured the House that the Government of India was prepared to meet any contingency arising from the non-supply of fuel.

Answering questions, the Minister said that alternative methods were available but so far the Government had not taken any decision to abrogate the Agreement and go ahead with the other alternative. He expressed the hope that it would be possible for the Government to get the USA to honour their side of the obligation and go ahead with the shipments.

Demonstration in West Bengal and situation in Assam: In a statement made on March 21, 1980, the Prime Minister, Shrimati Indira Gandhi expressed sympathy with the genuine grievances of the Assamese people. At the same time, she said the Government were also well aware of the hardships which the agitation in Assam was causing to certain sections of the people in Assam itself, in West Bengal and in other parts of the country. The Government could not ignore the genuine apprehensions and fears which had arisen in the minds of people in West Bengal. She reiterated her own and the Government's desire that nothing should be done which could lead to an aggravation of the situation both in Assam and in West Bengal. She expressed the hope that "the students and youths of Assam would appreciate the concern felt in other States and the difficulty which all the people of India were experiencing and respond by showing responsibility and moderation".

The matter came up for discussion again in the House on March 26, 1980 on a Calling Attention Notice by Shri K. P. Unnikrishnan regarding the "economic blockade in Assam and tension arising therefrom".

Making a statement, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana recalled that while speaking on a reference to threat of blockade in Assam on March 19, the Prime Minister had made it clear that Government was not in favour of any steps which would increase tension or aggravate situation. Again, on March 21, she had reiterated that situation demanded restraint and expressed the hope that the situation in West Bengal would be peaceful.

Shri Makwana said that the immediate objective of the Government was to defuse the situation and restore normalcy in the entire region and for that he appealed to all concerned not only to maintain peace and harmony, but also to exercise restraint and desist from taking any step which

would make the task of restoring normalcy in Assam more difficult. The Minister also reiterated an appeal by the Prime Minister to students and other organisations in Assam "to appreciate the concern felt in other parts of the country over their prolonged agitation and the difficulty which all the people of India are experiencing and respond by calling off their agitation".

Intervening in the discussion, the Prime Minister, Smt. Indira Gandhi observed that happening in West Bengal was a reaction to what had happened in Assam. She again stressed that "nothing should be done to aggravate the situation, but if the Assam situation continues, it would not be contributing in any way at all to national unity or to creating a sense of safety or security in the minds of the neighbouring areas either".

President's Proclamation in relation to nine States: On March 25, 1980 the Minister of Home Affairs, Shri Zail Singh moved a Resolution seeking approval of the House for the Presidential Proclamation in regard to nine States, viz., Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh, wherever President's rule has been imposed in these States.

Commending the Resolution to the House, he recalled that in 1977 also, nine State Assemblies were dissolved and the Supreme Court had upheld the decision. Some persons had now moved the High Courts in the matter and these Courts had upheld the action of the President.

Opposing the Resolution, Shri Indrajit Gupta pointed out that the Government had done away with the tradition and convention of circulating the copy of the report of the Governor on the breakdown of law and order situation in the State or the inability of the State Government to carry on the Government in accordance with the Constitution.

Shri C. T. Dhandapani, however, felt that the dissolution of Assemblies was in accordance with the federal principles.

Intervening in the discussion on March 26, 1980, the Minister of Communications, Shri C. M. Stephen contended that the action of the Government in dissolving the nine State Assemblies was "constitutionally valid, politically absolutely on solid grounds and ethically completely sustainable". In support of his contention, he said that it had been accepted all along that when the elected Assemblies or Parliament lost the backing of the people, there came an opportunity for referring back to the sovereign political authority, namely, the people. It was admitted that the people's backing was necessary for the legislature to live. The Supreme Court had also held that the purpose of constitution and laws was certainly to give electors a periodic opportunity of choosing their legislature and thereby determining the character of their State Government. The State Assemblies

of Haryana, Himachal Pradesh and Karnataka had not been dissolved as the Assemblies and the people of those States were not at variance.

Winding up a two-day debate in which 28* Members participated, Shri Zail Singh maintained that highest principles of democracy were kept in view while recommending dissolution of the nine State Assemblies by the President. The main reason for dissolution of the Assemblies was that the people lost faith in them.

Referring to the contention of some Members that the Congress (I) did not get majority of votes in the States in question, the Home Minister pointed out that the structure of democracy in the country was such that instead of the number of votes polled by a party, the number of members belonging to that party, who had been elected was taken into account. The ruling parties in various States had only a small portion of votes cast. State-wise break up was Bihar-23.5 per cent, Gujarat-36.85 per cent, Madhya Pradesh-31 per cent; Maharashtra 32 per cent, Orissa 19 per cent and Punjab 23 per cent.

Diplomatic Recognition to the Office of P.L.O. in New Delhi: Making a statement on March 26, 1980, the Minister of External Affairs, Shri P. V. Narasimha Rao informed the House that it had been decided to accord full diplomatic status to the office of the Palestinian Liberation Organisation in New Delhi. India, he said, had been amongst the very first countries, outside the Arab world, to recognise the P.L.O. and to permit them to establish their office in New Delhi in 1975. Over the years, not only by words but also by deeds the people of India had demonstrated their sympathy, affection and brotherly feelings for the Palestinian people. India had not only all along supported the Palestinian cause in the United States and in every international forum, but continued to maintain that no comprehensive settlement of the West-Asian problem was possible without the involvement of the P.L.O. as an equal partner in negotiations.

Steep rise in prices of essential commodities: On March 27, 1980, the House held discussion on two separate motions moved by Professor Madhu Dandavate and Shri Jyotirmoy Bosu on the steep rise in the prices of essential commodities.

Initiating the discussion, Professor Dandavate called for urgent steps to bring down the prices. He advocated demonetisation of lower currency

*The Members who participated in the discussion were: Sarvashri Rasheed Masood, Mohan Lal Sukhadia, Gulsher Ahmed, Somnath Chatterjee, Chintamani Panigrahi, Shivraj V. Patil, V. Kishore Chandra S. Deo, Jaideep Singh, Virdhi Chand Jain, Harish Kumar Gangwar, Frank Anthony, R. R. Bhole, Maganbhai Barot, Chandra Pal Shailani, Brajmohan Mohanty, Mool Chand Daga, Atal Bihari Vajpayee, Sanjay Gandhi, Harish Rawat, George Fernandes, Shiv Prasad Sahu, H. K. L. Bhagat, Chitta Basu, S. A. Doraj Sebastian and Chiranji Lal.

along with other package measures such as restriction on the accumulation of gold, ceiling on income, property and expenditure and acceptance of the Raj Committee's recommendations to club agricultural and non-agricultural income for the purpose of taxation. Shri Jyotirmoy Bosu, on the other hand, stressed upon the need for creation of a net-work of public distribution system in three months' time.

Speaking on the motions, Shri Indrajit Gupta attributed uninterrupted price rise and inflationary pressure to lack of fiscal discipline.

The discussion continued for more than five hours in which 15 Members participated.* Intervening in the discussion, the Minister of Commerce and Steel and Mines and Civil Supplies, Shri Pranab Mukerjee subscribed to the view that the price situation today in the country was disturbing. He attributed the high prices to the fiscal policy introduced by the previous Government through the budget. The import of crude and petroleum products was another factor contributing to the price rise as two-thirds of foreign exchange had to be spent on their import.

For tackling the problem of rising prices, both short-term and long-term measures were required to be taken. Short-term policy included measures like improvement in the public distribution system and making available essential commodities to the large sections of the community through organised retail outlets at reasonable prices. The long-term policy envisaged augmenting the production and improvement in the quantum of availability of commodities. The Government, he added, proposed to have a permanent distribution system and for that purpose had asked the State Governments to make use of whatever agency was available—panchayats, co-operative societies, other registered organisations, fair price and public distribution shops etc.—for arranging limited distribution of certain essential consumer goods like edible oil, sugar, standard cloth, paper for exercise books, match boxes etc.

The Motions were later negatived.

B. LEGISLATIVE BUSINESS

Finance Bill, 1980: On March 14, 1980, the Minister of Finance, Shri R. Venkataraman moved that the Finance Bill 1980, be taken into consideration.

In a brief discussion which ensued, Shri Indrajit Gupta, among others, asked the Government to spell out clearly as to how they proposed to

*The members who took part in discussion were: Sarvashri H. K. L. Bhagat, P. Rajgopal Naidu, Chandrajeet Yadav, B. K. Nair, M. Ram Gopal Reddy, A. M. Velu, Shiv Prasad Sahu, K. Mayathevar, Mool Chand Daga, Chitta Basu, S.R.A.S. Appalanaidu, R. K. Mhalgi and Y. S. Mahajan.

ensure, the fruits of the new credit institutions to the landless people and the poor, small and marginal farmers:

Replying to the discussion, Shri Vankataraman said that Government aimed at controlling of resources in such a way that it did not affect the social weal and the country's economic development and growth. The Government, he added, would carry out a complete review in regard to indirect taxes. The pros and cons of taxation of the richer agriculturists would also be gone into. The Government would also ensure that public sector produced certain returns commensurate with investment. The Bill was later passed by the House.

C. THE QUESTION HOUR

During the Second Session of the Seventh Lok Sabha, 4568 Notices of Questions (3394 Starred, 1013 Unstarred and 161 Short Notice Questions) were received. Out of these questions, 262 Starred, 2278 Unstarred and one Short Notice Question were admitted. After the Lists of Questions were printed, 3 Starred and 21 Unstarred Questions were transferred from one Ministry to another.

Daily Average of Questions in the List of Questions and Questions orally Answered: Each Starred List contained 20 questions except those of 13.3.1980, 20-3-1980 and 26-3-1980 which contained 21 questions each, the additional question being a transferred question from another date. On an average, 6 questions were orally answered daily on the Floor of the House. Maximum number of Starred Questions orally answered was 8 on 13-3-1980 and 20-3-1980 and the minimum number of questions answered orally was 3 on 11-3-1980. The average number of questions in the Unstarred List came to 175 as against the prescribed limit of 200 questions. However, Lists of Unstarred Questions for 17.3.1980, 26.3.1980 and 27.3.1980 contained 202, 201 and 203 questions respectively, the questions in excess of 200 being those which pertained to matters falling in the jurisdiction of States under President's rule. (When States are under President's rule, the number of Questions in Unstarred List can be upto 225).

Half-an-Hour Discussions: In all, 30 notices of Half-an-Hour Discussions were received during the session. Normally, Half-an-Hour Discussions on matters arising out of answers to questions are held on 3 days in a week, namely, Monday, Wednesday and Friday in Sessions other than Budget Session. Till the 18th March, 1980, the House was engaged in disposing of

urgent financial business both of the Central Government and the States under the President's Rule and no Half-an-Hour Discussion was, therefore, fixed. On 20.3.1980 the House agreed to the recommendation of the Business Advisory Committee that two Half-an-Hour Discussions might be taken up during the last week of the Session after 6 P.M., Accordingly, these Discussions were held on March 26 and 28, 1980 on 'Enquiry into gold auction' and 'Shipyard at Haldia,' respectively.

