

THE JOURNAL OF PARLIAMENTARY INFORMATION

THE NEW CONSTITUTION OF SIKKIM

— G. R. Rajagopaul

IMPACT OF MULTI-UNIONISM ON INDUSTRIAL GROWTH

— Dr. M. V. Pylee

ESTIMATES COMMITTEE OF LOK SABHA

— Dr. D. N. Gadhok

**SOCIO-ECONOMIC BACKGROUND OF LEGISLATORS IN
INDIA**

— Research and Information Service,
Lok Sabha Secretariat

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Editor : S. L. SHAKDHER

The Journal of Parliamentary Information, a quarterly publication brought out by the Lok Sabha Secretariat, aims at the dissemination of authoritative information about the practices and procedures that are continuously being evolved in Indian and foreign legislatures. The Journal also purports to serve as an authentic recorder of important parliamentary events and activities and provides a useful forum to Members of Parliament and State Legislatures and other experts for the expression of their views and opinions thereby contributing to the development and strengthening of parliamentary democracy in the country.

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EDITORIAL NOTE

With this issue the *Journal* enters into the twenty-first year of its publication and is before the readers in a new get-up and what may be somewhat improved format. It begins with an article analysing the salient features of the new Constitution of Sikkim. The installation of Sikkim's new popular five-member cabinet headed by Kazi Lhendup Dorji was the culmination of a long-drawn struggle in which India played an important, constructive role. The services of a constitutional expert were made available to the Government of Sikkim to assist in the drafting of the present constitution by the elected representatives of the people. The article that we publish in this issue is by that expert, *viz.* Shri G. R. Rajagopaul.

In his reply to the debate on the demands for grants of his Ministry, Shri K. D. Malaviya, the then Minister of Steel and Mines had referred to "regional tensions and politicisation of trade unions" as the "main reasons" for the poor performance of this "vital sector". Air Chief Marshall P. C. Lal, Chairman of the Indian Airlines Corporation also recently expressed the view that political influence grew in an inverse ratio to the competence of the management. In this context, the second article in this issue—"Impact of Multi-Unionism on Industrial Growth" by the well known constitutionalist Dr. M. V. Pylee—is specially relevant.

The legislators are always the focus of attention everywhere. As a corollary to the two articles on their role by the distinguished presiding officers of Andhra Pradesh in the previous issue of the *Journal*, we publish in this number the results of a comprehensive study about the socio-economic background of the legislators in India, both in the Upper as well as in the Lower Houses.

An article on appointment of experts to assist the Estimates Committee of Lok Sabha is also being published in this issue. This subject has often engaged the attention of Parliamentary committees. The Committee on Public Undertakings had last considered it in April 1973, and had come to the conclusion that the existing provision in the Rules of Procedure could be utilised for calling of memoranda from experts and, if necessary, for inviting them for evidence.

A regular feature in the *Journal* has been that of "Parliamentary and Constitutional Developments in the States". With this issue, its ambit is being widened to include developments at the Centre and abroad.

After the elections to the two highest offices in the country, *viz.*, that of the President and the Vice-President held in August 1974*, three developments of considerable importance to Parliament took place at the central level: a major reshuffle in the Council of Ministers in October, formation of a new all-India political party—Bhartiya Lok Dal—and the judgment of the Supreme Court declaring that the objective behind the statutory ceiling on election expenditure would be "completely frustrated" if the political party sponsoring a candidate were to be free to spend as much as it liked in connection with his election.

The reshuffle of the Council of Ministers resulted in the dropping out of two cabinet Ministers, one Minister of State and three Deputy Ministers. But its total strength was raised to 60 as against the earlier 57 with the induction of eight new Ministers including the outgoing Congress President, Dr. Shankar Dayal Sharma and Congress General Secretary, Shri Chandrajit Yadav. There were important changes in the portfolios of senior Ministers too—Shri Jagjivan Ram moved from Defence to Agriculture and Irrigation, Shri Chavan from Finance to External Affairs and Sardar Swaran Singh from External Affairs to Defence. The new entrant, Shri Brahmananda Reddy took over the Home portfolio from Shri Umashankar Dixit who became a Minister without portfolio.

Bharatiya Lok Dal emerged as a new party consequent on the merger of seven existing parties—four major ones *viz.*, Swatantra, SSP, BKD, Utkal Congress and three smaller local organisations, Kisan Mazdoor Party, Rashtriya Lok Tantrik Dal and Punjab Khetibari Zamindar Sabha. The BKD Chairman Shri Charan Singh was unanimously elected as the first Chairman and the flag and the election symbol of the BKD were adopted by the new Party.

The Supreme Court judgment setting aside the election of Shri Amar Nath Chawla, a Congress member of Lok Sabha, on the ground that he had exceeded the prescribed ceiling on his election expenditure even though the excess may have been financed by the party

*For details see the articles in *J.P.I.* Vol. XX No. 4, October-December 1974, pp. 792 and 799.

sponsoring his candidature raised some vital issues and the Government found it necessary to promulgate an Ordinance, which was later on replaced by a Bill passed by both the Houses of Parliament, providing that election expenses incurred by a political party on a person other than a candidate shall not be deemed expenditure incurred by the candidate on his election. The Ordinance restored the position in law as it had existed before the Supreme Court judgment, though not affecting the decisions of the courts already made.

At the State level, expansion of Ministries in Assam, Manipur and Nagaland and cabinet changes and reshuffle of portfolios in Maharashtra and Rajasthan were notable events. In Assam the Government was faced with a motion of no-confidence in the Assembly but it was defeated. President's rule was extended in Gujarat and Pondicherry.

Arunachal Pradesh put forward its claim to have a legislative assembly like some other Union territories, *viz.*, Delhi, Mizoram, Pondicherry and Goa, Daman and Diu.

There were two significant resignations—by the Deputy Speaker of Manipur Assembly as a sequel to a no-confidence motion tabled against him by a member of the ruling party, and by the West Bengal's Deputy Irrigation Minister as a protest against the 'pitiful lack of relief measures in his home district.'

Looking beyond our borders, general elections were held in Canada, Malaysia, Nicaragua, San Marino and the United Kingdom and in all cases except San Marino the ruling parties were returned to power with added majorities. In U.K., the minority Labour Party Government attained absolute majority while the Canadian Prime Minister Trudeau reorganised his cabinet involving changes in portfolios.

Several other countries saw changes in their governments. President Isabel Martinez de Peron of Argentina reorganised her cabinet after dropping three senior Ministers who had been criticized for alleged left-wing tendencies. Prime Minister Sheikh Mujibur Rahman of Bangladesh also dropped his Finance Minister from the cabinet. Bulgaria's Politburo was reorganised following a decision of the Central Committee of the Communist Party. New Prime Ministers took over reins of government in Egypt, New Zealand and Turkey—in Egypt, the Prime Ministership was so far held by President Sadat himself. The Parliamentary Commission set up to study reorganisation of the ruling Arab Socialist Union in Egypt recommended

continuation of one-party system in the country thus putting at rest the growing movement for plurality of parties. In Colombia, the Liberal leader, Dr. Michelsen's assumption of Presidentship and formation of a new cabinet in which portfolios, excluding Defence, were shared evenly by the two major parties raised hopes for stability in the country. In Nicaragua, General Somoza's election again as President after a lapse of two years is expected to end the triumvirate's rule in the country.

History was made in the United States when Mr. Nixon resigned the Presidency.

The recent disclosure of the details of funds of the various political parties in Japan by that country's Home Ministry would be of interest to many countries and not the least to us in India who are in the midst of discussing various electoral reforms specially in regard to financing election campaigns.

For the first time in the history of Australian Commonwealth a joint sitting of the two Houses of the Federal Parliament was held in August, to pass six Bills which had been twice rejected by the Senate earlier.

Thailand adopted a new constitution and elections are expected there soon. Though late, a transitional government was installed in Mozambique by the Portuguese. Also, a new law for restoration of normal ties with India was adopted by Portugal's State Council. And nearer home, in Pakistan, Prime Minister Bhutto announced restoration of fundamental rights to the citizens. The Self-Rule institutions like the new Legislative and Executive Councils in the Kurdistan area of Iraq may be cited as significant achievements. However, the disposition of Emperor Haile Selassie of Ethiopia on September 12, suspension of the country's 1955 Constitution, closing down of the Parliament and assumption of power by the Armed Forces Committee constituted a setback to democratic traditions.

All these matters and more are surveyed under the revised feature "Parliamentary and Constitutional Developments". The survey, it is hoped, would be read with interest.

Suggestions for further improvements in the *Journal* would be most welcome.

—S. L. Shakdher

THE NEW CONSTITUTION OF SIKKIM—AN ANALYSIS

The historic agreement of the 8th May, 1973 entered into between the Chogyal, the Government of India and the leaders of political parties representing the people of Sikkim contains the following recitals in its preamble:

“Whereas the Chogyal and the people of Sikkim are convinced that their interest and the long term interest of Sikkim as a whole call for—

(i) the establishment of a fully responsible government in Sikkim with a more democratic constitution, the guarantee of fundamental rights, the rule of law, an independent judiciary and executive powers for the elected representatives of the people;

(ii) a system of elections based on adult suffrage which will give equitable representation to all sections of the people on the basis of the principle of one man one vote;

(iii) the strengthening of Indo-Sikkim co-operation and inter-relationship.”

“Whereas the Chogyal as well as the representatives of the people had requested the Government of India—

(i) to ensure the further development of constitutional government, communal harmony, good administration and rapid economic and social development in Sikkim;

(ii) to provide the Head of Administrative (Chief Executive) in Sikkim to help achieve and safeguard all the above needs and objectives.”

In elaboration of the said recitals, the agreement makes provision for an Assembly for Sikkim, the election of members thereto, the manner of election and matters connected therewith, the powers of the Assembly, an Executive Council, and for a Chief Executive to look

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after the various responsibilities which the Government of India had been requested to undertake. It also stresses equality before law and the independence of the judiciary.

The Government of India who had always been solely responsible for the defence and territorial integrity of Sikkim, the conduct and regulation of the external relations of Sikkim, whether political, economic or financial, reaffirmed their determination under the agreement to discharge those and the additional responsibilities now undertaken for the benefit of the people of Sikkim, for their communal harmony, good administration and economic and social development.

The agreement of the 8th May (which will hereafter be referred to as the Agreement) described itself as the Constitution for Sikkim in paragraph 6 thereof and the Chogyal agreed to perform the functions of his high office in accordance with that Constitution.

In pursuance of the Agreement, elections were held in Sikkim in April 1974 with the help of the Election Commissioner of India, elections on the basis of one man one vote and in which no single section of the population acquired a dominating position due to its ethnic origin, a requirement specially emphasised in the Agreement. That is to say, the Bhutia-Lepchas and the Nepalese obtained equal representation although the former who are the original inhabitants of Sikkim are in a minority.

The Assembly at its meeting held on the 11th May, 1974 unanimously resolved to request the Government of India to ensure the further development of democratic institutions, communal harmony, good administration and rapid economic and social development in Sikkim. It also requested the Government of India to augment the modalities of further strengthening Indo-Sikkim relations already agreed to and to take immediate steps for Sikkim's participation in the political and economic institutions of India. All these requests flowed as a natural corollary from the Agreement.

As the Agreement had outlined the basic features of the constitution of Sikkim and as the Chogyal had agreed to perform his functions in accordance therewith and as any constitution had to have a legal shape, the Assembly further resolved to request the Government of India to depute a Constitutional Adviser for giving a legal and constitutional framework for the objectives of the aforesaid resolution and for defining the powers of the Chogyal and other organs of Government.

The Government of Sikkim Act, 1974, promulgated by the Chogyal on July 4, 1974, after being approved and passed by the Assembly was drafted by the present author in pursuance of the above resolution and the Agreement, and before it was drafted several discussions took place between the Constitutional Adviser, the Chogyal, members of the Sikkim Assembly, representatives of Bhutias, scheduled castes and others.

The Act is a simple document containing a meagre 34 sections; but within its small compass it seeks to include all the necessary elements for the progressive realisation of a fully responsible government in Sikkim. And as is to be expected, it is based largely, if not entirely, on the Agreement.

The organs of Government for which provision is made and their powers may now be examined.

The Chogyal: Under the Act, the Chogyal takes precedence over all other persons in Sikkim and he shall continue to enjoy the honour, position and privileges enjoyed by him before the commencement of the Act (s. 3). But he is to exercise his powers and perform his functions in accordance with the Act. By way of further clarification, it is expressly provided that the mere fact that he continues to enjoy his personal privileges etc. does not mean that he derives any executive powers therefrom (s. 4). As regards any executive action taken by the Government in Sikkim, it will naturally be expressed to be taken in the name of the Chogyal, its constitutional head (s. 5).

Some of the powers which the Chogyal may exercise under the Act may be briefly referred to. On the advice of the President of the Assembly the Chogyal summons it to meet (s. 12). He may address the Assembly after intimating to its President his intention to do so (s. 14). He may refer any matter to the Assembly for discussion although not within its competence under the Act or add any new matter to the list of matters within its competence (s. 20). He may return a Bill passed by the Assembly for further consideration (s. 21).

An Executive Council (Council of Ministers) advises the Chogyal in the exercise of his powers and performance of his functions in relation to the subjects within the jurisdiction of the Ministers and like any other constitutional head he is expected to act according to such advice. Any advice tendered may not be examined by any

Court (s. 24). He appoints the Chief Minister and the other ministers on the advice of the Chief Executive (s. 25). The Chief Executive is appointed by him on the nomination of the Government of India (s. 28). He makes rules on the recommendations of the Chief Executive made in consultation with the Chief Minister for the allocation of business to his ministers (s. 27). In respect of all other matters he is advised by the Chief Executive [s. 29(1) (c)]. He may, in consultation with the Chief Executive, make orders for removing any difficulty which may arise in the implementation of the Act (s. 34).

The Sikkim Assembly: There is to be an Assembly for Sikkim, elections for which shall be held every four years (s. 11). The number of members to be chosen for it by direct election is to be determined by law (s. 6). To ensure that the elections are fair and free, the Chogyal is required to appoint a person as the Election Commission on the nomination of the Government of India (s. 8). Rules under the Act will ensure that the Assembly adequately represents the various sections of the population, that is to say, while fully protecting the legitimate rights and interests of Sikkimese of Lepcha or Bhutia origin and of Sikkimese of Nepali origin and other Sikkimese including Tsongs and scheduled castes, no single section of the population will be allowed to acquire a dominating position merely by reason of its ethnic origin (s. 7).

While the other qualifications, if any, for filling a seat in the Assembly may be fixed by law, a person to be elected will have to be an elector and should not be less than 25 years of age (s. 9). And to be an elector, the person should be a subject of Sikkim and should at least be 20 years of age and should not suffer from any of the usual disqualifications based on unsoundness of mind, corrupt practice, crime etc. (s. 10).

The Assembly regulates its procedure and the conduct of its business by its own rules, and the rules so made may deal with matters like quorum, voting, the language to be used in the Assembly, and so on, for which detailed provisions appear in the body of the Constitution itself in some cases, e.g., the Indian Constitution (s. 23).

S. 20 of the Act deals with the powers of the Assembly. It may discuss, make recommendations or make laws in respect of any of the following matters: (1) Education, (2) Public Health, (3) excise, (4) Press and Publicity, (5) Transport, (6) Bazars, (7) Forests, (8) Public Works, (9) Agriculture, (10) Food Supplies, (11) Economic and

Social Planning, including State Enterprises, (12) Land Revenue. In addition, the Assembly may also discuss and make recommendations with respect to any matter which may be referred to it by the Chogyal through the Chief Executive or by the Chief Executive, notwithstanding that it is not a matter covered by the 12 items specified above. And under sub-section (3) of this section, the Chogyal may on his own motion or shall, if the Government of India so recommends, add any new matter to the list of matters enumerated above, the object being to progressively transfer all the subjects to the elected representatives of the people.

As regards Bills passed by the Assembly, the Chogyal may refer back any Bill for reconsideration but the final say rests with the Assembly except as respects Bills which may affect the responsibilities of the Government of India in which event the Government of India's decision will prevail (s. 21).

The Chief Executive, by virtue of his office, functions as the Speaker of the Assembly, but provision is made for a Deputy Speaker who, it may be assumed, would ordinarily preside over the deliberations of the Assembly (s. 13).

There shall be freedom of speech in the Assembly, subject necessarily to the rules and standing orders made by it (s. 19).

The Council of Ministers: The Executive Council mentioned in the Agreement is now called the Council of Ministers, the one at the head being designated as the Chief Minister and the others as ministers. They are appointed by the Chogyal on the advice of the Chief Executive. They are in charge of the administrative departments allotted to them under the rules and advise the Chogyal in respect of all matters within their jurisdiction (ss. 24 and 25), and he is expected to act according to such advice. The provisions of s. 20 already referred to will show what matters are within the jurisdiction of the Council of Ministers, matters which could be enlarged from time to time, so that ultimately all matters are brought within their jurisdiction. The advice given by the ministers are routed through the Chief Executive to ensure that such advice does not affect any of the responsibilities of the Government of India.

The Council of Ministers are responsible to the Assembly [s. 24(2)] and their executive power extends to all the matters which are referred to in s. 20, that is to say, the executive powers are co-extensive with the legislative powers.

The Chief Executive: It would have been noted that in the second set of recitals in the Agreement, it is stated *inter alia* that the Chogyal and the representatives of the people of Sikkim have requested the Government of India to ensure the further development of constitutional government, communal harmony, good administration and rapid economic and social development in Sikkim and to provide the head of administration in Sikkim (Chief Executive) to help achieve and safeguard all the above needs and objectives. One of the special responsibilities imposed on the Chief Executive under the Agreement is to ensure proper implementation of the constitutional and administrative changes in Sikkim, the smooth and efficient running of its administration, the continued enjoyment of basic rights and fundamental freedoms by all sections of the population and the optimum utilisation for the benefit of the people of Sikkim of the funds allocated for the economic and social development of Sikkim. It is further provided that in cases involving amity between the various sections of the population of Sikkim or the development of democratic government and efficient administration in Sikkim, any difference of opinion between him and the Chogyal shall be referred to the Government of India through the Political Officer and the advice of the Government of India shall be binding.

It is with the above background that the provisions of the Government of Sikkim Act relating to the Chief Executive be examined. S. 28 states that at the head of the administration in Sikkim there shall be a Chief Executive appointed by the Chogyal on the nomination of the Government of India (see para 7 of the Agreement). The Chief Executive has to ensure that the responsibilities of the Government of India as well as his own special responsibilities under the Agreement are duly discharged, and the executive power in Sikkim will have to be so exercised, wherever necessary, to ensure compliance with any orders or directions of the Government of India in the due discharge of such responsibilities.

The Chief Executive is *ex-officio* the President of the Assembly and as such performs the functions of the Speaker (s. 13) but care is taken to provide for a Deputy Speaker who would ordinarily be expected to preside over all meetings of the Assembly. He advises the Chogyal as to when the Assembly should be summoned to meet from time to time. He may refer any matter to the Assembly for discussion and recommendation, notwithstanding that it is not a matter within the competence of the Assembly under the Act [s. 20,2)]. Advice tendered by ministers are routed through him so

that he may be in a position to examine whether the advice is likely to affect the responsibilities of the Government of India [s. 24(3)]. He advises the Chogyal on the appointment of the Chief Minister and other ministers [s. 25(1)]. Whenever he takes action as head of the administration, he acts in consultation with the ministers wherever ministerial responsibility is involved. He submits all important matters to the Chogyal for his information and for approval of the action to be taken, subject to the important qualification that wherever immediate action is required he may take the action and obtain the Chogyal's approval subsequently. And most important of all he advises the Chogyal in respect of all other matters (s. 29). Pending the transfer of all subjects to the duly elected representatives of the people, the Chief Executive is expected to function as the adviser in respect of all matters other than those within the competence of the Council of Ministers, and as and when any subject or matter is transferred to the Council of Ministers under s. 20, *pro-tanto* the advisory functions of the Chief Executive will get reduced, until ultimately full responsible government is established in Sikkim as adumbrated in the Agreement. Both under the Agreement and the Act, it is fairly clear that the functions of the Chogyal are those of a constitutional head.

General: The Act does not spell out in detail the fundamental rights to which we have become familiar under the Indian Constitution. For a democracy in its infancy and requiring speedy growth, a simple constitutional guarantee to the people of their basic rights and fundamental freedoms, coupled with a directive to the Government of Sikkim to make every endeavour to secure for its people the enjoyment of such rights and the promotion of communal harmony was felt to be sufficient. It is also made obligatory on the part of the Government to ensure that special provisions are made wherever necessary, for the advancement or the protection of the aboriginal inhabitants of Sikkim and other minorities.

These simple provisions would ensure that in having laws enacted, the legislature will keep in mind these general directives and ensure that, subject to public order, morality and the like, there is no contravention of basic rights and fundamental freedoms, as for instance those relating to equality before the law, freedom of speech, or movement, right to hold property, non-discrimination in matters of employment, etc. Special protection may, however, be needed for certain weaker sections of the community, say, the original inhabitants, and these could be safeguarded by laws passed by the legislature.

Similarly, as regards the judiciary, while making no detailed provisions regarding the appointments of judges, etc., the Act proclaims that they shall be independent in the exercise of their judicial functions which shall be discharged in accordance with law. The legislature could see to it that by suitable legislation judges are appointed in a manner sufficient to win the confidence of the people and all that is necessary (if at all) is to reiterate the fact that in the performance of their judicial functions they should act independently and in accordance with law (a duty which is generally enjoined on the judges by the oath that they take) (s. 32).

Indo-Sikkim inter-relationship: The fact that the long term interests of Sikkim requires the strengthening of Indo-Sikkim co-operation and inter-relationship has been stressed in the Agreement. The manner of securing such co-operation and inter-relationship would naturally devolve on the people of Sikkim to decide and in their resolution of the 11th May, 1974 the Sikkim Assembly requested the Government of India to examine the modalities of further strengthening Indo-Sikkim relationship and to take immediate steps for Sikkim's participation in the political and economic institutions of India. In the light of this request and in the light of further discussions on the subject, provision is made in the Government of Sikkim Act, whereby that Government may ask for the association of Sikkimese officials in the Planning Commission of India in connection with the planned development of Sikkim, for facilities for study and for employment in Indian institutions and in Indian services for Sikkimese, facilities at par with those available to citizens of India, and lastly, for participation and representation for the people of Sikkim in the political institutions of India (s. 30).

Pursuant to clause (c) of s. 30, the Government of Sikkim made a request to the Government of India for participation and representation in the Indian Parliament and the Constitution of India is now being amended by the Thirty-sixth Amendment, which after specifying the terms and conditions relating to the association of Sikkim with India (terms and conditions which are a reproduction of the relevant provisions in the Indo-Sikkim treaty of 1950 and the Agreement) specifically provides for the allotment to Sikkim of one seat each in the two Houses of the Indian Parliament. This amendment, already passed by the two Houses of Parliament, awaits ratification by the States.

There has been some criticism against this provision, namely, that in the context of a country geographically outside India, it

would be anomalous to provide for the representation of the people of that country in the local Parliament; that to some extent it seeks to obliterate the separate identity of Sikkim, etc. It is outside the scope of this study to go into this question in greater details, but in passing one may perhaps refer to the following provisions in the Government of India Act, (5 & 6 Geo. 5, c. 61; 6 & 7 Geo. 5, c. 37; 9 & 10 Geo. 5, c. 101). Under that Act, a person was entitled to be registered on the electoral roll, *inter alia*, if he was a British subject, but an exemption could be made in the case of a Ruler or subject of a State in India. Under s. 64(2), any person who is a Ruler or subject of any State in India may be nominated as a member of the Council of State or the Legislative Assembly. Similarly, under s. 72A (3), any person who is a Ruler or subject of any State in India may be nominated as a member of a Governor's Legislative Council. Rulers or subjects of states were not British subjects, nor were the States part of British India. Thus on the face of it there seems to be nothing incongruous or improper in the Constitution of one country making provision for the representation of people living outside its geographical limits, if the circumstances warrant it.

Conclusion: Finally, a word might be said about certain amendments to the Government of Sikkim Act, 1974, suggested by the Sikkim Assembly for consideration while otherwise approving it as it stood. As stated earlier, the Act contains in itself all the ingredients necessary for the development of a full-fledged democracy. In addition, further development of constitutional government in Sikkim is one of the responsibilities of the Government of India. And if and when it is necessary to have the Government of Sikkim Act, 1974, amended, there is no doubt that the amendments could and would be put through but for the time being, the Constitution would appear to be sufficiently flexible and capable of adjustment to the growing demands of democracy in Sikkim.

IMPACT OF MULTI-UNIONISM ON INDUSTRIAL GROWTH

A PLEA FOR APPROPRIATE LEGISLATIVE ACTION

India is on the threshold of the Fifth Five Year Plan. And the Fifth Plan, because of the great expectations that it has raised, is going to be decisive in the eradication of some of the most serious maladies that afflict the nation; poverty, malnutrition, disease and unemployment. If the Fifth Plan fails to make a serious dent on these problems, it will not only cast doubts on the effectiveness of the present pattern of planned development but also our ability as a people to be self-reliant and achieve self-sustaining growth.

Ever since Independence and particularly since the Second Five Year Plan, our major social policy was directed towards rapid industrialisation. But the extent of industrialisation that we have achieved so far—although it is by no means negligible—is not enough to make India an industrialised country. India is still a predominantly backward agricultural nation and we have to go a long way still to become an industrially advanced society.

Conditions for Industrial Growth: Rapid industrialisation cannot and will not take place merely because it is important for the country or because we wish that it should happen. There must exist conditions that are favourable for industrial growth. Availability of adequate capital, a developed infra-structure, technical know-how and entrepreneurial talent are all important in this context. But in the absence of a peaceful industrial relations climate, the availability of any or even all of these will not produce the desired result. This has been amply demonstrated by the Calcutta region of West Bengal during a short period of five years from 1967.

But the Calcutta region has not been an exception. Rather, it has been the rule almost all over the country. Industrial unrest has become almost chronic in recent times. It has adversely affected

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all sectors of our economy, the public, the private, the joint and the cooperative. Strikes and lockouts have not only been hampering production but frequently paralysing public life even in such essential services as the railways, airways, road-transport, electricity undertakings, etc. The pre-budget *Economy Survey* last year presented to Parliament by the Finance Minister shows that the growth of industrial production during 1972-73 was negligible.

The enormous increase in the incidence of industrial conflict has had a crippling effect on the capacity of the country to increase production and productivity. As a result, our national goal of planned development is becoming increasingly difficult to be achieved in spite of all the the good intentions of all concerned, pronounced from public platforms. According to the Planning Commission, if industrial relations are disrupted by constant stoppage of work, all the achievements envisaged by the Fifth Plan will be nullified.

Appeal by National Leaders: Emphasising this point, in his Independence Day address to the nation in 1973, President Giri said as follows:

“Our economic prosperity depends mainly on the workers’ capacity to produce more. While I have always held that it is the inalienable right of the workers to strike, yet considering the most difficult times we are passing through, I would like to repeat my appeal to the workers in the industry that in the national interest and in their own personal interest, they should voluntarily observe a moratorium on strikes for a period of, say, three years.”

The Prime Minister, Mrs. Indira Gandhi, has repeated this appeal to the workers and the trade unions.

A Central Minister* recently, addressing the members of the Reporters’ Guild at Hyderabad called for a five-year moratorium on strikes and lock-outs in the country to enable it to overcome the present economy crisis. The need of the hour for the employees and employers, he said, is to attempt to solve any difficulty through negotiations and other peaceful methods rather than resorting to strikes and lockouts. The country is today facing the greatest of emergencies, that of economic crisis. It should be the aim of the people in every walk of life to see that productivity and production should not suffer any more.

*Shri K. Raghuramaiah, Minister for Parliamentary Affairs.

Cause for Industrial Conflict: A close study of the industrial relations scene of India during the past two decades will show that industrial conflicts have been steadily on the increase. This is particularly so during the past one decade. What are the causes for this? There are, of course, several contributory factors. Among these are the steady rise in prices, inflation, scarcity of essential items of consumption and the urge for better wages and working conditions. But perhaps an equally important, if not more important, reason for the emergence of this most undesirable development in recent years is the growth of multi-unionism in industry and the consequent inter-union rivalry that has emerged as a major source of friction.

How rapid has been the development of inter-union rivalry in recent years in one of our States, Kerala, will become clear if we make even a casual glance over the trade union field in the State. In connection with a recent seminar on the subject, the author had the opportunity to make a quick survey of a fair cross-section of industrial concerns in the State with a view to finding out the extent of multi-unionism that has taken deep roots in the trade union field. The survey covered over thirty undertakings both of the public and private sectors. Of these, except two, every concern revealed that it has had two or more unions. We also came to the general conclusion that more than any other factor, it is inter-union rivalry that has been responsible for much of the industrial conflict the State has been experiencing in recent years.

What are the contributory factors helping the growth of multi-unionism? Let us try to list the major ones. From a legal point of view the ground is very fertile indeed. For, any seven workers can join together and register a trade union. Under article 19(1) (c) of the Constitution the right to form associations or unions is guaranteed as a fundamental right. Hence at any time, under any pretext, seven workers can get together and form a new trade union. Quite often this freedom is misused helping the mushroom growth of unions.

Politics in the Trade Union Field: But it is not so much legal but political that has been the more important cause of multi-unionism. Until Independence politics had only a relatively minor influence on trade unionism. No doubt, the trade unions of pre-Independence days functioned in close collaboration with the Indian National Congress and the independence movement. But they were primarily

concerned with the protection of the rights of workers and improving their conditions of work. During the first 15 years after Independence the situation was not radically different although the Indian National Trade Union Congress had taken shape as an affiliate of the Congress Party. With a mushroom growth of political parties in the 'sixties, however, the foundations of trade unionism in India have undergone a complete transformation. Every political party started organising its own trade union wing just as its own student wing and discovered a new area of strength. It is easier for political parties to organise, mobilise and use the industrial workers and the students for political purposes than the scattered, unorganised masses.

As the extent of political instability increased and one after another different parties assumed power, clever politicians, often unscrupulous, found the trade union field a happy hunting ground for exploitation. Using or misusing political influence they extracted maximum concessions, quite often unjustified, from managements, both of the public and the private sectors. They did not care as to what happened to the industry or the progress of industrialisation in the country or the development of sound and healthy management practices in the industrial sector. Their primary interest has been their own personal gain, followed by their group interest and party interest. This is why in some industries political leaders belonging to the same party hold key positions in rival unions and are making even rival claims and demands. The most tragic aspect of the situation is that these politician-trade unionists have hardly any work experience in industry and they are mostly parasites who have failed to find gainful employment in spite of repeated attempts.

Political opportunism has been used not only by politicians but also by workers—individuals as well as small pressure groups—to gain their own ends. Thus small groups of influential workers formed new trade unions to placate a politician who is currently enjoying power or throw out from leadership a politician-trade unionist, whose party has lost power and install another in his place because he belongs to the party in power. The record of some of the trade unions in Kerala is such that they threw out a politician from leadership as soon as his political bargaining strength had come down.

Groupism within Trade Unions: Groupism within a trade union also has often resulted in the splitting of an existing union and the

emergence of a new union. Quite often the split is due to leadership rivalry, either of internal leadership or of external leadership. Among the politically oriented sections of our people, the craze for leadership is contagious. It is a pet game of theirs to pull down those in power. This is equally true of the trade union field also. No internal leader can aspire to be in position for long. If he tries to do so, the group opposed to him forms a new union and thereafter inter-union rivalry of the worst form is the result.

A recent tendency in the trade union field is the formation of craft unions. Although the obvious justification is the protection of the special interests of different crafts or trades, the real cause seems to be group jealousies, or leadership rivalries. In any case, it has been another contributory cause for multi-unionism and inter-union rivalry.

Short-sighted Managements: It would be unfair to say that the political parties, politicians and workers alone are behind the growth of multi-unionism. A good deal of responsibility for this unhealthy development should be placed squarely on the shoulders of managements as well. There have been instances where managements have taken advantage of individual or group rivalry among the members of one trade union, instigating a rival group to form a new union. As a distinguished British trade unionist who visited India recently for a study of trade unionism in this country remarked, the attitude of many managements in India is Victorian—that is, they are at least one century behind modern management practices. Such managements either due to personality conflicts with trade union leaders or for temporary business gains, have been encouraging the formation of new unions with a view to dividing the workers in the hope that it will weaken their bargaining power. More often than not, however, their hopes have not been realised; instead they found themselves in greater trouble from the point of view of running their concerns efficiently.

Evils of Inter-union Rivalry: The evils of inter-union rivalry have had a crippling effect on industrial production as well as industrial growth. They have become a stumbling block in the smooth functioning of industrial units. Today, most managements are uncertain as to how they should seek and gain the confidence of the workers. They are generally unable to formulate long-range policies, embark on long-term planning for development or diversification or the introduction of new technology or new management

techniques. They do not know with whom they can bargain for entering into long-term agreements. Even if such agreements are signed, there is no certainty of the workers as a whole adhering to the terms of the agreement.

With the emergence of multi-unionism of virulent form, industrial peace has become the first casualty. In the absence of industrial peace there can be no sustained production. Productivity has been another major casualty. It is difficult today to make trade unions listen to any talk on productivity. Such undesirable trade union practices as *gherao* and other forms of violence have become more widespread in recent times. Go-slow, work-to-rule, wild-cat strikes, open defiance of authority and poor morale are all, to a large extent, due to inter-union rivalry in industry.

The trend of trade unionism over the past one decade and more has been such that it made the emergence of well organised, nationwide trade unions or their federations which could take up issues on a national level impossible. Instead each trade union wants to develop its own power-groups and pressurise the local managements and the government to accede to its demands. This naturally led to the growth of more and more unions in the same unit and all of them used their strength and energy to fight each other forgetting the basic principles of fighting for the cause of labour. Thus multi-unionism, instead of helping the cause of labour as a whole, has only resulted in hindering its smooth and orderly progress.

The Remedy: Can the country which claims to swear by a programme of planned development afford to permit a situation like this to continue any further? Is it possible to deal with it effectively under the present circumstances? These are important and relevant questions; but they are not amenable to ready and satisfactory answers.

One Union in one Industry: Speaking about the evils of inter-union rivalry in industry and the imperative need to avoid it in the interest of industrial progress in the country, President Giri said in the course of an address a year ago as follows:—

“I would strongly urge the working class who today stand divided into different unions, mostly based on political ideologies, to forge unity in their ranks. I have been a staunch advocate for more than two decades of the concept of ‘one union in one industry.’ I do realise that there are formidable obstacles in the way of realisation of this ideal

immediately. Nevertheless, I believe that trade unions belonging to different affiliations could come together and have a common committee to represent to the employers on fundamental and crucial issues and at the same time retaining individual identity in dealing with minor problems. I am glad that there is growing realisation among leaders of public opinion that the idea of one union in one industry should be brought about. In this, employers also have a crucial role to play. They must create a climate for good industrial relations by a proper appreciation of the role of labour which is a co-sharer in the fortunes of industry.

While everyone agrees that the ideal of one union must be realised, many believe that this can be imposed through legislation. The method, I am suggesting, is purely voluntary, and believe this will bring about the desired objective in a smoother manner than through legal imposition."

