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EDITORIAL NOTE

Having completed twenty-one years of its fruitful existence, our Journal has in a real sense come of age. With this issue, it enters the twenty-second year with some improvements in the cover design and the format.

The 21st Commonwealth Parliamentary Conference held in New Delhi recently has indeed been a memorable event in India's parliamentary history. The present issue appropriately begins with a reportage on the highlights and achievements of the Conference.

Not long after the C.P. Conference was over, Dr. G. S. Dhillon, the then Speaker of Lok Sabha, who presided over the deliberations of the Conference with distinction, relinquished his office and was inducted into the Cabinet as Minister of Shipping and Transport. Dr. Dhillon had achieved international name and fame during his tenure of Speakership and we shall miss his benign guidance. He has been succeeded to the exalted office by Shri B. R. Bhagat who brings to the office very rich and diverse experience in Government and Parliament. A senior and distinguished Member of Parliament, Shri Bhagat has previously been a popular Union Minister having held charge of several important Ministries.

Two developments of far-reaching importance that have taken place in the United Kingdom recently are the decisive vote in the referendum in favour of Britain's continued membership of the E.E.C. and the decision of the British Government on the devolution of power to Scotland and Wales, marking an important phase in the continuing evolution of the British Parliament. Sir David Lidderdale, Clerk of the House of Commons, in his scholarly paper, deals with these developments and their implications on the British Parliament.

The inter-relationship between the legislature, the executive and the judiciary in India, particularly the power of the judiciary to review parliamentary enactments amending the Constitution with a view to bringing about speedier socio-economic transformation, has been a subject of continued debate. The article by Shri B. R. Shukla, M.P., deals with some important ramifications of this oft-discussed topic. Justice Misra of the Allahabad High Court, in his learned contribution, has dealt with another important matter—judicial functions in administrative law.

An important event in the recent Indian political and constitutional scene has been the judgment of the Supreme Court upholding the appeal of Prime Minister Shrimati Indira Gandhi against the judgment of the Allahabad High Court. Earlier, the latter had set aside her election to Lok Sabha in 1971 from the Rae Bareilly constituency of Uttar Pradesh.

Apprehending a threat to the security of India from "internal disturbances", the President, by a Proclamation issued on June 26 last year, declared a state of Emergency in the country, concurrently with the Emergency declared in 1971 and still in force, to meet the threat from "external aggression".

Insofar as the States are concerned, there were some cabinet changes in Bihar, Haryana, Himachal Pradesh, Orissa and Sikkim. Ministries were also reconstituted in Manipur and Mizoram. Mid-term election held in Gujarat returned to power the Janata Front, an alliance of some parties opposed to the Indian National Congress. A new Ministry headed by Shri Babubhai Patel was accordingly sworn in. The new Assembly elected Shri Kundan Lal Dholakia as the new Speaker, whom we welcome. Sarvashri Chandramani Singh, C. S. Rai and Nokmey Namati are the new Speakers of the Legislative Assemblies of Manipur, Sikkim and Arunachal Pradesh respectively and we extend them our felicitations.

New Speakers were also elected in Manipur and Sikkim, as also in the Union Territory of Arunachal Pradesh, where a new political set-up with a full-fledged Legislative Assembly and a Council of Ministers, has been inaugurated.

In Jammu and Kashmir, the erstwhile Plebiscite Front dissolved itself and revived the National Conference at the suggestion of the Chief Minister, Sheikh Mohammed Abdullah, so as to strengthen the "secular, democratic and socialist forces" in the State. Former Chief Minister, Syed Mir Qasim, has been elected to the Rajya Sabha in the vacancy caused by the resignation of late Shri D. P. Dhar.

On the international front, the achievement of independence by Mozambique, Cape Verde Islands and the Sao Tome and Principe Islands has been a welcome development. Bangladesh witnessed a number of political and constitutional changes, including the unfortunate murder of Sheikh Mujibur Rahman and the members of his family in a coup. There were ministerial changes in Afghanistan, Argentina, Australia, Cameroon, Canada, Central African Republic,

Colombia, Iran, Laos, Lebanon, Malaysia, Mauritania, Portugal, Sierra Leone, Sri Lanka and the United Kingdom.

While Greece has adopted a new Constitution, a new Constituent Assembly was inaugurated in Portugal. Fresh elections have been held in Austria, Finland, Iran and Northern Ireland.

For the first time in the British Parliamentary history, proceedings of the House of Commons are now being broadcast, a development which seems to have come to stay.

These and other similar events have been surveyed in the feature 'Parliamentary and Constitutional Developments'.

Suggestions from our readers for any further improvements in the Journal are welcome.

—S. L. SHAKDHER.

TWENTY-FIRST COMMONWEALTH PARLIAMENTARY CONFERENCE

S. L. SHAKDHER*

The 21st Commonwealth Parliamentary Conference was held in New Delhi from October 28 to November 4, 1975. It was the second time that India got the privilege of hosting this Conference, the earlier one having been in 1957 when our country was the joint host along with Sri Lanka and Pakistan.

Having always valued the Commonwealth and its microcosm—the Commonwealth Parliamentary Association (CPA)—as a practical concretization of a concept very near to India's heart—*vasudhaiva kutumbakam* 'the whole world a family', the elaborate planning and meticulous care that went into the preparations for the New Delhi meetings was just one indication of the importance attached by this country to this great occasion.

The week-long Conference was inaugurated by the President of India, Shri Fakhruddin Ali Ahmed, at a function held in the historic Central Hall of Parliament on October 28, 1975. The Vice-President of India, the Prime Minister, Cabinet Ministers, Officers of the Commonwealth Parliamentary Association and several other distinguished personalities were present. Colour and pageantry marked the inauguration of the Conference. The President drove in State to Parliament House and a fanfare of trumpets heralded the entry of the Presidential procession in the Central Hall. The massive Hall, where the historic transfer of power took place on August 15, 1947, was packed to capacity. Delegates, hailing from all parts of the

*Shri Shakdher is the Secretary-General of Lok Sabha and President of the Association of Secretaries-General of Parliaments.

Commonwealth, and their ladies, in their traditional colourful dresses, lustily cheered the arrival of the Presidential procession.

Besides Dr. G. S. Dhillon, the then Speaker of Lok Sabha and President of the Commonwealth Parliamentary Association, who welcomed the Delegates and other guests on behalf of the Main Branch and the State Branches of the CPA in India, the inaugural session was addressed by the Prime Minister, Shrimati Indira Gandhi and Mr. R. Gujadhur of Mauritius, the Vice-President of the Commonwealth Parliamentary Association.

Welcoming the delegates, Dr. Dhillon drew attention to the fact that political and parliamentary institutions were under tremendous pressure these days. "The challenge which democracy faces at the present time", he said, "is as to how far it can vindicate itself as an instrument of growth and social regeneration." "We have always believed", said he, "that the end purpose of freedom itself and of democratic existence is the emancipation and betterment of the life of the common man as the foundation for an enduring social order." Pointing out how mutual cooperation had served to promote a community of interests and outlook, "a kind of Commonwealth culture", as he put it, Dr. Dhillon said that the Commonwealth Parliamentary Association provided "an example of the way in which international affairs should be carried on."

Inaugurating the Conference, President Fakhruddin Ali Ahmed said that genuine understanding and purposeful cooperation among nations provided the surest basis for lasting peace and progress of mankind and in the ultimate analysis the Commonwealth would be judged by the contribution it made to the cause of promoting human dignity and brotherhood. Describing the Commonwealth as "a child of history", the President said, "It takes us back to the Magna Carta as well as to the radiant and ageless cultures of ancient civilizations and reminds us of the continuous struggle of mankind for freedom and free institutions through the ages."