RAJYA SABHA

(HUNDRED AND THIRTEENTH SESSION)

The Rajya Sabha met for its hundred and thirteenth session on Tuesday, March 11, 1980. Some of the important subjects discussed during the session are briefly mentioned below:—

A. DISCUSSIONS

Atrocities against Scheduled Castes and Backward Classes: On March 11, 1980, Shri Ramanand Yadav called the attention of the Minister of Home Affairs to the atrocities committed against persons belonging to Scheduled Castes and Backward classes with particular reference to the recent incidents in Narainpur, Parasbigha and Pipra.

The Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana, said in a statement that Government of India felt the deepest concern about atrocities committed against the members of Scheduled Castes who were particularly in a weak and vulnerable position, and about such crimes against backward classes and all other weaker sections of society. The Government were determined to put an end to all such crimes.

The Harijan Tola of Pipra, Patna District, Bihar, was the scene of the carnage of 14 members of the Scheduled Caste Community at the hands of a mob from neighbouring villages, on February, 25 and 26. Besides, two Harijans were injured and the mob burnt 26 houses. The administration was instructed to take effective action to curb such atrocities in the State. A number of other specific measures were discussed and the State Government were taking action along those lines. A charge sheet in the case had been submitted in the court. A sum of Rs. 35,000 had been granted to the families of the deceased and to the injured. The Prime Minister had also sanctioned Rs. 2 lakhs from the Prime Minister's Relief Fund.

According to the report of the State Government, it appeared that the incident in Narainpur was sparked off by the death of a woman named Smt. Baksali of village Narainpur on January 11, 1980 in a bus accident. The transport company owning the bus involved in the accident had been persuaded to give Rs. 5,000 compensation to the family of the deceased. Another Rs. 4,000 had been given as compensation to the family by the State Government. 42 villagers had also been compensated financially to the extent of Rs. 31,750. The Prime Minister had already visited the

village on February 7, 1980. A committee of M.Ps. had also visited the village to restore confidence of the residents.

According to the information furnished by the State Government a mob armed with rifles and other deadly weapons surrounded village Parasbigha on the night of February 6 and 7, 1980 and committed arson and murders resulting in the death of 11 persons including 4 women. Of the 9 persons who were hospitalised, one succumbed to his injuries. A case was registered in the Jahanabad Police Station under the IPC and the Arms Act against the offenders. 26 persons had so far been arrested. Action to apprehend the 49 absconders was being taken by the State Government. Investigation in this case was expected to be completed shortly.

Replying to the points raised by hon. Members, the Minister assured the House that the Government had taken both preventive as well as long-term measures to prevent recurrence of such incidents.

So far as Parasbigha was concerned, the State Government had already set up a one-man inquiry Committee. After its report was received, Government could take necessary action against whosoever was responsible. About carrying out reforms in the police administration, the reports were under the study of the Government.

*The Budget (Railways) 1980-81**: On March 12, 1980, initiating the discussion on the Budget (Railways) 1980-81, Shri Sunder Singh Bhandari demanded that the report of the National Transport Enquiry Committee and the final report of the Railway Tariff Enquiry Committee should be made available to the Members before the Minister presented the budget again so as to facilitate the work of the Members.

He added that no target had been fixed to improve the passenger amenities, which at present were at their worst. The passenger trains did not start according to schedule and reached their destinations as much as 24 hours late. Greater attention should be paid to this aspect. He also wanted to know what steps were being taken by the Railways to check overstaffing, especially of the supervisory staff.

Replying to the discussion,** the Minister of State in the Ministry of Railways, Shri C. K. Jaffar Sharief, said that as a result of the new orientation and fresh dynamism now provided to the Railway Management, things were again looking up and silver lining under the dark clouds was

*Laid on the Table of the House on March 11, 1980.

**Other Members who participated in the discussion were Sarvashri Sunder Singh Bhandari, Khurshed Alam Khan, S. W. Dhabe, Nageshwar Prasad Shahi, Mahendra Mohan Mishra, Jagit Singh Anand, Shrimati Kanak Mukherjee, Sarvashri Jaharlal Banerjee, Hari Shankar Bhabra, Laddi Mohan Nigam, V. Gopalsamy, Shyam Lal Yadav, Shiva Chandra Jha, Mulka Govinda Reddy, M. Kedarshah, Kalp Nath Rai, Amarprasad Chakraborty, Syed Shahabuddin, Shrimati Sushila Shankar Adivarekar, Prof. Sourendra Bhattacharjee, and Sultan Singh.

already visible. Punctuality of trains had considerably improved, and the availability of coal to the thermal power stations was progressively increasing. It was hoped that things would further improve and the Railways would once again start earning the same appreciation which they had earned during 1976-77.

The Minister informed the House that a decision had been taken to revive the scheme of apprentices' recruitment and necessary instructions had already been issued to the Railway Administration. He added that very intensive efforts were being made by the State Police to ensure passenger safety and to apprehend criminals. A scheme for computerisation of passenger seat reservations was also under consideration. The Tirunelveli-Nagercoil line would also be completed by June 1980. In the past five years, the Minister said, the increase in the staff had not kept pace with the huge increase in the volume of traffic handled by the Railways.

*The Budget (General), 1980-81** : On March 13, 1980, initiating the discussion on the Budget (General), 1980-81, Shri Ghanshyambhai Oza said that the Government had not presented a full-fledged Budget because they were afraid that budget proposals might adversely affect the election prospects of the Congress (I) party in the States. The entire approach of the Government was based on party politics.

Problems which the country was facing, he said, were very serious and the Finance Minister had sought the cooperation of all the sections of the House for solving those problems. Such cooperation had certain implicit commitments. The Minister should come out with a promise that all democratic institutions and democratic norms would be preserved not only in word but in spirit also.

Prices and unemployment were going up. Law and order situation was very grave and people were suffering a lot. Slums were coming up every day and everywhere. Public debts were mounting year after year. Government must ensure that these debts were invested in productive activities.

Replying to the discussion** on March 17, 1980, the Minister of State in the Ministry of Finance, Shri Jagannath Pahari said that the Government had presented the interim Budget and the regular Budget would

*Laid on the Table on March 11, 1980. Discussion started on March 13 and concluded on March 17, 1980.

**Other Members who took part in the discussion were: Prof. D. P. Chattopadhyaya, Sarvashri Shankar Ghose and Rabi Ray, Dr. Malcom S. Adiseshiah, Sarvashri Kalraj Mishra, Ramanand Yadav, Narasingha Prasad Nanda, Nathi Singh, Shiva Chandra Jha, Sultan Singh, Kalyan Roy, P. Ramamurti, V. Gopalasamy, Santosh Kumar Sahu, E. R. Krishnan, Ram Lakhan Prosad Gupta, K. K. Madhavana Sadashiv Bageikar, Budha Priya Maurya, Kalp Nath Rai, Prof., Ram Lal Parikh, Sarvashri Ladli Mohan Nigam and V. B. Raju.

be presented after some time because Government, before preparing and presenting the regular Budget wanted to assess the latest position of the Indian economy, which had suffered a lot of damage during the last 3 years.

Commending the 'food for work programme', the Minister observed that it helped the poor people and as such would be continued; more money would be made available for this programme, he assured. The Minister further told the House that the Government did not propose to introduce a 'Plan holiday'. It had rather increased the allocation for Central Plan in the Interim Budget. The Government was taking every step to control the prices which had shown a steep rise during the previous regime. Supply of coal and power to factories was being improved and efforts were being made to supply more electricity and diesel to farmers. Public distribution system was also being streamlined. Being conscious about the rural development, a National Rural Bank would be established by the Government which would advance loans to poor and marginal farmers at lower rate of interest, the Minister told the House. For this purpose, a loan of Rs. 10 crores would be advanced to the State Governments who would in turn spend that amount for advancing loans to farmers for house building purposes, he concluded.

Atrocities on Agricultural Labourers belonging to Scheduled Castes in Moradabad: On March 19, 1980, Shri Dinesh Goswami called the attention of the Minister of Home Affairs to the situation arising out of the incidents of atrocities on agricultural labourers belonging to Scheduled Castes in a locality on the outskirts of Moradabad city in Uttar Pradesh on March 15, 1980.

Making a statement, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana, told the House that according to the information received from the State Government, this was not a case of atrocity on agricultural labourers. The State Government had, on the other hand, reported that the huts were put up by Harijans, mostly belonging to the public sanitation staff of the local Municipal Board.

Replying to the points raised by the hon. Members, the Minister of Home Affairs, Giani Zail Singh agreed with the suggestion of a Member that the Centre could not wholly depend on the version given by the State Government and it must make inquiry on the basis of its own sources. As such, the Minister of State in the Ministry of Home Affairs would go there shortly to inquire into the whole incident.

The Minister agreed to another suggestion made in the House that the amount of compensation sanctioned for 73 houses was very meagre and inadequate and assured that the Government would review the position. A meeting of the Governors and Chief Ministers would also be held

to discuss and decide as to how the atrocities against weaker sections of the society could be curbed. The Members were also welcome to give their suggestions for the consideration of the Government in regard to the amendments to be made in the Police Manual which had now become obsolete.

Agitation in Assam on the issue of Foreign Nationals: On March 20, 1980, Shri Kalp Nath Rai called the attention of the Minister of Home Affairs to the situation arising out of the agitation in Assam launched by the All Assam Gana Sangram Parishad and All Assam Students' Union on the issue of foreign nationals and the steps taken by Government to remedy the situation.

Making a statement on the subject, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana said that the prolonged agitation in Assam since September 1977 over the foreigners' issue had caused deep distress and concern to the Government and great suffering to innocent citizens. It had disrupted the normal life and economic activity in Assam and the rest of the country. With the stoppage of refineries in Assam and flow of crude oil to Barauni, serious shortages in diesel and kerosene had been experienced all over the country. Precious foreign exchange had to be spent on importing diesel and petroleum and other petroleum products. In the wake of violent incidents as a result of the agitation, 81 persons had lost their lives and about 15,000 rendered homeless. Soon after taking office, Prime Minister Indira Gandhi had discussed the Assam situation with the Leaders of Opposition and Groups in Parliament in January 1980.

After detailed and extensive discussions with A.A.S.U. and A.A.G.S.P., and understanding had emerged on March 11 that a solution to the problem would have to be found within the framework of the Constitution. It was also agreed that further discussions would continue for determining the modalities and that these discussions would be completed within a period of about two months. On their part, A.A.G.S.P. and A.A.S.U. were to call off the agitation. However, after the preparation of the draft of the understanding the two organizations had some second thoughts. Consequently, no agreed understanding could emerge.

The Minister told the House of the Government's determination that while genuine grievances of the people of Assam should be looked into with sympathy and understanding, it had to be ensured that Indian nationals were not harassed and that the interests of religious and linguistic minorities were adequately protected so that they did not suffer from any sense of insecurity. The apprehensions of neighbouring States had also to be kept in view, he added.

Replying to the points raised by hon. Members, the Minister said that during the period from 1952 to 1979, the total number of infiltrators detected was 3,71,861 of whom 30,610 were prosecuted. India had certain international obligations also, and these also required to be looked into. The Government had to take into consideration all those aspects and then decide the issue. Insofar as the cut-off year was concerned, it was an open issue, he said and added that the consensus of all the political parties was that it should be 1971. The Prime Minister had amply clarified that other factors would be taken into consideration before deciding the cut-off line.