President Giri has been for long a veteran trade union leader of great distinction. Naturally, his views on this matter deserve to be heard with great respect and consideration. Even so, one is tempted to say that his views are simply idealistic and are unlikely to take practical shape in the present context of our politics and political parties. If political parties of different ideologies are not prepared to share political power how can we expect trade unions affiliated to different political parties voluntarily agreeing to come together and work together when each of them is interested to get the support of more and more workers at the expense of the rival unions?

One union in one industry is an attractive slogan but an impracticable idea in a country like India with its regional disparities, wage differences, relative immobility of workers from region to region and many other differences. At the present state of economic development in the country, it has no chance to succeed.

One Bargaining Union in one Unit: Instead of one union in one industry, will it be possible to think of one bargaining union in one industrial unit? This seems to be more practicable if suitable legislation for this purpose is passed by Parliament. To expect this idea being given practical shape voluntarily by trade unions is to expect the impossible. When trade union leadership is being auctioned for the highest bidder irrespective of his ideology or trustworthiness, who would not like to enter the field and make the best of the situation for one's own personal gain or party gain?

After the long and arduous labours of the National Labour Commission, the Government has now proposed the passing of an

Industrial Relations Bill by Parliament. This is therefore the appropriate occasion to include a provision to this effect in the proposed enactment enforcing the principle of one bargaining union in each industrial unit. If industrial democracy means anything, it implies that the majority union should have the right to speak and act for all the workers and to enter into agreements with the employer. A trade union can be expected to grow in strength and act with purpose and responsibility only when it represents truly the workers—at least a clear majority of them.

Prohibition of Craft Unions: The new legislation should also prohibit the formation and growth of the so-called craft unions. The development of craft unions has been a recent phenomenon in the country. But they have been growing fast. If this dangerous tendency is not curbed right now, there will soon come a situation when a small group of highly specialised workers will be holding the community to ransom and paralyse life. To illustrate the dangers involved let us take the case of the railways where there are over 800 different functional groups. If each of them forms a separate union based on its own functional specialisation and if the railways recognise them for purposes of negotiation, one can well imagine the anarchy that is likely to ensue. The new legislation should categorically provide against the registration of craft unions.

Raise the Minimum Number to Form New Unions: Under the existing law any seven workers can form a trade union. This is an old rule which has outlived its beneficial role. Today under its cover, the menacing growth of multi-unionism goes unchecked. The National Labour Commission had recognised this danger. Mushroom growth of trade unions can be checked only if the present minimum number is raised. The Commission's recommendations was to raise the number required for starting new unions to ten per cent subject to a minimum of seven of the regular employees of a plant of 100 whichever is lower. The Central Labour Ministry's proposal in this connection is that the minimum should be raised to 10 per cent subject to a minimum of ten employees of an establishment or 500 whichever is lower. If recent experiences of inter-union rivalry in the country teach us anything, it is necessary to raise substantially the minimum number required to register a trade union.

In the interest of rapid industrialisation, trade unions should be banned in small units where the number of workers is less than twenty. In the case of larger units the minimum percentage should

be raised to at least twenty if inter-union rivalry is to be effectively checked.

Ban on Outside Leadership: Another important area which needs drastic remedy relates to outside leadership. While in the past outside leadership was useful and even necessary because of the lack of internal leadership, the situation is substantially different now. Today a very good proportion of our workers are educated and many of them have shown commendable qualities of leadership. There is hardly any need or justification for outside leadership except for political blackmailing or political horsetrading. Both will not help the growth of either healthy trade unionism or industrialisation in the country. Hence the new law should have a total ban on outsiders to assume positions of leadership in trade unions.

Penalising Erring Managements: There should also be adequate provision in the proposed law to penalise severally any management which encourages the formation of rival unions with a view to undermining the strength and influence of an existing union or unions. The law must provide that whenever a new union has been formed under suspicious circumstances the Industrial Relations Commission should make a thorough enquiry.

Compulsory Registration: Under the existing law, registration of unions is not compulsory. As a result, many unions and associations which carry on fulfilled trade union activities remain outside the purview of the Trade Union Act. A registered union automatically comes within the discipline envisaged by the law. Hence trade union registration should be made compulsory for all unions and associations which carry on any trade union activity so that they all come under uniform regulations.

The country is at present passing through an unprecedented economic crisis. This cannot be met successfully unless the Government, the managements and the trade unions and all others concerned realise the real gravity of the situation and act decisively. Strikes and lock-outs have absolutely no place in such a situation. Hence the proposed new law should provide for the banning of these for a period of at least five years. That would help eliminate from the trade union field to a large extent the overdose of political opportunism that has become the real menace to the industrial peace and economic progress of the country.

I

MEMBERS OF RAJYA SABHA AND STATE LEGISLATIVE COUNCILS

"A Member", says Herman Finer,¹ "needs sentiveness to the life, difficulties, aspirations and future emerging problems of the world outside the legislature. He needs not perfect knowledge, but knowledge enough to challenge and criticise the executive and the officials and opponents, and an understanding of where to go for more information, if the situation requires". Some of these qualities are in-born, while others are imbibed through age, education, occupation etc. In view of their importance, the present study seeks to examine the background factors in respect of the members of the Upper Houses in India.

Apart from the Rajya Sabha at the Centre, there have been in all ten Legislative Councils in the States of Andhra Pradesh, Bihar, Bombay,² Jammu and Kashmir, Karanataka, Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal. The Councils of Punjab and West Bengal have since been abolished.³

* Contributed by the Research and Information Services, Lok Sabha Secretariat.

¹Herman Finer: *The Theory and Practice of Modern Government*, New York, 1949, p. 386.

²Till April 30, 1960 the State of Bombay comprised the present States of Maharashtra and Gujarat.

³The Legislative Council of West Bengal was abolished on August 1, 1969 and that of Punjab on January 7, 1970.

The present study takes into its purview the Rajya Sabha and nine⁴ of the ten State Legislative Councils.

The data about age, educational background and prior occupation of the members of Rajya Sabha and Members of Legislative Councils have been collected from the respective "Who's Who" of the members of different Legislatures and where necessary obtained from the concerned Legislature Secretariats. After consolidating and collating the available data pertaining to the period 1952—72, an attempt has been made to analyse the background characteristics of the members, as well as to make a Union-State and an inter-State comparison.

Age: The minimum age laid down for the membership of Rajya Sabha or of a State Legislative Council is thirty⁵ years. There is no upper age limit. Table 1.1 in respect of age groups shows the percentage distribution of members in eleven different groups with a span of five years each, beginning from 30—35 and ending at 81—85:

As Table 1.1 would show in almost every legislature the age-distribution got flattened out in the middle, the extremes of youth and old age representing only a small percentage of membership. 60.5 per cent of the M.P.s' and 67.5 per cent of the total number of M.L.C.s, were between the ages of 41 and 60 years. Viewed State-wise, in two⁶ Legislative Councils more than three-fourths, in five⁷ around two-thirds and in the remaining two⁸ more than half of the members were between the ages of 41—60 years.

⁴Information about Andhra Pradesh Legislative Council was not available.

⁵See articles 84 and 173 of the Constitution of India.

⁶Bombay (77.6 per cent) and Maharashtra (75.3 per cent).

⁷Bihar (62.1 per cent), Mysore (66.4 per cent), Punjab (66.1 per cent), Tamil Nadu (66.1 per cent), and Uttar Pradesh (66.6 Per cent).

⁸Jammu and Kashmir (62.4 per cent) and West Bengal (57.8 per cent).

TABLE 1.1
Percentage distribution of Members by Age-groups (1952-72)

Sl. No.	Legislature	30-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	71-75	76-80	81-85	
I.	Raya Sabha	. . . . .	3.8	7.2	13.6	15.6	17.4	13.9	13.3	9.1	4.2	1.3	0.6
II.	All Legislative Councils (L. Cs)	. . . . .	3.3	9.6	17.1	17.4	17.1	15.9	10.6	5.6	2.4	0.8	0.2
	1. Bihar L. C.	. . . . .	4.3	12.7	14.3	9.2	15.1	23.5	10.1	6.7	2.4	1.6	
	2. Bombay L.C.	. . . . .	3.2	5.6	20.4	23.2	16.0	18.0	9.2	2.0	1.2	0.8	0.4
	3. Jammu and Kashmir L.C.	. . . . .	9.2	24.6	23.1	13.8	6.2	9.3	10.8	1.5			1.5
	4. Karnataka L.C.	. . . . .	3.2	11.8	16.9	19.8	16.3	13.4	9.3	8.0	1.3		
	5. Maharashtra L.C.	. . . . .	2.5	10.9	21.3	20.3	19.3	14.4	6.8	3.0	1.5		
	6. Punjab L.C.	. . . . .	4.0	11.5	18.6	18.0	15.2	14.3	8.1	3.4	4.7	1.9	0.3
	7. Tamil Nadu L.C.	. . . . .	2.8	8.6	15.3	13.1	19.9	17.8	11.7	6.4	3.0	1.1	0.3
	8. Uttar Pradesh L.C.	. . . . .	3.6	8.7	15.6	18.4	16.7	15.9	11.6	6.6	2.3	0.6	
	9. West Bengal L.C.	. . . . .	1.5	2.9	9.3	11.3	19.6	17.6	20.6	11.8	3.4	2.0	

On the extremes it will be seen that the youngest age-group (30—35) generally accounted for only 3 per cent to 4 per cent of the total strength of different legislatures, both at the Centre and the States. The average percentage of all the Legislative Councils representing the age-group of 30—35 works out to 3.3 which compares favourably with that of Rajya Sabha (3.8 per cent). Similarly during 1952—72, whereas there have been 13 members of Rajya Sabha who were in the oldest age group of 81—85, resulting in 0.6 per cent of the total membership, a solitary member in each of only four of the nine Legislative Councils under consideration represented the oldest group. The average percentage for this group (81—85) in respect of all the State Legislative Councils taken together comes to 0.2. It is interesting to note that among all the Legislatures, the Jammu and Kashmir Legislative Council had the maximum representation in both the youngest (9.2 per cent) and the oldest (1.5 per cent) age-groups.

A further analysis of Table 1.1 would indicate that the heaviest concentration of members was in the age-group of 51—55 in respect of Rajya Sabha and in the age-group of 46—50 in respect of all the Legislative Councils taken together. 17.4 per cent of the members of Rajya Sabha and an equal percentage of members in all Legislative Councils taken together fell in the age-groups of 51—55 and 46—50 respectively. Among the States, the age-group of 46—50 dominated in three Councils viz., of Bombay, Karnataka and Uttar Pradesh, and the age-group of 41—45 in two Councils viz. of Maharashtra and Punjab. The remaining four Councils of Bihar, Jammu

9 Legislative Councils of Bombay (0.4 per cent of the Total strength). Jammu and Kashmir (1.5 per cent), Punjab (0.3 per cent) and Tamil Nadu (0.3 per cent).

and Kashmir, Tamil Nadu and West Bengal were dominated by the age-groups of 56—60, 36—40, 51—55 and 61—65 respectively.

Table 1.2 shows the average ages of members. Compared to the members of Rajya Sabha those elected to the Legislative Councils had higher percentage of younger members among them. The average age of the members of Rajya Sabha was 53.7 as against an average of 51.7 worked out in respect of the members of all the Legislative Councils in the States. Whereas the Legislative Councils of West Bengal and Jammu and Kashmir have given the highest (56.6 per cent) and the lowest (46.6) average ages respectively, the averages in rest of the Councils have clustered around the all-States average of 51.7.

TABLE 1.2
Average Age of Members (1952—72)

S.No.	Legislature	Average age (in years)
I.	Rajya Sabha	53.7
II.	All Legislative Councils (L. Cs).	51.7
	1. Bihar L.C.	52.5
	2. Bombay L.C.	51.0
	3. Jammu and Kashmir L.C.	46.6
	4. Karnataka L.C.	50.9
	5. Maharashtra L.C.	49.9
	6. Punjab L.C.	53.0
	7. Tamil Nadu L.C.	52.9
	8. Uttar Pradesh L.C.	52.0
	9. West Bengal L.C.	56.6

Thus, it would be seen from the above analysis of the age-pattern of the members that during the period of 20 years (1952—72) under consideration, the Upper Houses in India have generally been dominated by the Legislators who were middle-aged, i.e., between the age of 41 and 60 years.

Education: The Indian Constitution has prescribed no educational qualifications for legislators. Table 1.3 indicates the educational level of the members under five categories.

TABLE 1.3
Educational Background of Members (1952—72)

(In percentage)

S. No.	Legislature	Under-matriculいたes	Matriculates/Higher Secondary or Intermediate certificate holders	Graduates	Post Graduates	Doctoral degree or other high academic qualifications holders
1	2	3	4	5	6	7
I.	Rajya Sabha	4.3	22.2	44.8	22.8	5.9
II.	All Legislative Councils (L.C.s)	17.1	17.6	31.6	29.0	4.7
	1. Bihar L.C.	7.1	25.0	37.5	25.0	5.4
	2. Bombay L.C.	15.6	15.6	56.8	8.4	3.6
	3. Jammu and Kashmir L.C.	8.9	42.2	33.3	13.3	2.3
	4. Karnataka L.C.	27.2	16.0	12.1	44.7	
	5. Maharashtra L.C.	16.2	23.5	46.6	10.4	3.3
	6. Punjab L.C.	6.9	21.4	11.6	58.2	1.9
	7. Tamil Nadu L.C.	44.2	21.4	16.9	10.4	7.1
	8. Uttar Pradesh L.C.	3.5	5.3	40.9	41.2	9.1
	9. West Bengal L.C.	2.7	8.6	39.5	39.5	9.7

The above table shows that in general M.P.s. had higher level of education as compared to M.L.C.s. Category-wise, graduates have dominated in both the Central and State Legislatures. 44.8 per cent of the M.P.s and 31.6 per cent of the M.L.C.s were graduates. Post-graduates who obtained the second place in both Rajya Sabha and Legislative Councils were more numerous in the latter (29 per cent) than in the former (22.8 per cent). But matriculates who

secured the third place, were more in proportion in Rajya Sabha (22.2 per cent) than in the Councils (17.6 per cent). Legislators with doctoral degrees or other high academic qualifications constituted 5.9 per cent of the strength in Rajya Sabha and 4.7 per cent in the Legislative Councils. There were more under-matriculいたes (17.1 per cent) in the States than at the Centre (4.3 per cent).

State-wise, the categories of graduates and post-graduates shared between themselves the first position of dominance inasmuch as both¹⁰ the categories had maximum representation in three Councils each and equal representation (which was maximum also) in one Council. The first position in the remaining two Councils was claimed by each of the first two categories, viz (i) Undermatriculates¹¹ and (ii) matriculates,¹² etc.

The educational table—Table 1.3—further reveals that a substantial number of legislators in India had attained the level of graduation or more than graduation. Such members formed 73.5 per cent of the total strength in Rajya Sabha and 65.3 per cent in the Legislative Councils.

Among the States, the Legislative Council of Uttar Pradesh had the highest percentage¹³ (91.2) of members belonging to the category of 'graduates and above'. West Bengal stood second with 88.7

10 Graduates dominated in the Legislative Councils of Bihar (37.5 per cent), Bombay (56.8 per cent) and Maharashtra (46.6 per cent) and post-graduates in the Councils of Karnataka (44.7 per cent), Punjab (58.2 per cent) and Uttar Pradesh (41.2 per cent). In West Bengal Legislative Council, both the categories were on the top with 39.5 per cent.

11 Tamil Nadu Legislative Council with 44.2 per cent

12 Jammu and Kashmir Legislative Council with 42.2 per cent.

13 The figures of 91.2 per cent and 88.7 per cent have been calculated on the basis of the information supplied by only 54.6 per cent of the Members in the Uttar Pradesh Legislative Council and 67 per cent in the West Bengal Legislative Council.

per cent.¹⁴ In five¹⁵ of the remaining seven Legislative Councils also all the legislators whose educational level was graduation or beyond graduation constituted more than 50 per cent of the total membership. However, in the other two¹⁶ Councils, 'graduates and above' were less than 50 per cent in number.

Occupation: The legislators have been drawn from various walks of life. By and large, during 1952—72, the members represented one or the other of the following fourteen categories of occupations. viz. (i) cultivators and landholders; (ii) political and social workers; (iii) lawyers; (iv) traders and industrialists; (v) teachers and educationists; (vi) journalists and writers; (vii) civil service; (viii) military service; (ix) medical practitioners; (x) engineers and technologists; (xi) former rulers; (xii) religious missionaries; (xiii) industrial workers and (xiv) artists. Where a member was engaged in more than one occupation, the one that was predominant was taken into consideration.

Table 1.4 below shows that as many as 90.6 per cent of the members of Rajya Sabha and 92.6 per cent of the M.L.C.s in India were drawn from the first six categories of occupations. The remaining eight categories¹⁷ of occupations together accounted for only 9.4 per cent and 7.4 per cent of the strength of Rajya Sabha and Legislative Councils respectively. Each of the last eight categories had independently an insignificant representation in the Upper Houses of India.

14 See f.n. 13 *supra*.

15 Legislative Councils of Bihar (67.9 per cent of the total strength were graduates and above), Bombay (68.8 per cent), Maharashtra (60.3 per cent) and Mysore (56.8 per cent).

16 Tamil Nadu (34.4 per cent) and Jammu and Kashmir (48.9 per cent).

17 Shown in Table 1.4 under the column 'Other Occupations'.

TABLE 1.4
Prior Occupation of Members (1952--72)

S. No.	Legislature	(In percentage)								
		3	4	5	6	7	8	9		
		Cultiva- tors and landhol- ders	Political and Social Workers	Lawyers	Traders and Indus- trialists	Teachers Educa- tionists	Journalists and Writers	Other Occupa- tions		
I	2									
	I. Rajya Sabha	18.3	23.9	22.7	9.4	5.8	10.5	9.4		
	II. All Legislative Councils (L.Cs.)	19.2	24.8	17.0	12.6	14.1	4.9	7.4		
	1. Bihar L.C.	29.0	24.2	21.0	4.9	13.7	3.2	4.0		
	2. Bombay L. C.	2.8	27.6	21.2	15.2	16.8	8.0	8.4		
	3. Jammu & Kashmir L. C.	3.0	48.5	14.7	4.4	7.3	5.9	16.2		
	4. Karnataka L. C.	24.9	32.9	22.7	10.9	2.5	2.9	3.2		
	5. Maharashtra	21.5	15.5	17.9	17.0	16.5	5.8	5.8		
	6. Punjab L. C.	16.8	20.2	14.5	8.6	18.5	7.4	14.0		
	7. Tamil Nadu L. C.	20.1	31.4	10.5	18.7	13.2	0.8	5.3		
	8. Uttar Pradesh L. C.	27.9	22.2	16.3	9.3	12.3	5.6	6.4		
	9. West Bengal L. C.	6.6	22.2	18.0	14.7	25.2	3.8	9.5		

The Occupational Table—Table 1.4—further reveals that about one-fourth of the Members of Rajya Sabha and approximately a similar percentage of M.L.C.s in India were full time political and social workers. This category constituted the highest percentage of the total membership of both the Rajya Sabha and all Legislative Councils taken together. State-wise, the category of 'political and social workers' was in majority in as many as five of the nine Legislative Councils. In Jammu and Kashmir almost half of the members were drawn from this group. The respective percentages in the remaining four States were Bombay—27.6 per cent, Karnataka—32.9 per cent, Punjab—20.2 per cent and Tamil Nadu—31.4 per cent.

There was higher representation of lawyers in the Rajya Sabha than in the State Legislative Councils. While the percentage of lawyers in Rajya Sabha was 22.7, the corresponding figure for all the Legislative Councils was 17.0. Individually, only the Karnataka Legislative Council had as many as 22.7 per cent of lawyers as in Rajya Sabha. In all the other Councils they formed a lower percentage, the lowest (10.5) being in the Council of Tamil Nadu.

The members who were cultivators or landholders had a slightly better representation in the States as compared to the Centre. 18.3 per cent of the members of Rajya Sabha and 19.2 per cent of the M.L.C.s were depending upon land for their livelihood. Though these percentages do not proportionately represent nearly 70 per cent of the population who are dependent upon agriculture in India, all the same they depict the agricultural orientation of the Indian legislatures. This is further evident from the fact that cultivators and landholders were in majority in the Councils of Bihar, Maharashtra and Uttar Pradesh with respective percentage strength of 29.0, 21.5 and 27.9. In the Councils of Bombay and Jammu and Kashmir, however, this category accounted for only 2.8 per cent and 3 per cent respectively.

The other categories of occupations that had some significant representation in the legislatures were 'traders and industrialists', 'teachers and educationists' and 'journalists and writers'. These categories constituted 9.4 per cent, 5.8 per cent and 10.5 per cent respectively of the total number of members of Rajya Sabha as against 12.6 per cent, 14.1 per cent and 4.9 per cent of the total number of M.L.C.s. Among the different State Legislative Councils, 'traders and industrialists' formed the highest percentage (18.7) in the Council of Tamil Nadu and the lowest (4.4) in that

of Jammu and Kashmir. 'Teachers and educationists' had the maximum representation with 25.2 per cent of the total number in the Council of West Bengal when compared with their representation in other State Legislative Councils. Not only this, they were also in majority as against other categories of occupations in the Council of West Bengal, Karnataka Legislative Council, however, had the lowest percentage (2.5) of 'teachers and educationists'. Similarly, among all the legislative Councils, those of Bombay and Tamil Nadu represented maximum (8.0 per cent) and minimum (0.8 per cent) percentages of 'Journalists and Writers'.

Conclusion: The Upper Houses have generally been dominated by middle-aged legislators, i.e., those who were between the ages of 41 and 60. Further, it has been found that compared to the members of Rajya Sabha those elected in the Legislative Councils had higher percentage of younger members among them.

Educational standard of the legislators of Upper Houses in India was quite high. As many as three-fourths of the members of Rajya Sabha and about two-thirds of M.L.C.s were 'graduates or above'. Generally speaking, the members of Rajya Sabha had higher level of education when compared to M.L.Cs.

Majority of the members at the Centre and in the States belonged to the first three categories of occupation, viz. 'cultivators and landholders', 'social and political workers' and 'lawyers'. Individually, the category of 'political and social workers' dominated both in Rajya Sabha and in all the State Legislative Councils taken together. However, the representation of lawyers was more in Rajya Sabha than in the State Legislative Councils. On the other hand, the percentage of 'cultivators and landholders' was more in the States when compared to the Centre.

II

MEMBERS OF LOK SABHA AND STATE LEGISLATIVE ASSEMBLIES

This study attempts to analyse the background factors in respect of members of the Lower Houses of the Legislatures in India. Apart from the Lok Sabha at the Centre, there are twenty-one Legislative Assemblies in the States. This study takes into its purview the Lok Sabha and nineteen of the twenty-one State Legislative Assemblies.¹

The data about age, educational background and prior occupation of members of the Lok Sabha and members of the State Legislative Assemblies have been collected from the respective "Who's Who" of the members of different Legislatures, and also obtained from the concerned Legislature secretariats. However, complete information in respect of some of the State Legislative Assemblies has not been forthcoming and the study is, therefore, based on the information to the extent available.² The study generally covers the period 1952—72. The Fifth Lok Sabha and the State Assemblies that were formed after 1970 have not been taken into account.

Age: The minimum age laid down for the membership of the Lok Sabha, or of a State Legislative Assembly is twenty-five years.³ There is no upper age limit. Table 2.1 in respect of age-groups shows the percentage distribution of members in twelve different groups with a span of five years each, beginning with 25—30 and ending at 81—85:

1 Information about **Andhra Pradesh** and **Meghalaya Legislative Assemblies** was not available.

2 Information for the period shown in brackets against each State Assembly was not available: **Assam** (1957—67); **Bihar** (1952—62 and 1967—72); **Gujarat** (1960—62); **Himachal Pradesh** (1963—67); **Kerala** (1957—59); **Madhya Pradesh** (1952—57); **Orissa** (1952—61); **Punjab** (1952—57) and 1967—68); **Rajasthan** (1952—67); **Tamil Nadu** (1952—57); **Tripura** (1963—67); **Uttar Pradesh** (1952—57).

3 See Articles 84 and 173 of the Constitution of India.

As Table 2.1 would show, in almost every legislature, both at the Centre and in the States, the heaviest concentration of members was in the twenty-year span between the ages of 36 and 55 years, the extremes of youth and old age representing only a small percentage of total membership. 61.8 per cent of members of the Lok Sabha and 67.3 per cent of the total number of M.L.A.s were between the ages of 36 and 55 years. Viewed Statewise, only in the Manipur Legislative Assembly, the percentage of members in the twenty-year span 36—55, was around 55, while in all other State Assemblies it was 60 or above.

On the extremes, it will be seen that while the youngest age-group 25—30 accounted for 3.8 per cent of the total number of members of the Lok Sabha, the all-States average came to 5.6 per cent, which means that there was a larger proportion of members in the youngest age-group in the State Assemblies than in the Lok Sabha. Among the States, the Legislative Assemblies of Bihar, former Bombay, Gujarat, Jammu and Kashmir, Kerala, Manipur, Nagaland, Orissa and Tamil Nadu had a higher representation of youth in the age-group 25—30 than the all-States average of 5.6 per cent, with Nagaland topping with 12.2 per cent and Orissa taking the second place with 8.5 per cent.

Similarly, while there were only two members of the Lok Sabha who were in the oldest age-group of 81—85, representing 0.1 per cent of the total membership, a solitary member in each of only six¹ of the State Assemblies represented the oldest age-group. The average percentage for this age-group (81—85) in respect of all the State Assemblies taken together was the same as in respect of the Lok Sabha.

A further analysis of Table 2.1 would indicate that the heaviest representation of members in any single age-group with a span of five years was in the age-group of 51—55 in respect of the Lok Sabha and of 36—40 in respect of all the State Legislative Assemblies taken together. 16 per cent of the members of the Lok Sabha and 19.1 per cent of the members of all State Assemblies taken together fell in the age-groups of 51—55 and 36—40 respectively. Among the States, the age-group of 36—40 dominated in ten Legislative Assemblies viz., of Bihar, Haryana, Jammu and Kashmir, Kerala, Madhya Pradesh, Maharashtra, Manipur, Nagaland, Rajas-

¹Assam, Haryana, Madhya Pradesh, Mysore (now Karnataka), Tamil Nadu and Uttar Pradesh.

TABLE 2.1
 Percentage distribution of Members by the Age-Groups
 (Period 1952—72)

S. No.	Legislature	(In percentage)												
		25—30	31—35	36—40	41—45	46—50	51—55	56—60	61—65	66—70	71—75	76—80	81—85	
I.	Lok Sabha	. . .	3.8	9.7	14.5	15.8	15.5	16.0	12.0	7.9	3.5	1.0	0.2	0.1
II.	All State Legislative Assemblies (L. As.)													
1.	Assam	. . .	5.6	11.5	19.1	18.7	16.8	12.7	8.2	4.6	1.8	0.7	0.2	0.1
2.	Bihar	. . .	3.3	5.0	12.1	20.9	16.0	20.3	8.8	7.7	2.2	2.7	0.5	0.5
3.	Bombays	. . .	7.7	11.9	17.9	16.2	15.7	9.8	10.6	7.2	1.3	0.9	0.9	
4.	Gujarat	. . .	7.9	9.4	15.3	19.0	18.0	16.0	9.0	3.0	1.3	0.2	..	
5.	Haryana	. . .	5.9	9.9	17.4	12.8	21.1	17.1	10.2	3.3	1.0	1.0	0.3	..
6.	Himachal Pradesh	. . .	1.8	10.5	20.0	16.5	16.5	17.6	10.0	5.9	..	0.6	..	0.6
7.	Jammu & Kashmir	. . .	1.6	7.9	14.3	17.5	14.3	15.9	7.9	11.1	6.3	3.2	..	..
8.	Kerala	. . .	7.7	17.7	19.3	18.0	13.3	9.3	4.0	3.0	4.3	2.7	0.7	..
9.	Madhya Pradesh	. . .	7.4	12.1	22.0	20.3	17.9	9.2	6.8	2.9	1.0	0.4	..	..
10.	Maharashtra	. . .	3.9	11.0	19.2	16.7	18.8	13.1	9.5	4.2	1.9	1.0	0.6	0.1
		. . .	3.8	11.2	21.8	21.5	19.8	11.2	6.2	3.4	1.1	..	..	..

11. Manipur ⁷	6.2	13.8	20.0	16.9	11.6	6.2	9.1	6.2	..	..
12. Mysore ⁸	4.6	12.3	18.7	20.6	16.3	14.3	7.7	4.5	0.8	0.1
13. Nagaland ⁹	12.2	25.6	33.7	15.3	10.2	1.0	2.0			
14. Orissa	8.5	16.6	21.3	21.3	12.4	13.1	3.4	1.1	2.3	
15. Punjab	5.3	10.9	17.0	17.0	17.6	11.4	11.2	7.4	2.0	0.2
16. Rajasthan	5.3	10.5	26.2	21.5	18.0	8.7	5.8	2.3	1.1	
17. Tamil Nadu	8.3	12.5	25.9	21.5	14.0	8.9	5.8	2.1	0.7	0.3
18. Tripura	4.2	4.2	8.3	8.3	25.0	20.8	16.7	4.2		8.3
19. Uttar Pradesh	5.0	11.3	16.8	18.6	16.9	12.9	9.1	5.8	2.9	0.6
20. West Bengal	4.6	9.2	15.5	17.5	15.3	15.2	10.2	8.3	2.8	1.2

⁵Till April 30, 1960 the State of Bombay comprised the present States of Maharashtra and Gujarat which came into being on May 1, 1960, on the bifurcation of the composite State of Bombay.

⁶The State was created on November 1, 1966.

⁷Manipur became a full-fledged State on January 21, 1972.

⁸Mysore State was renamed as Karnataka with effect from November 1, 1973.

⁹The first Legislative Assembly in Nagaland was constituted in 1964.

than and Tamil Nadu; the age group of 41—45 dominated in six Legislative Assemblies *viz.*, of Assam, former Bombay, Himachal Pradesh, Mysore (now Karnataka), Uttar Pradesh and West Bengal; and the age-group of 46—50 in three Legislative Assemblies *viz.*, of Gujarat, Punjab and Tripura. The Orissa Legislative Assembly was evenly dominated by the age-groups of 36—40 and 41—45.

Education: Table 2.2 indicates the educational level of the members:

TABLE 2.2
Educational Background of Members (1952—72)

(In percentage)

S. No.	Legislature	Under Matri- culates	Matri- culates/ Higher Second- ary or In- termediate certificate holders	Graduates	Post-Gra- duates (including technical qualifica- tions)	Doctoral degree or other high aca- demic qualifica- tion holders
1	2	3	4	5	6	7
I.	Lok Sabha . . .	26.0	16.6	34.2	21.9	1.3
II.	All State Legislative Assemblies . . .	27.6	25.6	31.2	14.1	1.5
	1. Assam . . .	3.8	35.7	34.0	26.5	..
	2. Bihar . . .	25.6	38.6	24.8	10.2	0.8
	3. Bombay . . .	30.9	19.6	45.3	3.3	0.9
	4. Gujarat . . .	42.5	20.2	30.8	4.3	2.2
	5. Haryana . . .	17.4	28.5	44.2	9.9	..
	6. Himachal Pradesh .	22.2	33.3	34.9	8.0	1.6
	7. Jammu and Kashmir	29.3	32.0	20.0	18.7	..
	8. Kerala . . .	17.9	26.0	46.8	8.8	0.5
	9. Madhya Pradesh .	37.7	21.6	11.8	25.2	3.7
	10. Maharashtra . .	32.6	16.1	43.6	6.2	1.5
	11. Manipur . . .	53.8	20.0	20.0	6.2	..
	12. Mysore . . .	31.3	22.1	40.1	6.5	..

1	2	3	4	5	6	7
13.	Nagaland . . .	35.7	21.4	38.8	4.1	..
14.	Orissa . . .	21.9	45.4	25.8	5.4	1.5
15.	Punjab . . .	26.1	37.1	28.7	6.2	1.9
16.	Rajasthan . . .	25.7	31.4	28.6	12.6	1.7
17.	Tamil Nadu . . .	45.1	30.0	17.0	7.1	0.8
18.	Tripura . . .	36.0	36.0	20.0	4.0	4.0
19.	Uttar Pradesh . . .	11.2	16.5	43.0	27.2	2.1
20.	West Bengal . . .	18.2	24.8	23.6	31.1	2.3

It will be seen that in general members of the Lok Sabha had a higher level of education as compared to M.L.As. Categorywise, graduates dominated in both the Lok Sabha and the State Legislative Assemblies. 34.2% of the members of the Lok Sabha and 31.2 % of the M.L.As. were graduates. Like graduates, post-graduates were also more numerous among the members of the Lok Sabha (21.9%) than among the M.L.As (14.1%). But matriculates were more in proportion in the State Assemblies (25.6%) than in the Lok Sabha (16.6%). Legislators with doctoral degrees or other higher academic qualifications constituted 1.3% of the total strength in the Lok Sabha as against 1.5% in the State Assemblies. The under-matriculates were proportionately slightly less in the Lok Sabha than in the State Assemblies, the respective percentages of representation being 26.0 and 27.6.

Statewise, graduates occupied the first position of dominance in eight State Assemblies¹⁰, matriculates etc. in six States Assemblies¹¹. Under matriculates in four State Assemblies¹² and post-graduates in one State Assembly viz., West Bengal. In one State Assembly viz., Tripura, matriculates and under-matriculates shared between themselves the first position of dominance.

The educational table—Table 2.2—further reveals that while 57.4% of the members of the Lok Sabha had attained the level of

¹⁰ Former Bombay, Haryana, Himachal Pradesh, Kerala, Maharashtra, Mysore, Nagaland and Uttar Pradesh.

¹¹ Assam, Bihar, Jammu and Kashmir, Orissa, Punjab, and Rajasthan.

¹² Gujarat, Madhya Pradesh, Manipur and Tamil Nadu.

graduation or more than graduation, only 36.8% of the M.L.As. in the State Assemblies taken together had attained that academic level.

Among the States, the Uttar Pradesh Legislative Assembly had the highest percentage (72.3%) of members belonging to the category of 'graduates and above' with Assam (60.5%) and West Bengal (57%) taking the second and third places respectively. The other State Assemblies which had more than 50% of their members with educational level of graduation or beyond graduation were Haryana, Kerala and Maharashtra.

The representation of post-graduates and above was strongest in the State Assemblies of West Bengal, Uttar Pradesh, Madhya Pradesh and Assam—in that order.¹³

While matriculates had the maximum representation (45.4%) in the Orissa Assembly, under-matriculates constituted the highest percentage (53.8%) in the Manipur Assembly.

Occupation: The legislators have been drawn from various walks of life. By and large, during the period under review, the members represented one or the other of the following fourteen categories of occupations, viz., (i) cultivators and landholders; (ii) political and social workers, (iii) lawyers; (iv) traders and industrialists; (v) teachers and educationists; (vi) journalists and writers (vii) civil service; (viii) military service; (ix) medical practitioners; (x) engineers and technologists; (xi) former rulers; (xii) religious missionaries; (xiii) industrial workers; and (xiv) artists. Where a member was engaged in more than one occupation, the one that was predominant was taken into consideration.

Table 2.3 shows that 90.2% of the members of the Lok Sabha and 91.7% of the M.L.As. were drawn from the first six categories of occupations. The remaining eight categories of occupations together accounted for only 9.8% and 8.3% of the strength of the Lok Sabha and the State Assemblies respectively. Each of the last eight categories had a very small representation in the Lok Sabha and the State Assemblies.

