

THE JOURNAL OF PARLIAMENTARY INFORMATION

**UNVEILING OF THE PORTRAIT OF NETAJI
SUBHAS CHANDRA BOSE**

**ADDRESSES BY PRESIDENT JIMMY CARTER AND
MR. JAMES CALLAGHAN TO MEMBERS
OF PARLIAMENT**

**THE CONSTITUTION (FORTY-FOURTH AMENDMENT)
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EDITORIAL NOTE

The 'people of India' adopted the Parliamentary system of government for this country of their own free will. The essence of this system lies in the continuous accountability of the Government to the representatives of the people. Shri K. S. Hegde, Speaker of the Lok Sabha in his article on "Parliament in the Indian Polity" analyses the different facets of the role played by Parliament in this country.

In the second article in this issue, Shri Shanti Bhushan, Minister of Law, Justice and Company Affairs gives an interesting account of the evolution and present position of parliamentary privileges in India.

Shri Yagya Datt Sharma, M.P. and Chairman of the Committee on Government Assurances, Lok Sabha, in his article on 'Parliament and Social Change' invites attention to some of the pressing problems before the country in the social field.

In a previous issue of the Journal, Shri H. V. Kamath, Chairman of the Committee on Petitions of Lok Sabha described the position and role of this Committee. In this issue, we publish the 'experiences' of Shri Brahmananda Panda as Chairman of the Committee on Petitions in the Rajya Sabha, from which office he has recently retired.

With a view to acquaint and generate interest among Members of Parliament, an exhibition of 'rare and art books' available in Parliament Library was recently organised by the Lok Sabha Secretariat and was inaugurated by Shri K. S. Hegde, Speaker of Lok Sabha. We publish in this issue an article "Of Art and the People" by Professor H. N. Mukerjee, Honorary Adviser, who was the moving spirit behind organisation of the exhibition.

Elections were held to the State Assemblies of Andhra Pradesh, Assam, Karnataka, Maharashtra and Meghalaya and the Union Territory of Arunachal Pradesh in February this year. An analysis of the results of these elections has been included in this issue.

Abroad, general elections were also held in Australia, France, Greece, Nauru, and South Africa.

—Avtar Singh Rikhy

**ADDRESS BY MR. PHAM VAN DONG, PRIME MINISTER
OF THE SOCIALIST REPUBLIC OF VIETNAM
TO MEMBERS OF PARLIAMENT**

[On February 24, 1978, His Excellency Mr. Pham Van Dong, Prime Minister of the Socialist Republic of Vietnam addressed the Members of Parliament in the Central Hall of the Parliament House under the auspices of the Indian Parliamentary Group. We reproduce below his Address as well as the welcome speech by the Prime Minister, Shri Morarji Desai and the thanks-giving speech by Shri K. S. Hegde, Speaker of Lok Sabha and President of the Indian Parliamentary Group.

—*Editor*]

SPEECH BY THE PRIME MINISTER SHRI MORARJI R. DESAI

**YOUR EXCELLENCY MR. PRIME MINISTER, VICE-PRESIDENT SHRI JATTI,
SPEAKER SHRI HEGDE, MEMBERS OF PARLIAMENT AND FRIENDS:**

I am very happy indeed to say a word of welcome at this meeting of the Indian Parliamentary Group to honour the acknowledged leader of a great nation which has carved a niche for itself in the annals of history and in our hearts. Like many countries of Asia and Africa, both India and Vietnam underwent the painful experience of colonialism, but they kept their spirit alive despite repression and untold suffering and finally succeeded in marching into the dawn of freedom. I must acknowledge also, Mr. Prime Minister, that the recent re-unification of Vietnam, peaceful and based on national consensus, is yet another achievement of your people.

Both our countries had to wage a long and sustained struggle and had to pay a heavy price for our liberation. Both of us were fortunate

to have in Mahatma Gandhi and Ho Chi Minh, leaders of extraordinary vision and moral authority, who succeeded in galvanising our peoples into sacrifices for the cause of liberty and national dignity. Both inculcated in our respective peoples the fortitude to suffer and to sacrifice in the cause of freedom. Their vision continues to inspire us today, when we are both engaged in building a new life for our peoples, a new society based on social and economic justice and a new world where the resources of the earth, the common heritage of mankind, are available for the development of the human race as a whole. We are also engaged in the common task of achieving a new World Order based on eliminating the ills of the past and while preserving and sustaining its good, creating a new environment of public weal and welfare.

Mr. Prime Minister, though our methods were different our goals were and are the same—not just liberation from a foreign yoke, but a life of dignity for our people and beyond our national frontier, abolition of exploitation of nation by nation and of racial arrogance, and the construction of a human society permeated by the spirit of inter-dependence and shared objectives.

Mr. Prime Minister, many of us present here took part in our struggle for freedom, but taught by Gandhiji and other great leaders, none of us had ever any doubt in our mind that freedom was indivisible but inevitable and freedom for India made sense and meaning only if it helped to accelerate the process of promoting popular well-being. Our people have, therefore, extended all possible support to the cause of freedom in other parts of the world. Vietnam was no exception. More than that it captured our imagination and struck warm chords of sympathy and comradeship in us. On many occasions, the cause of Vietnam was discussed in our Parliament. Invariably, we were full of admiration for your valiant people and expressed our solidarity with their struggle.

We are aware of the enormous task of healing the wounds of war and of national reconstruction that lies ahead of your people. We have been engaged in similar endeavours for three decades and we are conscious of the obstacles and difficulties a developing country has to face in making a break-through, in reaching the take-off point, in husbanding limited resources among competing priorities, and what is more, in ensuring that the gains of development reach all parts of the country and all sections of our people. Your difficulties, I know, are even bigger than ours, for you have inherited a war-ravaged economy and the remains of senseless destruction. This is why we strongly believe that the international community must join hands with you in your quest for development. We, on our part, are ready to share with your people our experience and our skills and make howsoever modest a contribution to the new building of a happy

life in Vietnam. We have no doubt that with their burning nationalism and capacity for sacrifices, your people will bear the essential burden and will carry through the task of national reconstruction. Nothing is impossible for the brave and determined people of Vietnam and we are confident that a great future lies ahead for your country.

Mr. Prime Minister, with these words, may I express my good wishes for an era of peace and prosperity in Vietnam and for everlasting friendship between our peoples.

**SPEECH BY MR. PHAM VAN DONG, PRIME MINISTER OF THE
SOCIALIST REPUBLIC OF VIETNAM**

**YOUR EXCELLENCY MR. VICE PRESIDENT, YOUR EXCELLENCY, MR.
PRIME MINISTER, DISTINGUISHED MEMBERS OF PARLIAMENT:**

It is a great honour for me, on behalf of the National Assembly and the Government of the Socialist Republic of Vietnam, to convey to you, distinguished representatives of the great Indian people, a message of friendship from the Vietnamese people.

The friendship between our two peoples is a time-honoured, durable, and deep friendship stemming from our mutual understanding and respect, from our solidarity and mutual support in the struggle for the independence and freedom of our respective countries, from our multiform cooperation in national construction according to our respective paths, from our co-ordination in international activities—in the non-aligned movement in particular—for peace, national independence, democracy, and social progress throughout the world.

For the Vietnamese people, this pure and fine friendship is deeply rooted in long-standing cultural exchanges between our two countries, in our feelings and admiration for the civilisation and, more importantly, a civilisation which after so many trials over 50 centuries, has preserved all its originality, its continuity, and its unity. This is the most eloquent demonstration of the strong vitality of the Indian people, who have always turned towards the lofty objectives of mankind—truth, freedom, and happiness—and have always been open to new horizons, receiving the new values of the present that they think suitable. The true friends of the Indian people are gratified to note that the former birthplace of so many great works in philosophy, literature, the arts, science, and technology, is also the native land of the green revolution in agriculture and of a strong development of heavy and light industries, which have reached international standards in a number of branches, of rapid progress in science and technology with outstanding achievements in many fields. Clearly India is a country thriving in all respects. A nation of over 600 million very indus-

trious, creative and talented people, who have inherited one of the oldest and most brilliant cultures of mankind and have now become masters of a country the size of a continent with diversified and abundant resources, is sure to record extraordinary achievements for its own benefit and also in the interests of peace and cooperation among nations.

. Ladies and Gentlemen,

The profound friendship between our two peoples clearly manifested itself in our multiform mutual support in a glorious struggle for the independence and freedom of each country. We Vietnamese followed with enormous enthusiasm and pride the tenacious and hard but increasingly vigorous and unremitting struggle waged by hundreds of millions of Indians determined to rid themselves of colonial domination and to win independence and freedom. This struggle is an epic testifying to the heroic, unyielding and ardently patriotic traditions of the Indian people who, at the forceful call of Mahatma Gandhi, stood up millions as one in a struggle that shook colonial rule to its foundations and brought the glorious victory of August 15, 1947. The people of Vietnam and many other nations welcomed with boundless joy and pride the Indian peoples splendid victory which remains closely associated with the legendary figure of Mahatma Gandhi, the founder of the Republic of India.

About the same time, we Vietnamese, responding to President Ho Chi Minh's resounding call stepped up our struggle with a determination that overwhelmed the enemy forces and led to the triumph of the August 1945 Revolution and to the founding of the Democratic Republic of Vietnam on September 2, 1945. However, due to the intervention of imperialist forces our fight for independence, freedom and reunification did not end then. It continued for 30 years, and became the longest, hardest and most glorious struggle against imperialist aggression of the present times. Holding high the sacred banner of President Ho Chi Minh who held that "Nothing is more precious than independence and freedom", and united millions as one, we Vietnamese persisted in our fight, brought all our nation's strength and heroism to bear and won success after success until the splendid victory of Spring 1975. This was a victory of the iron will of a nation willing to make every sacrifice to defeat an aggressor who was then considered invincible, a victory of human intelligence and strength over modern weaponry. People all over the world recognize that the Vietnamese people's victory was an event of historic and important international significance, influencing many parts of the world. If I consider it necessary to recall here today the process of the Vietnamese people's struggle for independence, freedom and reunification, it is to express our sincere and profound gratitude to you, representatives of the Indian people, for your persistent, firm and strong support throughout an entire period of history.

The Indian people's precious support, along with that of other nations, was a factor for the Vietnamese people's victory.

The Vietnamese people fought for many years with courage and some sacrifice to become total masters of their country, to build a peaceful, independent, unified, and socialist Vietnam, to bring prosperity to the Socialist Republic of Vietnam and happiness to themselves, and at the same time to fulfil their lofty international duty of aiding the liberation of other nations.

To overcome the extremely grave consequences of the war, to restore and develop the economy, to develop culture, to stabilise and gradually improve the people's living conditions, we are mobilising all the energies of our people and all the resources of our country. If in the past our slogan was: "All for the front! All for victory!" now, it is: "All for production, all for the construction of socialism, all for the prosperity of the fatherland and the people's welfare;" Not even three years have elapsed since we won complete victory, yet during this very short period, many achievements of great and far-reaching importance have been recorded. We are resolved to march forward in the spirit of a victor, to do all we can to ensure the working people's right to be the collective masters of society considering it an extremely important factor for the construction of a new, prosperous, happy, and civilised Vietnam with a high material life and a radiant and fine cultural and spiritual life.

In this great and long-term undertaking, we rely mainly on our own strength while trying our best to establish relations of friendship and cooperation with all fraternal socialist countries and all friendly countries around the world, and with international organisations including those at the United Nations. Today, I am happy to express our warm gratitude for the precious support and assistance given us by the Government and fraternal people of India in agriculture, industry, communications and transport, science, and technology and other fields, support and assistance which are only initial steps. The friendship, mutual support and assistance, and cooperation between our two countries in the fields of economy, trade, culture, science and technology, have fine possibilities and prospects. Through many stages of history, our two peoples have realised more clearly than ever the importance of strengthening the friendship and the multiform cooperation between our two countries, in our own interests, and for the coordination of our international activities.

Ladies and Gentlemen,

We still remember very clearly that after winning independence, the leaders of the Indian Government laid down a very important direction for international activities of the Republic of India. In fact, India, under the

leadership of Prime Minister Jawaharlal Nehru, was one of the promoters of the newly independent countries' movement to defend their legitimate interests while making ever greater contributions to the cause of peace and national liberation in the world. We all remember the historic Bandung Conference. Since then, the movement has grown rapidly to become the movement of non-aligned countries today.

In the present international situation, everybody understands the increasing importance of the movement of non-aligned countries, and with good reason, because it includes the majority of countries, and the greater part of mankind. Moreover, it includes many countries with the oldest and finest cultures; it controls very precious natural resources for the economy and life of many countries. What a cruel contradiction that it is these very countries which have endured so many centuries of oppression and exploitation, so much suffering and humiliation, and are leading an unbearably poor and dim life.

This is where the movement of the non-aligned countries gets its strength from; the strength that comes with the desire for independence and sovereignty, for political, economic and cultural independence and sovereignty—genuine independence and sovereignty, certainly not the kind of formal independence and sovereignty that hides a neo-colonialist regime, which is even more dangerous than old colonialism. In order to secure such independence and sovereignty, non-aligned countries must elicit mass support in their own countries, and at the same time make every effort to expand alliances with progressive forces in the world. This is a law for the development in both size and essence of the non-aligned countries movement, of the Third World, while working for a new international order, for the vital interests of many economically under-developed countries which are victims of the imbalance of trade and payments and of unequal relations with developed capitalist countries.

At the Colombo Conference of non-aligned countries in August 1976, I clearly expounded the stand and policy of the Government of the Socialist Republic of Vietnam on the above-mentioned questions, and on the movement of non-aligned countries in general. I listened with pleasure to Prime Minister Shri Morarji Desai's opening speech at the New Delhi Ministerial Conference of the Co-ordinating Bureau of non-aligned countries in April 1977, noting that Viet Nam's approach is close to India's on many points and, therefore, there are great possibilities for us to co-ordinate our actions in this extremely important international movement.

Our planet is witnessing far-reaching developments, in keeping with the law of historical evolution. Mankind has been on the march since the Stone Age and everyone knows that the most rapid and tremendous advances are

happening in our times. Proceeding from that viewpoint, the Vietnamese people are convinced of the final victory of the just struggle of many peoples for their basic national rights, especially, the struggle of Arab peoples and the Palestinian people in the Middle and Near East, of the peoples of Zimbabwe, Namibia and Azania in Southern Africa, which is arousing world public opinion. This is an inevitable trend of history, and no reactionary force whatsoever can check it!

Closely linked by a sacred solidarity with the peoples of the world who have been supporting us, we, the Vietnamese people, will always be true to the ideal: "Nothing is more precious than independence and freedom". Independence and freedom of our own country and of other countries as well. This is the principled stand of the Vietnamese people and the Government of the Socialist Republic of Viet Nam. This stand which shines of justice has enjoyed the warm sympathy and support of the peoples of the world. Proceeding from this principled stand, the Government of the Socialist Republic of Viet Nam is doing all it can for a fair and reasonable settlement of the problems concerning the relations between Viet Nam and Kampuchea in keeping with the February 5, 1978 statement of the Government of the Socialist Republic of Viet Nam. We are deeply convinced that in the end justice will prevail, genuine friendship between the Vietnamese and the Kampuchean peoples will triumph, and the desire of many peoples in the world will come true.

In this connection, I think it is necessary to make it clear that, immediately after achieving independence, freedom and national reunification, the Government of the Socialist Republic of Viet Nam set out to strengthen friendship and cooperation with other Southeast-Asian countries, in accordance with its four-point policy which has been appreciated by large sections of the world public opinion. At the same time, we have unceasingly broadened our relations in many fields and forms with countries in Asia and the Pacific and on other continents as well, on the basis of the principles of a peaceful coexistence.

Peace, friendship and cooperation are great and pressing demands of the current world situation in keeping with the interests of each country and of the international relations. In our times, it is an extremely important task to defend world peace. The Socialist Republic of Viet Nam is determined to struggle, together with other socialist countries, non-aligned countries and other forces of peace in the world, for the realisation of this lofty aspiration of mankind.

Ladies and Gentlemen,

During my stay in your glorious and beautiful country, I had and shall have more opportunities to talk with Prime Minister Morarji Desai about

the relations between our two countries and about international situation. We think that both sides will have identity of views on a series of questions of mutual concern, this identity of views will be a vivid expression of the friendship and multiform cooperation that are binding our two peoples. As in the past this friendship will always be as pure as a cloudless sky, and this cooperation will unceasingly blossom and bear fruit.

Thank you for your attention.

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

**YOUR EXCELLENCY PRIME MINISTER PHAM VAN DONG, VICE-PRESIDENT
SHRI JATTI, PRIME MINISTER SHRI MORARJI BHAI, MEMBERS OF THE
VIETNAMESE DELEGATION, MEMBERS OF PARLIAMENT, LADIES AND
GENTLEMEN:**

It is now my very pleasant duty to rise to extend a very hearty vote of thanks. On my own behalf and on behalf of the Indian Parliamentary Group and the Members of Parliament assembled here, may I, your Excellency, convey our sincere gratitude to you for having spared all this time to be with us and for speaking to us with great warmth, endearing friendliness and refreshing originality. Listening to your thought-provoking and inspiring address has indeed been an exhilarating experience for all of us. May I assure you, your Excellency, how greatly we value and reciprocate the sentiments expressed by you on Indo-Vietnamese friendship and cooperation.

I have no doubt in my mind that your Excellency's visit would be a high point in the continuing friendship of our two countries and will give a fillip to the efforts that our two Governments are currently making for closer understanding and cooperation in various fields. This is to our mutual interest.

India and Vietnam have had a long-standing relationship. Belonging, as our two countries do, to the continent of Asia, the cradle of some of the oldest civilisations of the world, our cultures have met and interacted for centuries and our people have the friendliest feelings towards each other.

The people and Government of India have, for long, held in great affection and admiration the heroic people of Vietnam who have achieved liberation and reunification of Vietnam through great sacrifices.

We in India view with special interest the efforts of the Vietnamese Government towards reconstruction of the war-devastated economy. Over the last 30 years, India has gained considerable experience in the fields of

agricultural, industrial and technological development and our experience might be of some help to your country which is facing heroically the challenging task of economic reconstruction.

Mr. Prime Minister, frequent exchange of visits at various levels go a long way in strengthening the relations between friendly countries. It is a matter for gratification that during the last one year or so there has been an exchange of several high level delegations between our two countries. Your present visit will doubtless further strengthen our friendly relations and lead to greater cooperation between us in the years to come.

May I once again express to your Excellency our sincere thanks on behalf of the Indian Parliamentary Group and on my own behalf, for joining us today. We shall all cherish the memory of your address in this historic Hall.

PARLIAMENT IN THE INDIAN POLITY*

K. S. HEGDE

The Preamble to the Constitution lays down the guidelines under which the legislature, the administration and our society should function. The Supreme Court's interpretation of the Constitution is based not merely on the language of the provisions of the Constitution but also on the scheme underlying the objectives of the Constitution.

Social Justice: The Preamble promises to secure Justice—social, economic and political—to all citizens of this country. In Indian society, unfortunately, social barriers exist. There still exist differences between religion and religion, caste and caste and above all there are what are known as Harijans and the backward classes. These were also in existence when the founding fathers prepared the Constitution. They, therefore, made social justice one of the important objectives of the Constitution, as without social justice no other type of justice can be rendered to the people. There are now numerous laws intended to render social justice to the various sections of the people, particularly the backward classes and the Harijans. Today these classes are conscious of their rights. They are asserting their rights—and rightly too. They have been treated badly for centuries but that condition will be tolerated no more. That being so, it has to be ensured that the laws enacted for rendering social justice to these classes are faithfully implemented. Good laws may be enacted but their purpose can be perverted during implementation. It is, therefore, necessary that the laws enacted for bringing about an integration of the society, for bridging the gulf between the rich and the poor and also for reducing the gap between the different sections of the people are implemented properly and that social justice is extended to all classes.

*Adapted from the talk by the author to the Indian Administrative Service Probationers under the auspices of the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat in February, 1978.

Economic Justice: No social justice is possible without economic justice. Social differences or gradations mainly flow out of economic differences. There is always a difference between a rich man and a poor man. A rich man to whichever class of society he may belong still commands respect which may not be available to a poor man.

The goal of the Constitution is to build up an egalitarian society. Since absolute equality is not possible of achievement, we want to build a society where everyone is nearly equal. This is expressed in article 38 of the Constitution which lays down that the machinery of the Government should be so utilised as to bring about the distribution of the national wealth in an equitable manner and to see that there is no concentration of wealth. For fulfilling this task, the responsibility of the administrative machinery of the Government is very great. Several laws like those relating to land reforms, debt relief etc. have already been enacted and will continue to be enacted in future as well, in order to build up an egalitarian society and a social order where democracy can really prevail. But the complaint is that these laws have not been given full effect to without which they would be only a dead letter. In a truly democratic society there can be no great economic gulf between one individual and another. A democratic society pre-supposes economic equality amongst the people to the extent possible. It is possible to build up a really good society where the difference between the rich and the poor is minimal.

Political equality: Last but by no means the least is political equality. In a democratic society, every individual has certain rights. An individual is not a mere brick or stone on which the society is built. Besides the social rights and social obligations, the individual rights and individual obligations are also of utmost importance. This egalitarian doctrine has been enshrined in our Constitution, which incorporates in Part III the various human or individual rights. This part as well as Part IV which lays down the Directive Principles of State Policy should be borne in mind while discussing the individual rights.

Untouchability: Article 17 of the Constitution has abolished untouchability. This is one of the facets of the doctrine of equality. Untouchability and political equality cannot subsist together. It is, therefore, the duty of the administrators to see that untouchability is not practised. There are laws which lay down stringently that untouchability is an offence, but these laws do not seem to be observed in letter and spirit.

Equality of opportunity: After the Second World War, under the aegis of the United Nations, an *impromptu* conference was held in Paris under the Chairmanship of Mrs. Roosevelt. That conference decided to guarantee certain rights to every individual in any part of the world. India

was an original party to that convention under which it was agreed that every citizen in a country should be equal before the law and should have equal protection of the law. No individual, however rich he may be, or to whichever community he may belong, will have superior rights over other individuals.

In a feudalist society, certain classes and certain communities have only obligations and no privileges. In our society, we know what is the position of Harijans or the other weaker sections of the people. To ameliorate their condition and afford them equal opportunity, article 14 of our Constitution provides that all Indians shall be equal before the law and have equal protection of the laws.

In the olden days the administrative personnel had a privilege of their own. They could not be touched even if they transgressed the law. That is not the condition today. Now the position of the administrator and the ordinary citizen is more or less equal. The administrators have greater duties and corresponding to those duties they may have a little more right in certain spheres, but in all other matters their position is equal to that of any other person. This doctrine appears to have been completely forgotten during the Emergency. It will be a matter for research how some of the administrators behaved during that period. They completely forgot their responsibility. Their only aim was to curry favour with some high placed individuals and they were prepared to commit any crime for the sake of avoiding a transfer or getting a promotion. We know from history that such benefits are momentary and will not last long. The people of this country are mature and they know what their rights are. They threw out a powerful, tyrannical administration. Many of the administrators who did not play their role properly have to pay the penalty for that today.

This country is not ruled by an individual—man or woman. It is under the rule of law and each one of us is subject to law; nobody is above law. Under all circumstances we must obey the law; we should not obey an individual. If anybody transgresses the law, he will be guilty and punishment is likely to come. There are no doubt occasions when temptations may be offered to the administrators by the people in power to transgress the limits of law. The acceptance of such invitations may, however, prove to be dangerous in the long run.

Right to freedom: Besides guaranteeing certain rights to every individual, the Constitution also guarantees some rights to religious groups. Rights such as freedom of the individual, freedom of movement, of trade, of forming associations etc. are incorporated in article 19. Even Parliament cannot enact a law to abridge those rights except under conditions provided in the Constitution itself. Of course, at one stage Parliament did

transgress its limits; today those mistakes are being rectified. It is now everybody's duty to see that such transgressions do not take place again.

There are many turns in the life of an individual and in the history of a nation. There may be dark days. Occasions may arise when some people may be tempted to transgress the limits of law, as they did in the recent past. But such occasions should not be allowed to recur.

Forms of Government: When we framed our Constitution there was a great deal of debate as to whether we should have a presidential or a parliamentary form of Government. There are advantages and disadvantages in both these systems. In our democratic form of Government, there is a certain amount of separation of powers between the Judiciary, the Executive and the Legislature, and each has got its own separate sphere. But in the presidential type, the separation is more or less delineated and the spheres are rigid. The Legislature cannot encroach upon the field reserved for the Executive, and the Executive and the Legislature cannot encroach upon the field reserved for the Judiciary. But in the parliamentary system of Government, although broadly speaking, there is a certain amount of separation of powers they are nevertheless inter-linked and the separation is not absolute. After a great deal of debate and consideration and particularly taking into consideration our experience of the Westminster model of Government from about the year 1918 onwards, our founding fathers came to the conclusion that we should have the parliamentary form of Government. In this form, under a written constitution, legal supremacy lies with the Constitution while popular sovereignty lies with the people.

So far as the Legislature is concerned, it has a bigger say than the other two organs under the Constitution. The Executive under our system of Government must always command the confidence of the elected people. If there are two Houses, it should have the confidence of the Lower House. The moment the Executive loses this confidence it must resign. It cannot continue in power. But in the presidential form of Government, the Executive is independent of the Legislature. The President of the United States is elected for a four-year term. He will continue to be the Executive authority for the full term of four years, even if he has no support in the two Houses of the Congress. In the parliamentary system, the Ministers generally—not invariably—are members of either the Lower House or the Upper House. But in the presidential form, they are generally not members of the Legislature. In the United States no Minister or Secretary, as they call him, can be a member of either House and if he is, he must resign immediately. But under our Constitution, if a person is appointed a Minister and if he is not a member of either House, he must become one within six months from the date of assuming office as Minister. If he does

not acquire that qualification within that period, he automatically ceases to be Minister. Thus there is an interlinking of the Legislature and the Executive in our system.

The importance of a form of government like ours lies in the fact that it is always expected to be responsive to public opinion, whereas the impact of public opinion in a presidential system is not so direct. There is, however, a disadvantage also. In the presidential form, the President is in a position to get the services of the ablest men available in the country. In the United States the President looks to eminent professors, economists, scientists and such other people to fill the important ministerial posts. But that is not possible under our Constitution.

Parliament under the Constitution: Our Constitution has provided that there shall be two Houses of Parliament—Lok Sabha or the House of the People and Rajya Sabha or the Council of States. The members of the Council of States are elected by the State Legislatures for a period of six years. One-third of the members of that House retire once in two years. When the Rajya Sabha was first constituted in 1952, I happened to be a member. At that time, the problem arose as to how to make people retire. Therefore, lots had to be taken and some got two years, some four years and some the full term of six years. I had the misfortune of getting only two years, but that was not a big misfortune because I was re-elected for a full term of six years, though before I could complete the full term, I was drafted into the Judiciary.

The members of the Lok Sabha are directly elected by the people. The constituencies are quite large, sometimes 150 miles long and 30 to 40 miles wide. The electorate goes up to one million. It is a very difficult task in a country of our size for a man to canvass; it requires a lot of energy and stamina.

The original term of Lok Sabha was five years under the Constitution. During the Emergency, among many other things that happened, one of the amendments to the Constitution was that this term should be six, not five years. Normally, the Lower Houses are not of that duration at all. In the United States it is 2 years. In some countries it is four years. In England it is five years, of course, subject to premature dissolution. But for some reason or other, the then Members of Parliament thought that their services could not be dispensed with for a year more. They outlived their term and remained members for more than six years. The present Government is of the view that the term of six years is too long for Lok Sabha, as the members will lose touch with the electorate and, therefore, we should restore the previous term of five years. It is yet to be seen whether that amendment is going to be carried. I hope it will be carried soon, because one of the most important things in a legislature is that

though the term of members should be sufficiently long, it should not be very long.

The powers of Lok Sabha and Rajya Sabha are nearly the same except in the matter of Money Bills. So far as Money Bills are concerned, they can be introduced only in Lok Sabha. The Money Bill has to be passed by only Lok Sabha. After the Bill is passed, it is sent to the Rajya Sabha for its consideration and recommendation. But the Rajya Sabha does not amend the Money Bill. It merely recommends certain changes. It is up to the Lok Sabha to accept such recommendations or not. If Lok Sabha does not accept them, the decision of Lok Sabha becomes final.

In the case of all other Bills every measure has to be passed by both the Houses. If one House refuses to pass a Bill, then two courses are open to Government. It may either drop the measure—in the last Session of Parliament, Lok Sabha passed a legislative measure which was not accepted by Rajya Sabha and Government then dropped the measure*—or it can call a joint sitting of the two Houses. Lok Sabha has 544 Members and the Rajya Sabha 244 members. These 788 Members or such of them as are present, will then sit together in a joint sitting and the differences between the two Houses can be resolved through a majority decision.

Another important aspect of Lok Sabha is that the Cabinet is responsible to it and not to Rajya Sabha. The present Government does not have majority in Rajya Sabha and yet it continues to be in office because it is not responsible to that House. It is responsible to Lok Sabha only.

Amending power of Parliament: A question may arise whether, even if Lok Sabha and Rajya Sabha agree, they can enact a law which infringes the provisions of the Constitution. Article 13 of the Constitution provides that any law enacted which contravenes the fundamental Rights is an invalid law. So even if Lok Sabha and Rajya Sabha agree and pass a law which infringes any fundamental Right, it will not be a valid law. Article 13 merely refers to Part III of the Constitution. But the scheme of the Constitution provides that no law, excepting a Constitutional amendment, can be enacted, which contravenes the provisions of the Constitution. This means that the supreme and fundamental law of the land is the Constitution and not the law enacted by Parliament.

Another question which may be raised is whether Parliament by exercising the power under article 368 can change the basic features of the Constitution. Article 368 provides that any provision of the Constitution can be amended by Parliament by enacting a law by two-thirds majority in each House. In some respects it must also get the concurrence of the

*The reference here is to the Banking Service commission (Repeal) Bill, 1977 which however, was subsequently passed at a joint sitting of both Houses held on May 16, 1978—Editor.

majority of the State Legislatures. In other respects, it can amend the Constitution in its own right.

Two questions arose before the Supreme Court. First, whether, by exercising the power under article 368, the fundamental rights could be abrogated. In one case the Supreme Court had come to the conclusion that Parliament had no competence to abrogate any fundamental right, even by the exercise of powers under article 368. In a later decision, to which I was a party, *i.e.* in the case of *Kesavananda Bharati*, the Supreme Court over-ruled that decision. It came to the conclusion that Parliament had the right to abrogate a fundamental right by the exercise of power under article 368, but it had no right to change the basic features of the Constitution as, for instance, its democratic or secular character and certain basic aspects of human rights. In my own judgment I said that Parliament even by a unanimous decision, could not convert the present democracy into a monarchy or impose upon this country hereditary rule. I also ruled that it could not change the Constitution from a secular into a religious one.

There is a great deal of controversy as to what are the basic features of the Constitution. In fact, a criticism was made that there was nothing like basic features under the Constitution and such an idea was only an imagination of the judges of the Supreme Court. One Judge in the United States, of course in a jocular mood, once said: "You are all governed by the Constitution. But the Constitution is what I say." Such things do happen. But the experience during the nineteen months of the Emergency in the country had now satisfied the people that Parliament should not have power to change the basic features of the Constitution. The present Government, and to a certain extent the Opposition also, are agreed that they must specify what are the basic rights and also provide that these basic rights should not be permitted to be changed under article 368. They seem to have come to the conclusion that if and when it is considered necessary to have a change in these basic rights, they must directly go to the people and have a referendum. Parliament by itself should not have that power. This discussion is still going on, to find out what these basic rights are, and how they can be formulated. The ruling party and several other parties also went to the people in the last election saying that it was dangerous to give power to Parliament to change the basic structure of the Constitution.

Distribution of legislative powers: The legislative powers under the Constitution are divided both vertically as well as horizontally. They are distributed between the State Legislatures and the Union Parliament. Exclusive Powers given to the State Legislatures are included in List II of the Seventh Schedule. Some powers are exclusively given to the Central

Legislature. There are a large number of other powers which are included in the Concurrent List or List III of that Schedule. These powers can be exercised both by the Centre and by the States; and if the Centre exercises those powers, the State loses the right to exercise them.

There is a controversy as to whether more powers should be given to the State Legislatures or not. It may be recalled that prior to the framing of the Constitution, many schemes were adumbrated in this regard. In the Government of India Act 1935, large powers were given to the provincial governments and provincial legislatures and only certain powers were reserved for the Centre. It was thought at that time that the 'native States' will also come into the picture. But, unfortunately that Constitution did not come into force at all, except for certain parts—which were later on changed. The proposals by Sir Stafford Cripps and by the British Cabinet Mission also envisaged extensive powers to be given to the State Legislatures. But once the partition of the country into India and Pakistan took place, the thinking drastically changed. Then it was thought that the unity of the country required a strong Centre and, therefore, today more powers are vested in the Centre and comparatively fewer powers are given to the States.

Today there is a great deal of demand for the revision of the powers, financial as well as legislative. It is sometimes said that the State Governments do not have adequate resources and as such have to seek support from the Centre as they are not in a position to discharge the responsibilities cast on them. Some of the State Governments want a discussion on this matter.

In the working of Parliament there will always be some amount of conflict and confrontation. Confrontation is in-built in a parliamentary system of Government, because, in that system it is the duty of the ruling party to bring forward measures for governing the country, as it is the duty of the opposition to criticise them. Sometimes it may be criticism for the sake of criticism and sometimes it may be very constructive and proper. But this churning of thought by both the ruling party and the opposition is absolutely necessary in a parliamentary democracy.

PARLIAMENTARY PRIVILEGES

SHANTI BHUSHAN

The importance of the subject of Parliamentary Privileges cannot be overemphasised. The subject is important not only for those who are connected with Parliament, but it should be considered equally important to those who may have nothing to do with it in the immediate future.

The Keshav Singh Case: Perhaps, this fact came out quite forcefully in the *Keshav Singh* case in 1964. The U.P. Legislative Assembly was then in session. A gentleman known by the name of Shri Keshav Singh, who had been hauled up at the Bar of the House and reprimanded by the Speaker for a breach of privilege of the House, committed further contempt of the House by his misbehaviour in the actual view of the House. Proceedings were taken against him for his further breach of privilege and contempt of the House and he was punished with a few days of imprisonment.

Shri Keshav Singh created history by filing a writ petition in the Court, challenging the action of the House. The writ was filed under article 226 of the Constitution in the Lucknow Bench of the Allahabad High Court. Two Judges, Mr. Justice Nasirulla Beg and Mr. Justice Saigal, constituted the Bench on that day and the writ petition was presented before them. Seeing that it was a writ petition, they felt that something had to be said. Sometimes petitions are entertained because a final decision is not to be given at that stage. So notices were issued to the other side which consisted of three parties: (i) the Superintendent of Jail under whose custody Shri Keshav Singh was lodged in a jail; (ii) Shrimati Sucheta Kripalani

*Adapted from the talk given by the author under the auspices of the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat in October 1977.

who happened to be the Chief Minister of U.P. at that time and was connected with that case, because it was customary for the Chief Minister, as Leader of the House to move a motion for some punishment to be accorded for the breach of privilege of the House and as such she had moved the motion for punishment to be given to Shri Keshav Singh; (iii) The Speaker, because he conducted the proceedings of the Legislative Assembly. These parties were added as the respondents.

As soon as the writ petition was admitted notice was issued automatically. Evidently admission of a writ petition means issue of notice to all the respondents so that they can have their say; either they can come personally or they may be represented by their Counsel. They can say whatever they have got to say in connection with that case. Perhaps, Counsel who had filed the writ petition did not feel that one could be very definite and positive about the intricate connotation of the privileges of Parliament or of the State Legislative Assemblies. The judges too, without going into the intricacies of the case, admitted the writ petition. But as soon as they issued notice and the news appeared in the newspapers the next morning that the writ petition had been admitted, the Legislative Assembly took a very serious view of the matter. They immediately held a session and after some debate a resolution was adopted, requiring the two judges of the High Court to be promptly arrested and produced before the Bar of the House to face a charge of breach of privilege of the House.

Thereafter, it became a first-rate constitutional crisis in the country. The Legislative Assembly was asserting its power to try even the judges of the High Court and claimed that punishment of a person for breach of privilege was in the exclusive jurisdiction of the House itself. It could not be interfered with or supervised by any other authority including the highest judicial bodies and if a Court asserted its authority over the final powers of the House, then that Court itself would be guilty of breach of privilege. That was the assertion of the Legislative Assembly. The claim was made very seriously and there was substantial authority to lend support to that claim. At the same time, it was not possible for the High Court also to accept the position that when constitutional powers of judicial review were given to the High Court, they could, merely because they had entertained a writ petition, be guilty of a breach of privilege of the House and that they could even be got arrested by the Marshal of the Assembly and forcibly produced before the Bar of the House. So immediately thereafter, within a day or two, a full court consisting of all the twenty-eight judges of the Allahabad High Court was constituted. Two petitions were prepared—one on behalf of Shri Beg and the other on behalf of Shri Saigal—by some counsel and it was decided by the Chief Justice that the whole High Court would sit to hear those petitions. The

idea was that if the High Court had to assert its judicial power, then the entire High Court had to move jointly so that all the High Court Judges might have a feeling that if they had to be proceeded against, then all of them would have to be proceeded against.