India's decision to continue in the Commonwealth after she became independent, the President observed, "had a decisive effect on the further history of the Commonwealth". "As in Nehru's days", he went on, "India continues to value the Commonwealth link not merely because of past associations but because it has the capacity to advance the larger world causes to which we are committed—world peace, international understanding and developmental cooperation among the peoples of the world and the elimination of the causes of tension among nations."

Prime Minister Shrimatī Indira Gandhi, in her address, reminded her audience how the mere ushering in of a democratic system, adoption of a free constitution or establishment of a parliamentary government did not necessarily guarantee consensus and order. Any system, she said, could prevail only so long as it kept pace with the changing conditions and proved its ability to solve the problems of the people. Forms of democracy varied in each country, in the light of its own history and national character, its size, the diversity or homogeneity of its population, the state of its economic development and other such conditioning factors. The special feature of the Commonwealth Parliamentary Association, she observed, was the voluntary coming together of countries of diverse continents and cultural, economic and social life-styles—"it is neither confined to any particular system nor dominated by any one individual or nation". In this connection, she pointed to the election of Mr. S. S. Ramphal as Commonwealth Secretary-General in itself being "an example of the developing role of the Commonwealth".

Mr. R. Gujadhur of Mauritius, who, in his capacity as the then CPA Vice-President and the prospective President, was already looking forward to his country hosting the next Conference, emphasised in his thanks-giving speech that in spite of the great diversity in the political systems of member countries, the delegates participating in the Commonwealth Parliamentary Conferences exchange views by general consensus and "sometimes even agree to disagree."

The inaugural ceremony was telecast directly from the Central Hall by the Delhi Television and the AIR provided a running commentary on the function. In the evening the AIR put out a special newsreel.

A special feature of the Conference was the publication of a study on "The Commonwealth Parliaments".¹ This study, specially brought out for the occasion, for the first time in the history of the Commonwealth Parliamentary Conferences, was released by President Ahmed at the inaugural function. The volume carries valuable contributions from distinguished Presiding Officers, Members of Overseas Parliaments and learned Clerks/Secretaries-General of the various Commonwealth Parliaments and senior officers of the Commonwealth Parliamentary Association on a wide range of subjects relating to parliamentary institutions and processes and makes

¹ S. L. Shakhder (ed.). *The Commonwealth Parliaments*, Lok Sabha Secretariat, New Delhi, 1975.

useful reading in comparative parliamentary political science, more particularly in the field of legislative procedures of the Commonwealth Parliaments. It has been decided to bring out revised editions of this definitive work from time to time.

While the Conference was inaugurated in the Central Hall of Parliament House, the business sessions of the Conference were held at the magnificent *Sansadiya Soudha* (Parliament House Annexe), built at a cost of Rupees 3.7 crores and got ready just in time for the Conference. The Parliament House Annexe is a self-contained community containing under the same roof, the Conference and Committee rooms, a banquet hall, a multi-purpose auditorium and other basic facilities like post-office, bank, overseas communications service, travel agencies, road, rail and air booking offices, all conveniently located.

To mark the occasion, the Vice-President of India, Shri B. D. Jatti, released a special postage stamp bearing a facsimile of the Parliament House Annexe at a special function held soon after the inaugural ceremony. According to Shri Jatti, the stamp was a symbol of the importance and value that India attached to the Commonwealth and to its "great ideals of peace, democracy and friendship".

The Conference, which was presided over by Dr. G. S. Dhillon, was attended by about 300 delegates and observers representing as many as 90 branches of the Commonwealth Parliamentary Association. The 50-member Indian delegation, representing various shades of political opinion in the country, was headed by Shri K. Raghuramaiah, Union Minister for Works, Housing and Urban Development and Parliamentary Affairs.

Quite a number of the delegates were accompanied by their wives or daughters. Incidentally, at the 1957 Conference held in New Delhi there were only 106 delegates, representing 49 branches, apart from a few observers. At the time of that Conference, India had only one Main Branch at the Centre and four Branches functioning in the States as against as many as 19 State Branches at present besides the Main Branch at the national Parliament—the largest number in any individual country.

The Commonwealth Secretary-General H. E. Mr. S. S. Ramphal, who came to India on a special invitation from the CPA, also

addressed the Delegates. Speaking on the tasks awaiting the developing Commonwealth, he said that civil and political rights represented only a part of the attributes of a just society whose foundation must be laid in the reality of social and economic rights of all the peoples. He recalled Prime Minister Indira Gandhi's plea at the opening of the last Commonwealth Prime Ministers' Conference in Kingston early last year, for cooperative action to remove economic inequalities and assured the delegates that "the Commonwealth Secretariat would use its every strength and energy to translate into action these aspirations of the leaders of our member-States". Praising India's role in the development of the Commonwealth idea, Mr. Ramphal said that it was in India that the concept of the modern Commonwealth took shape.

Mr. Ramphal paid tribute to India for adopting a political system animated by compassion, morality and a commitment to freedom and human development unparalleled in our time. India's record of parliamentary and constitutional government during the last quarter century of sovereign independence had earned, and still commanded, respect and admiration the world over. This tradition should "continue to inspire India in the long hereafter and to encourage mankind to look beyond the transient exigencies of every passing crisis to the permanence of these values", he added.

Replying to questions by delegates after his address, the Commonwealth Secretary-General urged that efforts should be made to see that journalists of member nations, particularly smaller ones, were enabled to attend this type of conferences and cover the proceedings for newspapers of their own nations. It was not enough that these conferences were covered only by the Press of the host nation.

The Conference provided occasion for some very interesting and high level discussions on issues of current concern in the political, economic and social fields comprehending almost every major aspect of human life. Distinguished leaders from many countries, who were among the delegates, made very useful contributions to debates.

The very first item on the agenda, given notice of by India, was the topical question of the Indian Ocean as a zone of peace. Most of the speakers were strongly of the view that the Indian Ocean region should be maintained as an area of peace and tranquillity. Likewise, in the discussion on South-East Asia there appeared to be a consensus on the need for cooperation and unity for balanced development of this region which had long been a scene of war and strife.

In the animated debate on the developments in Africa, the delegates called for complete and unrelenting pressure—political, economic and moral—against the racial policies of South Africa and Rhodesia.

The energy crisis understandably gave rise to a lively debate. The real cause of worry, it was pointed out, was the waste of energy resources for luxury purposes. In this connection, some delegates suggested the creation of a Commonwealth body for the exchange of information on developing new energy sources and more efficient use of available resources.

The same constructive and pragmatic approach was in evidence in the discussions on commodity prices and terms of trade and indexation and on multi-national corporations. On the former, the emerging viewpoint appeared to stress the need for stabilisation of prices of primary products. In regard to the latter, it was generally felt that multi-national corporations should be made to recognise the sovereignty of the host countries. The setting up of a Commonwealth consultancy or clearing house of information was suggested to help member-countries in their negotiations with these corporations.

Discussions on unemployment and other social problems like youth unrest, violence etc. brought forward a suggestion for the setting up of a committee to study the problems in these areas in the member-States and make recommendations. The need was also stressed for a global change in the pattern of education so that the youth could be self-reliant and their potential harnessed for constructive purposes. On the question of educational and technological aid, the speakers felt that such aid from developed countries should be tailored to the needs of the recipient countries.

On the question of debt repayment by developing countries, interest-free and ~~un~~aided aid from advanced countries was suggested with a view to making the objective of external assistance more meaningful. The question of cartels was discussed largely with reference to oil and to the Organisation of Petroleum Exporting Countries. Several delegates referred to the deleterious effect of the oil crisis on the economies, particularly of developing countries, but it was felt that all producers' cartels were not bad.