¹³West Bengal 33.4 per cent, Uttar Pradesh 29.3 per cent, Madhya Pradesh 28.9 per cent and Assam 26.5 per cent.

The occupational table—Table 2.3—further reveals that while 25.2% or one-fourth of the members of the Lok Sabha were full-time political and social workers, 29.2% of the M.L.As. in all the State Assemblies taken together, belonged to that category. Further, this category had the highest representation in both the Lok Sabha as well as the State Assemblies taken together. State-wise, the category of 'political and social workers' was in majority in twelve of the State Assemblies,¹⁴ with Nagaland, Jammu and Kashmir and Orissa occupying the first three places with 74.5%, 63.6% and 60% of the respective total strength of those Assemblies.

There was higher percentage of lawyers in the Lok Sabha than in the State Assemblies. While the percentage of lawyers in the Lok Sabha was 22.6, the corresponding figure for all the State Assemblies was 16.7. Individually, however, the Legislative Assemblies of Haryana, Maharashtra and Mysore (now Karnataka) had a higher percentage of lawyers than the Lok Sabha, the respective percentages of the three assemblies being 26.5, 24.5 and 24.5. Apart from these three Assemblies, the other State Assemblies which had one-fifth or more of their respective strength belonging to the category of 'lawyers' were those of Assam, former Bombay and Kerala. There was no representation of this category in the Manipur Assembly.

The members belonging to the category of 'cultivators and landholders' had a higher representation in the States than at the Centre. 20.9% of the members of the Lok Sabha and 28.2% of the total number of M.L.As were depending on land for their livelihood. Cultivators and landholders were in majority in the eight Legislative Assemblies, viz., of Bihar, Haryana, Madhya Pradesh, Maharashtra, Mysore, Punjab, Rajasthan and Tamil Nadu. Of these, Bihar, Tamil Nadu and Rajasthan took the first three places with the respective percentage strength of 64.7, 50.8 and 49.8. This category had no representation in the Nagaland Assembly.

The other categories which had some significant representation in the Lower Houses were 'traders and industrialists' 'teachers and educationists' and 'journalists and writers'. These categories constituted 9.2%, 5.9% and 6.4% respectively of the total number of members of the Lok Sabha as against 8.0%, 7.1% and 2.5% of the

¹⁴ Assam, former Bombay, Gujarat, Himachal Pradesh, Jammu and Kashmir, Kerala, Manipur, Nagaland, Orissa, Tripura, Uttar Pradesh and West Bengal.

TABLE 2.3
Prior Occupation of Members (1952-72)

S. No.	Legislature	Culti- vators & Land holders	Politi- cal & Social Workers	Lawyers	Traders & Indus- trial- ists	Teach- ers & Educa- tion- ists	Journ- alists & Wri- ters	Civil Ser- vice	Mili- tary Ser- vice	Med- ical Prac- tition- ers	Engi- neers & Tech- nolo- gists	For- mer Ru- lers	Reli- gious Mi- ssio- naries	Indu- stri- al Wor- kers	Artists
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
I.	Lok Sabha	20.9	25.2	22.6	9.2	5.9	6.4	3.1	0.5	3.0	0.6	2.1	0.3	0.1	0.1
II.	All State Legis- lative Assem- blies	28.2	29.2	16.7	8.0	7.1	2.5	2.5	0.4	3.1	0.2	0.8	0.3	0.9	0.1
1.	Assam	10.8	46.5	20.0	2.2	8.6	4.9	1.6	1.1	2.2			1.6		0.5
2.	Bihar	64.7	1.6	15.6	9.6	4.3	0.5	2.1		1.6					
3.	Bombay	17.9	25.2	21.2	12.3	9.4	1.7	5.5		4.4		0.9		1.5	
4.	Gujarat	3.7	44.1	6.2	1.3	19.2	11.2	9.9	1.3	1.9		0.6		0.6	
5.	Haryana	37.7	19.7	26.5	8.6	2.5	1.9	1.9		0.6				0.6	
6.	Himachal Pra- desh	22.2	34.9	15.8	3.2	1.5	1.6	8.0	8.0	4.8					
7.	Jammu & Kashmir	6.3	63.6	16.0	1.7	8.3	0.7	1.0	0.7		0.3		0.7	0.7	
8.	Kerala	10.0	43.2	22.5	1.7	10.9	5.5	3.1	0.2	1.9	0.4			0.6	

9. Madhya Pradesh	36.9	25.1	15.6	7.6	1.4	2.0	1.2	..	2.9	2.3	0.3	4.7
10. Maharashtra	39.1	14.5	24.5	11.1	1.8	1.3	1.0	0.2	4.2	0.8	..	1.5
11. Manipur	26.6	48.4	..	4.7	7.8	3.1	..	..	..	..	..	7.8
12. Mysore	33.6	29.7	24.5	6.5	1.3	1.3	0.3	0.1	2.2	..	..	0.5
13. Nagaland	..	74.5	1.0	..	17.3	..	4.1	..	..	..	3.1	..
14. Orissa	2.6	60.0	5.7	0.4	12.3	4.4	6.6	0.9	0.9	4.9	0.9	0.4
15. Punjab	34.7	27.2	13.9	10.8	1.8	2.9	1.8	2.0	3.6	..	0.9	..
16. Rajasthan	49.8	9.2	19.6	13.3	0.6	0.6	0.6	..	1.7	0.6	0.6	0.6
17. Tamil Nadu	50.8	14.0	16.5	16.4	3.9	1.1	1.1	1.1	1.4	0.1	0.3	1.1
18. Tripura	11.5	38.5	15.4	7.7	..	..	15.4	..	11.5	..	..	..
19. Uttar Pradesh	28.0	30.1	14.8	7.5	8.8	3.8	3.1	0.4	1.6	1.2	0.6	..
20. West Bengal	17.3	26.2	14.0	8.6	18.1	2.4	3.0	0.2	9.6	..	..	..

total number of M.L.As in the State Assemblies. Among the States, five Legislative Assemblies—those of erstwhile Bombay, Maharashtra, Punjab, Rajasthan and Tamil Nadu had more than 10% of their respective total membership drawn from the category of 'traders and industrialists'.¹⁵ Tamil Nadu topped with 15.4%. There was no representative of this category in Nagaland Assembly.

The category of 'teachers and educationists' had its highest representation (19.2%) in the Gujarat Assembly, the West Bengal and Nagaland Assemblies taking the second and third positions with the respective percentages of 18.1 and 17.3. The other State Assemblies which had a higher representation of teachers and educationists than the all-States average of 7.1%, were those of Assam, former Bombay, Jammu and Kashmir, Kerala, Manipur and Uttar Pradesh.¹⁶ The Tripura Assembly had no representative of this category.

So far as the category of 'journalists and writers' is concerned, it had maximum representation (11.2%) in the Gujarat Assembly; the Kerala Assembly stood second with 5.5% and Assam, third with 4.9%. There was no representative of this category in the Nagaland and Tripura Assemblies.

The members who had been ex-civil servants formed a slightly higher percentage (3.1%) in the Lok Sabha than in the State Assemblies (2.5%). Among the States, this category had the maximum representation (15.4%) in the Tripura Assembly. The other State Assemblies which had more than 5% of their members belonging to this category were those of Gujarat, Himachal Pradesh, Orissa and former Bombay.¹⁷

The members who had previously been in the military service constituted one-half per cent of the total number of members of the Lok Sabha and slightly less than one-half per cent of the total number of M.L.As in the State Assemblies. Among the States, this category had maximum representation (8.0%) in the Himachal Pradesh Assembly, the next two places being claimed by the Punjab Assembly (2.0%) and the Gujarat Assembly (1.3%).

¹⁵Bombay (12.3 per cent), Maharashtra (11.1 per cent), Punjab (10.8 per cent), Rajasthan (13.3 per cent) and Tamil Nadu (15.4 per cent).

¹⁶Assam (8.6 per cent), Bombay (9.4 per cent), Jammu and Kashmir (8.3 per cent), Kerala (10.9 per cent), Manipur (7.8 per cent) and Uttar Pradesh (8.8 per cent).

¹⁷Gujarat (5.5 per cent), Himachal Pradesh (8.0 per cent), Orissa 6.6 per cent) and Tripura (15.4 per cent).

Medical practitioners had almost equal percentage of representation in the Lok Sabha and the State Assemblies taken together inasmuch as in the former they constituted 3.0% of the total number of members while in the latter the corresponding figure was 3.1%. Among the States, this category had maximum representation (11.5%) in the Tripura Assembly, West Bengal and Himachal Pradesh Assemblies stood second and third with 9.6% and 4.8% of their members drawn from this category.

There was higher representation of 'former rulers' in the Lok Sabha than in the State Assemblies. While 2.1 per cent of the members of the Lok Sabha were drawn from this category, the average percentage for the State Assemblies was only 0.8 per cent. Among the State Assemblies, the strongest representation of this category was in Orissa, Rajasthan and Madhya Pradesh—

The other categories of occupations *viz.*, engineers and technologists, religious missionaries, industrial workers and artists had each less than one per cent of representation both in the Lok Sabha and in the State Assemblies taken together. The category of 'engineers and technologists' had higher percentage of representation in the Lok Sabha than in the State Assemblies taken together, the respective figures being 0.6 per cent and 0.2 per cent. Among the States, the Legislative Assemblies of Rajasthan and West Bengal, between themselves, shared the first position with 0.6 per cent representation of this category, which was equal to the corresponding percentage for the Lok Sabha.

Religious missionaries had equal percentage of representation (3.0 per cent) in the Lok Sabha and the State Assemblies taken together. Among the State Assemblies, religious missionaries had maximum representation in Nagaland (3.1 per cent), with Assam taking the second place (1.6 per cent) and Orissa, the third (0.9 per cent).

There was higher representation of industrial workers in the State Assemblies than in the Lok Sabha, the respective percentages being 0.9 and 0.1. Among the State Assemblies, the maximum representation of industrial workers was in the Manipur Assembly, the

18 Orissa (4.9 per cent), Rajasthan (2.8 per cent) and Madhya Pradesh (2.3 per cent).

second and third places being claimed by the Madhya Pradesh and erstwhile Bombay Assemblies.¹⁹

The artists had equal representation (0.1 per cent) in the Lok Sabha and the State Assemblies taken together. Among the State Assemblies, the artists had maximum representation (1.6 per cent) in Manipur, the second position being shared by the Assam and Mysore Assemblies each having one-half per cent of their members drawn from this category.

In sum, the following conclusions emerge from this study. Both in the Lok Sabha and in the State Assemblies, the heaviest concentration of members was in the twenty-year span between the ages of 36 and 55 years. In a single age-group with a span of five years, the heaviest concentration was in the age-group 51-55 in respect of the Lok Sabha and of 36-40 in respect of the State Assemblies. Further, in general, members of the Lok Sabha had higher level of education as compared to the M.L.As. While 57.4 per cent of the members of the Lok Sabha had attained the level of graduation or more than graduation, the average for the State Assemblies was only 46.8 per cent. The representation of post-graduates and above was strongest in the State Assemblies of West Bengal, Uttar Pradesh, Madhya Pradesh and Assam—in that order.

While about one-fourth of the members of the Lok Sabha were full-time political and social workers, the representation of this category in the State Assemblies was 4 per cent more. This category also had the highest representation both in the Lok Sabha and in the State Assemblies taken together. The second and third places were claimed by 'lawyers' and 'cultivators and landholders' in respect of the Lok Sabha, each category constituting about one-fourth of the total membership. In the case of the State Assemblies, the two categories changed places, the cultivators and landholders claiming the second position and the lawyers, the third. These three categories, viz., 'political and social workers', 'lawyers', and 'cultivators and landholders', between themselves, constituted about two-thirds of the total number of members of the Lok Sabha and three-fourths of the total number of M.L.As. Further, these categories together with the categories of 'traders and industrialists', 'teachers and educationists', and 'journalists and writers', formed about 90 per cent of the total membership of the Lok Sabha and an

¹⁹Manipur (7.8 per cent), Madhya Pradesh (4.7 per cent) and former Bombay (1.5 per cent).

almost equal percentage in the State Assemblies. In other words, both in the case of the Lok Sabha and the State Assemblies nine members out of every ten were drawn from these six categories. Every tenth member belonged to one or the other of the remaining eight categories of occupations, *viz.*, civil service, military service, medical practitioners, engineers and technologists, former rulers, religious missionaries, industrial workers and artists.

ESTIMATES COMMITTEE OF LOK SABHA

APPOINTMENT OF EXPERTS TO ASSIST THE COMMITTEE

Appointment of experts to assist the Parliamentary Committee on Estimates has often been demanded in India and the United Kingdom. The question of attaching an adviser to the Estimates Committee or its Chairman was first raised in India in 1955. In that year the Committee had taken up for examination the estimates of the Ministry of Railways. The Chairman of the Committee felt that appointment of an ex-Member of the Railway Board would facilitate examination of estimates of the Ministry. Again in 1957, the Chairman suggested that an Engineer might be appointed for a short period to assist the Committee in the examination of steel projects of the Hindustan Steel Ltd. On both the occasions the proposals were, however, dropped on the plea that similar practice did not exist in the United Kingdom on the pattern of which the Committee had been constituted in India. It was also felt that the Committee was not a technical Committee and, therefore, 'it was not their concern to discuss subjects of technical details'. The Committee should go into broad questions of principles and policy and leave the details to be worked out by the Department.

In the United Kingdom the need for providing expert assistance to the Committee on Estimates was expressed by Professor Harold Laski in 1950. Professor Laski had said "to make the Estimates Committee a really successful instrument of control it would need, first of all, an officer with a status like that of the Comptroller and Auditor General, with a staff at his disposal with the experience of the Treasury. . ."¹

But Basil Chubb who wrote a year later had different views. He thought that an outside expert could not attain a well understood position close to the administration and being external could not be so well informed as internal officers. It was difficult for

*Dr. Gadwok is a Legislative Committee Officer in the Lok Sabha Secretariat.

¹ Harold J. Laski, *Reflections on the Constitution*, 1951, p. 40

him to imagine the methods by which an expert would pursue his inquiries in the departments. He also visualised a clash of experts at Committee sessions 'almost certainly'. If the Committee came to depend upon the expert and his staff there would be a distinct danger of a situation developing where the experts run the Committee, Chubb thought. He felt that as in the Expenditure Committee, members did not have a rigid fixed programme and reported on matters of opinion rather than gave judgments based on indisputable facts, the undue influence of a professional officer would be undesirable. In his opinion the Committee should have a small House of Commons staff who knew 'how to get information that Committee wanted and not to conduct an inquiry for them.'²

In 1957, Mr. Patrick Spens, Chairman, U.K. Select Committee on Nationalised Industries, during his informal discussion with Shri B. G. Mehta, Chairman, Estimates Committee, expressed similar views. Mr. Spens said:

"I have recommended that experts should not be put on the Committee—that it is undesirable that experts should be put on the Committee at all because it is very difficult an expert on the Committee cross-examining another expert. If anybody doubts the expert advice being given to the Committee, then I think it is upto the Chairman and the Committee to get their own evidence from another expert adviser, but get it in the form of evidence from an outsider and not in the form of what may or may not be good expert ideas put in cross-examination by a Member of the Committee. I think you must conduct it more like that, and rely on outside experts and not pose yourselves as experts. I think the Chairman of the Committee would be perfectly furious if he finds that any Member of the Committee makes himself out as an expert and turns out to be wrong."

The above thinking, however, underwent a change in the United Kingdom. In 1965, the Committee on Estimates, in its special Report, asked for authority to engage the services of someone with technical or scientific knowledge on an *ad hoc* basis for the purpose of a particular enquiry or part of an enquiry, either to supply information which was not readily available or to elucidate matters of complexity.³ In view of this desire of the Committee, in the motion for the constitution of the Committee on Estimates moved every year thereafter in the House of Commons, it is now said:

'Ordered that during the present Session the Estimates Committee have power to appoint persons with technical or

²Basil Chubb, *The Control of Public Expenditure*, 1952, pp. 252—54.

³H.C. 161 (session 1964-65), p. 3.

scientific knowledge for the purpose of particular enquiries, either to supply information which is not readily available or to elucidate matters of complexity within the Committee's order of reference."

In the U.S. Congress too a feeling has grown since the sixties that expert assistance to the Congressional Committees would help them to increase their supervisory or investigatory functions over the administration. The Joint Committee on the Organisation of Congress, constituted in March 1965 'to make a full and complete study of the organisation and operation of the Congress of the United States', went into this question thoroughly. The Joint Committee were of the view that the Congress needed expert advice on a permanent basis to test the assumptions and conclusions of studies conducted for it or to conduct its own studies. The Joint-Committee, therefore, in its Report to the Congress, made in July, 1966, recommended:

'Provide expert assistance to Congress in the analysis of cost-effectiveness studies prepared by agencies and departments under the planning-programming-budgeting concept. These experts shall be on call by the Appropriations Committees and the other Committees of Congress to assist them in analysing cost-effectiveness studies or to assist in making independent cost-effectiveness studies on programmes under their jurisdiction.'⁴

The experts are to be made available when requested for by a Congress Committee to furnish assistance in connection with the studies germane to the Committee's studies or to help the Committee to initiate its own studies. Such expertise, according to the Joint Committee, would ensure that Congress keeps pace with the executive branch in the development of sophisticated new techniques of programme analysis.⁵

In India, the Estimates Committee, however, still continues to work without the assistance of any official expert. But it does not mean that the Committee has denied itself the benefit of expert opinion on matters before it for examination. It has rather made frequent use of its privilege to 'summon any person or paper', which it thought useful for its investigations. A number of experts and specialists in their fields, private and official, have tendered their expert opinion before the Committee, whenever the latter summoned them to appear before it. In 1972-73 the Committee took

⁴Joint Committee on the Organisation of Congress, *Senate Report No. 1414*, 89th Congress, 2nd Session, p. 28.

⁵*Ibid.*

evidence of undermentioned representatives of non-official organisations, bodies, etc., in connection with the examination of estimates of various departments:

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| (i) Ministry of Industrial Development (Department of Industrial Development)—Small Scale Industries. | Shri M. S. Parthasarathi, President, Federation of Association of Small Industries of India, New Delhi.

Shri Hem Chand Jain, Chairman Small Industries Wing, All India Manufacturers Organisation, New Delhi. |
| (ii) Ministry of Works and Housing—Housing. | Dr. Ashish Bose, Institute of Economic Growth, Delhi.

Shri Romesh Thaper, India International Centre, New Delhi. |
| (iii) Ministry of Irrigation and Power—Power. | Shri K. L. Vij, Ex-Vice Chairman, Central Water and Power Commission.

Shri M. Hayat, Ex-Chairman, Central Water and Power Commission. |
| (iv) Ministry of Petroleum and Chemicals (Department of Chemicals)—Fertilisers. | Shri F. J. Heredia, Shri Satya Nand, Shri Paul Pothan, representatives of Fertilisers Association of India, New Delhi. |
| (v) Ministry of Petroleum and Chemicals (Department of Chemicals) — Petrochemicals. | Dr. N. D. Desai, Managing Director, M/s. Power Cables Ltd., Bombay. |
| (vi) Ministry of Tourism and Civil Aviation (Department of Tourism)—Tourism. | Shri Inder Sharma, Sita Travels Ltd., New Delhi and President, Travel Agents Association of India, Bombay.

Shri Arvand Parikh, Member, Travel Agents Association of India, Bombay.

Shri Ajit Kerkar, Managing Director, Taj Mahal Hotel, Bombay and President, Federation of Hotel and Restaurant Associations of India, New Delhi.

Shri Ramesh Khanna, General Manager, Claridges Hotel, New Delhi and Member, Federation of Hotel and Restaurant Associations of India, New Delhi.

Shri B. S. Chadha, Executive Secretary, Federation of Hotel and Restaurant Associations of India, New Delhi.

Shri S. D. Khanna, Vice President, East India Hotels Ltd., New Delhi. |
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The Committee has thus not been deprived of expert advice. Such a system is obviously more advantageous than the arrangement of

having an official expert tagged on to the Committee. The Committee, in this manner, is neither dependent upon the expert nor is bound to accept his view, though it has a right to hear him. It forms its own conclusions after hearing expert opinion of non-official experts without the attendant inconveniences of having an expert attached to it.

The Committee with its thirty members acting collectively or through sub-committee can be treated to be capable of analysing and understanding expenditure documents. Also, it has found its commonsense advisers in the officials of the Secretariat and has been greatly satisfied with the results achieved. Shri Arun Chandra Guha, Chairman, Estimates Committee, has recorded:

“During the course of these 16 years, the Secretariat of Estimates Committee has evolved its own method of studying any subject intensively. It would be inappropriate to ignore the help that is rendered by the Secretariat to the Committee. In fact many Secretaries of General Ministries/Departments have admitted before the Chairman their unstinted admiration of the intensive and intelligent study made by our Secretariat staff. Their work is not only of a high order but bears the stamp of devotion.”⁶

This method of obtaining expert assistance by the Estimates Committee (Lok Sabha) no doubt may mean that the inquiries conducted by the Committee will remain comparatively amateur⁷ and the information furnished by the departments would not be subjected to examination by the professional experts. But that does not mean, in the words of Chubb, ‘that departments can pull the wool over the eyes of members’⁸ of the Committee. The Committee can, whenever it requires, make the departments produce all the relevant facts and useful sorts of information and comparisons and present them in a manner which will enable the Committee to come to a just conclusion.

⁶ Arun Chandra Guha, ‘Estimates Committee of the Lok Sabha’ in *Third Sabha (1962—67) A Souvenir*, p. 10.

⁷ Basil Chubb, *op. cit.* p. 254.

⁸ *Ibid.*

FORTIETH CONFERENCE OF PRESIDING OFFICERS*

The Fortieth Conference of Presiding Officers of Legislative Bodies in India was held in Shillong (Meghalaya) on November 5, and 7, 1974. Dr. G. S. Dhillon, Speaker of Lok Sabha and Chairman of the Conference presided. Almost all the Presiding Officers of Legislative Bodies in India as also the Deputy Chairman of Rajya Sabha attended the Conference.

On the 5th November, 1974, Professor R. S. Lyngdoh, Speaker of Meghalaya Legislative Assembly delivered his welcome address. Thereafter, the Chairman of the Conference, Dr. G. S. Dhillon, delivered his address. Lauding the role of the Conference, Dr. Dhillon said:

“Our institution has been of unique value also in that it symbolises, at one more level, the oneness of our land and people—for all the riotous diversity from end to end; it has served to remind us that although for all outward form we function as separate entities, each with our own demarcated jurisdictions, we constitute and, in verity, belong to one institution—the Grand Parliament of India.”

Referring to the continued relevance of the parliamentary institution in the present day and the need to retain it as a central mediating agency in the political system, Dr. Dhillon observed:

“We are today passing through crisis ridden times all the world over and more particularly so in India where the situation is aggravated by the pressures of competitive democratic politics. What is more natural than that the state of disquiet should be mirrored in the temper and tenor of the proceedings within our Legislatures. It is vain, it is unrealistic to expect the atmosphere to be anything otherwise. As I, sitting in my high Chair, pulsate to the ebb and tide of the collective emotion of the House, I have been inclined to be tolerant, even sympathetic with the goings on in the House, even though at times they tend to be exasperating. This mood has come to grow on me from my reverence for the institution, from my deep-seated faith in the destiny of our institution and its continued relevance even in our disjointed times. I do not say this from any blind veneration but because mankind has permanently turned its back on

*Contributed by the Research and Information Service, Lok Sabha Secretariat.

the feudalistic age and the concept of people's sovereignty has now universally come to stay. This alone should point to the rightful, inevitable role and place of the parliamentary institution in any political set-up in the modern day. This has great implications for us, the Presiding Officers, to whose charge the representative institutions have been committed. As I sit in my Chair presiding over a turbulent House, all my thought is all the time on how far we shall be able to succeed in retaining the representative institution as the chief channel of political communication, as the central stage for the diverse forces of democratic politics to meet and come to terms in a civilized manner. My ever present concern has been to see that it serves its primary intended purpose as a vital vibrant link between the government and the people and as a mediating force in the political system. If the representative institution cannot accommodate the democratic forces, if these forces are not able to enter into civilized dialogue on the legislative floor, the situation becomes one rife with mischief.

The choice is before us—whether we as a people retain the representative institution as a mediator in the polity, as a channel of continuous communication between the Government and the people and between the forces in the political system or we shall allow the forces to go on a rampage and start speaking a language of deeds rather than of words.

* * * *

If Parliament were to remain central to the political system, it follows as a corollary that all concerned should stand committed to upholding its position in the national scheme of things. It is here that obligations arise on all hands—for the legislators, the Government, the Opposition and everyone else who participates in the democratic process.

Every year we have been pointing out about the disorderly and uproarious scenes in the Legislatures and they are now becoming increasingly common almost in all the legislatures. Even when the President or the Governor comes to address the Legislature, whereas previously some parties used to boycott the address, they now continue to occupy their seats and start shouting as soon as the Governor or the President begins reading the address. There have been instances where unruly members have reached the dias and snatched away the papers from the table.

Upon the faith members repose in their Speaker rests the parliamentary institution. It is now not uncommon that members do not resume their seats even when the Speaker is on his legs.

Howsoever impartial the Chair may be—I do not say that the Chair is infallible—and just in giving his rulings, there is a tendency, of late, on the part of some members to start questioning the rulings and there are one or two instances where even notices for discussion of the Speaker's ruling have been given.

In spite of the increased opportunities provided through procedures such as calling attention, opportunities during the zero hour for the outlet of feelings of members on exciting problems, the spate of adjournment motions remains unabated. In Lok Sabha we have recently started allowing sometimes a minute or two under rule 377 to raise matters which are not points of order. In the last session of Lok Sabha on the last day of the session, as many as 43 Members were allowed to have their submissions in this manner. Still there is a clamour for more opportunities.

Whereas previously as many as 40 starred questions were put on the list and disposed of, now only 20 starred questions are put on the agenda and even out of these 20 the Chair has considerable difficulty to pass from one question to the other and hardly 4 or 5 questions are disposed of. There are many who put supplementaries more as a matter of right out of interest in the problem concerned. While I always look upon vigorous participation by Members as a healthy sign, there is also other problem of harmonizing the claims of various sections in an assembly.

In spite of the known views of Parliament in the matter, ordinances continue to be issued just two or three days before the commencement of the session. In one case; in a state an ordinance which expired on the eve or during the session was not substituted by a Bill but a fresh ordinance was issued on the conclusion of the session, a practice which must be regarded as extraordinary.”

Dr. Dhillon also referred to the various developments in practice and procedure during the last one year. Commenting upon the privileges of the members, he said:

“Privileges which members enjoy individually, and collectively as a House, have their basis in that they are deemed necessary for the free and unhindered function of the representative institution. Whether it is a question of parliamentary privilege or procedure or practice, the paramount consideration, in my view ought to be how far it contributes to the fulfilment of the responsibilities and great purposes of the representative institution and, in a larger view, how far it serves, and is compatible with, the ends of a free people in the present day. In the context of privileges, I

would say this particularly in our attitude to and relationship with the Press. While, as I said earlier, all participants in the democratic process ought to live up to their responsibilities, it should not be forgotten that the Press is an important constituent and partner in the democratic adventure and should therefore be enabled to function freely without inhibition. I for one would think that we must take a total view of a situation when it comes to the question of our privileges *vis a vis* the Press. Parliament and the legislatures in India would be doing entirely the right thing by themselves in taking as far as possible a generous view of lapses here and there (which often, when you go into it, may not be intentional) in the interests of the free functioning of an important ally in the democratic cause."

The Conference discussed the following points on Agenda:—

(i) *Personal Explanation*: If a Member in his reply to the debate on any motion, resolution etc., moved by him introduces new matters and makes allegations against another Member or a Minister, should the other Member or Minister, as the case may be, be allowed to make a personal explanation after the Member's reply is concluded without giving to the Speaker a copy of his personal explanation in advance, as it may not be feasible for him to do so. If he seeks to make a verbal statement?

(ii) *Press Reports of Proceedings*: If a Member speaks without the permission of the Chair and those proceedings are not recorded in the Debates of the House but the Press reports the same, what action should be taken against the Press?

(iii) *Reported Statement by Member*: If a statement allegedly made by a Member is published in the Press but is denied by the Member in the House, what action should be taken against the Press?

(iv) *Report or Document of Commission or Committee*: What is the position of any Report or document of a Commission or Committee appointed by Government which is purported to be laid on the Table of the House by a Private Member saying that it is the report or document of a Commission or Committee?

(v) *Debate*: Whether a report of the Commission of Inquiry presided over by a serving or a retired Judge should be allowed to be discussed in detail in the State Legislature or whether the debate should be confined only to the action taken by Government on such report?

(vi) *Committee to Enquire into Allegations*: Whether the Speaker should accede to the request of the Opposition Members to constitute Committees to enquire into the allegations made by them?

(vii) *Resignation by Member*: What meaning should be given to the word "genuine" for the purpose of action under the proviso to Article 101(3) or 190(3) of the Constitution?

(viii) *Questions*: At what time of the day's sitting should the questions held over for answer on account of Minister's inability to reply on the previously appointed dates, be taken up? Should any limit of time be fixed for disposing of this category of questions?

(ix) *Privilege*: Whether any reflection on the conduct and character of a Member or Presiding Officer of a House, though not connected with the proceedings, would constitute a breach of Privilege or contempt of the House and whether such reflection can be referred to and examined by the Privileges Committee?

(x) *Private Member's Bill*: What will be the procedure when the Deputy Speaker having sponsored a Private Member's Bill has to introduce it at a time when the Speaker is absent?

(xi) *Joint Committee*: (a) Whether a Member of the Joint|Select Committee on a Bill can give a minute of dissent at the time of the approval of the Draft Report of the Committee when the Report of the Committee records unanimous conclusions?

(b) If a such minute of dissent is allowed and appended to the Report, can the Speaker/Chairman direct such a minute of dissent to be deleted?

(xii) *Private Member's Bill*: What is the appropriate stage at which a Bill introduced by a Private Member should be published?

PARLIAMENTARY EVENTS AND ACTIVITIES*

A. SYMPOSIA AND CONFERENCES

Twentieth Commonwealth Parliamentary Conference: The Twentieth Commonwealth Parliamentary Conference was held in Colombo (Sri Lanka) in September, 1974. The Indian Delegation to the Conference was led by Dr. Henry Austin, M.P. The other members of the delegation were Shri U. K. Lakshmana Gowda, M.P., Shri S. A. Muruganantham, M.P., Shri Narsingh Narain Pandey, M.P., Shri D. D. Puri, M.P. and Shri S. S. Bhalerao, Joint Secretary, Rajya Sabha who acted as Secretary to the Indian Delegation. Shri Apurbalal Mazumdar, Speaker, West Bengal Legislative Assembly, Shri R. S. Gavai, Deputy Chairman, Maharashtra Legislative Council, Thiru N. Ganapathy, Deputy Speaker, Tamil Nadu Legislative Assembly, Dr. Kewal Krishan, Speaker, Punjab Vidhan Sabha, Shri H. Hutchmashy Gowda, M.L.A., Minister of Revenue, Karnataka, Shri Ram Singh Yadav, Deputy Speaker, Rajasthan Legislative Assembly, Shri N. Venkatasubbaiah, Chairman, Andhra Pradesh Legislative Council, Shri Rao Nihal Singh, M.L.A., Haryana Vidhan Sabha, Shri Dulal Chandra Baruah, M.L.A., Assam Legislative Assembly, Shri Vasudeo Singh, Speaker, Uttar Pradesh Vidhan Sabha, Shri Kultar Chand Rana, Speaker, Himachal Pradesh Legislative Assembly, Shri Gulsher Ahmed, Speaker, Madhya Pradesh Vidhan Sabha, Shri K. Moideen Kutty Hajee, Speaker, Kerala Legislative Assembly, Shri Shakoor Ahmed, Deputy Speaker, Bihar Vidhan Sabha, Shri Ali Mohammad Naik, M.L.A. Jammu & Kashmir Legislative Assembly and Professor R. S. Lyngdoh, Speaker, Meghalaya Legislative Assembly also attended as delegates of their respective State Branches of the Commonwealth Parliamentary Association. Shri Satya Priya Singh, Secretary, U.P. Vidhan Sabha attended the Conference as Secretary from State Branches.

The following subjects were discussed:—

- (1) Indian Ocean as a zone of peace
- (2) South-East Asia and problems of peace and neutrality in other regions

*Contributed by the Conference Branch, Lok Sabha Secretariat.

- (3) The World energy crisis
- (4) The law of the sea
- (5) International aid-scope, form and direction
- (6) Unrest among youth: The challenge to educational systems
- (7) World Population Year
- (8) The problems of the smaller countries of the Commonwealth
- (9) Control of pollution and protection of the environment
- (10) The Member and his information
- (11) Broadcasting and televising Parliament
- (12) Bicameral and unicameral Parliaments
- (13) One party and multi-party Parliaments
- (14) Electoral systems and referenda and their impact on parliamentary democracy
- (15) Improving the efficiency of Parliament
- (16) Commodity prices and the future relationship between the industrialised and the primary producing countries with reference to the European Community and other organisations

Tours of Sri Lanka were also arranged for the delegates by the Sri Lanka Branch of the Commonwealth Parliamentary Association.

Sixty-first Inter-Parliamentary Conference: The Sixty-first Inter-Parliamentary Conference was held in Tokyo in October, 1974. The delegation to the Conference from India was composed of Shri Godey Murahari, Deputy Chairman, Rajya Sabha—Leader of the Delegation; Shri P. Ankineedu Prasadrao, M.P.; Shrimati Mukul Banerjee, M.P.; Shri Salil Kumar Ganguli, M.P.; Shri M. R. Krishna, M.P.; Shri V. P. Sathe, M.P.; Shri Atal Bihari Vajpayee, M.P.; Shri S. L. Shakhder, Secretary-General, Lok Sabha; and Shri B. N. Banerjee, Secretary-General, Rajya Sabha—Secretary to the Delegation.

The Conference discussed and adopted resolutions on the following subjects:

1. Intensifying efforts for the Limitation and Cessation of the Armaments Race and for subsequent Disarmament in the conditions of the International Detente now in progress.
 - (a) Achieving a complete ban on Nuclear tests
 - (b) Prohibiting the Development and Production of Chemical Weapons
 - (c) Reducing Military Budget of States

2. Situation in the Middle East.

3. Interference by Government Agencies, Government-related Organisations and Multinational Corporations in the Political, Economic and Social Affairs of other countries.

4. The Problem of Torture in the World.

5. For the re-establishment of Representative Institutions, Constitutional Rights and Freedoms with a view to the release of Members of Parliament and other Political detainees in Chile.

6. The energy crisis.

7. Population Trends and Economic and Social Development.

8. Education of Youth, with a view to International Understanding, Co-operation and peace.

9. Study of the principles and measures that should serve to prevent and eliminate all forms of racial Discrimination, in particular that of Apartheid.

During the Conference period, meetings of the Inter-Parliamentary Council, Standing Study Committees and Executive Committee of the Inter-Parliamentary Union were also held.

The Association of Secretaries-General of Parliaments also met in Tokyo during this period. Shri S. L. Shakhder, Secretary-General of Lok Sabha who is the President of the Association, presided over the meetings.