Supreme Court's opinion: It was thereupon decided by the Government of India to make a Presidential reference to the Supreme Court under article 143. Perhaps, this was a very important decision. The motive behind this was that when a controversy arose between two sovereign institutions, then it was very difficult to think of a person who could resolve that controversy. These controversies, effectively and practically, can only be settled by laying down mutually accepted conventions. Obviously, public opinion in the country also plays a very important part. However, by making this reference to the Supreme Court under article 143 of the Constitution the problem certainly got defused because when tempers run high, the issue of prestige becomes very important. Nobody is prepared to shift from his stated position. As time passes, of course, people tend to forget. Perhaps, they become more reasonable and, therefore, conventions emerge. This is what precisely happened in this case. The Supreme Court said that in its opinion fundamental rights prevailed even over privileges of the Parliament and parliamentary institutions, except to the extent that a fundamental right had been expressly made inapplicable. Article 21 specifies that no person shall be deprived of his life, of personal liberty, except by the procedure established by law. So far as article 21 is concerned, the privileges cannot override these fundamental rights and if therefore the House comes to the conclusion in the exercise of its rights to punish a person for his conduct in the House for a breach of its privilege, and it could be said to have punished a person by depriving him of his personal liberty without complying with the procedure established by law, then, there could be a case for filing a writ petition before the High Court and the High Court could intervene in the matter. Anyhow, this was merely an advisory opinion under article 143.

High Court's Judgment: So far as the petition of Shri Keshav Singh was concerned, it was still to be decided by the High Court. It came up for hearing after some time. There was some controversy about the views laid down by the Supreme Court in the Presidential reference. The Chief Minister was in a dilemma. She had been advised by the Advocate General that if she did not enter appearance in the case, the High Court might start proceedings against her for showing disrespect to the High Court. On the other hand, if she appeared before the Court and submitted to its jurisdiction in this matter, it would be a breach of privilege of the House and the House may take action against her. I, then advised her that it was not necessary for the Legislative Assembly or the Speaker or even the Chief Minister, who was the Leader of the House, to enter appearance in

the High Court. So far as the Superintendent of the Jail was concerned, he was merely an executive authority, an officer of the Government. There could not be any delicacy on his part in entering appearance and since he was the officer who had custody of Keshav Singh, he could place the relevant facts before the High Court which could then proceed to dispose of the petition without appearance of the other parties. So, I was asked to conduct the case entering appearance only on behalf of the Superintendent of Jail. I contended before the High Court that although the Supreme Court had laid down certain principles in the Presidential reference under article 143, I relied upon a Privy Council decision that the advisory opinion was not in itself, a binding precedent. The Government of India Act, 1935 also contained a section analogous to article 143 of the Constitution and the then Federal Court had given an advisory opinion in exercise of powers under that section. The matter in due course reached the Privy Council which examined the question whether the decision of the Federal Court was binding on the High Courts. The Privy Council took the view that an advisory opinion of the highest Court, while entitled to great respect, could not be treated as a binding precedent. It was thus that I got more latitude to argue the matter on my lines. I said that although the Supreme Court had made certain observations, yet since it was merely an advisory opinion it was not really binding on the High Court. Fortunately, conflict was avoided and the High Court accepted the position. The High Court judgment came after the Presiding Officers' Conference in Bombay and it held that the correctness, the legality and the propriety of the contempt decided by a House of the Legislature could not be gone into by a Court of law at all. In other words, the decision of the Legislature, the House, shall be final. The Legislative Assembly is also a master of its own procedure and the sole judge of the question whether a contempt of the House has been committed or not. So, the High Court did perhaps go a little more in favour of the parliamentary institutions and prerogatives than an assertion of its own authority by the judiciary. This judgment, obviously, was acceptable to the proponents of parliamentary privileges. Although earlier, after the Supreme Court opinion, there had been a demand in the all-India Conference of Presiding Officers of Legislative Bodies that the Constitution should be amended in order to state expressly and unequivocally that the privileges shall override the fundamental rights. Government decided that in view of the judgment of the Allahabad High Court it was not necessary to proceed with any amendment of the Constitution.

Need for Parliamentary Privileges: The question might arise as to the rationale behind these parliamentary privileges. Why is it necessary to invest parliamentary institutions with these sweeping privileges? They are quite necessary, because if parliamentary institutions have to successfully serve the purpose for which they have been established, these privileges

will also have to exist. Obviously, now it is recognised on all hands, and more particularly in this country—in fact, the respect for this country and the parliamentary institutions and democracy in this country is now soaring to new heights in the whole world—that democracy is precious and should be cherished. I found in my recent visits to various countries that this was a matter of great surprise in those countries, because recently the opinion was getting built in the world that so far as the underdeveloped countries were concerned, on account of the problems created by extreme poverty, democracy could not survive there and it was ceasing to exist in various underdeveloped countries one by one. It was only after what happened in India, in March, 1977, that people in the Western countries again started entertaining doubts about their earlier belief and they were wondering as to how it happened that in a poor country like India, people showed such great and informed interest in their own freedom and liberties. And after a discussion, the consensus among them was that perhaps it was the old culture of India—our 5000-year-old culture—which had always given the necessary strength and vitality to personal liberties. We know that under our old village system, people would collect together every evening and discuss all matters under the sun freely without any fear and perhaps because of that, personal liberties and human freedoms have become so established in our way of life even with the poor people, that they react so strongly in favour of liberties and freedoms and a democratic set-up of society. New hope has now been generated for democratic, parliamentary institutions even in underdeveloped countries in the rest of the world. It is widely felt that the welfare of the people can be ensured only through democratic processes. It can be built on the basis of parliamentary institutions, and so their proper functioning must be ensured. It is this belief that is at the base of the doctrine of parliamentary privileges. The will of the people should be allowed to be freely expressed and then alone can democracy be preserved. This cannot be done if anything is allowed to come in the way of the proper functioning of the Houses of Parliament or other Legislatures.

Constitutional provisions: Article 105 of the Constitution deals with the privileges, immunities, etc. of the Houses of Parliament at the Centre and article 194 is the corresponding article for the State Legislatures. One privilege has been given express recognition by the Constitution namely, freedom of speech in Parliament. It cannot be regulated or controlled by any kind of outside interference. Within the House every Member is free to say whatever he wants to say. The idea behind making this provision was that democracy was so important that even laws relating to contempt of court, libel and criminal offences committed by word of mouth must not apply to the spoken word in the Parliament. This is because many times, new situations may arise and unless there is complete freedom of

speech in the House, parliamentary institutions will not be able to do justice to their functions. It was further made clear that no proceedings in any Court of law would lie against any Member of the House for having said anything in the House.

That does not, however, mean that a Member of Parliament is free to be irresponsible in the House; any control on his freedom of speech is to be imposed by the House itself as also the Speaker. If a Member wants to level a charge and irresponsibly defame some person without having the slightest evidence for making the charge, he can be proceeded against by the Speaker or the House. So he must be armed with facts; otherwise the House itself can take action against him; the only point is that no outside authority can do so; no court can take any action against him.

In other respects, the Constitution made provision for Parliament to define its other privileges. It was stated that till the time Parliament does so, the other privileges of the Members and of the House shall be the same as those which belonged to the House of Commons in Britain as on January 26, 1950 when the Constitution came into force.

Codification of Privileges: Although the power to enact a law on privileges was given to Parliament almost 28 years ago, no law has yet been enacted. In fact, sometimes a controversy arises whether Parliament should pass a law codifying its privileges or not. Once it is codified it can be read and one knows exactly what those privileges are. On the other hand, it will become rigid and if there is some need to have some other privilege which may not be there in the minds of those who codify, then it will be left out. These are the limitations and difficulties. Besides, the view before the Presidential reference was that since it would be a law enacted by Parliament it would have to be judged by the touchstone of fundamental rights and if any law contravened the fundamental rights, it would be void to that extent. Of course, that would mean intervention of the Courts. That was also one of the reasons why codification of privileges did not go ahead.

The Forty-second Amendment: Under the Forty-second Amendment of the Constitution, a change was made in articles 105 and 194 and the express reference to the privileges of the British House of Commons was removed. It did not look very nice to refer to a foreign Constitution. Why should a Constitutional provision refer to something which is existing in another country as being binding on us? Now that the question of having a comprehensive amendment to the Constitution is engaging the attention of the country and the Government, this aspect of the matter is also being considered. Earlier it was said that since no law had been enacted, the privileges which were the privileges of the House of Commons in 1950 would be the privileges of the Parliament, its members and

Committees and they were continuing to be the privileges of the House in 1975 and 1976. Now, it has been said that the privileges and rights as they existed in 1976, will continue to be the same till a law could be enacted by Parliament. This, in effect, was merely a verbal change. But the major change which was sought to be brought about by the Forty-second Amendment was a different one. Earlier, new privileges could be brought into existence only by Parliamentary legislation, which would mean that both the Houses of Parliament must adopt it and the President must also give his assent and if it was to be accepted by the Supreme Court, the law must also pass the test of fundamental rights. If something unreasonable was sought to be done in the matter of privileges, then these would be the safeguards. The Forty-second Amendment, instead of confining the power to create new privileges to parliamentary legislation, provided that a House of Parliament would evolve its own privileges with the result that this evolution of new privileges of the Houses of Parliament would not be required to be done by law. So, the views of both the Houses would not be necessary and the question of testing the law on the touch-stone of fundamental rights would not arise. This is a matter which is engaging the attention not only of Government, but also of the opposition parties and different sections of the country. This would be examined at depth and a decision taken as to what precisely is required to be done about this particular change brought in by the Forty-second Amendment of the Constitution.

Main Privileges: It is important to know what are the main privileges of Parliament. The people should not happen to unwittingly tread on the toes of parliamentary institutions, the Houses, and their Members. As already indicated, every Member has the privilege of speaking freely in the House without any outside interference, etc. Therefore, if one threatens a Member against this freedom that itself is a breach of privilege. So nobody is supposed to interfere with the freedom of speech of the Members of Parliament inside the House and that is recognised as an absolute freedom.

Other Privileges: The House has the right to control the publication of its proceedings. Normally, faithful publication of the proceedings is permissible. In fact legislation has been enacted to that effect. But the ultimate control is with the House. Sometimes, it may happen that something is said by somebody, but later on the Speaker may expunge it. If some one publishes what the Member has said and also adds that the Speaker has expunged it, he cannot say that he had only faithfully published the proceedings of the House. Since the House itself has the absolute right to control its proceedings, if the House has expunged certain portions from its formal proceedings, then they no longer remain in the proceedings of the House. Therefore, nobody can publish them. Thus

it is the privilege of the House to prevent publication of any part of the proceedings of the House.

The House can hold even a secret sitting. In that case, nobody can publish anything. In fact, the proceedings cannot be divulged even by Members. It would be a breach of privilege to divulge the proceedings of the secret sitting without the permission of the House. This is one of the most important privileges of the House. Even saying something which will bring the House into disrepute is a breach of privilege of the House, because obviously parliamentary institutions cannot function freely if reflections are cast on them or if the Members are maligned. For, in that case they will lose their efficacy. They are entitled to maintain their respect in the minds of the people. The House can, in fact, prevent people from maligning either the House or its Members.

Sometimes, the Select Committees of the Houses take evidence; they have hearings and discussions. The proceedings of these Committees cannot be published till the report is submitted to the House, because the House is entitled to know the report of the proceedings of the Committee first, unless of course the Select Committee or the Speaker has given permission for its publication. The publication must contain fair and accurate report of the proceedings of the House. If it contains inaccurate reports, then that also constitutes a breach of privilege of the House. Not only the Members of the Houses, but even the witnesses who appear before the Houses or before the Committees of the Houses, are entitled to the same privileges. No action can be taken against them for giving certain information to the House while tendering evidence. So, they also get complete immunity.

Another privilege is that no Court can enquire into the proceedings of the House, because the principle is that the House is the sole master of its proceedings. A controversy cannot be raised in a Court of law as to what happened in the House. That is not a matter which can be enquired into by the Court. It is for the parliamentary proceedings to say what happened in the House, whether somebody was allowed to speak or not and who spoke what. The parliamentary proceedings as maintained by the parliamentary institutions would be final and no court can go into them.

Sometimes a question has been raised as to whether a casual conversation between two Members of the House, which has nothing to do with the proceedings, can be regarded as part of the proceedings or not. Generally, the view held is that such casual conversation, though inside the House, cannot really be regarded as part of the proceedings of the House. But, since it has happened in the House, if somebody has to start some proceedings in the Court in regard to that casual conversation, there

would be difficulty in getting permission to give evidence in regard to that, because one of the privileges is that no evidence on anything which happens in the House can be allowed to be given without the permission of the House. So, first of all, the person concerned has to apply for permission of the House and unless the House gives permission, he cannot give evidence even in regard to this casual conversation.

There is another privilege—freedom from arrest—which is, of course, a qualified one. No Member of Parliament is immune from criminal proceedings for an offence committed. If a person commits murder, it is immaterial that he is an M.P. He is as much liable as anybody else. But to enable Members to perform their important function of making democracy work, the privilege of freedom from arrest in a civil case during the session and for a period of 40 days preceding the session and for a period of 40 days after the session has been recognised. In any case, any arrest must not be even remotely connected with whatever he is intending to do in the House or with what he has done in the House. Suppose he has to pay some money in execution of a decree. If he does not pay the money and there is a Court decree, normally a person can be put in prison. But a Member of Parliament cannot be arrested in such a case for the aforesaid period, the idea being that the Member has to perform the more important function of helping to make democracy work.

Another important privilege very jealously guarded by the various Houses is that if any member is arrested or detained, immediate information of such arrest or detention must be sent to the House through the Speaker. Sometimes, some police officers make a mistake in omitting to send the information immediately to the House and they do so at their own peril. Of course, if there is a *bona fide* reason a lenient view may be taken by the House, but not sending immediate information is a breach of privilege which can land a person in great difficulty.

No legal process can be served nor can a person be arrested within the precincts of the House even for committing a crime like murder, without the permission of the Speaker. The precincts of the House are considered absolutely sacred. So long as he is within the precincts of the House, he is not liable either to be arrested or for service of any legal process, without the permission of the Speaker.

A person cannot be compelled to give evidence or produce documents which relate to the proceedings of a House without the permission of the House. Similarly, there cannot be any compulsion for appearance as a witness before the other House. A person may be a Member of Lok Sabha and Rajya Sabha may be wanting his evidence. But he cannot be compelled to give evidence in Rajya Sabha without the permission of Lok

Sabha, and *vice versa*. So, a Member of one House cannot be compelled to appear as a witness before the other House without the permission of the House of which he is a Member.

If a Member is in custody and if he wants to address a communication to the Speaker or to the Secretary of the House or to the Chairman of a Parliamentary Committee, that communication cannot be withheld. The idea behind this privilege is that he has the right to communicate with the Speaker, Secretary or Chairman of a Parliamentary Committee and he may have something very important to convey. If such a communication is withheld, it is a breach of privilege.

It is the privilege of the House to exclude strangers. It is only with the courtesy of the House that strangers can be permitted to watch its proceedings.

Breach of Privileges: The jurisdiction of the Houses of Parliament to enquire into matters of breach of privilege is also exclusive. The House guards this privilege jealously and does not permit any outside agency, including the highest Court to interfere with this exclusive privilege to punish somebody who commits breach of its privilege or contempt.

In connection with the proceedings for breach of privilege or contempt of the House, the House has the power to commit persons to custody. The House can punish such persons who may be either Members or outside persons. In connection with those proceedings, summons can be issued to a witness to give evidence or to produce papers. The procedure for this will have to be regulated by the House itself. It can also prohibit publication of those proceedings.

Importance of Parliamentary Privileges: How jealously these privileges are guarded by the Houses of Parliament is evident from the fact that when some Members of the House, including a former Speaker, were given notice to appear before the Supreme Court in a case relating to Jagadguru Shankaracharya, either in person or by an advocate, a question of privilege was raised in the House. The Members concerned were directed by the Speaker to ignore the notice and the Attorney-General was asked to bring to the notice of the Court that what was contained in the case was something which was covered by article 105 of the Constitution. On some observations having been made by the Court with regard to the stand taken by the House, inasmuch as the Members had not been served with a 'summons' but only a 'notice of lodgement' the matter was again discussed in the House. The Speaker then ruled that whether the Court issued a summons or a notice did not make any difference, as ultimately, the privileges of the House were involved, when Members were asked to defend themselves for what they had said in the House.

When one of the Members who had been served with the notice of lodgement of appeal by the Supreme Court expressed a desire to go and defend himself in the Court, the Speaker observed that if he appeared before the Court, fully knowing article 105, a privilege motion would have to be brought against him. This is proof of the zeal with which the privileges of the House are preserved and protected. Even if a Member wants to go and appear before the Supreme Court, the House would say that it was a question of dignity and privilege of the whole House, and he could not be permitted to bring the House into contempt by doing so, for which indeed proceedings could be started against him.

PARLIAMENT AND SOCIAL CHANGE

YAGYA DATT SHARMA

The real test of successful democratic functioning lies in the faith and confidence of the people in parliamentary institutions and not in the successes or defeats in elections. Parliament represents the entire nation and the whole nation is interested in the development of Parliament into a strong and healthy institution. To make it more effective, however, final suggestions for its improvement must come from within Parliament itself, as it is Parliament which has ultimately to decide what steps either by way of change of rules or by establishment of conventions and norms, have to be taken.

The chief argument in favour of the parliamentary system of Government is that the results are obtained by discussion between divergent interests, and are imposed by consent—a method which produces a better average of humanity than the most scientific of despotisms. The parliamentary process postulates the existence of political parties representing a divergence of views on social, economic and political problems. One of them is called upon to form the government and others sit as the opposition, which of course has its own importance in the parliamentary system. It is very essential to have a responsible Opposition and it should have its say in Parliament. It is a well recognised principle that without an Opposition parliamentary democracy is meaningless and it will degenerate into one-party dictatorship. For the success of parliamentary democracy, it is of the utmost importance to have profound and sincere respect for the other man's point-of-view and to give it due thought.

In India, the people have no doubt a vested interest in Parliament and are concerned with seeing that the legislatures maintain their position and prestige. Though the parties in Parliament still preserve a collective capacity to rise above party politics in matters of national concern, yet preservation of decorum and dignity and maintenance of the prestige of Parliament are absolutely essential.

The question immediately upon transfer of Power was the re-orientation of India's new objectives. Indian society suffered from feudal out-look; its economy was dependent on land and agriculture. It is worth noting that wherever land and agriculture formed the basis of economy the society has been found to be feudal. Serfdom, unequal status of women, intolerance, and pervading ignorance are some of the facets of feudalism. Peculiar to the Indian society was its caste system, rigid and inflexible. Untouchability was the worst offshoot of the caste system. Women could be married only on payment of dowry. Lack of education in general and particularly of women in rural India, serfdom and tendencies of fragmentation were notable legacies. All this engaged the attention of the members of the Constituent Assembly. Shri K. Santhanam has described the framing of the Constitution as the social revolution to get out of medievalism based on birth, religion, custom and community and reconstruct India's social structure on modern foundations—democracy, social justice and rule of law.

Dr. Radhakrishnan, speaking on the Objectives Resolution had said:

“It is socio-economic revolution that we are attempting to bring about. It is, therefore, necessary that we must remake the material conditions, but apart from remaking the material conditions, we have to safeguard the liberty of human spirit.”

It is true that India has made considerable progress in various fields including nuclear science and space technology, but still there have been shortfalls in various vital fields, e.g. unemployment, need for a proper distribution system of essential articles and educational reforms, corruption and need to eradicate poverty etc. These issues require immediate attention.

When the Constitution of India was being framed, the Founding Fathers had kept in view the mass poverty, age-old inequities and glaring social and economic disparities in the country. They had made specific provisions in the Constitution which were designed to bring about a social and economic transformation in a peaceful and democratic manner. The Preamble to the Constitution of India which contains its basic philosophy opens with “We the People of India hereby adopt, enact and give to ourselves the Constitution” thus emphasising the adoption of the democratic way of life in the governance of the country. The Preamble lists the basic objectives which the Constitution seeks to secure to all citizens. Among these objectives the pride of place is given to justice—social, economic and political. Socio-economic justice thus becomes the ideal, the mode of the realization of which is worked out in detail in the Constitution. In fact, as stated by Justice M. Hidayatullah, the Preamble “epitomizes the principles on which Government is intended to function and these principles

are later expanded into Fundamental Rights in Part III and Directive Principles of State Policy in Part IV”.

The important fundamental rights listed in Part III of the Constitution may be grouped briefly as right to equality including abolition of untouchability (articles 14 to 17), right to freedom (articles 19, 21 and 22), right against exploitation (articles 23 and 24), right to freedom of religion (articles 25 to 28), cultural and educational rights (articles 29 and 30), right to property (articles 31 to 31D), and the right to constitutional remedies (articles 32 and 226). These rights are not however, absolute and the Constitution itself has specified the grounds on which and the manner in which restrictions could be placed on the exercise of the specific rights.

Part IV of the Constitution of India containing the Directive Principles of State Policy is like a manifesto of the welfare state intended to be set up by the framers of our Constitution.

The core of the Directive Principles is enshrined in article 38 which echoes the Preamble: “the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all the institutions of the national life.”

It has been further provided therein that the State shall, in particular, direct its policy towards securing adequate opportunities of livelihood to all citizens, that the ownership and control of the material resources of the community are so distributed as to serve the common good, etc. Apart from these objectives the State is also required to take steps to organize village Panchayats and to promote international peace and security.

Article 41 deals with right to work, to education and to public assistance. Article 44 envisages a uniform civil code for all its citizens. Article 46 calls for promotion of educational and economic interests of the Scheduled Castes, Scheduled Tribes and other weaker sections of the society.

With the condition of Hindu Law, social justice is largely meted out to the Hindu woman by way of providing for monogamy, right to divorce, and the right to property as co-owner with a share along with her brothers in the property of the father and along with her sons in the property of her husband. But a large section of the Indian community is still deprived of an equitable personal law.

Agrarian reforms were undertaken in the very early life of the Republic. Zamindaris were abolished in Uttar Pradesh and Bihar in 1950-51. Since then land reforms were undertaken to ensure social justice to the tillers of the soil.

Extensive labour legislation was undertaken to give fair deal to the labour in urban areas. However, economic reforms may not be completely successful unless social equality is established.

Education is the foundation on which social equality could be established and this is being increasingly realised by the social worker and the politician. The object of education is to free the mind. It is the slave mind that acts wrongly and not a free one. A new and dynamic approach to education is thus the need of the hour.

MY EXPERIENCES ON THE COMMITTEE ON PETITIONS

BRAHMANANDA PANDA

I have had the pleasure of presiding over the sittings of the Committee on Petitions of the Rajya Sabha for the last two years. Six reports were presented to the House during this brief period. I have found from my experience that this is a very important Parliamentary Committee, and perhaps the only legislative forum through which the public and the Parliament come together.

Procedure for presenting petitions: The procedure regarding presentation of petitions to Parliament is quite simple. A petition can be presented to either House on any matter of general public interest. It means there is a right available to every citizen to petition the House to remedy a grievance. Any section of society which feels aggrieved on a matter of general public interest may present such petitions. The petition, however, is required to be countersigned by a member of Parliament who also presents it to the House.

It is true that in the case of a Select Committee or a Joint Select Committee on a Bill, there is public participation in the legislation process, and memoranda, comments, suggestions etc. are invited from the public. The Committee also hears witnesses on the subject-matter of the Bill. But the scope of the functioning of a Select or Joint Select Committee is limited to the subject-matter of the Bill and as soon as the report of the Committee on the Bill has been presented to the House, the Committee becomes *functus officio*. On the other hand, the Committee on Petitions is a standing Committee of the House and functions throughout the year. The House receives from time to time petitions from cross-sections of society, from civil servants, pensioners, physically and mentally handicapped persons, practitioners of the Unani system of medicine, railway personnel, and so on.

Petitions Committee in U.K.: Until recently, the British House of Commons had a Committee on Public Petitions. On April 4, 1974, following a report from the Select Committee on Procedure (Session 1972-73), the Committee on Public Petitions was discontinued. Standing Order No. 102 now requires all petitions (except those relating to personal grievances) to be printed and transmitted by the Clerk of the House to a Minister of the Crown. Any observations that a Minister or Ministers may make in reply to a petition are to be laid upon the Table by the Clerk of the House and ordered to be printed. The functioning of the erstwhile Committee on Public Petitions had been very limited. Though a petition presented to the British House of Commons was no doubt referred to a Select Committee appointed for the purpose, the function of the Committee remained confined "to classify and prepare abstracts of the same in such form and manner as shall appear to them best suited to convey to the House all requisite information respecting their contents, and to report the same from time to time to the House". The Reports of the Committee were "to set forth, in respect of each petition, the number of signatures which are accompanied by addresses and which are written on sheets, headed in every case by the prayer of the petition, or on the back of such sheets, provided that on every sheet after the first, the prayer may be reproduced in print or by other mechanical process." The Committee had also power "to direct the printing in extenso of such petitions or of such parts of petitions, as shall appear to require it".* It is clear that the function of the British Committee on Public Petitions was simply to analyse the petitions and report to the House, but to make no recommendations.

Functions of the Committee in India: In the Indian Parliament, the scope of the functioning of the Committee on Petitions is wider. After presentation, a petition is referred to the Committee on Petitions. The Committee invites comments from the concerned Ministry. It also invites through a press release memoranda, views, suggestions from the public who may be interested in the subject-matter of the petition. The Committee hears the views of Government in respect of various points raised in the petition. It also takes the oral evidence of the petitioners in case they like to elaborate their views. Other representative bodies interested in the petition also give oral evidence before the Committee. The Committee may visit places associated with the subject-matter of the petition to make an on-the-spot study and assessment of the problems raised in the petition. Thus an opportunity is given to the people to focus their grievances before Parliament, and also help the Committee to secure their redressal.

*Second Report from the Committee on Public Petitions ordered by the House of Commons to be printed, 17th April 1973, p.2.

This is a unique procedure which is followed in India and is not available in the British Parliament.

These days a heavy volume of legislation involving national issues of far-reaching significance has to be disposed of by the House within the limited time at its disposal. It is not possible for any legislature to go into details of public grievances which continuously arise and require relief. It is the Committee on Petitions which fills the gap, deliberates upon every matter with an open mind, and analyses the various points of the petition. The members of the Committee function in a non-partisan manner and forget their party affiliations when they sit and deliberate on the petition. They give a patient hearing to all sides and seek to make an in-depth study of the problems. The Committee is not of course a Court of Law, nor a quasi-judicial body, but it functions in a judicial manner and its approach is always judicious.

After a report is presented to the House on the petition, follow-up action is taken. The Committee has framed its own rules to make sure that its recommendations are implemented by Government.

By way of illustration and to show how the public can have easy access to Parliament, I would refer to a few petitions during my association with the Committee. Some had emanated from the poorer sections of society; their grievances would have gone unnoticed if the procedure had not been helpful.

Petition from Government employees: A petition referred to the Committee purported to demand that the same political rights as are allowed to other citizens be extended also to Government employees throughout the country. The petitioners stated that under the Railway Services (Conduct) Rules, 1956, which came into force with effect from the 8th February, 1956, a railway employee was permitted to offer himself as a candidate for election to a local authority and when so permitted was not deemed to have contravened any provisions of the said rules which debarred such an employee from taking part in an election to any local authority. A member of the All-India Services and a Central Government employee could also take part in an election to a local authority under similar conditions, on the basis of the All-India Services (Conduct) Rules, 1954, and the Central Civil Services (Conduct) Rules, 1955, respectively. However, the Central Civil Services (Conduct) Rules, 1964, the Railway Services (Conduct) Rules, 1966 and the All-India Services (Conduct) Rules, 1968 debarred the Central Government, the Railway and the All-India Services employees respectively from taking part in elections to local authorities, and thereby the Central Government employees, including the railway employees, were, it was claimed, virtually deprived of their political rights. The petitioners also pointed out that "Government employees in countries like the United

Kingdom, Sri Lanka and Malaysia have been given political rights, so that they can take part in elections not only to local bodies but also to legislatures". The petitioners concluded with the prayer that "Government employees throughout the country should be allowed to have political rights equal with other citizens in all respects."

The Committee heard the representatives of the Central and some State Governments, Members of Parliament, legal luminaries, educationists, administrators and trade unionists. The witnesses who appeared before the Committee included Shri N. G. Goray, former Member of Parliament and now Indian High Commissioner in the United Kingdom, Shri V. K. R. V. Rao, former Union Education Minister, Dr. L. M. Singhvi, Executive Chairman of the Institute of Constitutional and Parliamentary Studies, Dr. D. D. Basu, famous for his *Commentary on the Constitution of India* and Shri N. A. Palkhiwala, at present India's Ambassador in the United States.

While not accepting the prayer of the petitioners that "Government employees throughout the country should be allowed to have political rights equal with other citizens in all respects", the Committee expressed some definite views in regard to redressal of grievances relating to service matters of the Government employees and recommended *inter alia* as under:

"The Committee recognises the significant role, the administrative services as a whole have to play in the formulation and execution of Government plans and the need for keeping the civil services contented and non-partisan in the larger interests of the country and in the interests of the employees themselves. The Committee recommends that the rules governing the right to form trade unions and associations should be liberalised so as to cover all categories of Government employees thus making these unions and associations effective instruments functioning on healthy lines through which the employees could find a satisfactory and meaningful solution to their grievances and fulfilment of their aspirations. This would, in the opinion of the Committee, provide them adequate channels for redressal of their grievances and would meet their demands to a fair extent. The Committee, therefore, recommends that Government should work out an appropriate scheme in this regard and place the same before Parliament for its consideration."

The recommendations made by the Committee are now being processed by the Department of Personnel and Administrative Reforms.

Petition from Handloom weavers: There was a petition from some handloom weavers from the taluka town of Dindigul in Tamil Nadu. The petition related to the living and working conditions of the handloom weavers with particular reference to adequate and timely supply of yarn at reasonable prices, price protection for their finished goods, protection from

exploitation by middlemen etc. After hearing the petitioners and the Government's representatives the Committee made an on-the-spot study at Dindigul.

I have been in public life for decades but it was an ennobling experience for me when the Committee visited Dindigul. The whole town was jubilant and in a wedding mood as if there was a public holiday on that day. There was so much enthusiasm among the petitioners and the residents of the town that the members of the Committee were overwhelmed by the ovation. The Committee heard the grievances of the handloom weavers in public and in the presence of high-ranking officers of the Central Government and State Government dealing with handloom. It was a gala day for the weavers of the town to see a Parliamentary Committee visiting their weaving centres and their dwelling houses. During my membership of Parliament I have been associated with a number of Committees but I could hardly recall such a purposeful event.

During the 'on-the-spot' study visits, the Committee gathers such revealing information as is otherwise not possible to get. In Assam, during an informal meeting with the Chief Minister, the Committee was apprised of the historical and cultural background of the handloom industry in that State. The Chief Minister told the Committee that in ancient times there was a custom that clothes were required to be woven by female members of the family in a single night for their family soldiers, before they could join their respective regiments. In order to maintain that tradition the female members of the family present to their male members even now at *Bihu* festivals the clothes woven by them as a symbol of love and respect. Giving an example how the industry was rooted in tradition in every home of Assam, the Chief Minister told the Committee that when Shri Bishnuram Mehdi, former Chief Minister of Assam, was appointed Governor of Tamil Nadu, a loom was set up for Smt. Mehdi in Raj Bhavan at Madras.

Petition re: air and water pollution: There was another petition which was local in its nature but had far-reaching consequences on the weaker sections of the society. It was alleged that the inhabitants of Ganjam town and surrounding areas in Orissa were adversely affected on account of the discharge of effluents by a factory situated in that area. The petitioners pointed out that the ill effects of the industrial pollution were not checked and as a result about fifty thousand people of the area suffered the effects of water and air pollution. The Committee heard the petitioners, the State and the Central Government representatives, and also the management of the factory. The factory premises were also looked over.

The Committee further visited Ganjam town and other villages in that area to make a closer study of the problem. It was a memorable day for

that area, otherwise sleepy, though situated on the National Highway, when the members of the Committee, Central and Orissa Government officers and the district authorities moved from place to place in the scorching sun. The villagers perhaps had never imagined that their problems could be so meticulously studied by a Parliamentary Committee coming to that isolated area of the State.

The report on this petition was presented to the Rajya Sabha on the 8th December, 1977. While highlighting the importance of the industry particularly in the backward areas, the Committee was of the definite opinion that it should not be allowed to flourish at the cost of the local people. Its main recommendation was as under :

“All pending matters of M/s Jayshree Chemicals Ltd., Ganjam regarding their expansion, letters of intent or grant of licences (both fresh ones or renewals) should not be considered and cleared by Government until after the recommendations of the Committee have been implemented and the factory has taken all steps to stop air and water pollution in Ganjam area due to the discharge of gas and effluents.”

There was a question in the Rajya Sabha on March 13, 1978 on a subject of general nature in this behalf. The Minister stated in answer to that question that the complaint had been investigated both by Government and the Rajya Sabha Committee on Petitions. The Committee had decided that grant of letter of intent and licence (both fresh ones and renewals) and other pending matters relating to M/s Jayshree Chemicals at Ganjam should be deferred till the firm had taken all steps to check the pollution of air and water in and around the Ganjam town. The Minister added that all administrative Ministries/Departments had been requested to comply with this decision.

The Committee had in my time an opportunity to study the various institutions engaged in the indigenous systems of medicine like Unani and Ayurveda, as it had received a petition regarding the development of the Unani system of medicine in the country. The relevant report was presented to the Rajya Sabha on March 17, 1978 and the Committee's recommendations are being processed by Government.

Importance of the Committee: There is a general impression that Parliament sits only in Delhi and is engaged in mere deliberations and passage of legislation. This is because the people often have no idea of the actual working of Parliamentary Committees such as the one on Petitions. In my view, widest publicity should be given to the procedure regarding petitioning to the House and on the functioning of the Committee on Petitions. This, I am sure, will to a great extent help the public in getting their grievances redressed through the parliamentary process.

OF ART AND THE PEOPLE

HIREN MUKERJEE

[On February 18, 1978, Shri K. S. Hegde, Speaker, Lok Sabha inaugurated in the Parliament House Annexe an exhibition of "Rare and Art Books" available in Parliament Library. The Exhibition remained open till March 4, 1978. We reproduce an article on this exhibition by Professor H. N. Mukerjee, Honorary Adviser, Lok Sabha Secretariat, published earlier in *The Hindustan Times*.]

—[Editor]

For a fortnight lately, the 'foyer' of 'Sansadiya Soudha' which is the splendid but somehow still secluded Parliament House Annexe, glowed with a special radiance. There was an exhibition on, an exhibition of rare books and art books from out of the collection in Parliament Library, the former carefully receptacled for the true bibliophile alone to savour while the latter, sumptuous and multi-hued lay designedly strewn around on tables or along inviting book-racks, casting a light that the Library had, it seemed, long hidden under its bushel. For most visitors, including art critics and archaeologists and even senior members of Parliament, it was a welcome surprise that Parliament Library had such treasures.

Even in exclusive libraries, of course, the more valuable acquisitions have largely to be stowed carefully away and members of Parliament, with their constant pre-occupations, can usually give little time or thought in that regard. Not many of them even could come and see this exhibition, but those who did were entranced and noted their pride in the Library's *richesse*.

*Reproduced by courtesy from *The Hindustan Times*, March 25, 1978.

Though some pressmen came to the opening, the exhibition was not open to the public. Perhaps, it was a certain shyness, and not, one hopes, possessiveness which made Parliament Library hesitate to reveal its wealth to a wider audience. Even so, the event was important and it was a joy to see so much loveliness together in the elegant environment provided by the graceful and structurally notable annexe to Parliament House.

The art of many ages and many climes, purveyed in often beautiful reproductions, was on show, re-kindling one's pride in humankind, our species, a quintessence of dust, being at the same time a creator, 'God's image', in theological parlance, in so many ways perverse but redeemed by the beauty and power turned out by our hand and brain. There was spread out in the exhibition a panorama of world art, and in that larger context the art of our own India from Mohenjodaro to today—a massive, magnificent corpus that warms the heart.

Whatever the distortions and the ups and downs in our storied past, we are heirs to a glory that can never fade—the glory of a people who hollowed mountains so that they could echo, with sculptured grace, the song in their heart. It is good that the library that serves primarily the representatives of our people treasures stuff that are a beautiful reminder of the resilience and creativity of our ever unvanquished India.

One evening a knowledgeable and sensitive art critic gave in the auditorium alongside the exhibition hall an illustrated talk on modern Indian painting, a quick survey of many trends indicating a search that never ceases. The artist's 'third eye' has vision that often bewilders more than it beguiles, and almost insensibly the issue cropped up of naturalism, realism, surrealism *et al*, of present-day abstractionists with their near-transcendentalism and the claim, not always made convincingly but with quiet fervour, of the artist's entire autonomy of thought and feeling.

There was a short but lively interchange, almost heightened into excitement, for in the mind of many of our artists and art critics there is, not without some reason, a suspicion of the tastes of our people, vulgarised by many historical factors, and unable, without a proper training of the eye, to discern true beauty. This suspicion can be fought out only by mutual effort, the artist acquiring awareness (like Picasso did, in spite of his stupendous uniqueness) of a profound and ineluctable link with the people whose labour sustains life, and the so-called 'common man' also realizing that the artist represents no deviation but only a special development of a talent that could have been also his.

If in class society, the artist seeks and finds succour only from the 'elite', the few who can understand and purchase his work (often in India

they boil down almost to a handful of mostly foreign 'connoisseurs'), it will be an act of desperation, a virtual extinction of the real springs of creativity. If the artist in India (or elsewhere) feels fundamentally alienated from the life of the society around him, if he is driven to abstractionism not out of an inner urge emanating from creative fantasies aching for forms and shapes that haunt and grip the soul but from a deliberate dissociation from the reality about him and the feeling of distance from life, it is more than a danger signal that his talent might turn into a tantrum, not unpleasing but unprofound, and in the last resort mortifying to the spirit.