For making the Commonwealth an effective instrument for social, economic and political transformation, the establishment of a

Commonwealth Investment Bank to help developing countries was suggested. A united approach by the Commonwealth countries, some delegates felt, would usher in a new international economic order which was the need of the hour.

In the debate on threats to the authority and prestige of Parliament, the Conference sought to identify the sources from which such threats could come and stressed the importance of the peoples' faith in the institution of Parliament. It was, however, recognised that there could be no uniform pattern for the parliamentary system. It was a process of evolution according to the needs and experiences of each country and should be allowed to grow as such, without disturbing its quintessence, which the leader of the Indian delegation said, was "government for the people, by the people." There was general agreement on the fact that there was no viable substitute for parliamentary democracy.

The discussions at the Conference, as usual, were indicative of a constructive dialogue amongst the delegates resulting in the emergence of certain positive ideas. That is why the reigning mood at the conclusion of the Conference was that the Commonwealth, in keeping with the challenges and circumstances of the times, should move forward and assume a dynamic role as an active instrument in the creation of a rational and equitable international order.

Delegates were visibly struck by the amazing informality of atmosphere, a sort of family spirit and a climate of cordiality that developed amongst them during the period of the Conference. This was significant because they hailed from different parts of the world and represented a variety of colours and creeds.

Before the Conference concluded its deliberations, the election of the new President of the Commonwealth Parliamentary Association took place. Mr. R. Gujadhur, Deputy Speaker of the Mauritius Legislative Assembly, and the CPA Vice-President, was unanimously elected President of the Association for the year 1975-76, succeeding Dr. G. S. Dhillon. Mr. James A. Jerome, Speaker of the House of Commons, Canada, was elected as the new Vice-President.

Welcoming the unanimous election of Mr. Gujadhur, the outgoing President, Dr. Dhillon said he was very happy at the choice made by the CPA. Mr. Gujadhur, a distinguished and respectable

leader of Mauritius, he said, "is not new to the Commonwealth Parliamentary Association and has a long background as a parliamentarian, and as presiding officer. He has been attending CPA Conference for long". "By his temperament, affable and amiable manners, long experience and maturity", Dr. Dhillon hoped, "the activities of the CPA will receive further impetus and the concept of modern Commonwealth will take deeper roots among the people of the member-countries". Dr. Dhillon also expressed his thanks to the Hon'ble Mr. G. A. Regan for his able guidance of the proceedings of the CPA Executive Committee. Mr. Regan, he added, had much endeared himself to one and all in a short time. "As Chairman of the Executive Committee," said Dr. Dhillon, "he has given new life to the CPA and revitalised its functioning. He has shown a dynamic approach to problems."

The outgoing President also paid an eloquent tribute to the CPA Secretary-General, Sir Robin Vanderfelt and his dedicated team, on the competent job that they did of the preparatory work leading to the Conference. He also thanked the Secretaries-General of the two Houses of the Indian Parliament, and their colleagues and other officers, who had worked tirelessly in connection with the Conference arrangements and made it a memorable success.

Dr. Dhillon complimented the Indian Press, the All India Radio and television authorities, the press photographers and reporters, and the newspaper editors for their co-operation and for a very extensive coverage of the Conference proceedings, befitting the importance of the occasion. Dr. Dhillon did not forget to refer to the excellent services rendered at the Conference premises by the State Bank of India, Post Office, the Telecommunication network, travel agencies, and last but not the least, the Catering staff, all of whom he profusely thanked.

One of the few "innovations" introduced at the New Delhi Conference for the first time, was the publication of a volume of biographical sketches (alongwith photographs) of the delegates, observers and secretaries to delegations attending the Conference, to help them know each other more intimately. Another 'first' in the Conference arrangements was the preparation and issue of synopses of the proceedings of the Conference for the use of the delegates and officials, to compensate, to a large extent, for the unavoidable delay in making available the full proceedings of the Conference.

The All India Radio and the Delhi Television, apart from live coverage of the inaugural ceremony, put out special programmes including several interviews and talks on the CPA and its objectives, from leading Commonwealth parliamentarians, officers of the CPA and others, both in their national hook-up as well as in the external services.

At the venue of the Conference, an exhibition entitled 'The Glimpses of India' was organised to project India's cultural heritage, her success with the democratic experiment and the progress achieved in the socio-economic transformation of the country since Independence. The exhibition was supplemented by the screening of some documentary films introducing India and depicting her achievements in various fields.

An "India Information Desk" was set up for distribution of pamphlets, folders and other information materials regarding India—her art, culture, history, economic development, etc. The Desk also attended to reference enquiries from the delegates and others participating in the Conference. The Parliamentary Publications Desk displayed and distributed publications of parliamentary interest issued by the Secretariats of the two Houses.

Books and literature regarding Commonwealth and Commonwealth Parliaments, latest issues of journals and newspapers from Commonwealth countries received in Parliament Library, and materials of and relating to the Commonwealth Parliamentary Association, were made available for reference by delegates in a special CPA Room set up at the Conference venue. A set of leading local dailies and reference materials relating to the subjects under discussion were also made available.

Daily Bulletins which were issued regularly during the Conference period to make important day-to-day announcements concerning the business before the Conference, the social and cultural engagements of the delegates and their spouses, transport arrangements and other vital information concerning the facilities and services available at the Conference venue, were found extremely useful by all the delegates. These bulletins were made available to the delegates in their Hotels and Guest Houses before they retired for the night.

In between the meetings, special cultural programmes were arranged in the Capital for the delegates so as to give them a glimpse of the famed Indian classical dances and folk lore.

They were also accorded a glittering civic reception by the citizens of Delhi at the historic Red Fort on one evening. The leader of the Kenya delegation, Mr. H. C. Warithi, and Miss Ackman, leader of the Guyana delegation, received the welcome address on behalf of the delegates, from the Chairman of the Reception Committee, Shri H. K. L. Bhagat, M.P. and President of the Delhi Pradesh Congress Committee. The then Speaker of Lok Sabha, Dr. G. S. Dhillon, the Deputy Speaker, Professor G. G. Swell, the Chairman of the Delhi Metropolitan Council, Mir Mushtaq Ahmed, Members of Parliament and those of the Metropolitan Council were present on the occasion.

Delegates had an opportunity of watching the gaiety and the enthusiasm of the Indian people on the occasion of the joyous Festival of Lights—*The Diwali*, which fell, by sheer coincidence, on one of the Conference days. They were taken out in special coaches to see the illuminations and the fireworks.

Special programmes were arranged exclusively for the lady delegates and the ladies accompanying the delegates. A Ladies Programme Committee, with Mrs. Dhillon (wife of Dr. Dhillon) and Mrs. Lakshmi Raghuramaiah (wife of Shri K. Raghuramaiah, Minister for Parliamentary Affairs and leader of the Indian Delegation) as the principal organisers, had very imaginatively drawn up interesting programmes of visits and entertainments for them. Ladies were also provided with opportunities to do some shopping at the Central Cottage Industries Emporium and the State emporia in the capital.

Another highlight of the Conference arrangements was, of course, the post-Conference tours, the most extensive ever planned, which took the delegates to the headquarters of as many as 15 of the 19 State CPA Branches in India, covering practically the whole of the country. The idea behind this was, as Dr. Dhillon himself put it, that the delegates might “know everything, meet anyone they liked, and go anywhere and form their own impressions.”