Conference of Secretaries of Legislative Bodies in India: The Twentieth Conference of Secretaries of Legislative Bodies in India, was held on November 4, 1974 in Shillong (Meghalaya). Besides the Secretaries-General of Rajya Sabha and Lok Sabha, 24 Secretaries of State Legislatures attended the Conference. After the welcome speech by Shri R. T. Rymbai, Secretary, Meghalaya Legislative Assembly, Shri B. N. Banerjee, Secretary-General, Rajya Sabha (Chairman of the Conference) and Shri S. L. Shakhder, Secretary-General of Lok Sabha addressed the Conference. The Conference, thereafter, discussed the following points on the Agenda:—

(1) Whether a Minister can claim privilege from laying on the Table any document which he quotes during the debate on grounds of public interest in each and every case or whether the Presiding Officer has any discretion to direct the Minister to lay the document in appropriate cases.

(2) What should be the attitude of the Assembly and the Assembly Secretariat in cases where the recommendations of the Committee including the Special Committees are not timely implemented by the State Government?

(3) Report of the Committee of Secretaries (Hanumanthapa Committee) on Staffing pattern in the Legislature Secretariats.

(4) Status of the Secretaries of Legislatures.

Presiding Officers' Conference—Symposium: A Symposium on the 'Role of the Opposition in Legislatures in India' was held in the Meghalaya Assembly Chamber, Shillong on Wednesday, the 6th November, 1974. The Speaker of Lok Sabha, Dr. G. S. Dhillon, who is the Chairman of the Conference of Presiding Officers, presided over the Symposium. Shri B. B. Lyngdoh, Minister for Finance, Planning & Parliamentary Affairs of Meghalaya initiated the discussion. The Deputy Chairman, Rajya Sabha, the Presiding Officers of State Legislatures in India, M.L.A.s from Meghalaya, Assam & Manipur participated in the Symposium.

B. FOREIGN PARLIAMENTARY DELEGATIONS IN INDIA

Visit of H.E. Mr. Sase Narain, Speaker of the National Assembly of Guyana and Mrs. Sase Narain: In response to an invitation from India, H.E. Mr. Sase Narain, Speaker of the National Assembly of Guyana and Mrs. Sase Narain visited India in September, 1974. They called on the Speaker, Lok Sabha and visited Parliament House on the 16th September, 1974. The Speaker, Lok Sabha hosted a dinner in their honour on the 17th September, 1974. Besides Delhi, they were taken to some places of cultural and industrial interest, viz., Agra, Hardwar, Srinagar and Bombay.

Transit visit of Guyana Parliamentary Delegation: Four members of Guyana Parliamentary Delegation to the Commonwealth Parliamentary Conference held in Colombo (Sri Lanka) in September, 1974, visited Delhi on the 16th and 17th September, 1974 on their way back from Colombo.

Visit of Mr. G. A. Regan, Chairman, Executive Committee of the Commonwealth Parliamentary Association: Mr. G. A. Regan, Chairman of the Executive Committee of the General Council of the Commonwealth Parliamentary Association, visited Delhi for a day on his way back from the Commonwealth Parliamentary Conference held in Colombo (Sri Lanka) in September, 1974. The

Speaker, Lok Sabha hosted a luncheon party in his honour on the 17th September, 1974.

Visit of Mr. Russel D. Rowe, Deputy Speaker, Legislative Assembly, Ontario and Mrs. Rowe and Mr. John A. Holtby, Secretary, Legislative Assembly, Ontario: Mr. Russel D. Rowe, Deputy Speaker, Legislative Assembly, Ontario accompanied by Mrs. Rowe and Mr. John A. Holtby, Secretary, Legislative Assembly visited Delhi in September, 1974 on his way back from the Commonwealth Parliamentary Conference held in Colombo (Sri Lanka). Mr. Rowe called on the Speaker, Lok Sabha. A dinner was hosted in their honour by the Speaker, Lok Sabha.

Visit of the President of Venezuelan Congress: H. E. Senātor Gonzalo Barrios, President of Venezuelan Congress (i.e., Speaker of Venezuela) visited India in September-October, 1974. He called on the President, Vice-President, Prime Minister and Minister of Parliamentary Affairs. The Minister of Parliamentary Affairs hosted a dinner in his honour on 1st October, 1974. Besides Delhi, he visited Agra.

Transit visit of Soviet Parliamentary Delegation: An eight-member Soviet Parliamentary Delegation to Indonesia led by H.E. Mr. K. Khalilov, Deputy Chairman of the Presidium of the Supreme Soviet of the U.S.S.R. visited Delhi on the 28th and 29th October, 1974. The delegation was received and seen off by the Minister of Parliamentary Affairs. The delegation visited Agra on the 29th October, 1974. The Speaker, Lok Sabha hosted a dinner in their honour on the 29th October, 1974.

Visit of Romanian Parliamentary Delegation: In response to an invitation from India, a 7-member Romanian Parliamentary Delegation led by H.E. Professor Dr. Nicolae Giosan, M. P., Chairman of the Grand National Assembly of the Socialist Republic of Romania visited India in November, 1974. On November 12, 1974, the delegation called on the Speaker, Lok Sabha at Parliament House and watched the proceedings of Lok Sabha and Rajya Sabha. A meeting between the delegation and Members of Parliament was also held on that day. The Speaker, Lok Sabha hosted a dinner in their honour on November 12, 1974. The delegates visited Agra and Bombay also.

Visit of the Speaker and Secretary-General of the Norwegian Parliament and their Wives: In response to an invitation from the Speaker of Lok Sabha, H. E. Mr. Guttorm Hansen, Speaker of the

Norwegian Parliament, Mrs. Hansen and Mr. Gunnar Hoff, Secretary-General of the Norwegian Parliament and Mrs. Hoff visited India in November, 1974. On November 18, 1974 they called on the Speaker, Lok Sabha and Mrs. Dhillon at their residence and watched the proceedings of Lok Sabha and Rajya Sabha at Parliament House. The Speaker, Lok Sabha hosted a dinner in their honour on November 18, 1974. Besides Delhi, they visited Agra, Madras and Bombay.

Visit of New Zealand Parliamentary Delegation: In response to an invitation from India, an 8-member New Zealand Parliamentary Delegation led by H.E. Mr. S.A. Whitehead, M. P., Speaker of the House of Representatives of New Zealand visited India in November, 1974. On November 25, 1974, the delegation called on the Speaker, Lok Sabha at Parliament House and watched the proceedings of Lok Sabha and Rajya Sabha. A meeting between the delegation and Members of Parliament was held on that day. The Speaker, Lok Sabha hosted a dinner in their honour on November 25, 1974. Besides Delhi, they visited Agra, Chandigarh and Ludhiana.

Visit of Polish Parliamentary Delegation: In response to an invitation from India, a 7-member Polish Parliamentary Delegation led by H.E. Mr. Stanislaw Gucwa, Speaker of the Polish Parliament visited India in December, 1974. On December 5, 1974, the delegation called on the Speaker, Lok Sabha at Parliament House and watched the proceedings of Lok Sabha and Rajya Sabha. A meeting between the delegation and Members of Parliament was also held on that day. The Speaker, Lok Sabha hosted a dinner in their honour on December 5, 1974. Besides Delhi, the delegates were taken to some places of cultural and industrial interest viz. Agra, Hyderabad, Bangalore and Madras.

PRIVILEGE ISSUES*

LOK SABHA

Leakage of Budget proposals by a Minister: On July 29, 1974, Sarvashri Jyotirmoy Bosu, Era Sezhiyan, Shyamnandan Mishra and G. Viswanathan, sought¹ to raise a question of privilege against the Minister of External Affairs, Sardar Swaran Singh, for reportedly leaking out the Budget proposals contained in the Finance (No. 2) Bill, 1974, which was yet to be presented to the House on July 31, 1974. The members alleged that while inaugurating a meeting organised by the National Buildings Organisation on July 27, 1974, the Minister made the statement as reported in the *Sunday Standard* and the *Patriot* dated the 28th July, 1974:

“(1) The Minister for External Affairs Mr. Swaran Singh said today that there would be further restrictions ‘within one week’ in the supply of cement and steel for building.
[*Sunday Standard*, July 28, 1974]

(2) In an obvious reference to the supplementary budget to be presented to Parliament next week, he said engineers and building contractors should take into account the present economic conditions in the country.”
[*Patriot*, July 28, 1974]

Similar reports had also been published in some other newspapers. The Minister thereupon stated² *inter alia* as follows:—

“This was a technical organisation one of whose functions is that they should find alternative materials to costly

*Contributed by Committee Branch I, Lok Sabha Secretariat.

1L.S. Deb., July 29, 1974.

2 *Ibid.*

materials. There is no question of my saying either about the budget or upon pricing or upon taxation. . . Even from what the hon. leader of the DMK said, he will notice that my statement is different from what the reporter had said. He has apparently mixed up my statement with the comment of the reporter. What is mentioned is, 'In an obvious reference to the supplementary Budget. . . ' This is his comment, not my statement. . . 'to be presented to Parliament next week' he said. . . What I said was that 'engineers, technicians and architects should take into consideration the present economic conditions in the country. . . ' We have said in the All India Congress Committee Resolution on economic conditions in the country that scarce materials like cement and steel should be used for buildings which are functional and their use for prestigious buildings or buildings where it can be avoided, should be avoided. I did not at all talk anything either about the budget or about taxation or of prices. I should appeal to the hon. Members to consider seriously whether there is any question of breach of privilege. . . I should like to say that I did not say anything at all for which I should be held responsible. . . It is nothing but a reiteration of a well known policy. While explaining the policy stress and emphasis can always be laid, and if we are always hauled up, even hauled up for contempt. . . I feel that this is a very drastic curtailment of our right to explain to the people in the country what is our policy."

Shri Atal Bihari Vajpayee suggested that as a similar case against an Officer of the Government (Chairman, Central Board of Excise and Customs) had already been referred to the Committee of Privileges, the complaint against the Minister of External Affairs might also be referred to the Committee. The Speaker, Dr. G. S. Dhillon, thereupon observed³ that he would have to go through the proceedings and would give his ruling thereafter.

On July 30, 1974, the Speaker disallowed⁴ the question of privilege and ruled, *inter alia*, as follows:

"The House will recall that in regard to that previous case I had categorically stated that there was no question of privilege involved in the statement alleged to have been made by the Chairman of the Central Board of Excise and Customs. . . In the present case, the Minister has not denied the facts. He has explained the circumstances in which he made the statement. Therefore . . . on the basis of the facts, there is no question of privilege and I, therefore, hold that no breach of privilege has been committed by the Minister of External Affairs."

³ *Ibid.*

⁴ *Ibid.*, July 30, 1974;

Carrying of a dagger by a visitor on his person and assault by him on an official of the House: On July 26, 1974, at about 17.30 hours, the Speaker, Dr. G. S. Dhillon, informed the House as follows:—

“Members, please excuse me for a brief interruption. I have to inform the House that today at about 11.05 hours a visitor calling himself Biplab Basu attempted to enter the Visitors’ Gallery of Lok Sabha after getting his pass checked at the checking post. The Senior Watch and Ward Assistant of the Lok Sabha Secretariat who was on duty near the Visitors’ Gallery gate found a spring dagger hidden on his person tied on his right leg under his trousers. The said Biplab Basu gave a severe kick to the Senior Watch and Ward Assistant and it was very serious. Our Officer rolled and was almost semi-conscious, in a very bad state. He (Biplab Basu) was taken into custody immediately by the Watch and Ward Officer. This is a serious matter. I bring it to the notice of the House for such action as the House may deem fit.”

The Minister of Parliamentary Affairs, Shri K. Raghuramaiah, thereupon, moved the following motion which was adopted by the House:

“That this House resolves that the person calling himself Biplab Basu who at 11.05 hours today attempted to enter the Visitors’ Gallery of Lok Sabha with a dagger hidden on his person and who assaulted a Senior Watch and Ward Assistant of Lok Sabha Secretariat, who was on duty near the Visitors’ Gallery gate by giving him a severe kick and whom the Watch and Ward officer took into custody immediately, has committed a grave offence and is guilty of the contempt of this House.

This House further resolves that without prejudice to any other action to which he may be liable under the law,⁵ Biplab Basu be sentenced to serious imprisonment till 6 P.M. on Monday, the 26th August, 1974, for the aforesaid contempt of the House and sent to Central Jail, Tihar, New Delhi.”

In pursuance of the above decision of the House, the Speaker issued a warrant of commitment addressed to the Superintendent, Central Jail, Tihar, New Delhi requiring him to take into custody the said

5. On the same, day, i.e., the 26th July, 1974, the Watch & Ward Officer of Lok Sabha, with the permission of the Speaker, lodged with the Officer-in-charge of the Police Station, Parliament Street, New Delhi, a written report against the said Biplab Basu for taking necessary action under the law in respect of the criminal offence committed by him.

Biplab Basu and to keep him safely in the Central Jail, Tihar, New Delhi, till 6 P.M. on Monday, August 26, 1974.

Shri Biplab Basu was accordingly taken by the Watch and Ward Staff to, and lodged in, the Central Jail, Tihar, New Delhi, to serve out his sentence of imprisonment.

Alleged Reflections on a Parliamentary Committee by an officer: On April 30, 1974, Shri Madhu Limaye, sought to raise⁶ a question of privilege against Shri C. R. Das Gupta of Indian Oil Corporation for filing an affidavit on February 8, 1971 before the Pipelines Inquiry Commission (Takru Commission) appointed by Government in pursuance of recommendations contained in the 66th Report of the Committee on Public Undertakings (Fourth Lok Sabha), allegedly controverting the facts as contained in the said Report of the Committee on Public Undertakings. While raising the question of privilege, Shri Limaye stated, *inter alia*, as follows:—

“The Committee (on Public Undertakings) in its 66th Report presented by it during the Fourth Lok Sabha, reported *inter alia* as follows:

‘It is also on record that the Managing Director was acting on his own in his dealings with Snamas as well as Bechtels in vital matters concerning the capacity of the Pipeline, bypassing thus the authority both of the Board of Directors and Government.’

The Committee further observed in its 33rd Report (5th Lok Sabha) as follows:—

‘In the opinion of the Committee, reference of this particular matter under (a) (ii) to Commission of Inquiry was not warranted. In the context of these recommendations an enquiry would have been in order for the specific purpose of fixing responsibility for the grave lapse pointed out by the Committee. . . The Committee expect the Government to defend and pursue their recommendations contained in their 66th Report of the Fourth Lok Sabha (1969-70) on Indian Oil Corporation (Pipelines Division) in letter and spirit before the Commission of Enquiry with the same sense of urgency that was markedly evident from the above report. . .’

Instead of it the Government through Shri C. R. Das Gupta filed an affidavit controverting the facts contained in the conclusions of the Committee as were evident from the following paragraph of the affidavit:

6. L.S. Deb., April 30, 1974, cc. 237—57.

"These facts would indicate that neither the Managing Director bypassed the Board in his dealings with Snam and Bechtels in vital matters concerning the capacity of the Haldia-Barauni-Kanpur pipeline nor the Amendment of the Contract adversely affected the capacity of the pipeline, and therefore, the question of any negligence on the part of anyone in the I.O.C. does not arise."

Shri Limaye contended that the aforesaid paragraph in the affidavit of Shri C. R. Das Gupta constituted a breach of privilege and contempt of the House and might be referred to the Committee of Privileges.

After some discussion on the matter, the Speaker Dr. G. S. Dhillon, observed⁷ *inter alia* as follows:—

"I have examined it very thoroughly. But I think, Mr. Das Gupta never made any reference to the Public Undertakings Committee.... He just filed the document before the Takru Commission without any direct or indirect reference to the Public Undertakings Committee.... The difficulty in sending it to the Privileges Committee is this. The Commission is already seized of it and might not want that there should be any clash. I will keep it pending and we shall discuss it later on.... So far as his appointment (appointment of Shri C. R. Das Gupta as Chairman of I.O.C.) is concerned, I shall ask the Government to make this position clear if they want to."

On May 10, 1974, the Minister of Petroleum and Chemicals, Shri D. K. Borooah, made a statement in the House explaining the circumstances leading to the appointment of Shri C. R. Das Gupta as Chairman of the I.O.C.

On August 2, 1974, disallowing the question of privilege, the Speaker ruled⁸ *inter alia* as follows:—

"I have examined the matter carefully. I find that Shri C. R. Das Gupta in his affidavit filed before the Pipelines Inquiry Commission (Takru Commission) on the 8th February, 1971, had not made any derogatory reference, direct or indirect, to the Committee on Public Undertakings. Further, the affidavit was filed by Shri C. R. Das Gupta before the Pipelines Inquiry Commission (Takru Commission)

⁷ *Ibid.*

⁸ *Ibid.* August 2, 1974.

about two years prior to the apologies⁹ and corrections made by Sarvashri P. R. Nayak and S. S. Khera. I am, therefore, of the view that on the fact of this case, no question of privilege is involved in the matter."

Distribution of an allegedly objectionable Calendar to members by a Public Undertaking through the Lok Sabha Secretariat: On April 3, 1974, Shri S. A. Shamim, sought to raise a question of privilege in respect of the distribution to members of Parliament of an allegedly objectionable Calendar¹⁰ published by Messrs. Markfed, Chandigarh (Punjab Government Undertaking), having communal overtones, through the Lok Sabha Secretariat. Shri Shamim contended that the distribution of such a Calendar to members by the Lok Sabha Secretariat constituted a breach of privilege of the House.

The Speaker, Dr. G. S. Dhillon, disallowed the question of privilege and ruled *inter alia* as follows:—

"It is not a question of breach of privilege. . . . I am not allowing it. . . . So many things come and they are sent for distribution, like Calendars and diaries etc. . . . When, of course, a Government sends these things, there is bound to be no suspicion about it."

Speaking on the matter the Prime Minister, Shrimati Indira Gandhi, stated *inter alia* as follows:

"The hon. House is quite right in being concerned about the pictures or written matters which can hurt any one community or all communities or anybody, and Government certainly is not in favour of such things. But some things are historic. I do not say that it should be done or not, but we should also see things in perspective. I think that we should so train our young people and others not to get excited about something that has happened long ago.

The State Government may be mistaken. I am not condoning these pictures at all. I have strong feelings about pictures, and I do not particularly like this type of pictures, but unfortunately in India,—I do not mean just this particular thing—such pictures which are supposed to be realistic pictures, as the hon. Speaker has said, are distributed and

⁹ For summary see *Privileges Digest*, Vol XIX, No. 2 (October, 1974). See also *J.P.I.*, Vol. XX, No. 3, July—September, 1974, p. 572.

¹⁰ The calendar depicted scenes of atrocities committed on Sikhs during the Mughal period.

they do exist. I am not condoning them in any way because my views happen to be different. But we have to see it in the context of what has been already happening in the country.

Now, the question is whether they should have been distributed. That is again for the hon. Speaker to decide and take a decision for the future on such things.

So far as this particular subject is concerned, we can look into it. If the distribution has not been stopped, then, it will be looked into."

Thereafter, the matter was closed.

Misrepresentation of Report of a Parliamentary Committee: On March 28, 1974, Shri Amrit Nahata, sought to raise a question of privilege against the United News of India, a news agency, for circulating to the press a distorted version of the 47th Report of the Committee on Public Undertakings (5th Lok Sabha) on Modern Bakeries (India) Ltd. Shri Nahata alleged that the following news reports published in the *Indian Express*, New Delhi, dated the 26th March, 1974, and the editorial comments under the column 'Current Topics' in the *Times of India*, New Delhi, dated the 28th March, 1974, were deliberate misrepresentations of the said Report of the Committee:

(i) *The Indian Express*

"Modern Bakeries selling stale and mouldy' Bread.

The Committee on Public Undertakings of Parliament is concerned at the high percentage of defective, stale and mouldy bread put on the market by Modern Bakeries (India) Ltd., a Central public undertaking."

(ii) *The Times of India*

"The worst fault of Modern Bakeries, however, has been that they have unashamedly unloaded on the market 'a high percentage of defective and stale bread'. Technically, this may not be an offence under the Food Adulteration Act, but morally it is inexcusable. The Union Government would be failing in its duty if it does not punish those responsible for selling stale and mouldy bread."

The Deputy Speaker, Shri G. G. Swell, who was then in the Chair, observed, *inter alia*, as follows:—

"... In these matters, the first step to be taken is, to write to the Press Agency and the papers concerned and ask

them what they have got to say on this. . . Before the House takes a decision, let us hear from them. . . . we shall come back to the House to know that what happens after that.”

On May 3, 1974, the Speaker, Dr. G. S. Dhillon informed the House, *inter alia*, as follows:

“(i) The Editor and General Manager of the UNI in his reply dated the 2nd April, 1974 quoted certain passages from the 47th Report of Committee on Public Undertakings and stated, *inter alia* as follows:

‘We submit that the headlines are given by individual newspapers to all the agency reports as is evident from the fact that headlines vary from newspaper to newspaper. The UNI is not, therefore, responsible for the headlines appearing in the newspapers. . . .

A comparison of the UNI report with the PUC report would show that the opening para of the agency’s report is a legitimate inference drawn from the Committee’s observation, explicit in the concluding part of the passage quoted above inasmuch as the Committee deemed it necessary to recommend stricter measures to ensure that ‘stale and mouldy bread’ is not put on the market.

There are passages on pages 70, 71 and 72 of the Report containing unambiguous admission by a representative of Modern Bakeries examined by the Committee that defective bread was not only being put on the market but were also being sold.’

We feel that these passage in the report fully justify the UNI report.

“(ii) The Resident Editor of the *Indian Express* in his reply dated the 30th March, 1974, stated as follows:—

‘. . . the news story . . . was circulated by the United News of India, one of the two national news agencies. We published the news story in good faith in the normal course.

It is obviously not possible for a newspaper to check the accuracy of every news report supplied by a news agency.’

(iii) The Editor of the *Hindustan Times* in his reply dated the 30th March, 1974, stated as follows:—

“We published the item ‘Modern Bread under Fire’ in our issue dated March 26, in the belief that it was an

accurate summary of certain of the findings of the Committee on Public Undertakings that had been filed by the UNI to which we subscribe.

The item was published in good faith. However, if there were any inaccuracies in the report, we were not aware of these and deeply regret it and I would request you to kindly inform the Speaker accordingly and to assure him that any infringement of privilege in this case was wholly inadvertent.'

The *Hindustan Times* has been very clear in its regret.

"(iv) The Editor of the *Times of India* in his reply dated the 5th April, 1974, stated *inter alia* as follows:

'The comment to which you refer was based on a UNI report. We are satisfied that the report in question was in no way *mala fide*. The PUC report specifically referred to 'stale and mouldy bread' in para 3.43 on page 72....

It is clear from what I have said above that the comment was entirely fair and that there was no intention in any way to misrepresent or distort the contents of the PUC's report.'

This is the position taken by them.

"(v) I then referred the matter to the Committee on Public Undertakings for their comments on the stand taken by UNI.

The Chairman of the Committee on Public Undertakings, in her note dated the 30th April, 1974, has conveyed to me the following opinion of the Committee on Public Undertakings:

'The Committee in their 47th Report on Modern Bakeries (India) Ltd. observed that on examining the question of stale and mouldy bread, they found that in the case of Bangalore, Bombay and Kanpur units, the percentage of return of stale and mouldy bread was more than one per cent during 1972-73 as compared to the norm of 0.5 per cent fixed by the Management with effect from 2nd December, 1972. The Committee viewed with concern the high percentage of return of such bread in these units. The Committee recommended that effective measures should be taken by the Undertaking to tighten up its inspection machinery so that stale and mouldy bread was not put in the market. The Committee had not said in their Report that stale and mouldy bread was actually being sold in the market. In the circumstances, the

Committee felt that the UNI report and heading carried by certain newspapers had not done justice to the letter and spirit of the recommendations of the Committee.'

This is a very light comment by them. They have not denied what was mentioned in the report...but they say that the headlines had not done justice to the spirit of the recommendations of the Committee."

The Speaker added that in view of the explanations given by the General Manager of the UNI and the Editors of the concerned newspapers and also in view of the opinion of the Committee on Public Undertakings, the matter might be dropped.

The House agreed and the matter was closed.

Casting reflections on a member by a newspaper: On March 13, 1974, Shri P. G. Mavalankar, sought to raise a question of privilege against a Delhi newspaper, *Patriot* for publishing in its issue, dated the 12th March, 1974, the following news item regarding his speech during the debate on Gujarat in the House on March 11, 1974:

"The highlight of the day was a moving speech from Mr. P. G. Mavalankar, an independent Member who was associated with the movement in its initial stages, but was brushed aside by the students when he tried to form a political party out of it and become its leader."

While raising the matter, Shri Mavalankar stated that the impugned news report was baseless, mischievous and malicious and cast reflections on his conduct and integrity. The Speaker, Dr. G. S. Dhillon, observed that he would call for the comments of the newspaper.

On March 15, the Speaker informed the House that the Editor of *Patriot*, in his letter dated the 14th March, 1974, had stated as follows:

"I beg to state that there is no misreporting of the proceedings of Parliament involved in the report.

As stated in the report, the speech by Mr. P. G. Mavalankar during the debate on the Presidential Proclamation of Gujarat was, in the opinion of our correspondent, 'moving' and the 'highlight of the day'.

It is evident that there is no intention or attempt in the report to cast any aspersion or any reflection on the integrity of Mr. Mavalankar.

It is also clear that the subsequent parts of the sentence to which objection has been raised do not relate to the proceedings in Parliament and we beg to state that no contempt of either the House or any of its honourable Members has been intended.

We wish to assure the Speaker, Lok Sabha, that we had no intention by the publication of the report or any part of it to commit a breach of the privilege of any hon. Member of the House.

We also wish to assure Mr. Mavalankar that no mischief or malice was intended in our report nor did we seek to cast any reflection on his character or integrity."

The Speaker observed that in view of the explanation of the Editor of the *Patriot*, the matter might be treated as closed. The matter was thereafter closed.

Alleged assault on a member and his detention by police: On March 1974, Shri Jambuwant Dhote, sought to raise a question of privilege on the ground that on February 28, 1974, when Shri Ram Hedao, another member, was about to leave for Delhi to make his maiden speech in the House, he was beaten up and detained by the police authorities at Nagpur because of which Shri Ram Hedao could not attend the House on that day (March 1, 1974). Shri Dhote contended that the police had obstructed Shri Ram Hedao from attending the House and, therefore a breach of privilege and contempt of the House had been committed. The Speaker, Dr. G. S. Dhillon, observed that in accordance with the practice of the House, he would call for the information from the Government.

On March 6, 1974, the Minister of State in the Ministry of Home Affairs, Shri Ram Niwas Mirdha, made the following statement:

"According to information received from the Government of Maharashtra, Field Marshal Maneckshaw was invited by the Nagpur Municipal Corporation to inaugurate, on the 28th February, 1974, the newly constructed Martyrs' Memorial at the Cotton Market Chowk in Nagpur in memory of soldiers killed in the 1971 war. The leaders of the Maha Vidarbha Rajya Sangharsh Samiti started an agitation, demanding that the statue of Netaji Subhash Chandra Bose should be erected at the site.

On 28th February, 1974, at 3.30 a.m., the police received information that some workers of the Samiti had gone to the Cotton Market Chowk and were trying to damage the Memorial. Police rushed to the spot and arrested two persons

under S. 151 Cr. P.C. while the others ran away. At about 9.30 a.m., Shri Ram Hedao, M.P., along with 30 other followers, started a *Dharna* at the Memorial and wiped out the painted names of war martyrs. To avoid a confrontation with the Samiti the Corporation authorities decided to hold the function at the Corporation Hall.

However, the Field Marshal along with Mayor, Deputy Mayor and a few corporators went to the Memorial to place a wreath thereon. At that time, Shri Ram Hedao, who was standing on the top of the Memorial, jumped on him to prevent him from placing the wreath on the Memorial. The Mayor and others intervened and took Shri Ram Hedao aside. The Field Marshal left the Chowk after placing the wreath. Immediately thereafter some miscreants started pelting stones on the persons gathered and also on the nearby shops. As a result of stone-pelting two members of the public, one officer and 9 policemen, received minor injuries. To avoid damage to property and to maintain law and order, the police resorted to a mild cane-charge and teargas and dispersed the crowd. A case was registered by the police under sections 341, 147, 148, 149, 323, 332, 336 and 337, IPC. The police did not however, detain or arrest Shri Ram Hedao. They did not go near him at all. On the next day Shri Ram Hedao addressed a public meeting and criticised the police and the organisers of the function. The allegation that Shri Ram Hedao was beaten up by the police as a result of which he was not in a position to attend the Lok Sabha is not true."

The Speaker, thereupon, disallowed the question of privilege.

RAJYA SABHA

Notice from the Supreme Court to the Chairman: On May 9, 1974, the Chairman, Shri G. S. Pathak, informed¹¹ the House as under:—

"A Notice was received by me from the Supreme Court in the matter of the Special Reference (No. 1 of 1974) under article 143 of the Constitution relating to Presidential election.

I placed the Notice before the General Purposes Committee at a meeting held yesterday to which Leaders of various Groups were invited to consider the action, if any, to be taken on the Notice. The consensus in the meeting was that no action need be taken by me on the Notice. I hope the House agrees with this."

¹¹ R.S. Deb., May 9, 1974.

The House agreed and no action was taken in the matter.

Assault on a member by police: On February 19, 1974, Shri Niren Ghosh, complained that the police had assaulted him while he was visiting a labour colony in West Bengal, on February 2, 1974. The Deputy Chairman, Shri Godey Murahari, who was then in the Chair, observed,¹² that a telegram had been sent to the Government of West Bengal for information."

On May 14, 1974, when some members sought to raise the matter again, the Chairman, Shri G. S. Pathak, disallowed the question of privilege and ruled¹³ *inter alia* as follows:—

"He was arrested and whatever action was taken against him was in connection with some criminal matter. . . Mr. Niren Ghosh was informed that no action was being taken by me because it was not a matter connected with the privileges of this House."

ANDHRA PRADESH VIDHAN SABHA

Alleged Derogatory remarks about a member by All India Radio: On July 1, 1974, the Speaker, Shri Ranga Reddi, informed the House that he had received notice of a question of privilege from Shri C. V. K. Rao, a member, against the Station Director, All India Radio, Hyderabad, alleging that the commentator had made a derogatory remark about him in a view of the proceedings of the House. According to Shri Rao, the commentator had used the words *Panakamulu pudaka* (a small stick in jaggery water) for his enquiry about the health of the Finance Minister. The Speaker added that the Station Director, All India Radio, Hyderabad, who was asked to state what he had to say in the matter, had stated as follows:—

"We deeply regret that certain remarks were allowed to go into the broadcast of the review of the Legislature proceedings on 21st June, 1974 regarding Shri C. V. K. Rao's (M.L.A.) enquiry about the health of the Finance Minister who normally is supposed to present the Budget to the House. As the script for broadcast that day was received in the Regional News Unit late in the evening, the Assistant News Editor had hardly any time to scrutinise it closely, before passing it on for tape recording. We apologise for this omission on the part of the Station and assure you that every

¹² *Ibid*

¹³ *Ibid*, May 14, 1974.

effort will be made hereafter to avoid repetition of such incidents. I request you to convey our deep sense of regret to the Hon'ble member, Shri C. V. K. Rao."¹⁴

The Speaker observed that in view of the unconditional apology tendered by the Station Director, All India Radio, the matter was being treated as closed.

BIHAR VIDHAN SABHA

Manhandling of, and assault on members: On June 14, 1974, the Speaker, Shri Harinath Mishra, informed the House that on June 13, 1974, he received a telephone call from Shri Jayaprakash Narayan, Sarvodaya Leader, expressing his regrets on an incident in which some members were abused, manhandled and assaulted by certain demonstrators participating in the student movement outside the gates of the Assembly Building on the 13th June, 1974. The Speaker added that he had also received the following letter dated the 13th June, 1974 from Shri Jayaprakash Narayan:—

"I have received information regarding abusing and manhandling of some members today in front of Vidhan Sabha, by some persons, in connection with the Student movement, the reports are contradictory. It appears that some vulgar slogans were raised by the demonstrators but the tearing of the shirts, pulling the members from the *Riksha* were committed by some persons from amongst the spectators. But whosoever may have done it, I am sorry for the incident.

I apologise to those members who were manhandled. Please convey my feelings to those members and also kindly read out my letter in Vidhan Sabha. I shall be grateful to you."¹⁵

The matter was, thereafter, closed.

PUNJAB VIDHAN SABHA

Manhandling of members and preventing them from entering the Chamber: On February 19, 1974, the Speaker, Dr. Kewal Krishan, informed the House that he had received notice of a question of privilege from Sardar Affaib Singh Sandhu and Sardar Surjit Singh Barnala, members, alleging that some members of the Akali Party were manhandled and were not allowed by some C.I.D.

14 Original in Telugu.

15 Original in Hindi.

officials to enter the Vidhan Sabha Chamber when the Governor came to address the Houses on February 18, 1974. Disallowing the question of privilege, the Speaker observed:

“In this connection, I have to say that the allegations made in the motion are not correct. There is no C.I.D. man in the Vidhan Bhavan. The Staff on duty in the Vidhan Bhavan is the Watch and Ward staff of Vidhan Sabha Secretariat. Some of them, as usual, have been engaged temporarily for the duration of the session and are working under my direct control and are on the rolls of the Vidhan Sabha Secretariat.

Now coming to the allegation that some members of the Akali Party were pushed and manhandled by the Watch and Ward staff of the Vidhan Sabha Secretariat, I can only say that the allegations are not based on facts. From the time the Governor arrived at the Ceremonial Gate till he entered the Chamber, I was all along with him. All members of the Akali Party entered the Vidhan Sabha Chamber shouting slogans and carrying placards and there was no attempt or occasion on the part of any one to obstruct entry of any member into the Vidhan Chamber. I therefore, rule the motion out of order and do not give my consent.

In the end, I must say that I am deeply concerned at the conduct of the members of Opposition. The tendency to show disrespect to the Head of the State on a solemn occasion when he comes to address the members of the House in the performance of his constitutional requirement is not praiseworthy. I would appeal to all sections of the House to think over this matter seriously.

We have all taken oath by the Constitution of India and it is our duty to show all respect to the Constitution and Head of the State. Any attempt on the part of a member to disturb the solemnity of the occasion or behaving in a manner which is not consistent with the dignity and status of the House and its members is unbecoming of him and I hope that all sections of the House will agree with me that on such occasions solemnity and dignity should be maintained.”

Deployment of C.I.D. Officials in the precincts of the House: On February 25, 1974, the Speaker, Dr. Kewal Krishan, informed¹⁶ the House that he had received notice of a question of privilege from

Shri Satya Pal Dang and other members stating that it was admitted by the Minister of Revenue and Parliamentary Affairs, Sardar Umrao Singh, that the Government had deployed C.I.D. Officials as temporary Watch and Ward Staff in the precincts of the House. They also alleged that the C.I.D. staff was shadowing the members with a view to note their visitors. Disallowing the question of privilege, the Speaker ruled *inter alia* as follows:—

“I have gone through the relevant proceedings of the Vidhan Sabha. I find that what the Minister for Parliamentary Affairs actually stated on the 19th February, 1974, was that the Watch and Ward Staff was taken on deputation from the Government. The said staff could be from C.I.D. or any other Department....”