There is no call to paint in conventional ways—no artist worth the name in any age does it, but he masters the techniques, merrily manipulates the conventions, soars above them all by an inner power which works out concepts and styles appropriate to heightened sensibility, always justifying himself to himself first and then to the people whom he cannot but wish to reach out to. Nobody in India who has rejoiced in the colours and shapes set out in a sun-set sky after a monsoon shower can dismiss abstract painting—Which has its place, firm and fascinating, in the Spectrum of art—but nobody can relish the variety of stunt-mongering that seems, not infrequently, the hall-mark of the easy and unreflective escapism that marks so much abstractionism today.

Some Western critics once called our 'Buddha in contemplation' ('Dhyani Buddha') as expressive as a piece of suet pudding! There is nothing in our people to predispose them against abstractionism as such. To berate them as devoted incorrigibly to Ravi Varma and to calendar art is petty and false. Our people's eyes are athirst for beauty, and even in ears of degeneration their hands have turned out beauty that brings one so often to tears. It is essential for our artists to remember this and to be humble. Like Jamini Roy or Fida Husain, they must stand by and with our folk, even as they might seem distant and uncomprehending. If Kanchi and Konark do not implant in Indian minds this fundamental humility, there must be something cruelly wrong.

All this might seem a far cry from an art books exhibition in Parliament House Annexe. But this is an eternal verity—everything that is the work of man is by the people and for the people.

GENERAL ELECTIONS TO STATE ASSEMBLIES, 1978*

The general elections to the five State Assemblies of Andhra Pradesh, Assam, Karnataka, Maharashtra and Meghalaya and the Union Territory of Arunachal Pradesh were held on February 25, 1978. The time-table for the elections was as follows:

Last date for making nominations	February 1, 1978
Date for the scrutiny of nominations	February 2, 1978
Last date for the withdrawal of candidatures	February 4, 1978

The state-wise statistical tables (showing the total votes polled, seats contested and won by parties and independents, votes secured and percentage etc. are given below:

ANDHRA PRADESH

Total seats	294	<i>Percentage</i>
Total Electorate	28,361,790	
Total votes polled	20,693,530	72.96
Total votes rejected	548,487	2.65
Total valid votes polled	20,145,043	[71.03

Party	Contestants	Elected	Forfeited [deposits	Votes polled	Percentage
1	2	3	4	5	6
Janata	269	60	38	5,807,522	28.82
INC	257	30	130	3,412,791	16.94
INC(I)	290	175	15	7,908,221	39.26
CPI	31	6	12	501,452	2.49
CPM	22	8	1	548,333	2.72
RPK	6	..	6	7,829	0.04
SUC	3	..	3	3,777	0.02
DMK	5	..	5	19,292	0.10
RPI	2	..	2	22,514	0.11
IND	653	15	589	1,913,312	9.50
TOTAL	1,538	294	801	[20,145,043	100.00

*Source: Election Commission of India (Provisional Figures).

1978

ARUNACHAL PRADESH

Total Seats :	126	Percentage
Total Electorate :	7,974,395	
Total votes polled :	5,331,402	66.86
Total rejected votes :	166,150	3.12
Total valid votes polled :	5,165,252	64.77

Name of Party	Contestants	Elected	Forfeited deposits	Votes polled	Percentage
1	2	3	4	5	6
1. Janata	117	53	24	1,423,204	27.56
2. INC	126	26	45	1,223,189	23.69
3. INC (I)	115	8	98	453,623	8.78
4. CPI	34	5	24	207,379	4.01
5. CPM	28	11	7	293,959	5.69
6. PTC	9	4	2	134,533	2.60
7. RSP	5	0	4	20,107	0.39
8. FBL	3	0	3	6,552	0.13
9. RCI	11	4	7	77,214	1.49
10. SUC	4	0	3	12,627	0.24
11. IGL	1	0	1	2,305	0.04
12. IND	485	15	433	1,310,560	25.38
TOTAL	938	126	651	5,165,252	100.00

KARNATAKA

Total Seats :	224	Percentage
Total Electorate :	17,896,199	
Total votes polled :	12,842,384	71.76
Total rejected votes :	348,899	2.72
Total No. of valid votes polled :	12,493,485	

Name of Party	Contestants	Elected	Forfeited deposits	Votes polled	Percentage
1	2	3	4	5	6
1. Janata	222	59	5	4,720,425	37.79
2. INC	212	2	176	1,011,974	8.10
3. INC (I)	214	149	2	5,536,267	44.31
4. CPI	6	3	..	148,567	1.19
5. CPM	10	..	9	62,881	0.50
6. IND	501	11	477	1,013,371	8.11
TOTAL :	1165	224	669	12,493,485	100.00

MAHARASHTRA

			Percentage
Total seats	.	.	288
Total Electorate	.	.	31,029,395
Total votes polled	.	.	20,954,647
Total rejected votes	.	.	594,006
Total valid votes polled	.	.	20,360,641
			67.53
			2.83
			65.62

Name of Party	Contestants	Elected	Forfeited deposits	Votes polled	Percentage
1	2	3	4	5	6
1. Janata . . .	215	99	25	5,695,316	27.97
2. INC . . .	259	69	78	5,097,575	25.04
3. INC (I) . . .	203	62	84	3,725,092	18.30
4. CPI . . .	48	1	41	300,056	1.47
5. CPM . . .	12	9	1	345,008	1.69
6. PWP . . .	88	13	46	1,074,128	5.28
7. Others & Independents	994	35	880	4,123,466	20.25
TOTAL	1819	288	1155	20,360,641	100.00

MIZORHALAYA

			Percentage
Total seats	.	.	60
Total Electorates	.	.	585,100
Total votes polled	.	.	393,615
Total votes rejected	.	.	14,870
Total valid votes	.	.	378,745
			67.27
			3.78

Name of Party	Contestants	Elected	Forfeited deposits	Votes polled	Percentage
1	2	3	4	5	6
1. INC . . .	57	20	7	109,654	28.95
2. INC(I) . . .	9	.	6	5,447	1.44
3. CPI . . .	4	.	4	2,361	0.62
4. AHL . . .	52	16	6	94,362	24.91
5. HPD . . .	35	14	10	72,673	19.19
6. IND . . .	105	10	57	94,248	24.89
TOTAL	262	60	90	378,745	100.00

ARUNACHAL PRADESH

	Percentage
Total seats	30
Total Electorate	224,729 (239,945)*
Total votes polled	166,294 74.00
Total rejected votes	6,964 4.19
Total valid votes polled	159,330 70.90

Name of Party	Contestants	Elected	Forfeited deposits	Votes polled	Percentage
1	2	3	4	5	6
1. Janata	29**	*17	1	66,908	41.99
2. INC	1	0	1	720	0.45
3. PPA	21	8	0	48,435	30.40
4. INO	35	5	14	43,267	27.16
TOTAL	86	30	16	159,330	100.00

*Including electorate of 2 uncontested constituencies.

**Including 2 candidates who were returned unopposed.

INC	Indian National Congress
INC(I)	Indian National Congress (I)
CPI	Communist Party of India
CPI(M)	Communist Party of India (Marxist)
RPK	Republican Party of India (Khobargade)
SUC	Socialist Unity Centre of India.
DMK	Dravida Munnetra Kazhagam
RPI	Republican Party of India
PTC	Plains Tribals Council of India
RSP	Revolutionary Socialist Party
FBL	Forward Block
RCI	Revolutionary Communist Party of India
IGL	All India Gurkha League
PWP	Peasants and Worker's Party
AHL	All Party Hill [Leaders' Conference
HPD	Hill State People's Democratic Party
PPA	People's Party of Arunachal Pradesh
IND	Independent

PARLIAMENTARY EVENTS AND ACTIVITIES

HOMAGE TO SHRI M. ANANTHASAYANAM AYYANGAR

On March 20, 1978 the Speaker, Shri K. S. Hegde informed the Lok Sabha of the passing away of Shri M. Ananthasayanam Ayyangar, on March 19, 1978 at the age of 87. After the Speaker, the Prime Minister and leaders of various parties and groups had paid tributes to Shri Ayyangar, the House observed a minute's silence and adjourned till 2 p.m. as a mark of respect to his memory.

The Speaker, Shri K. S. Hegde, said that with the passing away of Shri Ayyangar the country had lost a great son who devoted all his life to the service of the people and the democratic institutions.

Giving a brief life-sketch of Shri Ayyangar, the Speaker said that he entered the Central Legislative Assembly in 1934 and continued to be a member for 28 years, being elected to all the successive Houses till 1962. A member of the Constituent Assembly during the years 1946—50, he was elected Deputy Speaker of Lok Sabha in 1952 and served in that capacity till 1956 when, on the passing away of the Speaker Mavalankar, he was elected as the Speaker. Shri Ayyangar occupied the office of the Speaker till 1962. He was elected to the Third Sabha also in 1962 but resigned from its membership on his appointment as Governor of Bihar.

Shri Ayyangar started his career as a mathematics teacher in 1912 but thereafter entered the legal profession. He participated in the non-cooperation movement and suspended practice for about a year in 1921. He offered individual Satyagraha in 1940 and suffered imprisonment in connection with the "Quit India" movement between August, 1942 and December 1944. He served on various Commissions and Committees—both Government as well as private. To mention a few, he was a Member of the Fiscal Commission, Chairman of the Criminal Tribes Inquiry Committee, President, Harijan Sewak Sangh, President of the Bar Association, Chittoor and Chancellor, Rishikul University, Hardwar. He was

also Chairman of the Estimates Committee during 1950—54 and Chairman of the Railway Convention Committee in 1954. He led the Indian Parliamentary Delegation to China in 1956. He also participated in a number of Parliamentary Conferences, both in the country as well as abroad. He was deeply interested in the uplift of the poor and the down-trodden.

Shri Ayyangar had an amiable personality. He was deeply devoted to parliamentary institutions and made a very distinguished contribution to parliamentary procedure and practice by his decisions and rulings as Presiding Officer. It was during his time, in 1956, that Conference of the Commonwealth Parliamentary Association was first held in India. Under his leadership, the Conference was a signal success.

Expressing his sorrow at the passing away of Shri Ayyangar, the Prime Minister, Shri Moraji Desai said that he had a colourful personality. He was a person with independent views and expressed them independently too. His services to the country were varied. He took part in the non-cooperation movement and was deeply devoted to Parliament and its procedures and to democracy. In his death the country had lost a great patriot.

Paying his condolences, the Leader of the Opposition, Shri Y. B. Chavan, said that Shri Ayyangar was a scholar of distinction and very skilful in parliamentary debate. He rendered great service during the freedom struggle. Active till his last days, he always thought of the problems of the country and was clear in his views. His death was a great loss to the Parliament and the country.

Shri P. Venkatasubbaiah (Congress-I) said that Shri Ayyangar was not only the Speaker but also an erudite scholar in Sanskrit and Telugu. When he was Governor of Bihar, he discharged his duties with dignity and decorum.

Others who joined in paying tributes to the memory of Shri Ayyangar on behalf of their parties/groups were Shri A. Bala Pajnor (AIADMK), Shri Dinen Bhattacharya (CPIM), Shri Kachrual Hemraj Jain (Republican) and Shri Chitta Basu (Forward Block).

The members requested the Speaker to convey their condolences to the members of the bereaved family.

JOINT VALEDICTORY MEETING OF THE PARLIAMENTARY FINANCIAL COMMITTEES, 1977-78.

A joint valedictory meeting of the three Financial Committees of Parliament, viz., the Public Accounts Committee, the Estimates Committee and

the Committee on Public Undertakings for the year 1977-78 was held on April 28, 1978. The Speaker, Shri K. S. Hegde presided.

Complimenting the Chairman and the members of the Committee on their excellent record of work during the year, Shri Hegde said that the Financial Committees over the years had, by their independence, competence and balanced approach built up a reputation for themselves, as patent instruments of parliamentary surveillance. He had no doubt that if the traditions of work and approach that these Committees had established were maintained, the system of checks over the executive provided by them would remain effective. Shri Hegde said:

“The task assigned by Parliament to the three Financial Committees is a challenging one and calls for an in-depth study of the intricate working of the various departments of the Government and the Public Undertakings. Members have to devote themselves to the task of collecting evidence, analysing it and reaching conclusions. I am glad to observe that inspite of their pressing pre-occupations and parliamentary work, the Members of the three Committees have by and large acquitted themselves of their responsibilities creditably. But for their devotion, presentation of such a large number of Reports to the House would not have been possible. The members of the Committees assume great responsibility. They assume some of the important duties of the Parliament. Hence they should not take their work lightly. They should render dedicated work. If for any reason they are unable to discharge their duties properly, they should make way for others.”

Shri Hegde further observed:

“...it is clear that our Financial Committees have exercised great care in the selection of subjects, always guided by consideration of what is vital to the national economy or is concerned with the interest of the common man. It is also necessary that the Reports of the Committees must be couched in language appropriate to the high position occupied by the Parliament. The higher the position of an institution, greater should be the restraint in the language used.”

Referring to the achievements of the three Committees, Shri Hegde said that it was gratifying to learn that the Public Accounts Committee during the brief time-span of barely nine months had been able to present as many as 80 Reports to Parliament—48 original and 32 Action Taken Reports. He complimented the Chairman, the Conveners of the Working Groups and the Members for their devotion to their chosen work.

In his view, the selection of new subjects, namely, Rural Development, Modernisation of Defence, Growth of larger Industrial Houses, Working of Diplomatic Missions Abroad, Directorate of Advertising and Visual Publicity, Loss and Damage claims on Indian Railways and Delhi Development Authority, was indicative of the keen interest taken by the Estimates Committee in matters of wide public interest.

The Committee on Public Undertakings, Shri Hegde said, had presented Reports based on horizontal studies of important facets of working of public undertakings and infructuous expenditure on entertainment, maintenance of guest houses, publicity, foreign travel of officials and running of head offices. He was sure the Government would take serious note of the significant recommendations made by the Committee and bring about the desired economy and efficiency in the functioning of public undertakings.

Earlier, welcoming the Speaker, Shri C. M. Stephen, Chairman, Public Accounts Committee recalled his rich and satisfying experience with the Committee during his Chairmanship for nine months. Giving a brief account of the work done by the Committee, Shri Stephen said:

“During my term, the PAC has presented as many as 80 Reports to Parliament—48 original and 32 Action Taken. This heavy burden on the current PAC was due to the fact that quite a large number of Reports—to be exact 35—on which evidence was taken by the previous Committee, could not be finalised by that Committee on account of sudden dissolution of Lok Sabha in January 1977 and these had to be processed and finalised by this Committee. This all-time record of the number of Reports during one year could not have been achieved but for the help and cooperation extended by the Conveners of various Working Groups and all the Hon'ble Members of the Committee. They carefully studied the subjects under investigation, conducted an incisive and meaningful examination of the evidence and processed and finalised the Reports.”

Shri Stephen also briefly mentioned some of the more important recommendations made by the Committee in its Reports.

Speaking for the Estimates Committee, its Chairman, Shri Satyendra Narayan Sinha, said that the Committee had over the years grown into an effective instrument for enforcing parliamentary accountability. He said:

“The Committee can take legitimate pride in having suggested measures for effecting economies and improvements in administration. It has also not flinched from pointing out organisational deficiencies, shortcomings and delays in various areas of administrative activity whenever these have come to its notice.”

Shri Sinha further stated that the Committee had been able to finalise and present ten Action Taken Reports in addition to the ten original Reports. He briefly touched upon some of the more significant points brought out before Parliament in its Reports during the year, particularly on Passenger Amenities, Higher Technical Education, Handloom Industry, Powerloom Industry, Development of Irrigation Facilities, Prevention and Control of Blindness, Loss and Damage Claims on Indian Railways, and Survey of Rural Employment. Shri Sinha said that throughout the deliberations of the Committee, there had been full and frank discussion among Members and unanimity in reaching conclusions on the basis of merits.

The Committee functioned as one team and the recommendations were unanimous.

Shri Jyotirmoy Bosu, Chairman, Committee on Public Undertakings, said that no plan could really succeed unless the public sector had a commanding height in the country's economy and control over the means of production. Shri Bosu stated that under the scrutiny of the Committee were about 172 Public Undertakings in which a total amount of Rs. 11,097 crores had been invested till the end of 1976-77. He said:

"In spite of this huge financial involvement the performance of the Public Sector on the whole had been very discouraging and it is very essential for the welfare of the country's economy that the Public Sector units are toned up, cleansed and their sphere of activities is expanded as speedily as possible. In fact many of the industries enjoy complete monopoly in their own fields of production of trading and therefore it is difficult to accept the present situation. One of the major evils had been severe over-capitalisation which has brought serious drain on the Public Sector Undertakings, besides their widespread mismanagement, extravagance, lavish and wasteful expenditure and insufficient attention for optimising production from all the operations. The thing that has struck me in many cases is total lack of involvement on the part of executives. It is necessary that expenditure is reduced as far as possible without touching the weaker section's job security and amenities and earnings are increased as best as possible."

Shri Bosu stated that investigations by the Committee had been thorough and incisive with a view to unearth instances of malpractices and corruption which were rampant in some of the Public Undertakings, leading to leakages of revenue and resulting in large cumulative losses. He mentioned in particular two undertakings, namely, the Central Inland Water Transport Corporation and the Jute Corporation of India, which were examined in detail, in addition to the horizontal examination of all the Public Undertakings on certain special facets of their working, such as their expenditure on entertainment, on publicity and advertisement, foreign travels by top executives, head office establishments and guest houses. He said that an awareness had been created in the minds of the Chief Executives of the Public Undertakings that Parliament had an effective watchdog committee in the shape of the Committee on Public Undertaking which kept a constant vigil and surveillance over the activities of the Public Undertakings.

The Chairman expressed their gratitude to the Speaker for the "gracious courtesy and help" invariably extended to them and said that they were beholden to him for his "deep and abiding interest" in the work of the Committees and for the advice and guidance accorded by him to the Committees in abundant measures.

The Speaker and Shri Stephen placed on record their appreciation of the dedicated and devoted assistance rendered by Shri A. Baksi, during his six year association as Comptroller and Auditor General with the Financial Committees. "He had raised the level of the Audit Reports by incorporating horizontal reviews of important projects and schemes", the Speaker said. Both the Speaker and Shri Stephen welcomed his successor, Shri Gyan Prakash, who, they felt sure, would continue to maintain the tradition set by his predecessors.

The Chairman also conveyed their deep appreciation of the help and advice received by the Committees from the Secretary, Lok Sabha, Shri Avtar Singh Rikhy, who had been associated with them for a long period. In the words of Shri Stephen, "Although he became Secretary of Lok Sabha, I had watched him taking continued and sustained interest in the affairs of the Financial Committees. I must record my appreciation of the spontaneous cooperation I have been receiving from him."

The Speaker was glad that the officers and staff of the Lok Sabha Secretariat working with the Financial Committees had given the best of themselves and discharged their duties and responsibilities with credit. He referred to the association of Shri B. K. Mukerjee, Joint Secretary and Shri G. D. Sharma, Chief Financial Committee Officer with the working of the Financial Committees and noted the valuable contribution made by them in various capacities and wished them happiness and long life on their retirement from service. His sentiments were echoed by the Chairman also.

VALEDICTORY MEETING OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES, 1977-78

A valedictory meeting of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (1977-78) was held on April 26, 1978. The Speaker of the Lok Sabha, Shri K. S. Hegde, presided over the function.

Complimenting the Chairman and the members of the Committee on their 'commendable and impressive work' during their term of less than a year, Shri Hegde said that the scheduled castes and scheduled tribes between them constituted more than one fifth of the population of the country and with a view to improving the socio-economic conditions of these weaker sections of the people, the Constitution had provided a number of safeguards. He added that mere provision of safeguards was not enough and the people, the country and Government should see that these safeguards materialised in tangible improvements in the lot of these people.

The Speaker further observed:

“The question of rapid spread of education among the Scheduled Castes and Scheduled Tribes requires in my view utmost consideration, since educational development holds the key to the socio-economic progress of these communities. It is a matter of some satisfaction that we have been able to take some concrete steps in this direction. We have been able to secure reservation of seats for Scheduled Caste and Scheduled Tribe students in medical and other higher technical institutions. We have succeeded in having the quantum of scholarships raised. I am glad that the Parliamentary Committee is vigorously pursuing these matters with the Government and I hope that seats reserved for Scheduled Caste and Scheduled Tribe students will in future be fully utilised by them.”

Expressing his happiness that the “Committee had vigorously pursued the question of representation of Scheduled Castes and Scheduled Tribes in public services” the Speaker said that as a result of its recommendations, there was a greater awareness on the part of the authorities concerned to augment the intake of Scheduled Castes and Scheduled Tribes in the Public Services. He felt that besides providing employment to Scheduled Castes and Scheduled Tribes at least according to the quotas reserved for them, a comprehensive scheme should be devised for setting up cottage and small-scale industries in rural areas in order to provide more employment opportunities especially to Scheduled Castes and Scheduled Tribes.

The Speaker complimented the Chairman, Shri Ram Dhan for his ‘inspiring guidance’ and said that “his example of hard work, vigour and sense of dedication and restraint will surely be a guide and inspiration to the future incumbents of this office.” He also complimented the Conveners and members of the Committee for putting in dedicated and hard work and finalising as many as 23 Reports.

Earlier, Shri Ram Dhan, Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, in his welcome speech thanked the Speaker for his unflinching courtesy and guidance shown to the Committee in the course of its work. The Chairman stated that the Committee was constituted on the 1st August, 1977 and had been in office for nine months.

Giving a brief account of the work done by the Committee, he said:

“During this period, the Committee held 37 sittings lasting about 75 hours and has presented as many as 23 reports—12 original and 11 Action Taken Reports. Some of the important subjects on which the Committee has reported and presented its Reports to Parliament concerning the welfare of Scheduled Castes and Scheduled Tribes relate to reservations for them in the Ministry of External Affairs including Indian Missions abroad, All India

Radio and Films Division, Food Corporation of India, Delhi Electric Supply Undertaking, Central Board of Excise and Customs, Northern Railway, etc. The Committee has also reported on the question of allotment of land to Scheduled Castes and Scheduled Tribes in the Union Territory of Delhi; admission and other facilities for Scheduled Castes and Scheduled Tribes in the Indian Institute of Management, etc.”

The Chairman further observed that the Study Groups of the Committee had to visit several inaccessible areas of the country to study the living conditions of the tribals. He was glad that the Study Groups were given all possible assistance by the State Governments and Union Territory Administrations of Assam, U.P., West Bengal, Orissa, Bihar, Arunachal Pradesh, Manipur etc.

While describing the Committee as “an effective watch-dog for the implementation of constitutional safeguards for Scheduled Castes and Scheduled Tribes” the Chairman said:

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

Thanking the Speaker and Chairman, Shri Suraj Bhan, one of the Conveners of Study Groups of the Committee and for some time its acting Chairman, stated that the Committee’s efforts had no doubt borne fruit since its constitution ten years back. However, in spite of Government’s instructions and Committee’s follow-up actions, there were a number of Departments which were not even aware of the instructions issued by Government from time to time regarding reservations for, and employment of, Scheduled Castes and Scheduled Tribes. He stressed that the Committee should not only examine new Departments from time to time but also periodically review Departments already examined so that they remained alert. He further emphasised that there should always be a Scheduled Caste and Scheduled Tribe Member in all the Departmental Promotion/Recruitment Committees as per the standing orders of Government on the subject.

FOREIGN PARLIAMENTARY DELEGATIONS IN INDIA

Address by H. E. Mr. Mohammed Daoud to Members of Parliament:
On March 3, 1978, His Excellency Mr. Mohammed Daoud, the then President of the Republic of Afghanistan addressed Members of Parliament in the Central Hall of the Parliament House under the auspices of

the Indian Parliamentary Group. Earlier, he was welcomed by Shri Morarji Desai, Prime Minister of India. The Thanks-giving speech was delivered by Shri K. S. Hegde, Speaker of Lok Sabha and President of the Indian Parliamentary Group.

Visit of GDR Parliamentary delegation: In response to an invitation from India, an 18 member Parliamentary Delegation from the German Democratic Republic led by H. E. Mr. Horst Sindermann, President of the People's Chamber of GDR visited India in March, 1978. The delegation watched the proceedings of Lok Sabha and Rajya Sabha on March 2, 1978. A meeting between the delegation and Members of Parliament was also held on that day. The Speaker of Lok Sabha hosted a dinner in their honour on the evening of the same day. Besides Delhi, the delegates visited some places of cultural and industrial interest, viz., Jaipur, Madras, Trivandrum and Bombay.

Visit of Korean parliamentary delegation: In response to an invitation from India, a parliamentary delegation from the Republic of Korea led by H. E. Mr. Li Kwon Chung, Speaker of the National Assembly of the Republic of Korea visited India in March, 1978. Besides the Leader, the delegation consisted of Mr. Sam Chul Park, M.P., Mr. Sang Cho Shin, M.P., Mr. Sang Sin Lee, M.P., Mr. Young Pyo Lee, M.P. and some officials and journalists.

The delegation watched the proceedings of Lok Sabha on March, 27, 1978. A meeting between the delegation and Members of Parliament was held on March 29, 1978. The Speaker, Lok Sabha, earlier hosted a dinner in their honour on March 26, 1978. Besides Delhi, the delegates visited Bangalore.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period from January to March, 1978, the following Courses/Seminars were conducted by the Bureau.

Appreciation Courses for IAS Probationers: Two separate courses (third and fourth in the series) were organised by the Bureau for the Indian Administrative Service Probationers. The Third Course, held from February 15 to 18, 1978, and attended by 71 IAS Probationers, was inaugurated by the Speaker of Lok Sabha, Shri K. S. Hegde, with his opening talk on "Parliament in the Indian Polity" on February 15, 1978. There were 14 talks and one Question-Answer Session during the four days' Course and the Probationers were addressed by, among others, Professor H. N. Mukerjee, Honorary Adviser, Lok Sabha Secretariat; Professor Rasheuddin Khan, M.P.; Shri B. N. Banerjee M.P.; Dr. V. P. Dutt M.P., Dr. Karan Singh, M.P.; Shri T. C. A. Srinivasavara-

dan, Home Secretary and Shri S. S. Bhalerao, Secretary-General, Rajya Sabha, Shri Avtar Singh Rikhy, Secretary, Lok Sabha presided over the Question-Answer Session. The Probationers called on the President and Vice-President on February 15 and 17, 1978, respectively.

The Fourth Course, attended by 88 IAS Probationers, was held from February 23 to 27, 1978. The Speaker of Lok Sabha, Shri K. S. Hegde, addressed the participants on the opening day on "Parliament in the Indian Polity". Those who spoke to the participants on various subjects included Shri Charan Singh, Minister of Home Affairs; Shri Ram Niwas Mirdha, Deputy Chairman; Rajya Sabha; Shri B. N. Banerjee, M.P.; Shri Dinesh Singh, M.P.; Shri H. V. Kamath, M.P.; Professor H. N. Mukerjee and Shri C. R. Krishnaswamy Rao Sahib, Secretary, Department of Personnel and Administrative Reforms. Shri Avtar Singh Rikhy, Secretary, Lok Sabha, addressed the participants on "The House at Work" besides presiding over the Question-Answer Session which was held in the afternoon of the concluding day. The Probationers had an opportunity of watching the proceedings of the Lok Sabha on February 23, 1978 and also called on the President and the Vice-President on February 24, and on the Prime Minister on February 25, 1978.

The participants of the two Courses expressed their satisfaction about the Courses as a whole and felt that these would go a long way in enriching their understanding of the parliamentary processes and procedures in general and the role of the bureaucrats in the parliamentary system in particular.

Training Course in Hindi Shorthand/Typewriting: This Course, which first commenced on September 14, 1977, was continued further.

Second Refresher Course for Junior Stenographers (English): The Course, of 1½ hours duration daily, for the purpose of upgrading the skills of Junior Stenographers (English), was conducted from January 16 to February 3, 1978. It consisted of Shorthand dictation at a speed of 90 w.p.m. and above, followed by practical instructions in the method of improving shorthand speed and general guidance for advance knowledge in English language. The Course was attended by 10 stenographers.

Seminar for Members of Parliament on "Parliament at work : The Financial Committees": The Seminar, the first in the series of such Seminars to be organised on various subjects of parliamentary interest, was inaugurated by the Speaker, Shri K. S. Hegde, on March 17, 1978 at 4.00 P.M. Shri Hegde, in his inaugural address, said:

"One important question has always been how best the Parliament which represents the people of India could make the Executive branch of the Government accountable to it.

This is an extremely important aspect. This aspect is being considered by many Parliaments, similar to ours. For example, in

England, this question has been considered by various Committees and now, by a Speaker's Committee. This Committee has been appointed in 1976. This Committee is still examining how best the Executive may be made accountable to Parliament. Again, in Australia, a Joint Committee of the two Houses has been appointed to go into the matter. The Australian Committee has also not come to any final conclusion in the matter. In Canada, certain steps have been effected. Opinions are divided on this point. Some Members of Parliament and other experts also think that there should be more and more Committees to control the functioning of the Executive, whereas others think that too many Committees may make the Executive branch of the Government ineffective. There is force in both these contentions.

Therefore, while we formulate any method to control the Executive wing of the Government, we have to bear in mind two aspects: one is, how best the Parliament can make the Executive branch of the Government accountable to it. Secondly, how best the Executive branch of the Government can function more effectively. These are not irreconcilable. This aspect has to be borne in mind.

In this connection, I would like to say that the Financial Committees play a very important role. There are three Financial Committees, namely, the Public Accounts Committee, the Estimates Committee and the Public Undertakings Committee. They are doing an extremely important job. In fact, their functioning and their effectiveness are far more than what their counterparts in England, Australia and Canada are doing. They carefully examine the working of the various Departments of the Government. They examine them in depth. On-the-spot studies are conducted. Thereafter their recommendations are submitted to the Parliament which normally Parliament does not discuss. But they are considered as directions to the Government. By and large, the conclusions reached by the Committee are accepted by the Government. They implement them. Whenever they do not implement them, the matter can be taken up by the House and considered. We have the procedure of Action-Taken Reports. So, Parliament in a way controls the working of the various branches of the Administration and to some extent it has been effective. How we can make it more effective is a matter for our consideration. That is why the very first Seminar is going to be on the working of the various Financial Committees.

There are a fairly large number of legislative Committees functioning in various spheres. It is necessary to consider how best their functioning can be made more effective, and in what way these Committees could render more service to the people. We should also consider whether we should have any more parliamentary Committees, and if so, how these Committees should function and what their areas of functioning should be. By and large, what is necessary is to see how to make the Parliament an effective instrument in implementing socio-economic programmes and the political perspectives of our Constitution."

Concluding his address, Shri Hegde observed:

“Seminars like these which we are going to have can go a long way in enabling the new legislators gain the basic knowledge and experience required for discharging the task awaiting them.... The discussions that are going to be held in the Seminar will, I hope, be of some practical value and utility, especially to those who are new to the legislature. I am sure all of you would benefit from the knowledge and expertise of the experienced members speaking to you on various subjects during the seminars. I am indeed happy to inaugurate the Seminar and I wish you all success in your deliberations.”

Earlier, welcoming the Speaker and other participants of the Seminar, Professor H. N. Mukerjee, Honorary Adviser, Lok Sabha Secretariat emphasised that the principle of the accountability of the Government to Parliament and ultimately to the people was enforced through the working of the Financial Committees. He said:

“This is an aspect of Parliament, Government through Committees, where Parliament is not a talking shop as Carlyle called it, but a working body. This aspect of Parliament requires to be studied, analysed and examined and sought to be improved upon to the extent possible because problems have accumulated in our long suffering country and Parliament has to deliver the goods to our people. It is for this reason that the Bureau, with the support that the Speaker has given right from the very beginning, has tried to organise this Seminar.”

The inaugural function was attended by about 35 Members of Parliament. Among those present were Shri Ram Niwas Mirdha, Deputy Chairman, Rajya Sabha; Shri A. Baksi, Comptroller and Auditor General of India; Shri S. S. Bhalerao, Secretary-General, Rajya Sabha; Shri Avtar Singh Rikhy, Secretary, Lok Sabha; Shri Bhagwat Jha Azad and Shri R. K. Sinha, former Chairmen, Estimates Committee. The Joint Secretary and the Chief Financial Committee Officers dealing with the three Financial Committees were Officers-in-Attendance.

The formal proceedings of the Seminar attended by 25 Members of Parliament were held on March 18, 1978. Shri Shyamnandan Mishra, M.P.; Shri Jyotirmoy Bosu, M.P.; Chairman, Committee on Public Undertakings; Shri Dinesh Singh, M.P.; Shri P. G. Mavalankar, M.P.; Shri Indradeep Sinha, M.P.; Dr. Sushila Nayar, M.P.; Shri Satyendra Narayan Sinha, M.P.; Chairman, Estimates Committee; and Shri C. M. Stephen, M.P.; Chairman, Public Accounts Committee were in the Panel of speakers. Shri Shyamnandan Mishra, M.P.; one of the Panel speakers, was in the Chair. Others who participated in the discussion at the seminar were: Shri Amrit Nahata, M.P.; Shri K. Lakkappa, M.P.; Dr. Henry Austin, M.P.; Professor Ramlal Parikh, M.P.; Smt. Leela Damodara Menon, M.P.; and Shri A. Baksi, Comptroller and Auditor General of India.

RETIREMENT OF SENIOR OFFICIALS OF LOK SABHA SECRETARIAT

Shri P. K. Patnaik, Additional Secretary and Shri B. K. Mukherjee, Joint Secretary in the Lok Sabha Secretariat retired from service recently.

Shri P. K. Patnaik: Born in 1920, Shri P. K. Patnaik, B.A., B.L., practiced Law from 1944 to 1948. He served as Secretary of the Orissa Legislative Assembly from 1948 to 1950 and again from 1952 to 1954. From 1950 to 1952 he had been on deputation to the Government of India in the Ministry of Commerce. He entered Lok Sabha Secretariat in 1954 as Under Secretary. He was promoted as Deputy Secretary in 1959. He was elevated to the rank of Joint Secretary in 1970 and of Additional Secretary in 1974. He was mainly dealing with the work connected with the House and several Parliamentary Committees. He also held the charge of the Conference Branch and dealt with the work relating to the organisation of various parliamentary conferences and seminars in India and also looked after the Indian Delegation to such conferences abroad. He accompanied the Commonwealth Parliamentary Conference Delegates on their tours to Pakistan and Ceylon in 1957 and was Secretary to the Indian Parliamentary Delegations to the Inter-Parliamentary Union Conferences held in Bangkok in 1956; the Hague, 1970; Paris, 1971 and Rome, 1972; Inter-Parliamentary Union Spring Meetings in Younde (Cameroon), 1972; and Mexico City, 1976; Commonwealth Parliamentary Conferences in Kingston (Jamaica), 1964 and Mauritius, 1976. He also accompanied as Secretary to the Indian Parliamentary Delegations to Poland, 1971; Romania, Hungary and Federal Republic of Germany, 1973; Australia and Singapore, 1974 and North Vietnam, 1975.

Shri B. K. Mukherjee: Born in 1920, Shri B. K. Mukherjee, M.A., stood second in Delhi University where he took his Master of Arts Degree in English Literature, and secured First Class First in Journalism from Punjab University.

Entering Service in 1944 as Sub-Editor in the Indian Council of Agricultural Research he served in that capacity till 1949. He joined Lok Sabha Secretariat in June 1950, where he was Research Officer 1953—56, Chief Research Officer, 1956—59, Under Secretary, 1959—67, and Deputy Secretary from 1967 to 1974. In 1974 he was appointed Chief Legislative Committee Officer, and in 1977 he took over as Chief Financial Committee Officer, till June 24, 1977 when he was elevated to the rank of Joint Secretary in which capacity he looked after the working of the three Financial Committees as also that of the Railway Convention Committee and the LARRDIS and BPST.

PRIVILEGE ISSUES

LOK SABHA

Breach of privilege by Shrimati Indira Gandhi: A question of privilege against Shrimati Indira Gandhi, former Prime Minister, for issuing a press statement containing reflections on, and attributing motives to, the Minister of Home Affairs (Shri Charan Singh) in respect of certain statements made by him in Lok Sabha on July 13 and 14, 1977, about the thinking of the previous Government during Emergency to kill top opposition leaders in jail was referred to the Committee of Privileges on July 18, 1977. The Committee of Privileges presented its report on the matter (Second Report) to Lok Sabha on March 1, 1978. The Committee came to the following conclusions:

- (i) "The Committee consider it unfortunate that Shrimati Indira Gandhi, in her impugned Press statement issued on the 15th July, 1977, should have referred to Parliament while alleging a 'smear campaign of character assassination inside . . . Parliament . . .' It is also regrettable that she attributed motives to the Home Minister by referring to his statement in Lok Sabha as 'This is the very limit in malicious propaganda deliberately carried on'."
- (ii) "The Committee are of the view that in order to safeguard the rights, dignity and authority of the House, it is of utmost importance that a person like Shrimati Indira Gandhi, who enjoyed the highest position of authority in Government and a pre-eminent position in Parliament, should have exercised the greatest restraint in expressing her reaction and views on proceedings of Parliament and the statements or speeches of individual members in the House, howsoever provoked she might have felt by such proceedings or statements."
- (iii) "The Committee have carefully considered the import and implications of the remarks quoted in paragraph (i) above from the impugned Press statement of Shrimati Indira Gandhi and are of the opinion that those remarks cast aspersions

and attribute motives tending to undermine the dignity and authority of Parliament and thus, strictly construed, they amount to a breach of privilege and contempt of the House.”