Replying to further points, the Minister of Home Affairs, Giani Zail Singh said that he had talks with all the political parties in Assam twice and the Prime Minister had also consulted all the political parties represented in the Assam Assembly. The Government wanted to tackle this problem through negotiation and persuasion. The Chief Minister of West Bengal had said in a guarded language that he did not like any counter-agitation but the sentiments of the people there were very much aroused. This was not a party issue but a national problem and should be tackled on national level for which the Government needed the co-operation from all sides.

Serious Situation in North-Eastern region of the country due to reported secessionist movement: On March 21, 1980, Shri G. C. Bhattacharya called the attention of the Minister of Home Affairs to the serious situation in the North-Eastern region of the country due to the reported secessionist movement, both armed and unarmed, in that region thereby threatening the national unity and integrity.

Making a statement on the subject, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana, admitted that for some time past, certain developments in some parts of North-Eastern region had been causing concern. From June 1979 there had been a series of violent incidents in Mizoram consequent upon the issue of the 'Quit-Mizoram' notice by the underground elements. Throughout 1979 there had been a series of violent incidents in the Manipur valley resulting in a number of deaths and snatching of arms. Declaration of underground organisations in Mizoram and Manipur as unlawful and operations by Security Forces brought the situation under control and elections could be held without any serious violence.

The Minister went on to say that peace had generally prevailed in Nagaland since the signing of the Shillong Agreement on November 11, 1975. However, Security Forces had been maintaining vigil along the

international border to thwart the designs of a group of underground personnel who had been staying in Burma across India's border. In the wake of agitation in Assam and Meghalaya on the foreigners' issue, some lives were lost in both the States and considerable suffering caused to innocent citizens. These developments had caused distress and concern to the Government.

The Prime Minister had recently approved the setting up of a Committee of Ministers for economic development of the North-Eastern Region. Setting up of an official level Committee to back up the Ministers' Committee had also been approved.

Replying to the points raised by hon. Members, the Minister said that the problem of Manipur was a ticklish one. The land was less in the valley and the population was more. The State Government was recruiting the people from the valley into services. The Government of India had also made a provision for recruiting them.

The Minister of Home Affairs, Giani Zail Singh assured the House that all the suggestions made by the hon. Members would be given due consideration. Had the Government not tackled the situation in North-Eastern region sagaciously, things would have been worse and much more devastation would have taken place there. The Brahmaputra Valley Project would be implemented after peace had been restored in that area. The inter-state boundary dispute between Nagaland and Arunachal Pradesh would be settled amicably, the Minister assured.

Reported Police Firing on Onion Growers in Nasik District: On March 21, 1980, initiating a discussion under Rule 176, Shri Sadasiv Bagaitkar said that firing and lathi charge was made on the onion growers in Pimpalgao-Baswant in Nasik district with the permission of a District Magistrate. The incident was so shocking that it could only be described as a man-slaughter. Two farmers lost their lives. It was alleged that people had tried to put a truck on fire and hence the firing had been resorted to in order to protect the truck. Actually, there was no news of any truck having been burnt. The law and order situation had also not deteriorated there nor was any violent atmosphere prevailing in the town. Twelve rounds were fired indiscriminately and even those who were not involved, were beaten. Passengers, a Government doctor, even students and children, were not spared. As the Maharashtra Legislative Assembly had been dissolved, the matter could not be raised there. The Government had not paid any attention to the movement launched by the onion growers, the Member said.

Intervening in the discussion, the Minister of State in the Ministry of Agriculture, Shri R. V. Swaminathan said that some politically motivated elements had instigated the farmers. He was sorry for the loss of the lives of two farmers and assured the House that guilty officers would certainly be punished and due compensation paid to the families of the deceased. The Government had also ordered the export of the onion which would help the onion growers.

Replying to the discussion**, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana said that it was a matter of great regret and deep anguish that two precious lives had been lost in this incident which, he admitted, was an outcome of an agitation for higher prices of onions. Shri Makwana agreed that it had not happened because of any law and order problem.

Motion seeking revocation of Proclamations issued in relation to the States of Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh and the Resolutions Seeking Approval of these Proclamations.

On March 27, 1980, Shri Bhupesh Gupta moved the following Motion :

“That the House recommends to the President that the Proclamations issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the States of Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh, be revoked”.

Speaking on the Motion, the Member said that not even one Cabinet Member—Giani Zail Singh, Shri Shiv Shankar or even Shrimati Indira Gandhi—had ever claimed or cited the argument under article 356 of the Constitution and they had, of course, not received a single Governor's report to the effect that the constitutional machinery had broken down in any of the above States. As such, the action (of dissolving the State Assemblies) was immoral, unconstitutional, illegal and politically motivated. The whole purpose, according to Shri Gupta, was to justify clearly and blatantly the authoritarian action to sweep away in one single stroke the Assemblies of the nine States in order to prepare the ground for elections in the hope that they would gain a majority in the Rajya Sabha also. The Delhi Metropolitan Council, he said, was the latest victim. He challenged the Government to justify their action in terms of article 356 of the Constitution that there actually was a situation in the nine States where the Governments could not be carried on in accordance with the provisions of the Constitution.

**Other Members who took part in the discussion were: Sarvashri A. G. Kulkarni, R. S. Swaminathan, S. W. Dhabe, Nageshwar Prasad Shahi, Kalp Nath Rai, Ram Lakhan Prasad Gupta, and Indradeep Sinha.

The Minister of Home Affairs, Giani Zail Singh, moved in the House the Resolutions seeking approval of the Proclamations and said that the Resolutions approving the Proclamations had already been passed by Lok Sabha. He now sought the approval of Rajya Sabha for these resolutions as, in his view, these had been issued in accordance with the Constitution and the established conventions. Such dissolutions had also been upheld by the Supreme Court, he added.

The Home Minister further observed that it was the endeavour of the present Government to hold elections in these States as soon as possible so that the people could have representative governments of their choice. The Election Commission had already undertaken the work of revision of Voters' Lists. As it was not possible to hold the elections within the stipulated period of two months, it was necessary to seek the approval of both Houses of Parliament. As the two-month period would end on April 16, 1980, the Government had to bring forward these resolutions. He urged the Members to pass the resolutions and not to oppose them for the sake of opposition.

Replying to the debate on his Motion, Shri Bhupesh Gupta said that the proceedings on this subject in both Houses of Parliament should be reproduced in the form of a pamphlet and put before the public so that the public might know and judge as to who spoke and what. The battle had been fought and this matter should be debated in the whole country in the forthcoming election and otherwise also so that democracy could be defended. The Member appealed to all sections of the House to support his motion—the only sensible, reasonable, honourable and dignified motion—so as to vindicate the honour and prestige of the House.

Replying to the debate,* the Minister of Home Affairs, Giani Zail Singh, said that it was not the voice of the CPI which was the voice of the people but it was the voice of the Congress (I) which was the voice of the people. Among the nine States in which President's Rule had been imposed, in Bihar the ruling party had about 23 per cent votes, and in Gujarat the ruling party had 36 per cent votes while in Madhya Pradesh the percentage was 31, in Maharashtra it was 32, in Orissa it was 19, in Punjab it was 23 and in Rajasthan it was 31 per cent. If the State Assemblies in these States were dissolved and President's Rule was imposed, it was not unjust and unfair.

*Other Members who participated in the discussion were: Sarvashri Era Seziyan, Devendra Nath Dwivedi, V. B. Raju, Mahadeo Prasad Verma, P. Ramamurthi, N. K. P. Salve, Dr. (Shrimati) Sathiavani Muthu, Sarvashri Murasoli Maran, Jagannathrao Joshi, Shrikant Verma, Prof. Sourendra Bhattacharjee, Shiv Shanker, Shrimati Purabi Mukhopadhyay, Prof. D. P. Chattopadhyaya, Sarvashri Sadashiv Bageitkar, Dinesh Goswami, Viren J. Shah, Shrimati Rajendra Kaur and Shri Amarprasad Chakraborty.

The motion of Shri Bhupesh Gupta seeking revocation of the Proclamations was thereafter negated.

All the nine Resolutions moved by the Home Minister seeking approval of the Proclamations were adopted.

3. LEGISLATIVE BUSINESS

The 113th session of Rajya Sabha was devoted substantially to the disposal of financial legislation including the Appropriation (Railways) Vote on Account Bill, 1980, Finance Bill, 1980 etc. Some of the Bills adopted and returned by the House during the Session are as under :

*The Union Duties of Excise (Electricity) Distribution Bill 1980**: On March 18, 1980, the Minister of State in the Ministry of Finance, Shri Jagannath Pahadia, moved the motion for consideration of the above bill.

Replying to the debate,** Shri Pahadia said that distribution of funds between the Centre and the States was always based on the formula known as the Gadgil Formula. The purpose of the Bill was limited to the distribution of funds collected from the generation of power. While distributing other funds also, the backwardness and the poverty of the State was also taken into consideration. For States like Bihar, there were also funds which were made available for relief due to drought or floods, and as when the States came forward with proposals, the Centre always considered them.

The percentage was based on the estimates of power generation in the States. The Bill sought to return the excise duty collected to the States so that they could be helped in resource mobilisation.

The motion for consideration of the Bill and the clauses etc. were thereafter adopted and the Bill returned.

The Finance Bill, 1980†: On March 18, 1980, the Minister of State in the Ministry of Finance, moved in the House the motion for consideration of the Bill and said its limited objective was to continue the existing tax structure until the main Finance Bill for the year 1980 was passed by Parliament and to provide for certain exemptions for income-tax. The Bill also contained certain proposals of a non-controversial nature for

*The Bill, as passed by the Lok Sabha, was laid on the Table of the House on March 17, 1980.

**Members who took part in the discussion were: Sarvashri Shiva Chandra Jha, S. W. Dhabe, K. K. Madhavan and Lakshmana Mahapatro.

†The Bill as passed by the Lok Sabha was laid on the Table of the House on 14th March, 1980.

the amendment of the Income-Tax. It was proposed to extend the income-tax exemption in respect of the residents of Ladakh for a further period of three years.

At present awards for literary, scientific and artistic work or attainment instituted by the Central Government or by any State Government or approved by the Central Government were exempt from income tax. It was proposed to extend this concession to similar awards for outstanding work also.

Replying to the debate* that followed, the Minister of State said that during the last 33 months the Janata Government had not only stopped the schemes and programmes which were initiated by the previous Congress Government, but they had also tried to shatter the whole economy. Hence, it would take some time to revive and to generate the entire economic system of the country.

The motion for consideration of the Bill and the clauses etc, were thereafter adopted and the Bill returned on the same day.

QUESTION HOUR

During this Session, 3456 notices of Questions (3275 Starred, 181 Unstarred and 27 Short Notice questions) were received. Out of these, 254 Starred, 1264 Unstarred and 1 Short Notice question were admitted. After the Lists of Questions were printed, 12 Starred Questions and 45 Unstarred Questions were transferred from one Ministry to another.

Daily average of questions: Each of the Lists of Starred Questions contained 20 questions except that of March 25, which contained 21 questions. On an average, 4 questions were orally answered on the floor of the House per sitting. The maximum number of questions answered orally was 6 on March 18, and the minimum number orally answered was 2 on March 14, 19, 21 and 26.