Thereafter, the Minister of Revenue and Parliamentary Affairs, Sardar Umrao Singh, also stated,¹⁷ *inter alia* as follows:

“...On that day I had stated that you could take men on deputation from any department. All the persons who are in C.I.D. are on deputation at present either from Police or from P.A.C.... Therefore, the question of C.I.D. Officials to go on further deputation does not arise.”

UTTAR PRADESH VIDHAN SABHA

Arrest of a member on a criminal charge: On March 21, 1974, Shri Ram Sewak Yadav, a member, sought¹⁸ to raise a question of privilege against the police authorities of Lucknow for arresting Shri Shatrudra Prakash, another member, on March 20, 1974, under section 188 of the Indian Penal Code and section 6 of the U.P. Special Powers Act, and thereby preventing him from attending the sittings of the House. Shri Ram Sewak Yadav stated that Shri Shatrudra Prakash was arrested by the Police while he was coming out from a hotel after meeting Shri K. K. Birla, who was a candidate for Rajya Sabha elections. He alleged that the Government had deliberately arrested Shri Shatrudra Prakash for calling on Shri K. K. Birla and with a view to prevent Shri Shatrudra Prakash from attending the sittings of the House. The Leader of the House, Shri Narain Dutt Tiwari, stated *inter alia* as follows:

“...these arrests were made at 11.00 hours on the 20th March, 1974 outside the Carlton Hotel. These were in no way

¹⁷*ibid.* Original in Punjabi.

¹⁸ Original in Hindi.

connected with the meeting/talks with Shri K. K. Birla in respect of his candidature for election to Rajya Sabha or vote etc. . . . These arrests were made in connection with the incident which took place on the 18th March, 1974, in the Luknow University Campus regarding burning of effigy of the Vice-Chancellor and for violating section 144 of the Indian Penal Code. These arrests were made under section 6 of the Special Powers Act and section 188 of the Indian Penal Code. The warrants for arrest were issued on the 18th itself and the arrests were made as soon as the police could trace them. . . . It was a well settled practice that the arrests of members under criminal law did not amount to a breach of privilege and contempt of the House."

After a brief discussion, the Speaker, Shri Vasudev Singh, disallowed the question of privilege and ruled *inter alia* as follows:—

"Yesterday, I informed the House that Shri Shatrudra Prakash had been arrested under section 6 of the Special Powers Act and section 188 of the Indian Penal Code. . . The members' privilege of freedom from arrest is limited to civil cases. There is no provision for freedom from arrest in criminal cases. . . . I will here read out a ruling given by my predecessor on the 19th July, 1957:—

'I do not allow it as no question of privilege is involved in it. As far as the criminal cases are concerned, members' privilege is confined to receive the information of the arrest made in criminal cases. . . .'

No question of privilege can also be raised about arrests made outside the precincts of the House."

PROCEDURAL MATTERS*

LOK SABHA

Motion of No-confidence against Council of Ministers: On September 4, 1974, in regard to a notice of motion of No-confidence in the Council of Ministers, tabled by Shri Madhu Limaye, the Speaker observed that it could not be taken up as an identical motion had already been discussed and negatived earlier during the session and rule 338 prohibited such repeat motions in the same session. Shri Madhu Limaye and several other members then made submissions with regard to the expression "substantially identical" mentioned in rule 388. The Speaker, thereupon, observed that in a motion of No-confidence no reasons were given, and even if some reasons were given, they were not part of the motion. Therefore, there could not be any repeat motion of No-confidence in the same session.

Shri Madhu Limaye, thereafter, moved a motion for suspension of rule 338 in its application to the motion of No-confidence under rule 198. The motion was negatived.

Allegations against a Minister: On August 28, 1974 when the matter regarding certain statements made by the Minister of Commerce in Rajya Sabha on August 27, 1974 about alleged signatures of some Members of Parliament on a representation for issue of licences to certain parties, was sought to be raised as a question of privilege by Shri Madhu Limaye and others, some members referred to by name and made certain allegations against Shri L. N. Mishra who was then Minister of Foreign Trade. The Speaker permitted Shri Mishra to make a statement refuting the allegations made against him in his capacity as the then Minister of Foreign

*Contributed by Table Office, Lok Sabha Secretariat.

Trade. After Shri Mishra's statement, Shri Limaye wanted to raise a point of order but the Speaker passed on to the next item on the agenda.

On August 29, 1974 several members raised points contending that it was not proper for the Speaker to allow Shri Mishra to make personal explanation, without latter's adhering to Direction 115C of the Directions by the Speaker in not providing the text of his personal explanation in advance to the Speaker and getting the same approved by him. Ruling out the objections, the Speaker observed that Shri Mishra had not made a personal explanation. He had replied to certain allegations made against him, on behalf of the Government in his capacity as a member of the Council of Ministers. When certain allegations were made against a Minister and he was sitting in the House, he could refute these allegations there and then.

Personal explanation by Members: On August 28, 1974, the Speaker permitted some members to make personal explanation in connection with their names having been mentioned by the Minister of Commerce, Shri D. P. Chattopadhyaya in Rajya Sabha on the previous day in reply to a starred question, as being alleged signatories to a memorandum on the basis of which certain licences were issued, about which an inquiry was being conducted by the C.B.I. Some of these members had supplied in advance the written texts of their statements.

Raising matters relating to staff of Lok Sabha: On August 1, 1974, Shri Piloo Modi sought to raise the matter regarding deliberations of the Committee appointed by the Speaker to examine matters relating to the pay scales etc. of the staff of the Lok Sabha Secretariat. The Speaker observed that the matters relating to the staff of Lok Sabha Secretariat need not be raised in the House. The Speaker was not like a Minister to answer questions from the Chair. Members could see him in his chamber in that connection.

STATE LEGISLATURES*

ANDHRA PRADESH LEGISLATIVE COUNCIL

Drafting of Bills: On August 9, 1974, when the Andhra Pradesh Re-enacting and Repealing Bill, 1974 (L. A. Bill No. 29 of 1974) as passed by the Assembly was taken up for consideration in the Legislative Council, Shri Jupudi Yaganarayana raised an objection that it was not a proper Bill and it was not constitutionally valid and that therefore, it was not possible to pass the Bill. According to him "Re-enacted" meant that the Bill should be again introduced, it must be acted upon by both the Houses of the Legislature. Shri V. P. Raghavachari, who supported the stand of Shri Jupudi Yagnanarayana, also contended that it was not a Bill as it was not in the proper form capable of being amended and therefore it was illegal and unconstitutional, and that it was an encroachment and infringement on the propriety of the House.

The Chairman thereafter obtained the opinion of the Advocate General on the following points:—

- (i) whether the Andhra Pradesh Re-enacting and Repealing Bill, 1974 is drafted in the proper form and can be introduced and considered by the Legislature for re-enactment and repeal of President's Acts under Article 357(2) of the Constitution?
- (ii) whether the Annexures appearing after the statement of objects and reasons would form part of the Bill? and
- (iii) whether the Bill can validly be amended by moving amendments in the House?

With regard to the first point, the Advocate-General said that it was necessary to mention that no particular form was prescribed for any Bill which was to be introduced in the Legislature. He added:

"A Bill is only the draft of a proposed Act of the Legislature and must contain all the relevant provisions for being

* Contributed by the Research and Information Service, Lok Sabha Secretariat on the basis of materials received from the respective State Legislature Secretariats.

enacted into law. The nature of the provisions to be contained in a Bill would depend upon the character of the legislation being undertaken. Where the Bill seeks to re-enact an existing Act, which may be of a temporary nature, the question arises as to whether the re-enacting Bill should set out again the provisions of the entire Act to be re-enacted or whether it would be sufficient if the Acts intended to be re-enacted are specified in the re-enacting Bill. The present Andhra Pradesh Re-enacting and Repealing Bill, 1974, seeks to re-enact certain President's Acts and to repeal certain other President's Acts enacted by the President under Sec. 3 of the Andhra Pradesh State Legislature (Delegation of Powers) Act, 1973, when the Proclamation issued by the President under Article 356 of the Constitution was in force in the State of Andhra Pradesh. Clause 2 of the Bill proposes to re-enact two of the President's Acts whereas Clause 3 proposes to repeal two other President's Acts. I find that after the statement of Objects and Reasons, there are appended Annexures which set out the provisions of the President's Acts which are sought to be re-enacted.

Under Article 357(2) of the Constitution, the President's Acts passed during the period when the Proclamation under Article 356 of the Constitution was in force, would have effect for a period of one year after the Proclamation ceased to operate, unless the provisions are either repealed or re-enacted by an Act of appropriate Legislature. Therefore, a re-enacting and Repealing Bill in respect of the President's Acts, which will have to be introduced before the expiration of one year from the date of cessation of the Proclamation, will naturally have reference to the Acts which will be then in operation. Considering this objective, it appears sufficient if the Re-enacting or Repealing Bill specifies the Acts which are to be re-enacted or which are to be repealed in the operative clause of the Bill, without setting out again the entire provisions of the Act sought to be re-enacted or repealed. When no particular form is prescribed for a Bill, it is the substance of the matter that would determine the legality or the validity of the provisions of the Bill. There are several instances of legislations passed incorporating the provisions of another Act within their ambit by merely specifying the Act in operation without setting out the provisions of the Act sought to be incorporated".

By way of illustration, the Advocate-General also mentioned that when Parliament passed any law by virtue of Article 31-B of the Constitution conferring validity upon Acts notwithstanding their being repugnant to any of the provisions of Part III of the Constitution by including the Acts in the Ninth Schedule, only the Acts were

specified and the provisions of the various Acts were not again set out in detail. Therefore, on principle, he opined that,

“There appears to be nothing illegal or unconstitutional in a Re-enacting and Repealing Bill relating to President’s Acts merely specifying the Acts concerned without repeating again the entire provisions of the Acts sought to be re-enacted or repealed. In this context, reference may be made to section 28 of the General Clauses Act, 1897, which seems to furnish guidance in this matter. The said section provides that in any Central Act, or Regulation made, any enactment may be cited by reference to the title or number and year thereof, omitting the other provisions of the said section which are not relevant. This section seems to afford statutory recognition to the practice of passing laws with reference to other enactments by merely referring to its title if it is covered by Short Titles Act or even by reference to the number any year thereof.

This drafting practice in relation to Bills re-enacting or repealing other Acts appears to be well recognised and there had never been any doubt regarding the validity thereof.”

Bearing in mind the purpose of the Legislation and that the terms of the Bill were not opposed to any provisions of law and having regard to the consistent practice adopted for drafting such Bills in Andhra Pradesh, Kerala as well as by the Central Government, the Chairman held that the procedure adopted in the case of Andhra Pradesh Re-enacting and Repealing Bill, 1974 did not suffer from any defect.

The Chairman also agreed with the opinion of the Advocate General that the rights of the members to move any amendments to the Bill in question were preserved and were in no way affected.

HIMACHAL PRADESH VIDHAN SABHA

Amendment of Bill: On August 14, 1974, the Himachal Pradesh Panchayati Raj (Validation) Bill, 1974, was to be discussed clause by clause and was also to be passed. Under section 4 of the Panchayati Raj Act, the Government has to issue a notification while demarcating certain areas to be included in certain Panchayats and under section 5 of the said Act, the Panchayats are to be established and for this another notification is required to be issued. The Government issued two notifications under section 4 of the Panchayati Raj Act but one of the notifications was not published in the Government Gazette as required under section 4 and this omission was challenged in a writ in the High Court of Himachal Pradesh. In order to meet this omission, an Ordinance was issued.

The Bill which was introduced in the House incorporated all the provisions contained in that ordinance. In the 'Objects and Reasons' appended to the Bill, it was specifically mentioned that the Bill was intended to replace Ordinance No. 6 of 1974 issued to validate the omission. The Government gave a notice of amending clause 2 of the Bill and the purpose of this amendment was to validate also the omission of the issue of notification under section 5 of the Act. This amendment was circulated by the Vidhan Sabha Secretariat but when it was moved in the House, a member supported by another member raised objections that this amendment widened the scope of the Bill and, therefore, it should not be allowed under rule 287. The Minister incharge replied to the objections but he could not make out a case that the amendment was within the scope of the Bill and relevant to the clause to which it related. The Speaker after going through the provisions of the Bill, sections 4 and 5 of the Himachal Pradesh Panchayati Raj Act and the Objects and Reasons of the Bill observed that as the amendment was not within the scope of the Bill as disclosed from a cursory reading of the Objects and Reasons and was also not relevant to the clause, it was not permissible and could not be moved.

PUNJAB VIDHAN SABHA

Points of Order and Decision thereon: On August 5, 1974, a No-confidence Motion against the Council of Ministers was sought to be moved in the House by the Leader of the Opposition. After the House had granted leave to move the motion, the Speaker fixed certain hours on the same day for its discussion. Some members thereupon raised a point of order whether a no-confidence motion could be discussed on the same day on which leave to move it was granted. The Speaker held that it could be discussed on the same day and also pointed out that the ruling was supported by the precedents of Punjab Vidhan Sabha as well as those of other legislatures.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS*

(August 1, 1974 to October 31, 1974)

INDIA

DEVELOPMENTS AT THE CENTRE

Presidential and Vice Presidential Election: The Congress candidate, Shri Fakhruddin Ali Ahmed, was declared elected on August 20 as the fifth President of the Republic, defeating the Opposition candidate, Shri Tridib Kumar Chaudhuri, by a margin of 5,76,391 votes. In a straight contest, Shri Ahmed secured 80.2 per cent of the total 9,54,783 valid votes polled, as against 19.8 per cent polled by Shri Chaudhuri. The new President was sworn in on August 24, 1974.

On August 27, 1974, Shri Basappa Danappa Jatti, 62 year-old Congress leader from Karnataka, was declared elected as the fifth Vice-President of India. He succeeded Shri G. S. Pathak and was sworn in on August 31.**

Changes in the Council of Ministers: The Prime Minister, Shri-mati Indira Gandhi announced a reshuffle of her Council of Ministers on October 10, as a result of which two Cabinet Ministers, one Minister of State and three Deputy Ministers were dropped. Eight new Ministers were included in the Council, raising its total strength to 60 as against 57 earlier. The Council of Ministers now has 17 Cabinet Ministers, 22 Ministers of State including seven holding independent charge, and 21 Deputy Ministers.

Some of the important changes in portfolios of senior Ministers were as follows: Shri Jagjivan Ram was moved to Agriculture and Irrigation from Defence, Shri Y. B. Chavan from Finance to External Affairs and Sardar Swaran Singh from External Affairs to

* This feature, prepared by the Research and Information Service of the Lok Sabha Secretariat, is based primarily on reports appearing in the newspapers and as such, no responsibility is accepted for accuracy or veracity of information or views covered.

** For details regarding Presidential and Vice-Presidential Elections of 1974 see J.P.T. Vol XX No. 4 (Oct.—Dec. 1974), pp. 792—802.

Defence. Shri C. Subramaniam became the new Finance Minister in place of Shri Chavan. The portfolio of Industrial Development was merged with Heavy Industry and entrusted to Shri T. A. Pai who would also hold temporary charge of Science and Technology, previously looked after by Shri Subramaniam. Shri K. D. Malaviya was moved from Steel and Mines to Petroleum and Chemicals in place of Shri D. K. Borooah who resigned to take over the Congress Presidentship from Dr. Shanker Dayal Sharma. Shri K. Raghuramaiah, Minister for Parliamentary Affairs, has been entrusted with Works and Housing in place of Shri Bhola Paswan Shastri, who was dropped.

Three Deputy Ministers were promoted as Ministers of State. They are: Shri Mohammed Shafi Qureshi (who continues in Railways), Shri P. K. Mukherjee (from Transport and Shipping to Finance in place of Shri K. R. Ganesh who moved over to Petroleum and Chemicals) and Shri A. C. George (from Commerce Ministry to Industries and Civil Supplies).

The following is the reconstituted Council of Ministers:—

Cabinet Ministers: Smt. Indira Gandhi, *Prime Minister*; Shri Jagjivan Ram, *Agriculture and Irrigation*; Shri Y. B. Chavan, *External Affairs*; Sardar Swaran Singh, *Defence*; Shri C. Subramaniam, *Finance*; Shri K. Brahmananda Reddy, *Home*; Shri Uma Shankar Dikshit, *Minister without Portfolio*; Shri L. N. Mishra, *Railways*; Shri D. P. Dhar, *Planning*; Shri H. R. Gokhale, *Law and Company Affairs*; Shri K. D. Malaviya, *Petroleum and Chemicals*; Shri T. A. Pai *Industries and Civil Supplies with temporary charge of Science and Technology*; Shri K. Raghuramaiah, *Works, Housing and Parliamentary Affairs*; Dr. S. D. Sharma, *Communications*; Shri Raj Bahadur, *Tourism and Civil Aviation*; Dr. Karan Singh, *Health and Family Planning*; and Shri Kamalpathi Tripathi, *Transport and Shipping*.

Ministers of State: Shri D. P. Chattopadhyaya, *Commerce*; Shri I. K. Gujaral, *Information and Broadcasting*; Shri Nurul Hasan, *Education, Social Welfare and Culture*; Shri R. K. Khadilkar, *Supply and Rehabilitation*; Shri K. C. Pant, *Energy*; Shri Raghunath Reddy, *Labour and Employment*; Shri Chandrajit Yadav, *Steel and Mines*; Shri Nitiraj Singh Chowdhary, *Law, Justice and Company Affairs*; Shri Mohan Dharia, *Works and Housing*; Shri K. R. Ganesh, *Petroleum and Chemicals*; Shri A. C. George, *Industry and Civil Supplies*; Shri Shah Nawaz Khan, *Agriculture and Irrigation*; Dr. Sarojini Mahishi, *Law Justice and Company Affairs*; Shri B. P. Maurya, *Industry and Civil Supplies*; Shri Om Mehta,

Home Affairs, (Department of Personnel and Department of Parliamentary Affairs); Shri R. N. Mirdha, Defence Production; Shri P. K. Mukherjee, Finance; Shri Mohammad Shafi Qureshi, Railway.; Shri A. P. Sharma, Industry and Civil Supplies; Shri A. P. Shinde, Agriculture and Irrigation; Shri V. C. Shukla, Planning; and Shri Surendra Pal Singh, Tourism and Civil Aviation.

Deputy Ministers: Shri Z. R. Ansari, Industry and Civil Supplies; Shri Bedabrata Barua, Law, Justice and Company Affairs; Shri Bipin Pal Das, External Affairs; Shri A. K. M. Ishaque, Health and Family Planning; Shri Chaitanya Prasad Majhi, Petroleum and Chemicals; Shri F. H. Mohsin, Home Affairs; Shri Arvind Netam, Education, Social Welfare and Culture; Shri Jagannath Pahadia, Communications; Shri J. B. Patnaik, Defence; Shrimati Sushila Rohatgi, Finance; Shri B. Shankaranand, Parliamentary Affairs; Shri Buta Singh, Railways; Shri Dalbir Singh, Works and Housing; Shri Kedarnath Singh, Agriculture and Irrigation; Shri Vishwanath Singh, Information and Broadcasting; Shri G. Venkataswamy, Supply and Rehabilitation; Shri Balgovind Verma, Labour; Shri D. P. Yadav, Education; and Shri Sukhdev Prasad, Steel and Mines.

Formation of Bharatiya Lok Dal: A new political party named the *Bharatiya Lok Dal* (BLD) was formed in New Delhi on August 29, 1974 following the merger of seven existing parties which announced their dissolution. The parties were: The Swatantra Party, Samyukta Socialist Party (SSP), Bharatiya Kranti Dal (BKD), Utkal Congress, Kisan Mazdoor Party, Rashtriya Lok Tantrik Dal and Punjab Khëtibari Zamindar Sabha, the last three being small local organisations. Shri Charan Singh, the chairman of the Bharatiya Kranti Dal, was unanimously, elected the first Chairman of the new party. The flag and the election symbol of the BKD were adopted by the new party. The new party's strength in Lok Sabha and Rajya Sabha was 14 and 9 respectively at the time of its formation.

The Swatantra Party had been formed in 1959, the SSP in 1964 and the BKD in 1967.

According to the policy statement of the new party, it will make provision for only an infrastructural plan at the Central level, in place of the existing Five-Year Plans allowing within this flexible framework freedom to each State and every district to make its own plan, raise its own resources, attract its own investment and make optimum use of its own revenue. With this happening, the party feels that the Central Government would then be able to concentrate on foreign policy, defence, communications and national integration.

Associate Status for Sikkim: The Lok Sabha, on September 4, adopted the Constitution (Thirty-Sixth Amendment) Bill giving Sikkim the status of an associate state. The final vote was 310 for and seven against. The Rajya Sabha adopted the Bill on September 7, by 168 votes to 8. When the Bill is enacted, it will enable Sikkim to send a representative each to Lok Sabha and Rajya Sabha. The statement of objects and reasons of the Bill described as "historic" the agreement of May 8, 1973 between the Chogyal, the leaders of political parties representing the people of Sikkim, and the Government of India. It was in pursuance of this agreement and the unanimous desire of the members of the Sikkim Assembly expressed on May 11, 1974 for the progressive realisation of a fully responsible Government in Sikkim and for furthering its close relationship with India, that the Sikkim Assembly considered and passed the Government of Sikkim Bill of 1974 unanimously. The Chogyal of Sikkim promulgated the Bill on July 4, 1974 as the Government of Sikkim Act, 1974.

Supreme Court Judgments—Constitutional Powers of the President and the Governors. A seven-judge Constitution Bench of the Supreme Court, on August 25, ruled that the President and Governors of States "save in a few well known exceptional situations" shall exercise their formal constitutional powers only upon and in accordance with the advice of their Ministers. The Bench was disposing of appeals of two probationers in the Punjab Judicial Service whose probations had been terminated and who had challenged the orders of termination. The judgment of the Court, delivered by the Chief Justice, accepted the appeals and quashed the orders.

Mr. Justice V. R. Krishna Iyer and Mr. Justice P. N. Bhagwati, in a concurring judgment dealt with and, as they put it, laid down as law under article 141, the issue of the President's powers and whether he had to act on the advice of his Ministers and abide by it or could and should exercise his own individual judgment. The two judges held the Indian constitutional framework as akin to the Westminster system of Cabinet or parliamentary form of Government. They were of the view that in the light of the scheme of the Constitution, "functions" of the President and Governors and the "business" of Government belonged to Ministers and not to the Head of State. In the words of the Judges: "We are of the view that the President means, for all practical purposes, the Minister or the

Council of Ministers as the case may be, and his opinion, satisfaction or decision is constitutionally secured when his Ministers arrive at such opinion, satisfaction or decision." Both the appellants had, in their petitions projected certain constitutional issues relating to powers of Heads of State. Their services had been terminated by concerned Ministers on the advice of the High Court of Punjab and Haryana without reference or personal satisfaction of the Governor. In the case of one officer, while the decision to terminate his service was taken during President's Rule in the State, it was given effect to by the Chief Minister since President's Rule had, meanwhile, been withdrawn. The orders terminating their probation were challenged on the ground that since the power of appointment was vested under the Constitution with the Governor (or the President in the case of Central Services), their removal must also be made by him alone. The main contention of the appellants was that the President and the Governor were not just "constitutional cousins" of the British Queen or constitutional Heads of State but real wielders of power, bestowed on them expressly in the Constitution.

According to the Judges, the President, under the Indian Constitution, was, however, not merely a "figurehead" but would still have the right "to be consulted, to encourage and to warn". Acting on ministerial advice does not necessarily mean immediate acceptance of the Ministry's first thoughts. The President can state all his objections to any proposed course of action and ask his Ministers in Council, if necessary, to consider the matter. It is in the last resort that he must accept their final advice."

Election Expenditure and Political Parties: The Supreme Court, on October 4, 1974, set aside the election of Shri Amar Nath Chawla, a Congress member of Lok Sabha from Delhi-Sadar constituency, on a petition filed by Shri Kanwarlal Gupta, a former member of Lok Sabha belonging to Jan Sangh, on the ground that he had exceeded the ceiling on his election expenditure even though the excess may have been financed by the party sponsoring his candidature.

Delivering the judgment, Mr. Justice P. N. Bhagwati and Mr. Justice R. S. Sarkaria observed that the objective behind the statutory ceiling on election expenditure would be "completely frustrated" if the political party sponsoring a candidate were to be free to spend as much as it liked in connection with his election. The Court suggested it would be "eminently desirable" to lay down

some limitative ceiling also on the expenditure by a political party on its "general party propoganda", coupled with the filing of return of expenses, and an independent machinery to investigate and take action.

The Court *inter alia* said: "When the political party sponsoring a candidate incurs expenditure in connection with his election, as distinguished from the expenditure on 'general party propoganda' and the candidate knowingly takes advantage of it or participates in the programme or activity, or fails to disavow the expenditure, or consents to it, or acquiesces in it, it would be reasonable to infer, save in special circumstances, that he impliedly authorised the political party to incur such expenditure, and he cannot escape the rigour of the ceiling by saying that he has not incurred the expenditure but his political party has done so".

Ordinance on Election Expenses: According to an Ordinance promulgated on October 19, 1974 by the President of India, election expenses incurred by a political party on a person other than a candidate shall not be deemed expenditure incurred by the candidate on his election. The Ordinance restored the position in law as it had existed before the Supreme Court judgment setting aside the election of Shri Amar Nath Chawla. The Ordinance, which will not affect the decisions already made by the courts, appended the following explanation to Section 77(8) of the Representation of the People Act:—

"Notwithstanding any judgment, or order or decision of any court to the contrary any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual (other than the candidate or his election agent) shall not be deemed to be and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorized by the candidate or by his election agent for the purposes of this sub-section."

AROUND THE STATES

ASSAM

Censure Move defeated: The State Legislative Assembly, on September 19, rejected a no-confidence motion against the Government by 78 to 13 votes. The motion, which was moved by the Leader of the Opposition, Shri Gaurishankar Bhattacharjee, was debated for two days.

Expansion of Ministry: The State Chief Minister, Shri S. C. Sinha, on October 12, expended his Council of Ministers; six Cabinet Min-

isters, six Ministers of State and a Deputy Minister were added, raising the strength of the Ministry to 25. Minister of State, Shri Hiteswar Saikia was promoted to Cabinet rank.

The new Ministerial entrants with their portfolios are Sarvashri Mohammad Umaruddin (*Agriculture*), S. C. Daulagupu (*Agriculture and Weaving*), L. N. Doley (*Flood Control*), Indeswar Khound (*Transport*), Girin Choudhury (*Health and Family Planning*); and Hiteswar Saikia (*Home*).

The Ministers of State are: Shri Suren Das (*Health and Family Planning*), Shrimati Anwara Taimur (*Education*), Sarvashri Suranjan Nandy (*Transport*), Daben Bora (*Agriculture and Irrigation*), Bijoy Sharma (*Finance*) and Bhumidhar Barman (*Revenue*).

The new Deputy Minister, Shri Nilakanta Das has been attached to the Agriculture Ministry.

GUJARAT

Extension of the President's Rule: Parliament approved on September 7, 1974, the extension of President's Rule in Gujarat for another six months by adopting a statutory resolution, to this effect. On behalf of the Government, Parliament was assured that while it would not be possible to hold fresh election in Gujarat soon, there was no intention of "holding back" the elections. The main reason for extending the period of President's Rule, according to the Government, was that a fresh delimitation of constituencies on the basis of 1971 census had to be completed before the elections were held.

Speaker Resigns as PCC Chief: Shri Raghavji T. Leuva, Speaker of the dissolved Gujarat Assembly, resigned as president of the Gujarat Pradesh Congress *ad hoc* Committee following protests by Opposition parties over his holding the two posts simultaneously. Shri Leuva came in for particular criticism when the Gujarat Governor, Shri K. K. Vishwanathan, named him as Executive Chairman of the State-level Sardar Vallabhbhai Patel Centenary Celebrations Committee. Shri Morarji Desai, Shri Hitendra Desai, Shri Chimanbhai Patel and Kumari Maniben Patel had refused to attend meetings of the Committee as long as Shri Leuva continued as both Speaker of the Assembly and as *ad hoc* GPCC President.

HARYANA

By-elections to Rajya Sabha: Sarvashri Sultan Singh and Prabhhu Singh were elected to the Rajya Sabha from the Haryana

Vidhan Sabha constituency. Both the candidates are sitting Members.

KARNATAKA

By-election to the Assembly: Shri A. Nanjappa, a Congress (O) candidate, was declared elected to the State Assembly from the Arsikere Constituency in a by-election held on October 6, 1974. He defeated his nearest Congress rival, Shri G. S. Basavaraja, by a margin of 2,933 votes in a six-cornered contest. The by-election was caused by the death of a Congress (O) member, Shri H. S. Sudappa.

MAHARASHTRA

Cabinet Changes: In a change of portfolios announced on September 18, 1974, Shri H. G. Vartak, Minister of Food and Civil Supplies, was relieved of the Food and Civil Supplies Department but would continue to hold charge of the Revenue and Khar Lands Departments. The Food and Civil Supplies Department was transferred to Shri V. J. Mohite, Minister for Cooperation. The Housing Department held by Shri Mohite was entrusted to Shri A. R. Antulay, in addition to Buildings and Communications and Law and Judiciary.

MANIPUR

Expansion of Ministry: The strength of the coalition Progressive Democratic Front Ministry in Manipur, headed by Shri Yangmaso Shaiza, rose to ten with the swearing-in of two more Ministers by the Governor, Shri L. P. Singh, at Imphal on August 1, 1974. Shri Meghachandra Singh of the CPI was sworn-in as Minister of Cabinet rank, while R. K. Thekko of the Manipur Hills Union (Shaiza faction) became Minister of State.

After the addition of these two Ministers, the PDF Ministry had five Cabinet Ministers, four Ministers of State and one Deputy Minister.

Barring the Congress, which had a strength of 13 in the 38-strong PDF, all the constituents of the coalition were represented in the Government.

It was reported on August 20, 1974 that the Manipur Democratic Party had merged with the Congress raising its strength to 31 in the 60-member Assembly.

Deputy Speaker Resigns: The Deputy-Speaker of the Manipur Assembly, Shri Thounaojam Chaba Singh, resigned on July 30, 1974, as a sequel to a no-confidence motion tabled against him by a member of the ruling Progressive Democratic Front during the last session of the Assembly, and admitted by the Speaker for discussion.

NAGALAND

Increase in the Ministry strength: Strength of the United Democratic Front Ministry led by Shri Vizol, was raised to 17 when two new Ministers—Shri T. N. Angami, a former Chief Minister, and Mr. Rothrong were sworn in. While Shri Angami becomes a Cabinet Minister, Shri Rothrong was made a Deputy Minister. The Minister of State for Electricity and Excise, Shri Nyeiwang, was elevated to Cabinet rank.

Threat to lives of defectors: Committee to probe: On a point raised by some Members in the Legislative Assembly regarding some objectionable statement alleged to have been made by one Shri Lungshim Shaiza bearing threat to the lives of the members of the Assembly who defected from the ruling party, the Speaker has constituted a Committee consisting of three Members to investigate into the matter. The Committee consists of Shri Tajen Ao as Chairman and Sarvashri T. A. Ngullie and Mhao Lotha as Members.

ORISSA

Corruption Charges Against Orissa Minister: Mitter Commission's Report: The Orissa Government released on September 2 "broad conclusions" of the Mitter Commission's findings on corruption charges against a former Minister, Shri R. N. Singh Deo. The Commission, appointed in March, 1973 under the Commission of Inquiry Act 1952, has said that the orders passed by Shri R. N. Singh Deo, both as the Chief Minister and later as a Minister in the Biswanath Das Ministry, were "unlawful, improper, *mala fide*, arbitrary and unjustified." The one-man Commission which consisted of Shri G. K. Mitter, a retired judge of the Supreme Court, held that the orders passed by Shri Singh Deo (as the head of the Swatantra-Jana Congress Government) on November 19, 1970 granting rebate and concessions to some of the *kendu* leaf agents and purchasers were "unlawful" and undoubtedly "affected the revenues of the State", causing a loss of over Rs. 40 lakhs. The Commission also held two other former Ministers of the State—Shri Hara Prasad Mahapatra and Shri Ainthu Sahu, who were in charge of the Forest Department—guilty of

similar charges in respect of granting of rebate and concessions to the Kendu leaf agents and purchasers and renewing the agreements in their favour in March, 1972.

RAJASTHAN

Rajasthan Cabinet Changes: In a Cabinet reshuffle in Rajasthan, announced on September 9, six Ministers of State were given independent portfolios, to lighten the burden of some Ministers and also to avoid conflicts in the jurisdiction and functioning of Cabinet Ministers. The following are the allocations of portfolios after the reshuffle:—

Shri Gulab Singh Shekhawat—*Flood and Famine Relief.*

Shri Jhulhar Singh—*Mines and Tourism.*

Shri Mool Chand Meena—*Khadi Gramudyog.*

Shri Farooq Hussain—*Education Minority Language and Wakfs.*

Shri Munshi Lal Mahaver—*Sheep and Wool and Local Self-Government.*

Shri Ram Narain Choudhary—*Town Planning, Co-operatives, Panchayats and Development;*

and

Shri Banwari Lal—*Jails and Printing and Stationery.*

WEST BENGAL

West Bengal Minister Resigns: West Bengal's Deputy Irrigation Minister, Shri Suniti Chattoraj, handed over his letter of resignation to the Chief Minister, Shri Siddhartha Shankar Ray, on September 21, 1974 as a protest against the "pitiful lack of relief measures in his home district, Birbhum."

UNION TERRITORIES

ARUNACHAL PRADESH

Demand for Legislative Assembly: A two-day session of the Arunachal Pradesh Council concluded at Itanagar on November 7, 1974, after unanimously adopting a resolution that the Union Territory should have a Legislative Assembly. The Chief Commissioner, Shri K. A. Raja, who is also the Chairman of the Council, presided.

DELHI

New Lt. Governor Takes Over: Shri Krishan Chand, a retired ICS Officer, was sworn-in on October 4, 1974 as the new Lt. Governor of the Union Territory of Delhi, succeeding Shri Baleshwar Prasad, who proceeded on leave after submitting his resignation.

PONDICHERRY

President's Rule extended: President's Rule in the Union Territory of Pondicherry was extended by another six months from September 28, 1974. The territory came under President's Rule on January 3, 1974.

SIKKIM

Dorji Announces Portfolios of Ministers: Portfolios in Sikkim's new five-member Cabinet headed by Kazi Lhendup Dorji Khangsarpa, were officially announced on July 29, 1974. The Chief Minister will be in charge of *Education, Excise, Publicity, Transport, Forests Economic and Social Planning*. Allocation of other Ministers is as follows: Shri Rinzin Lepcha, *Public Works*; Shri Bhuwani Prasad Dahal *Food and Civil Supplies*; Shri Doriji Tsering Bhutia—*Health*; and Shri Krishan Chandra Pradhan—*Agriculture and Animal Husbandry*.

Earlier, the new National Assembly had, at a brief session, elected uncontested Shri C. S. Rai, a senior Congress member, as its Deputy Speaker. The post of the Assembly President, which is not elective, is held by the Chief Executive Shri B. S. Das, who is also head of the administration. He presided over the Assembly session.