- (iv) “However, the Committee do not feel fully satisfied by the explanation of Shrimati Indira Gandhi. They, therefore, deprecate her regrettable remarks referred to in paragraph (i) above as contained in her impugned statement. The Committee further consider it necessary particularly to caution her to be more careful in future in her comments on the proceedings of the House or on speeches of members in the House. Considering, however, the totality of the circumstances of the case, the Committee are of the view that the matter need not be pursued further.”

Four Members of the Committee* however, did not agree with the above findings of the Committee. They gave a separate Note, which was appended to the Report.

The Committee recommended that further action in the matter might not be taken by the House and the matter be dropped.

The Report of the Committee was considered and adopted by Lok Sabha on March 3, 1978.

Alleged insinuation against a Minister by a partner of a firm in a letter to a newspaper: On July 11, 1977, Shri Jyotirmoy Bosu sought to raise¹ a question of privilege against Shri Kishore J. Tanna, a partner of Messrs Jamnadas Madhavji and Co., Bombay for making alleged insinuations in a letter to the Editor published in the *Times of India*, New Delhi, of July 11, 1977, in respect of a statement² made by the Minister of Commerce, Civil Supplies and Cooperation, Shri Mohan Dharia, in Lok Sabha on June 27, 1977, during the discussion on the Demands for Grants of his Ministry. While raising the question of privilege, Shri Jyotirmoy Bosu stated, *inter alia*, as follows:—

“Shri Kishore J. Tanna of Jamnadas Madhavji and Company, Bombay, one of the firms against whom serious charges of economic offences and malpractices have been correctly levelled has written a letter to the Editor of the *Times of India* and got it published in the issue today. The relevant portion which is related to my privilege motion reads as follows:—

‘While we do not mind any enquiry against us we feel that the official action in publicising the names of the firms without any proved charge against them is unfair. It seems to be a politically motivated cheap gimmick’.

*Shri Hitendra Desai, Shri V. A. Seyid Muhammed, Shri O. V. Alagesan and Shri B. Shankaranand.

¹L. S. Deb., July 11, 1977, cc. 199—201.

²Ibid., June 27, 1977, cc. 337—62.

This refers to the reply the Commerce Minister, Shri Mohan Dharia, gave in response to my compelling insistence on the floor of the House during the debate on the Demands of the Ministry. He did not do it *suo motu*. I also gave a notice to the Lok Sabha and also wrote to the Minister insisting to get fullest details about the criminal misappropriation of our precious foreign exchange of about 600 crores of rupees by 13 firms dealing in oils. In the list of names this firm's name should also be seen.

The unwarranted criticism and insinuations made in the letter under reference clearly amounts to a breach of privilege of the House where it is the right of the House to get fullest details on matters of public importance and, therefore, this action is motivated and deliberate. The writer of this letter has shown contempt of the House and for this serious misdeed, he should be brought to book immediately and that could be done by referring the matter to the Privileges Committee unless of course, they tender unconditional apology and get it published for three consecutive days within a fortnight from the date of this letter."

The Deputy Speaker, who was then in the Chair, thereupon, observed³ that he was considering the matter and that he would bring it before the House next day.

On July 12, 1977, the Deputy Speaker, Shri Godey Murahari, informed⁴ the House as follows:—

"I am referring this matter to the Committee of Privileges under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report".

The Committee of Privileges, after perusing the written statement submitted by Shri Kishore J. Tanna of Messrs Jamnadas Madhavji and Co., Bombay, in their First Report, presented to the House on November 14, 1977, reported as follows:—

"Shri Kishore J. Tanna of Messrs Jamnadas Madhavji and Co., Bombay, who was asked by a letter to state for consideration of the Committee what he might have to say in the matter of the complaint against him, submitted a written statement in which he stated *inter alia* as follows:—

'At the outset I wish to state that I realised the gravity of my observations in the letter sent to press only when I received your letter. I or my firm had no intention at any time to question the right or authority of Government of India, or of the Parliament to discuss the matters, or expressing their opinion, about our firm. I and my firm hold the Parliament in the highest esteem, as the Parliament is a protector of our liberty and repository of our sovereignty.

³*Ibid.*, July 11, 1977, c. 201.

⁴*Ibid.*, July 12, 1977, c. 188.

While acknowledging the error in the expression, I offer my unqualified apology to the Hon. Committee of Privileges. I am sorry that the letter contained certain motivation which I never intended to reflect on either the august Parliament or any of the Hon. Members. It was really a cry of certain anguish and pain—and not a shout of studied malice prompted by any intent.

I wish to add further that if the Hon. Members of the Privileges Committee desire, they can call me before them and I will orally express my sincere and unqualified apology.'

The Committee are of the view that the unqualified apology tendered to the Committee by Shri Kishore J. Tanna, may be considered as sufficient and adequate and that no further action need be taken by the House in the matter.

The Committee recommend that no further action be taken by the House in the matter and it may be closed."

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

Alleged misreporting of proceedings of the House by All-India Radio:

On February 24, 1978, the Speaker, Shri K. S. Hegde, informed the House that on February 21, 1978, when the Railway Minister commenced his Budget speech, a few members including Shri Mani Ram Bagri had made submissions that the Minister might speak in Hindi. Members from the other side made counter submissions whereupon he had pointed out that both the languages, Hindi and English, were permitted. At that stage the Prime Minister had intervened and requested the members of the ruling Party to resume their seats and 'not to create such things in this House'. He had also requested the members of the Opposition not to disturb the proceedings of the House.

The Speaker further said that on February 22, 1978, Shri Mani Ram Bagri drew his attention to the news broadcast in Hindi at 8.45 P.M. on February 21, 1978, wherein it was said that the Prime Minister had pulled up the members (in Hindi the expression used was '*danta*') who made the demand that the Railway Minister should speak in Hindi. The Member had also requested that the Minister of Information and Broadcasting should explain the position on behalf of the All-India Radio and should correct and clarify it, if necessary. The Minister was informed about the same.

The Minister of Information and Broadcasting in his reply dated the 23rd February, 1978 observed *inter alia* as follows:—

"The Director of News Services of AIR has written to me (*i.e.* the Minister) to say that the AIR Parliamentary Correspondent could have been more careful in the choice of words signifying the Prime

Minister's intervention, but the fact that the Samachar also used the same words would show that he was only trying to give a fair picture of what happened in the House. Since there was no intention on his part or on the part of the Editor to show disrespect to any member, it is hoped that the hon. Member will appreciate that this was a *bona fide* action on the part of the correspondent. AIR has the highest regard for every member of the House, including the hon. Member, Shri Mani Ram Bagri. No offence was meant to him or to any other member but if his feeling has been hurt, I convey my regrets.

Director of News Services has again advised all AIR Parliamentary correspondents to be more careful in reporting proceedings of this nature".

The Speaker then observed:

"In view of the regret expressed, I think that the matter may be treated as closed. At the same time, I would like to impress that greater care should be taken by all concerned in reporting the proceedings of Lok Sabha."

The matter was thereafter closed.

RAJYA SABHA

Physically restraining a member from addressing the House by another member: On February 21, 1978, during the course of proceedings in the House regarding alleged disrespect shown to Shri Jagjivan Ram, Minister of Defence at Varanasi, Shri Piare Lall Kureel *urf* Piare Lall Talib, a member, went across the floor to physically restrain Shri Nageshwar Prasad Shahi, another member, who was speaking, from addressing the House.

Thereupon, the Deputy Chairman, Shri Ram Niwas Mirdha, *inter alia* observed as follows:—

"I will request that the proceedings of the House should be conducted peacefully in the required manner. The scene created a short-while ago cannot but be deplored. I do not want to add anything more. The hon. member is an elderly person. I do not think it proper to say anything more nor it would be fair on my part to take any action on it. I would like to request that the gravity of the incident should be realised by the hon. member as well as by all other hon. members. If anything is said in the House which is wrong in the opinion of the hon. members, they can raise objections and there are certain ways to raise them. It is not proper to interrupt the proceedings of the House in such manner. You may be given an opportunity to express your unhappiness in accordance with the procedure of the House".*

*Original in Hindi.

A little later, Shri Piare Lall Kureel *urf* Piare Lall Talib, while regretting the incident, stated as under:—

“Sir, I beg your pardon. I did that in the heat of the moment. I shall not repeat it in future. . . . I really regret it”.

On February 22, 1978, the Chairman, Shri B. D. Jatti, informed the House as follows:—

“I have received a notice of breach of privilege from Shri Sujan Singh against Shri Piare Lall Kureel *urf* Piare Lall Talib, another Member, regarding the incident which took place in the House yesterday. Shri Talib, it appears, went across the floor to physically restrain Shri Nageshwar Prasad Shahi from addressing the House, as Shri Talib objected to some observation made by the latter. This is the first time in the history of Rajya Sabha that such an incident has taken place and I am greatly distressed by the lack of orderly conduct shown by Shri Talib which is expected from every Member of the House.

I have no doubt that Shri Talib's conduct yesterday, whatever the provocation, amounts to contempt of the House which the House could have condemned then and there. The reputation of the House is sullied by such action which cannot be tolerated. However, in view of the apology tendered by Shri Talib and the observation made by the Deputy Chairman, I will allow the matter to rest there.

I hope and trust that the House will never witness such an incident in future. This is my personal request to you all so that we can carry on the work in a very orderly manner”.

The matter was, thereafter, closed.

PROCEDURAL MATTERS

LOK SABHA

President's Address: On February 20, 1978, the President addressed both Houses of Parliament assembled together in the Central Hall of Parliament House.

Preliminary observations in the President's Address: On February 24, 1978 when the Motion of Thanks on President's Address was taken up, Shri C. M. Stephen raised a point of order to the effect that the copy of the Address placed on the Table of the House was incomplete as it did not contain the preliminary observations made by the President in Hindi. The Speaker reserved his order.

On February 27, 1978 giving his ruling, the Speaker observed:

"Since the Address is delivered by the President to Members of both Houses of Parliament assembled together, it is necessary that an authenticated copy thereof is laid on the Table of the Lok Sabha when it meets in its own Chamber for the purpose of discussion of matters referred to therein. To ensure that authenticated version is laid on the Table, copies of the Address both in English and Hindi are being authenticated by the President himself since 1958.

It has been verified that the Address by the President which was laid on the Table on 20th February, 1978 is the one duly authenticated by the President himself.

A copy of the President's Address placed on the Table of the House is in accordance with the past practice. The observations made by the President which are outside the Address as such have not been included in the past in the copy of the Address placed on the Table. The copy of the President's Address placed on the Table of the House is in accordance with Article 87(1) of the Constitution. It does not contravene any rule framed or any direction given by the Speaker. Hence the point of order raised by Shri C. M. Stephen is not tenable and the same is ruled out."

Motion of Thanks on President's Address: The Motion of Thanks on the President's Address published in Bulletin—Part II of February 20, 1978 was to be moved by Shri Gauri Shankar Rai and to be seconded by Shri Asoke Krishna Dutt. On February 23, when it came to be known that Shri Asoke Krishna Dutt would not be available, another notice of Motion of Thanks to be moved by Shri Gauri Shankar Rai and to be seconded by Dr. Sushila Nayar was received through the Minister of Parliamentary Affairs. The revised notice was admitted and included in the Revised List of Business for February 24, 1978 when the motion was moved by Shri Gauri Shankar Rai and seconded by Dr. Sushila Nayar.

Adjournment Motions—Admissibility of: Shri C. M. Stephen, M.P., Leader of the Opposition had given notice of an adjournment motion for the purpose of discussing the "Conduct of the Minister for External Affairs in violating the oath of secrecy by his recent announcement at two public meetings alleging a secret understanding between Mr. Bhutto and the former Prime Minister and claiming in his speech in the House on the 18th April, 1978 that this information was from official documents he came into contact with in his capacity as the Minister".

Giving his ruling in the matter, the Speaker observed:

"Before according consent I have to consider two questions *viz.*, (i) Is there a *prima facie* case of breach of secrecy of oath as contemplated by Third Schedule of the Constitution read with Article 75(4) of the Constitution assuming without deciding that the breach of a constitutional provision is good ground for seeking adjournment motion and (ii) Is the matter one of urgent public importance so as to require the adjournment of the consideration of the listed business?"

Article 75(4) provides that "before a Minister enters upon his office, the President shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule". The form of oath of secrecy for a Minister of the Union provides:

"I. do swear in the name of God that I will not directly
solemnly affirm
or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the Union except as may be required for the due discharge of my duties as such Minister."

The Speaker said that the Minister for External Affairs was alleged to have stated at two public meetings that the former Prime Minister Smt. Indira Gandhi had a secret understanding with Mr. Bhutto, the then Prime Minister of Pakistan. During the debate in the House, he had stated:

"Ever since I took charge of the Ministry of External Affairs, I have been trying to know the circumstances in which the talks between

Shrimati Gandhi and Mr. Bhutto in Simla in 1972, which had run into serious difficulties, suddenly culminated in the Simla Agreement.

I myself was present in Simla when the talks were going on between the two sides and it was common knowledge there that the negotiations had run into rough weather. Therefore, it puzzled me and I am sure it must have puzzled many other observers of Indo-Pak relations at that time, how all of a sudden an agreement had emerged. Several journalists, some of whom had interviewed Mr. Bhutto, have given stories of a sudden change in the course of events after a post-dinner meeting between the two leaders. In fact, the country at large was surprised that a reference to 'final settlement of Jammu and Kashmir' had been included in the Simla Agreement.

Since assuming the charge of the Ministry of External Affairs, I have made an effort to acquaint myself with not only various documents relating to the discussions but also have held personal discussions with a number of knowledgeable individuals. Placing together all the evidence from different sources, I cannot but reaffirm that some sort of secret understanding was reached by Shrimati Gandhi in her confidential conversation with Mr. Bhutto."

The Speaker then ruled as follows:

"The oath of secrecy provided in the Constitution forbids a Minister from disclosing information made available to him or become known to him except as may be required for the due discharge of his duties as such Minister. The secrecy imposed is not a blanket one. It is subject to an important qualification, viz., that he can disclose the information gathered by him as Minister if it becomes necessary for him for the due discharge of his duties as such Minister. Many official secrets have been disclosed in the past. What may be required to be kept secret at one stage may be required to be brought to the knowledge of the public at a later stage. One Minister may consider that a particular information should be kept confidential whereas his successor may think that it will be in public interest to let the public know about it. Such things have happened in the past and such things are bound to happen in the future. The information that emergency was declared in 1975 without the prior recommendation of the Cabinet was kept confidential at that time, but the succeeding Council of Ministers thought it fit to bring it to the notice of the public. Similarly, the planting of a nuclear device at Nanda Devi was kept confidential for a very long time but recently the Prime Minister thought that it is necessary to take the public into confidence about the same. The question whether a particular disclosure made by a Minister was required for the discharge of his duties as such Minister, is a very difficult question to decide. On this matter there may always be differences of opinion. So long as the Speaker is not in a position to say that the disclosure made was not required for the due discharge of duties of the Minister concerned, it is not possible to hold that there was breach of any constitutional provision.

Now coming to the second aspect, there is no doubt that the question raised is a matter of public importance. But I am unable to

hold that it is a matter of urgent public importance. It is not sufficient that it is merely a matter of public importance. To disturb the business of the House, the occasion must be of such a character, that something very grave, something which affects the whole country, its safety, its interest on all those happenings and the House must pay its attention immediately. The adjournment of a listed business is a strong thing to do and it is wrong to do it except under exceptional circumstances.

In my judgment no such circumstance exists.

For the reasons mentioned above, I decline to accord my consent to the motion in question."

Laying of paper on the Table: In the course of his speech during the Demands of Grants of the Ministry of External Affairs, the Minister for External Affairs stated that there was a secret understanding between Mr. Bhutto and Mrs. Indira Gandhi during their talks in Simla. To quote his own words:

"Since assuming the charge of the Ministry of External Affairs, I have made an effort to acquaint myself with not only various documents relating to the discussions but also have held personal discussions with a number of knowledgeable individuals. Piecing together all the evidence from different sources, I cannot but reaffirm that some sort of secret understanding was reached by Shrimati Gandhi in her confidential conversation with Mr. Bhutto..."

When the above observations were made several members of the House demanded that the Minister should lay on the Table of the House the documents on which he relied. In support of their contention, some of them relied on Rule 368* and others on Rule 370**. The Minister and several other members contended that neither of the two Rules referred

*Rule 368 provides:

"If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table:

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:

Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table."

**Rule 370 reads:

"If, in answer to a question or during debate a Minister discloses the advice or opinion given to him by any officer of the Government or by any other person or authority, he shall ordinarily lay the relevant document or parts of document containing that opinion or advice, or a summary thereof on the Table."

to earlier supported the contention of those demanding the Minister to lay the papers on the Table. The Minister further contended that it was not in public interest to place the relevant papers on the Table of the House.

Giving his ruling, the Speaker held:

“In my opinion this rule does not support the demand made by the Hon’ble Members to have the paper laid on the Table of the House. Before Rule 368 can come into operation the Minister must have quoted in the House, a despatch or other State paper. In the instant case, the Minister has not quoted any despatch or other State paper. Even if we consider that the Minister has referred to any State paper, then also, the case falls within the scope of proviso (2) to Rule 368. The Minister has merely given in his own words a conclusion or gist of the State paper he has seen. He has made no reference to any despatch. Hence Rule 368 is wholly inapplicable to the facts of the case.”

The Speaker further held:

“Before Rule 370 is attracted the condition precedent is that the Minister must have disclosed the advice or the opinion given to him by any officer of the Government or any other person or authority. In the present case the Minister has not disclosed any advice or opinion given to him by any one. On the other hand, he relied on his own conclusions drawn from various circumstances including the material gathered from various documents as well as from the talks he had with several persons. Hence Rule 370 is not attracted.

The question as to when a Minister must place on the Table of the House a paper referred by him in the course of an answer given by him in the House or in the course of a debate has been the subject-matter of several decisions by my predecessors. They have consistently held that it is for the Government or the concerned Minister to decide whether it is in public interest to place any particular document on the Table or not. In view of my opinion as to the scope of Rules 368 and 370 it is not necessary to go into the extent or nature of the privilege available to the cabinet or to the individual Minister.

In conclusion, I hold that the demand made by the Hon’ble Members to lay on the Table of the House the concerned papers is unsustainable.”

Calling Attention Notices: On February 24, 1978, the Speaker observed that a Member can only make a brief submission on a Calling Attention and ask the clarificatory question. Under rule 197 of the Rules of Procedure and Conduct of Business in Lok Sabha, no member other than those whose names appear on the item in the List of Business is allowed to ask clarificatory questions.

On March 1, 1978, the Speaker did not allow the Minister to clarify the position about a matter raised by a Member in the garb of a point of

order whose name was not in the List of Business regarding Calling Attention. The Prime Minister also observed that the Government would not reply to submissions made by Members whose names had not been mentioned in the item regarding Calling Attention.

On March 6, 1978 on a point of order raised by Shri Mohammed Shafi Qureshi, the Chairman observed that the Chair could not compel a Minister to answer a clarificatory question in a particular way on a Calling Attention statement.

Shah Commission of Inquiry: On February 22, 1978, the Speaker deprecated and expunged references reflecting on the conduct of the Shah Commission of Inquiry made by a Member while raising a matter under rule 377 of the Rules of Procedure and Conduct of Business in Lok Sabha and departing from the text submitted to the Speaker in advance. The Speaker further observed that the procedure adopted by a Commission of Inquiry could, however, be brought to the notice of the House through appropriate notice.

PUBLIC ACCOUNTS COMMITTEE

Procedure for dealing with the Replies received from Government, after the presentation of Action Taken Reports: Under a Direction of the Speaker the replies received from the Government in respect of the recommendations contained in the original Reports of the Public Accounts Committee are processed. This is done through an Action Taken Sub-Committee of the PAC and an Action Taken Report after adoption by the Public Accounts Committee is then presented to Parliament.

All such recommendations on which only interim replies are received till the time of finalisation of the Action Taken Reports are included in Chapter V of the said Action Taken Reports with the stipulation that final replies to these recommendations will be furnished to the Committee in due course. The Committee also sometimes makes some further observations in cases where replies to recommendations are not satisfactory or where the Committee thinks it proper to reiterate the earlier recommendations. Such recommendations/observations of the Committee are included in Chapter I of the Action Taken Report.

Hitherto, the replies received from the Government in respect of the recommendations/observations contained in Chapters I and V of the Action Taken Reports of the Public Accounts Committee were kept for record. The Committee has now decided that in future final replies received from the Government on the Action Taken Reports presented hereafter (*i.e.* from the commencement of Sixth Lok Sabha) be laid on the Tables of both the Houses of Parliament twice during a year, *i.e.* during the Budget and

Winter Sessions so that the Committee might share with the Parliament the information received from the Government.

ANDHRA PRADESH LEGISLATIVE COUNCIL*

Laying of papers on the Table: Rule 134 of the Rules of Procedure and Conduct of Business of the Andhra Pradesh Legislative Council reads as follows:

“134. *Return of amended Bill to Council*—If such a Bill is received back from the Assembly with amendments made in that House, copies of the Bill with such amendments or recommendations shall be laid on the Table.”

On July 19, 1977, when the Minister for Harijan Welfare and Marketing, Shri P. Mahendranath, rose to lay on the Table of the House, under this rule, a copy of L. C. Bill No. 4 of 1977, further to amend the Andhra Pradesh (Agricultural Produce and Livestock) Markets (Amendment) Act, 1966 as passed by the Legislative Assembly, Shri Jupudi Yagnanarayana, Leader of Opposition, raised a point of order. The objections raised by him were two-fold. Firstly, that rule 134 did not specify the agency that should lay on the Table of the House a copy of the Bill which originated in the Legislative Council and to which certain amendments were made by the Legislative Assembly. He referred to rule 135@ and pointed out that the Minister was specified as the agency for moving the motion that the amendments be taken into consideration, while rule 134 was silent as to the agency who should discharge the function of laying the Bill on the table of the House. He, therefore, contended that the laying of the paper on the Table of the House had to be done by some agency other than the Minister.

His second objection was that the amendments made by the Legislative Assembly were not indicated in the paper that was being laid on the Table of the House by the Minister. His contention was that the actual Bill which the Council passed and the amendments which are made by the Legislative Assembly must be indicated in the paper laid on the Table of the House under rule 134.

Giving his ruling, the Chairman observed that rule 134 did not specify the agency which was required to lay on the Table of the House, the Bill

*Contributed by the Andhra Pradesh Legislative Council Secretariat.

@Rule 135 reads as follows:

“135. *Appointment of time for consideration of amendments:* After such a Bill, with such amendments has been laid on the Table, any Minister in the case of Government Bill or in any other case, any member, after giving two days' notice, may move that the amendments be taken into consideration.”

which originated in the House and which was transmitted back by the Legislative Assembly to the House with certain amendments for obtaining the concurrence of the House to the amendments. He said:

“The mere omission in the rule of any particular agency does not mean that the Minister who is incharge of the Bill is prohibited from discharging the function. It may be that, in rule 135, the Minister incharge of the Bill is specifically required to move the motion that the amendments made by the Legislative Assembly be taken into consideration. But it does not follow that the function of laying on the Table a copy of the Bill with amendments shall be performed by some agency other than the Minister incharge of the Bill. The objection taken by the Leader of Opposition cannot be sustained, and I rule it out.”

In regard to the second objection, the Chairman ruled as follows:

“The motion that is required by rule 135 to be made by the Minister is that the amendments be taken into consideration. The Chairman is required by rule 136@ to put the amendments to the House for its consideration, if the motion is carried. The amendments that may be moved in the House are specified in rule 137. Having regard to the nature of the motion that may be moved by the Minister and to the restriction that further amendments that may be moved in this House shall be relevant to the subject-matter of the amendments made by the Legislative Assembly, it is obvious that the amendments made by the Legislative Assembly should be before the House. I have perused a copy of the Bill that was sought to be laid on the Table of the House by the Minister on the 19th July, 1977 and I find that the amendments made by the Legislative Assembly were incorporated in the Bill. The amendments made by the Legislative Assembly were not indicated. This copy does not meet the requirements of rule 134. Therefore, I uphold the second objection raised by the Leader of the Opposition. Consequently, I have instructed the Minister to circulate the amendments as passed by the Legislative Assembly separately together with the original Bill as passed by this House and the Bill incorporating the amendments made by the Legislative Assembly which a clear indication, at an appropriate place, of the amendments so made. Accordingly, I permit the Minister to lay on the Table of this House, the Bill with the amendments as required by rule 134.”

UTTAR PRADESH LEGISLATIVE ASSEMBLY*

Vote on Account: On March 26, 1977 Shri Narayan Dutt Tewari, the then Chief Minister presented a Vote on Account for the first five

@ Rule 136 reads as follows:

“136. Procedure for consideration of amendment or recommendations —If a motion that the amendments to be taken into consideration is carried, the Chairman shall put the amendments to the House in such manner as he thinks most convenient for its consideration.”

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

months of the financial year 1977-78 which was passed by the House without any discussion.¹

The passage of Vote on Account was followed by the introduction of the U.P. Appropriation (Vote on Account) Bill, 1977 with the leave of the House. During the first reading of the Bill, Shri Om Prakash Singh, M.L.A. took objection for taking Vote on Account for five months. The then Chief Minister justified it on the ground that votes on account for five months were taken in the years 1967-68 and 1971-72 also and the information of the member that vote on account for five months was never taken before was not correct.² The Bill was considered and passed by the House the same day.³

The Sixth Legislative Assembly of the State was dissolved on April 30, 1977 and the Seventh Legislative Assembly met on July 12, 1977 for its first session. The first session was prorogued on July 29, 1977. The next session commenced on August 26, 1977. As the first Vote on Account for five months was expiring on August 31, 1977 and the Budget for the financial year had not been passed, another vote on account became necessary.

On August 29, 1977 the Finance Minister, Shri Madhukar Dighe, moved a second vote on account for September and October, 1977. Shri Riyasat Husain opposed the motion on the ground that a second Vote on Account was not in order and if the Government had so desired, it could have passed the annual Budget before August 31, 1977 as the President's rule had come to an end on June 23, 1977. The Speaker ruled that it was not against rules and there were precedents when second votes on account were taken.⁴

After the second Vote on Account was passed, the Uttar Pradesh Appropriation (Second Vote on Account) Bill, 1977, was introduced with the leave of the House and was passed after clause-wise consideration.⁵

In the years 1967-68 and 1971-72, second votes on account were taken but never before the vote on account was taken for a total period longer than five months. This was the first occasion when votes on account were taken for a total period of seven months.

¹*U.P.L.A. Proceedings*, Vol. 324, p. 58.

²*Ibid.*, pp. 59-60.

³*Ibid.*, pp. 60-67.

⁴*U.P.L.A. Proc.* Vol. 326, pp. 125-130.

⁵*Ibid.*, pp. 130-136.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS
(November 1, 1977 to April 30, 1978)

INDIA

DEVELOPMENTS AT THE CENTRE

Formation of a parallel Congress: A section of members of the Congress Party convened a "national convention of Congressmen" in New Delhi on January 1 and 2 and declared Shrimati Indira Gandhi elected as President and later also filed an application before the Chief Election Commissioner requesting allotment to itself of the "Cow and Calf" symbol, which had been the election symbol of the Indian National Congress since 1969. On January 23, the Chief Election Commissioner ruled that the *status quo ante* shall be maintained and the "Cow and Calf" symbol would remain allotted to the Indian National Congress led by Shri K. Brahmananda Reddy. On February 2, the Election Commission recognised Shrimati Indira Gandhi's party as a national party to function in the name and style of "Indian National Congress (I)" and allotted to it the symbol of "hand" for the ensuing elections to some State Assemblies* pending decision on the main issue as to which was the real Congress.¹

New Chief Justice: On February 22, Shri Y. V. Chandrachud was sworn in as the new Chief Justice of the Supreme Court by the President, Shri N. Sanjiva Reddy.²

New Leader of Opposition: On April 12, Shri K. S. Hegde, Speaker, Lok Sabha declared Shri C. M. Stephen of the Congress (I) as Leader of the Opposition in Lok Sabha in place of Shri Y. B. Chavan.³

*For details of elections to State Assemblies, 1978 held on February 25, 1978, see p. 227 *supra*.

¹*Asian Recorder*, 1978; *Times of India*, January 24 and February 3, 1978.

²*Hindustan Times*, February 23, 1978.

³*Times of India*, April 13, 1978.

Nomination of Members to Rajya Sabha: On April 14, the President Shri N. Sanjiva Reddy nominated Dr. Malcom S. Adisheshaiah, Shri Pandurang D. Jadhav, Shri Bhagwati Charan Verma and Shrimati Fathema Ismail to the Rajya Sabha to fill in the seats of four nominated members who retired on April 2, on completion of their terms.⁴

AROUND THE STATES

ANDHRA PRADESH

Resignation by Ministers: Following the severe Cyclone which lashed coastal Andhra on November 19, a number of Ministers resigned from the Ministry reportedly on the issue of "mismanagement of cyclone situation in the state". Shri M. V. Krishna Rao, Education Minister and Shri K. Rajamallu, Health Minister tendered their resignations from the Ministry on November 26 and November 28, respectively. Five more Ministers viz. Shri P. Ranga Reddy (Finance), Shri J. Chokka Rao (Agriculture), Shri T. Anjaiah (Labour), Shri A. Venkata Reddy (Minor Irrigation) and Shri P. Dharma Reddy (Housing) resigned from the Ministry on December 1. Shri V. Purshottam Reddy, Minister for Excise and Mines and Shri I. Lakshman Das, Minister for Endowments followed with their resignations on December 29, and Shri P. Seshavataram, Minister of State for Rural Development resigned on January 5. A batch of three more Ministers viz., Shri G. Raja Ram (Power), Shri Manik Rao (Information) and Shri K. B. Narasappa (Sugar Industry) resigned on January 7, reducing the strength of the Council of Ministers from 35 to 23.⁵

New Government: As a result of the general elections to the State Assembly held on February 25, Dr. Chenna Reddy of the Congress (I) was sworn in as the new Chief Minister by the Governor Smt. Sharda Mukerjee on March 6. 32 members of his Ministry—21 of Cabinet rank and 11 Ministers of State—were sworn in on March 10. The allocation of portfolios was as follows:

Cabinet Ministers: Dr. M. Chenna Reddy, *Chief Minister: General Administration Department, Services, Law and Order, Land Reforms, Scheduled Castes and Scheduled Tribes Cell, Industries other than Sugar Industry and Small Scale Industry, Information and Public Relations. Cinematograph and Accommodation Urban and Ceiling, and Excise;* Shri N. Amarnatha Reddy: *Cooperation;* Shri Baga Reddy: *Panchayati Raj, including Rural Water Supply and Youth Services;* Shri P. V. Choudhary: *Textiles including all Textile and Spinning Mills, excluding Woollen Mills and Sericulture;* Shri C. Dass: *Sugar Industry including Nizam Sugar Factory, Cooperative*

⁴Hindustan Times, April 15, 1978.

⁵Hindu, November 27, & 29, 1978; National Herald, February 2, 1978; Times of India, December 30, 1978 and February 7 1978.

Sugar Factories and Khandsari Units and Cane Development; Shri P. Ganga Reddy: Agriculture, including Food Production, Command Area Development, Ground Water Resources and Agro-Industries Corporation; Shri M. M. Hashim: Home, Police, Passports, Arms Act, Prisons, Weights and Measures; Shri T. Hayagrivachari: Ports, Commerce, Export Promotion, A. P. State Trading Corporation and Technical Education; Shri Janardhana Reddy: Revenue, Land Revenue, Registration and Stamps, Evacuee Property, Jagir Administration, Debt Settlement Board and Elections; Shri Madan Mohan: Health and Medical, including Indian Medicine; Shri M. Maniva Rao: Highways, Roads and Buildings, Public Gardens, Public Works Department, Workshops and Concurrent subjects relating to Railways, Posts and Telegraphs; Shri V. Nageswara Rao: Animal Husbandry, Dairy Development, including Dairy Development Corporation, Milk Supply Schemes, Archaeology and State Archives; Shri K. B. Narasappa: Small Scale Industries, including Small Scale Industries Development Corporation, Rural Industries, Self-Employment and Technocrat Schemes, Leather Industries Development Corporation, Village Industries and Woolen Mills; Shri K. Obul Reddy: Medium Irrigation, Flood Control, Drainage, Irrigation Development Corporation and Minor Irrigation; Shri G. Raja Ram: Finance, Power, Sports and Sports Council; Shri Ramdev: Municipal Administration, including the Administration of Municipal Corporation of Hyderabad, Urban Development, Town Planning, Urban Water Supply and Drainage, including Hyderabad City Water Works, Environmental Pollution, Environmental Sanitation and Urban Housing; Shrimati Roda Mistry: Tourism and Visiting Cultural Delegation, Ravindra Bharathi Salar Jung Museum, Women Welfare, Child Welfare, Applied Nutrition Programme, Balwadis, Balvihars and Jawahar Baluhavan; Shri Sudhakara Rao: Major Irrigation and Commercial Taxes; Shri V. Venkatanarayan: Religious and Charitable Endowments; Shri B. Venkat Ram Reddy: Primary, Secondary and Collegiate Education, Literary and Scientific Associations including Academies, Cultural Affairs, State Council for Education, Research and Training, Residential Schools, Development of Modern Language and Official Language, History of Freedom Movement and Andhra Pradesh Balala Academy; Shri Y. Venkata Rao: Planning, Bureau of Economics and Statistics, Law Courts, Stationery and Printing; Shri G. Venkataswamy: Labour and Employment, including Industrial Training Institutes and E.S.I.

Ministers of State: Shri Ahmed Shareef: Forests; Shri N. Bhaskara Rao: Legislative Affairs, including Legislators' Hostels etc., Shri Nizam Vali: Wakf and Relief and Rehabilitation, Small Savings and Andhra Pradesh Rajya Sainik Board; Shri K. V. R. S. Padmanabha Raju: Tribal Welfare; Shri M. S. V. Prasada Rao: Marketing and Warehousing, including State Warehousing Corporation; Shri G. Ramaswamy: Civil Supplies and Rationing; Shri Ranga Rao: Harijan Welfare; Shri P. Sheshvataram: Rural Development, Money Lending, Rural Indebtedness and

*Rural Housing; Shri A. Vengala Reddy: Transport; Shri A. Veerappa: Fisheries and Backward Classes; Shri S. Venkata Reddy: Mines and Geology, including Mining Corporation.*⁶

Election of new Presiding Officers: Shri Divi Kondiah Choudhary and Shri K. Prabhakar Reddy were elected speaker and Deputy Speaker of the Assembly on March 16 and March 28 respectively.⁷

ASSAM

Resignation by Ministers: On January 14, the Governor, Shri L. P. Singh, on the advice of the Chief Minister, Shri S. C. Sinha, accepted the resignation of Shrimati Anwara Taimur, Minister of State for Social Welfare and Sericulture and Weaving from the Ministry. On January 30, Shri Lila Kanta Das, Deputy Minister for Cooperation and Panchayat, resigned from the Ministry as well as from the primary membership of the Congress Party.⁸

New Ministry: A new 12-member Ministry headed by Janata Leader Shri Golap Borbora was sworn in on March 12 following the general elections to the State Assembly. The allocation of portfolios in the new Ministry was as under:

Cabinet Ministers: Shri Golap Borbora, *Chief Minister:* Home, Information and Public Relations, General Administration, Political, Planning and Development, Election, Civil Defence, Personnel and Administrative Reforms, Secretariat Administration, Minority Affairs, Freedom Fighters, Sericulture and Weaving, Hill Areas Development, Printing and Stationery, Social Welfare, Khadi and Village Industries; Shri Dulal Chandra Baruah: *Public Works Department (Roads and Buildings).* Supply, Trade and Commerce, Parliamentary Affairs and Jails; Shri Keshab Chandra Gogoi: *Finance, Judicial, Legislative (Law), Students and Youth Welfare, Sports and Tourism;* Shri Lakhadhar Choudhury: *Education and Cultural Affairs;* Shri Soneswar Bora: *Agriculture and Cooperation;* Shri Samar Brahma Choudhury: *Forests, Livestock, Veterinary and Animal Husbandry;* Shri A. F. Golam Usmani: *Irrigation, Power, Mines and Minerals and Wakf;* Shri Jagannath Singh: *Labour, Industries and Public Enterprises;* Shri Laksheswar Gohain: *Revenue, Land Reforms and Soil Conservation;* Shri Zahirul Islam: *Transport, Panchayats, Community Development, Municipal Administration, Town and Country Planning.*

Ministers of State: Dr. Kosheswar Bora: *Health and Family Welfare and Excise;* Shri Lilamoy Das: *Fisheries and Relief and Rehabilitation.*

⁶*Indtan Express*, March 11, 1978.

⁷*Hindu*, March 17, and *Deccan Chronicle*, March 27, 1978.

⁸*Statesman*, January 29, and *Tribune*, January 31, 1978.

Four more Ministers—two of the Cabinet rank and two Ministers of State—were subsequently sworn in on March 21, raising the strength of the Council of Ministers to 16.

Election of new Presiding Officers: Shri Jogendranath Hazarika and Sheikh Chand Mohammed of the Janata Party were elected Speaker and Deputy Speaker of the State Assembly on March 22 and March 30 respectively.⁹

BIHAR

Election of Chief Minister to State Assembly: Shri Karpoori Thakur, Chief Minister, was declared elected to the State Assembly from Phulparas Assembly Constituency, elections to which were held on December 18, defeating his nearest rival Shri Ram Jaipal Singh Yadav of the Congress Party. The two other Assembly seats of Nirsa and Barahara, which went to polls on the same day, returned Shri R. P. Singh (Janata) and Shri K. S. Chatterjee (Independent) respectively.