The average of questions in the Unstarred Lists came to 97.

Half An Hour Discussions

In all, 11 notices of Half-an-hour discussions were received during the Session. Out of these, only one notice was discussed in the House.

(OBITUARY REFERENCES)

During the session, the Chairman made a reference to the passing away of Shri K. Santhanam, ex-Member. The House stood in silence for a minute as a mark of respect to the memory of the deceased.

The House adjourned *sine die* on March 31, 1980.

*Members who participated in the discussion were Dr. Bhai Mahavir Shrimati Saroj Khaparde, Shri Shankar Ghose, Shri Kalyan Roy and Dr. Rafiq Zakaria.

STATE LEGISLATURES
BIHAR LEGISLATIVE COUNCIL*

Adjournment motion regarding Parasbigha incident : The 76th Session of the Council commenced on January 24, 1980. A notice for an adjournment motion regarding the Parasbigha incident given by Shri Kamal Nath Singh and three other members was admitted by the Chairman and discussed by the House on February 8, 1980.

After transacting its business on February 13, 1980 the House adjourned to meet again on February 18, 1980. In the meantime, however, the State of Bihar was placed under President's rule on February 17, 1980. The House could not, therefore, meet on the scheduled date.

UTTAR PRADESH LEGISLATIVE ASSEMBLY**

Dissolution of the House and elections thereto : On February 6, 1980, the Assembly adopted a motion, moved by Shri Shyamdhan Misra that "this House is of firm opinion that there is no propriety to dissolve the House".

Next day, on February 7, 1980, Shri Shatrudra Prakash moved the following motion which was also adopted by the House.

"This House recommend to the Election Commission to postpone all sorts of elections until the voter's lists of Uttar Pradesh are completely corrected."

*Contributed by the Bihar Legislative Council Secretariat.

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

BOOK REVIEWS

COMPARATIVE LEGISLATIVE BEHAVIOUR—Research Explorations in Indian Perspective. By Dr. R. B. Jain. Published by Uppal Publishing House, New Delhi, 1980. 137 pages. Rs. 50.

In recent years, as the author has clearly explained and enumerated in his treatise, a good deal of interest has been taken by scholars of the Western World to study legislative behaviour and deduce several theories in the comparative analysis of legislative systems. Unfortunately, there has not been much work on the subject in India and most of the writings in India about Parliament and the State Legislatures have not gone beyond a descriptive analysis mainly highlighting the procedural aspects and how these legislative bodies functioned in actual practice. The author has, by publishing this book, focussed the attention of Indian scholars to the subject of studying comparative legislative behaviour and has in fact given sufficient indication on what lines researches on this subject could be usefully carried.

The treatise under review comprises four essays on the subject and perhaps it will be useful to summarise what each of these four essays deals with. In the first essay entitled 'Frontiers of Research in Comparative Legislative Behaviour', the author has made very effective and critical study of comparative legislative behaviour with a view to identify what he calls the frontiers of research in comparative legislative behaviour and areas of study in the Indian context. In this essay the author has elaborated how different theories have been successfully developed as a result of each research on the subject in the western world and that these researches did not concern only with the legislatures of the developed western world, but dealt with legislative behaviour in the developing countries as well. The reviewer is in complete agreement with the author that in India where there is no dearth of scholarly talents, the scholars should devote some serious attention to the study of the legislative behaviour in Parliament and the several State legislatures in India and should not only confine themselves

to the traditional line—that is, to analyse the working of a particular legislature or one limited aspect like parliamentary privileges or rules of procedure. The author has with his immense experience of research work indicated in this essay how useful researches on various aspects of parliamentary behaviour can be conducted in India and these researches though concerning one individual State legislature will ultimately enable a general collective analysis of such individual studies and finally enable conclusions possible about overall contribution of legislatures in political development and encourage further studies on national level about comparative legislative behaviour.

In his second essay, the author has sought to assess the traditional functions of the legislative institutions and made an effort to construct a new typology of legislative functioning. The author has ably met the criticism very often made that the representative assemblies are declining in quality and political importance. Such criticisms have also been made regarding the Union Parliament and Legislatures in India. The reviewer cannot but agree with the author that these representative bodies have neither declined in quality nor in importance and it is wrong to say that the executive is more important these days than the legislature. The recent political events in India prove beyond doubt that Parliament is more important than the Executive and it is wrong to say that the Executive can lead the Parliament to any decision it wants. It is, therefore, not correct to say that the legislatures are towards the demise or decline. They are as important, as powerful as ever and have very useful role to function in the political development of the nation.

In his third essay the author has attempted to evaluate the concept of representation as an emerging focus for comparative legislative research and has indicated how in India meaningful researches can be done in this line. The concept of representation varied from time to time and from country to country as the author has pointed out in his third essay. From his study the author has come to the conclusion that in India useful researches can be conducted in the socio, personal, economic and psychological make up of representation in their different institutional or regional context. The study may relate to subjects like socialisation process, constituency linkage, relationship with other representatives and to his own partymen inside and outside the House, his own individual ideological, social and psychological make up etc. These studies will cover the much discussed subject of defection and counter defection which is the common story in Indian politics today.

In his fourth essay, the author has pleaded for a realistic recognition of the role of professional public administrator in legislative management and emphasised greater attention by the public administrators in India to legislative administration. The author's thesis is that the administrative needs

of the legislatures can be adequately and efficiently met if competent professional staff trained in the skills of public administration are employed for servicing the legislature. Though the reviewer does not find any fault with the conclusion of the author that Institutes of Public administration should pay adequate attention to the subject of study of legislative bodies in the field of public administration but it is not possible to agree with him that in the management of Parliament and its Committees professionalisation is absolutely necessary. The Indian Parliament and its Committees have not suffered in any respect because it does not employ professional staff and no serious complaint or criticism has been heard from any responsible quarter that the Indian Parliament has suffered because it has scrupulously avoided employing professional staff whether on a regular or *ad hoc* basis. Members of Parliament are wise men and have robust commonsense to decide what is good for the country and in their task they are ably assisted by a band of devoted full time parliamentary officials whose devotion to duty and training in parliamentary and committee work has been deeply appreciated by all concerned.

In the end it must be said that Dr. Jain's book exhibits his deep study and knowledge on the subject of comparative parliamentary behaviour and should be an eye opener to research scholars who should focus their attention to more serious subjects than the traditional ones on which they have been spending most of their time. They should be grateful that the author has indicated in concrete terms on what specific subjects researches can be usefully and profitably done.

—B. N. BANERJEE

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE 2ND SESSION OF THE SEVENTH LOK SABHA

1. Period of the Session	March 11 to 28, 1980	
2. Number of meetings held	. . . . .	14
3. Total Number of sitting hours	105 Hours 29 Minutes	
4. Number of divisions held	. . . . .	4
5. GOVERNMENT BILLS:		
(i) Pending at the commencement of the Session	. . . . .	Nil
(ii) Introduced	. . . . .	32
(iii) Laid on the Table as passed by Rajya Sabha	. . . . .	Nil
(iv) Returned by Rajya Sabha with any amendment/recommendation and laid on the Table	. . . . .	Nil
(v) Referred to Select Committee	. . . . .	Nil
(vi) Referred to Joint Committee	. . . . .	Nil
(vii) Reported by Select Committee	. . . . .	Nil
(viii) Reported by Joint Committee	. . . . .	Nil
(ix) Discussed	. . . . .	27
(x) Passed	. . . . .	27
(xi) Withdrawn	. . . . .	Nil
(xii) Negatived	. . . . .	Nil
(xiii) Part-discussed	. . . . .	Nil
(xiv) Discussion postponed	. . . . .	Nil
(xv) Returned by Rajya Sabha without any recommendation	. . . . .	26
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	. . . . .	Nil
(xvii) Pending at the end of the Session	. . . . .	5
6. PRIVATE MEMBERS' BILLS :		
(i) Pending at the commencement of the Session	. . . . .	17
(ii) Introduced	. . . . .	17

(iii) Laid on the Table as passed by Rajya Sabha	Nil
(iv) Returned by Rajya Sabha with any amendment and laid on the Table	Nil
(v) Reported by Select Committee	Nil
(vi) Discussed	3
(vii) Passed	Nil
(viii) Withdrawn	Nil
(ix) Negatived	2
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Removed from the Register of Pending Bills	Nil
(xvi) Pending at the end of the Session	32
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193: (Matters of Urgent Public importance)	
(i) Notices received	28
(ii) Admitted	4
(iii) Discussion held	1
8. NUMBER OF STATEMENTS MADE UNDER RULE 197: (Culling attention to matters of urgent Public importance)	
Statements made by Ministers	10
9. MOTION OF NO CONFIDENCE IN COUNCIL OF MINISTERS:	
(i) Notices Received	Nil
(ii) Admitted and Discussed	Nil
(iii) Barred	Nil
10. Half-an-hour discussions held	2
11. STATUTORY RESOLUTIONS:	
(i) Notices received	10
(ii) Admitted	10
(iii) Moved	10
(iv) Adopted	10
(v) Negatived	Nil
(vi) Withdrawn	Nil

12. GOVERNMENT RESOLUTIONS:

(i) Notices received	}	Nil
(ii) Admitted		
(iii) Moved		
(iv) Adopted		

13. PRIVATE MEMBERS' RESOLUTIONS :

(i) Received	3
(ii) Admitted	3
(iii) Discussed	1
(iv) Withdrawn	Nil
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	1
(viii) Discussions postponed	Nil

14. GOVERNMENT MOTIONS:

(i) Notices received	2
(ii) Admitted	2
(iii) Moved	2
(iv) Adopted	Nil
(v) Discussed	2

15. PRIVATE MEMBERS' MOTIONS:

(i) Received	117
(ii) Admitted	64
(iii) Moved	3
(iv) Adopted	Nil
(v) Discussed	3
(vi) Negatived	2
(vii) Part-discussed	1
(viii) Withdrawn	Nil

16. MOTIONS RE, MODIFICATION OF STATUTORY RULE:

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

17. Number of Parliamentary Committees created, if any, during the session . Nil

18.	Total Number of Visitors' Passes issued on any single day, and date on which issued	22,120
19.	Maximum number of Visitors' Passes issued on any single day, and date on which issued	2509 on 28-3-80
20.	NUMBER OF ADJOURNMENT MOTIONS:	
	(i) Brought before the House	Nil
	(ii) Admitted and discussed	Nil
	(iii) Carried in view of adjournment motion admitted on the subject	..
	(iv) Consent withheld by Speaker outside the House	72
	(v) Consent given by Speaker but leave not granted by House	Nil
21.	TOTAL NUMBER OF QUESTIONS ADMITTED :	
	(i) Starred	262
	(ii) Unstarred (including Starred questions converted as Unstarred questions)	2278
	(iii) Short-notice questions	1
22.	PARLIAMENTARY COMMITTEES AT WORK:	

Name of the Committee	No. of sittings held during the period Nov. 1 1979 to March 31, 1980	No. of Reports presented during the Session
(i) Estimates Committee
(ii) Public Accounts Committee
(iii) Committee on Public Undertakings
(iv) Business Advisory Committee	..	2
(v) Committee on Absence of Members from the sittings of the House
(vi) Committee on Subordinate Legislation
(vii) Committee on Petitions	..	} Nil
(viii) Committee on Privileges	1	
(ix) Committee on Private Members Bills and Resolutions	..	
(x) Committee on Government Assurances	..	
(xi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	..	
(xii) Joint Committee on Offices of Profit	..	
(xiii) Rules Committee	..	
(xiv) Committee on Papers Laid on Table	..	