DEVELOPMENT ABROAD

ARGENTINA

Changes in Isabel Peron Cabinet: President Isabel Martinez de Peron, on August 14, 1974, replaced the Ministers of the Interior, Defence and Education—all of whom had been criticized for alleged left-wing tendencies, after having accepted the resignation of the entire Cabinet a day earlier. This was the first Cabinet change after she took over the Presidency following the death of her

husband in July. The full composition of the reorganized Government was as follows:

Dr. Alberto Luis Roeamora, *Interior*; Shri Adolfo Savino, *Defence*; Shri Alberto Vignes, *Foreign Relations*; Shri Jose Bar Gelbard, *Treasury and Finance*; Dr. Oscar Ivanissevich, *Culture and Education*; Dr. Antonio Juan Benitez, *Justice*; Shri Jose Lopez Rega, *Social Welfare* and Shri Ricardo Otero, *Labour*.

AUSTRALIA

First Joint Sitting of the Two Houses of Parliament: For the first time in the history of the Australian Commonwealth, the two Houses of the Federal Parliament held a joint sitting on August 6 and 7, 1974 and passed six Bills which had been twice rejected by the Senate in the final session of the previous Parliament and for a third time since the general election of May 18, 1974.

The Australian Constitution provides for the passage of disputed legislation by a simple majority of the House of Representatives and the Senate sitting together in the event of a double dissolution and the ensuing general election, having failed to resolve the conflict between the two Houses.

The six Bills, which had been mainly responsible for the double dissolution of April 11, 1974, provided for a reduction of the permitted variation in size of federal constituencies, Senate representation for the Australian Capital Territory and the Northern Territory and the establishment of a national health scheme and a government authority to explore for and develop oil and mineral resources in Australia.

The joint sitting became necessary following the rejection by the Senate for the third time on July 16, 1974 of the Bill regulating the sizes of city and rural constituencies. The vote was 29 to 29 which under the Senate rules meant that the Bill had been rejected. However, it was not until July 30, 1974 by which time the Upper House had rejected the other five Bills, that the Governor-General's proclamation convening the joint sitting was issued.

At the opening of the joint sitting on August 6, 1974, Mr. James Cope, Speaker of the House of Representatives, and Mr. Justin O'

Byrne, President of the Senate, were elected unopposed as Chairman and Deputy Chairman of the sitting, respectively.

The Bill was passed by 96 votes to 91. Although the Government has a majority of five in the House of Representatives, the Senate is equally divided between the Government and opposition members, with two Independent Senators holding the balance of power.

Also, on August 6, 1974, the joint sitting passed two other electoral Bills, one of which provided two Senators each for the Australian Capital Territory and the Northern Territory, while the two Bills dealing with the National Health Scheme and the measure establishing a petroleum and minerals authority were approved on the following day.

The joint sitting was televised, the first time that a sitting of Parliament had been televised direct in Australia.

BANGLADESH

Tajuddin Dropped from Cabinet: The Prime Minister, Sheikh Mujibur Rahman, on October 26, dropped the Finance Minister, Mr. Tajuddin Ahmed from his Cabinet. He asked Mr. Ahmed to resign and the resignation was accepted by the President, Mr. Mohammadullah.

BULGARIA

Changes in Party leadership and Government: In a reorganization of the country's leadership, decided upon at a plenary session of the Central Committee of the Bulgarian Communist Party, three candidate-members of the Politburo—Messers Ivan Abadjiev, Venelian Kotsev (Deputy Chairman of the Council of Ministers) and Kostadin Gyaourov—were relieved of their duties, two of the Central Committee's secretaries—Professor Grisha Filipor and Mr. Alexander Lilov—were promoted full members of the Politburo, and four new candidate-members—Army General Dobri Djourov, Mr. Peter Mladenov, Mrs. Drazha Vulcheva and Mr. Todor Stoichev—were elected to the Politburo.

CANADA

New Federal Cabinet: Following the General Election held in the country on July 8, 1974, the Prime Minister Mr. Pierre Trudeau,

announced on August 8, 1974, a reorganisation of his Government involving changes of portfolios for eight existing Ministers and the appointment of four new ones.

Mr. Mitchell Sharp, former External Affairs Minister changed place with Mr. Allan Mac Eachen, President of the Privy Council. Mr. Charles Drury, President of the Treasury Board, took over the portfolio of Science and Technology, and Public Works, while his portfolio was given to Mr. Jean Chretien. Bryce MacKasey becomes the Postmaster General in place of Mr. Andre Ouellat who was given the Consumer and Corporate Affairs. Mr. Ronald Basford is the Minister for National Revenue and Mrs. Jeanne Sauve, the Minister for Environment.

The four new Ministers—Messers Raymond Perrault, Barnett Danson, J. Judd Buchanan and Romeo Le Blanc—were given the charge of Government leadership in the Senate, Urban Affairs (Previously held by Mr. Ronald Basford), Indian Affairs and Northern Development (previously held by Mr. Jean Chretien) and Fisheries, respectively.

COLOMBIA

New Government assumes office: Dr. Alfonso Lopez Michelsen, the Liberal leader, assumed office as President of the Republic for a four-year term on August 7, 1974 after the Electoral Tribunal had, on July 14, 1974, declared him to have been legally elected on April 21, 1974 when, according to final official figures, he had obtained 2,929,719 votes out of 5,199,542 votes cast (the registered electorate being about 9,300,000).

A new Cabinet, in which portfolios (other than that of Defence) were evenly divided between Liberals and Conservatives under the constitutional agreement of 1957 designed to continue until 1978, was announced the same day (August 7) as follows:—

Dr. Indalecio Lievane Aguirre (L.), *Foreign Affairs*; Dr. Cornelio Reyes (C.), *Interior*; Dr. Rodrigo Botero Monteya (L.), *Finance*; Dr. Jorge Ramirez Ocampo (C.), *Development*; Dr. Rafael Pardo Buelvas (C.), *Agriculture*; Dr. Eduardo del Hierro Santacruz (C.), *Petroleum and Mines*; Dr. Haroldo Calvo Nunez (L.), *Health*; Dr. Alberto Santofimio Botero (L.), *Justice*; Dr. Maria Elena de Crovo (L.) *Labour*; General Abraham Varon Valencia, *Defence*; Dr.

Humberto Salcedo Collantes (C.), *Public Works*; Dr. Hornando Duran Dussan (L.), *Education*; and Dr. Jaime Garcia Parra (C.), *Communications*.

Party-wise distribution of seats among the four parties is as follows:—

	<i>Chamber of Deputies</i>	<i>Senate</i>
Liberals	113	67
Conservatives	66	38
<i>Alianza Nacional Popular</i> ..	15	6
<i>Union Nacional de Oposicion</i>	5	2

EGYPT

New Prime Minister takes over: Egypt's new Prime Minister, Dr. Abdel Aziz Hegazi, on September 25, 1974 formed a 37-man Cabinet. President Sadat, who also held the post of the Prime Minister since March last year, had asked Dr. Hegazi to form a new Cabinet earlier.

The tasks of the new Cabinet included continued preparedness of the people to fight, implementation of the short plan, preceding the five-year development plan of 1975—80, and to implement the open-door economic policy and to check price rise.

One-Party System to continue: An Egyptian Parliamentary Commission set up to study the reorganization of the Arab Socialist Union (ASU) has recommended the maintenance of one-party political system in the country. The recommendation put at rest the growing movement favouring a plurality of political parties which appeared just over a month ago, when the President published a document calling for changes in ASU.

ETHIOPIA

Haile Selassie Deposed—Army Takes Over Government: Emperor Haile Selassie was deposed on September 12, 1974 at a formal ceremony conducted at his palace in Addis Ababa by the Armed

Forces Committee. A proclamation read out to him on this occasion ended the 82-Year old monarch's half century of rule. The Emperor, in a brief speech, reportedly agreed to the terms of the proclamation.

The Armed Forces Committee suspended the Constitution of 1955 and closed down the Parliament—the Senate and the Chamber of Deputies—“until the people elect their genuine representatives in truly democratic elections”. A military tribunal was established to try persons without appeal. The Armed Forces Committee also assumed full governmental powers until a legally constituted People's Assembly approved a new Constitution and the Government was duly established.

IRAQ

Kurdistan Legislative Council: The newly constituted Legislative Council of the Self Rule area (of Kurdistan) held its first session in Arbil on October 5, 1974. The establishment of the Legislative Council and later the Executive Council and other Self-Rule institutions in Kurdistan area, according to Vice-President Taha Muhyiddin Maroaf, are big democratic achievements brought about by the July 17 Revolution as inspired by the principles of its leading Party, the Arab Baath Socialist Party.

Mr. Hashem Hassan Aqrawi, who had been assigned to form the Executive Council under his Chairmanship, tabled a motion to constitute the Executive Council. As a result of direct and free ballot, the following were unanimously re-elected:—

Mr. Hashem Hassan Aqrawi, *Chairman*, Mr. Su'ad Adeeb, *Vice-Chairman* and *Secretary for Home Affairs*; Mr. Mousa Abdulasamad Saadallah, *Secretary for Education*; Mr. Shirwan Ali Ameen, *Secretary for Works and Housing*; Mr. Basheer Abdul Rahman al-Atrooshi, *Secretary for Agriculture and Agrarian Reform*; Mr. Adel al-Haj Saleem, *Secretary for Transport and Communications*; Mr. Othman Mohammed Faiq, *Secretary for Culture and Youth*; Mr. Sirwan Abdullah Hussain al-Jaf, *Secretary for Tourism and Resorts*; Mr. Mohammed Zaiwar Sharif, *Secretary for Social Affairs*; Mr. Noori Rashid Mahmoud, *Secretary for Economic and Financial Affairs*; Mr. Allauddin Najimuddin al-Sajadi, *Secretary for Waqaf (Religious Endowments)*; Mr. Ahmed Abdul Qadar al-Naqshabandi, *Member*; Mr. Ihsan Tahar al-Mufti, *Member*; and Mr. Ahmed Hamid Qader, *Member*.

JAPAN

Funds of Political Parties: Political funds collected by the ruling Liberal-Democratic Party (LDP) in 1973 nearly doubled to about 18,630 million yen. The Japan Communist Party (JCP) had the second largest income among the five parties represented in the Diet—about 6,110 million yen, compared with about 5,160 million yen in 1972. Komeito ranked third with about 3,800 million yen against some 3,710 million yen in the preceding year. The Japan Socialist Party's (JSP) income dropped from about 760 million yen in 1972 to some 700 million yen in 1973. The amount of political funds was disclosed in a Home Affairs Ministry report which was published in the Official Gazette recently. A total of 1,341 political organisations had a combined income of 67,890 million yen, an all-time high and some 13,300 million yen more than the preceding year. The report was prepared on the basis of financial reports from political organizations under the Regulation of Money for Political Activities Law. The report mainly covered political funds raised in the second half of 1973.

MALAYSIA

Election Results—New Cabinet Sworn-in: Elections held on August 24, 1974 for the Federal House of Representatives and 11 of the country's 12 State Assemblies resulted in victory for the ruling National Front, which gained more than three-quarters of the seats in the Federal Parliament and also 284 out of 314 seats in the State Assemblies. The previous 144-member House of Representatives (Dewan Rakyat), in which the National Front held 125 and the Opposition 19 seats, was dissolved on July 31, 1974. Following the creation of the Federal Territory of Kuala Lumpur with effect from February 1, 1974, the number of seats in the House was increased from 144 to 154 under the Constitution (Amendment) (No. 2) Bill of August 1973. With the elections for 23 seats in Sarawak not yet completed, and one seat in Sabha still outstanding, the distribution of 130 seats in the new House of Representatives was as follows:

National Front	120
Democratic Action Party	9
Social Justice Party (Pekemas)	1

The National Front embraced altogether 12 parties, seven of them in the Malayan Peninsula and five others in Sarawak and

Sabha. A new 21-man cabinet, headed by Tun Haji Abdul Razak bin Datuk Hussein, was sworn in on September 5. The new Government also included 16 Deputy Ministers.

MOZAMBIQUE

Transitional Government set up: A transitional Government was installed in Mozambique on September 20 as set out in an agreement signed by Portugal and Frelimo (the Frente de libertação de Mocambique) after several months of talks. Serious racial unrest reportedly followed the signing of the agreement, in which white extremists attempted to proclaim a unilateral declaration of independence, and thereby provoked a Black backlash. The transitional Government was headed by 35-year old Sr. Joaquim Chissano, the third-in-command of Frelimo, as Prime Minister.

NEW ZEALAND

Rowling becomes new Prime Minister: The New Zealand parliamentary Labour Party, on September 6, 1974, elected Mr. Wallace (Bill) E. Rowling, Minister of Finance, as Party Leader and Prime Minister in succession to Mr. Norman Kirk, who died on August 31, 1974. In the election Mr. Rowling defeated Mr. Hugh Watt, Deputy Prime Minister and Minister of Labour and of Works and Development, who was the only other candidate. Mr. Watt did not contest the Deputy Leadership and was succeeded by Mr. Robert Tizard, Minister of Health and State Services.

NICARAGUA

Re-election of General Anastasio Somoza as President: Elections held on September 1, 1974 for the office of the President and also for 70 seats in the National Assembly and 30 seats in the Senate, resulted in an overwhelming victory for General Anastasio Somoza Debayle Jr. and his Liberal Nationalist Party. In the presidential election, as announced on September 2, 1974, over 80 per cent of the votes cast had been for General Somoza, as against his sole opponent, Dr. Paguaga Irias, who had conceded defeat on the election day itself. General Somoza (48) was President of Nicaragua from 1967 until 1972 but had been constitutionally debarred from immediate re-election. General Somoza was scheduled to take office on December 1, 1974 when the rule of the triumvirate was expected to end.

PAKISTAN

Foundation laid for new Parliament Building—PM announces Restoration of Fundamental Rights: Speaking at the foundation-laying ceremony of the new Parliament building in Islamabad on August 14, 1974, the Prime Minister, Mr. Z. A. Bhutto, said that while the state of emergency would continue in his country, he had decided to rescind an order which suspended citizens' rights to apply to the courts for enforcement of fundamental rights provided in the constitution. He said his announcement showed the Government's resolve to amplify and enlarge civil liberties subject to paramount considerations of national security, and signified that the Government was overcoming disintegrative forces.

The Opposition in both Houses of Parliament, however, reportedly boycotted the ceremony. They said the President and not the Prime Minister should have laid the foundation stone.

PORTUGAL

New Law Aimed at restoring normal ties with India: The State Council of Portugal has adopted a law which removes from the Portuguese Constitution any mention of "Portuguese India". The new law would make it possible to restore relations between India and Portugal quickly.

SAN MARINO

General Elections Results: General Elections to the 60-seat Grand and General Council were held in San Marino on September 8, 1974 resulting in slight losses by the Christian Democrats and Social Democrats, who in March 1973 had formed a coalition Government after a political crisis, and corresponding gains by the Communists and Socialists. The election results were as follows:—

	1974 Seats	1974 Votes	%
1	2	3	4
(previous strength in brackets)			
Christian Democrats	25 (27)	5,451	39.6
Communists	15 (14)	3,246	23.7
Social Democrats	9 (11)	2,120	15.4
Socialists	8 (7)	1,914	13.9
Committee for the Defence of the Republic	1 (—)	407	2.9
Popular Democratic Party	1 (—)	272	1.9

1	2	3	4
Statutory Freedoms Movement (Known previously as Movement for Defence of Constitutional Liberties)	1 (—)	223	1.6
Marxist-Leninist Movement	— (—)	121	0.8

One of the features of the election campaign was the fact that women, who had been given the vote from January 1, 1960, under an electoral law enacted in April 1959, were allowed to present themselves as candidates for the first time. Out of a total of 22 women seeking office, two Communists and a Christian Democrat were elected.

SYRIA

Modifications in Governmental Composition: The composition of the Syrian Government, formed in December 1972 by Vice-President Mahmoud Ayoubi, was partially modified by President Hafez al Assad on August 31, 1974. Notwithstanding these changes, the Syrian Government continued to be a coalition of the parties represented within the Baathist-dominated Progressive Front of National Union (namely, the Baath Party itself, the Nasserist Arab Socialist Union, the Socialist Unionist Movement, the Arab Socialist Party and the Syrian Communist Party) together with several Independents. The political composition of the 31-member Government, after these changes was like this:—Baathists 16 (as before), Arab Socialist Union 3(3), Communists 2(2) Socialist Unionist Movement, 1(3), Arab Socialist Party 1(1) and Independents 8(6).

THAILAND

New Constitution Approved: Thailand's National Assembly approved the new Constitution of Thailand on October 5, 1974 paving way for the holding of general elections in the country four months after the constitution is promulgated.

TURKEY

New Prime Minister Takes Over: On November 17, 1974 Senator Sadi İrmak became Turkey's new Prime Minister after a two-month Government crisis, in succession to Mr. Bulent Ecevit. Mr. Melen Esenbel will be the new Foreign Minister.

UNITED KINGDOM

General Election Results—Labour Party Forms Government Again: The Minority Labour Party Government was returned to

power with a majority of three over all other parties in the House of Commons at the general election held on October 10, 1974. The final state of the parties in the new House, was as follows: Labour 319; Conservatives, 276; Liberals, 13; Scottish National Party (SNP), 11; United Ulster Unionist Council (UUUC), 10; *Plaid Cymru*, 3; The Speaker, 1; Social Democratic and Labour Party (SDLP), 1; and Independent, 1.

The party strengths in the House of Commons at the time of the dissolution were as follows: Labour 298; Conservatives 296; Liberals 15; Ulster Unionists 11; Scottish Nationalists 7; *Plaid Cymru* (Welsh Nationalists) Party 1; Democratic Labour 1; Independent Labour 1; Speaker 1; Vacant 2 (both seats formerly held by Labour).

The only change in party strengths since February resulted from Mr. Christopher Mayhew's resigning from the Labour Party and joining the Liberal Party. Details of the voting are as follows (figures for the February 1974 elections shown for comparison):—

	October		February	
	Votes	Percent	Votes	Percent
Labour	11,458,704	39.3	11,661,488	37.2
Conservatives	10,458,548	35.8	11,928,677	38.1
Liberals	5,348,193	18.3	6,056,713	19.3
Others	1,908,995	6.6	1,695,315	5.4

There was a 72.8 per cent turn-out of voters, compared with 78.2 per cent in February 1974, and a 2.1 per cent swing to Labour from the Conservatives. Labour gained 19 seats and lost one, a net gain of 18 seats; the Conservatives gained two seats and lost 22, a net loss of 20 seats; the Liberals had one gain and two losses, a net loss of one; the SNP gained four seats and lost none; the UUUC had no gains and one loss; and *Plaid Cymru* had one gain and no losses.

UNITED STATES

Richard Nixon Resigns—Gerald Ford becomes new President: President Richard Milhous Nixon announced his decision to resign on August 5, 1974. He formally relinquished the Presidency at 11.35 a.m. on August 9, 1974 when his one-sentence letter of resignation was delivered to the Secretary of State (Dr. Henry Kissinger), as required under the Constitution. Mr. Nixon is the first

President in American history to have resigned the Presidency. Immediately after Mr. Nixon's letter of resignation was received, Vice-President Gerald Ford became President of the United States. He was sworn-in half-an-hour later by the Chief Justice, Mr. Warren Burger. Mr. Gerald Ford, 61, is the 38th President of the United States, and the first President from Michigan. He told the nation in a broadcast after taking over: "Our long national nightmare is over. Our Constitution works. Our great Republic is a government of laws and not of men." He solemnly pledged that he would "to the best of his ability, preserve, protect and defend the Constitution of the United States".

On August 20, 1974, President Gerald Ford announced that Mr. Nelson Rockefeller, former Governor of New York State, was his choice for the post of Vice-President. Under the US Constitution, Mr. Rockefeller's nomination has got to be formally approved by the Congress.

SESSIONAL REVIEW

FIFTH LOK SABHA—TWELFTH SESSION*

The Twelfth Session of Lok Sabha commenced on November 11, 1974. A brief resume of some of the important discussions¹ held in the House up to November 30, 1974 is given below.

A. DISCUSSIONS

Import Licences Scandal Case: Right from the beginning of the session, the question of privilege regarding the import licences case² dominated the proceedings of the House and the matter came up for discussion again and again in one form or other. On November 12, 1974, while Shri Madhu Limaye reiterated his demand for constitution of a parliamentary committee to go into the whole case, Shri Atal Bihari Vajpayee referred to the assurance³ given by

*Contributed by the Research and Information Service, Lok Sabha Secretariat.

1. Other important subjects discussed were: Accumulation of equipment at BHEL, Bhopal; Issue of *ad hoc* licences to Messrs Cadbury Fry and Messrs Coca Cola Export Corporation; Clash between the Police and Tribals in Assam; C.B.I. Enquiry into land deal scandal of AIR's Cuttack station; and former President's statement on Railway Strike.

The following four Bills were passed by the House upto November 30, 1974:

The Navy (Amendment) Bill, 1973.

The Indian Works of Defence (Amendment) Bill, 1973.

The Reserve Bank of India (Amendment) Bill, 1974.

Indian Telegraph (Amendment) Bill, 1974.

2. See also *J.P.I.* Vol. XX, No. 4 (October—December, 1974), pp. 830 and 841.

3. On September 9, 1974, the Minister of Home Affairs had state:

"I am making a promise, I am giving an assurance, that, after this investigation is over, the first thing that we will do is to come to Parliament and say, 'This is where we have arrived; please tell us what we should do'. It is only after that, according to the wishes of Parliament, that we will proceed. We are not closing the door for further investigation by Parliament"

the former Minister of Home Affairs that the House would be taken into confidence before any action was taken in the matter. That had not been done as the C.B.I. had instituted a case in the court, thus ignoring the House. In his statement on the same day, the Minister of Home Affairs, Shri K. Brahmananda Reddy giving detailed factual information about the case said that the fact was that "as soon as the CBI processes have set in, they continue and no Government can interfere with the processes that ought to take place after the inquiry is completed. After the CBI complete the enquiry, they are compelled to submit the report to the court." During the discussion which ensued, the Speaker, Dr. G. S. Dhillon expressed his 'concern' that MPs. were involved and said that so far as the assurance was concerned, it was quite categorical. In matters about "our own members, some way should be found lest this House should be deprived of its own decision on their conduct and character. . . . after all, we have to keep this image of Parliament clean", he observed.

The matter was raised again on a question of privilege on November 20, and the discussion continued on November 21, 22, 25, 26 and 27, 1974.

Government's failure to prevent Police assault on Satyagrahis at Patna: Moving an adjournment motion on November 12, 1974, Shri Shyamanandan Mishra demanded the immediate recall of CRP (Central Reserve Police) and BSF (Border Security Force) from the Bihar State and constitution of a Parliamentary Committee to go into the excesses committed by them.

Intervening in the discussion, the Minister of Home Affairs, Shri Brahmananda Reddy said that the agitation in Bihar had deep rooted political motivation and regretted that Shri Jayaprakash Narayan who had rendered yeomen's service during the freedom struggle, should fall into the trap laid by some political leaders. The administration in Bihar was not paralysed. The CRP and BSF were deployed there only to meet the threatened violence. Also, the conditions in Bihar did not warrant dismissal of the Ministry and dissolution of the State Assembly. So far as corruption in the State was concerned, the State Government had already initiated action against certain fairly high officials. He expressed inability of the Government to accept the suggestion of holding an opinion poll for ascertaining the wishes of the people of the State regarding the dissolution of the present Assembly.

After Shri Shyamanandan Mishra had replied to the debate, the motion was put to vote and negatived.

Famine conditions in the country: Moving an adjournment motion on November 19, 1974, Shri Samar Guha demanded declaration of all scarcity areas in the country as famine areas and setting up of a national commission to enquire into the starvation deaths.

The Minister of Agriculture and Irrigation, Shri Jagjivan Ram intervening in the debate conceded at the outset that the country was passing through a very difficult situation and the people were in great distress. He, however, said that the present conditions were the accumulation of the economic and social conditions that existed in the country for years. The approach of the Government to the problem was to provide purchasing power to the people of the affected areas. With that end in view, efforts had been made to start works and where it was not possible to do so, large scale kitchens had been started to provide food free of cost. A sizeable quantity of foodgrains had been dehoarded by the State Governments under the Essential Commodities Act, Defence of India Rules and MISA. It was hoped that with the continued dehoarding operations good prospects of the next rabi crops and falling prices, more foodgrains would be coming to the *mandis*. The Centre was allocating about 9 lakh tonnes of foodgrains every month to the needy States. This quantity was more or less commensurate with the situation in which they were placed. In order to ensure good rabi crops, the Centre would see that the States got their requirements of seeds, fertilizers and credit. Short term loans amounting to Rs. 55 crores had been made available to the States. If further assistance was needed, the Centre would try to meet it.

After Shri Samar Guha replied to the discussion, the motion was put to vote and negatived.

N.A.T.O. Forces Plan to have naval exercises in the Indian Ocean: Making a statement on November 20, 1974 in response to a Calling Attention Notice by Shri Dinen Bhattacharya, the Minister of Defence, Shri Swaran Singh expressed concern over the impending combined Naval and Air exercises by the Air and Naval forces of USA, UK, Iran, Pakistan and Turkey in the northern part of the Indian Ocean, sponsored by CENTO and being hosted by Pakistan. Pakistan had not actively participated in any exercises from 1965 till about 1972 and their sudden revival of interest and hosting of the exercises was a matter of concern to India. India had consistently held the view that any large scale presence of the Navies of some countries in the Indian Ocean was bound to attract the Navies of Others. Moreover, such exercises tended to reinforce

outdated military groupings and accentuate tension in the region. India also supported efforts for maintaining the Indian Ocean as a Zone of Peace, free from great power rivalry and military escalation and would continue efforts to achieve greater international understanding for reducing tension in the Indian Ocean.

Power crisis in the country: Making a statement on November 12, 1974 in response to the Calling Attention Notice by Shri S. M. Banerjee regarding the power crisis in the country, the Minister of Energy, Shri K. C. Pant stated that the shortage of power during 1972-73 and 1973-74 in various parts of the country was due to shortfall in additions to the generation capacity during the Fourth Five Year Plan. With the improved performance of thermal stations specially in the last 2-3 months, the power position had considerably eased and the same trend would be maintained in the ensuing months.

B. OBITUARY REFERENCES

On November 11, 1974, the Speaker referring to the sad demise of Shri V. K. Krishna Menon a sitting member and a distinguished public figure and diplomat of world-wide recognition, said that he was a member of the Second and Third Lok Sabha during the years 1957-67 and of the Fourth Lok Sabha during 1969-70. Earlier, he had been a member of Rajya Sabha during the years 1953-57. A man of global eminence, Shri Menon's personality was a unique and rare combination of an impassioned patriot, an outstanding statesman who showed to the world hitherto untread vistas of modern diplomacy. He was an intellectual giant and a luminary in the field of the legal profession. A man who fought against colonialism and imperialism relentlessly, Shri Menon entered the Indian freedom struggle in 1927 and carried this movement to the very heart of Europe and U.K. and formed the India League, London, and served as its Secretary from 1927 to 1947. Through this forum, he carried on a campaign for India's freedom and moulded public opinion abroad. After India's independence, Shri Menon became its first High Commissioner in London and held that office during 1947-52. He was, concurrently, India's Ambassador to Ireland during 1949-52. He was leader of the Indian delegation at the U.N. General Assembly from 1953 to 1962. His able and brilliant advocacy of India's cause on the Kashmir issue at the United Nations would ever be remembered with gratitude. He championed the cause of the newly independent countries and

greatly enhanced India's image. His advocacy of the cause of peace in various parts of the world had made him a pillar of strength in the world peace movement.

Shri Menon joined the Central Cabinet in 1956 and was Minister without portfolio during 1956-57 and Minister of Defence during 1957-62. In this House, he left an impact of a great parliamentarian who was always heard with reverence and care. In his death the country had lost a great son and a forceful contemporary who had left a distinctive mark on its political life and history.

The Speaker also referred to the death of Shri Tajamul Husain (member, Constituent Assembly and Provisional Parliament); Shri Bholu Nath Master (member, Fourth Lok Sabha) and Shri Khub Chand Sodhia (member, First Lok Sabha).

On November 20, 1974, the Speaker referred to the sad demise of Syed Badrudduja, who was a member of Third and Fourth Lok Sabha.

On November 25, 1974, the Speaker referred to the said demise of Shri Ram Sewak Yadav, who was a member of the Second, Third and Fourth Lok Sabha.

The members stood in silence for a shortwhile as a mark of respect on all the occasions.

The Rajya Sabha met for its Ninetieth Session on November 11, 1974. Some of the important discussions held and other business transacted by the House upto November 30, 1974, are briefly mentioned below.

A. DISCUSSIONS

Situation in Bihar: On November 12, 1974, Shri Lal K. Advani, raising the discussion said that an extraordinary situation was prevailing in Bihar and its impact was going to affect the future of the entire country. The Prime Minister had questioned legitimacy of the movement in Bihar and criticised it as being against the spirit of the Constitution. This was a wrong understanding of the movement led by Shri Jayaprakash Narayan which wanted to raise public opinion against a corrupt Government through peaceful means. During the recent *bandh*, Shri Jayaprakash Narayan was attacked by the police and neither the Prime Minister nor the Home Minister had condemned the incident. The problems of Bihar were not such which could not be solved. Steps should be taken for eradication of corruption, and for implementation of electoral reforms and reforms in the educational system. The voice of the people could not be suppressed through the use of bullets and lathis.

Replying to the discussion, Shri K. Brahmananda Reddy, Minister of Home Affairs, said that in early 1974 the Chief Minister of Bihar had met the students and had conceded their demands. But from March 18, to 20, 1974, there were wide-spread disturbances and violence. If some of their grievances were left, those could be put before the Government. It was at this point of time that interested political parties wanted to cash in on this upsurge of emotions of the students. Unless the conditions prescribed in article 355 of the Constitution were fulfilled, the demand for dissolution of a duly constituted Assembly was not proper. Suspension of the Assembly would be worse than dissolution. The demands for dissolution or dismissal of Ministry, could not be decided by a public

* Contributed by the Research Unit, Rajya Sabha Secretariat.

meeting or an agitation. The Government of India were vitally interested in the well-being not only of Bihar but of other areas also and in maintaining the democratic traditions of the country.

U.S. Naval Task Force in Indian Ocean: Making a statement on November 15, 1974 in response to the Calling attention notice by Shri Shyam Lal Gupta regarding the reported entry of the U.S. Naval Task Force into the Indian Ocean, Shri Y. B. Chavan, Minister of External Affairs, said that on November 10, 1974, a task force of U.S. Seventh Fleet consisting of an aircraft carrier, three destroyers and one fast combat supply ship, entered the Indian Ocean. The exact duration of its stay was not known though it was understood that its visit was extensive. The U.S. Seventh Fleet and U.S. Aircraft Carrier "City Hawk" had also appeared in the Indian Ocean in early 1974. The Government of India had reiterated their deep concern at those developments which were inconsistent with the U.N. resolutions declaring the Indian Ocean as a Zone of Peace. The U.N. fifteen-member *Ad-hoc* Committee on the Indian Ocean of which India was a Member, recommended to the General Assembly to call on the great powers to refrain from increasing and strengthening their military presence in the Indian Ocean region as an essential first step towards the relaxation of tension and the promotion of peace and security in the area. The Government would continue their efforts to mobilise international opinion and with other States of the region take all possible measures to achieve the objective of creating the Indian Ocean as an area of peace and tranquility.

Report of the Commissioner for S.C. & S.T.: On November 18, 1974, Shri Om Mehta, Minister of State in the Ministry of Home Affairs, Department of Personnel and Administrative Reforms and Department of Parliamentary Affairs, while moving the motion for consideration of the Twenty-first Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1971-72 and 1972-73, said that the report dealt with several measures taken by Government for promoting the social, educational and economic progress and removing certain long-standing and glaring inequalities of a vast section of the community. Conspicuous progress had been made by the Scheduled Castes and Scheduled Tribes in the field of education and employment particularly in higher services. Untouchability in one form or other continued, however, to be practised in many parts of the country. There were also reports of cases of violence against and harassment of members of the Scheduled Castes and Scheduled Tribes. The Government had the primary duty to see that its laws were properly enforced and

observed in dealing with these evils against the society. The Central Government was in close touch with the State Governments and several suggestions and instructions were being given to them to give full protection to the weaker sections of the society. The Prime Minister had suggested the setting up of cells in the States under the personal supervision of the Chief Ministers to look into the grievances of Harijans, tribes and minorities and also to make special efforts to promote their employment opportunities. Such cells had been constituted in a number of States.

On November 21, 1974, replying to the discussion on the motion, the Minister said that after independence, the Government had been trying to tackle this problem on war-footing. Although it could not be said that the problem had been solved completely, significant strides had been made to uplift these communities. In the I.A.S. and I.P.S. and also Class I and Class II Central Services all the reserved vacancies had been filled by the candidates of these communities except in one or two cases. Sixteen centres had been set up in various parts of the country to coach exclusively the candidates belonging to these communities who appeared at the Central and State Services examinations. The scheme of tribal blocks had been the most important for the Scheduled Tribes. There were at present 504 tribal development blocks throughout the country which covered all the areas with tribal concentration of 66.3 per cent and above. Special programmes for the welfare of backward classes had been undertaken in the successive Five Year Plans and the size of investment on those programmes had also been increasing from Plan to Plan.

Steep fall in the price of Cotton: On November 21, 1974 Shri B. S. Shekhawat called the attention of the Minister of Commerce to the reported steep fall in the price of cotton resulting in its distress sale in various parts of the country thereby adversely affecting the cotton growers and the labour engaged in textile industry. Making a statement in response thereto, Shri V. P. Singh, Deputy Minister in the Ministry of Commerce, said that the Government was keen to ensure that growers received fair prices for their cotton and production of cotton continued to increase but the fact could not be ignored that high prices of raw cotton would lead to higher prices of yarn and cloth affecting thereby the consumers and competitive status of India's textiles in export markets. The price levels for cotton were influenced significantly by the level of purchases by trade and mills. In the last few weeks, there had been some decline in buying interest due to some accumulation of yarn and cloth. Some cotton textile mills had reacted to this situation

by closing their third shifts, with attendant hardship on the labour. The Government would take all possible measures to see that production and prices were stabilised at reasonable levels in the interests of the consumer. Several mills had already reduced their ex-mill prices to clear stocks. Efforts were being made to push up exports in spite of adverse international conditions. The Government was reasonably confident that as a result of these efforts, favourable conditions would be restored shortly in the textile industry.

Professor D. P. Chattopadhyaya, Minister of Commerce, replying to the points raised by members, said that the Government appreciated the demand for a remunerative price to the cotton growers. It was seized of the problem regarding the gap between grower level price and mill price and it was trying to evolve a formula regarding this gap. The country had a very good cotton crop during the current year. It was perhaps largely because last year the farmers got an all-time good price and also because the textiles fetched, an all-time good price and good exports. However, it was his Ministry's endeavour to see that the cotton growers, particularly, the middle and the poor cotton growers, were not put to any hardship.

Scarcity and famine conditions: Shri Jagdish Prasad Mathur raising a discussion on November 26, 1974, regarding the widespread scarcity and famine conditions in several parts of the country said that it was the first and foremost duty of the Government to provide food to its people but it had not fulfilled its obligation and, therefore, it was high time that the Government should come forward with generous relief assistance to the scarcity and famine hit States. People had no work, no money and no food. The problem of food, instead of being treated as an economic problem, should be treated as a human problem. The Food Minister had denied the news that there were deaths from starvation but the State Governments had admitted that there were such deaths. The Government should categorically detail the steps which had been or were proposed to be taken to save the country from scarcity conditions.