Resignation by Ministers: Shrimati Sushila Sahay, Minister of State for Home, resigned from the Council of Ministers on March 14.¹⁰

GUJARAT

Recognition of Congress (I) as Opposition Party: On January 9, the Congress Legislature Party (I) was recognised as the main opposition party in the State Assembly.¹¹

By-elections: The by-elections to the Rajkot Parliamentary and Bala-sinor Assembly seats, held on December 18, resulted in the victory of Shri Chiman Shukla (Janata) for the Parliamentary seat and Shri Chhatra Singh Solanki (Congress) for the Assembly seat.¹²

HARYANA

Change of portfolios: On January 23, the Chief Minister, Shri Devi Lal distributed all his portfolios except that of General Administration among his Cabinet Colleagues. The portfolios passed on to his colleagues, included, Shri Mangal Sein: *Home*; Shri Satbir Singh Mallik: *Administration of Justice*; Shri Tara Singh: *Planning*; Shri Virendra Singh: *Agriculture*.

⁹Statesman, March 22, Times of India, March 31 1978.

¹⁰Times of India December 20, and 21, 1977 and Hindustan Times, March 15, 1978.

¹¹Times of India, January 1, 1978.

¹²Statesman, December 19 and 20, 1977.

The Chief Parliamentary Secretary Shri Jagan Nath, who was looking after Public Relations and Transport was given the charge of cooperation also and attached to Shri Virendra Singh.¹³

Appointment of Parliamentary Secretaries: The strength of the Council of Ministers in Haryana was raised from 11 to 17, with the addition by the Chief Minister on April 6, of six Parliamentary Secretaries viz., Shri Bhale Ram, Shri Bhag Mal, Shri Mool Chand Mangla, Shri Lal Singh, Shri Sardar Khan and Shri Har Sarup Bura.¹⁴

JAMMU AND KASHMIR

Ordinance to detain persons without trial: On October 29, the Governor, Shri L. K. Jha issued, under Section 91 of the State Constitution, the Jammu and Kashmir Public Safety Ordinance, 1977, empowering the Government to assume special powers to detain persons, place curbs on newspapers and other publications in the interest of the security of the State and the maintenance of public order. The ordinance, *inter alia*, provided that a person could be detained for two years without communicating the grounds of detention to him if the same was considered necessary in public interest. The person could be detained without even the case going to the Advisory Board, to be set up under the ordinance and there was also no bar on issuing a second detention order after the expiry of the first. The section of the Ordinance applicable to the Press gave power to the Government to prohibit circulation of newspapers published in the State as well as ban the entry of newspapers published outside the State, if the Government felt that the same contained prejudicial reports.

Reallocation of portfolio: On January 1, Chief Minister Mohd. Sheikh Abdullah assigned the Anti-corruption and Vigilance portfolio to the Forest Minister, Shri M. K. Tikku. The portfolio of Parliamentary Affairs, held by Shri Tikku was transferred to Mirza Afzal Beg, Deputy Chief Minister.¹⁵

KARNATAKA

Promulgation of President's Rule: Acting on the report of the Governor Shri Govind Narain, the President Shri N. Sanjiva Reddy dismissed, on December 31, the Karnataka Ministry headed by Shri Deveraj Urs, dissolved the State Assembly and assumed to himself all the powers and functions of the State under Article 356 of the Constitution, pending fresh elections.¹⁶

¹³Tribune, January 24, 1978.

¹⁴Ibid.

¹⁵Tribune and Indian Express, January 1, 1978.

¹⁶Hindustan Times, December 31, 1977.

New Ministry: A two-member Congress (I) Ministry headed by Shri D. Devraj Urs was installed in the State on February 28. Eighteen more Ministers—13 of Cabinet rank and 5 Ministers of State—were sworn in on March 8, raising the strength of the Ministry to 20. The allocation of portfolios was as follows:

Cabinet Ministers: Shri D. Devraj Urs, *Chief Minister:* *Department of Personnel and Administrative Reforms, Home (excluding Transport and Tourism, Information and Publicity and Excise), Planning, Major, Medium and Minor Irrigation, Power, Ports, Fisheries, Bangalore Development Authority, Mines and Geology, Sericulture and Horticulture:* Shri K. H. Ranganath: *Agriculture and Parliamentary Affairs:* Shri B. Besavalingappa: *Revenue, (excluding Muzrai Department):* Shri Azeez Sait: *Industry and Commerce:* Shri S. M. Yahya: *Finance:* Shri K. Prabhakar: *Rural Development and Panchayat Raj:* Shri R. Gundu Rao: *Transport and Tourism:* Shri H. C. Srikantaiah: *Municipal Administration:* Shri G. Rame Godwa: *Food and Forest:* Shri Margade Malappa: *Health and Family Welfare:* Shri L. G. Havanur: *Law, Social Welfare and Backward Classes:* Shri Devendrappa Ghalappa: *Animal Husbandry and Dairy Development:* Shri R. Subbayya Shetty: *Education:* Shri R. S. Patil: *Labour and Excise:* Shri S. Bangarappa: *Public Works.*

Ministers of State: Smt. Manorama Madhwaraj: *Women and Children Welfare:* Shri K. H. Srinivas: *Information and Youth Services: (and to assist the Chief Minister in Planning and Power):* Shri Veershetty Kushnoor: *Co-operation:* Shri P. F. Rodrigues: *Housing (and to assist the Chief Minister in Ports and Fisheries):* Shri A. B. Jankur: *Regulated Markets (and to assist the Chief Minister in Prisons Department).*¹⁷

KERALA

Resignation by Ministers: The Education Minister, Shri C. H. Mohammed Koya (Muslim League), and the Home Minister, Shri K. M. Mani (Kerala Congress), whose election to the State Assembly in the March poll had been set aside by the Kerala High Court on December 19 and December 21, tendered their resignations from the five-party coalition Ministry on December 20 and 21 respectively. The two vacancies were filled by Shri P. J. Joseph (Kerala Congress) and Shri U. A. Beeran (Muslim League), who were sworn in on January 16 and January 27 respectively.¹⁸

MADHYA PRADESH

New Ministry: Shri Virendra Kumar Saklecha was sworn in on January 18, as the second Janata Chief Minister of the State, replacing Shri Kailash

¹⁷Deccan Chronicle, March 12, 1978.

¹⁸Deccan Herald, December 19 and Hindustan Times, December 20 and 21, 1977.

Joshi who had earlier resigned on personal grounds. A 30-member Council of Ministers was sworn in on January 22 by the Governor, Shri N. N. Wanchoo. The allocation of portfolios was as follows:

Cabinet Ministers: Shri V. K. Saklecha: *Chief Minister: General Administration, Information and Publicity, Languages, Industry, Irrigation and Power, Law and Legislative Affairs, Natural Resources, Planning and Economic Statistics, Public Health Engineering, Home (General);* Shri Kailash Joshi: *Minister without portfolio;* Shri Ramhit Gupta: *Finance;* Shri Shitala Sahai: *Public Health and Family Welfare;* Mr. Haribhau Joshi: *Panchayat and Community Development, Kala Parishad, Urdu Academy and Sahitya;* Shri Yeshwant Rao Meghawale: *Forests;* Shri Laxmi Narayan Sharma: *Revenue, Land Record and Settlement and Co-operation;* Shri Jabar Singh: *Public Works Department;* Shri Shiv Prasad Chandpuria: *Agriculture;* Shri Umrao Singh: *Education (Primary and Higher Secondary);* Shrimati Jayashree Banerjee: *Social Welfare;* Shri Ramanand Singh: *Local Self-Government;* Shri Sakharam Patel: *Harijan Welfare;* Shri Sita Prasad Sharma: *Food and Civil Supplies;* Shri Anoop Singh Maravi: *Tourism and Archaeology;* Shri Baliram Kashyap: *Tribal Welfare;* Shri Prabhunarayan Tripathi: *Home (Police);* Shri Lakshminarayan Yadav: *Education (Collegiate);* Shri Pawan Dewan: *Jails;* Shri Yaqoob Razqani: *Waqf Board and Rehabilitation.*

Ministers of State: Shri Rajendra Dharkar: *Housing and Environment, Law and Legislative Affairs, Local Self Government;* Shri Manharan Lal Pandey: *Home (General). Irrigation;* Shri Jagdish Gupta: *Labour and Tribal Welfare;* Shri Vibhash Chandra Banerjee: *Education;* Dr. Parashuram Sahu: *Public Health and Family Welfare, Tourism;* Shri Nathuram Ahirwar: *Agriculture;* Shri Sharas Chandra Jharia: *Separate Revenue;* Shrimati Savita Bajpai: *Public Works Department;* Shri Ram Lal Chandrakar: *Education;* Thakur Darbar Singh: *Food and Civil Supplies;* Shri Rama Shankar Singh: *Planning and Economic Statistics.*

Parliamentary Secretaries: Shri Arjun Singh Dharu: *Rehabilitation and Transport;* Shri Babu Lal Jain: *Industry;* Dr. Gauri Shankar Shejwar: *Public Health;* Shri Vikram Veram: *Education and Youth Welfare;* Shri Iochan Lal Thakre: *Agriculture;* Shri Nanki Ram: *Revenue;* Shri Madhav Singh Dhruv: *Tribal Welfare;* Shri Har Singh Sharma: *Irrigation.*

The strength of the Ministry rose to 41 with the addition, on January 24, of Shri Jang Bahadur Singh as Minister for Economics and Statistics and Shri Girish Varma as Parliamentary Secretary.¹⁹

¹⁹Hindustan Times, November 23, 1977.

MANIPUR

By-election: In the by-election to the Ukru Assembly constituency held on December 19, the Chief Minister Shri Yangmaishhe Shaiza (Janata) was declared elected defeating his Congress rival Shri Zinghadhan.²⁰

Election of Deputy Speaker: Shri O. Joy Singh was elected to the vacant office of the Deputy Speaker on October 26.

MAHARASHTRA

New Ministry: Shri Vasant Rao B. Patil and Shri N. K. Tirpude were sworn in on March 7 as Chief Minister and Deputy Chief Minister respectively of the Congress and Congress (I) coalition Ministry. 12 Ministers and 14 Ministers of State were subsequently sworn in on March 12, raising the strength of the Council of Ministers to 28. The allocation of the portfolios was as follows:—

Cabinet Ministers:

Vasant Rao Patil: *Chief Minister, General Administration, Planning, Urban Development and any other subject not specifically allotted to any Minister;* Shri Nasik Rao Tirpude: *Deputy Chief Minister Home, Jails, Forests and Cultural Affairs;* Shri Sundarrao A. Solanke: *Public Works and Dairy Development;* Shri Madhukarrao Choudhary: *Revenue, and Rehabilitation;* Shri Prabha Rau: *Co-operation and Tourism;* Shri Yeshwantrao Mohite: *Finance and Food and Civil Supplies;* Baburao Kale: *Rural Development, Transport and Aukaf;* Shri Ramrao Adik: *Irrigation, Social Welfare, Tribal Welfare and Law and Judiciary;* Shri Sharad Pawar: *Industries and Labour;* Shri Jawaharlal Darda: *Energy, Sports and Youth Services;* Shri Shivajirao Patil (Nilangekar): *Public Health, Family Welfare and Legislative Affairs;* Shri Purshottam Dekate: *Agriculture and Command Area Development Authority;* Shri Sudhakar Naik: *Housing, Animal Husbandry and Fisheries;* Shri Baliram Hire: *Education.*

Ministers of State:

Shri Udaysingrao Gaikwad: *General Administration, Planning and Urban Development;* Shri Ramu Patel: *Irrigation and Social Welfare;* Shri Syed Faruq Pasha Syed Makdoom Pasha: *Industries, Education and Aukaf;* Shri Tejsinghaorje Bhosle: *Labour and Legislative Affairs;* Shri Sushil Kumar Shinde: *Finance, Public Health and Family Welfare;* Shri Shahajirao Patil: *Cooperation and Rural Development;* Shri Shantaram Gholap: *Revenue, Rehabilitation and Fisheries;* Shri Rambhau Lingade: *Home, Jails, Forests and Cultural Affairs;* Shri Rammanohar Tripathi: *Urban Development, Protocol, Information and Publicity;* Shri Khan Mohammad Azhar Hussain: *Agriculture and Command Area Development Authority;* Shri Ramprasadji Borade: *Transport and Tourism;* Shri Sudhakar

²⁰Statesman, December 23, 1977.

Gangane: *Energy, Sports and Youth Services*; Shri Dattraya Meghe: *Housing, Food and Civil Supplies*.²¹

MEGHALAYA

New Ministry: A three-party single-tier coalition Ministry of All-Party Hill Leaders Conference (APHLC), Hill State People's Democratic Party (HSPDP) and Public Demand Implementation Committee (PDIC), headed by Shri D. D. Pugh was sworn in on March 10. With the swearing-in on March 13 of two more Ministers, the strength of the Ministry rose to 12. The following is the list of Ministers and their portfolios:

Shri D. D. Pugh: *Home, Personnel and Administrative Reforms, Political, Passport and Jails, Election, Cabinet Affairs, General Administration, Secretariat Administration, Evaluation, Education, Youth and Social Welfare and Sports and Games, Transport, District Council Affairs, Labour, Municipal Administration, Town and Country Planning, Border Areas Development, Trade including Border Trade, Central Co-ordination of all Departments and matters not allocated to any other Minister*; Shri Stanlington D. Khongwir: *Deputy Chief Minister, Finance, Planning, Public Works Department (Roads and Buildings), Food and Civil Supplies, Public Relations and Soil Conservation*; Shri Martin Narayan Majaw: *Law, Parliamentary Affairs, Revenue and Community Development*; Dr. B. P. Pakem: *Agriculture, including irrigation and Animal Husbandry*; Shri John Deng Phormen: *Health and Family Welfare, Public Health, Engineering*; Shri Bronson W. Momin: *Fisheries*; Shri Y. Fuller Lyngdon: *Forests, Weights and Measures, Registration and Stamps*; Shri Humphrey Hadem: *Power, Mining and Geology and Excise*; Shri Endro Jawphniaw: *Tourism, Printing and Stationery and Communications*; Shri Jackman Marak: *Relief and Rehabilitation of Displaced Persons*; Shri Jenden Marak: *Sericulture and Weaving*; Shri P. Ripple Kyndiah: *Industries including Small and Cottage Industries and Co-operation*.²²

NAGALAND

General Election and formation of new Government: Nagaland, which had been under President's rule since March 22, 1977, went to polls on November 18. In the 60-members State Assembly, the United Democratic Front, backed by the Janata Party, gained an absolute majority securing 35 seats as against 15 by the Congress Party. Nine seats were secured by Independents and one by the National Convention of Nagaland.

A 12-member United Democratic Front Ministry headed by Shri Vizol Angami, was sworn in on November 25 by Shri L. P. Singh, Governor

²¹Indian Express (Bombay), March 13, 1978.

²²Assam Tribune March 14, 1978.

of the North-Eastern States. The allocation of portfolios, announced on November 28, was as follows:

Cabinet Ministers: Shri Vizol Angami: *Chief Minister, Home, General Administration, Police, Political and other departments not allotted to others;* Shri S. C. Jamir: *Deputy Chief Minister: Planning, Works, Housing and Jails;* Shri Vamuzo: *Finance, Excise, Revenue, Industries and Civil Supplies;* Shri Huska Sumi: *Agriculture and Co-operation;* and Shri L. Lungalang: *Mining, Geology and Electricity.*

Ministers of State: Shri Noke: *Public Works Department and Social Welfare;* Shri M. Murry: *Information, Publicity and Tourism, Law and Parliamentary Affairs;* Shri Santi Chuba: *Transport and Communication and Rural Development;* Shri R. S. Rengma: *Soil Conservation, Community and Tribal Development;* Dr. Bengang Toshi: *Medical, Public Health and Family Welfare;* Shri K. L. Chishi: *Veterinary and Animal Husbandry, Labour and Employment;* Shri K. Zunglum: *Relief and Rehabilitation, Cooperation, Area and Regional Council.*

New Speaker: Shri Vitsomei K. Angami of the United Democratic Front was unanimously elected Speaker of the State Assembly on November 29.²³

Expansion of Ministry: On April 18, the State Ministry was expanded to 15 with the addition of three more Ministers—one of Cabinet rank and two Ministers of State. The new Ministers were : Shri Shurhozeli (Cabinet), Shri Lhiweshelo and Shri Yopikyu (Ministers of State).

Three Ministers of State—Shri Sen Ichuba, Shri Noke and Shri Zunglum—were upgraded to Cabinet rank.²⁴

PUNJAB

Results of By-elections: In the by-elections for the Anantpur Sahib—(Ropar) Assembly constituency and Faridkot Parliamentary seat, held on December 18, Shri Madho Singh (Janata) won the Assembly seat defeating his nearest rival Shri Shiv Singh Bela (Independent) and Shri Balwant Singh Ramowalia (Akali Dal) won the Parliamentary seat defeating Shri Maja Singh Sandhu (Congress).²⁵

RAJASTHAN

C.M.'s election to Assembly: On November 28, the Chief Minister Shri Bhairon Singh Shekhawat was declared elected to the State Assembly from the Chhabra constituency in Kota district defeating, among others,

²³*Asian Recorder*, 1978, p. 14101 and *Diary of Political Events*, November 1978.

²⁴*Hindustan Times* April 19, 1978.

²⁵*Statesman*, December 19 and 20, 1977.

Shri Ram Prasad Meena of the Congress Party. In the Phalodi Assembly constituency which also went to polls on the same day, Shri Bal Kishan Thanvi (Janata) was declared elected, defeating Shri Poonam Chand Vishnoi of the Congress.

Expansion of Ministry: Five new Cabinet Ministers and two Ministers of State were sworn in on February 7, raising the strength of the Council of Ministers to 17.

On February 8, the Chief Minister reshuffled the portfolios of his Ministers and re-allocated them as under:

Cabinet Ministers:

Shri Bhairon Singh Shekhawat, Chief Minister: *Personnel and Administrative Reforms, General Administration, Political, Cabinet Secretariat, Removal of Public Grievances, Tourism, Anticorruption Department, Public Health and Engineering Department and Groundwater Department*; Shri Adityendra: *Finance, Taxation and Excise*; Shri Sampat Ram: *Home Department (excluding Anti-corruption Department), Civil Defence, Jails and Rehabilitation*; Prof. Kedar Nath Sharma: *Labour and Employment, Rajasthan Canal, Transport and Colonisation*; Shri Trilok Chand Jain: *Medical Department, Ayurved Department, Khadi Village Industries, Planning Department and Economics and Statistics Department*; Shri Lalit Kishore Chaturvedi: *Irrigation and Power Department*; Shri Kailash Meghwal: *Panchayat Raj and Development Department, Mines Department and Co-operation*; Shri Bhanwar Lal Sharma: *Education, Bhasha, Linguistic Minorities, Local Self-Government and Town Planning and Housing*; Shri Surya Narain Chowdhury: *Industries and State Enterprises, Law and Judicial, Elections and Parliamentary Affairs*; Shri Digvijay Singh: *Agriculture and Animal Husbandry (including dairy development)*; Shri Purushottam Mantri: *Revenue and Land Reforms and Devasthan*; Shri Jai Narain Punia: *Public Works Department, Food and Civil Supplies and Food and Famine Relief.*

Ministers of State:

Smt. Vidya Pathak: *Social Welfare (Independent charge), Power and Tourism*; Shri Mehboob Ali: *Public Relations (Independent charge), Wakfs (independent charge), Soldiers' Welfare (independent charge), General Administration and Public Health and Engineering Department*; Shri Vigyan Modi: *Printing and Stationary (independent charge), Ground-water Department, Local Self-Government and Town Planning, Housing and Khadi and Village Industries*; Shri Lal Chand: *Forest Department (independent charge), Home Department and Rajasthan Canal Project and Colonisation*; Shri Nand Lal: *Sheep and Wool Department (independent charge), Tribal Area Development (independent charge) and Industrial and State Enterprises.*²⁶

²⁶Asian Recorder, 1978, p. 14115 and 14234.

TAMILNADU

Election of Presiding Officers: Shri M. P. Sivagnanam and Shri G. Swaminathan were unanimously elected Chairman and Deputy Chairman respectively of the Legislative Council on April 26.²⁷

TRIPURA

General elections and formation of new Government: Following the withdrawal of the CPI(M) from the coalition on October 29, the 100-day-old Janata-CPI(M) coalition Ministry headed by Shri Radhika Ranjan Gupta, resigned on November 3. The State was placed under President's rule on November 5 and its Assembly dissolved, pending fresh elections.²⁸

The elections to the 60-member State Assembly held on December 31, resulted in an absolute majority to the left-front. The final party-position was : CPI(M)-49; RSP-2; Forward Block-1; Tripura Upajati Samity-4 and Independents-4.

A 10-member Left Front Ministry headed by Shri Nripen Chakravarty (CPI-M) was sworn in on January 5. The allocation of portfolios was as follows:

Shri Nripen Chakravarty, Chief Minister: *Home, Finance, Law, Appointment and Services, General Administration, Planning and Coordination*; Shri Desarath Deb: *Education, Tribal Welfare, Transport, Food and Civil Supply and Rural Water Supply*; Shri Biren Dutta: *Land Reform and Land Revenue, Labour, Local-Self-Government*; Shri Anil Sarkar: *Public Relations and Tourism and Health*; Shri Baidyanath Majumdar: *Public Works Department and Industries*; Shri Dinesh Deb Barman: *Community Development and Panchayat*; Shri Araber Rehman: *Forest*; Shri Rajuban Reang: *Agriculture, Cooperative and Animal Husbandry*; Shri Brajagopal Roy: *Relief and Rehabilitation, Statistics and Printing and Press*; Shri Jogesh Chakravarty: *Jail*.

The strength of the Ministry rose to 11 with the inclusion, on January 23, of Shri Vivekananda Bhowmik, as Minister for Health and Family Welfare.²⁹

Election of new Speaker: Shri Sudhanwa Deb Barman and Shri Jyotirmoy Das were elected Speaker and Deputy Speaker of the State Assembly on January 24 and January 27 respectively.³⁰

²⁷Statesman, April 27, 1978.

²⁸Indian Express, November 4 and 6, 1977.

²⁹Patriot, January 28 and National Herald January 6, 1978.

³⁰Hindustan Times, January 26, 1978.

UTTAR PRADESH

By-elections to the State Assembly: In the by-election held on December 18, Shri Ram Naresh Yadav, Chief Minister was declared elected to the State Assembly from the Nidhauri Kalan constituency defeating his main rival Swami Prasad Singh of the Congress Party. Earlier, by-elections to the two other constituencies of Ayodhya and Lucknow East held on December 4, had returned Shri Jai Shankar Pandey of Janata Party and Swarup Kumari Bakshi of the Congress Party.³¹

WEST BENGAL

New Governor: Shri T. N. Singh was sworn in as Governor of the State on November 6.³²

UNION TERRITORIES

ARUNACHAL PRADESH

New Ministry: A five-member Ministry, headed by Shri P. K. Thungon was sworn in on March 14 by the Lt. Governor, Shri K. A. A. Raja. The allocation of portfolios was as follows:

Shri P. K. Thungon, Chief Minister: *Finance, PWD, Home, Information, General Administration, Health and all portfolios not allotted to other Ministers;* Shri Tadar Tang: *Supply and Transport, Statistics, Census, Manpower, Planning, Weights and Measures;* Shri Soden Tayang: *Agriculture, Horticulture, Soil Conservation, Veterinary, Fisheries and Health;* Shri Gegong Apang: *Engineering, Rural Engineering, Community Development and Industry;* Shri Nokmey Nemati: *Education, Law, Panchayati Raj and Parliamentary affairs.*³³

Elections of Presiding Officers: Shri Padi Yubhe and Shri Chije were elected Speaker and Deputy Speaker respectively of the Assembly on March 22.³⁴

DELHI

New Executive Councillor: On January 2, Shri Prem Sukh was sworn in as Executive Councillor in the vacancy caused by the demise of Shri Fateh Singh, who died on December 6 following a heart attack. He was allotted the portfolios of Development, Revenue, Panchayats, Cooperation, Social Welfare and Harijan Welfare, Irrigation and Flood Control and Animal Husbandry.³⁴

³¹*Hindustan Times*, December 6 and *Statesman*, December 12, 1977.

³²*Times of India*, November 7, 1977.

³³*Hindu*, March 15, 1978.

³⁴*Assam Tribune*, March 23, 1978.

³⁵*Times of India*, January 1 and 8, 1978.

GOA

New Lt. Governor: Col. Pratap Singh Gill was sworn in on November 16 as Lt. Governor by Justice Tito Meneges, Judicial Commissioner of Goa.³⁵

MIZORAM

Extension of President's Rule: President's Rule in the Union Territory, promulgated on May 11, 1977 following the resignation of the Congress Ministry led by Shri Chhunga, was extended for a further period of four months on December 1, 1977.³⁶

PONDICHERRY

Resignation by MLAs: Four MLAs belonging to the ruling All India Anna DMK Party viz. Shri S. Palaninathan (Deputy Speaker), Shri T. K. Subbiah, Shri P. Thangavelu and Shri Palaniraja resigned on March 16.³⁷

DEVELOPMENTS ABROAD

AFGHANISTAN

Coup in Afghanistan: The five-year-old regime of President Mohammed Daoud was ousted on April 24 in a bloody coup and a Military Revolutionary Council assumed power. The Revolutionary Council appointed on April 30, a civilian, Mr. Nur Muhammed Taraki as Prime Minister and Head of State.³⁸

ANGOLA

MPLA's transformation into a Political Party: The ruling MPLA (Popular Movement for the Liberation of Angola) transformed itself into the Marxist—Leninist Angola Workers' Party, the country's first and only legal political group, on December 10.³⁹

AUSTRALIA

General Election: The Liberal-National Country Party Government of Prime Minister, Mr. Malcolm Fraser, first elected in December 1975, was returned with slightly reduced majorities in both Houses of the Federal Parliament as a result of elections held on December 10, to the House of Representatives and for 34 of the 64 Senate seats.⁴⁰

³⁵*Hindustan Times*, December 17, 1977.

³⁶*National Herald*, December 13, 1977.

³⁷*Hindustan Times*, March 17, 1978.

³⁸*Indian Express*, April 28 and May 1, 1978.

³⁹*African Recorder*, 1978, p. 4724.

⁴⁰*Keesing's Contemporary Archives*, 1978, 28829.

BURMA

Fresh mandate for President Ne Win: According to results officially announced on January 17, general elections held over a two-week period ending January 15 for the 464-member People's Assembly resulted in "a vast majority" of the electorate voting for the candidates of the Burmese Socialist Programme Party (BSPP), thereby giving President Ne Win a mandate to remain in office for a further period of four years. The Burmese People's Assembly elected on March 4 a 17-member Cabinet with Mr. Maung Kha as Prime Minister.⁴¹

CHILE

New Ministry: A new Ministry under the Presidentship of Mr. Sargeo Fernandes was formed in Chile on April 14.⁴²

DJIBOUTI

New Government: President Hassan Gould on February 6 formed a new Government following the joint resignation of five of his Cabinet Ministers on December 17. The new 16-member Cabinet was headed by Mr. Abdullah Mohammed Kamil, formerly Foreign Minister.⁴³

DOMINICAN REPUBLIC

Legalization of Communist Party: President Balaguer on November 9 promulgated a law authorizing the (Moscow-line) Dominican Communist Party (PCD), which had been banned since 1963, to resume legal activity.⁴⁴

EGYPT

New Wafdist Party: A new political Party, the first to be formed freely since the 1952 revolution, was officially launched on February 4, bearing the name of the Party which fought the British presence in Egypt for 25 years. The Party-New Wafd-immediately became the second biggest party in Egypt with 24-members in the 360-seat People's Assembly (Parliament) after the ruling Arab Socialist Party.⁴⁵

FINLAND

Re-election of President: On January 16, Dr. Urho Kekkonen was re-elected President of Finland for another six-year term.⁴⁶

⁴¹*Times (London)*, March 4, 1978.

⁴²*Times of India*, April 15, 1978.

⁴³*African Recorder*, 1978, p. 4725.

⁴⁴*Keesing's Contemporary Archives* 1978, p. 28772.

⁴⁵*Ibid.*

⁴⁶*National Herald*, January 18, 1978.

FRANCE

Victory of ruling coalition: In the general election to the 491-seat Parliament held on March 19, the ruling Centre-right coalition won 291 seats as against 200 of the left-wing opposition. The final results were as under (figures for out-going Assembly are shown in brackets):

Centre-right:

Gaullists	153	(173)
Giscardians	137	(127)

290 300

Union of Left:

Communists	86	(74)
Socialists	104	(95)
Radicals	10	(13)

200 (182)

Others	1	(9)
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On March 31, the President Mr. Valery Giscard d'Estaing reappointed Mr. Raymond Barre as Prime Minister and asked him to form a new Government.⁴⁷

GREECE

General election and formation of new Government: The general election held on November 20, after the Parliament elected in November 1974 had been dissolved one year before the expiry of its full term, resulted in the return to power; with a reduced overall majority, of the liberal-conservative New Democracy Party led by the Prime Minister, Mr. Konstantinos Karamanlis.

The number of seats won by various Parties in the 300-member Parliament was : New Democracy Party-172; Pan-Hellenic Socialist Movement (Pasok)-93; Union of the Democratic Centre (E.D.H.K.)-15; K. K. E. (exterior)-11; National Front-5; Alliance of Progressive and Left-wing Forces-3; And New Liberal Party-2.

The new Government by Mr. Karamanlis was formed on November 28.⁴⁸

INDONESIA

Re-election of President: On March 23, President Suharto was sworn in as President for his third five-year term and later on the same day the

⁴⁷*Times* (London), March 21 and *Times of India*, April 1, 1978

⁴⁸*Keesing's Contemporary Archives*, 1978, p. 28781.

People's Congress elected Mr. Adam Malik, a former Foreign Minister as Vice-President.⁴⁹

ISRAEL

New President: Mr. Yitzhak Navon was elected as the fifth President of Israel on April 19, receiving 86 votes in the 120-seat *Knesset* (Parliament).⁵⁰

KUWAIT

Death of ruler: The Emir, Sheikh Sabah Al-Salim Al-Sabah, (ruler of the oil-rich desert state), died on December 30, after a heart attack and was immediately succeeded by the heir-apparent, Sheikh Jaber Al-Ahmed Al-Sabah. On February 9, he appointed Sheikh Saad as-Salim as the new Prime Minister.⁵¹

LEBANON

Resignation by Cabinet: The Cabinet headed by Dr. Selim Hoss tendered its resignation to President Elias Sarkis on April 19.⁵²

NAURU

Parliamentary and Presidential elections: Mr. Bernard Dowiyogo, who had succeeded Mr. Hammer De Roburt as President of Nauru in December 1976, dissolved Parliament in October 1977 to seek a fresh mandate from the people in order to counter the repeated challenges to its legitimacy from Mr. De Roburt and his parliamentary supporters. In the elections to the 18-seat Parliament held on November 12, Mr. Dowiyogo's Nauru Party won nine seats and Mr. De Roburt and his supporters eight, the remaining seat being won by an Independent supported by the Nauru Party. Mr. Dowiyogo was re-elected President when the new Parliament met on November 15.⁵³

NETHERLAND

Formation of coalition Government: The longest political deadlock in Dutch Parliamentary history was finally resolved on December 16, with the formation of a Centre-right coalition Government comprising the Christian Democratic Appeal (CDA) and the (right-wing liberal) party of Freedom and Democracy (VVD) under Mr. Andreas Van Agt, the CDA leader.

⁴⁹*Times* (London), March 25, 1978.

⁵⁰*National Herald*, April 20, 1978.

⁵¹*Asian Recorder*, p. 14150 and *Indian Express*, February 10, 1978.

⁵²*Patriot*, April 20, 1978.

⁵³*Keesing's Contemporary Archives*, 1978 p. 28814.

The new Government was formed nearly seven months after the general elections of May 25 and almost nine months after the resignation on March 22 of the previous five-party centre-left cabinet under Mr. Joop den Uyl, the Labour Party leader.⁵⁴

NORTH KOREA

New Prime Minister: The newly-elected Supreme People's Assembly (Parliament) appointed on December 15. Mr. Li Joing Ok as Prime Minister to succeed Mr. Pak Sungchere.⁵⁵

NORTH YEMEN

New President: Lt. Col. Ahmed Al-Ghashmi was elected as the New President of the country on April 22.⁵⁶

PAKISTAN

Formation of Advisory Council: On January 14, the Chief Martial Law Administrator General Zia-ul-Haq constituted a 16-member Council of Advisers-11 civilian and 5 military members to carry on the business of federal government.⁵⁷

Death sentence for former P. M.: On March 18, Mr. Z. A. Bhutto, former Prime Minister was sentenced to death by hanging by the Lahore High Court for ordering a political murder in 1974.⁵⁸

PORTUGAL

New Government: Prime Minister Mr. Mario Soares 16-months old minority Socialist Government fell on December 8 when the opposition parties of the right and left rejected a Confidence Motion seeking support for the Government's austerity policies. Mr. Soares' new Government was sworn in by President Mr. Antonio Ramalho Eanes on January 30.⁵⁹

RHODESIA

Transitional Government in Rhodesia: Mr. Ian Smith and three Black nationalist leaders were sworn in on March 21 to head a transitional multi-racial government designed to lead the country to one-man-one-vote elections, black rule and an end to almost a century of white supremacy.⁶⁰

⁵⁴*Keesing's Contemporary Archives*, p. 28837.

⁵⁵*Asian Recorder* 1978, p. 14134.

⁵⁶*Times of India*, April 23, 1978.

⁵⁷*Times of India*, January 15, 1978.

⁵⁸*Hindustan Times*, December 19, 1977.

⁵⁹*National Herald*, January 31, 1978.

⁶⁰*Indian Express*, March 22, 1978.

Dismissal of Black Minister: The interim Government dismissed, on April 28, the country's first black Justice Minister, Mr. Bron Hove following his statement on 'African advancement in the police and judiciary.'⁶¹

SOUTH AFRICA

Election Victory for the Ruling Party: Prime Minister, Mr. B. J. Vorster's ruling national party of the country's white minority won an overwhelming victory in the general elections held on November 30. It gained an unprecedented 70 per cent of the popular votes among the estimated 1.2 million voters. The Party won 134 seats in the 165-member Parliament, surpassing the record 126 seats it won in 1966.⁶²

SRI LANKA

New Cabinet: Mr. J. R. Jayawardene, who was sworn in as the first elected executive President on February 4, administered the oath of office to 17 Cabinet Ministers on February 5. Shri Ranasinghe Premadasa, Deputy Leader of the ruling United National Party was sworn in as the new Prime Minister on February 6.⁶³

SYRIA

Re-election of President: On March 8, President Hafez Assad, who on February 9, had been re-elected in the plebiscite by 99.6 per cent of the electorate, was sworn in before the People's Council (Parliament) for a second seven-year term in office.

On March 31, a new Government headed by Mr. Mohammed Ali al-Halabi was formed in Syria.⁶⁴

THAILAND

Constitution of new Legislative Assembly: The Government named, on November 16, a military-dominated, 360-member Legislative Assembly to draft a permanent Constitution and prepare for general elections to be held before April 30, 1979.⁶⁵

TURKEY

New Government: The left-leaning Opposition Leader, Mr. Bulent Ecevit, on December 12, called for the resignation of the conservative coalition Government, following nation-wide municipal elections in which

⁶¹Statesman, April 29, 1978.

⁶²African Recorder, p. 4710.

⁶³National Herald, February 5—7, 1978.

⁶⁴Patriot, March 10, 1978 and Statesman, April 1, 1978.

⁶⁵Asian Recorder, p. 14120.

the Premier, Mr. Suleyman Demirel's Justice Party suffered a serious setback. The coalition Government of Mr. Demirel was, later toppled on December 31, following defections from Mr. Demirel's own Justice Party.

On January 5, Mr. Ecevit took over as Premier after the endorsement of his coalition Cabinet by President Fahri Koruturk. In Mr. Ecevit's 35-member Cabinet, his Republican People's Party held 22 posts and defectors from Mr. Demirel's Justice Party 10 posts. The remaining 3 posts went to members of splinter parties.⁶⁶

UPPER VOLTA

Referendum on Constitution: On November 28, Upper Voltans voted overwhelmingly in a referendum for a new Constitution which would lead to a return to civilian government after almost 12 years of military rule.⁶⁷

ZAIRE

Re-election of President: On December 3, President Mobuto Sese Seko was re-elected President of the *Mouvement populaire de la revolution* (MPR) and, for a further seven-year term as President of the Republic of Zaire.

On December 7, the Government (Executive Council) resigned to enable the President to re-organise it and on December 12, Professor Mpinga Kasenga was re-appointed the First State Commissioner (Prime Minister). A new Executive Council was announced on December 13.⁶⁸

⁶⁶*Asian Recorder*, p. 14120.

⁶⁷*African Recorder*, p. 4744.

⁶⁸*Keesing's Contemporary Archives*, 1978, p. 28825.

SESSIONAL REVIEW

LOK SABHA

The Fourth Session of the Sixth Lok Sabha commenced on February 20, 1978 with an Address by the President to both the Houses of Parliament assembled together. A brief resume of some of the important discussions held and other business transacted upto March 31, 1978 is given below:

A. DISCUSSIONS

President's Address: In his Address, the President said that since the general election, Parliament and the Government had gone ahead with speed in restoring to the people the freedoms and protections guaranteed by the Constitution in their original plenitude. The Courts had regained their powers. The Press was free and the citizen was no longer in fear of arbitrary restrictions on his freedom. Step by step, the promise of re-establishing a just balance between and among the legislature, the executive, the judiciary and the citizens was being fulfilled. After detailed discussions with leaders of the Opposition Parties, a comprehensive Bill to abolish the distortions introduced by the Constitution (Forty-Second Amendment) Act had been drafted and would be introduced during the current session. He hoped it would receive the full and early cooperation of all sections of the two Houses.