23. Number of Members granted leave of absence	Nil
24. Petitions presented	3
25. No. of new Members sworn with dates . . . . .	..

NO. OF MEMBERS SWORN	DATES ON WHICH SWORN
6	11-3-1980
1	12-3-1980

APPENDIX II

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

1. Period of the Session	March 11 to 31, 1980
2. Number of meetings held	14
3. Total Number of sitting hours	105 Hours & 22 minutes (excluding lunch break)
4. Number of divisions held	One
5. GOVERNMENT BILLS :	
(i) Pending at the commencement of the Session	7
(ii) Introduced	Nil
(iii) Laid on the Table as passed by Lok Sabha	27
(iv) Returned by Lok Sabha with any amendment	Nil
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	Nil
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	27
(x) Passed	27
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-Discussed	Nil
(xiv) Returned by Rajya Sabha without any recommendation	26
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the Session	7
6. PRIVATE MEMBERS' BILLS :	
(i) Pending at the commencement of the Session	26
(ii) Introduced	Nil
(iii) Laid on the Table as passed by Lok Sabha	Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil

(v) Reported by Joint Committee	Nil
(vi) Discussed	1
(vii) Withdrawn	1
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	Nil
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Pending at the end of the Session	25
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176. (MATTERS OF URGENT PUBLIC IMPORTANCE)	
(i) Notices received	4
(ii) Admitted	1
(iii) Discussion held	1
8. NUMBER OF STATEMENTS MADE UNDER RULE 180. (CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE).	
Statements made by Ministers	8
9. HALF-AN-HOUR DISCUSSIONS HELD	1
10. STATUTORY RESOLUTIONS	
(i) Notices received	10
(ii) Admitted	10
(iii) Moved	10
(iv) Adopted	10
(v) Negatived . . . . .	..
(vi) Withdrawn . . . . .	..
11. GOVERNMENT RESOLUTIONS :	
(i) Notices received . . . . .	..
(ii) Admitted . . . . .	..
(iii) Moved . . . . .	..
(iv) Adopted . . . . .	..

12. PRIVATE MEMBERS' RESOLUTIONS :

(i) Received	9
(ii) Admitted	9
[(iii) Discussed	1
(iv) Withdrawn	Nil
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part discussed	1
(viii) Discussion postponed	—

13. GOVERNMENT MOTIONS

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

14. PRIVATE MEMBERS' MOTIONS :

(i) Received	37
(ii) Admitted	33
(iii) Moved	Notices were converted from Rule 176
(iv) Adopted . . . . .	..
(v) Part-discussed . . . . .	..
(vi) Negatived . . . . .	..
(vii) Withdrawn . . . . .	..

15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULES :

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

16. Number of Parliamentary Committees created, if any, during the session Nil

17	Total number of Visitors' Passes	2905
18	Maximum number of Visitors' passes issued on any single day, and date on which issued	492 on 27-3-80
19	NUMBER OF MOTIONS FOR PAPERS UNDER RULE 175	
	(i) Brought before the House . . . . .	.
	(ii) Admitted and discussed . . . . .	.
20	TOTAL NUMBER OF QUESTIONS ADMITTED	
	(i) Starred	254
	(ii) Unstarred (including Starred Questions)	1264
	(i) Short-Notice Questions	1

21. DISCUSSION ON THE WORKING OF THE MINISTRIES.

22. WORKING OF PARLIAMENTARY COMMITTEES :

Name of Committee	No. of meetings held during the period November 1, 1979 to March 31, 1980	No. of Reports presented during the Session
(i) Public Accounts Committee		
(ii) Committee on Public Undertakings		
(iii) Business Advisory Committee		Nil
(iv) Committee on Subordinate Legislation	21	5
(v) Committee on Petitions	13	Nil
(vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes		
(vii) Committee of Privileges	5	2
(viii) Committee on Rules	Nil	Nil
(ix) Joint Committee on Offices of Profit		
(x) Committee on Government Assurances	9	Nil
23. Number of Members granted leave of absence		Nil
24. Petition presented		One

25. NUMBER OF NEW MEMBERS SWORN WITH DATES

3

Sl. No.	NAME OF MEMBERS SWORN	DATE ON WHICH SWORN
1.	Shri Sangdopal Lepcha	14-3-1980
2.	Shri Hari Singh	19-3-1980
3.	Shri B. Ibrahim	26-3-1980

26. OBITUARY REFERENCES

Sl. No.	NAME	SITTING MEMBER/ EX-MEMBER
1.	Shri K. Santhanam	Ex-member.

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD NOVEMBER 1, 1979 TO JANUARY 31, 1980

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
	2	3	4	5	6	7	8
Andhra Pradesh L.C.	—	—	—	—	86(39)(a)	—	14(11)
Andhra Pradesh L.A.	—	—	—	—	183(92)	(26)(b)	—
Assam L.A.	—	—	—	—	—	—	—
Bihar L.C.	24-1-80 to 13-2-80	12	1	—	804(755)	(13)	178(44)
Bihar L.A.	24-1-80 to 13-2-80	11	1(2)	—	—	—	—
Gujarat L.A.	—	—	—	—	381(232)	52(46)(c)	1
Haryana L.A.	—	—	—	—	10(10)	3(2)	—
Himachal Pradesh L.A.	—	—	—	—	—	—	—
Jammu & Kashmir L.C.	—	—	—	—	—	—	—
Jammu & Kashmir L.A.	—	—	—	—	—	—	—
Karnataka L.C.	24-1-80	1	—	—	48(44)	—	—
Karnataka L.A.	23-1-80 to 24-1-80	1	—	—	117(115)	—	—
Kerala L.A.	—	—	—	—	—	—	—
Madhya Pradesh L.A.	—	—	—	—	—	—	—
Maharashtra L.C.	—	—	—	—	—	—	—
Maharashtra L.A.	—	—	—	—	—	—	—
Manipur L.A.	—	—	—	—	—	—	—
Meghalaya L.A.	28-11-79 to 11-12-79	10	7(3)	1	4(12)	—	—
Nagaland L.A.	—	—	—	—	—	—	—
Orissa L.A.	—	—	—	—	—	—	—
Punjab L.A.	—	—	—	—	—	—	—
Rajasthan L.A.	—	—	—	—	—	—	—

Sikkim L.A.	· · · · ·	20-10-79	4	4(4)	—	—	—	—	
Tamil Nadu L.C.	· · · · ·	30-1-80 to 15-2-80	10	(9)	—	227(139)	13(8)	1(1)	
Tamil Nadu L.A.	· · · · ·	30-1-80 to 13-2-80	9	16(9)	—	548(184)	251(251)	24(23)	
Tripura L.A.	· · · · ·	10-1-80 to 25-1-80	10	4(4)	—	311(261)	19(44)(d)	—	
Uttar Pradesh L.C.	· · · · ·	23-1-80 to 15-2-80	12	2(7)	—	805(786)	20(20)	17(17)	
Uttar Pradesh L.A.	· · · · ·	23-1-80 to 8-2-80	10	10(8)	1	544(482)(e)	85(73)	171(151)(f)	
West Bengal L.A.									
<i>Union Territories</i>									
Arunachal Pradesh L.A.	· · · · ·	28-1-80 to 31-1-80	4	1(1)	—	—	—	—	
Delhi Metropolitan Council	· · · · ·	29-10-79 to 2-11-79	4	2(1)	—	105(58)	92(96)	5(1)	
Goa, Daman and Diu L.A.	· · · · ·	21-1-80 to 24-1-80	3	1(1)	—	—	—	—	
Mizoram L.A.	· · · · ·	—	—	—	—	—	—	—	
Pondicherry L.A.	· · · · ·	25-1-80 to 30-1-80	4	2(2)	—	—	—	—	

Note: (i) Figures in Cols. 4 and 5 indicate the number respectively of Government and Private Members Bills introduced, with the number of Bills passed in brackets.

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

(a) Out of 39, 3 were treated as Unstarred.

(b) Starred Notices admitted as Unstarred Questions.

(c) Including 7 Notices received as Starred Questions but admitted as Unstarred Questions.

(d) Including 27 Starred Questions admitted as Unstarred.

(e) Including 981 Notices admitted as Unstarred Questions.

(f) Figure 15 includes 99 Notices admitted as Starred Questions and 27 as Unstarred.

APPENDIX—III (Contd.)

COMMITTEES AT WORK/NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED

Legislature	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	
Andhra Pradesh LC		22	2														
Andhra Pradesh LA		8	1		1	7	13	14	9		2	2	8				9(a)
Assam LA																	1
Bihar LC				6			17					10	13				
Bihar LA			28			36	5	12	136		7	15	9		1		8(b)
Gujarat LA		1				3		2	3		2(1)		2(1)				
Haryana LA					1	18	14	10	16		3	5	22				
Himachal Pradesh L.A.			14		3	13	11	12	17	1	1	3	13	1			4(c)
Jammu & Kashmir LA		5	3		3	4	1		7(1)	2	1	1					

- (c) *Ad hoc* Committee to revise suggestions/direction under the Rules of Procedure and conduct of Business.
- (d) Committee on Papers laid on the Table .
- (e) The Rajasthan Recognised Private Educational Institutions Bill, 1979
- (f) (i) Joint Select Committee on the Tamil Nadu Handloom Workers (Conditions of Employment and Miscellaneous Provisions) Bills, 1979-2 ; (ii) Joint Select Committee on the Tamil Nadu Prevention of Cow Slaughter and Animal Preservation Bill, 1979-1 and (iii) Select Committee on Tamil Nadu Urban Land Tax (Amendment) Bill, 1979-1
- (g) Uttar Pradesh Uchhatar Shiksha Seva Aayog Vidhyak, 1979-6 (1)
- (h) (i) Warehousing ke Sanchalan Avam Working Ki Samiti-27; (ii) Sansadiya Adhayan Samiti-16 ; (iii) Pradesh Ke Anek Zilon Mein Zila Vaitnik Sarkari Avam Atirikt Sarkari Yakiloh Ki Niyuktron Mein Anuymita Vibhayak Jaanch Samiti-6 (iv) Narayanpur (Zila Deoria) Main ghatit ghatana Ke Sambhandh mein Nagrikon Ka Atambal Banaye Rakhane Avam Unmein Suraksha Va Shanti Ki Bhavana Utpann Karne Ki Drishti Se. Gadith Samiti-1 ; (v) Vinishchaya Sanklan Samiti-18 ; (vi) Kanpur Ki Jan Sewak Sarkari Grith Nirman Samiti-10.
- (i) Including 2 Sittings of the Study Group
- (j) Including 3 Sittings of the Sub-Committee
- (k) (i) Joint Committee for Scheduled Castes Scheduled Tribes and Denotified Tribes-25 ; (ii) Select Committee on U.P. Revenue Code Bill, 1977-13(iii) U.P. Universities Amendment Bill, 1978-5 (Sittings of the Sub-Committee)
- (l) (i) The Bengal Municipal (Second Amendment) Bill, 1979-2 ; (ii) The Calcutta Municipal Corporation Bill, 1979-7.
- (m) Committee to consider Salary, Allowances, Power and Privileges of the Member of the Metropolitan Council of Delhi.
- (n) Committee on Salary and Allowances of Members-2.