Replying to the discussion, Shri Jagjivan Ram, Minister of Agriculture and Irrigation, said that ample stocks of foodgrains were not the only prerequisite for meeting the scarcity situation. It was also necessary to maintain the purchasing power of the people. With this end in view various relief works had been started in the areas where people had been affected by drought or floods and they

had also been given consumption loans. Free kitchens had also been started for the poor people. India was a poor country and even in normal times a large segment of the society went without sufficient food and clothing but to exaggerate the problem would be to make the situation more critical. The prices of various commodities had recently come down and various articles had become available in the markets. The Government would provide every State the quantum of foodgrains it asked for and if need be India would import foodgrains from anywhere in the world to feed the people.

B. LEGISLATIVE BUSINESS

Some of the laws passed by the Rajya Sabha during the period under review are as follows:—

The Repealing and Amending Bill, 1974: Moving the motion for consideration of the Bill¹ on November 25, 1974, Dr. (Shrimati) Sarojini Mahishi, Minister of State in the Ministry of Law, Justice and Company Affairs, said that the Bill was a formal and periodical measure introduced at times in order to bring the Statute Book up to date. The earlier Repealing and Amending Act was passed in 1964 which covered upto 1969. During these ten years many enactments had become obsolete and some of them had ceased to be in force and some others had become partly unnecessary also. Hence the Bill had been brought before the House which was also in keeping with the recommendations of the Law Commission. The motion was adopted and the Bill passed on the same day.

The Tokyo Convention Bill, 1974. On November 27, 1974, Shri Surendra Pal Singh, Minister of State in the Ministry of Tourism and Civil Aviation, moving the motion for consideration of the Bill², said that the Bill sought to achieve mainly the objectives underlying the Convention on the Offences committed on Board the Aircraft which had been adopted at Tokyo in 1963 under the auspices of the International Civil Aviation Organisation. With the increase in the incidents of hijacking, more and more States had ratified the Convention and presently 74 States including U.K. and U.S.A. were parties to it.

The Convention's major area of application was towards offences against penal laws or acts which jeopardised the safety of aircraft and of passengers or property therein. It recognised that the State

¹ Introduced in the Rajya Sabha on November 18, 1974.

² Introduced in the Rajya Sabha on November 11, 1974

of Registration of the aircraft was competent to exercise jurisdiction over offences and acts committed on board. The Convention gave powers to the commander of an aircraft to use preventive measures such as restraint on passengers who committed offences or acts which were against the safety of the aircraft or persons and property on board. It also laid down the obligation of States for exercising jurisdiction and in respect of persons disembarked or delivered by the commander. There was a provision regarding the offence of hijacking under which the State in the territory of which such aircraft landed had the obligation to return the aircraft and cargo to its lawful owner and to allow the crew and passengers to continue their journey as soon as practicable. In recent years, there had been a high incidence of crime against or on board aircraft. The Convention was the first important step towards reaching an international understanding on the complex issues of criminal jurisdiction and in respect of hijacking of an aircraft. The powers given to the commander were of great practical value to both the airline operators and the crew because the Convention also granted the commander and others protection from legal action brought against them for the measures taken. The motion was adopted and the Bill passed on the same day.

Small Coins (Offences) Amendment Bill, 1974: Moving the motion for consideration of the Bill³, on November 28, 1974, Shri-mati Sushila Rohatgi, Deputy Minister in the Ministry of Finance, said that due to diversion of cupro-nickel coins from circulation as their metallic value had risen beyond their face values, serious complaints of shortage of small coins in the country had been received and, therefore, the Small Coins (Offences) Act was enacted in 1971. The Act served the purpose well. There had been quite a number of prosecutions under the Act in different States. The metallic content of the small coins was also changed from cupro-nickel to aluminium-magnesium. While the melting of small coins had come down, it could not be said that melting was completely stopped and there would be no melting in future. Inducement to melt coins was derived from the prospective margin of profit in alternative uses to which the melted coins were put. It was, therefore, considered desirable that Small Coins (Offences) Act, 1971, might be retained permanently instead of being a temporary measure as at present. This was sought to be achieved by deleting clause 1 (2) of the Act through the Amending Bill.

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

³ Introduced in the Rajya Sabha on November 26, 1974.

STATE LEGISLATURES*

ASSAM

No-confidence Motion: On September 18, 1974, Shri Gaurisankar Bhattacharya moved a motion of no-confidence in the Council of Ministers headed by Shri Sarat Chandra Sinha. The discussion continued on September 19. On being put to vote, it was negatived.

MIZORAM

Demand for Statehood: On September 20, 1974, the following resolution moved in the Legislative Assembly by Shri Pu C. Lalruata was withdrawn at the request of the Chief Minister after some discussion:

“This Assembly resolves that the Government of India be urged to upgrade the Union Territory of Mizoram to a full-fledged State with special provisions to safeguard the religious or social practices and the customary law and procedure of the Mizo people”.

RAJASTHAN

No-confidence Motion: Notice of a no-confidence motion against the Council of Ministers given by five members of the House could not be moved as one-fifth of the total number of members required under the rules did not support it.

Census Motion against Minister: The following motion seeking to censure the Chief Minister, Shri Harideo Joshi was moved on August 20, 1974 by Shri Yogendra Nath Handa:

“This House is of the opinion that the Chief Minister of the State, Shri Harideo Joshi has convicted with reactionary, imperialistic and feudalistic elements within a few months of his tenure and has given many concessions to the big businessmen, profiteers, big industrialists, landlords, princes

*Contributed by the Research and Information Service, Lok Sabha Secretariat and based on the materials received from the Secretariats of the respective State Legislatures. For detailed statistical information about the activities of the State Legislatures see Appendix III.

and feudal lords. He has suppressed the labourers, progressive political workers and Government employees during his tenure.”*

The motion was negatived after discussion.

TAMIL NADU

Seats in Lok Sabha from the State: On August 16, 1974 the Legislative Assembly discussed and unanimously adopted the following resolution moved by Dr. V. R. Nedunchezhiyan, Minister for Education and Tourism:—

“WHEREAS the existing number of seats in the House of the People allocated to the State of Tamil Nadu is 39 and the existing number of seats assigned to the Legislative Assembly of the State of Tamil Nadu is 234;

AND WHEREAS the Delimitation Commission constituted under the Delimitation Act, 1972 (Central Act No. 76 of 1972) has, in a Notification published in the Gazette of India dated the 30th July, 1974 determined the number of seats in the House of the People to be allocated to the State of Tamil Nadu as 39 and the total number of seats to be assigned to the Legislative Assembly of the State of Tamil Nadu as 234;

AND WHEREAS there has thus been no change in the existing number of seats in the House of the People allocated to the State of Tamil Nadu and the existing number of seats assigned to the Legislative Assembly of the State of Tamil Nadu;

AND WHEREAS the Associate Members of the Delimitation Commission from the State of the Tamil Nadu have expressed the view that there should be 40 seats allocated to the State of Tamil Nadu in the House of People and that the integral multiple referred to in Section 8 of the said Act should be increased from six to seven;

AND WHEREAS the Government of Tamil Nadu also expressed the same view to the Delimitation Commission by a separate communication;

AND WHEREAS the Delimitation Commission has not accepted the above suggestion and has published the Notification under Section 8 of the Act as stated in the second paragraph above;

*Original in Hindi.

AND WHEREAS there is a strong case and public opinion that the number of seats to be allocated to the State of Tamil Nadu in the House of the People should be 40 and that the integral multiple should be increased from six to seven;

NOW THEREFORE, this House resolves to request the Government of India and the Delimitation Commission to reconsider their decision and to increase the number of seats to be allocated to the State of Tamil Nadu in the House of the People to 40 and to increase the integral multiple from six to seven."

The resolution was also adopted by the Legislative Council.

No-confidence Motion: On August 12, 1974, Shri A. R. Marimuthu moved a motion of no-confidence in the Council of Ministers headed by Dr. M. Karunanidhi. The discussion on the motion continued for five days—August 12 to 14 and August 16 and 17, 1974. On the last day, when put to vote, the motion was negated.

Union Government's decision on Katchathivu: On August 21, 1974 the House discussed and adopted the following resolution moved by Dr. M. Karunanidhi, Chief Minister:

THIS HOUSE expresses its deep concern over the decision taken by the Government of India on Katchativu with which Tamil Nadu has close links and which belongs to India. This House requests the Government of India to reconsider its decision and take steps to have the agreement with the Government of Sri Lanka suitably amended so as to retain the sovereignty of India over Katchativu and thus give due consideration to the sentiments of the people of Tamil Nadu."

BOOK REVIEWS

THE HOUSE OF COMMONS: SERVICES AND FACILITIES:

Edited by Michael Rush and Malcolm Shaw. London, George Allen and Unwin for PEP and Study of Parliament Group, 1974.

Two lecturers in the Politics Faculty of Exeter University have attempted in this book "a comprehensive picture of the working environment in which members of the British House of Commons conduct their business." It is good that this study has been made carefully and with a sensitive understanding of the role of present-day legislators. There was a time when in Britain, attending at Westminster was generally looked upon as an irksome affair, and most of the Commons often shrank from the exercise of what was to them a doubtful privilege. Far from insisting on the attendance of their members, as is done in modern times, constituents begrudged the stipend of two shillings a day paid to their representatives while on duty and tried to evade the burden imposed on them by the crown. Today, members of Parliament have the advantage of 'services' and 'facilities' which are sometimes begrudged (as one often notices in Indian press comment) but have a genuine relationship with the work they owe to the country.

The reader of this book will think of Indian analogies when he is told of 'services' provided by the official staff of the House of Commons to facilitate members' work in the chamber, in the library and other relevant spheres. He will get to know of the 'facilities' available to British M.P.s, the physical and material 'aids' they receive by way, for example, of accommodation and allowances for meeting expenses related to parliamentary activity. Since 1964, particularly, there have been extensive changes in these services and facilities, which from the Indian point of view appear adequate if not ample, though in Britain, understandably, there is a feeling that economic and political constraints hold back a more generous provision commensurate with the character and the needs of the modern age.

The most important of the departments of the House of Commons is that of the Clerk of the House, which is along with that of the Speaker an original component of the apparatus of the House. This has a central role, and on its correct and helpful functioning the work of the House very largely depends. It is not only the organization of the business of the House that cannot run smoothly without the efficiency of this department. Members often look forward to the advice and assistance of the clerks, ungrudgingly given

on an entirely non-partisan business, on matters of procedure, the principles behind the procedure and also the practices and conventions (including even the vagaries) that have had the sanction of history. The Department of the Clerk of the House is pivotal; any failure on its part lessens the value of the assistance rendered to the conduct of the Commons by the other departments.

The Department of the Serjeant-at-arms looks after "house-keeping", as it were—since it deals with the utilization and proper allotment of the current services and accommodation in Westminster. It is no easy job to look after committee rooms, interview floors, lockers, filing cabinet, radio and T.V. rooms, car parking, control of the galleries, stationery and photocopying facilities, etc. It may sound dreary, but as a matter of fact it is often fascinating reading.

For those of us who have been watching for the last few years the elegant structure, slowly being reared, of *Sansadiya Soudha* as a stately annexe to our Parliament House, it is interesting to learn that a new Parliamentary Building, constructed on the lines of a competitive prize-winning design, was approved by the House of Commons in June 1973 and is stated to have started work on it in 1975-76—a stupendous concept, rather unusual for Britain with her penchant for preserving tenaciously every feature of her parliamentary antiquity. When our *Soudha* will be ready is anybody's guess; whether some of the 'services' and 'facilities' originally planned for will materialize is more than doubtful; but in any case the British plan for a new parliamentary complex in Bridge Street (the area bounded by Parliament Street, Bridge Street, New Scotland Yard and the Thames Embankment) is considerably more grandiose (and at the same time 'functional') than what was in the mind of even the most daring day-dreamers among those who worked on the idea of our *Sansadiya Soudha*.*

In the discussion of the Department of the Speaker, much attention has been given to the editorial and printing operations behind the publication of the far-famed *Hansard*, and also, of course, to the history of parliamentary reporting. The qualities required of a *Hansard* reporter are thus delineated:

“. . . (He) must not only have exemplary shorthand

*The *Sansadiya Soudha* is expected to be completed by June 1975 and although austerity and the 'functional' needs of the structure have been primarily kept in view, facilities like Committee Rooms, Party Offices, Multi-purpose Hall etc. have been provided for in the new complex, in addition to the existing facilities in the Parliament House.

technique. He must also have a good knowledge of parliamentary procedure, and be able to cope with opaque, inaudible and circumlocutious argument. He should also be knowledgeable about current affairs. His mental process must be rapid since he will often be obliged to begin his stint in the middle of a complicated legal argument of whose origin he knows nothing. Finally, he must be able to shape a speech in ways which will enhance its coherence without altering its sense."

The organization of this business of parliamentary reporting is indeed unique. It is not unusual for a member to deliver a speech at 10 p.m. and read it in printed form at 8 a.m. the following morning. Perhaps the cooperation between member and reporters-editors is also better organised than in India. A word must be said here, however, in praise of our own parliamentary reporters in India. The number of truly excellent stenographers is going down, no doubt, here no less than in Britain, but what we still have in difficult conditions is almost superb. They face perhaps greater difficulties than in the House of Commons, for we speak in very varied ways, and if it comes to speed, we do not yield to British MPs whose fastest rate of speaking is between 200 and 220 words a minute! They may have many stories to relate, comparable to the British one that once Mr. Speaker Clifton Brown had to overrule a 'correction' made by a member (but resisted by *Hansard*) who had wanted 'Loud Cheers by Hon. members' inserted in a bracket after his speech! This entire section is written objectively but with a delicious sense of subdued humour.

The section on the Library of the House of Commons makes very interesting reading. It is not a public library and holds no more than 120,000 volumes, but, of course, the 9000 volumes of parliamentary papers alone, which contain some 125,000 separate documents of great historical value, are a treasure. It is organised in two divisions, parliamentary and research, and it evokes in the reader's mind merely parallelisms with what we have in India. This is natural because our legislature from the first was sought to be fashioned on the British model. It is pleasant, however, to be able to record that India's Parliament Library and its ancillary services do a proud job of work, which members of Parliament would most happily acknowledge. With better understanding between member and staff the work, largely personalised, will be even better. Anyway, it is good to find that our parliamentary services in India do not lag behind those in Britain, though of course the context in either country is very different.

This book has an extended discussion of salaries, allowances, pensions and other facilities for British MPs, which will be found useful, both as suggestive of what should conceivably be done and of how in today's atmosphere work of parliament members requires to be organized. Members of the British House of Commons had their salaries first fixed in 1911 at £400 a year; in 1972 it is £4,500. They may claim seven allowances in cash or kind (not part of their salaries) which, with two exceptions, are not subject to income tax. These are: certain free travel facilities, a subsistence allowance, free stationery, free postage, free telephone calls, a secretarial allowance, and an allowance for drafting assistance on Private Members' bills. Full pension benefits are payable from the age of sixty five (or the date of ceasing to be a member if retirement occurs after sixty five) subject to a minimum membership of four years. Members may retire with reduced benefits between sixty and sixty five. Pensions are payable to widows, incapacitated widowers, children or orphans of members and ex-members with no less than four years' service. Other details in these and cognate matters need not be given, but to those who want to know about the position in Britain this book is a mine of accurate and sedulously collected information. Whether Indian MPs can or should be given comparable 'facilities' is, of course, another matter and beyond the purview of this review.

This is indeed a valuable compilation. It is on the basis of scholarly analysis that the conclusion is reached that in Britain "the altered pattern of behaviour on the part of members" has necessitated changes in the pension of services and facilities to them. Most present day MPs are not part-time performers; they give almost all their time to work in Parliament (what they do outside is related) and thus require more secretarial, research and other parliamentary resources. Perhaps the Indian public when it gets to know of what parliament membership entails, will feel like being more generous to their elected representatives. May be, however, that will not happen till the 'image' of Parliament improves—an 'image', which, for reasons which cannot be discussed here, is not too bright at the moment.

—H. N. Mukerjee, M.P.

CENTRE-STATE RELATIONS IN THE SEVENTIES: Edited by B. L. Maheshwari, Calcutta, Published for the Administrative Staff College of India, Hyderabad by Minerva Associates. 1973, pages 352. Price Rs. 50.

Notwithstanding C. Rajagopalachari's reported remarks on the

Rajamannar Report, that the State autonomy without financial viability was a "delusion and a fraud", the issue of Centre-State relations has assumed volatile dimensions since the 1967—71 period. The book under review comprises a series of papers presented at the Seminar on the Centre-State relations held at Hyderabad in September 1971—jointly sponsored by the Administrative Staff College of India, the Institute of Constitutional and Parliamentary Studies and the Osmania University.

The relations between the Centre and the States, within the framework of the Constitution, though irksome and beset with controversies are largely unreal, inas much as the Government in Delhi has obtained full paramountcy in relation to the States in the Indian political system on administrative, financial and constitutional levels particularly after the 1971 Lok Sabha elections. Even the Chief Ministers are now nominated.

The Indian political system evolved out of an imperial unitary state, where the Provinces did not have the tradition of autonomy. Besides the one party dominance in the Indian political system during the next seventeen years tended to make the issue redundant and irrelevant. But as the working paper jointly authored by B. L. Maheshwari and R. Rammohan Rao points out "the situation radically changed in 1967 when significant breaches were made in the national domination of the Congress and most of the non-Congress parties found themselves at the helm of various State Governments". The "politics of confrontation", which came in its wake has been amply documented by Amal Ray in his paper on "West Bengal's experience". The U.F. Government of West Bengal gave a high priority to the programme to "work for changing the articles of the Constitution in the sphere of Centre-State relations in order to secure more autonomy and power for the States". Since then discussions on the subject have been marked by recommendations of committees and commissions. But as Maheshwari and Rao point out in their paper entitled "The Rajamannar Report—a Survey of Reactions", more prominent among them are the Report of the Administrative Reforms Commission of the mid-sixties and the Centre-State Relations Inquiry Committee (1971) appointed by the Government of Tamil Nadu. A critical analysis and comparison between the recommendations of the Administrative Reforms Commission and the Rajamannar Committee is very important to reach the crux of the problem. Whereas the ARC held the view that the existing provisions of the Constitution were adequate for handling

different situations in the Centre-State relations, the Rajamannar Committee emphasised the inadequacy of the existing Constitution and advocated major constitutional changes for achieving autonomy of States. In spite of the differences in approach, both of them have recommended the establishment of an Inter-State Council, although they have differences on its composition and function.

The Working Paper on the Centre-State relations is an exhaustive document and largely emphasises that the problem is more political than constitutional. Its first section deals with the broader theme of goals of the political system. The second one deals with the political dimension in terms of four broad aspects—dynamics of political parties, politics of coalitions, President's Rule and the integrity of States. The third section deals with the administrative dimension of the Centre-State relations; five issues have been identified in this section. The role of the Governor, which recently became critical and controversial is one of them. The other issues relate to inter-State disputes, maintenance of law and order with special reference to the CRP, the All India Services and the Plan. The fourth section raises issues relating to resource allocation between the Centre and the States, industrial licensing and inter-State trade and commerce.

Amal Ray's paper entitled "Political Dynamics of India's Federalism—West Bengal's experience" is more sociological than legal or constitutional. It highlights the political tradition of Bengal and its impact on party politics in the context of the State's relationship with New Delhi under the successive Governments—the Congress and non-Congress in the State. Ray has ably brought out the contrast between the style of bargaining with New Delhi under the Congress and the United Front Government in the State. While Dr. B. C. Roy kept the conflict within legal and constitutional limits, under the United Front Government it acquired a radical posture and was brought to the streets.

The main theme of Iqbal Narain's paper on Rajasthan presents a case study in the Centre-State relations around a specific issue of land reforms and land management and has only a limited relevance. The other papers included in the publication are only repetitive though ably written and emphasise the obvious that the Constitution makers had ignored the dynamics of a mass federal polity by building into the system an uneven balance favouring the Centre.

Dr. G. S. Pathak's paper on the "Constitutional Basis of Centre-State Relations" is, however, more realistic. He rightly points out that the Indian Union is not a federation, not being the result of agreement. Its components are not indestructible". The Indian Union is a conglomeration of fragile units, which can be changed and transfigured at the sweet will and mercy of the Centre under article 3 of the Constitution. The main thrust of Asok Chanda's paper is also the same. Pathak, however, has coined a new description for the Indian Union—"Co-operative system of federalism" whatever that may mean.

The book under review is a welcome and valuable addition to the corpus of publications on Centre-State relations and ably identifies the areas of conflict and confrontation. But any search for guidelines for resolving the conflict through its pages will result in disappointment. In fact the conflict is unreal inasmuch as within the framework of the Constitution, the States will continue to stand as supplicants at the doors of New Delhi, begging for food whining for relief and petitioning for projects. The imperial traditions of the Centre-State relationship have only been served as old wine in a new bottle. Otherwise, how the 200th Anniversary of the President's Bodyguard could have been celebrated when the office of the President of the Republic has not even completed the quarter of a century?

—Surenra Mohanty, M.P.

INDIA: THE CRITICAL DECADE AFTER NEHRU: By P. Tharyan.
New Delhi, Sterling Publishers. 1974. 212 p. Rs. 35.

P. Tharyan, at present, Assistant Editor of *The National Herald*, New Delhi, narrates in this book the events for ten years after Nehru's death on May 27, 1964 and makes a critical analysis thereof. This period of a decade is just a speck in the history of the Indian nation with more than five thousand years of civilization, but this segment of the Indian history is packed with events which tell us what India is today and in which direction she is moving.

India after Nehru is part of the recent history of India and any attempt to pass judgment on the events that adorned the scene or make an assessment of the events of the period is to tread on dangerous ground. The author is fully conscious of the risk that he undertakes. His portrayal of the various leaders is very balanced and his analysis of the events is on scientific lines.

The book begins with the void created by Nehru's death, who was such a dynamic national leader that the future of the country without him was a source of national anxiety. Neither the character of the new epoch nor the calibre of the leaders who would emerge was clear. Making an assessment of the achievements of Jawaharlal Nehru, the author observes:

"Nehru's greatness and attainments outshone his drawbacks and lapses. His greatest achievement was the preservation of the country's integrity and national unity during the years immediately after Independence. He injected the idea of nationalism into the minds of the people. With a powerful personality appealing to people of all regions, he was the symbol of united India. Secondly, he enabled democracy to take root in India. Thirdly, he made India play a prominent role in international affairs upholding the cause of peace and promoting the interests of the developing nations."

Even during the life-time of Nehru the question often posed was 'After Nehru who?' It was considered that if he settled the succession issue in his life-time there would be no uncertain wrangle for power when he passed from the scene. But Nehru was a democrat inasmuch as he did not name a successor. Tharyan rightly states:

"Nehru died in harness, leaving the leadership choice to the nation. In a democracy, Nehru believed, leadership should be decided by the people, and the Congress Party was responsible enough to elect a suitable leader. Nehru was realistic. There was no certainty that his choice would be honoured by the Congress after his death. He said a month before his death that to nominate anyone would be the surest way to destroy his chances of becoming Prime Minister, for it would arouse jealousy and envy."

The author has a critical eye to assess the worth of personalities that dominated the Indian scene. Of Lal Bahadur Shastri he writes that Shastri was not as simple as he appeared to be. The mere fact that among the many stalwarts in the party he was the one acceptable to almost all sections of the Congress was itself an indication of his worth. He had abundant commonsense which helped him to judge men and events in the correct perspective. He had also an instinct for diplomacy and that accounted for his success in making friends and influencing people.

After Shastri's death, the question of succession again came to the forefront. The main contestants were Morarji Desai and Indira

Gandhi. Till the day of election, Kamaraj tried to avert a contest but he failed in his efforts and as a result of the contest, Indira Gandhi was elected leader of the Congress Parliamentary Party.

After the Congress split, the image of Congress (R) brightened. Indira Gandhi emerged as a future saviour of the masses. Her slogan '*Garibi Hatao*' almost mesmerised the people. Within a few months, she appeared a greater leader than Lal Bahadur Shastri and a greater realist than Nehru.

The author does not stop at analysing the political events. He makes a critical analysis of the economic policies of the Government, the working of the Planning Commission and the implementation of the Five Year Plans. Making an appraisal of the results of planning, he observes:

"Whatever the outcome of national planning it is uncharitable to say that planning in this country has failed or the plans have been failures. The need for planning is becoming more and more clear. In no developing country can the State afford to be a mere spectator of economic activities. Planning provides a strong impetus to economic growth on the right lines."

The drive for economic growth and the efforts to abolish poverty can and should go on side by side. Increase in the gross national product (GNP) is as necessary as taking care of the poor sections of society. Unless the GNP goes up, necessary resources will not be available for anti-poverty schemes.

The country's main battle is economic. It has been realised by all the leaders who controlled the destinies of the nation. Poverty, unemployment, shortage of housing and low standard of living of the majority of people present a depressing picture and it should not be mistaken for the whole picture and it should not lead to the illusion that it is more depressing than it was before. Progress is undeniably there but so unfortunate is the fact that millions are untouched by it.

The author gives a dispassionate account of India's foreign relations. In his opinion India has adhered to non-alignment as far as possible, but she has not shown the necessary degree of flexibility in readjusting her policy in response to new turns in international events. Her friendship with the Soviet Union has been misunderstood by China. The United States is under the mistaken notion that India is opposed to her. It is in her own interest that India

dispels the misunderstanding of both these countries. If countries which till recently were inveterate enemies, could become friends, there is no reason why India's diplomatic efforts should not be directed towards establishing better relations with China.

Making an assessment of the progress achieved and the means deployed by the country, he observes that progress through democratic means may not be rapid but will be steady and solidly-based. In a way, India's progress has been substantial, considering the complex and difficult problems she has had to face but the thought that it could have been greater persists in the minds of large sections of the people. Whatever India's trials and problems, parliamentary democracy is a precious asset which she should not throw away or lose. What is remarkable about the nation is its capacity to absorb setbacks, shocks and catastrophe and even to tolerate political changes without losing its mental poise. The ten years after Nehru, like the earlier years, proclaim India's capacity to survive in fair and foul weather.

—R. S. Pandey, M.P.

JUDICIAL REVIEW OF LEGISLATIVE ACTS. By Dr. Chakra Dhar Jha, M.A. LL.D. Bombay, N. M. Tripathi Private Ltd. 1974.

The book under review was originally written as a thesis for the Degree of Doctor of Laws by its author, Shri Chakra Dhar Jha. The author through this book brings into sharp focus the role of judicial review of Legislative Acts in the working of modern democracies particularly those based on federalism. The book is extensively interspersed with suitable, relevant quotations from eminent jurists, political thinkers and social philosophers. It is further enriched by citations from important judgments of the Supreme Courts of India, U.S.A., Canada and Australia. It is highly educative and scholarly and furnishes a wealth of information relating to the origin, evolution, scope and object of the concept of judicial review.

The book is of immense value and importance in the context of present day events wherein the highest judiciary of the land and the legislature appear posing for conflict and confrontation.

The author has critically analysed the contents of the three leading constitutional cases, viz. (1) *Shankri Prasad Singh's case*, (2) *Sajjan Singh's case* and (3) *Golak Nath's case* and has expounded the constitutional implications and inferences emerging from them.

In the first two cases, the competence of Indian Parliament to amend the provisions of the Constitution including an amendment which has the effect of abridging, modifying or restricting the Fundamental Rights guaranteed under Part III of the Constitution was upheld; but the first two cases were over-ruled in *Golak Nath's case*, by a majority of judges headed by ex-Chief Justice Subba Rao and it was held therein that Fundamental Rights are transcendental in character and Parliament has no right to curtail or modify them and any amendment of the Constitution in that respect is subject to article 13 of the Constitution. It was further held that Constitution First Amendment of 1951 and the Seventeenth Amendment of 1964 and the Ninth Schedule by virtue of which many agrarian land reforms Acts imposing ceiling on land holding and extinguishing landlordism were unconstitutional. However, their validity was upheld on the doctrine of *stare decisis* and a new doctrine of prospective over-ruling was enunciated. Faced with the situation, the Parliament passed the Constitution (Twenty-fourth Amendment) Bill which received the assent of the President on November 5, 1971. Through this amendment, the Parliament reasserted its competence and authority to amend any provision of the Constitution in exercise of its constituent power and a law so made is excluded from the purview of article 13.

The marginal heading of article 368 was replaced by another marginal heading which confirms and clarifies Parliament's power and procedure to amend any provision of the Constitution.

The Twenty-fourth Amendment thus nullifies the effect of *Golak Nath's case*. The book under review was concluded on 1st December, 1973 as is evident from the date appearing at the end of the Preface. But it is rather amazing that the learned author who is so scholarly and discerning has not made even a passing reference to the Twenty-fourth Amendment in his book and as such there remains a serious lacuna in the book. The author has otherwise brilliantly enunciated and highlighted the cause of judicial review of Legislative Acts.

Socio-economic conditions obtaining in the country are persistently clamouring for a radical change through legislation, even though such legislation may have the effect of curtailing and restricting the fundamental right to property. In such circumstances, all the three constituents of the Sovereign Republic of India, namely

the Parliament, the Supreme Court and the High Courts and the executive have to act in harmony rather than in antimony. They have to function as living limbs of one organic whole maintaining its life, vigour and vitality. They are not disjunct and lifeless parts of a mechanical process. All the same, the author deserves our praise and unstinted support in full measure in bringing out such a timely publication.

The book rightly deserves an honourable place in every library worth the name, private or public. It is hoped that the book will be made up-to-date by incorporating and discussing the Constitution Twenty-fourth Amendment Act and other subsequent Constitutional Amendments as well as implications of *Keshavanand Bharti's case*, which was decided subsequent to the publication of the book, in the next edition.

—B. R. Shukla, M.P.

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED BY LOK SABHA DURING THE PERIOD AUGUST 1, 1974 TO OCTOBER 31, 1974

The Twelfth Session of Lok Sabha commenced on November 11, 1974. The details about its activities during the session will be published in the April-June, 1975 issue of the *Journal*. The information relating to the sittings of Committees of Lok Sabha during the period August 1, 1974 to October 31, 1974 is given below.

1	Business Advisory Committee	7
2	Committee on Absence of Members from the Sittings of the House	3
3	Committee on Government Assurances	6
4	Committee on Petitions	5
5	Committee on Private Members' Bills and Resolutions	2
6	Committee on Privileges	2
7	Committee on Subordinate Legislation	8
8	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	2
9	Estimates Committee	9
10	General Purposes Committee	—
11	House Committee	3
12	Public Accounts Committee	19
13	Railway Convention Committee	2
14	Rules Committee	2

Joint/Select Committees :

1	Joint Committee on Offices of Profit	2
2	Joint Committee on Salaries and Allowances of Members of Parliament	2
3	Joint Committee on the Constitution (Thirty Second Amendment) Bill, 1973	6
4	Joint Committee on the Public Financial Institution Laws (Amendment) Bill, 1973	6
5	Joint Committee on the Code of Civil Procedure (Amendment) Bill, 1974	16
6	Joint Committee on the Adoption of Children Bill, 1972	4
7	Joint Committee on the Foreign Contribution (Regulation) Bill, 1973	9
8	Joint Committee on Plantations Labour (Amendment) Bill, 1973	7
9	Joint Committee on the Central and Other Societies (Regulation) Bill, 1974	1
10	Joint Committee on the Indian Penal Code (Amendment) Bill, 1972	8
11	Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974	2
12	Select Committee on the Taxation Laws (Amendment) Bill, 1973	11
13	Select Committee on the Customs Tariff Bill, 1974	3
14	Select Committee on the Delhi Sales Tax Bill, 1973	1

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED BY THE RAJYA SABHA DURING THE PERIOD AUGUST 1, 1974 TO OCTOBER 31, 1974

The Nintieth Session of Rajya Sabha commenced on November 11, 1974. The details about its activities during the session will be published in Vol. XXI, No. 2 (April-June 1975) of the *Journal*. The information relating to the sittings of the Committees of Rajya Sabha during the period August 1, 1974 to October 31, 1974 is given below.

1	Committee on Government Assurances	6
2	Committee on Petitions	5
3	Committee on Privileges	2
4	Committee on Subordinate Legislation	3
5	General Purposes Committee	—
6	Joint Committee on the Adoption of Children Bill, 1972	4
7	Joint Committee on the Foreign Contribution (Regulation) Bill, 1973	9
8	Joint Committee on the Central and other Societies (Regulation) Bill, 1974	1
9	Joint Committee on the Indian Penal Code (Amendment) Bill, 1972	8
10	Joint Committee on Plantations Labour (Amendment) Bill, 1973	7
11	Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974	2

Manipur L.A.	26-7-74 to 16-8-74	4	1 (1)	—	—	—	
Nagaland L.A.	17-9-74 to 20-9-74	3	6 (6)	—	55 (48)	30 (25)	
Punjab L.A.	5-8-74 to 16-8-74	7	14 (14)	—	493(c) (273)	138(f) 89	
Rajasthan L.A.	12-8-74 to 21-8-74	8	14 (12)	—	886 (180)	94 (65)	
Tamil Nadu L.A.	12-8-74 to 28-8-74	14	19 (17)	—	1240(d) 321	— (26)	
Tamil Nadu L.C.	13-8-74 to 30-9-74	12	— (17)	—	69 (42)	—	
UNION TERRITORIES :							
Delhi Metropolitan Council	(i) 11-7-74 (ii) 25-9-74 to 1-10-74	1 } 5 }	6 (3)	20	1146(d) (100)	— (88)	
Goa, Daman & Diu L.A.	25-9-74 to 9-10-74	10	9 (8)	—	302 (200)	9 (66)(g)	

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

(ii) Figures in columns 6, 7, and 8 indicate the number of notices received followed by the number of notices admitted in brackets

(a) Includes 92 notices received for Short Notice Questions.

(b) Includes Notices for Short Notice Questions admitted as Unstarred Questions.

(c) Notices for Starred Questions admitted as Unstarred.

(d) Includes Notices for both Starred and Unstarred Questions.

(e) Includes 103 notices, *vide J.P.L.*, Vol. XX, No. 4, p. 879.

(f) Includes 101 notices, *vide J.P.L.*, *Ibid.*,

(g) Includes 57 notices received for Starred Questions admitted as Unstarred.

APPENDIX III—(Contd.)