In view of the vastness of the country and the shortage of time at the disposal of the delegates, it was not possible to take all of them to all the places in the country. As such they were divided into four convenient groups formed, as far as possible, in accordance with the preferences indicated by them in advance, to undertake tours of four different regions of the country—Group A to the Nor-

thern Region (Srinagar, Chandigarh and Jaipur), Group B to the Eastern Region (Lucknow, Calcutta, Gauhati, and Shillong), Group C to the Southern Region (Hyderabad, Bangalore and Madras) and Group D to the Western Region (Bhopal, Ahmedabad and Bombay). Wherever the delegates went during their post-Conference tours, they were accorded welcomes "of overwhelming warmth and kindness", as one of the delegates has himself put it. Yet another delegate described these tours as "extremely enjoyable and memorable". The State Governments and the CPA Branches everywhere vied with each other in arranging receptions and lively entertainment programmes in honour of the delegates.

It is proposed to bring out shortly a comprehensive compendium on the experiences and achievements of this Conference. Delegates who attended have been requested to give their impressions about various aspects of the Conference. The publication, which would be fully illustrated, would also contain a complete record of the speeches made at the inaugural ceremony and other functions, names and other details about the participants, synopses of proceedings and details of other arrangements that were made for the Conference.

The intangible benefits from the CPA Conferences are of no less consequence than the formal outcome of the deliberations on the Conference floor. These Conferences have undoubtedly served to bring different parts of the world closer. The acquaintances made during coffee-breaks, luncheons, post-Conference tours and other occasions, as much as at the Conference Table, may often be the beginning of many fruitful friendships. These personal contacts which make for fellow-feeling and promote mutual knowledge among the peoples' representatives from the far corners of the globe, may prove most valuable in the creation of a climate of goodwill and understanding, and towards the development of a common outlook and approach to problems. The importance of fostering such a fellow-feeling among parliamentarians should be obvious particularly when the peoples' representatives, by virtue of their special position as leaders of the community and as links between the Government and the people, are obviously placed in a unique position to mould public opinion and influence their governments.

The next Commonwealth Conference, to be hosted by Mauritius, let us hope, proves to be an even more exhilarating and rewarding experience than what we had in India.

THE HOUSE OF COMMONS, EUROPE, AND DEVOLUTION

DAVID LIDDERDALE*

This article deals with two major areas of political and constitutional change which have affected, or will soon affect, the Parliament of the United Kingdom. The first, following the decisive vote in the referendum held in the United Kingdom on 5th June, 1975, to stay in the European Economic Community (E.E.C.) is an accomplished fact. The other, the commitment of the present government and of all major political parties to devolve power from Whitehall and Westminster to Scotland and Wales appears likely to be implemented within the near future.

For Parliament at Westminster the implications of both changes will clearly be considerable. In the case of Europe the major political battle is now settled although there is scope for and seems certain to be, continuing argument about the future development of the E.E.C. As for devolution, despite the agreement of all major parties that some measure of devolution should take place, the future is much less certain and any discussion of its impact on Parliament at Westminster must necessarily be speculative.

RELATIONS WITH THE EUROPEAN ECONOMIC COMMUNITY

The accession of the United Kingdom to the European Economic Community in January 1973 had two distinct implications for the Parliament at Westminster. In the first place the United Kingdom immediately became entitled to send a delegation of 36 Members to the European Parliament. Secondly Parliament had immediately

*Sir David is the Clerk of the House of Commons, London.

to consider how best to deal with the matters arising from the United Kingdom's membership of the European Community. This section of this article deals with both these subjects and begins with a short examination of the participation of British Members of Parliament in the work of the European Parliament.

The European Parliament

The Treaty of Rome establishing the European Economic Community provides, in Article 138, that the Assembly of the Community "shall consist of delegates who shall be designated by the respective Parliaments from among their members in accordance with the procedure laid down by each Member State". The Article goes on to state that for each of the four largest Member States—Germany, France, Italy and the United Kingdom—the number of these delegates shall be thirty-six. The method by which each delegation is appointed may thus vary from one Member State to the next, so also may the balance of the political parties represented in each delegation and, where the national parliament is bi-cameral, the proportion of delegates designated in each of the chambers.

The United Kingdom delegation is designated by a Government motion in each House naming those who have been selected to serve after consultation by the Whips of the various parties.

For political reasons the delegation first nominated contained no Members of the Labour Party, then the opposition. The full British entitlement to seats in the European Parliament was not therefore taken up in 1973 and until 1975 no more than 22 out of 36 places were filled at any one time. Of these roughly two-thirds were filled by Members of the House of Commons and the remainder by the House of Lords. Following the outcome of the referendum on British membership of the E.E.C., the Labour Party, now in government, agreed to take up their full entitlement of places on the delegation to the European Parliament. Thus it was only in July 1975 that the United Kingdom was able for the first time to send a full delegation to Strasbourg.

Since the European Parliament normally meets in plenary session for one week in each of 11 months of the year and since all Members serve on one or more of its 12 committees which hold regular meetings between the regular plenary sessions, Members of the delegation to the European Parliament may spend relatively

little time at Westminster. This imposes heavy burdens particularly on the House of Commons Members of the delegation who find difficulty in fully performing their constituency work and certainly cannot play a full part either in the debates, or in the various committees of the House of Commons. Nevertheless it has been a feature of the major debates on European affairs that have taken place over the last two years or so in the House of Commons that members of the United Kingdom delegation to the European Parliament have played an important part in them.

Only the coming of direct elections to the European Parliament will relieve Members of the strain of being simultaneously Members of two busy and time consuming Parliaments. Direct elections are expressly foreshadowed in the Treaty of Rome, and various attempts have been made to give effect to the Treaty's intentions. But, eighteen years after the Treaty was signed, direct elections still do not appear politically realistic, either at present or in the immediate future.

European business in the House of Commons

At the same time as Parliament at Westminster has been largely deprived of the services of a group of 36 Members it has had to come to terms with an increasing amount of often complicated business emanating from the European institutions. The way in which the House of Lords has been able in an atmosphere notably free of party political controversy to deal with this new business is described in another article. The following paragraphs indicate the steps so far taken by the House of Commons to involve itself in European affairs and to continue to hold Ministers accountable for actions which they take or may be preparing to take within the Community's institutions.

During the period from U.K. accession to the Communities in January 1973 to the dissolution of Parliament in February 1974, proceedings in the House relating to Europe were largely on an *ad hoc* basis. A Select Committee (the Select Committee on European Community Secondary Legislation* of 1972-73, often called the "Foster Committee") had been set up on 21st December

*'Secondary legislation' is legislation made by the institutions of the E.E.C. under powers conferred by the relevant Treaties which are themselves the primary legislation.

1972 "to consider procedures for scrutiny of proposals for European Community Secondary Legislation and to make recommendations". Pending its Report, the House was kept informed of developments, particularly in the Council Ministers, mainly by means of oral statements made regularly by the then Chancellor of the Duchy of Lancaster (The Rt. Hon. John Davies, M.P., who was also the Minister with principal responsibility for Community Affairs) and by other Ministers, as the occasion required.

In addition, within the ordinary procedures of the House, E.E.C. Affairs were the subject of questions to Ministers both for oral and for written reply, and a number of orders and other Statutory Instruments stemming from the European Communities Act, 1972 were laid before the House in accordance with the terms of the Act and debated and approved in due course. Also two major debates on E.E.C. matters were initiated by the Labour opposition during this period.