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD 1ST NOVEMBER, 1979 TO 31ST MARCH, 1980

Sl. No.	Title of the Bill	Date of assent by the President
1	2	3
1	The Government of Union Territories (Amendment) Bill, 1980	8-2-80
2	The Appropriation Bill, 1980	11-2-80
3	The Appropriation (Railways) Bill, 1980	11-2-80
4	The Contingency Fund of India (Amendment) Bill, 1980	12-2-80
5	The Payment of Bonus (Amendment) Bill, 1980	12-2-80
6	The Central Excises and Salt and Additional Duties of Excise (Amendment) Bill, 1980	12-2-80
7	The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Bill, 1980	12-2-80
8	The Representation of the People (Amendment) Bill, 1980	12-2-80
9	The Appropriation (Railways) Vote on Account Bill, 1980	22-3-80
10	The Appropriation (Railways) No. 2 Bill, 1980	22-3-80
11	The Appropriation (Vote on Account) Bill, 1980	22-3-80
12	The Appropriation (No. 2) Bill, 1980	22-3-80
13	The Finance Bill, 1980	25-3-80
14	The Union Duties of Excise (Electricity) Distribution Bill, 1980	25-3-80
15	The Assam Appropriation (Vote on Account) Bill, 1980	27-3-80
16	The Assam Appropriation Bill, 1980	27-3-80
17	The Madhya Pradesh Appropriation (Vote on Account) Bill, 1980	27-3-80
18	The Madhya Pradesh Appropriation Bill, 1980	27-3-80
19	The Orissa Appropriation (Vote on Account) Bill, 1980	27-3-80
20	The Orissa Appropriation Bill, 1980	27-3-80
21	The Bihar Appropriation (Vote on Account) Bill, 1980	28-3-80
22	The Bihar Appropriation Bill, 1980	28-3-80

1	2	3
23	The Gujarat Appropriation (Vote on Account) Bill, 1980	28-3-80
24	The Gujarat Appropriation Bill, 1980	28-3-80
25	The Maharashtra Appropriation (Vote on Account) Bill, 1980	28-3-80
26	The Maharashtra Appropriation Bill, 1980	28-3-80
27	The Punjab Appropriation (Vote on Account) Bill, 1980	28-3-80
28	The Punjab Appropriation Bill, 1980	28-3-80
29	The Rajasthan Appropriation (Vote on Account) Bill, 1980	28-3-80
30	The Rajasthan Appropriation Bill, 1980	28-3-80
31	The Tamil Nadu Appropriation (Vote on Account) Bill, 1980	28-3-80
32	The Tamil Nadu Appropriation Bill, 1980	28-3-80
33	The Uttar Pradesh Appropriation (Vote on Account) Bill, 1980	28-3-80
34	The Uttar Pradesh Appropriation Bill, 1980	28-3-80

APPENDIX—V

BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD NOVEMBER 1, 1979
TO JANUARY 31, 1980

BIHAR LEGISLATIVE COUNCIL

1. Bihar Appropriation Bill, 1980

MEGHALAYA LEGISLATIVE ASSEMBLY

1. The Meghalaya Appropriation (No. IV) Bill, 1979 relating to the Supplementary Demands for Grants for 1979-80.
2. The Meghalaya Amusement and Betting Tax (Amendment) Bill, 1979.
3. The Meghalaya Municipal (Garo Hills Autonomous District (Amendment) Bill, 1979.

RAJASTHAN LEGISLATIVE ASSEMBLY

1. The Rajasthan Water Supply and Sewerage Corporation Bill, 1979.
2. The Rajasthan Tenancy (Amendment) Bill, 1979.
3. The Rajasthan Appropriation (No. 3) Bill, 1979.
4. The Rajasthan Appropriation (No. 4) Bill, 1979.
5. The Rajasthan Appropriation (No. 5) Bill, 1979.
6. The Rajasthan Police (Incitement to Disaffection) Bill, 1979.

SIKKIM LEGISLATIVE ASSEMBLY

1. The Sikkim Cultivators Protection (Temporary Provision) Amendment Bill No. 3 of 1979.
2. The Sikkim Housing and Development Board Bill No. 4 of 1979.
3. The Sikkim Panchayat (Amendment) Bill No. 5 of 1979.
4. The Sikkim Appropriation Bill No. 6 of 1979.

TAMIL NADU LEGISLATIVE ASSEMBLY@

- *1. The Tamil Nadu Debt Relief (Amendment) Bill, 1980.
- *2. The Tamil Nadu Cultivating Tenants (Protection from Eviction) Amendment Bill, 1980.
- *3. The Tamil Nadu Cyclone and Flood Affected Area Cultivating Tenants (Temporary Relief) Amendment Bill, 1980.

@ The Bills were also passed by the Legislative Council.

* Awaiting assent.

- *4. The Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Bill, 1980.
- *5. The Tamil Nadu Cyclone and Flood Affected Aras Cultivating Tenants Arrears of Rent (Relief) Bill, 1980.
- *6. The Tamil Nadu Payment of Salaries (Amendment) Bill, 1980.
- *7. The Tamil Nadu Debt Relief Bill, 1980.
- *8. The Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Amendment Bill, 1980.
- *9. The Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Second Amendment Bill, 1980.

TRIPURA LEGISLATIVE ASSEMBLY

- *1. The Tripura Appropriation (No. 2), Bill, 1980.
- *2. The Bihar Control of the Use and Play of Loud-Speaker (Tripura Amendment) Bill, 1980.
- *3. The Tripura Security Bill, 1980.
- *4. The Tripura Cooperative Societies Amendment Bill, 1980.

UTTAR PRADESH LEGISLATIVE COUNCIL@

- 1. *Uttar Pradesh Uchchtar Shiksha Seva Aayog Vidheyak, 1979.
- 2. *Uttar Pradesh Tendu Patta (Vyayapar Viniyaman) (Sanshodhan) Vidheyak, 1980.
- 3. *Uttar Pradesh Nyalaya Fees, Stamp aur Registrikaran Vidhi (Sanshodhan) Vidheyak, 1980.
- 4. Uttar Pradesh Motor Gari (Malkar) (Sanshodhan) Vidheyak, 1980.
- 5. Uttar Pradesh Bikri Kar (Sanshodhan aur Vaidhikaran) Vidheyak, 1980.
- 6. Uttar Pradesh Motor Gashi Karadhan (Sanshodhan) Vidheyak, 1980.
- 7. Uttar Pradesh Viniyog (1979-80 ka Dwitya anupurak) Vidheyak, 1980.

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

- 1. The Arunachal Pradesh (Re-organisation of Districts) Bill, 1980.

DELHI METROPOLITAN COUNCIL

- 1. The Tibbia College (Amendment) Bill, 1979.

GOA, DAMAN AND DIU LEGISLATIVE ASSEMBLY

- 1. The Goa, Daman and Diu Appropriation Bill, 1980.

PONDICHERY LEGISLATIVE ASSEMBLY

- 1. The Appropriation Bill, 1980.
- 2. *The Union Territories Relief of Agricultural Indebtedness (Pondicherry Amendment) Bill, 1980.

@ Passed by the Legislative Assembly also.

*Awaiting assent.

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT DURING THE PERIOD NOVEMBER 1, 1979 TO MARCH 31, 1980 AND THE STATE GOVERNMENTS DURING THE PERIOD NOVEMBER, 1, 1979 TO JANUARY 31, 1980

Sl. No.	Title of Ordinance	Date of Pro-mulgation	Date on which laid before the House	Date of Cessa-tion	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
1	The Central Excise and Salt and Additional Duties of Excise (Amendment) Ordinance, 1979 (No. 12 of 1979)	24-11-1979	23-1-1980	—	Replaced by legislation.
2	The Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1980 (No. 1 of 1980)	7-3-1980	11-3-1980	—	Do.
STATE GOVERNMENTS					
ANDHRA PRADESH					
1	The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Ordinance, 1979.	26-11-79			
2	The Tirumala, Tirupathi Davasthanams (Amendment) Ordinance, 1979.	3-12-79			
3	The Andhra Pradesh (Agricultural Produce and Livestock) Markets (Amendment) Ordinance, 1979.	27-12-79			
4	The Public Wakfs (Extension of Limitation) (Andhra Pradesh Amendment) Ordinance, 1979.	31-12-79			
5	The Andhra Pradesh Municipalities (Second Amendment) Ordinance, 1979.	31-12-79			

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6	The Hyderabad Municipal Corporation (Second Amendment) Ordinance, 1979.	31-12-79				
7	The Andhra Pradesh Record of Rights in Land (Amendment) Ordinance, 1980	3-1-80				
8	The Hyderabad Municipal Corporations (Amendment) Amending Ordinance, 1980	20-1-80				
9	The Andhra Pradesh Municipalities (Amendment) Ordinance, 1980	20-1-80				
10	The Andhra Pradesh Municipalities (Second Amendment) Ordinance, 1980	20-1-80				
BHAR						
1	The Bihar Sales Tax, Third Ordinance, 1979		24-1-80	5-3-80	No.	No.
2	The Bihar Regional Development Authority, Third Ordinance, 1979		Do.	Do.	No.	No.
3	The Bihar Co-operative Society (Third Amendment) Ordinance, 1979		Do.	Do.	Do.	Do.
4	The Bihar Legislature (Members Salaries Allowances and Pension) (Third Amendment) Ordinance, 1979		Do	Do,	Do.	Do.
5	The Bihar Medical Education Institution (Regulation and Control) (Third Ordinance 1979)		Do.	Do.	Do.	Do.
6	The Bihar Essential Service Preservation (Third Amendment) Ordinance 1979		Do.	Do.	Do.	Do.
7	The Bihar Municipal Corporation (Fourth Amendment and Validation) Ordinance 1979		Do.	Do.	Do.	Do.

8	The Patna Corporation (Third Amendment) Ordinance, 1979	Do.	Do.	Do.
9	The Bihar Cinema (Regulation) (Third Amendment) Ordinance, 1979	Do.	Do.	Do.
10	The Bihar Municipal Corporation & Patna Municipal Corporation (Third Amendment) Ordinance, 1979	Do.	Do.	Do.
11	The Bihar Agriculture Income-Tax (Repeal) Third Ordinance, 1979	Do.	Do.	Do.
12	The Bihar Municipal Corporation (Third Amendment) Ordinance, 1979	Do.	Do.	Do.
13	The Bihar Children Third Ordinance, 1979	Do.	Do.	Do.
14	The Bihar Forest Produce (Regulation of Trade) Third Ordinance, 1979	Do.	Do.	Do.
15	The Bihar Sugar Cane (Supply and Purchase Regulation) Third Ordinance, 1979.	Do.	Do.	Do.
16	The Bihar Sugar Cane (Supply and Purchase Regulation) Third Ordinance, 1979.	Do.	Do.	Do.
17	The Bihar Irrigation Law (Third Amendment) Ordinance, 1979	Do.	Do.	Do.
18	The Bihar Irrigation Regional Command (Third Amendment) Ordinance, 1979.	Do.	Do.	Do.
19	The Bihar Intoxicated Material Prohibition Second Ordinance, 1979	Do.	Do.	Do.
20	The Bihar Excise (Third Amendment and Validation) Ordinance, 1979	Do.	Do.	Do.
21	The Bihar Control of Crimes Third Ordinance, 1979	Do.	Do.	Do.
22	The Bihar Bhoodan Movement (Third Amendment) Ordinance, 1979	Do.	Do.	Do.