Committees at work (Number of sittings held and Number of Reports presented)

Legislature	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Business Advisory Committee															
Committee on Government Assurances															
Committee on Petitions															
Committee on Private Members Bills and Resolutions															
Committee on Privileges															
Committee on Public Undertakings															
Committee on Subordinate Legislation															
Committee on the Welfare of S.C. & S.T.															
Estimates Committee															
General Purposes Committee															
House Accommodation Committee															
Library Committee															
Public Accounts Committee															
Rules Committee															
Joint Select Committees															
Andhra Pradesh L.A.	6(6)	9	3	..	..	21	10(1)	..	6(2)	..	4	..	8	1	(a)
Andhra Pradesh L.C.	4	5	..	..	2	..	..	..	..	..	..	..	..	..	2(b)
Assam L.A.	2	1	3	..	3(4)	..	5	..	16(4)	..	4	1	6	..	1
Haryana L.A.	4(4)	..	..	..	1	..	6	3	9(2)	..	3	..	14	..	..
H.P. L.A.	2(2)	12	2	1	1	13	13	11	16	..	1	..	17	..	..
J. & K. L.A.	1	1	1	..	7	13(1)	4	..	5	..	2	2	15(1)	2	..
Karnataka L.A.	3	..	..	3(3)	..	17	2	16	3(1)	..	..	..	8(1)	..	5(1)(d)

STATES:

Karnataka L.C.	7(2)	..	1	17	2	16	..	1	..	8(1)	..	5(1)(d)
M.P. L.A.	(2)	(1)	(1)	..	..	..	..	..	..	(1)	(1)	..
Manipur L.A.	1	1	..	..	1	..	2	1	..	12	..	..
Nagaland L.A.	1	2	..	..	..	..	2	..	..	1(2)	..	..
Orissa L.A.	..	2	1	..	4	..	6	..	8(e)	1	10	..
Punjab L.A.	3(2)	17	..	7(1)	16	15	1	1	11	20	1	..
Rajasthan L.A.	3(3)	18	26(1)	..	12	..	32	..	9	20	30(1)	1
Tamil Nadu L.A.	..	3(1)	..	..	3	..	10	..	..	..	1(1)	..
Tamil Nadu L.C.	2	3	..	..	..	..	..	..	..	..	..	..
Tripura L.A. (g)	1	9	4	5	4	20	5	2	10	..	..	..
UNION TERRITORIES												
Delhi M.C.	2(2)	2	..	2(2)	..	..	..	..	..	..	1(1)	15(1)
Goa, Daman and Dju L.A. (d)	2(2)	5(2)	4(1)	..	2	2	..	1	2	..	..	6(h)
Mizoram L.A.	4(4)	5(1)	..	..	..	..	9	..	..	2	..	..

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

- (a) Joint Select Committee on the Andhra Pradesh Urban Areas (Development) Bill, 1974-4(1); Select Committee on Andhra Pradesh Land Revenue (Additional Wet Assessment) Bill, 1974-2; Select Committee on Andhra Pradesh Commercial Crops (Special Assessment) Bill, 1974-1.
 (b) Joint Select Committee on L.A. Bill. No. 3 of 1973-2(1); Select Committee on L.A. Private Members Bill, No. 9 of 1974-3(1).
 (c) Includes Employment Review Committee-8.
 (d) Joint Select Committee on Karnataka State Universities Bill, 1974
 (e) Includes 3 sittings of Sub-Committee.
 (f) Select Committee on Rajasthan Civil Services (Services Matter Appellate Tribunal) Bill, 1972.
 (g) Committee on Absence of Members-1
 (h) Select Committee on Goa, Daman and Dju Mundkars (Protection from Eviction) Bill 1973.

APPENDIX IV
LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND
ASSENTED TO BY THE PRESIDENT DURING THE PERIOD
AUGUST 1, 1974 TO OCTOBER 31, 1974

S. No.	Title of the Bill	Date of Assent by the President
1	2	3
1	The Gujarat Appropriation (No. 2) Bill, 1974 .	2-8-74
2	The Pondicherry Appropriation Bill, 1974	9-8-74
3	The Direct Taxes (Amendment) Bill, 1974	18-8-74
*4	The Cinematograph (Amendment) Bill, 1974	23-8-74
5	The Coalmines (Conservation and Development) Bill, 1974 .	26-8-74
6	The Major Port Trusts (Amendment) Bill, 1974	29-8-74
7	The Essential Commodities (Amendment) Bill, 1974	29-8-74
8	The Finance (No. 2) Bill, 1974	31-8-74
9	The Industries (Development and Regulation) Amendment Bill, 1974	31-8-74
10	The Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Bill, 1974	31-8-74
11	The Press Council (Amendment) Bill, 1974	31-8-74
12	The Companies (Temporary Restrictions on Dividends) Bill, 1974 .	31-8-74
13	The Indian Iron and Steel Company (Taking Over of Management) Amendment Bill, 1974	31-8-74
14	The Additional Emoluments (Compulsory Deposit) Bill, 1974 .	1-9-74
15	The Compulsory Deposit Scheme (Income-tax Payers) Bill, 1974 .	1-9-74
16	The University of Hyderabad Bill, 1974	3-9-74
17	The Constitution (Thirty-fourth Amendment) Bill, 1974	7-9-74
18	The Esso (Acquisition of Undertakings in India) Amendment Bill, 1974	7-9-74
19	The Companies (Amendment) Bill, 1974	10-9-74
20	The Payment of Bonus (Amendment) Bill, 1974	11-9-74

*The Bill was introduced in Rajya Sabha as "The Cinematograph (Second Amendment) Bill, 1973." The Short title of the Bill was changed by Lok Sabha through an amendment of Clause 1.

1	2	3
21	The Appropriation (No. 3) Bill, 1974	12-9-74
22	The Appropriation (Railways) No. 4 Bill, 1974	20-9-74
23	The Interest-tax Bill, 1974	23-9-74
24	The Delhi Sikh Gurdwaras (Amendment) Bill, 1974	23-9-74
25	The Oil Industry (Development) Bill, 1974	26-9-74
**26	The Constitution (Thirty-fifth Amendment) Bill, 1974	Awaiting assent [See proviso to art. 368 (2) of Constitution].

**The Bill was introduced in Lok Sabha as "The Constitution (Thirty-sixth Amendment) Bill, 1974." The short title of the Bill was changed by Lok Sabha through an amendment to clause 1.

APPENDIX V

LIST OF BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD JULY 1, 1974 TO SEPTEMBER 30, 1974.

Andhra Pradesh Legislative Assembly

1. The Andhra Pradesh (Andhra Area) Tenancy (Amendment) Bill, 1970.
2. The Andhra Pradesh Appropriation (No. 4) Bill, 1974.
3. The Andhra Pradesh Contingency Fund Bill, 1974.
4. The Registration (Andhra Pradesh Amendment) Bill, 1974.
5. The Hyderabad Municipal Corporation (Amendment) Bill, 1974.
6. The Andhra Pradesh Appropriation (No. 5) Bill, 1974.
7. The Andhra Pradesh Appropriation (No. 6) Bill, 1974.
8. The Andhra Pradesh Factories and Establishments (National Festival and other Holidays) Bill, 1974.
9. The Andhra Pradesh (Andhra Area) Irrigation Works (Levy of compulsory Water Cess) Amendment Bill, 1974.
10. The Andhra Pradesh Re-enacting and Repealing Bill, 1974.
11. The Andhra Pradesh Non-Agricultural Lands Assessment (Amendment) Bill, 1974.
12. The Andhra Pradesh Vacant Lands in Urban Areas (Prohibition of Alienation) Amendment Bill, 1974.
13. The Andhra Pradesh Gaming Bill, 1974.
14. The Andhra Pradesh Village Police Bill, 1974.
15. The Medak, Karimnagar and Tirupathi Municipalities (Validation of Proceedings) Bill, 1974.
16. The Andhra Pradesh Municipalities (Amendment) Bill, 1974.
- *17. The Andhra Pradesh Urban Areas (Development) Bill, 1974.
18. The Andhra Pradesh Escheats and Bona Vacantia Bill, 1974.

Andhra Pradesh Legislative Council

1. The Andhra Pradesh Vacant Lands in Urban Areas (Prohibition of Alienation) Amendment Bill, 1974.
2. The Andhra Pradesh Gaming Bill, 1974.
3. The Hyderabad Municipal Corporation (Amendment) Bill, 1974.

*Awaiting assent.

4. The Andhra Pradesh Municipalities (Amendment) Bill, 1974.
5. The Medak, Kareemnagar and Thirupathi Municipalities (Validation of Proceedings) Bill, 1974.
6. The Andhra Pradesh Appropriation (No. 4) Bill, 1974.
7. The Andhra Pradesh (Andhra Area) Tenancy (Amendment) Bill, 1970.
8. The Andhra Pradesh Appropriation (No. 5) Bill, 1974.
9. The Andhra Pradesh Appropriation (No. 6) Bill, 1974.
10. The Andhra Pradesh Contingency Fund (Amendment) Bill, 1974.
11. The Registration (A.P.) Amendment Bill, 1974.
12. The Andhra Pradesh (Andhra Area) Irrigation Works (Levy of Compulsory water cess) Amendment Bill, 1974.
13. The Andhra Pradesh Factories and Establishments (National, Festival and other Holidays) Bill, 1974.
14. The Police (Incitement to disaffection) Andhra Pradesh Amendment Bill, 1974.
15. The Andhra Pradesh Non-Agricultural Lands Assessment (Amendment) Bill, 1974.
16. The Andhra Pradesh Village Police Bill, 1974.
17. The Andhra Pradesh Re-enacting and Repeating Bill, 1974.
18. The Wakf (A.P. Amendment) Bill, 1974.
19. The Andhra Pradesh Urban Areas Development Bill, 1974.
20. The Andhra Pradesh Escheats and *Bona Vacantia* Bill, 1974.

Assam Legislative Assembly

- *1. The Assam Board of Revenue (Amendment) Bill, 1974.
- *2. The Assam Excise (Amendment) Bill, 1974.
- *3. The Assam Land Holding (Adoption of Relationship under the Assam Land & Revenue Regulation, 1886 in the Acquired permanently Settled Estates) Bill, 1974.
- *4. The Assam Contingency Fund (Amendment) Bill, 1974.
- *5. The Assam Appropriation (No. III) Bill, 1974.

Haryana Vidhan Sabha

July 1974 session:

1. The Haryana Public Service Commission (Additional Functions) Bill, 1974.
2. The Haryana Land Holdings Tax (Amendment) Bill, 1974.
3. The Punjab Agricultural Produce Markets (Haryana Second Amendment) Bill, 1974.

*Awaiting Assent.

4. The Haryana Corneal Grafting Bill, 1974.
5. The Haryana Industrial Estates (Development and Regulation) Bill, 1974.
6. The Haryana Prohibition of Smoking in Cinema and Theatre Halls Bill, 1974.
7. The Haryana Anatomy Bill, 1974.
8. The Punjab Electricity (Duty) Haryana Amendment Bill, 1974.
9. The Court Fees (Haryana Second Amendment) Bill, 1974.
10. The Societies Registration (Haryana Amendment) Bill, 1974.
11. The Haryana Appropriation (No. 3) Bill, 1974.
12. The Haryana Appropriation (No. 4) Bill, 1974.
13. The Punjab Co-operative Societies (Haryana Amendment) Bill, 1974.
14. The Haryana Canal and Drainage Bill, 1974.
15. The Punjab Gram Panchayat (Haryana Amendment) Bill, 1974.

August 1974 session:

1. The Haryana Abolition of Whipping Bill, 1974.
2. The Haryana Police (Protection of Railways) Bill, 1974.
3. The Haryana Home Guards Bill, 1974.
4. The Punjab Village Common Lands (Regulation) Haryana Amendment Bill, 1974.

Himachal Pradesh Vidhan Sabha

1. Himachal Pradesh University (Amendment) Bill, 1974.
2. Himachal Pradesh Panchayati Raj (Validation) Bill, 1974.
3. The Himachal Pradesh Housing Board (Amendment) Bill, 1973.
4. The Himachal Pradesh Land Holdings Tax Bill, 1974.
5. The Himachal Pradesh Land Revenue (Surcharge) Bill, 1974.
6. The Himachal Pradesh Urban Rent Control (Amendment) Bill, 1973.

Karnataka Legislative Assembly

1. The Criminal Law and Identification of Prisoners (Mysore Extensions) (Amendment) Bill, 1973.
2. The Industrial Employment (Standing Orders) (Mysore Amendment) Bill, 1973.
3. The Karnataka Compulsory Primary Education (Amendment) Bill, 1973.
4. The Karnataka Societies Registration (Amendment) Bill, 1974.

- *5. The Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1974.
- 6. The Karnataka Weights and Measures (Enforcement) (Amendment) Bill, 1974.
- *7. The Karnataka Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Bill, 1974.
- 8. The Karnataka Land Reforms (Amendment) Bill, 1974.
- 9. The Karnataka Land Reforms (Second Amendment and Miscellaneous Provisions) Bill, 1974.
- 10. The Karnataka Appropriation (No. 4) Bill, 1974.
- *11. The Motor Vehicles (Karnataka Amendment) Bill, 1974.

Karnataka Legislative Council

- *1. The Motor Vehicles (Karnataka Amendment) Bill, 1974.
- *2. The Karnataka Agricultural Credit Operations and Miscellaneous Provisions Bill, 1974.
- 3. The Karnataka Land Reforms (Amendment) Bill, 1974.
- *4. The Karnataka Official Language (Amendment) Bill, 1974.
- *5. The Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1974.
- *6. The Karnataka Industrial Establishment (National and Festival Holidays) (Amendment) Bill, 1974.
- 7. The Karnataka Land Reforms (Second Amendment and Miscellaneous Provisions) Bill, 1974.
- 8. The Karnataka Appropriation (No. 4) Bill, 1974.
- *9. The Karnataka Motor Vehicles (Taxation on Passengers and Goods Amendment) Bill, 1974.

Madhya Pradesh Vidhan Sabha

- 1. Madhya Pradesh Public Premises (Eviction) Bill, 1974.
- 2. Madhya Pradesh Electricity Supply Undertaking (Taking Over) Bill, 1974.
- 3. Madhya Pradesh Motor Vehicle Taxation (Amendment) Bill, 1974.
- 4. Madhya Pradesh Marketing of Agricultural Produce (Amendment) Bill, 1974.
- 5. Madhya Pradesh Public Safety (Amendment) Bill, 1974.

*Awaiting Assent.

6. **Madhya Pradesh Profession, Trade, Calling and Employment Tax Bill, 1974.**
7. **Madhya Pradesh Sugarcane Purchase Tax Amendment Bill, 1974.**
8. **Madhya Pradesh Tax on Sales and Purchase Proceeds (Amendment) Bill, 1974.**
9. **Madhya Pradesh Recreation Duty and Advertisement Tax (Amendment) Bill, 1974.**
10. **Madhya Pradesh Indian Stamp (Madhya Pradesh Amendment) Bill, 1974.**
11. **Madhya Pradesh General Sales Tax (Amendment) Bill, 1974.**
12. **Madhya Pradesh Urban Immovable Property Tax (Amendment) Bill, 1974.**
13. **Madhya Pradesh Government Servants (Age of Superannuation) Amendment Bill, 1974.**
14. **Madhya Pradesh Appropriation Bill, 1974.**
15. **Madhya Pradesh Surplus Village Land (Special Provisions) Amendment Bill, 1974.**
16. **Madhya Pradesh Land Revenue Code (Amendment) Bill, 1974.**
17. **Madhya Pradesh Rural Development Tax Bill, 1974.**
18. **Madhya Pradesh Agricultural Immovable Property Tax Bill, 1974.**

Manipur Legislative Assembly

The Manipur Appropriation (No 3) Bill, 1974.

Nagaland Legislative Assembly

1. The Nagaland Appropriation (No. 4) Bill, 1974.
2. The Nagaland Appropriation (No. 5) Bill, 1974.
3. The Nagaland Deputy Speaker's Salary & Allowances (Amendment) Bill, 1974.
4. The Nagaland Town & Country Planning (Amendment) Bill, 1974.
5. The Nagaland Sales Tax (Amendment) Bill, 1974.
6. The Nagaland Village, Area and Regional Councils (Amendment) Bill, 1974.

Punjab Vidhan Sabha

1. The Punjab Homoeopathic Practitioners (Amendment) Bill, 1974.
2. The Punjab Municipal (Second Amendment) Bill, 1974.
3. The Punjab Agricultural Produce Markets (Amendment) Bill, 1974.
4. The Punjab Appropriation (No. 3) Bill, 1974.
5. The Punjab Commercial Crops Cess Bill, 1974.
6. The Punjab Panchayat Samitis and Zila Parishads (Amendment) Bill, 1974.
7. The Indian Stamp (Punjab Amendment) Bill, 1974.
8. The Punjab Passengers and Goods Taxation (Amendment) Bill, 1974.
9. The Punjab Entertainments Duty (Amendment) Bill, 1974
10. The Punjab Motor Spirit (Taxation of Sales) Second Amendment Bill, 1974.
11. The Punjab Motor Vehicles Taxation (Amendment) Bill, 1974.
12. The Punjab Affiliated Colleges (Security of Service of Teachers) Bill, 1974.
13. The Punjab Land Revenue (Amendment) Bill, 1974.
14. The Punjab Gram Panchayat (Amendment) Bill, 1974.

Tamil Nadu Legislative Council

1. The Tamil Nadu Appropriation (No. 3) Bill, 1974.
2. The Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1974.
3. The Tamil Nadu Sales of Motor Spirit Taxation (Amendment) Bill, 1974.
4. The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1974.
5. The Tamil Nadu General Sales Tax (Third Amendment) Bill, 1974.
6. The Motor Vehicles (Tamil Nadu Amendment) Bill, 1974.
7. The Tamil Nadu Prohibition (Revival of Operation and Amendment) Bill, 1974.
8. The Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Third Amendment Bill, 1974.
9. The Madurai City Municipal Corporation (Amendment and Extension of term of office) Second Amendment Bill, 1974.
10. The Tamil Nadu Hindu Religious and Charitable Endowments (Fifth Amendment) Bill, 1974.

11. **The Madras City Municipal Corporation (Amendment) Bill, 1974.**
12. **The Tamil Nadu Local Authorities (Laws Amendment) Bill, 1974.**
13. **The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Bill, 1974.**
14. **The Tamil Nadu Horse Races (Abolition of Wagering or Betting) Bill, 1974.**
15. **The Tamil Nadu Payment of Salaries (Amendment) Bill, 1974.**
16. **The Payment of Wages (Tamil Nadu Amendment) Bill, 1974.**
17. **The Tamil Nadu Motor Vehicles Taxation (Amendment) Bill, 1974.**

UNION TERRITORIES

Delhi Metropolitan Council

1. **Delhi Municipal Corporation (Amendment) Bill, 1974.**
2. **Delhi Municipal Corporation (Second Amendment) Bill, 1974.**
3. **Delhi Medical (Allopathic) Practitioners Registration Bill, 1974.**

Goa, Daman and Diu Legislative Assembly

1. **The Goa, Daman and Diu, Town & Country Planning Bill, 1974.**
2. **The Goa, Daman and Diu Municipalities (Amendment) Bill, 1974.**
3. **The Goa, Daman and Diu, Legislative Diploma No. 1984 of 14th April, 1960 (Second Amendment) Bill, 1974.**
4. **The Goa, Daman and Diu Village Panchayats Regulation (Amendment) Bill, 1974.**
5. **The Goa, Daman and Diu Appropriation (Excess Expenditure) Bill, 1974.**
6. **The Goa, Daman and Diu Supplementary Appropriation Bill, 1974.**
7. **The Goa, Daman and Diu Salaries and Allowances of the Members of the Legislative Assembly (Amendment) Bill, 1974.**
8. **The Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker (Amendment) Bill, 1974.**
9. **The Goa, Daman and Diu Salaries and Allowances of Ministers Bill, 1974.**

Mizoram Legislative Assembly

- *1. **The Laushai Hills District (Revenue Assessment) Amendment Regulation, 1974.**
- *2. **The Mizoram Urban Areas (Rent Control) Bill, 1974.**
- *3. **The Mizoram Trading by Non-Tribals Regulation Bill, 1974.**
- *4. **The Mizoram Official Language Bill, 1974.**
- *5. **The Mizoram Legislative Assembly Proceedings (Protection of Publication) Bill, 1974.**

*Awaiting Assent.

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT DURING THE PERIOD AUGUST 1, 1974 TO OCTOBER 31, 1974 AND STATE GOVERNMENTS DURING THE PERIOD JULY 1, 1974 TO SEPTEMBER 30, 1974.

Sl. No.	Subject	Date of Promulgation	Date on which laid before House	Date of Cessation	Remarks
1	2	3	4	5	6
CENTRAL					
1.	The Maintenance of Internal Security (Amendment) Ordinance, 1974 (No. 11 of 1974)	17-9-74	11-11-74		Replaced by Legislation
2.	The Sick Textile Undertakings (Nationalisation) Ordinance, 1974	21-9-74	Do.		Do.
3.	The Representation of the People (Amendment) Ordinance, 1974	16-10-74	Do.		Do.
STATES					
HARYANA					
1.	The Haryana Land Holding Tax (Amendment) Ordinance, 1974	12-3-74	8-7-74	..	Replaced by Legislation
2.	The Punjab Agricultural Produce Markets (Haryana Amendment) Ordinance, 1974	13-4-74	Do.		Do.
3.	The Punjab Electricity (Duty) Haryana Amendment Ordinance, 1974	Do.	Do.		Do.
4.	The Court Fees (Haryana Amendment) Ordinance, 1974	2-5-74	Do.		Do.
HIMACHAL PRADESH					
1.	The Himachal Pradesh University (Amendment) Ordinance, 1974	7-6-74	12-8-74	14-8-74	Replaced by Legislation
2.	The Himachal Pradesh Panchayati Raj (Validation) Ordinance, 1974	26-6-74	12-8-74	14-8-74	Do.

1	2	3	4	5	6
JAMMU AND KASHMIR					
1.	The J. & K. Preventive Law (Amendment) Ordinance, 1974	6-5-74	16-9-74		Replaced by Legislation
2.	J. & K. Agrarian Reforms Amendment Ordinance, 1974	8-7-74	Do.	..	Do.
3.	The Inspector General of Prisons (Change in Designation) Ordinance, 1974	31-7-74	Do.	..	Do.
4.	The J. & K. Servants Prevention of Corruption (Commission) Amendment Ordinance, 1974	9-7-74	Do.	..	Do.
KARNATAKA					
1.	Karnataka Motor Vehicles (Taxation on Passengers & Goods) Amendment Ordinance, 1974	31-7-74	12-8-74	..	Replaced by Legislation
2.	The Karnataka Land Reforms (Second Amendment) Ordinance, 1974	3-8-74	Do.		Do.
ORISSA					
1.	The Utkal University (Taking Over of Management) Ordinance, 1974	30-7-74			To be laid in the next session.
2.	The Orissa Motor Vehicles Taxation Laws (Amendment) Ordinance, 1974.	30-9-74		..	Do.
RAJASTHAN					
1.	Rajasthan Agricultural Produce Markets (Second Amendment) Ordinance 1974	1-7-74	12-8-74	13-9-74	Replaced by Legislation
2.	Rajasthan Agricultural Credit Operations (Removal of Difficulties) Ordinance, 1974	16-7-74	12-8-74	21-9-74	Do.
3.	Rajasthan Urban Improvement ¹ (Amendment) Ordinance, 1974	17-7-74	12-8-74	19-9-74	Do.
4.	Rajasthan Municipalities (Third Amendment) Ordinance, 1974	17-7-74	12-8-75	21-9-74.	Do.

1	2	3	4	5	6
5.	Rajasthan Co-operative Societies (Amendment) Ordinance, 1974	19-7-74	..	30-8-74	Replaced by legislation
6.	Rajasthan Universities Teachers and Officers (Special Conditions of Service) Ordinance, 1974	21-7-74	..	11-9-74	Do.
7.	University of Rajasthan (Second Amendment) Ordinance, 1974	25-7-74	12-8-74	Do.	Do.
8.	Rajasthan Homoeopathic Medicine (Amendment) Ordinance, 1974	28-7-74	12-8-74	22-9-74	Do.
9.	Rajasthan Land Development Corporation Ordinance, 1974	21-9-74		..	..

TAMIL NADU

1.	The Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Third Amendment Ordinance, 1974	17-6-74			Do.
2.	The Madurai City Municipal Corporation (Amendment and Extension of Term of office) Second Amendment Ordinance, 1974.	Do.	..	..	Do.

APPENDIX VII
A. PARTY POSITION IN LOK SABHA

(As on December 1, 1974)

Name of the State	Seats	Cong.	CPI(M)	CPI	J. S.	Other Parties	Total
1	2	3	4	5	6	7	8
Andhra Pradesh.	41	37	1	1		2(a)	41
Assam	14	12	1	..		..	13 (1 Vacant)
Bihar	53	37		5	2	8(h)	52 (1 Vacant)
Gujarat	24	12				10(c)	22 (1 Vacant)
Haryana	9	7		..	1	1(d)	9
Himachal Pradesh	4	4		..	..	..	4
Jammu and Kashmir	6	5		..	..	1(e)	6
Karnataka	27	27		..	..	..	27
Kerala	19	6	2	3	..	7(f)	18 (1 Vacant)
Madhya Pradesh.	37	21			10	5(g)	36 (1 Vacant)
Maharashtra	45	40		1	..	4(h)	45
Manipur	2	2		..	..	..	2
Meghalaya	2	..		..	..	2(i)	2
Nagaland	1	..		..	..	1(j)	1
Orissa	20	14		1	..	5(k)	20
Punjab	13	9		1	..	1(l)	11 ^a (1 Vacant)
Rajasthan	23	15		..	3	5(m)	23
Tamil Nadu	39	9		4	..	26(n)	39
Tripura	2	..	2	..	..	..	2
Uttar Pradesh	85	73	..	5	4	3(o)	85
West Bengal	40	15	20	3		2(p)	40

Union Territories

Andaman & Nicobar Islands	1							1	
Chandigarh	1							1	
Dadra and Nagar Haveli	1							1	
Delhi	7							6	(1 Vacant)
Goa, Daman and Diu	2							1	(q)
Lakshadweep	1							1	
Mizoram	1							1	
Pondicherry Nominated	1							1	(r)
Arunachal Pradesh	1							1	
Anglo-Indian	2							2	(s)
TOTAL	524	358	26	24	20	88	(t)	516*	(7 Vacant)

* Excludes the Speaker, who is not a member of any Party.

- (a) Telengana Praja Samiti—2.
- (b) Socialist Party—2; Congress (o)-3; UIPG-2; BLD-1.
- (c) BLD-2; Congress (o)—8.
- (d) Unattached.
- (e) Unattached.
- (f) Muslim League—2; Revolutionary Socialist Party—2; Kerala Congress—3.
- (g) B.L.D.—1; UIPG—4.
- (h) Socialist Party—1; Forward Block—1; Unattached—2.
- (i) Unattached—2.
- (j) UIPG—1.
- (k) B.L.D.—5.
- (l) Unattached.
- (m) B.L.D.—1; UIPG—2; Unattached—2.
- (n) D.M.K.19, Muslim League—1; Forward Block—1, Congress (o)—1, Anna D.M.K.—4.
- (o) B.L.D.—2; Unattached—1.
- (p) Socialist Party—1; Revolutionary Socialist Party—1.
- (q) B.L.D.—1.
- (r) ADMK—1.
- (s) UIPG—2.
- (t) D.M.K.—19; B.L.D.—13; Congress (o)—12; U.I.P.G.—11; Anna D.M.K.—5; Socialist Party—4; R.S.P.—3; Kerala Cong—3; Muslim League—3; Forward Block—2; Telengana Praja Samiti—2; Unattached—11.

APPENDIX VII—(contd.)

B. PARTY POSITION IN RAJYA SABHA

(As on December 1, 1974)

States	No. of Seats	Congress	Cong(c)	J.S	CPI	B. L.D.	CPI(M)	Other Parties	IND
Andhra Pradesh	18	15	..	..	..	..	..	..	3
Assam	7	7	..	..	..	..	..	..	..
Bihar	22	13	1	1	3	2	1(a)	1	1
Gujarat	11(b)	7	..	1	..	..	..	..	..
Haryana	5	5	..	..	..	..	..	..	..
Himachal Pradesh	5	3	..	..	..	..	..	..	..
Jammu and Kashmir	4	4	..	..	..	..	..	..	..
Kerala	9	2	..	..	1	..	3	2(c)	..
Madhya Pradesh	16	12	..	4	..	..	..	..	..
Maharashtra	19	13	..	..	1	..	..	4(d)	1
Manipur	1	1	..	..	..	..	..	..	..
Meghalaya	1	..	..	..	..	..	..	1(e)	..
Karnataka	12	8	2	..	..	..	..	..	2
Nagaland	1	..	..	..	..	..	..	1(f)	..
Orissa	10	5	..	..	1	4	..	..	..

Punjab	7	4	..	1	..	..	2(g)
Rajasthan	10	9	1	..	..	..	..
Tamil Nadu	18	1	1	..	..	16(h)	1
Tripura	1	..	..	1	..	..	..
Uttar Pradesh	34	20	4	1	3	2(i)	1	
West Bengal	16	7	..	3	4	1(j)	1	
Arunachal Pradesh	1	1	..	..	..	..	..
Delhi	3	2	1	..	..	..	..
Mizoram	1	1	..	..	..	..	1(k)
Pondicherry	1	..	..	..	..	..	..
Nominated	12	1	..	..	..	11	..
	243	140	7	12	12	9	7	
								43(l)
								10

- (a) PSP
- (b) Vacancies—3.
- (c) Muslim League—2; S.P.—2.
- (d) B.K.D.—1; S.P.—1; REP—1; P.W.P.—1.
- (e) APHLC
- (f) UDF
- (g) Akali Dal
- (h) Muslim League—3; ADMK—2.
- (i) B.K.D.
- (j) F.B.(M)
- (k) DMK
- (l) D.M.K.—12; M.L.—5; B.K.D.—3; S.P.—2; Akali Dal—2; A.P.H.L.C.—1; F.B. (M)—1; U.D.F.—1; P.S.P.—1; REP—1; P.W.P.—1; A.D.M.K.—2; Nominated—11.

APPENDIX VII—(contd).

C. PARTY POSITION IN STATE LEGISLATIVE ASSEMBLIES

States	Seats	Cong (O)	Cong	Swt.	JS	CPI	CPI (M)	SP	Other Parties	Ind.	Nom.	Total
	2	3	4	5	6	7	8	9	10	11	12	13
1												
Andhra Pradesh (as on 30-9-74)	288	218	..	..	..	8	1	..	36(a)	21	1	281(b)
Assam (as on 27-11-74)	114	95	..	1	..	3	..	4	5(c)	6	..	114
Bihar (as on 22-7-73)	319	181	24	1	24	35	..	34	9(d)	14	1	319(e)
Haryana (as on 24-10-74)	81	51(f)	3(g)	..	2	..	..	..	9(h)	15(i)	..	80(j)
Himachal Pradesh (as on 20-11-74)	68	53	..	..	5	..	1	..	2(k)	6	..	67(l)
Jammu and Kashmir (as on 4-11-74)	75	62	..	..	3	..	..	..	5(m)	4	..	74(n)
Karnataka (as on 5-12-74)	217	166	24	..	..	3	1	2	1(o)	18	..	216(p)
Kerala (as on 31-3-74)	134	35	3	..	..	16	31	..	36(q)	4	..	133(r)
Madhya Pradesh (as on 1-8-74)	297	232	..	..	46	5	..	4	..	8	1	29(s)
Manipur (as on 23-10-74)	60	23	..	..	..	6	..	2	23(t)	8	..	60
Meghalaya (as on 11-7-74)	60	12	..	..	..	..	..	..	47(u)	1	..	60
Nagaland (as on 30-10-74)	60	..	..	..	..	..	..	..	59(v)	..	..	60(w)
Orissa (as on 5-11-74)	146	69	..	..	..	7	3	2	57(x)	8	..	146(y)
Punjab (as on 6-11-74)	104	66	..	..	1	10	1	..	25(z)	..	..	103(aa)
Rajasthan (as on 28-11-74)	184	143	..	10	7	5	1	5	..	13	..	184
Tamil Nadu (as on 1-11-74)	235	6	13	5	..	5	..	..	33(bb)	2	1	234(cc)
Tripura (as on 16-11-74)	60	41	..	..	..	1	16	..	..	2(dd)	..	60
Uttar Pradesh (as on 31-4-74)	426	215	10	1	61	16	2	5	109(ee)	5	1	425(ff)
West Bengal (as on 30-6-74)	281	216	2	..	..	36	13	..	8(gg)	5(hh)	1	281
*Delhi (as on 31-10-74)	61	47(ii)	2	..	5	3	..	..	1(jj)	1	..	59(kk)
Gos— Daman and Diu (as on 30-9-74)	30	1	..	..	..	..	..	..	28(ll)	1	..	30(mmm)
Mizoram (as on 29-10-74)	33	30	..	..	..	..	..	..	2(nn)	..	..	33
Pondicherry (as on 26-3-74)	30	7	5	..	..	2	1	..	12(pp)	1	..	30

"Refers to Delhi Metropolitan Council.

- (a) Socialist Democratic Front 11; Andhra Progressive Democrats 8; Progress- (v) Ircludes Nagaland Nationalis Organisation—21; sive Front 8; Peoples' Democrats 6; Majlis Ittehad-ul-Muslimeen 2; United Democratic Front.—38;
RPI—1.
- (b) Vacant—3.
- (c) Peoples Democratic Party.—3; R.C.P.I.—1, Plains Tribal Party—1.
- (d) Include All India Jharkhand—3, Hul Jharkhand 2; Progressive Hul; Jharkhand—1—Jharkhand (N.E. Horo Group)—1; Hindustani Soshit Dal—2.
- (e) Vacant—1; Includes Hon. Speaker.
- (f) Includes Hon. Speaker.
- (g) One Member not entitled to vote.
- (h) Includes Vishal Haryana Party 3; Progressive Independent Party (Not entitled to vote); Bhartiya Kranti Dal—4.
- (i) Two members not entitled to vote.
- (j) Vacant—1.
- (k) Lok Raj Party.
- (l) Vacant—1.
- (m) Jamaat Islami.
- (n) Vacant—1.
- (o) Janathapaksh.
- (p) Vacant—1. Includes Hon. Speaker.
- (q) Includes Kerala Congress—13; Muslim League 11; Revolutionary Socialist Party—6; Kerala Socialist Party—2; Karshak Tozhiali Party 2; Ps. P. 2.
- (r) Includes R.S.P.—3; Socialist Unity Centre—1; Workers Party —1; Gorkha League—2; Muslim League—1.
- (s) Vacant—1; Includes Hon. Speaker.
- (t) Includes M.P.P.—10; MHU 12; K.N.A.—1.
- (u) Includes A.P.H.L.C.—39; H.S.P.D.P.—8.
- (v) Includes Orissa Pragati Legislature Party—57.
- (w) Vacant—1.
- (x) Includes Orissa Pragati Legislature Party—57.
- (y) Excludes Hon. Speaker.
- (z) Shiremani Akal Dal—25.
- (aa) Vacant—1.
- (bb) D.M.K.—169; Tamil Arasu Kazhagan—1; Forward Bloc—7; Muslim League—6; Anna Dravida Munnetra Kazhagam—12; Tamil Nadu Communist—2.
- (cc) Includes Hon. Speaker.
- (dd) Supported by GPI (M).
- (ee) Includes B.K.D.—106; Muslim League—1; Hindu Sabha—1; Soshit Samaj Dal—1.
- (ff) Includes R.S.P.—3; Socialist Unity Centre—1; Workers Party —1; Gorkha League—2; Muslim League—1.
- (gg) Vacant—1.
- (hh) Includes Speaker Supported by the U.F.—1; Others —4.
- (ii) Includes nominated—2.
- (jj) Muslim League.
- (kk) Vacant—2.
- (ll) Includes Maharashtrawadi Gomantak Party—19; United Goans—9.
- (mm) Includes Hon. Speaker.
- (nn) Mizo Union.
- (oo) Affiliated to Congress.
- (pp) A.D.M.K.—12; DMK—2.

NOTE :—The figures are based on the information furnished by the respective State Legislature Secretariats.