The Report of the "Foster Committee" was published in November 1973, and was debated by the Commons on 24th January 1974. In the course of that debate the Government indicated that they accepted many, though not all, of the proposals in the Report; in particular they expressed their intention of moving to set up a Select Committee on European Secondary Legislation (the "Scrutiny Committee"), to provide time for debates on such legislation as the Scrutiny Committee recommended for debate in the House, and in addition to provide six days in every Session for more generalised debates on E.E.C. matters.

The new Government which took office in March 1974 affirmed its intentions of implementing the major proposals of the Foster Committee. It was announced on 2nd May 1974 that the Government would move to appoint a Scrutiny Committee; and that six days would ordinarily be allotted every session for debate on E.E.C. matters. Undertakings were given that where practicable time would be found for debating any E.E.C. proposals recommended for debate before the proposals concerned were finalised by the Council. The Session, which opened in March 1974, closed with a further dissolution in September 1974 and in that period three major debates were held. But in the existing political climate, they turned more on the progress of renegotiation of the terms of entry, which the new Government was pledged to undertake, and the value of continued membership of the E.E.C. than on developments

of particular E.E.C. policies. This series of debates culminated in the three-day debate (7th—9th April, 1975) on a Motion to approve the Government's recommendation to continue Britain's membership of the Community on the terms that the Government had been able to negotiate. The motion was carried by 396 votes to 170. The practice of making regular statements on business at the Council of Ministers and of answering questions, both orally and in writing, on E.E.C. matters continued. In addition a series of debates was held on particular E.E.C. proposals, in accordance with recommendations of the Scrutiny Committee.

The European Secondary Legislation Committee (the Scrutiny Committee) were first set up on 7th May 1974 and were set up again after the general election in October as a permanent Committee for the remainder of the present Parliament on 18th November, 1974. Their Order of Reference is:—

“To consider the draft proposals by the Commission of the European Economic Communities for secondary legislation and other documents published by the Commission for submission to the Council of Ministers, and to report their opinion as to whether such proposals or other documents raise questions of legal or political importance, to give their reasons for their opinion, to report what matters of principle or policy may be affected thereby, and to what extent they may affect the law of the United Kingdom, and to make recommendations for the further consideration of such proposals and other documents by the House.”

Since first set up the Committee have met frequently and have made numerous Reports. In these Reports the Committee usually interpret their Order of Reference so as to note secondary legislation, under the following headings:—

(i) they may report that proposals for legislation do not raise questions of either legal or political importance;

(ii) they may report that proposals for legislation do raise questions of either legal or political importance or both, without recommending that they should be considered by the House;

(iii) they may report that proposals for legislation do raise questions of either legal or political importance or both, stating that they have suspended judgement on whether or not the proposals should be considered by the House, pending further information or further developments; and

(iv) they may report that proposals for legislation do raise questions of either political or legal importance or both and should be considered by the House.

The Scrutiny Committee acknowledged in a Special Report in November 1974 that they ought, under their terms of reference, to give reasons for their opinions and to report "what matters of principle or policy may be affected" by Community documents. They saw their duty, and that of their successors in the future, to be the provision of Reports, in good time for the House to hold debates (or for individual Members to pursue the matter) before final decisions were taken in the Council. These Reports should contain reasons why a document was important, and why in the appropriate cases it required debate, together with explanations of the matters of principle or policy involved. Several subsequent Reports have followed the pattern envisaged in this Special Report and have given some of the background to the Committee's recommendations; but in no case have they ever sought to suggest what conclusion the House should reach in any debate.

The general purpose of debates on particular documents recommended for debate by the Scrutiny Committee has been recognised as being to enable the Government to take account of the views of the House in negotiations at the Council of Ministers. A feature of many of the debates has been that they have taken place on uncontentious motions merely "to take note" of a particular document. General concern about the effectiveness of such debates and also about the volume of European business which the House had to handle led to the appointment on 22nd November, 1974, of a Select Committee on Procedure to consider (among other matters) "what alterations, if any, are desirable for the more efficient despatch of the Public Business of the House in relation to European subordinate legislation, etc., recommended by any Committee on that subject for further consideration by the House." The Procedure Committee reported on this subject on 25th March, 1975.

In their Report the Committee made a number of technical recommendations as to the time to be allowed for debates on particular documents, and they also recommended that a proportion of the documents proposed for debate by the Scrutiny Committee should be debated by a Committee rather than on the floor of the House. But in a passage of wide general interest they gave their views

on the significance of resolutions passed by the House in relation to such documents, as follows:—

“Your Committee have referred, in paragraph 4, to the basic proposition put forward by the Foster Committee in their Report of Session 1972-73, that the House can, by insisting on the accountability of United Kingdom Ministers to the United Kingdom Parliament, exercise a degree of control over certain European legislation comparable to that exercised by the House over United Kingdom delegated legislation. The extent of the House’s control over U.K. delegated legislation is an absolute constitutional power to accept or reject it. In the case of European Secondary Legislation, it is open to the House to pass a Resolution instructing U. K. Ministers, through the use of the veto, to secure the rejection of the legislative proposals at the Council of Ministers. It is also possible for the House by Resolution to instruct U. K. Ministers to attempt to obtain changes in the proposals of the Commission (on the assumption that they would use the threat of an eventual veto to secure agreement to such changes.)

Clearly, a Resolution of the House in regard to European Legislation has not the force of law in the same sense as a Resolution approving or annulling a Statutory Instrument. Although the Government have accepted that they cannot, in this matter, disregard the Resolutions of the House (Official Report, 4th February, 1975, c. 1314), such an undertaking has no legal effect. The final effectiveness of the House’s control may depend upon the extent to which it is prepared to insist upon its wishes. . . Your Committee assume, however, that in any foreseeable circumstances, a Resolution requiring the Minister concerned to take certain action in the Council of Ministers would be complied with. Such a Resolution is therefore the most important step in the House’s influence over European Secondary Legislation.”

The Procedure Committee went on to note that at present there is no formal arrangement for informing the House of how far the House’s wishes have been carried out in the final decision of the Council. While they thought that further experience might possibly lead to the introduction of some formal procedure in this regard, they were satisfied for the present to rely on ministerial statements or the outcome of proceedings of the Council of Ministers on the documents concerned.

Owing to the pressure of Government business, the House has not yet debated the Procedure Committee’s Report or taken action on its recommendations, though something is likely to be done in the near future.

It will be apparent from this account of developments in the procedure of the House of Commons to provide for the scrutiny and debate of E.E.C. matters that the approach of the House has been essentially pragmatic. The ordinary process of most debates in the House is concerned with the passing of judgement by the House on the policies, proposals or actions of the Government, with a Minister replying to the debate before it is concluded. In accordance with this basic process, the House now expects Ministers to explain their policies, proposals or actions in the context of the E.E.C. as it has always expected explanations in a national context.

It is, of course, another question how Members obtain their information on E.E.C. matters. Their formal sources of information are the documents themselves, emanating from the Council and the Commission. In addition they have full access—as desired, to the working documents and the debates of the European Parliament. Experience will tell whether the present balance on E.E.C. matters weighted as it is towards holding Ministers accountable, largely on an *ad hoc* basis, for their conduct at the Council, is the right one.

PARLIAMENT AND DEVOLUTION

The background

Following an upsurge in nationalist feeling in Scotland and Wales in the late 1960s which brought to the House of Commons both a Plaid Cymru (or Welsh Nationalist) Member and Scottish National Party Member in two by-elections, the Labour government of the day announced in 1968 their decision to set up a Royal Commission on the Constitution. The Prime Minister said at the time that an important reason for appointing the Commission was the “strong feeling, not only in Scotland and Wales, but in many parts of England, of a greater desire for participation in the process of decision making, moving it nearer—wherever this is possible—to the places where people live”. The Commission, under the chairmanship of Lord Kilbrandon, reported in October, 1973 (Cmnd. 5460). It was unanimous in rejecting separatism and federalism and in recommending directly elected Scottish and Welsh assemblies, but was divided in the rest of its recommendations.