The President assured the House that the Government was considering the question of basic reforms in the electoral laws and procedures in order to make the electoral process more equitable and less susceptible to pernicious influences.

The Government, the President added, attached the highest importance to the enforcement of rights and safeguards for minorities/Scheduled Castes and Scheduled Tribes and backward classes. Three separate Commissions

were being set up as standing institutional arrangements to ensure that these sections of the people participated effectively and freely as equal members in the national mainstream.

Due to the proper management of the economy in the past year the country was poised for a rapid advance in the coming year. However, since the inflationary potential in the economy was considerable, the Government did not view the price situation with complacency. It would deploy all available instruments to maintain reasonable price stability. The strategy of development would be reoriented to rectify the neglect of the rural areas as well as to solve the chronic problems of poverty and unemployment. The next Five Year Plan would lay particular emphasis on agriculture, cottage and small-scale industries.

In the field of foreign affairs, the President said, though differences on the border still remained unresolved, Government was gradually improving bilateral relations with China on the basis of *Panchsheel*.

Government had based its relations with the Great Powers on the firm belief in its commitment to genuine non-alignment, beneficial bilateralism and furtherance of constructive international cooperation. The many-sided cooperation and understanding built with the Soviet Union and other Socialist countries would be strengthened and enriched. Cordiality and friendship had recently been achieved in India's relations with U.S.A. and other Western democracies with whom the country shared a common belief in the democratic system of Government.

Motion of Thanks on the President's Address: Shri Gauri Shankar Rai moved a motion of Thanks on the President's Address on February 24, 1978. Initiating the discussion, Shri Rai pleaded for the development of villages, checking of concentration of economic power in a few hands and enactment of early legislation to prevent defection and for fighting the dictatorial tendencies in the country.

The Motion was seconded by Dr. Sushila Nayar. Continuing her speech on February 27, she complimented the Government on the restoration of civil liberties of the people, the dignity and prestige of the judiciary and the freedom of the Press. She further said that she was a little disappointed on the way in which the Constitution (Forty-second Amendment) Act was being dealt with. It was wholly wrong on the part of the previous government "to use its majority to bulldoze and destroy the basic structure of our Constitution as was done by the forty-second Amendment". She said that that Act "must go lock, stock and barrel and once for all."

Forty six members participated in the discussion on the Motion which was spread over six days.

Shri Yeshwantrao Chavan, then Leader of the Opposition observed on March 2, that the President's Address did not contain any analysis of the past, nor did it give any projection for the future. The Government ought to have mentioned the cooperation extended to them by the Opposition in regard to the constitutional amendments which had been passed and the Bill which was under preparation. He said that the vital industrial sector was stagnant. In developing countries unless the vital income, wage and price policies were properly evolved the Government had no chance of succeeding economically. As regards Centre-State relations, the country, of course, needed a reasonably strong Centre. But at the same time, any strength to the Centre at the cost of the States would not be welcome.

Shri C. M. Stephen opposing the motion on February 27, referred to the constitution of a Committee to make a comprehensive study of the entire system of controls and to make recommendations to reduce and streamline them and said that in the economy of a developing country like India's with all sorts of strangle-holds coming in, multi-nationals operating, money concentrating in certain areas, controls were an absolute desideratum to a certain extent.

Participating in the discussion on February 27, Shri M. N. Govindan Nair said that the Government should have a new look on the question of Centre-State relationship. From past experience, all the expanding revenues were with the Centre and all the growing expenditures were with the States. The representatives of the States and the Centre should meet at the earliest opportunity and discuss this question.

Replying to the debate on March 6, 1978 the Prime Minister, Shri Morarji Desai at the outset assured the House that the Government had no intention of forcing Hindi on anybody. In regard to Centre-State relations, he said, that although he was not opposed to any discussion on the subject, in view of the national debate being carried on in the newspapers he did not favour the demand for a special debate.

Dealing with the Commissions of Inquiry, Shri Desai informed House that the Central Government had appointed only seven such Commissions and one of them had already submitted its report. He assured the House that the remaining Commissions would also complete their work as soon as possible. |

The Government was taking positive steps regarding prices especially of articles which were in short supply. The Prime Minister agreed with the suggestion that wages should be linked with productivity. There was no basis for the apprehension that the public sector was being diluted. On the contrary, it was going to be stronger, more efficient, profitable, productive and serviceable to the people.

The Prime Minister said that prohibition was not a fad. Instead, it was meant for the uplift of the poor more than anything else. Unless drinking was stopped the position of the poor would never improve. Family Planning had got to be reoriented and strengthened. The country had suffered from a reaction that took place during the Emergency. This reaction was, however, ending and it was hoped to achieve better results during the next two years.

The motion of Thanks was adopted on March 6, 1978.

Railway Budget: The Railway Budget for 1978-79 was presented to Lok Sabha by the Minister of Railways, Shri Madhu Dandavate on February 21, 1978. He said that the previous financial year had been a year of broad fulfilment of the promises and assurances given to the rail users and the employees. There had been a sustained improvement in the performance of the Railways in regard to transport of both passengers and goods. The budget estimates for 1978-79 envisaged gross traffic receipts of Rs. 2220 crores or Rs. 88 crores more than the revised estimates for the current financial year. The working expenses were estimated at Rs. 1701 crores or about Rs. 90 crores more than the revised estimates for the current year. The surplus estimated was Rs. 65.43 crores without any increase in fares or freight rates.

Shri Dandavate further said that the Railways were an integral part of the infra-structure for the economic growth of the country and therefore, they could not remain 'static' in relation to a growing economy. With the increase in population and increase in industrial and agricultural output, the Railways had to keep pace with the developments through provision of transport facilities in areas where these had been lacking and increased facilities where these had been inadequate to meet the demands of the travelling public, as well as the industrial and agricultural sectors.

General discussion on the Railway Budget commenced on March 6, and continued on March 8, 9 and 10, 1978. Fifty-six members participated in the discussion.

Initiating the discussion on March 6, 1978, Shri Mohd. Shafi Qureshi, among other things, advocated the retention of the Railway Board and expansion of the railways in the backward areas.

Participating in the discussion, Shri C. M. Stephen said that the Committee which had examined the working of the Railway Board had expressed the view that the existing arrangement had stood the test of time and as such must be preserved. If, however, any structural alteration was contemplated, the essential part of it was the devolution of powers. He welcomed the proposal of engaging women as railway booking staff and said

that the decision on the question of bonus to railway workers could not be delayed any further; there was absolutely no reason why they should be denied it.

Shri Samar Mukherjee observed that there could be no fundamental or basic change in the Railway administration unless the Railways succeeded in breaking the old frame work. The Railways, should be mainly service-oriented and that the income of the Railways should be primarily spent on the improvement of its working, welfare of its employees and for providing better amenities to passengers and creation of new lines.

Intervening in the discussion on March 8, 1978 the Minister of State in the Ministry of Railways, Shri Sheo Narain appealed to the railway workers to form a single Union.

The Minister of Railways, Shri Madhu Dandavate replying to the discussion on March 10, 1978 said that the Planning Commission was going to set up a separate team exclusively to discuss and formulate an integrated policy on proper coordination and cooperation between the three modes of transport—the Railways, Shipping and Motor Transport. Though electric traction involved heavy investment, the Government was contemplating to effect reduction in the initial capital investment, and in case it succeeded, electrification would be increased to a great extent.

As regards re-structuring of the Railway Board, the Minister said that a few of its administrative and financial powers had been transferred to Zonal Managers and below and the Government would welcome suggestions from Members in the matter.

As far as the safety aspect was concerned, the Minister said that an automatic warning device had been developed and introduced in the two very highly density routes on an experimental basis.

Dealing with the question of bonus, the Minister said that the Government had re-introduced the old pre-Emergency Bonus Act. The problem of those who were not covered by the Bonus Act would be taken up after the in-depth studies of wages-income-prices being undertaken by the Boothalingam Committee. The Government would take into account the Report of the Committee before formulating any proposals in that behalf.

The discussion on the Demands for Grants relating to the Railway Budget for 1978-79 was held on March 17 and 18, 1978. The Demands for Grants were voted in full and The Appropriation (Railways) Bill, 1978 was introduced and passed on March 18, 1978.

General Budget: The Finance Minister, Shri H. M. Patel presented the General Budget for 1978-79 to Lok Sabha on February 28, 1978. Presenting the Budget, he said that the Government had inherited a highly

explosive inflationary situation. Relative price stability had been achieved by pursuing an active policy of supply management and public distribution and a policy of restriction on money and credit. It had been maintained against the background of a rapidly expanding economy. A number of steps had been taken to utilise the foreign exchange reserves and in view of the continued accretion thereto it was proposed to create a new facility under which term-lending financial institutions and public sector banks would provide rupee finance on appropriate terms to cover the import costs of approved projects.

General discussion on the Budget commenced on March 13, and continued on March 14, 15 and 16, 1978.

Initiating the discussion on March 13, 1978, Shri C. Subramaniam said that there was general discontent among all sections of the community mainly because of the extravagant promises made by the Janata Party in its election manifesto. He suggested the appointment of a Committee to make a realistic assessment of what could be implemented and which would benefit the nation as a whole.

Participating in the discussion on March 16, Shri C. M. Stephen wanted to place on record his opposition to almost all the proposals contained in the Budget. He said that there was an almost prodigal profligacy in the matter of dealing with the assets of the nation and an absolute indifference with regard to its financial health. There was also indifference to the needs of the common man. There was not a single item of taxation which would not hit the common man. On the other hand, there was an extra solicitude to find out the needs of the well-placed man and to solve his problems.

Earlier, Shri M. N. Govindan Nair said on March 14, that the Budget had to be looked at keeping in view the objectives of the Sixth Five Year Plan. The allocation of 40.29 per cent this year for the rural sector as compared to 37.7 per cent during the last year was not a significant increase. The concentration of land in the hands of the top section of the peasantry was growing. The percentage of cultivators had come down from 50 to 43 while the landless labour had increased from 19 to 26 per cent. The atrocities in the villages were perpetrated by the landlords, the money-lenders and the wholesale traders all combined into one. Unless this process in the rural areas was reversed, any amount of outlay was not going to benefit them.

Replying to the discussion on March 16, 1978, the Finance Minister, Shri Patel maintained that the Budget aimed at creating more incomes and employment through rural development and sought to provide through rural prosperity a stimulus to the rest of the economy. He added that the various schemes for the rural sector envisaged in the Budget would generate an additional employment for about 25 million persons. The increased

investment in the rural sector and the consequent increase in the rural income would lead to revival of demand for industrial products. He said that the Budget sought to fulfil the priorities of the Janata Government and at the same time had a consistent approach to the whole question of planned development. Indirect taxation provided in the Budget was inevitable in a poor country like India. In fact, the Jha Committee had pointed out that indirect tax system in India had a great deal of progression built into it. The tax burden was going to be very small in the case of most commodities.

The Finance Minister said that jewellery-making, like the diamond-cutting, was a flourishing foreign exchange earner and provider of employment to a large number of persons. The gold proposed to be sold was not the gold held as monetary reserves but the gold produced by the gold mines as well as that acquired through customs seizures. Such sales would have the twin objective of preventing smuggling and contributing to a reduction in Budget deficit.

The Minister further said that in formulating his budget proposals he had tried to use the favourable turn in the country's economic situation and to strengthen the dynamic, progressive and expansionary impulses in the economy. The situation today was highly conducive to a rapid move forward in quest of the nation's cherished social and economic objectives. He appealed to the political parties and groups to resist the temptation of playing politics with the economy and solicited the support and co-operation of all sections in the national task of reconstruction and development.

After the general discussion on the Budget had concluded, the Demands for Grants on Account were voted in full and the Appropriation (Vote on Account) Bill, 1978 was passed by the House on March 16, 1978. Discussion on the Demands for Grants relating to the Budget (General) for 1978-79 commenced on March 27, 1978.

Crash of Air India Jumbo near Bombay: Making a statement on February 21, 1978, in response to a Calling Attention Notice by Shri Pradyumna Bal, the Minister of Tourism and Civil Aviation, Shri Purushottam Kaushik informed the House that Air India's Boeing 747 aircraft VT EBD 'Emperor Ashoka' crashed in the sea off Bandra Coast on the evening of January 1, 1978 resulting in the death of 213 persons (including 23 members of the crew). The aircraft was completely destroyed and there were no survivors. In order to ensure an impartial high level inquiry, a Court of Inquiry under Shri Justice M. N. Chandurkar of the Bombay High Court had been appointed by the Government to investigate into the accident. Appropriate action would be taken against those

found guilty in the findings of the Court of Inquiry. Corrective measures would also be taken thereafter, if required.

Sydney meeting of the Commonwealth Heads of Government.—Making a statement on February 24, 1978 the Prime Minister Shri Morarji Desai said that the Sydney meeting proved to be a worthwhile innovation since it was both regional and functional. He, however, made it clear that this group did not substitute for other agencies for regional cooperation such as ESCAP and ASEAN. It would provide a suitable framework for furthering bilateral and multi-lateral contacts in the Asian and Pacific regions. It had been agreed to hold the next regional meeting at Delhi in 1980. India would associate actively in the follow-up measures by the working groups on terrorism and illicit drugs in order to make the Delhi meeting a worthy successor to the Sydney meeting.

The Prime Minister said that a number of topics were covered at the meeting including international relations in South Asia, South-east Asia and the Pacific and questions like terrorism, disarmament, the Indian Ocean, Southern Africa and Middle East. The main emphasis was on international economic issues, the danger of protectionism and the need for freer trade, commodities and the Common Fund, measures to promote industrial development, debt burdens, plans and prospects for regional economic and functional cooperation on energy, human resources, food production and rural development, curbing drug trafficking and the special problems of small islands States.

Goodwill visit to Pakistan.—The Minister of External Affairs, Shri Atal Bihari Vajpayee visited Pakistan from February 6 to 8, 1978. Making a statement in the House on February 27, 1978, Shri Vajpayee told the House that his intention, as an emissary of goodwill, was to make clear India's desire for a relationship of peace and friendship with Pakistan, on the basis of respect for sovereignty, territorial integrity, non-interference in internal affairs and mutual benefit of the two nations. His discussions with Gen. Zia-ul-Huq, Chief of the Army Staff and Chief Marshal Law Administrator and Mr. Agha Shahi, Adviser on Foreign Affairs, covered bilateral relations and also international issues such as the North-South dialogue and the U.N. General Assembly's Special Session on Disarmament. He had assured Pakistan that the Janata Government stood by the Simla Agreement. Besides noting the significant growth of trade between the two countries the other points on which there was an agreement during the discussions were the early completion of the process of exchanging detenus held in either country and the resumption of talks on the Salal Project.

Prime Minister's statement on Sikkim.—In a statement made in response to a Calling Attention Notice by Shri Saugata Roy, the Prime Minister

Shri Morarji Desai informed the House on March 10, 1978 that the members were exercised over the report of the press interview which he gave and which had been published in the newspapers on the question of Sikkim. He said:

"I have not used the term 'annexation'; I spoke of merger. In response to a specific question by the correspondent, I observed that the manner of merger was not desirable. I had also clearly stated that it cannot be undone. I have expressed my views on the manner in which the merger was effected. I did so at the time of merger and I have done so ever since. I have always believed that even desirable objectives should not be accomplished in a manner which would arouse needless criticism and suspicion. Sikkim being a constituent unit of India is a settled fact. There can be no question of unsettling it. I have made it clear to the Chogyal that he should adjust himself to the changed circumstances which was what I specifically reiterated in the course of the press interview."

The Chinese Goodwill Mission: In a statement on March 16, 1978 made in response to a Calling Attention Notice by Shri Hari Vishnu Kamath, the Prime Minister, Shri Morarji Desai informed the House that during his meeting with Mr. Wang Pin-nan, he had reiterated Government of India's consistent policy to develop friendly relations with all countries and the neighbours particularly. In this context, they reviewed the development of relations in diverse fields between India and China. It was agreed that the exchanges between India and China in various fields should be expanded. Opportunity was also taken to recapitulate the history of India's relations with China after the attainment of Independence, the consistently friendly attitude of the Indian Government and people towards China and strains that had developed in this relationship owing to past Chinese actions. He said:

"In this context, the border question came up briefly for discussion and I stated, and Mr. Wang agreed, that all outstanding matters, including the border question, could be solved through negotiations and only through peaceful means on the basis of Panch-sheel. I also made it clear that full normalisation of relations, of course, cannot be attained till the main outstanding issue—the border question—is resolved to our mutual satisfaction by negotiations and peaceful means."

Treaties between India and Nepal: The Minister of Commerce, Civil Supplies and Co-operation, Shri Mohan Dharia in a statement on March 20, 1978 stated in the House that the Treaties and the Agreement signed on March 17, replaced the Indo-Nepal Treaty of Trade and Transit of 1971 and reflected the desire of the Government of India to further strengthen the relations with its neighbours. The Treaty of Trade extended increased preferential treatment to manufactured products of

Nepal for import into India while the Treaty of Transit and its related Protocol provided enhanced facilities for Nepal's "traffic-in-transit" through India. The 'Agreement of Cooperation' specified that the two Governments would cooperate effectively with each other to prevent infringement and circumvention of the laws and rules and regulations of either country in regard to matters relating to customs, foreign exchange and foreign trade. India had agreed to provide Nepal an overland route to Bangladesh for its trade with and through Bangladesh, after India and Bangladesh had worked out an arrangement in this regard.

Lathi charge on some MPs and others.—Moving an adjournment motion on March 22, 1978, Shri Vasant Sathe, alleging brutal lathi charge on some Members of Parliament and others on March 17, 1978 at Lucknow said that a danger was likely to develop or was developing because of the happenings in Lucknow. In the context of the current situation prevailing in the world, any destabilisation in the country would endanger even the unity of the country and it was in this spirit that this question should be viewed. He said that the national leaders should apply their minds to the question of growth of violence in the country.

Shri Samar Mukherjee said that the Janata Party was following in the footsteps of the previous Government and it had fallen prey to the provocation. The events proved that the danger of re-emergence of the forces of totalitarianism had not gone; it was still there and was real. The Janata Party Government, if it was sincere to its pledges of defending democracy, must not allow the situation to be controlled by the police officers and the bureaucracy. The political leadership must be in full control of the situation.

Shri M. N. Govindan Nair said that the picture of law and order emerging in the country was a matter of serious concern to all who wanted the parliamentary system to continue.

Intervening in the discussion, the Minister of Home Affairs, Shri Charan Singh saw an organised conspiracy behind such acts of lawlessness and said that the former Prime Minister had all along taken the stand that the Emergency imposed by her was quite justified. She wanted to show that law and order and people's rights could not go together. The Janata Government, on the other hand, wanted to safeguard the liberties of the people and to establish peace through the rule of law. He expressed Government's firm determination to deal with attempts to create chaos and disorder. He said that "the U.P. Government had informed him that no Member of Parliament was beaten; the allegation was wrong."*

*Original in Hindi.

Shri Vasant Sathe replying to the discussion said that the Home Minister had admitted the occurrence of the incident of beating up of some respected leaders, but he had no reply to contradict the allegation, and this had exposed the Government to the people.*

The Motion was negatived.

U.S. decision to put off release of enriched uranium.—In a statement made in response to a Calling Attention Notice by Shri Om Prakash Tyagi, the Prime Minister, Shri Morarji Desai informed the House on March 23, 1978 that the bilateral agreement for cooperation between the Government of the United States and the Government of India provided that all requirements of enriched uranium for use as fuel at Tarapur would be made available by the United States, and that India should not obtain the same from any other source. The first consignment of 7.6 tonnes was due to have been shipped in September, 1977. Its despatch was delayed because the non-proliferation Bill dealing with the long-term policy of the U.S. Government was under consideration of the Congress. Nevertheless, during his visit to India in January, 1978, President Carter had announced that shipments of nuclear fuel would be made for the Tarapur Reactor. On February 21, 1978 the Executive Branch of the U.S. Government urged the N.R.C. (Nuclear Regulatory Commission) that the issue of the pending licence for 7.6 tonnes of nuclear fuel for which executive clearance had been given should not be further delayed. The U.S. N.R.C. had not yet taken a decision whether or not to hold public hearings on the export licence application for the Tarapur Atomic Power Station which was presently pending with them. The Government had been constantly impressing upon the U.S. authorities the necessity of maintaining continued supplies of enriched uranium in accordance with the inter-governmental agreement and the subsequent sale contract between the two countries. The delay was not due to any policy issue but on account of procedural requirements.

Answering questions, the Prime Minister said that India would have got copious supply of uranium immediately if she had agreed to sign the Non-Proliferation Treaty. But India would not submit to pressure even if the Tarapur Station had to be closed down.

Reported atrocities on Harijans in a Bihar Village.—Making a statement on March 30, 1978 in response to a Calling Attention Notice by Shri Chitta Basu, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal attributed the reported atrocities on Harijans in Kaniara village in Bihar to the old rivalry between two groups of criminals and their supporters. The reports published in some newspapers that 30 Harijans had been burnt alive were factually incorrect.

*Original in Hindi.

Answering questions, the Minister of Home Affairs, Shri Charan Singh said that facts and figures did not support the contention that atrocities on Harijans were increasing. He did not favour the appointment of a Committee or Commission to go into the incident of Kaniara. The Government had full confidence that the State Chief Minister would be able to deal with the situation.

B. LEGISLATIVE BUSINESS

Child Marriage Restraint (Amendment) Bill: Moving a motion for consideration of the Bill on February 21, 1978, the Minister of Law, Justice and Company Affairs, Shri Shanti Bhushan said that the proposed measure sought to increase the minimum age for the purpose of marriage for males to 21 and for females to 18. The main reason for bringing forward the present measure was to check population growth. Provision had been made in the Bill that the police could not make any arrest without a warrant or order of a magistrate.

Replying to the brief discussion, which ensued, the Minister made it clear that the Bill was applicable to people belonging to all religions and would uniformly apply to all citizens. Sharing the views expressed by the Members that legislation alone would not be enough for achieving the desired results, he said that social legislation and social awakening had to go hand in hand for tackling social problems.

Dealing with the suggestions for raising the marriage age still further, the Minister said that it would not be advisable to take a long jump in such matters all at once.

The Bill, as amended, was passed.

High Denomination Bank Notes (Demonetisation) Bill: Moving that the Bill be taken into consideration, the Minister of Finance, Shri H. M. Patel said on March 21, 1978 that high denomination bank notes were being used extensively for illicit transfer of money for financing transactions which were harmful to national economy. It was in this context that the Government considered it necessary in public interest to take immediate action and promulgated an ordinance to demonetise bank notes of the denominational value of Rs. 1,000, Rs. 5,000 and Rs. 10,000 issued by the Reserve Bank of India. The present Bill sought to replace the Ordinance by an Act of Parliament.

Replying to the brief discussion which ensued, Shri Patel stated that there was no point in comparing demonetisation in India with other countries, where such courses were resorted to for cutting down the value of currency after inflation had taken place. In India the purpose of demonetisation was to ascertain whether the money was legally held and liability of income tax discharged on it.

The Bill was passed.

Code of Criminal Procedure (Amendment) Bill, 1977: The Minister of Home Affairs, Shri Charan Singh informed the House on March 23, 1978 that the Government had reconsidered the matter and proposed to withdraw the Code of Criminal Procedure (Amendment) Bill, 1977 introduced in the House on December 23, 1977 and to bring forward a separate legislation for repeal of the Maintenance of Internal Security Act, 1971. He said that while the safeguards built into the Bill had been generally welcomed, certain misgivings had continued to find expression against the measure both in the House and outside. With the traumatic experience of the Emergency still fresh in the minds of the people, there was understandable apprehension in public mind that the powers of preventive detention could be misused by the executive, notwithstanding the safeguards. There was also a feeling that the Janata Party, having received the people's mandate for the restoration of democracy and removal of curbs on civil liberties, should not have recourse to such extraordinary laws. The true test of the health of a democracy was the responsiveness of the Government to public opinion.

RAJYA SABHA*

(HUNDRED AND FOURTH SESSION)

The Rajya Sabha met for its Hundred and Fourth Session on Monday, the 20th February, 1978 and adjourned on March 23, 1978. Some of the important items of business transacted during the session are briefly mentioned below:

A. DISCUSSIONS

Motion of Thanks on the President's Address: On February 22, 1978, Shri Sunder Singh Bhandari, moving the Motion of Thanks on the President's Address,@ said that the President had referred to the devastating cyclones which struck Andhra Pradesh, Tamil Nadu, Kerala, Pondicherry and Lakshadweep and had drawn the attention of everyone to do his duty by the cyclone-affected persons. The Government should also take proper interest in the rehabilitation work, the Member added.

He further said that the Government should take steps to reduce the minimum age of voters from 21 to 18 years and to delete the right to property as a fundamental right from the Constitution. The Government should

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

@A copy of the President's Address to both the Houses of Parliament, assembled together in the Central Hall of the Parliament Houses, on February 20, 1978, was laid on the table of the Rajya Sabha on the same day.

use its good offices to solve the problems of the employees in the private sector who had suffered excesses during the Emergency. It was good that the Government control on news-agencies had been removed but the problem of reorganisation of the news agencies was still unsolved. He suggested that preventive detention measures should not be used unless absolutely necessary; arrangements should be made for making available good quality foodgrains to the weaker sections; forward trading in gur should be allowed in order to check its steeply falling prices; economic policy should be such as to provide more jobs and create more purchasing power in rural areas and to arrest industrial unrest in the country. The proposed comprehensive Industrial Relations Bill should be brought forward by the Government as early as possible.

Replying to the discussion on the Motion on February 27, 1978, Shri Morarji Desai, Prime Minister, said that the Constitution was very clear insofar as the Centre-State relations were concerned, and therefore, there was no need for calling a conference to discuss those matters. Although law and order was the responsibility of the State Governments and the Centre had little role to play, the situation was not as bad as it was before. Even so, the situation was receiving the Government's attention and whenever instances of disorder in the States came to the notice of the Central Government, the State Government's attention was drawn to rectify the situation.

The problem of atrocities on the Harijans must be treated as a national question. Every effort was being made to put an end to these atrocities and all those found guilty of such acts were to be dealt with properly, so that there might not be any repetition of such instances. The Government intended to abolish the MISA but it did not mean that they were ignoring the economic offences. They were examining the laws to see how best those offences could be stopped. The prices were getting under control and were not higher than what they were in March 1977, which was no small achievement despite heavy odds. The Government were finding out proper methods to check the inflationary trends and to see that deficit financing was not resorted to in the long run.

The motion of Thanks was adopted on February 27, 1968.

Closure of universities and institutions of higher learning: On February 27, 1978, Professor D. P. Chattopadhyaya called the attention of the Minister of Education, Social Welfare and Culture to the situation arising out of the closure of more than fifty universities and other institutions of higher learning leading to a major disruption of academic life in the country.

Making a statement in response to the Calling Attention Notice, Dr. Pratap Chandra Chunder, Minister of Education, Social Welfare and Culture, said that on account of agitation either by the students or by the employees, a few universities had had to suspend teaching for brief periods,

but that did not mean that more than fifty universities or other institutions were closed and academic life in the country had been disrupted. According to the information received during the six months from September, 1977 to February 1978 about 11 universities out of 115 had to suspend classes for short periods. With the lifting of the Emergency there had been a sudden outburst or rather ventilation of their grievances by the students, teachers and employees. The issues generally related to admission, recognition of students' unions and postponement of examinations, in addition to some non-academic issues. As both education and law and order were State subjects, the State Governments had been advised from time to time to attend to legitimate grievances and pave the way for smooth functioning of the universities.

Reported increase in naval activity by super powers in the Indian Ocean: On March 1, 1978, Shri Harsh Deo Malaviya, called the attention of the Minister of External Affairs to the reported serious and tense situation arising out of increasing naval activity by the Super Powers in the Indian Ocean in the context of maintaining the area as a zone of peace.

Shri Atal Bihari Vajpayee, Minister of External Affairs, making a statement on the subject, said that in the Government's view the military presence of Great powers in the Indian Ocean was a cause of tension and insecurity in the area and total elimination of all foreign bases from the area was a necessary condition for maintaining it as a zone of peace. When the question of the Indian Ocean was discussed with President Carter during his visit to India, Prime Minister Desai had very clearly and categorically stated that as a result of the talks between the U.S.A. and the Soviet Union, nothing should be left in the Indian Ocean except peace.

As a member of the UN *ad hoc* Committee on the subject, India was actively participating in the implementation of the UN resolution on Zone of Peace in the Indian Ocean. All littoral and hinterland States also shared India's view in regard to the elimination of foreign military presence from the Indian Ocean. The Government would continue to watch very carefully the resultant situation arising out of the increasing military activities by the Great Powers in that Ocean.

Budget (Railways) 1978-79: The Budget (Railways) for the year 1978-79 came up for general discussion in the Rajya Sabha on March 8, 9 and 13, 1978. Shri S. W. Dhabe, initiating the discussion on March 8, said that the Railway Budget was a patch-work of some small promises which had been fulfilled. It did not indicate any larger perspective in the planning of the railway lines, nor did it even seem to touch upon the general problems of the railway employees. The year 1977-78 was a year of sorrow for the Railways, because there were a large number of accidents during this period. There was no indication in the Budget speech as to what steps

had been taken or were going to be taken to prevent the accidents or the acts of sabotage and to find out their real cause. In addition to providing passenger amenities, ensuring safety on travel and improving the existing railway lines, importance should be given to the opening of new lines in backward areas. That major aspect had been neglected in the Budget.

The railway safety plan had been put into jeopardy by not making allocations for the safety development programmes of the Railway Ministry. Similarly, the workshop modernisation plan had also been cut down. It would affect the export programme of the railways. This showed that the planning made by the Railway Ministry for future development was unreal.

If the Government really wanted—the Advisers to be effective, it must make them regular Members of the Board whose membership should be increased. Mere devolution of powers to the General Managers was not going to solve any problem. These powers should also be clearly specified. Actually the powers should be delegated to the Divisional Superintendents who work at the root-level and are in charge of the railway lines in an area. The Railway Board should have some representation of the employees also, with full powers like other Members.

Professor Madhu Dandavate, Minister of Railways, replying to the discussion on March 13, 1978, said that though the Railways would mop up a substantial surplus this year, that surplus was of little importance to the Railways as far as expansion and developmental activities, especially in the backward areas, were concerned. If the Finance Ministry and the Planning Commission permitted the Railways to build up, out of the surplus, a development fund, a sum of Rs. 89 crores could be put in that fund which could be utilised for construction and developmental activities in the backward areas.

Though there was criticism in the past that accidents were on the increase, it must have been recently noticed that the graph of accidents had started coming down. After the last sabotage accident of 23rd December, 1977, there has not been even a single accident due to sabotage. That did not however mean that attempts had not been made. Twenty attempts were made, but the accidents were averted by the patrolling men.

The Minister assured the House that the Railway Ministry would not shrink its responsibility to see that the administration was streamlined, operational efficiency was improved and necessary economies were effected. The workers would also get social justice so that their contribution to the production in the Railways could be improved considerably.

As far as the restructuring of the Railway Board was concerned, some of the financial powers of the Minister had already been delegated to the Members of the Railway Board. Similarly, some of the financial and administrative powers of the Members of the Board had been given to the

General Managers of the zones and a further exercise was being undertaken to transfer some zonal-level powers to the Divisional Superintendents, so that there was devolution and decentralisation of powers and a number of projects and schemes could be undertaken and operations completed at the divisional and zonal levels without any financial constraints.

Public distribution system: Raising an half-an-hour discussion on March 10, 1978, Shri Shyam Lal Yadav said that it was necessary to streamline the public distribution system in the country, with a view to making available various essential commodities to the consumers at fair prices. The main thrust of any public distribution system should be to see that the consumer goods were easily available to the public at large. There should be guidelines from the Central Government to the States for having such a system. It was not proper to have separate Warehousing Corporations for different States as it would only push up the over-head charges of the commodities stored with such Corporations. Storage of foodgrains should be with the Food Corporation of India throughout the country and there should be an identical system of public distribution in all the States.

Shri Krishan Kumar Goyal, Minister of State in the Ministry of Commerce, Civil Supplies and Cooperation, replying to the discussion, said that the Government wanted to put the public distribution system on a permanent footing and had therefore decided to introduce it in those areas of the country, where it was not functioning before.

In July last, a meeting of the Chief Ministers was held to discuss the problems relating to the production and distribution systems. On February 9, 1978 the Minister himself had written letters to the Chief Ministers and the Ministers of Civil Supplies of the States in that regard. An arrangement was being made to open a fair-price shop for every population of two thousand and Government would see that in every part of the country the people had a fair-price shop within a range of 5 kilometres. The Government proposed to include some more items such as vanaspati, edible oils and pulses in the distribution system. Manufactured goods would also be distributed through fair-price shops. As soon as the suggestions in regard to the distribution system had been received from the State Government, they would be considered and decisions taken to implement them.

The Budget (General) 1978-79: Shri Shankar Ghose, initiating the general discussion on the Budget on March 14, said that the country had great expectations about the present Budget because the Janata Party had held out high hopes to the public. All such hopes had, however, been badly smashed. The Finance Minister had imposed the highest deficit financing and the highest dose of indirect taxation. The Prime Minister's promise that his Government would not resort to deficit financing had been given a

go-by. One could understand the position if deficit financing had been resorted to for Plan purposes, for boosting up the economy or for generating employment opportunities, but if it was for non-plan purposes, it would only increase the inflationary pressures.

The Jha Committee had said that the method of indirect taxation was irrational and should be rationalised. But instead of rationalising it the Finance Minister had imposed a flat rate of taxation on everything. There was also the innovation of the special excise duty which meant a rise in all prices. The Budget was thus directly, grossly responsible for increasing inflation. The general excise duty and special excise duty would result in at least a three per cent increase in the prices of commodities. In effect, it was the poorest strata of society which would suffer.

The Janata Government had promised that the sales tax which was one of the major sources of revenue to the State Governments would be abolished. When the States needed financial resources, this interference by the Centre in the States' internal resources was injurious and might prove an unhealthy development.

The discussion on the General Budget continued on March 15, 16 and 20. Shri H. M. Patel, Minister of Finance, replying to the discussion on the last day, said that a common criticism of the Budget was that it had no direction. The direction was in fact quite clear. It unequivocally emphasised rural development. The allocations for agriculture and allied services, irrigation, rural electrification, rural infrastructure and rural industry were substantially higher than in the previous years. In a poor country, development was the first priority and therefore, everybody had to accept the fact that as far as possible, a larger volume of resources should be devoted to development. Further, the outlays provided for agriculture and allied programmes were all designed to lead to a large increase in employment. There was a time-lag between the movements in the wholesale price index and the consumer price index. It was precisely the failure of the previous Government to manage aggregate demand as well as supply that was responsible for the steep rise in the consumer price index. The present Government had brought order into this situation and certainly deserved credit for it. Reliance on indirect taxes was inevitable in a poor country. It was wholly incorrect to assume that this levy would impose more burdens on the poor than on the rich. Out of the budget deficit of Rs. 975 crores estimated for the current year, as much as Rs. 414 crores was directly accounted for by the additional assistance which the Central Government was compelled to give to the States on account of their deficits. All that would happen was that this excess saving would be converted into investment. The deficit was merely an instrument to acquire control over the resources and to divert them into productive channels.

The investment climate was more likely to improve if there was sign of a long term revival of demand. The increased public expenditure and the rural orientation programme would both lead to a revival of demand. Some concessions had been given which were bound to have a beneficial impact on investment. The concession in personal income-tax for investment in the shares of new industrial companies should also have a beneficial effect. The Budget was not in fact merely a matter of Government receipts and expenditure but an important instrument of national economic management.

Reorganisation of Samachar: On March 23, 1978 Shri Kalp Nath Rai called the attention of the Minister of Information and Broadcasting to the delay in the reorganisation of *Samachar* into four news agencies, in pursuance of Government's decision in the matter.

Making a statement in response thereto, Shri Lal K. Advani, Minister of Information and Broadcasting, said that pursuant to his statement in the House on November 14, 1977, *Samachar* had been informed that the Government was in favour of the revival of the four news agencies—Press Trust of India, United News of India, Hindustan Samachar and Samachar Bharati—and that the Government would be willing to consider extending suitable financial assistance for the purpose. The Managing Committee of *Samachar* considered the matter and while resolving to extend all cooperation in the matter, sought some clarifications in regard to the quantum of financial assistance before they informed the four news agencies. While the broad principles for financial assistance had been settled, it was necessary to have full details of individual requirements in order to arrive at the precise quantum of assistance to be extended to each news agency. There was also the problem of the news agencies which had, as a result of their merger, lost various functional facilities like accommodation, teleprinters, etc. The four news agencies had now conveyed to the Government that they would start functioning independently with effect from April 15, 1978.

Farewell to retiring Members: On March 23, 1978, expressing his good wishes to the retiring members of the Rajya Sabha, the Chairman said that in accordance with the constitutional requirements, one-third of the members of Rajya Sabha would be retiring in April, 1978 after rendering notable services to the nation and their presence in the House would certainly be missed. The General Election held last year had made its impact on the Rajya Sabha also. It brought about a significant change in the complexion of the House. Yet, it had in no way affected the smooth functioning of the House within the framework of the Constitution and the Rules of Procedure. This showed the vitality of the democratic process in India, the deep roots it had taken and the political maturity shown by the members of the House. He hoped that the retiring Members would continue to do, in their own effective way, significant work to strengthen the cause

of democracy and remove the distress of the weaker sections of the society. The experience of the members gained during their tenure in the Rajya Sabha would be of great advantage to them in their service to the nation even after they had ceased to be Members of Parliament.