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						No.
23	The Land Acquisition (Bihar Third Amendment) Ordinance, 1979		24-1-80	5-3-80		
24	The Tara Bhagat Raiyats Agricultural Land Restoration (Third Amendment) Ordinance, 1979		Do.	Do.		Do.
25	The Bihar Cess (Fourth Amendment) Ordinance, 1979		Do.	Do.		Do.
26	The Bihar Land Encroachment (Third Amendment) Ordinance, 1979		Do.	Do.		Do.
27	The Bihar Land Rent (Recession from Payment) Third Ordinance, 1979		Do.	Do.		Do.
28	The Santhal Pargana Civil Justice (Order Validation and Paritran) Third Ordinance, 1979		Do.	Do.		Do.
29	The Bihar Agriculture Credit Operating and Misc. Provisions (Banks) Third Ordinance, 1979		Do.	Do.		Do.
30	The Chikota Nagpur and Santhal Pargana Autonomous Development Authority (Fourth Amendment) Ordinance, 1979		Do.	Do.		Do.
31	The Bihar State Housing Board Third Ordinance, 1979		Do.	Do.		Do.
32	The Minimum Wage (Bihar Amendment) Third Ordinance, 1979		Do.	Do.		Do.
33	The Bihar Agriculture Produce Market (Third Amendment) Ordinance, 1979		Do.	Do.		Do.
34	The Bihar State Water and Safety Wahimtal Board Third Ordinance, 1979		Do.	Do.		Do.
35	The Bihar Land and Water Protection and Land Development Third Ordinance, 1979		Do.	Do.		Do.
36	The Bihar Motor Vehicle Taxation (Third Amendment) Ordinance, 1979		Do.	Do.		Do.

37	The Bihar Khadi and Village Industries (Third Amendment) Ordinance, 1979	Do.	Do.	Do.
38	The Bihar Hindu Religious Trust (Third Amendment) Ordinance, 1979	Do.	Do.	Do.
39	The Bihar State Aid to Industry (Third Amendment) Ordinance, 1979	Do.	Do.	Do.
40	The Rajendra Agriculture University (Third Amendment) Ordinance, 1979	Do.	Do.	Do.
41	The Patna University (Fifth Amendment) Ordinance, 1979	Do.	Do.	Do.
42	The Bihar Inter-University Board Third Ordinance, 1979	Do.	Do.	Do.
43	The Bihar Non-Government Physical Training College and Non-Government Teacher Training College and Non-Government Primary Teacher Education College (Control & Regulation) Third Ordinance, 1979	Do.	Do.	Do.
44	The Bihar Madersa Education Board Third Ordinance, 1979	Do.	Do.	Do.
45	The Bihar Secondary Education Board (Third Amendment) Ordinance, 1979	Do.	Do.	Do.
46	The Bihar University Service Commission (Fourth Amendment) Ordinance, 1979	Do.	Do.	Do.
47	The Bihar State University (Fifth Amendment) Ordinance, 1979	Do.	Do.	Do.
48	The Bihar Panchayat Election Rules and Supplementary Electoral Roll (Third Validation) Ordinance, 1979.	Do.	Do.	Do.
49	The Bihar District Boards and Local Boards (Control and Management) Third Amendment Ordinance, 1979	Do.	Do.	Do.
50	The Bihar Panchayat Raj (Third Amending And Validating) Ordinance, 1979.	Do.	Do.	Do.

1	2	3	4	5	6
51	The Bihar Panchayat Samiti and Zila Parishad (Amending and Validating) Third Ordinance, 1979.		24-1-80	5-3-80	No.
52	The Bihar Co-operative Society (Fourth Amendment and Amended) Ordinance, 1979		Do.	Do.	Do.
53	The Bihar Hindu Religious Trust (Fourth Amendment) Ordinance, 1979		Do.	Do.	Do.
54	The Chhota Nagpur Handicraft (Amendment) Ordinance, 1979		28-1-80	Do.	Do.
55	The Bihar Sanskrit Education Board Ordinance, 1979		Do.	Do.	Do.
56	The Bihar Intermediate Education Council Ordinance, 1979		Do.	Do.	Do.
57	The Bihar University Service Commission (Fifth Amendment) Ordinance, 1979.		Do.	Do.	Do.
58	The Patna University (Amending and Validating) Ordinance, 1979.		Do.	Do.	Do.
59	The Bihar State University (Sixth Amendment) Ordinance, 1979		Do.	Do.	Do.
60	The Bihar Inter-University Board Fourth Ordinance, 1979		Do.]	Do.	Do.
			Do.	Do.	Do.
GUJARAT					
1	The Gujarat Agricultural Pests and Diseases Ordinance, 1979	3-11-79			
2	The Bombay Police (Gujarat Amendment) Ordinance, 1979	17-11-79			
3	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1979.	28-12-79			
4	The Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Ordinance, 1979.	28-12-79			

5	The Bombay Land Requisition (Gujarat Amendment) Ordinance, 1979	29-12-79
6	The Gujarat Panchayats (Amendment) Ordinance, 1980	21-1-80
7	The Bombay Land Revenue (Gujarat Amendment) Ordinance, 1980	23-1-80

KARNATAKA

1	The Karnataka Motor Vehicles Taxation (Third Amendment) Ordinance, 1979	6-10-79	25-2-80
2	The Karnataka Lokayukta (Amendment) Ordinance, 1979	31-10-79	Do.
3	The Karnataka Lokayukta (Repeal) Ordinance, 1979	1-11-79	Do.
4	The Karnataka Lokayukta (Second) Ordinance, 1979	2-11-79	Do.
5	The Karnataka Vacant Lands in Urban Areas (Prohibition of Alienation) (Repeal) Ordinance, 1979	2-11-79	Do.
6	The Karnataka Agricultural Produce Marketing (Regulation) (Amendment) (Repeal) Ordinance, 1979	2-11-79	Do.
7	The Karnataka Vacant Lands in Urban Areas (Prohibition of Alienation) (Second Amendment) Ordinance, 1979	3-11-79	Do.
8	The Karnataka Agricultural Produce Marketing (Regulation) (Second Amendment) Ordinance, 1979	3-11-79	Do.
9	The Mangalore Port Trust (Repeal) Ordinance, 1979	13-11-79	Do.
10	The Karnataka Village Panchayats and Local Boards (Amendment) Ordinance, 1979	13-11-79	25-2-79
11	The Karnataka Debt Relief Ordinance, 1979	14-11-79	Do.
12	The Karnataka Co-operative Societies (Second Amendment) Ordinance, 1979	16-11-79	Do.

.. Replaced by Legislation.

Do.

Do.

1	2	3	4	5	6
13	The Karnataka Command Areas Development (Second Amendment) Ordinance, 1979	17-11-79	25-2-79	..	Replaced by Legislation
14	The Karnataka Stamp (Second Amendment) Ordinance, 1979	3-12-79	Do.	..	Do.
15	The Karnataka Land Revenue (Amendment) Ordinance, 1979	7-12-79	Do.	..	Do.
16	The Karnataka Silkworm Seed, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) (Second Amendment) Ordinance, 1979	17-12-79	Do.	..	Do.
17	The Karnataka Land Reforms (Second Amendment) Ordinance, 1979	17-12-79	Do.	..	Do.
18	The Mangalore Port Trust (Repeal) (Amendment) Ordinance, 1979	17-12-79	Do.	..	Do.
19	The Karnataka Contingency Fund (Temporary) (Amendment) Ordinance, 1980	11-1-80	Do.	..	Do.
			MADHYA PRADESH		
1	The Madhya Pradesh Co-operative Societies (Third Amendment) Ordinance, 1979	22-12-79			
2	The Madhya Pradesh Adya Va Shyak Sandharan Tatha Vichhin-nata nivanan (Samhodhan) Adhyadesh, 1979	27-12-79			
3	The Madhya Pradesh General Sales Tax (Amendment) Ordinance, 1980	19-1-80			
			MIZORHALAYA		
1	The Meghalaya Municipal (Garo Hills Autonomous District) (Amendment) Ordinance, 1979	9-8-79	28-11-79	28-11-79	Replaced by Legislation

SIKKIM

1	The Sikkim Cultivators Protection (Temporary Provision) Amendment Ordinance, 3 of 1979	7-9-79	6-11-79	13-11-79	Replaced by Legislation.
2	The Sikkim Housing and Development Board Ordinance, 4 of 1979	29-9-79	6-11-79	13-11-79	Do.
3	The Sikkim Panchayat (Amendment) Ordinance, 5 of 1979	29-9-79	6-11-79	13-11-79	Do.

TAMIL NADU

1	The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Third Amendment Ordinance, 1979	12-12-79	19-12-79		Do.
2	The Tamil Nadu Public Trusts (Regulation) of Administration of Agricultural Lands Amendment Ordinance, 1979	13-12-79	19-12-79		Do.
3	The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fourth Amendment Ordinance 1979	13-12-79	19-12-79		Do.
4	The Tamil Nadu Debt Relief (Second Amendment) Ordinance, 1979	12-12-76	19-12-79		Do.
5	The Tamil Nadu Cultivating Tenants (Protection from Eviction) Amendment Ordinance, 1980	13-1-80	22-1-80		Do.
6	The Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Temporary Relief) Amendment Ordinance, 1980	13-1-80	22-1-80		Do.

UTTAR PRADESH

1	Uttar Pradesh Raja Vishwavidyalaya (Sanshodhan) Adhyadesh, 1979	26-11-79	28-1-80		
2	Uttar Pradesh mein Tendu Patta (Vyapar Viniyaman) (Sanshodhan) Adhyadesh, 1979	28-9-79	Do.		
3	Uttar Pradesh Nagar Swayatt Shasan Vidhi (Sanshodhan) Adhyadesh, 1979	10-10-79	Do.		