It was evident to the Commission that the degree of special treatment accorded to Scottish and Welsh matters at Westminster was not sufficient to assuage popular feelings that Government and Parliament were too remote. The existence in the House of Commons, for instance, of the Scottish and Welsh Grand Committees to discuss

broad issues affecting the respective countries, and of Scottish Standing Committees to deal with the committee stage of legislation affecting Scotland were clearly not thought to be sufficient safeguards against the centralisation of Government which has been a feature of the twentieth century. The Commission at paragraph 385 of their Report summarised the position thus:

“Complaints about centralisation and the weakening of democracy arise in Scotland and Wales, as they do in England. In Scotland particularly, centralisation is resented rather more than it is in England; and its effects are complicated in both Scotland and Wales by the existence of the Scottish Office and the Welsh Office as outposts of central government. These offices, under their Secretaries of State, have undoubtedly been effective in securing additional benefits for Scotland and Wales; but they appear to have made no very clear impression on the public at large, and the present system is criticised as not enabling them to develop a distinctively coherent set of policies for their respective countries and lacking in democratic accountability.”

In the general election of February, 1974 only a few months after the publication of the Report, seven Scottish National Party and two Plaid Cymru Members were returned to the House of Commons. Before the election in October, 1974 the Labour Government carried out consultations on the implementation of the Report and in September published a White Paper entitled “Democracy and Devolution Proposals for Scotland and Wales” (Cmnd. 5732) in which the Government announced their intention to “legislate for the establishment of Scottish and Welsh Assemblies as soon as possible”. In the October election in which all major parties expressed their commitment to varying degrees of devolution the two nationalist parties again improved their position in Parliament. The Scottish National Party won a further four seats while Plaid Cymru won a further one. In Scotland as a whole the SNP secured over 30 per cent of all the votes cast in the election. The impetus towards devolution was therefore sustained.

The Government's Proposals

In the period since the October election the Government has been preparing for the implementation of its devolution proposals on the basis of the White Paper's proposals. But in that White Paper the Government announced their decisions only in very broad terms. The following extract illustrates the point:—

“The Government have...concluded that the Scottish assembly should have a legislative role and have

legislative powers within fields in which separate Scottish legislation already exists such as, for example, housing, health and education.

Taking account of the different structures of law in Scotland and Wales but with the same principles in mind the Government intend that the Welsh assembly should parallel the Scottish counterpart in assuming certain powers of the Secretary of State in respect of delegated legislation. The Welsh assembly would also be given responsibility for many of the executive functions at present carried out by nominated bodies within Wales, and by the Secretary of State himself.

The membership, functions and procedures of the assemblies will call for detailed study and consideration. The Government's provisional proposals on some key aspects are as follows:—

- (a) Membership will be on the same system as membership of the United Kingdom Parliament, *i.e.* a single member elected for a geographical area. This is simple to operate, easily understood by the public and provides for the clear and direct accountability of the elected representative to his constituents.
- (b) The assemblies will assume some of the executive functions of the Scottish and Welsh Offices, and of the nominated authorities now operating within their boundaries.
- (c) The financial allocation for the functions over which the assemblies have responsibility will be in the form of a block grant voted by the United Kingdom Parliament under arrangements which take account of both local needs and the desirability of some uniformity of standards of services and of contributions in all parts of the United Kingdom. It will be for the assemblies to judge among competing priorities within Scotland and Wales in the light of their own assessment of their communities' needs: as between, for example, hospitals and roads or schools and houses.
- (d) The assemblies will not be expected to assume existing powers from local government, since this would undermine rather than improve democracy. There will, of course, be a new relationship to be established between the assemblies and local government, and the new authorities created by recent local government re-organisation will require time to settle down in their new functions before this can be achieved.

The setting up of Scottish and Welsh assemblies does not, however, detract in any way from the overriding interest of all the peoples of the United Kingdom in the

determination of United Kingdom policies as a whole. The United Kingdom Parliament and the Central Government Ministers will of course remain fully responsible for the overall interests of the United Kingdom and it is essential that the determination of United Kingdom policies should fully reflect the needs and contributions of all its constituent parts."

The Government also committed themselves to maintaining the existing number of Members from Scotland and Wales in the United Kingdom Parliament and to retaining the Secretaries of State for Scotland and for Wales within the United Kingdom Government.

Although the broad framework was set out in the 1974 White Paper many important decisions of principle remain to be taken. It is understood that a further White Paper will be published in later and that legislation will be presented to Parliament in the 1975-76 session of Parliament. Decisions remain to be taken about the exact range of powers to be devolved, the precise nature of the Assemblies and their relationship with the executive. There can be no doubt that if Parliament does legislate in the sort of way that is proposed, a fundamental constitutional change will have taken place. One can only speculate at present on its likely impact on the Westminster Parliament.

At one level a substantial measure of devolution in fields such as housing, health and education would remove from the shoulders of Scottish Members of the House of Commons at Westminster a considerable amount of constituency work and also of routine legislative activity in Westminster. Assemblymen in Edinburgh would take on these matters. The contrast between the likely workload of Scottish or Welsh Members at Westminster with that of any of their English colleagues who also serve in the European Parliament would be marked.

The setting up of entirely new political institutions within the United Kingdom may well cause strains. No matter how clearly the powers of the new Assemblies are defined in the legislation setting them up there may be scope for argument about the exact limits of their powers. At present the key political argument appears to concern the extent of devolution in economic matters. While the Government maintains that "the political and economic unity of the United Kingdom will be preserved", the more extreme proponents of devolution argue that the real pressure for devolution arises from dissatisfaction over economic affairs rather than from the way in which less contentious subjects such as, say, education, are handled

at Westminster, and they urge therefore that there should be a substantial measure of devolution in economic matters. It seems unlikely that the passing of the devolution legislation will end that argument and it seems clear therefore that whatever the extent of the powers eventually devolved there will have to be arrangements to deal with possible conflicts between Parliament at Westminster and the Assemblies in Edinburgh and Cardiff.

While these arguments and many like them may well continue even after the passing of any devolution legislation, in the meantime the legislation has still to be drafted and considered at Westminster. It seems certain that both Houses of Parliament will wish to consider it very closely before endorsing proposals which will have a major if unpredictable effect on Westminster itself. Constitutional reform is rarely brought about speedily, as may be illustrated by the lengthy period which elapsed between the United Kingdom's first application to join the E.E.C. and the holding of the recent referendum. It may be that the implementation of devolution to Scotland and Wales will be no exception to the rule, and that particular constitutional reform will remain an issue at Westminster for a considerable time to come.

Conclusion

Both in respect of relations with Europe, and with the various constituent parts of the United Kingdom, the Westminster Parliament, and particularly the House of Commons has undergone and is likely to undergo a number of important changes. On the one hand joining the E.E.C. has involved the handing over by Parliament of some of its sovereignty and simultaneously the taking over of a considerable amount of new and complicated business; on the other hand, devolution will involve handing over to subordinate assemblies the control of much detailed day to day legislative and other activity. These changes may not fundamentally alter the United Kingdom Parliament, but they undoubtedly mark an important phase in its continuing evolution.