Associating himself with the sentiments expressed by the Chairman, Shri Lal K. Advani, Leader of the House, expressed his good wishes as well as those of the Government and the ruling party to the retiring Members. He further said that without their cooperation the House would not have been able to conduct its business smoothly.

Shri Bhola Paswan Shastri, Leader of the Opposition, said that the members, who were retiring were very prominent men and held a high place in the political life of the country. Their speeches in the House had always enlightened other members of the House. They could serve the country outside Parliament also, and, he hoped that they would engage themselves in the service of the nation with greater enthusiasm.

Sharing the views of the Leader of the House, Shri Kamalapati Tripathi, Leader of the Congress (I) party in the Rajya Sabha, thanked the Chairman, the Deputy Chairman and the members for maintaining the dignity and prestige of the House and safeguarding its rights firmly. He also thanked the officers and employees of the Rajya Sabha Secretariat for giving full cooperation to the members.

B. LEGISLATIVE BUSINESS

Child marriage restraint (Amendment) Bill, 1978: Shri Shanti Bhushan, Minister of Law, Justice and Company Affairs, moving the motion for consideration of the Bill* on March 2, 1978, said that the Bill sought to amend the Child Marriage Restraint Act, 1929, for the purpose of increasing the minimum age for the purpose of marriage. That Act was enacted with a view to prevent child marriages, namely, marriage of a male person if he was under 18 years of age and a female person if she was under 14 years of age. Subsequently, in 1948, the age limit for a female was raised to 15 years. Apart from the fact that marriage was such a solemn institution, being the foundation of a family, it was an important social institution, having very vital impact on the happiness of individuals and on the growth of the society. It was, therefore, necessary that the persons who entered into a marriage should be in a position to clearly understand for themselves its implications. There had been a long-standing demand that the minimum age for marriage should be so raised that a person should be competent to marry only if he had become mature in every possible way. The present

*The Bill as passed by the Lok Sabha was laid on the Table of the Rajya Sabha on February 22, 1978.

Bill sought to meet that demand and provided that boys would be competent to marry only when they attained the age of 21 years. When they would be in a position to stand on their own feet and the girls 18 years.

The motion for consideration of the Bill was adopted and the Bill was passed by the House on the same day.

The Interest Bill, 1978: Shri Zulfikarullah, Minister of State in the Ministry of Finance, moving the motion for consideration of the Bill* on March 21, 1978 said that the Bill sought to implement the recommendations of the Law Commission of India which submitted its report in February, 1975 on the revision of the existing Interest Act of 1839. The Act was a very short one; besides a Preamble, it contained only one section and a proviso. Nevertheless, it was a statute of importance since it prescribed the general law of interest which became applicable in the absence of a contractual or statutory provision specifically dealing with the subject. The Commission had revised the Act comprehensively so as to make its provisions more precise, specific, unambiguous and juristically sound. The Law Commission had taken the view that it was necessary that the Interest Act, being of general importance, should be a self-contained statute containing, in one place in an easily intelligible form, the relevant provisions which at present the ordinary citizens had to gather from numerous judicial pronouncements. Accordingly, it was considered necessary to enact a new measure in place of the old one in the light of the recommendations of the Law Commission.

The Bill was passed by the House on the same day.

The High Denomination Bank Notes (Demonetisation) Bill, 1978: Shri H. M. Patel, Minister of Finance, moving the motion for consideration of the Bill, on March 23, 1978, said that it was brought to Government's notice that high denomination bank notes were being extensively used for illicit transfer of money for financing transactions which were harmful to the national economy or for illegal purposes. Immediate action to demonetise bank notes of the denominational value of Rs. 1,000, Rs. 5,000 and Rs. 10,000 issued by the Reserve Bank of India was, therefore, considered necessary by Government in public interest. As Parliament was not in session and immediate action was necessary, the President promulgated an Ordinance on January 16, 1978 to provide for the demonetisation of all high denomination bank notes of the above mentioned value which ceased to be legal tender in payment or on account at any place on the expiry of the 16th day of January, 1978. At the close of business on January 16, 1978, the total number of high denomination bank notes in circulation was 13,05,899, valued at about Rs. 145.32 crores. According to the provisional figures furnished by the Reserve Bank of India, these

*The Bill as passed by the Lok Sabha was laid on the Table of the Rajya Sabha on February 22, 1978.

included 12.69 lakh notes of Rs. 1000; 36,297 notes of Rs. 5,000 and 346 notes of 10,000 denomination. The present Bill which had already been passed by the Lok Sabha, sought to replace that Ordinance by an Act of Parliament.

The Bill was returned by the Rajya Sabha on the same day.

C. OBITUARY REFERENCES

The Chairman made reference to the passing away of Shri A. D. Mani, Shrimati Lilavati Munshi, Shah Mohamad Umair, Shri G. Sankara Kurup, Sadar S. C. Angre, and Shri Krishna Mohan Pyare Sinha ex-Members of the Rajya Sabha. The House observed a minute's silence in memory of the deceased.

STATE LEGISLATURES

MANIPUR LEGISLATIVE ASSEMBLY*

Delimitation of Parliamentary Constituency: On October 21, 1977, the Assembly discussed and unanimously adopted the following resolution moved by Sarvashri M. Ibotombi Singh and S. Ibomcha Singh:

“On the 24th November, 1972 the House adopted a resolution to the effect that the Government of Manipur be urged to move the Election Commission to take out all the Assembly constituencies in Thoubal and Jiribam Sub-Divisions from the Outer Manipur Parliamentary Constituency and include in the Inner Manipur Parliamentary Constituency. No action is forthcoming till today from the Government.

It is, therefore, resolved that the Government of Manipur be urged to recommend to the authority concerned immediately on the line of the resolution named above.”

Rice zones: On October 21, 1977 the House unanimously adopted the following resolution moved by Shri M. Meghachandra Singh:

“The House is of the opinion that removal of all restrictions on the movement of rice for the whole of India will encourage free trade in rice. This will naturally lead to free movement of rice out of Manipur and consequently to the increase in the price of rice. There is already apprehension in the minds of the public that the new policy of removal of all restrictions will be detrimental to the interest of the people of the State of Manipur and will encourage the traders and hoarders to carry on trade in rice and play their usual game. The result will be increase in the price of rice and

*Contributed by the Manipur Legislative Assembly Secretariat.

disappearance of huge stocks of rice from Manipur. This will naturally cause hardships to the people and help worsen the economic situation.

In view of the above special conditions and in deference to the feelings of the people on this issue, the House recommends to the Central Government that the present policy is so relaxed in the case of Manipur as to allow the Government of Manipur to impose restriction on the movement of rice from inside the territory of Manipur."

TAMIL NADU LEGISLATIVE ASSEMBLY*

No-confidence motion: On January 4, 1978 Shri M. Karunanidhi, moved the motion "That this House expresses its want of confidence in the Council of Ministers headed by Hon. Thiru M. G. Ramachandran". The motion was discussed on January 4 to 7, 1978 and forty members including the Chief Minister and three other Ministers participated in the discussion. When put to voice vote on January 7, the motion was declared lost.

Special Resolution on White Paper on Cyclone and Flood Relief: On December 29, 1977, Shri K. Manoharan, Minister of Finance, moved that the White Paper on Cyclone and Flood Relief, 1977 be taken into consideration. 51 members participated in the discussion which took place on December 29, 30, 31, 1977 and January 2, 1978. The Minister of Finance replied to the debate on January 2, 1978.

*Contributed by the Tamil Nadu Legislative Assembly Secretariat.

BOOK REVIEWS

PLAYING THE GAME

PORTRAIT OF PARLIAMENT: REFLECTION AND RECOLLECTION (1952—77),
 BY HIREN MUKERJEE, VIKAS PUBLISHING HOUSE PVT. LTD., NEW
 DELHI. 165 PAGES, RS. 35.

Hiren Mukerjee (b. 1907; Presidency College, Calcutta; St. Catherine's Oxford; Lincoln's Inn) lists as his recreation in the *Lok Sabha Who's Who*: watching cricket, listening to music. For such a quiet and contemplative type, Parliament is perhaps an odd place to spend twenty-five years in. All the greater reason, therefore, for us to be grateful to him for writing this highly entertaining, informative and thought-provoking book. Barely 160 pages, it is written with style, detachment and verve. It is the response of a sensitive and civilised mind to twentyfive years in the Lok Sabha and he has some important things to say. He also throws in a few remarks on the Rajya Sabha.

Come to think of it, there is something of cricket and music in Parliament. The music may be closer to rock n' roll than to Tchaikowsky's Fifth Symphony but it is a kind of music nevertheless, and the whole nation is the audience. Cricket players and fans should make good Parliamentarians because both the games, cricket and Parliament, as they should be played, that is, according to Westminster rules, require agility of mind and body, a respect for one's opponent and, above all, a high degree of sportsmanship.

Professor Mukerjee delights us with his crisp portraits of the leading players, and describes some of the famous matches with the deftness of a connoisseur. The sixes and the boundaries, the googlies, the leg spins and the off-spins, the bodyline balls, the straight bats and the cross bats—he has not missed any of these from the side-line. About his own performance he says very little; but he comes out as a fine spinner. As a member of one of the major Opposition parties, the Communist Party of India, he had an aggressive role to perform, but he has kept throughout (his parliamentary

career as well as this book) a civilised calm and objectivity that is truly remarkable.

A sense of humour has helped him to maintain his balance and even where his opponents are politically objectionable, he is willing to see them as human beings and often socially acceptable, even lovable. So sportsmanly a politician should be an asset to any political party and certainly to the parliamentary system.

Parliament, any Parliament, let alone ours, has not really produced much humour, though there is a kind of mythology that has been created that it is a place where humour and wit sparkle. Actually, in about three hundred years of Parliamentary history in Britain, there are only about half a dozen examples of wit worth recounting. The Indian Parliament, naturally, suffers from the handicap that much of its proceedings are conducted in a foreign language. Nevertheless, there have been remarkable occasions of sharp and witty exchanges. During a polemical debate on detention without trial, Shyamaprasad Mookerjee of the Jana Sangh, when taunted by a member who shouted 'face the truth', asked how he could when he faced the treasury benches. A. K. Chanda of the Congress Party once described N. C. Chatterjee of the Hindu Mahasabha as "the distinguished Calcutta barrister leading an extinguished political party." But on the whole our Parliament has been "somewhat serious and even solemn".

However, Hiren Mukerjee is never short of humour as he recalls his days in the Lok Sabha. Narrating the troubles that T. T. Krishnamachari had to endure as Finance Minister on account of the doings of his son, Mukerjee remarks pithily: "To politicians in power the problem often is not their policies but their progeny."

Gandhiji is supposed to have once described Parliament as "a prostitute". This surely must have been during British rule. Since Independence, the country has tried to prove that we as a nation are capable of running our own form of parliamentary government, with the idea of the ancient village republic to inspire us. Dr. Ambedkar, supposed to be the principal architect of our Constitution, however, had other views on the village republic. He spoke of the village as "a sink of localism, a den of ignorance, narrow-mindedness and communalism." He commended the individual rather than the village as the unit in the Constitution. What is more surprising is that Ambedkar (according to Hiren Mukerjee) even disowned in the Rajya Sabha any special fondness for the Constitution, saying that he had merely worked to the order of other people and was not answerable for its faults. One wishes Professor Mukherjee could have told us what it was that Ambedkar thought was the fault of the Constitution.

Did he, for instance, think it was too imitative of the British and American systems? Early during the first session of the first Parliament,

Professor Mukerjee recalls, some observant members were one morning scandalised by the strange sight of the Union Jack flying over Parliament House and asked Prime Minister Nehru to explain. Nehru apologised, and told the House it was the caretaker's unfortunate mistake, for he had followed the old routine even after India was declared a republic. "It was an embarrassing moment" Mukerjee remarks, "but, though soon laughed off, remained a reminder of some lingering and unsavoury aspects of our political life". This was a case of unintended humour. So were the carefully ill-chosen words of Asoka Mehta, who during a debate offered to "open India's womb" for penetration by foreign capital.

Mukerjee's brisk one-line portraits are often brilliant. Thus, the former Prime Minister, Indira Gandhi "from the refrigerated elegance of her lonely eminence" looked on uncomprehendingly (as Mr. Mehta spoke).

V. K. Krishna Menon, wearing "a somewhat haughty talent on his sleeve, given to furiously fluent intellectual haranguing rather than gentle, persuasive eloquence, lonely and consciously superior, a powerful, prickly personality"; Minoo Masani "often insufferable but always well-briefed and scintillating in debate"; Swaran Singh "soaked in his brief so that no prodding could budge him from positions taken"; and so on. He neatly fixes everyone big and small. As a lover of music, the author also grades the different voices of members. Thus, Kripalani's was fine, rasping, Bhupesh Gupta's soaring with sudden vehemence, Jyotirmoy Bosu's thunderous. There are larger portraits of Nehru and Lal Bahadur Shastri. Of the former he writes with warmth and admiration: of Nehru's love of Parliament, his respect for the opposition.

The portrait of Indira Gandhi is critical but not unfriendly. Her good qualities as well as bad ones are enumerated. 'Pride Riding for a Fall' is how he sub-titles "The Indira Innings". The chapter on the Emergency is titled, 'Look Back in Anger', though it is written more in sorrow than anger. "History will pronounce its verdict on this grave issue, and meanwhile the people of India have, during the March 1977 elections to Lok Sabha, powerfully given vent to their sheer revulsion. There can be no doubt that the way the emergency was worked, particularly in the latter part of its nineteen-month tenure, had been nauseating."

Some twenty years ago, the American political pundit, Walter Lippmann, observing the "Victorian mildness" of the Indian political system wondered "whether the gigantic economic revolution can be carried out by parliamentary politicians and civil servants without the discipline and the dynamism of an organised mass movement".

Hiren Mukerjee seems to share this anxiety, but on the other hand, reading his book, I couldn't help thinking that if one of our leading Communists could show such love and respect for the Parliament he so dutifully

served for twenty-five years, democracy should be safe in India for some time to come.

—ABU ABRAHAM

GANDHI AND NEHRU. By M. Chalapathi Rau; Frank Bros. and Co., Delhi, 1978; 134 pages, Price Rs. 35.00.

The name of the author guarantees the readability of this book which, when first published in 1967, was well received. A reprint in 1978, however, required revision of a sort which unfortunately the author did not consider "necessary". No one has a right to call for basic changes with which the author does not agree, but in view of Gandhi, for all the adulation offered his memory, having become today little more than a totem and Nehru too often a target of diverse, even sometimes perverse, denigration, a study of the two great men should seek to answer contemporary doubts and questionings, which it is feared, the book does not. Reading at about the same time, for example D. P. Mishra's somewhat dour but documented depiction of his own version of the Nehru epoch, one wishes that an acute and knowledgeable person like Shri Chalapathi Rau had chosen to deal significantly with certain controversial aspects of his theme.

It goes without saying that there is in the book such warmth of feeling and often a striking felicity of phrase. There can be no quarrel with the author's averment that Nehru's place in Indian history is by Gandhi's side and that the two "go together" in spite of some apparent differences. One was "the master" and the other "the disciple", working almost always in close identity. It is a proud thing to recall that in the highest level of our leadership we had people who soared above the trivialities that mar much of the world's politics. Shri Chalapathi Rau's feeling portrayal of his two heroes will help reinforce that pride.

From "*Indian Opinion*" to "*Young India*" to "*Harijan*", Gandhi was a superb journalist, a small part of his many-splendoured personality but a notable part nonetheless. He was, writes Shri Rau, "for half a century the greatest one-man medium of mass communication". One wishes there was more in this book about this aspect, especially about "*Young India*", now nearly forgotten. Even Chalapathi Rau does not care to remember the tremendous Gandhi speech before the court which tried him in March 1922—the great man explaining how from a loyal subject he had come to think of British rule as "satanic", "the miserable little comforts of the town-dwellers in India (representing) the brokerage they get for the work they do for the foreign exploiter, the profits and the brokerage being sucked from the masses".

Journalism "at its best", writes Chalapathi Rau who has turned out some of it, "is literature or history in a hurry; in part it is action too". In

this book, however, he is so much in a hurry that he does not satisfy. He is driven, often enough, to glib formulations that could pass muster in a newspaper but not in a book. He does not even set his priorities right. He says little about the grandeur of Gandhi's "Do or Die" call in 1942 or in 1947-48 the almost evangelic but electrifying stupendousness of spirit which shone till his martyrdom. He asks no basic questions and seeks no answers. He just mentions Gandhi's first epochal speech in India—at Benares in 1916—but does not even quote the tremendous sentence that his India, "a country of nonsense", will nevertheless startle the world. He does not even remotely try to analyse the reasons for the apparent negation of Gandhi's own ideas and aspirations in the way independence came to India. And even as the country's leading Nehru-phil, Chalapathi Rau does not seek to examine Nehru's involvement in this failure which indeed dogged his further footsteps.

On September 2, 1946, Chalapathi Rau relates, Nehru and his colleagues on the interim government of India got Gandhi's message: "You have been in my thoughts since the prayers. Abolish the salt tax. Remember the Dandi March. Unite Hindus and Muslims. Remove untouchability. Take to Khadi". If today this catechism has an ironic ring, should not one expect of Chalapathi Rau some clues to the understanding of it? Nearly a third of the book is a chapter entitled "The Dialogue"—between "the Master" and "the Disciple"—but it is little more than an editorial device. From Chalapathi Rau the reader has expectations which, alas, are not fulfilled.

One finds strewn a few bald references to Subhas Chandra Bose but not a syllable to explain the dualism that had grown between Nehru and that other seminal figure. This is a theme exploited by some, unfairly according to the reviewer and to the detriment of Nehru's reputation, but Chalapathi Rau does not help. Even for Nehru's internationalism, linked as it was to his love for India, and for his being hailed as "the sculptor of the ethics of the Afro-Asian world", Chalapathi Rau's account has few positive merits. There is little light thrown on Nehru's economics—planning *et al*—with its insights and its inadequacies. There crop up sometimes sudden *obiter dicta* like: "to the Commonwealth Nehru gave a new meaning" (p. 59) which means hardly anything at all unless it is expounded, rightly or wrongly. On the Nehru-Patel relationship, staple today of much unseemly disputation, a perceptive observer like Chalapathi Rau tells us nothing worthwhile.

All this is not to say that the book is not worthwhile. It is in parts, brilliantly written; within limitations, it has a sustained clarity. But the book has no basic, inward unity of approach and comprehension. Shri Chalapathi Rau, of all people, cannot be content with what is good only in parts.

—HIRENDRA NATH MUKERJEE

OFFICE OF THE GOVERNOR: A CRITICAL STUDY 1950—73, BY J. R. SIWACH
Sterling Publishers Pvt. Ltd., New Delhi, 1977, 292 pages, Rs. 60.00

India is a 'Union' of States and not 'a federation' of States and, therefore, though our Constitution is federal in structure, in spirit it is unitary and, in view of our historical experiences, biased towards a strong Centre. Under our constitutional scheme, the Union of India is responsible not only for the protection of the States but also has an obligation to ensure that the affairs of a State Government are run in accordance with the Constitutional provisions. Further, the Union of India can issue directives to the State Governments. A Governor plays an important role—rather a dual role—firstly as a constitutional head of a State and secondly, as a representative of the Union of India primarily under articles 200, 239(2) and 356. Articles 153 to 162 of the Constitution contain provisions relating to the office of the Governor.

Of late, the institution of the Governor has attracted much public attention, wrath and criticism—because in certain quarters it is taken as a "white elephant" and in some others he is seen working as a tool of the Central Government primarily because the various Governors neither evolved nor followed uniform policies. It is well known that after 1967, the Governors were used as instruments to topple the non-Congress ministries or to keep them at a safe distance from the seats of power: to illustrate, the SVD of 1967 in Rajasthan was not invited to form the Ministry, despite having paraded 95 MLAs out of 183 before the Governor. Now that there is no monolithic political structure ruling over all the States and at the Centre and in view of the dual role of the Governor, the 292 page book—*The Office of the Governor* by Professor J. R. Siwach has an added contemporary relevance.

This book quite exhaustively deals with the subject and goes very deep indeed; for example, it even discusses the format of the oath of secrecy and how and why it was decided by the Constituent Assembly to keep "swear in the name of God" above the phrase "solemnly affirm." In twelve chapters, Professor Siwach has not only analysed the constitutional provisions but has also fortified the book with the discussions held in the Constituent Assembly, Court-rulings and views of eminent constitutional experts. This book attempts to keep one informed of all the shades of views including their respective *raison d'être*. Chapters II and III on the 'Appointment of a Chief Minister' and 'Dismissal of a Chief Minister' are very interesting and thought-provoking and I think, will prove to be very useful to the students of political science as they will briefly find all the precedents and references in the book itself. These chapters illustrate how heterogeneous

and conflicting stands were taken by various Governors during the period 1950—73 leading to a temporary stagnation in the growth of multi-party system and present-day tensions in the Centre-State relations. One can trace the roots of demand for abolition of article 356 in this book. While throwing light on these, the author has also ventured to present a critical statement of the office on the basis of a comparative study during the period 1950—73. The powers, functions and immunities of the Governor are quite articulate in the Constitution. This office, according to some constitutionalists and political scientists, is a sinecure job. It comes into real play either at the time of formation of a Ministry or when the stability of a government is in doubt. The author has gone into detail to show how a Governor has more discretion than the President of India; how and when a Governor is not bound by the advice of his Chief Minister. Whether a Governor can moderate or delete the contents of his address to the Assembly on his own has been thread-bare discussed in Chapter X. The author has taken into account all these aspects and has tried to effectively reproduce these thoughts in a mature and balanced manner in his book which is a commendable piece of literature, useful to be studied by all those who evince interest in political science.

Whether a Governor should be elected by the people of his state or the Legislature or nominated by the President of the Union under his warrant and seal has been analysed in Chapter I. Here, in view of the multiplicity of the parties ruling at the Centre and in the States, I would suggest an additional mode of selection of the Governors. Believing in the constitutional bias towards a unitary structure and not desirous of diluting the constitutional responsibility of the Union of India in selecting the Governors and, at the same time, not to aggravate the tense Centre-State relations, it would be better, if in the case of vacancies in the office of the Governor, the Central Government sends a panel of few names to the Chief Minister and to the leaders of other political parties for their politically and socially decent and legally sustainable comments. Thereafter, without any prejudice to its unfettered right to nominate a Governor, the Union Government should make up its mind about the next incumbent. This will help the Union Cabinet know which individual would be acceptable to the largest strata of the Legislature. Sounding only the Chief Minister is not a very sound proposition because the Governor, generally, has more chance to complete his full tenure than a Chief Minister.

The facts that a Governor holds office during the pleasure of the President and that he is eligible for other public offices have influenced a number of Governors in their decisions. In order to minimise this vulnerability of the Governors, I would suggest some constitutional bar against extension

of their tenures or giving them new appointments to other public offices except, of course, permitting them to contest for the office of the President and the Vice-President of the Union of India. Keeping this in view, a tax-free pension of, say, Rs. 1500 per month over and above other pensions due, if any, to a retiring Governor may, therefore, merit consideration.

A study of this book reveals that there are contradictory yard-sticks adopted by the Governors in inviting a politician to form a Cabinet and, sadly enough, in the tussle of numbers, the verdict of the sovereign people has been a casualty. So far as it is recognised that the policies and programmes endorsed by the largest number of people shall be given the first preference when it comes to implementation, a Governor has no alternative but to invite the leader of the largest party or of a united front formed before the elections. In preference to the leader of the largest party, if a Governor invites the leader of a post-election coalition or united front, that Governor gives preference to the implementation of those policies and programmes which were never put up to the sovereign people for their judgment and endorsement. Thus, in the opinion of the reviewer, it was an undemocratic and anti-people action on the part of Shri Sadiq Ali, Governor of Maharashtra in inviting the leader of the post-election coalition in preference to the leader of the Janata Party which emerged as the largest party in the recent Assembly elections. It is worth recalling that in 1952 when Shri A. P. Jain, was the Governor of Madras, he invited Rajaji to head the Government because Congress was the largest party having a strength of 155 in a House of 321. When all the opposition parties with 166 members joined and approached the Governor, he said: "I am not going to recognise the combination of groups. I am going to call that party which in elections emerged as the largest single party, if not absolute majority party, the biggest party." (p. 39). And, on this very principle in his capacity as the leader of the single largest party in the Bihar Assembly, Shri Mahesh Prasad Sinha was invited to form the Ministry in 1967 and only after his expressed inability to do so, the Governor of Bihar invited Shri Bholu Paswan Shastri. Shri K. Subba Rao, former Chief Justice of India, has also supported this view.

—RITLAL PRASAD VERMA.

SUMMARIES OF BOOKS

EVOLUTION OF PARLIAMENTARY PRIVILEGES IN INDIA TILL 1947. By S. K. NAG, STERLING PUBLISHING PVT. LTD., NEW DELHI, 1978.

This book traces the history of the evolution of parliamentary privileges in India from 1833 (when, under the Charter Act of India, 1833, a new machinery and method of legislation was introduced) upto 1947, when India became independent. The author has given a detailed account of the struggle between the Indian Legislature on the one side and the Executive and the Home Government in Britain on the other—the former fighting for more and more privileges, claiming them as a kind of birthright, inherent in the very nature of a legislative body, and the latter continually resisting all attempts of the legislators to gain more independence of thought and action. All the important landmarks of parliamentary history from 1833 to Independence as also the contribution of various important personalities like Macaulay, Dalhousie, Bethune, V. J. Patel, Lord Irwin and S. N. Banerjee towards the evolution of parliamentary privileges have been highlighted in the book.

Charter Act of India, 1833: Law making in India was the exclusive Privilege of the Executive till the Charter Act of India, 1833 entrusted that duty to the fourth member—popularly known as Law Member—of the Executive Council. This laid the foundation-stone of the institution which, after a complete round of evolution, emerged finally as the fullfledged Parliament of independent India. Lord Macaulay, the first Law Member, on whose shoulders the main burden of framing laws was laid, tried to secure certain privileges necessary for carrying out his duties through the Standing Orders drafted by him. According to him the power of legislation included, by necessary implication, all the ancillary powers, without which it was impossible to legislate well. Some of these ancillary powers according

to him, were enjoyed by legislatures not necessarily by virtue of any statutory enactment but by their being inherent in the nature of the institutions and generally known as parliamentary privileges. A few of these privileges had been referred to during this period as the power to have complete information on the subject on which legislation was to be undertaken, freedom of voting etc. In practice it meant an access to complete information regarding the administration carried on by the department dealing with the subject under legislation.

Lord Macaulay tried to establish that the legislative Council was a separate and sovereign body like the British Parliament within its own sphere and that "the Executive Council should exercise the same prerogatives which at home belong to the Crown." (p. 11).

The privileges and rights claimed by Lord Macaulay for himself grew by a process of evolution into the powers and privileges of the Legislative Council in India.

The peculiar composition of the Legislative Council in which all except the fourth member were mainly and primarily members of the executive put the legislative member in a position of disadvantage *vis-a-vis* the other members, who, for the performance of their job as members of the Council for the purpose of making laws and regulations, were not in need of any express grant of the usual privileges of a legislature. The sharp edges of the privileges were, therefore, made somewhat blunt.

Legislative Council of Lord Dalhousie: The enlarged legislature which functioned under the Charter Act of 1853 in the time of Lord Dalhousie was comparatively more independent. Two members of the judiciary who were members of the legislature at that time were mostly vocal and mainly responsible for bringing up matters involving privileges of calling for information and asserting freedom from outside interference. In performing their duty as legislators they were not hamstrung by any obligation imposed on them by any executive office, since they held no such office.

Lord Dalhousie was an experienced parliamentarian and as such he thought it to be quite in the fitness of things that a legislative council worth the name should have complete control over its internal matters. He took great care to preserve the legislature's independence. His Council behaved like a modern legislature. It had framed its own rules of procedure, amended them whenever deemed necessary, called for information from different governmental organisations, protested against any proposal to restrict its privileges of entertaining petitions and strongly resented the casting of any aspersion on it or attribution of any motive to it in its work. As long as he remained at the helm of affairs in India, Dalhousie strived to

place the Legislative Council on a high pedestal even though this position of eminence lasted but for a short period.

Indian Councils Act, 1861: The Legislative Council maintained its independent character till it was reduced in stature by the Indian Councils Act of 1861 and was robbed of many of its powers and privileges established during the short period of the working of the two Charter Acts of 1833 and 1853. One of the important privileges which was withdrawn from the legislature functioning under the new Act was the unfettered privilege of framing its own rules of procedure.

Though for the first time a provision infusing the Indian element in the law-making machinery had been enacted, which was termed as a political concession of substantial nature by which the people of India could have a hand in the shaping of their own laws, this proved only an illusion in practice. The nominated non-official Indian members were expected by the mode of their choice to toe the lines of their foreign masters more faithfully and consistently than the non-official European members. The Indian Councils Act, 1861 laid down that the law-making machinery was but a part of the Council of the Governor-General meeting only for the particular purpose of framing rules and regulations. Deprived of the erstwhile status of belonging to a separate and distinct organisation, the legislative body lacked the essential freedom which is the very breath of a legislature. On the contrary the added members were conscious that they were nothing more than an appendage to an organ whose main function was not to legislate but to govern.

However, it did not take long for the Council working on the legislative side to realise that if they were to do full justice to their main job namely, framing of laws for the country, they must enjoy the privilege of being free from executive interference so far as that work was concerned. And it was on them—on the stalwarts like Pherozeshah Mehta, Bal Gangadhar Tilak, Dinshaw Wacha, Rasbehari Ghose, Kristodas Pal, S. Subramania Iyer and Pandit Ajodhiya Nath that fell the sacred task of breathing into the smothering atmosphere of a legislature of a nation in chains the free air of liberty.

Government of India Act, 1909: Under the Act of 1909 not only were the normal powers and privileges of making the Executive Government responsive to the views of the Legislature denied to the Indian Legislative Council but the Government could even go to the extent of flagrantly violating one of the most important privileges of any legislative body, namely, the impartiality of the presiding officer in performing the functions assigned

to him. Efforts were also made to slowly wear down the privilege of freedom of speech and vote so far enjoyed by the official members of the Council in respect of debates on the budget. Even under the Act of 1909 the Legislative Council of India was not fully empowered to frame its own rules of procedure.

The Government of India Act, 1909 had for the first time provided for indirect election to the Legislative Council.

Indian Legislative Assembly, 1921: The Indian Legislative Assembly, which marked an important milestone in the long and arduous progress of India towards its goal of self-government, was set up in 1921 under the Government of India Act, 1919.

It was quite in the fitness of things that in spite of the various restrictions imposed on it by the Government of India Act, 1919 the Indian Legislative Assembly soon asserted many of its rights—the struggle in this respect being mainly based on a correct understanding of parliamentary privileges. After the lapse of the first four years of its life, the Assembly had an elected President to guide its proceedings. It then felt emboldened to claim rights which had neither been specifically granted to it nor denied by the terms of the Act. V. J. Patel, the first elected President, had claimed the sole right of giving interpretation of the rules of business of the House, which could not be challenged outside it. Lord Irwin as Viceroy had conceded it in clear terms. In his tussle with the Executive over guarding the precincts of the Legislature, Patel and the Legislative Assembly as a body emerged as the stronger of the two organs. In the struggle the weapon which decided the issue was the powerful weapon of parliamentary privilege.

Some of these privileges had not been specified in the Act of 1919 nor were they embodied in the rules of procedure of the House which were approved by the Secretary of State for India. Nevertheless, the Legislature claimed them as being inherent in the nature of the institution and the Executive hesitated to decline recognising this claim as a just one. The Executive Government of India was not exactly prepared to concede to the Indian Legislature a full measure of privileges enjoyed by the British House of Commons. The reason was clear. A government run by a foreign power could not afford to arm a subordinate legislature with a complete code of parliamentary privileges as they were possessed by a sovereign Parliament.

Despite opposition of the Executive, persistent efforts were made to maintain and establish various important privileges by the Indian Legislative Assembly.

Premature publication: A frequent and common breach of privilege was the premature publication of questions and resolutions in the Press. Sir Shanmukham Chetty, President of the Legislative Assembly pointed out in his ruling that it was very undesirable that such premature publication "should take place in newspaper before the matters are officially published by the office of the Legislative Assembly" (p. 182). He further pointed out to even greater breaches of such privileges when reports of Select Committees were published in newspapers and ruled that it was "essential that the Press should not give publicity to detailed report of the proceedings of a Select Committee until the report had been actually presented to the House" (p. 186).

Casting reflections on the Chair: Casting reflections on the Chair was also one of the most frequent occurrences which had worried the Indian Legislature almost throughout the period from 1921 to the advent of independence. This question was taken up in the Conference of Presiding Officers of the legislatures in 1923. In view of the inadequate power of the legislatures to deal with such offences and in consideration of the advantageous position of the press in case of a conflict with the former, the conference in its discretion, left it to the good sense of the Press to preserve the dignity of the House by keeping the Chair above its reach. 4

The Indian Legislative Assembly, being a subordinate legislature, had to wage a titanic struggle to maintain its dignity and authority against the affronts thrown to it by an all-powerful Executive. This attack had appeared in different forms—sometimes in the shape of questioning a ruling given by the Chair, sometimes in the form of an attempt to defy the authority of the Chair and thereby the authority of the House over the Assembly precincts, and yet other times in the shape of discourtesy shown to the House by being absent from it when an important motion relating to the department of the functionary concerned was being discussed by the House. On each occasion the House, through its President V. J. Patel, rose against these attacks and vindicated its honour and dignity and established its privileges. 7

Reforms Enquiry Committee: For the first time a reference to the need for the privileges of the Indian Legislature was made by the Reforms Enquiry Committee set up in 1924 which also made comprehensive recommendations on the subject.

On the basis of its recommendations, the privilege of exemption of members from sitting as jurors or assessors in criminal trials and the immunity for members from arrest or imprisonment by civil courts during the period when the House was in session, and 14 days before and after such period, was secured by appropriate legislation.

Government of India Act 1935: In the struggle for supremacy the Indian Legislature was thus slowly and steadily gaining in power and getting the

better of the hitherto all-powerful Executive, in spite of the special power of the latter and its complete control over the time-table of the Legislature. Hence in 1935, when a new instalment of constitutional reforms in India was voted in the British Parliament and the Government of India Act 1935 was enacted, no provision for granting the Indian Legislature the privilege of punishing for any breach of privileges found place in this Act. The Government of India made frantic efforts to prevent the British Parliament from empowering the Indian Legislature to punish any witness who would refuse to answer any question or to produce any document before it when asked to do so. The British policy-makers were naturally apprehensive that they would completely destroy their own authority by granting the Indian legislature the privilege of punishing any person for the breach of its privileges and thereby conferring on it the status of a court. Therefore, till the Independence bell tolled, the privilege and the power to punish was not granted to the Indian Legislature.

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APPENDIX I

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

The Fourth Session of the Sixth Lok Sabha commenced on February 20, 1978. The details about its activities will be published in the July—September, 1978 issue of the *Journal*. The information relating to the sittings of Committees of Lok Sabha during the period November 1, 1977 to January 31, 1978 is given below :—

Name of Committee	No. of sittings held during the period Nov. 1, 1977 to Jan. 31, 1978
1	2
(i) Business Advisory Committee .	6
(ii) Committee on Absence of Members .	2
(iii) Committee on Public Undertakings	3 6
(iv) Committee on Papers laid on the Table	7
(v) Committee on Petitions	5
(vi) Committee on Private Members' Bills & Resolutions .	
(vii) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	16
(viii) Committee on Privileges	4
(ix) Committee on Government Assurances	3
(x) Committee on Subordinate Legislation	6
(xi) Estimates Committee	16
(xii) General Purposes Committee	
(xiii) Rules Committee	
(xiv) House Committee	4
(xv) Public Accounts Committee	16
(xvi) Railway Convention Committee	
<i>Joint Select Committees :</i>	
(i) Joint Committee on Offices of profit	..
(ii) Joint Committee on the Lokpal Bill, 1977	6
(iii) Joint Committee of Chairmen, House Committees of both the Houses of Parliament	1

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE 104TH SESSION OF RAJYA SABHA

1. Period of the Session	February 20, 1978 to March 23, 1978.
2. Number of meetings held	23
3. Total number of sitting hours	119 hrs. 11 mts. (excluding lunch-break).
4. Number of divisions held	Nil
5. Government Bills :	
(i) Pending at the commencement of the Session	8
(ii) Introduced	2
(iii) Laid on the Table as passed by Lok Sabha	15
(iv) Returned by Lok Sabha with any amendment	2
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	1
(vii) Reported by Select Committee	Nil
(viii) Reported by Joint Committee	Nil
(ix) Discussed	15
(x) Passed	5
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-Discussed	Nil
(xiv) Returned by Rajya Sabha without any recommendation	9
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the Session	9
6. Private Member's Bills	
(i) Pending at the commencement of the Session	22
(ii) Introduced	Nil*
(iii) Laid on the Table as passed by Lok Sabha	Nil

*The motion for consideration of the Pensions Bill, 1977, was moved and opposed and the decision thereon deferred till the next session.

(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	3
(vii) Withdrawn	2
(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	20

7. Number of Discussions held under Rule 176. (Matters of Urgent Public Importance).

(i) Notices received	11
(ii) Admitted	2*
(iii) Discussion held	1

8. Number of statements made under rule 180. (Calling-attention to matter of Urgent public Importance).

Statements made by Ministers	15
--	----

9. Half-an-hour discussion held

1

10. Statutory Resolutions.

(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil

11. Government Resolutions

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

*Notices admitted as "no day yet named" motion.