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4	Uttar Pradesh Motor Gati Karadhan (Sanshodhan) Adhyadesh, 1979	24-10-79	Do.
5	Uttar Pradesh Nyayalaya Fees Stamp and Registrakan Vidhi (Sanshodhan) Adhyadesh, 1979	21-11-79	Do.
6	Uttar Pradesh Avashyak Seva (Vichhinnata ka Nivaran) Adhyadesh, 1979	22-11-79	Do.
7	Uttar Pradesh Rajya Vidhan Mandal (Arnhata Nivaran) (Sanshodhan) Adhyadesh, 1979	30-11-79	Do.
8	Uttar Pradesh Bikrikar (Sanshodhan aur Vaikhakaran) Adhyadesh, 1979	4-12-79	Do.
9	Uttar Pradesh Krishi Utpadan Mandi Samiti (Alpakalij Vyavastha) Adhyadesh, 1979	24-12-79	Lo.
10	Uttar Pradesh Nagar Yojna aur Vikas (Sanshodhan) Adhyadesh, 1979	31-12-79	Lo.
WEST BENGAL			
1	The Jadavpur University (Temporary Supersession) Ordinance, 1979	7-11-79	
2	The West Bengal Homoeopathic System of Medicine (Amendment) Ordinance, 1979	27-11-79	
3	The West Bengal Comprehensive Area Development (Amendment) Ordinance, 1979	6-12-79	
4	The Burdwan University (Temporary Supersession) (Amendment) Ordinance, 1980	4-1-80	

5	The Kalyani University (Temporary Supersession) (Amendment) Ordinance, 1980	4-1-80
6	The North Bengal University (Temporary Supersession) (Amendment) Ordinance, 1980	4-1-80
7	The Bengal Finance (Sales Tax) (Amendment) Ordinance, 1980	8-1-80

APPENDIX VII
A. PARTY-POSITION IN Lok SABHA
(As on May 8, 1980)

State/Union Territory	Seats	Cong(I)	Janata(S)	CPI(M)	Janata	DMK	Other parties	Un-attached	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11
Andhra Pradesh	42	41	..	..	..	..	1(a)	..	42	..
Assam	14	2	..	..	..	..	..	..	2	12
Bihar	54	29	5	..	5	..	9(b)	5	53	1
Gujarat	26	25	..	..	1	..	..	..	26	..
Haryana	10	5	4	..	..	..	1(c)	..	10	..
Himachal Pradesh	4	3	..	..	..	..	..	..	3	1
Jammu & Kashmir	6	1	..	..	..	..	4(d)	..	5	1
Karnataka	28	27	..	..	1	..	..	..	28	..
Kerala	20	5	..	6	..	..	7(e)	2	20	..
Madhya Pradesh	40	35	..	..	..	..	4(f)	1	40	..
Maharashtra	48	39	..	..	6	..	3(g)	..	48	..
Manipur	2	1	..	..	..	..	1(h)	..	2	..
Meghalaya	2	1	..	..	..	..	..	..	1	1
Nagaland	1	1	..	..	..	..	..	..	1	..
Orissa	21	20	1	..	..	..	..	..	21	..
Punjab	13	11	..	..	..	..	..	1	*12	..
Rajasthan	25	18	2	..	2	..	3(i)	..	25	..
Sikkim	1	..	..	..	..	..	..	1	1	..
Tamil Nadu	39	30	..	..	..	16	3(j)	..	39	..
Tripura	2	..	..	2	..	..	..	..	2	..
Uttar Pradesh	85	50	30	..	2	..	1(k)	1	84	1
West Bengal	42	4	..	28	..	..	10(l)	..	42	..

B. PARTY PORTION IN THE RAJYA SABHA

(As on April 1, 1980)

State/Union Territories	Total No of Seats	Cong (I)	CPI	Janata	AIA DMK (M)	CPI ML	DMK (U)	Cong (U)	L.D.	PWP	RSP	Other Parties	IND	Nom. Vacancies
Andhra Pradesh	10	12	..	..	..	..	3	3	1	..	..	..	1	1
Assam	7	3	..	1	..	..	..	..	..	..	..	1	2	..
Bihar	22	7	3	7	..	..	3	3	..	..	..	..	1	1
Gujarat	11	5	..	6	..	..	..	..	..	..	..	..	..	..
Haryana	5	4	..	..	..	..	..	..	1	..	..	..	..	..
Himachal Pradesh	3	2	..	1	..	..	..	..	..	..	..	..	..	..
Jammu & Kashmir	4	2	..	1	..	..	..	..	..	..	..	1	..	..
Karnataka	12	5	..	1	..	..	3	3	..	..	..	..	3	..
Kerala	9	1	1	..	..	3	1	2	..	..	..	1	..	..
Madhya Pradesh	16	10	..	2	..	..	..	..	3	..	..	..	..	1
Maharashtra	19	11	..	2	..	..	2	2	1	1	..	1	..	1
Manipur	1	1	..	..	..	..	..	..	..	..	..	..	..	..
Meghalaya	1	..	..	..	..	..	..	..	..	..	..	..	1	..
Nagaland	1	..	..	..	..	..	..	..	..	..	..	..	1	..
Orissa	10	4	1	1	..	..	1	1	3	..	..	..	..	..
Punjab	7	3	1	..	..	1	..	1	..	..	..	1	..	..

Rajasthan	10	4	..	2	..	..	..	..	..	3	1	..	..	..	..	..	..	..	..
Sikkim	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tamil Nadu	18	2	..	1	6	1	1	5	..	..	..	..	..	..	1	..	..	1	..
Tripura	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Uttar Pradesh	34	11	..	10	..	..	..	..	..	1	8	..	..	..	1	..	..	..	3
West Bengal	16	4	2	..	..	3	..	..	5	..	..	..	..	1	1	..	..	..	..
Arunachal Pradesh	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Delhi	3	2	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Mizoram	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Pondicherry	1	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
Nominated	12	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	8
TOTAL	244	100	9	36	6	8	2	6	24	18	1	1	6	11	8	8	8	8	8

C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Cong. (I)	Janata	Janata (S)	Cong. (U)	CPI (M)	CPI	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh L. C. (As on 15-2-80)	90	38	7	1	11	1	2	6(a)	1	67*	22
Andhra Pradesh L. A. (As on 15-2-80)	295	242	16	11	4	8	6	3(b)	4	294	1
Assam L. A. (As on 20-2-80)	126	36	28	4	16	11	6	14(c)	8	123	3
Bihar L. C. (As on 15-2-80)	96	34	21	7	6	..	5	1(d)	5	79	17
Bihar L. A. (As on 1-2-80)	325	39	129	54	15	4	20	44(c)	12	317*	7
Gujarat L. A. (As on 15-2-80)	182	54	106	1	6	..	..	3(f)	4(g)	174	8
Haryana L. A. (As on 31-1-80)	90	7	44	33	1	..	..	..	2	87*	2
Himachal Pradesh L. A. (As on 30-3-80)	68	34	25	1	..	..	..	1(h)	5	66*	1
Jammu & Kashmir L. C., (As on 15-11-79)	36	11	1	..	..	..	..	21(i)	1	34	2
Jammu & Kashmir L. A. (As on 15-2-80)	78	6	11	2	1	..	..	54(j)	2	76	2

Karnataka L. C. (As on 15-2-80)	63	17	15	..	19	..	..	4	55*	7
Karnataka L. A. (As on 15-2-80)	225	144	28	..	40	..	3	5	224*	1
Kerala L. A. (As on 15-11-79)	141	17	8	..	19	19	22	2	139*	1
Madhya Pradesh L. A. (As on 15-2-80)	321	67	205	29	12	..	..	2	320*	4
Manipur L. A. (As on 1-5-80)	60	37	4	..	6	1	5	3	60	..
Meghalaya L. A. (As on 15-11-79)	60	..	1	..	..	..	..	1	57*	2
Punjab L. A. (As on 15-2-80)	117	15	23	2	..	8	7	2	115	2
Rajasthan L. A. (As on 17-2-80)	200	33	113	29	14	1	1	3	196*	3
Sikkim L. A. (As on 15-2-80)	32	..	..	..	..	..	..	1	32	..
Tamil Nadu L. C. (As on 1-2-80)	63	5	..	..	..	1	1	5	47*	15
Tamil Nadu L. A. (As on 17-2-80)	235	27	7	..	..	12	5	1	232*	2
Tripura L. A. (As on 18-2-80)	58	..	..	..	..	50	..	1	58	..
Uttar Pradesh L. C. (As on 15-2-80)	108	45	22	17	5	..	3	3	..	3

1	2	3	4	5	6	7	8	9	10	11	12
Uttar Pradesh L. A. (As on 15-2-80)	426	75	153	165	5	1	9	2(w)	8	418	8
West Bengal L. A. (As on 15-2-80)	295	17	23	5	4	176(x)	2	61(y)	4	292	3
UNION TERRITORIES											
Arunachal Pradesh L. A. (As on 15-2-80)	30	20	..	..	..	..	..	8(z)	2	30	..
Delhi Metropolitan Council (As on 15-2-80)	60*	11	39	6	..	..	..	..	2	58*	2
Goa, Daman & Diu L. A. (As on 15-2-80)	30	22	..	..	..	..	..	7(aa)	1	30	..
Mizoram L. A. (As on 15-2-80)	33	..	2	..	..	..	..	31(bb)	..	33	..
Pondicherry L. A. (As on 15-2-80)	30	10	3	..	..	1	..	15(cc)	1	30	..

*Excluding the Speaker/Chairman.

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

(b) Majlis-Ittehad-UI-Muslimin-3.

(c) Assam Janata Vidhyani Dal-6; R. C. P. I-4; P. T. C. A.-4.

(d) Teachers.

(e) Samajvadi Block-15; Sangharsh Samiti Vidhayak Manch-13; Samyukta Virodhi Morcha Vidhayak Dal-6; Lok Paksh Vidhayak Dal-7; All India Jharkhand-1; Forward Block-1; Nominated-1.

- (f) Congress Party (Non-aligned-3)
- (g) One supports the Janata Party and 3 are Independents
- (h) C. P. I. (M. L.)-1
- (i) National Conference—20; Others-1
- (j) National Conference-50; Jamaati Islami-1; Inqilabi National Conference-2; People's Party-1
- (k) Muslim League-1; R. P. I.-1; Nominated-1
- (l) Indian National Congress (Associated Members)-3; Kerala Congress (J)-7; Muslim League-11; PSP-2; National Democratic Party-2; Kerala Congress (M)-14; RSP-9; AIML-4
- (m) Nominated
- (n) Manipur Peoples' Party
- (o) UMPDF-30; APHLC-23- PDIG-2
- (p) Shiromani Akali Dal
- (q) Janata (Neutral)
- (r) Sikkim Janata Parishad-21; Sikkim Congress Revolutionary-8; Sikkim Prajantantra Congress-2 AIADMK-125
- (s) AIADMK-17; DMK-12; Teachers Graduates Progressive Front-3; Indian Union Muslim League-2; United Party-1
- (t) AIADMK-125; D. M. K. -48; Indian National Forward Block-2; Tamil Nadu Toilers Progressive Party-2; Muslim League-1; Forward Block-1; Nominated-1
- (u) RSP-2; Forward Block-1; Tripura Upajati Juba Samiti-4
- (v) Shikshak-8; Nirdaliya Sangh-1; Rashtrawadi Dal-1
- (w) Socialist-1; Nominated-1
- (x) Including on Independent Member Supported by C. P. I. (M)
- (y) Forward Block-27; RSP-20; RCPI-3; Forward Block (Marxist)-3; Biplabi Bangla Congress-1; Socialist Unity Centre-4; C. P. I. (ML)-1; Muslim League-1; Nominated under Article 333 of the Constitution-1.
- (z) Peoples' Party of Arunchal Pradesh
- (aa) Maharashtrawadi Gomantak Party
- (bb) Peoples' Conference Party (including nominated Members)-22; Mizoram Congress Group-5; Peoples' Conference Party (B)-4
- (cc) DMK-14; Indian Union Muslim League-1;

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