JUDICIAL FUNCTIONS IN ADMINISTRATIVE LAW

T. S. MISRA*

Since Independence the State has gradually and consistently widened its activities in a number of fields of public life. Along with it has also increased the responsibility of the judicial organ of the State. New tribunals with wide statutory powers have been created, giving a new shape to the system of justice. Ordinary courts are being stripped of their jurisdiction and alternative forums in the form of Administrative Tribunals are being provided. There is a crisis in judicial jurisdiction.

I. HISTORICAL BACKGROUND

In Rome a council (Concilium Principis) of expert jurists was constituted to render advice in drafting laws and decrees and in examining petitions of citizens against the arbitrary acts of public servants. In the days of Emperor Heraclius it was called by the name of 'Master of Requests'.

In France a 'Kings Curia' was established on the Roman pattern which continued to have its fold till 1789. Then came the famous French Revolution. The leaders of this great Revolution declared by the law of 16—24 August, 1790 the political principle of the separation of powers separating the Administration from the Judiciary in these terms:

"The Judiciary is distinct from and will always remain separated from the Executive. Judges may not, on pain of dismissal, interfere, in any way with the work of administrative bodies, nor may they sub-poena Administrative servants acting in their official capacity."

*Justice Misra is a Judge of the Allahabad High Court.

By the law of 7—14 October, 1790 the concept was made clear that “under no circumstances shall claims to annul acts of administrative bodies lie within the jurisdiction of the courts; they shall be brought before the King as head of the general administration.” This necessarily strengthened the arbitrary and absolute power of the Executive. Napoleon, while reorganising the *Conseil d'Etat* also retained this principle by making it responsible for settling any difficulties that might arise in administrative matters, *vide* Article 52 of the Constitution of the year VIII (1799-1800) and for adjudicating any conflicts that might arise between the Administration and the Courts and on any matters previously left to the Ministers' discretion which ought to be the subject of judicial decision. Later, by a decree of 2 June, 1806 was established a 'Judicial Committee' whose primary duty was to examine petitions and to make a report to the General Assembly. Half a century later “Administrative Jurisdiction” was established in France.

“Administrative jurisdiction” was, however, not popular in other European countries, more particularly in Belgium and Italy where protection of the individual rights were entrusted to the ordinary courts. In Netherlands also, where the system was at first reorganised on French pattern, the system later on fell into disrepute. So also it happened in certain German States. The Frankfurt Constitution of 1848 in its Article 182 laid down that all issues of law would be adjudicated upon by the Courts.

Slowly the Administrative Jurisdiction in France was remodelled by formulating precise rules distinguishing its jurisdiction from that of the ordinary courts. The *Council d'Etat* acquired power to decide questions of 'ultra vires' and it became an effective weapon against unlawful and arbitrary acts of the authorities.

England has had its own system of administrative law. The great industrial revolution gave rise to various social welfare schemes. The Governmental activities slowly but steadily began to cover one field after another affecting matters relating to the health, safety, and general welfare of the community and the employment of the working class. The strict legalism of the mid-victorian era had to yield to a technique of adjudication better suited to meet the social demand. Since the last part of the 19th century there have emerged a series of tribunals possessing jurisdiction over matters which would normally have been, adjudicated by ordinary courts of law. The Railway Courts, the Road and Rail Appeal Tribunals, National Health

Insurance Tribunals, National Medical Service Tribunals, Board of Trade exercising judicial functions, Schools Tribunals, National Service Tribunals, Tribunals for Industrial injuries, War Compensation Tribunals etc., are a few out of many which exercise adjudicatory powers in England. In conformity with the object, the structure and character of each of these Tribunals differ but all of these are of a public nature. In England detailed provisions for administrative tribunals are made by legislature. Frank's Committee in its report on Administrative Tribunals & Enquiries has commended the tribunal system as an essential part of the administration but has warned that the tribunals must act with confidence, firmness and impartiality.

In America adjudicatory procedure is founded on the concept of 'due process'. Administrative procedure is also akin to it in many respects and is wedded to the requirement of a record in administrative hearings, as is evident from the provisions of the Administrative Procedure Act, 1946 of U.S.A. Oral hearing, right to counsel, a formal record and the decision based only upon the evidence on the record are the principal attributes of judicialized procedure of the administrative tribunals operating in America. Inquisitorial type of procedure is however resorted to in the administration of welfare and social services.

In India administrative law was introduced during the British rule. As early as 1850 the Public Servants (Enquiries) Act was enforced conferring power on the appropriate Government, to appoint a 'commissioner' to enquire into specific acts of omission and commission of public servants. In the latter part of the nineteenth century several enactments were made dealing with administrative law and covering the field of waste-land, customs, pension, Railways, stamp and explosives. The process has continued in the 20th century as well extending the area of operation to matters relating to registration, electricity, ports, education, co-operative societies, trade unions, motor transport, labour welfare, excise, industrial labour, housing, taxation etc. etc. The field of operation was still widened after Independence. Matters relating to citizenship, air corporations, refugees, insurance, technical education, journalists, oil and natural gas, gold and other metals, atomic energy and medicine have been brought into the field of administrative law.

II. NEED FOR ADMINISTRATIVE TRIBUNALS IN INDIA

The system of administrative justice is becoming an important part of our social and justice scheme and is bound to affect the ad-

ministration of justice. In recent past, it has shown a tendency to put forth new shoots to cover larger fields. But, like all other systems, its growth and survival would depend on its internal vitality.

The traditional view of the administration of justice and which still maintains a certain orthodoxy is that full and fair justice is and can be administered by ordinary courts. The correctness of this statement is indisputable. But, there may be and are other forums, which, bereft of the trappings of the court, in exercise of their adjudicatory power, impart substantial justice. The growth of law courts having not matched with the growth of population, alternative forums seem to have become imperative to meet the demand of justice. Spiralling arrears of undecided cases in law courts at all levels compel the diversion to other avenues and outlets. Social necessity demands cheaper and speedier justice. For a viable framework of justice the structural and procedural modalities should be so moulded as to make them work with speed, efficiency and fairness. This is not just a legal prescription but a social requirement.

In a welfare State, where the Government undertakes commercial enterprises and initiates social schemes affecting the economy and social philosophy of the country and its people, the public must, in a large number of cases relating to such activities and schemes, have a participatory hand. Along with the traditional adversary system of administration of justice must, therefore, develop a 'participatory system'. This participatory system is discernible in all those cases where notices are issued by the Supreme Court to Advocate-Generals of other States which are not actually parties to the case in hand, but the decision of which would affect a definite social, economic or political policy of such States.

Law is a social necessity controlled by moral, economic and political forces. Law in democracy is the concentrated will of the people, expressed by its elected representatives in the legislature and adopted by the majority thereof, to regulate and control the conduct and behaviour of man to man and man to society. It represents and shapes the social thought, norms and behaviour and in the process gets itself moulded by social trends. Judicial system works to regulate the discordant interests within the framework of law.

Indian courts today are heavily burdened with work and the number of judges is scarcely equal to the demands of litigation. A consequence of the success of our judicial system is an increase in the number of cases brought before it to the prejudice of its proper

functioning. There is a heavy back-log of undecided cases. Delay in rendering judgments affects the effectiveness and influence of the decision. Lengthy and complicated procedure impedes the hearing and final determination of the case. Costs to obtain relief from courts is exorbitant, nay prohibitive. Want of ordinary courtesy towards the witnesses, lack of security of their person and property, personal discomfort and inconvenience experienced by them in attending courts and the like factors deter them from aiding courts in settling a dispute. The mills of justice grind slowly. In consequence, the arrears of undecided cases are mounting and the situation has now reached an uncontrollable stage. Necessity is, therefore, increasingly felt to revitalise administrative law. It is trite that intense legalism of our system tends to resolve controversies of highest social import as mere private controversies. It is more zealous to secure 'fair play' to the individual than to the public. The growth of social control of private enterprise has necessitated a change in the legal system. Community interests cannot be protected by the application of principles of justice as between one individual and the other. Administrative law emphasises public needs. Interest of an individual may, if necessary, have to be sacrificed to secure greater good of the masses. It cannot be the purpose of the legal system to paralyse every good social welfare scheme on the ground of affording protection to the individual right as opposed to the claim of the community. Society needs an administration of justice which would sanction and enforce even the infringement of individual right if it is inevitably required to be done for the good of the masses.