12. *Private members' Resolutions*

(i) Received	9
(ii) Admitted	9
(iii) Discussed	1 (discussion not concluded)
(iv) Withdrawn	Nil
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	Nil
(viii) Discussion postponed	Nil

13. *Government Motions*

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

14. *Private Members' Motions*

(i) Received	9
(ii) Admitted	9
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	Nil
(vii) Withdrawn	Nil

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 Visitor's Passes	2091
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued	157 On March 21, 1978
19. <i>Number of Motions for Papers under Rule 175.</i>	
(i) Brought before the House	Nil
(ii) Admitted and discussed	Nil
20. <i>Total Number of Questions Admitted</i>	
(i) Starred	594
(ii) Unstarred (including Starred Questions)	844
(iii) Short-Notice Questions	Nil
21. <i>Discussion on the Working of the Ministries</i>	Nil
22. <i>Working of Parliamentary Committees.</i>	

Name of Committee	No. of meetings held during the period 1-11-77 to 31-1-78	No. of Reports presented during the Session
(i) Public Accounts Committee . . . . .	..	4
(ii) Committee on Public Undertakings . . . . .	..	..
(iii) Business Advisory Committee . . . . .	..	..
(iv) Committee on Subordinate Legislation	8	1
(v) Committee on Petitions	13	3
(vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	..	5
(vii) Committee on Privileges . . . . .	..	..
(viii) Committee on Rules . . . . .	..	..
(ix) Joint Committee on Offices of Profit . . . . .	..	..
(x) Committee on Government Assurances	3	1
23. Number of Members granted leave of absence . . . . .	..	Nil
24. Petitions presented . . . . .	..	Nil

25. Number of New Members Sworn with dates.

Sl. No.	Name of Member Sworn	Date on which sworn
1	Shri Shiva Nandan Singh.	21-3-1978

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATES LEGISLATURES DURING THE PERIOD OCTOBER 1, 1977 TO DECEMBER 31, 1977

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
Andhra Pradesh L.C.	17-6-77 to 28-7-77	16	4(9)	1	337(194)	(17)	75(23)(a)
Assam L.A.	31-10-77 to 19-11-77	14	15(11)	..	780(744)	24(24)	50(20)
Bihar L.A.	15-11-77 to 20-12-77	16	14(13)	1	2602	(1477)	(163)
Jammu & Kashmir L.A.	8-9-77 to 15-10-77	24	6(5)	(1)	699(624)	367(317)	12(11)
Karnataka L.C.	..	..	..	..	91(84)	20(19)	1
Karnataka L.A.	..	..	..	..	59(53)	1(1)	1
Manipur L.A.	19-10-77 to 27-10-77	6	7(7)	..	118(62)	..	1(1)
Meghalaya L.A.	16-11-77 to 1-12-77	7	4(4)	..	1(1)	75(73)	1(1)
Punjab L.A.	..	..	..	..	394(110)	123(36)	..
Sikkim L.A.	10-10-77 to 12-10-77	3	3(3)	..	36(36)	..	..
Tamil Nadu L.A.	28-12-77 to 10-1-78	12	18(15)	2	1630(370)	151(151)	..
Uttar Pradesh L.C.	26-8-77 to 1-11-77	7	(4)	..	740(632)	35(29)	30(10)
<i>Union Territories</i>							
Arunachal Pradesh L.A.	28-12-77 to 29-12-77	2	1(1)	..	23(23)	2(2)	..
Delhi Metropolitan Council	19-12-77 to 28-12-77	5	1	..	..	..	..
Pondicherry L.A.	15-12-77 to 17-12-77	3	5(5)	..	128(102)	65(68)(b)	3

APPENDIX III (Contd.)
Committees at Work/Number of Sittings held and number of Reports presented

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Business Advisory Committee																
Committee on Government Assurances																
Committee on Petitions																
Committee on Private Members' Bills and Resolution																
Committee on Privileges																
Committee on Public Undertakings																
Committee on Subordinate Legislation																
Committee on the Welfare of SC and ST.																
Estimates Committee																
General Purposes Committee																
House/Accommodation Committee																
Library Committee																
Public Accounts Committee																
Rules Committee																
Joint/Select Committee																
Other Committees																
Andhra Pradesh LC		2(2)	7(1)	2(1)												
Assam LA		2	13(3)	7(1)		8(2)	5(2)		26(2)		2	4(1)	11(3)			
Bihar LA		2(2)	29(4)	26		8	15	6	36		6	11	11	7	8(c)	
Jammu & Kashmir LA						3		6						1(d)		
Karnataka LC						2										
Karnataka LA						4(2)(c)	7	5(f)	25		1		10		1	
Madhya Pradesh LA						4	7	1	5		1	2	8			
Manipur LA						4	14	18	12		2	3	21		6	
Meghalaya LA								6	11		1		7(a)			
Punjab LA						1	18	17	18	1	3	3	16	2		

Rajasthan LA	.	.	.	.	16	8	9	13	14	31(b)	18	7	8	22	16	6(i)	..	..
Tamil Nadu LA	.	.	.	4	5(1)	..	1	1	5	..	23	..	..	..	14	1	1(i)	..
Uttar Pradesh LG	.	.	.	2	15	14	4	..	..	..	..	..	..	12	..	4	..	4(k)
<i>Union Territories</i>																		
Delhi Metropolitan Council	.	.	.	1(1)	1	..	1	..	..	..	..	1	..	..	..	1	4(1)	..
Pondicherry LA	.	.	.	1(1)	1	..	..	..	6(1)	..	45	..	..	5(1)	46	..	..	..

NOTE: (1) Figures in Cols. 4 and 5 indicate the number of Bills introduced followed by the Number of Bills passed in brackets.

(2) 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 75, 25 converted as Starred Questions.

(b) Including 6 Starred Questions converted as Unstarred Questions.

(c) (i) The Bihar Housing Board Bill, 1977 and (ii) The Bihar Regional Development Authority Bill, 1975 have been submitted before the Joint Select Committee.

(d) The J&K Agrarian Reforms (Amendment) Bill, 1977.

(e) The Reports were presented to the Speaker.

(f) The Committee had approved the Report but before the Report could be presented to the House, the Assembly was dissolved.

(g) (i) The Manipur Irrigation Bill, 1977—7 sittings; and
(ii) The Manipur Passengers and Goods Taxation Bill, 1977—9 sittings.

(h) Scheduled Castes Welfare Committee—13; and Scheduled Tribes Welfare Committee—18.

(i) Rules Committee—1; and (ii) Sub-Committee—5.

(j) Joint Select Committee on the Tamil Nadu Ground Water (Control and Regulation) Bill, 1977.

(k) Compilation of Ruling Committee—3; and Code of Conduct Committee—1.

(l) Committee regarding conversion of NDMC into an elected body—2; and Committee on the Delhi High Courts (Amendment) Bill, 1977—2.

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT
DURING THE PERIOD 1ST NOVEMBER, 1977 TO 31ST JANUARY, 1978.

S. No.	Title of the Bill	Date of assent by the President
1.	The Lady Hardinge Medical College and Hospital (Acquisition) and Miscellaneous Provisions Bill, 1977	3-12-77
2.	The Inland Steam-vessels (Amendment) Bill, 1977	7-12-77
3.	The Water (Prevention and Control of Pollution) Cess Bill, 1977	7-12-77
4.	The Salaries and Allowances of Ministers (Amendment) Bill, 1977	9-12-77
5.	The Advocates (Amendment) Bill, 1977	13-12-77
6.	The Indian Iron and Steel Company (Acquisition of Shares) Amendment Bill, 1977	13-12-77
7.	The Enemy Property (Amendment) Bill, 1977	15-12-77
8.	The Smith, Stanistreet and Company Limited (Acquisition and Transfer of Undertakings) Bill, 1977	17-12-77
9.	The Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Bill, 1977	20-12-77
10.	The Payment of Bonus (Amendment) Bill, 1977	24-12-77
11.	The Requisitioning and Acquisition of Immovable Property (Amendment) Bill, 1977	24-12-77
12.	The Appropriation (No. 4) Bill, 1977	24-12-77
13.	The Companies (Amendment) Bill, 1977	24-12-77
14.	The Betwa River Board (Amendment) Bill, 1977	25-12-77
15.	The Supreme Court (Number of Judges) Amendment Bill, 1977	31-12-77
*16.	The Constitution (Forty-third Amendment) Bill, 1977	Awaiting assent. [See provi- so to article 368 (2) of the Con- stitution].

* The Bill was introduced in Lok Sabha as "The Constitution (Forty-fourth Amendment) Bill, 1977."

The Short Title of the Bill was changed by Lok Sabha through an amendment to Clause 1.

APPENDIX V

BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD
OCTOBER 1, 1977 TO DECEMBER 31, 1977

ANDHRA PRADESH LEGISLATIVE COUNCIL

1. The A. P. Charitable and Hindu Religious Institutions and Endowments (Amendment) Bill, 1977.
2. The A. P. Gram Panchayats (Amendment) Bill, 1977.
3. The A. P. Gram Panchayats, Panchayat Samities and Zilla Parishads (Amendment) Bill, 1977.
4. The A. P. (Agricultural Produce and Livestock) Markets (Amendment) Bill, 1977.
5. The Rangaraya Medical College (taking-over of Management) Bill, 1977.
6. The A. P. Commercial Crops (Special Assessment) Repeal Bill, 1977.
7. The A. P. Revenue Recovery (Amendment) Bill, 1977.
8. The A. P. Appropriation (No. 2) Bill, 1977.
9. The A. P. Agricultural Pests and Diseases (Amendment) Bill, 1977.

ASSAM LEGISLATIVE ASSEMBLY

1. The Assam Contingency Fund (Amendment) Bill, 1977.
2. The Assam Secondary Education (Provincialisation) Bill, 1977.
3. The Assam Sales Tax (Amendment) Bill, 1977.
4. The Assam Finance Sales Tax (Amendment) Bill, 1977.
5. The Assam Purchase Tax (Amendment) Bill, 1977.
6. The Assam (Sale of Petroleum and Petroleum Products including motor spirit and Lubricants) Taxation (Amendment) Bill, 1977.
7. The Assam Appropriation (No. III) Bill, 1977.
8. The Assam Appropriation (No. IV) Bill, 1977.
9. The Assam Appropriation (No. V) Bill, 1977.
10. The Assam Public Premises (Eviction of Unauthorised Occupants) (Amendment) Bill, 1977.
11. The Assam Appropriation (No. VI) Bill, 1977

HARYANA LEGISLATIVE ASSEMBLY

1. The Punjab Courts (Haryana Amendment) Bill, 1977.
2. The Provincial Small Cause Courts (Haryana Amendment) Bill, 1977.
3. The Punjab Entertainments Duty (Haryana Amendment) Bill, 1977.
4. The Haryana General Sales Tax (Amendment) Bill, 1977.

5. The Punjab Land Revenue (Haryana Amendment) Bill, 1977.
6. The Punjab Ayurvedic Practitioners (Haryana Amendment) Bill, 1977.
7. The Punjab Agricultural Produce Markets (Haryana Amendment) Bill, 1977.
8. The Haryana Appropriation (No. 5) Bill, 1977.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The H. P. Climbing/Trekking Porters (Regulation of Employment) Bill, 1977.
2. The H. P. Bhoodan Yagna Bill, 1977.
3. The H. P. State Legislature Proceedings (Protection of Publication) Bill, 1977.
4. The H. P. Abolition of Land Revenue on un-economic Holdings Bill, 1977.
5. The Public Wakfs (Extension of Limitation) (Himachal Pradesh Amendment) Bill, 1977.
6. The H. P. Urban Estates (Development and Regulation) (Amendment) Bill, 1977.
7. The H. P. Municipal (Amendment) Bill, 1977.
8. The H. P. Appropriation Bill, 1977.
9. The H. P. Passengers & Goods Taxation (Amendment) Bill, 1977.
10. The H. P. Urban Rent Control (Amendment) Bill, 1977.
11. The H. P. Nurses Registration Bill, 1977.
12. The H. P. Motor Vehicles Taxation (Amendment) Bill, 1977.
13. The H. P. Ayurvedic and Unani Practitioners (Amendment) Bill, 1977.
14. The H. P. Panchayati Raj (Amendment) Bill, 1977.

JAMMU & KASHMIR LEGISLATIVE ASSEMBLY

1. A Bill to amend the J&K Arbitration Act, Svt. 2002.
2. A Bill to amend the Code of Civil Procedure, Svt. 1977.
3. A Bill to amend the J&K Development Act, 1970.
4. A Bill to amend the Jammu & Kashmir Universities Act, 1969.
5. A Bill to amend Jammu & Kashmir Requisitioning and Acquisition Act.
6. A Bill to amend the Notaries Act, 1952 (Central Act 53 of 1952) in its application to the State of Jammu & Kashmir.

KERALA LEGISLATIVE ASSEMBLY*

1. The Sree Pandarvaka Lands (Vesting and Enfranchisement) Amendment Bill, 1977.
2. The Calicut University (Amendment) Bill, 1977.

*Bills passed during the second session from July 4 to August 11 1977.

3. The Kerala Debt Relief Bill, 1977.
4. The Kerala Land Development Corporation Limited (Special powers) Amendment Bill, 1977.
5. The Kerala Grandhasala Sangham (Taking over of Management) Bill 1977.
6. The Kerala Tax on Employment (Amendment) Bill, 1977.
7. The Kerala Appopriation (No. 2) Bill, 1977.
8. The Kerala Appropriation (No. 3) Bill, 1977.
9. The Engineering Technicians' Co-operative Societies (Acquisition and Transfer of Undertakings) Bill, 1977.
10. The Kerala Electricity Duty (Amendment) Bill, 1977.
11. The University Laws (Amendment) Bill 1977.
12. The Payment of Salaries and Allowances (Amendment) Bill, 1977.
13. The Kerala Casual, Temporary and Badli Workers (Wages) Bill, 1977.

MANIPUR LEGISLATIVE ASSEMBLY

1. The Manipur Irrigation Bill, 1977.
2. The Manipur Panchayati Raj (First Amendment) Bill, 1977.
3. The Manipur Passengers and Goods Taxation Bill, 1977.

MEGHALAYA LEGISLATIVE ASSEMBLY

1. Meghalaya Appropriation (No. III) Bill, 1977.
2. The Meghalaya Assembly Proceedings (Protection of Publication) Bill, 1977.
3. The Shillong Electricity Supply Undertaking (Acquisition) Bill, 1977.
4. The Meghalaya Excise (Amendment) Bill, 1977.

SIKKIM LEGISLATIVE ASSEMBLY

1. The Sikkim Official Languages Bill, 1977.
2. The Sikkim Interpretation and General Clauses Bill, 1977.
3. The Sikkim Appropriation Bill of 1977.

TAMIL NADU LEGISLATIVE ASSEMBLY

1. The Tamil Nadu Nuclear Installation (Regulation of Buildings and use of Land) Bill, 1977.
2. The Madurai City Municipal Corporation (Second Amendment) Bill, 1977.
3. The Madras City Municipal Corporation (Amendment) Bill, 1977.
4. The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) Amendment Bill, 1978.
5. The Tamil Nadu Panchayats (Extension of term of office) Second Amendment Bill, 1978.
6. The Tamil Nadu Municipal Council (Appointment of Special Officers) Second Amendment Bill, 1978.

7. The Coimbatore Municipal Council (Appointment of Special Officer) Second Amendment Bill, 1977.

8. The Tamil Nadu Panchayats (Third Amendment) Bill, 1978.

9. The Tamil Nadu Debt Relief Laws (Amendment) Bill, 1978.

10. The Tamil Nadu Cultivating Tenants (Protection from Eviction) Amendment Bill, 1978.

11. The Tamil Nadu Local Authorities Laws (Amendment) Bill, 1978.

12. The Tamil Nadu Panchayats (Amendment) Bill, 1978.

13. The Tamil Nadu Cyclone and Flood Affected Area Cultivating Tenants (Temporary relief) Bill, 1978

14. The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Bill, 1978.

15. The Tamil Nadu Appropriation Bill, 1978.

UTTAR PRADESH LEGISLATIVE COUNCIL

1. Uttar Pradesh Zila Parishad. Alpakalik Vyavastha, Vidheyak, 1977.

2. Uttar Pradesh Homoeopathic Medicine (Sanshodhan) Vidheyak, 1977.

3. Uttar Pradesh Sahkari Samiti (Sanshodhan) Vidheyak, 1977.

4. Uttar Pradesh Viniyog Vidheyak, 1977.

*5. Uttar Pradesh Audyogik Jhhagada (Sanshodhan) 1977.

UNION TERRITORIES

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Contingency Fund of the Union Territory of Arunachal Pradesh (Determination of Amount) Bill, 1977.

PONDICHERRY LEGISLATIVE ASSEMBLY

1. The Salaries and Allowances of Members of the Legislative Assembly (Pondicherry) Amendment Bill, 1977.

2. The Pondicherry General Sales Tax (Second Amendment) Bill, 1977.

*3. The Pondicherry Municipalities (Amendment) Bill, 1977.

*4. The Pondicherry Village and Commune Panchayats (Amendment) Bill, 1977.

5. The Union Territories Relief of Agricultural Indebtness (Pondicherry Amendment) Bill, 1977.

*Awaiting assent.

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT DURING THE PERIOD 1ST NOVEMBER, 1977 TO 31ST JANUARY, 1978 AND THE STATE GOVERNMENTS DURING THE PERIOD 1ST OCTOBER, 1977 TO 31ST DECEMBER, 1977

Sl No.	Subject	Date of promulgation	Date on which laid before Houses	Date of Cessation	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
1	The High Denomination Bank Notes (Demonetisation) Ordinance, 1978. (No. 1 of 1978)	16-1-1978	20-2-1978	..	..
STATE GOVERNMENT—ANDHRA PRADESH					
1	The A. P. Charitable and Hindu Religious Institutions and Endowments (Amendment) Ordinance, 1977	28-4-77	20-6-77		Replaced by legislation.
2	The Rangaraya Medical College (Taking over of Management) Ordinance, 1977	29-4-77	Do.		Do.
3	The A. P. Revenue Recovery (Amendment) Ordinance, 1977	31-5-77	Do.		Do.
4	The A. P. Grampanchayats, Panchayat Samithis and Zilla Parishads (Amendment) Amending Ordinance, 1977	1-6-77	Do.		Do.
5	The A. P. Gram Panchayats (Amendment) Ordinance, 1977	Do.	Do.		Do.
6	The A. P. (Agricultural Produce and Livestock) Markets (Amendment) Ordinance, 1977	Do.	Do.		Do.
7	The A. P. Commercial Crops (Special assessment) Repeal Ordinance, 1977	Do.	Do.		Do.

1	2	3	4	5	
	ASSAM				
1	The Assam Contingency Fund (Amendment) Ordinance, 1977	29-9-77	31-10-77	26-11-77	Replaced by legislation.
2	The Assam Secondary Education (Provincialisation) Ordinance, 1977	Do.	Do.	11-12-77	Do.
	BIHAR				
1	The Bihar Irrigation Field Channel (Fourth Amendment) Ordinance, 1977		15-11-77	27-12-77	
2	The Bihar Irrigation Law (Fourth Amendment) Ordinance, 1977	Do.	Do.	Do.	
3	The Bihar Panchayat Samiti and Zila Parishad (Fourth Amendment and Validation) Ordinance, 1977	Do.	Do.	Do.	
4	The Bihar District Board and Local Board (Control and management) (Third Amendment) Ordinance, 1977	Do.	Do.	Do.	
5	The Bihar Panchayat Raj (Fourth Amendment) Ordinance, 1977	Do.	Do.	Do.	
6	The Patna University (Third Amendment) Ordinance, 1977	Do.	Do.	Do.	
7	The Bihar State University (Third Amendment) Ordinance, 1977	Do.	15-11-77	27-12-77	
8	Bihar Inter-university Board, Fifth Ordinance, 1977	Do.	Do.	Do.	
9	The Chhota Nagpur and Santhal Pargana Development Authority (Fourth Amendment) Ordinance, 1977	Do.	Do.	Do.	
10	The Bihar Cess (Fourth Amendment) Ordinance, 1977	Do.	Do.	Do.	
11	The Bihar Kolhan Civil Justice (Increase of precuniary Jurisdiction) Fourth Ordinance, 1977	Do.	Do.	Do.	

12	The Bihar Land Encroachment (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
13	The Bihar Aid-to-Industries (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
14	The Bihar Motor Vehicle Taxation (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
15	The Bihar Weight and Measurement (Enforcement) (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
16	The Bengal Ferries (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
17	The Bihar Land Water Protections and Land Development Ordinance, 1977	..	Do.	Do.
18	The Bihar Hindu Religious Trust (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
19	The Bihar Khadi and Village Industries (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
20	The Rajendra Agriculture University (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
21	The Patna Corporation. (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
22	The Bihar Health Cess Fourth Ordinance, 1977	..	Do.	Do.
23	The Bihar Medical Education Institution (Regulation and Control) Fourth Ordinance, 1977	..	Do.	Do.
24	The Court Fee (Bihar Fourth Amendment) Ordinance, 1977	..	Do.	Do.
25	The Jhariya Water Supply (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
26	The Bihar Corporation Fourth Ordinance, 1977	..	Do.	Do.
27	The Bihar Municipality and Patna Municipal Corporation (Fourth Amendment) Ordinance, 1977	..	Do.	(Do.)
28	The Bihar Municipality (Fifth Amendment) Ordinance, 1977	..	Do.	Do.

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29	The Indian Stamp (Bihar Fourth Amendment) Ordinance, 1977	..	15-11-77	27-12-77
30	The Motor Vehicle (Bihar Seventh Amendment) Ordinance, 1977	..	Do.	Do.
31	The Bihar Sugar Cane (Supply and Purchase Regulation) Fourth Ordinance, 1977	..	Do.	Do.
32	The Premises and Vehicle (Acquisition) Fourth Ordinance, 1977	..	Do.	Do.
33	The Bihar Agriculture Production Market (Fourth Amendment) Ordinance 1977	..	Do.	Do.
34	The Bihar Farmer & Village Area Development Agency Fourth Ordinance, 1977	..	Do.	Do.
35	The Motor Vehicle (Bihar Eighth Amendment) Ordinance, 1977	..	Do.	Do.
36	The Essential Commodities (Bihar Fourth Amendment) Ordinance, 1977	..	Do.	Do.
37	The Bihar (Carried by Public Service Motor Vehicle) Taxation Passengers and Goods (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
38	The Bihar Cycle Rikshaw (License Regulation) Fourth Ordinance, 1977	..	Do.	Do.
39	The Bihar Private Medical College (Taking-over) Fourth Ordinance, 1977	..	Do.	Do.
40	The Bihar Co-operative Society (Sixth Amendment) Ordinance, 1977	..	Do.	Do.
41	The Bihar Regional Development Authority, Fourth Ordinance, 1977	..	Do.	Do.
42	The Bihar Sales-Tax Fourth Ordinance, 1977	..	Do.	Do.
43	The Bihar State University (Third Amendment) Ordinance, 1977	..	Do.	Do.
44	The Bihar Forest Production (Trade Regulation) Third Ordinance, 1977	..	Do.	Do.

45	The Bihar Irrigation Development (Land Acquisition) Fourth Ordinance, 1977	..	15-11-77	27-12-77
46	The Bihar Electric Supply Undertaking (Acquisition) Fourth Ordinance, 1977.	..	Do.	Do.
47	The Bihar Land Reform (Fixation of Ceiling Area and Acquisition of Surplus Land) (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
48	The Bihar Gramdan (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
49	The Bihar Agriculture Operations and Miscellaneous Provisions (Banks) Fourth Ordinance, 1977	..	Do.	Do.
50	The Bihar State Housing Board Fourth Ordinance, 1977.	..	Do.	Do.
51	The Bihar Contingency Fund (Second Amendment) Ordinance, 1977	..	Do.	Do.
52	The Bihar Regional Development Authority (Amendment) Ordinance, 1977	..	Do.	Do.
53	The Bihar State University (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
54	The Patna University (Fourth Amendment) Ordinance, 1977	..	Do.	Do.
55	The Bihar Sales Tax (Amendment) Ordinance, 1977	..	Do.	Do.
56	The Bihar Land (Rent Surcharge) Second Ordinance, 1977	..	Do.	Do.
57	The Bihar Excise (Amendment and Validation) Ordinance, 1977	..	Do.	Do.
HARYANA				
1	The Haryana General Sales Tax (Amendment) Haryana Ordinance, No. 10 of 1977	31-8-77	17-10-77	Replaced by legislation.
2	The Punjab Entertainment Duty (Haryana Amendment) Ordinance, 1977	Do.	Do.	Do.
3	The Punjab Agricultural Produce Markets (Haryana Amendment) Ordinance, 1977	2-9-77	Do.	Do.

1	2	3	4	5	6
4	The Punjab Agricultural Produce Markets (Haryana Second Amendment) Ordinance, 1977	23-9-77	17-10-77	..	Replaced by Legislation.
HIMACHAL PRADESH					
1	The Public Wakfs (Extension of Limitation (Himachal Pradesh Amendment) Ordinance, 1977	27-9-77	23-12-77	27-12-77	Do.
2	The Himachal Pradesh Abolition of Land Revenue on Un-economic Holdings Ordinance, 1977	19-10-77	Do.	29-12-77	Do.
3	The Himachal Pradesh Bhoodan Yagna Ordinance, 1977	Do.	Do.	28-12-77	Do.
4	The Himachal Pradesh Passengers and Goods Taxation (Amendment) Ordinance, 1977	14-11-77	Do.	29-12-77	Do.
JAMMU & KASHMIR					
1	The J&K Public Safety Ordinance, 1977	27-2-78			
KARNATAKA					
1	The Karnataka Private Nursing Homes (Regulation) (Second Amendment) Ordinance 1977	9-10-77			
2	The Mysore Porcelains Limited (Acquisition of Shares) Ordinance, 1977.	11-10-77			
3	The Karnataka Radio & Electrical Company (Acquisition of Shares) Ordinance, 1977	Do.			
4	The Karnataka Civil Courts (Amendment) Ordinance, 1977	15-10-77			
5	The Karnataka State Universities (Third) Amendment Ordinance,	23-12-77			

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| 6. The Karnataka Village Panchayats (Postponement of elections) Ordinance, 1977 | Do. |
| 7. The Karnataka Rent Control (Second Amendment) Ordinance, 1977 | Do. |
| 8. The Public Works (Extension of Limitation) (Karnataka Amendment) Ordinance, 1977 | Do. |
| KERALA* | |
| 1. The Kerala Debt Relief Ordinance 1977 | |
| 2. The Sree Pandarvaka Lands (Vesting and Enfranchisement) Amendment Ordinance, 1977 | |
| 3. The Kerala Tax on Employment (Amendment) Ordinance, 1977 | |
| 4. The Calicut University (Amendment) Ordinance, 1977 | |
| 5. The Kerala Grandhasala Sangham (Taking Over of Management) Ordinance, 1977 | |
| 6. The Kerala Land Development Corporation Limited (Special Powers) Amendment Ordinance, 1977 | |
| 7. The Engineering Technicians Co-operative Societies (Acquisition and Transfer of Undertakings) Ordinance, 1977 | |

*Ordinances were issued during July 4, 1977 to August 11, 1977.

	1	2	3	4	5	6
			MADHYA PRADESH			
1.	The Madhya Pradesh Co-operative Societies (Amendment) Ordinance, 1977		24-11-77	27-2-78		
2.	The Madhya Pradesh Vritti, Vyapar Ajjvika Aur Sevayojan Kar (Dwitaya Sanahodhan) Adhyadesh, 1977		29-11-77	Do.]		
3.	The Madhya Pradesh Lok Abhi Karanon Kc Madhyam Se Bis Sutriya Karyakram Ka Karyavayan		30-11-77	Do.]		
4.	The Madhya Pradesh Industrial Relations (Amendment) Ordinance, 1977.		31-12-77	27-2-78		
			MANIPUR			
1.	The Police (Manipur Third Amendment) Ordinance, 1977.		1-10-77	19-10-77	10-12-77	The Police (Manipur Third Amendment Bill, 1977.
			MEGHALAYA			
1.	The Shillong Electric, Supply Undertaking (Acquisition) Ordinance, 1972.		15-7-77	16-11-77	26-11-77	Replaced by legislation
			SIKKIM			
1.	The Sikkim Legislative Assembly Members removal of disqualification Ordinance, 1977		3-11-77			Not yet placed before th. House.
2.	The Sikkim Essential Service Maintenance Ordinance, 1977		Do.			Do.

TAMIL NADU

1. The Madurai City Municipal Corporation (Second Amendment) Ordinance, 1977	29-10-77	4-11-77	30-1-78	Replaced by legislation
2. The Madras City Municipal Corporation (Amendment) Ordinance, 1977.	28-11-77	2-12-77	Do.	Do.
3. The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Ordinance, 1977	2-12-77	7-12-77	Do.	Do.
4. The Tamil Nadu Municipal Councils (Appointment of Special Officers) (Second Amendment) Ordinance, 1977	26-12-77	27-12-77	Do.	Do.
5. The Coimbatore Municipal Council (Appointment of Special Officer) second Amendment Ordinance, 1977	Do.	Do.	Do.	Do.
UTTAR PRADESH				
1. Uttar Pradesh Rajya Vishwavidyalaya (Samshodhan) Adhyadesh, 1977.	27-11-77			

APPENDIX VII

A. PARTY POSITION IN LOK SABHA

(As on 4-4-78)

Sl. No.	Name of State/ Union Territory	Seats	Janata	Cong.	Cong.(I)	CPI(M)	AIADMK	Other parties	Un-attached	Total	Vacancies
		1	2	3	4	5	6	7	8	9	10
<i>STATES</i>											
1.	Andhra Pradesh	42	..	12	25	..	..	..	5	42	..
2.	Assam	14	3	7	2	..	..	..	2	14	..
3.	Bihar	54	51	..	..	..	..	..	2	53	1
4.	Gujarat	26	15	4	5	..	..	..	2	26	..
5.	Haryana	10	9	..	..	..	..	..	..	9	1
6.	Himachal Pradesh	4	4	..	..	..	..	..	..	4	..
7.	Jammu & Kashmir	6	..	3	..	..	..	2(a)	1	6	..
8.	Karnataka	28	1	7	16	..	..	..	3	27*	..
9.	Kerala	20	..	9	2	..	..	9(b)	..	20	..
10.	Madhya Pradesh	40	37	..	..	..	..	1(c)	2	40	..
11.	Maharashtra	48	17	13	6	3	..	7(d)	2	48	..
12.	Manipur	2	..	1	..	..	..	..	..	1	1
13.	Meghalaya	2	..	1	..	..	..	..	1	2	..
14.	Nagaland	1	1	..	..	..	..	..	..	1	..
15.	Orissa	21	15	..	3	1	..	..	2	21	..
16.	Punjab	13	3	..	..	1	..	9(e)	..	13	..

17. Rajasthan	25	24	1	..	..	..	..	..	25	..
18. Sikkim	1	1	..	..	..	..	..	..	1	..
19. Tamil Nadu	39	3	7	6	18	3(f)	2	39	..	..
20. Tripura	2	1	1	..	..	..	..	2	..	..
21. Uttar Pradesh	85	83	..	..	..	..	..	83	2	..
22. West Bengal	42	16	2	1	17	6(g)	..	42	..	..

UNION TERRITORIES

23. Andaman & Nicobar	1	..	..	1	..	..	..	1	..	..
24. Arunachal Pradesh	2	2	..	..	..	..	..	2	..	..
25. Chandigarh	1	1	..	..	..	..	..	1	..	..
26. Dadra & Nagar Haveli	1	..	..	1	..	..	..	1	..	..
27. Delhi	7	7	..	..	..	..	..	7	..	..
28. Goa, Daman & Diu	2	..	1	..	..	..	1	2	..	..
29. Lakshadweep	1	..	..	..	..	..	..	1	..	..
30. Mizoram	1	..	..	..	..	..	..	1	..	..
31. Pondicherry	1	..	..	..	1	..	..	1	..	..
Anglo-Indian	2	1	..	..	..	..	1	2	..	..

TOTAL

544 295 69 68 19 37 28 538* 5

* Excluding the Speaker.

(a) National Conference—2.

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

(c) RPI (Khobargade)—1.

(d) Peasant & Workers Party—6, RPI (Khobargade)—1.

(e) Akali Dal—9.

(f) C.P.I.—3.

(g) R.S.P.—3, F.B.—3.

Rajasthan	.	10	6	3	1																																			
Sikkim		1	1	
Tamil Nadu	.	18	1		9	1	2	3																														2
Tripura	.	1	1	
Uttar Pradesh	.	34	13	5	1	14							1																							
West Bengal	.	16	2	9	3	..	1																															1		
Arunachal Pradesh	.	1	..	..	..	1																																..
Delhi		3	3	..	..																																	..
Mizoram		1		1	..																																	..
Pondicherry	.	1	..	..	..	1															..																	..
Nominated		12	3	1	..	..	..	..																													8	
TOTAL	·	244	72	64	11	42	10	5	3	3	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	13	8	1	7			

C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Janata	Cong.	CPI (M)	CPI	AIADMK	Akali	Other parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh L.A. (As on 30-9-77)	288	33	232	1	8			2(a)	3	279	9
Andhra Pradesh L. C. (As on 1-9-77)	90	9	56	3				6(b)	3	90	13
Assam L. A. (As on 31-12-77)	114	22	79	3	..	..	..	1(c)	4(d)	114	5
Bihar L. A. (As on December 1977)	325	215	56	4	21	..	..	18	10	324(*)	..
Bihar L. C. (As on 5-5-78)	96	24	14		4			47(dd)	6	95	1
Gujarat L. A. (As on 30-12-77)	182	107	68			..	..		6	181	1
Haryana L. A. (As on 29-3-78)	90	76	1					8(c)	5(f)	90	
Himachal Pradesh L. A. (As on 27-4-78)	68	54	9			..	..	..	5	68	
Jammu & Kashmir L. A. (As on 8-3-78)	76	13	10			..	..	53(g)		76	
Karnataka L. C. (As on 4-3-78)	63	17	42						3	62*	
Karnataka L. A. (As on 1-10-77)	217	35	161		3				6	205*	11

Kerala L. A. (As on 26-10-77)	141	6	39	17	23	55(h)	1	141	
Madhya Pradesh L. A. (As on 1-3-78)	321	229	83			1(i)	7	320*	
Manipur L. A. (As on 28-2-78)	60	55	..	4	4	..	..	59	1
Meghalaya L. A. (As on 31-12-77)	60	..	35			20(j)	3	58	2
Nagaland L. A. (As on 5-5-78)	60	..	15			38(ii)	7	60	
Punjab L. A. (As on 31-12-77)	117	25	17	8	7	58	2	117	
Rajasthan L. A. (As on 9-12-77)	200	148	41	1	1	4(k)	4	199	1
Sikkim L. A. (As on 23-2-78)	32	26				6(l)		32	
Tamil Nadu L. C. (As on 30-9-77)	63	4	5	1	1	27(m)	1	48	15
Tamil Nadu L. A. (As on 20-3-78)	235	10	27	12	5	55(n)		234*	
Tripura L. A. (As on 1-10-77)	60	27	13	15	1		2	58*	1
Uttar Pradesh L. C. (As on 31-12-77)	108	30	59		2	13(o)	2	107	2
Uttar Pradesh L. A. (As on 24-12-77)	426	352	46	1	9	..	1(p)	16	425

	1	2	3	4	5	6	7	8	9	10	11	12
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Arunachal Pradesh L.A. (As on 13-12-77)		23	21	..					2(q)	..	23	..
Delhi Metropolitan Council (As on 31-12-77)		61	49	10			59	..
Goa, Daman & Diu L.A. (As on 23-12-77)		30	3	10					15(r)	2	30	
Pondicherry L.A. (As on 3-3-78)		30	8	2	1	1	15	..	3(s)	..	30	..

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

- (a) Majlis-ittihad-ul Muslimeen-1, and Republican Party of India—1.
 (b) Progressive Democratic Front.
 (c) RCPI—1
 (d) Out of 8 Independents, 4 members joined the Congress party between 28-10-77 to 8-11-77.
 (dd) Congress (I)—46; Teachers—1
 (e) Viahah Haryana Party—5; Congress (I)—3.
 (f) Out of 5 Independent members, one member has given his party affiliation as "Rebel Janata Party" whereas he was elected as an Independent member.
 (g) National Conference—49; Janata Front—3; and Jamat-e-Islami—1.
 (h) Kerala Congress—20; Muslim League—12; RSP—9; Muslim League (Opposition)—3; Kerala Congress (Pillai Group)—2; National Democratic Party—5; Praja Socialist Party—3; and Nominated—1.

- (i) Nominated.
- (j) APHLC—14; HSPDP—6
- (ii) UDF—37; N.C.N.—1.
- (k) Pragatishheel Dal.
- (l) Sikkim Prajatantra Congress.
- (m) DMK—16; United Party—4; Indian Union Muslim League—2; Tamil Arasu Kazhagam—1; Indian National Forward Block—1; Makkal DMK—2; and Toilers Commonweal Party—1.
- (n) DMK—48; Indian National Forward Block—2; Tamil Nadu Progressive Toilers' Party—2; Forward Block—1; Muslim League—1; and Nominated—1.
- (o) Shikshak Dal—7; Nirdaliya Sangh—3; Rashtravadi Dal—2; and Republican—1.
- (p) Nominated—1.
- (q) Peoples' Party of Arunachal Pradesh.
- (r) Maharashtrawadi Gomantak Party—15.
- (s) DMK—3.

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