Society also needs a system of adjudication which is neither expensive nor slow. Social schemes would become redundant and unworkable if every claim relating to or arising out of them is to be decided according to the traditional methods operating in law courts.

Further, the volume of case work involved in social legislations if entrusted to ordinary courts for adjudication would add to their strain. The administrative tribunals are intended to relieve the courts of the pressure of work, which in consequence would help in clearing the back-log of cases. Establishment of administrative tribunals would not be a sabotage of judicial administration. In fact, these tribunals would in the prevailing situation relieve the law courts of a good number of cases which at present are lying suffocating in the shelves. Process of decentralisation should not,

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however, lead to the weakening of the judicial administration nor should result in the mere creation of another store-house of undecided cases.

III. WORKING OF THE ADMINISTRATIVE TRIBUNALS

A. Appointment of Members

In India generally the members constituting a tribunal are both legal and non-legal persons. There is nothing to fear from non-legal persons in independent positions, as they are men of mature and wide experience and are expected to approach a dispute in a judicial spirit. Past experience shows that such members are capable of judging judicially. Their expert knowledge of the machinery of the Government, its functions and restrictions have been and will be of great assistance in arriving at a fair and proper decision. The contact of two minds, one of a legal person and the other of non-legal person in resolving a social problem has never failed to yield good results. However, the members of the tribunal should have no disqualifying interest or bias and should act independently without fear or favour.

B. Actual working

It is not the establishment of tribunals that solves the problems. More importantly is the *judicial process* employed for rendering a decision. It involves the application of the body of rules or principles in a fair and impartial manner and with a sense of responsibility. Generally, the provisions of the Indian Evidence Act are not made applicable to these tribunals. But, then the principles of natural justice apply. The safeguard against prejudicial evidence is furnished by having a legally qualified person as a member of the tribunal who is able to assess the evidence according to its tenor and weight.

Administrative tribunals are set up to secure justice with speed and little expense. The object should not be crucified on the altar of technicalities. Rules of procedure should not acquire so much authority that a good cause may be thrown away by the ignorance thereof. Rules are meant for better conduct of litigation and not for its annihilation.

C. Representation by a lawyer

In some enactments relating to the setting up of Administrative tribunals one would find a provision that a party would be entitled

to be represented by a lawyer only in given circumstances and in others there is a complete bar. Appearance before Labour Courts and Industrial Tribunals is an example of the former and before Panchayat Adalats of the latter. The U.P. Public Service (Tribunals) Ordinance, 1975 provides that the employer may appoint a public servant or a legal practitioner to be known as the Presenting Officer to present its case before the Tribunal. The public servant may take the assistance of any other public servant to present his case before the Tribunal on his behalf but may not engage a legal practitioner for the purpose unless either (i) the Presenting Officer appointed by the employer is a legal practitioner or (ii) the Tribunal having regard to the circumstances of the case, so permits. The trend seems to be to avoid the representation by a lawyer, as far as possible. This trend, in my view, would not be conducive to the development of administrative law in India. The responsibility for the preservation of a judicial system lies squarely, on the Judiciary, the Bar and the public, and the Bar in India has never been found wanting in the faithful discharge of its duty. To make judicialization work and develop, lawyers are necessary. There is nothing to fear from the lawyers. With their wisdom and learning, they have always been of great assistance to courts and to every one entrusted with the task of adjudication. The lawyer is an asset to the administration of justice. Without a lawyer its administration is incomplete. Representation by a lawyer before the administrative tribunal should not, therefore, be barred.

D. Right of appeal

Right of appeal being a safeguard of justice, some of the Acts covering the field of administrative law have made provision for appeal. This reduces the possibility of careless and arbitrary decisions by the tribunals of first instance.

In India a distinction is maintained between 'tribunals' and 'hearings'; for example, the licensing of road transport is done by a body which takes decisions of policy. Appeals from some of their decisions lie to the Transport Appellate Tribunal. This, however, is not so with regard to labour disputes. Both Labour Courts and Industrial Tribunals adjudicate upon disputes between workmen and employer depending upon the nature and character of the dispute involved and each of them operates independently in its own field following its own procedure. Again, there are some enactments which provide specific right of appeal to the ordinary courts from the decisions of the tribunals, for example, Rent & Eviction Acts.

Notable exceptions are, however, the cases pertaining to insurance, education and public services in which the system is made wholly independent of courts. This may be either due to reaction against rigid legalism or with a view to secure social justice with all possible speed and least cost. The decisions of the tribunal should be final and be liable to be upset only on the grounds available under Articles 32, 226 and 227 of the Constitution; otherwise the hearing by the tribunal would be reduced to a mere preliminary hearing and the object would be frustrated.

E. Rural-based tribunals

About 80 per cent of the Indian population lives in villages. Rural society in India is traditionally agrarian; hence disputes relating to agriculture are most prominent. Landless labourers constitute another bulk of society. Minimum wages have been prescribed for these labourers. The State is directing its policy towards securing a social order in which justice—social, economic and political—shall inform all the institutions of the rural life. Rural people are by and large financially stringent and educationally backward. They, in substance, form a greater part of the weaker sections of the people. They need a judicial system which shall render justice at their door. Administration of justice has, therefore, to play a vital role as an instrument for socio-economic planning for the rural area. Improvement in working and living conditions and the struggle against injustice, hardship and privation are the essential parts of this planning. However, the rights proclaimed and in many cases legally accepted would remain of little effect, if there were no machinery to follow up their application. The challenges facing the socio-legal institutions operating in the rural area are clear cut and the manner in which these challenges may be met will have a profound impact on the agrarian economy and social upliftment in the future. The imperative need is to streamline the system of administration of justice by revitalising and restructuring rural-based tribunals in the form of Nyay Panchayat Adalats, redefining their jurisdiction and simplifying their procedure and rules. Economic and legal policies must co-relate and assist each other in the process of socialisation. These village-based tribunals can be made more responsive to the needs of the people by introducing new reforms in their pattern, procedure and field of operation.

IV. BASIC CODE FOR ALL ADMINISTRATIVE TRIBUNALS

Administrative tribunals being part of the machinery of justice, there must be a necessity of basic code of procedure for all tribunals.

The procedure should not, however, be cumbersome and over-technical, because administrative justice in slow motion would be no good substitute. Some of the principles to be kept in view are these:—

(i) Rules of the Indian Evidence Act should not apply but the order of the tribunal should be supported by reliable probative and substantial evidence.

(ii) Right to cross examination when asked for should not be denied.

(iii) Each party shall have a right to be represented by a lawyer.

(iv) The procedure must be fair and simple. Any formality which impedes the efficient and quick working of the tribunal must be rejected.

(v) The rules must be flexible. The Tribunals cannot work efficiently unless they are allowed a little play in the joints.

(vi) Original trial before a tribunal should be made in a summary manner.

(vii) The decision of the tribunal must be reasoned.

(viii) Without resorting to excessive formalism and without many of the judicial trappings, the procedure may provide for hearing after notice and decision after hearing.

It is not possible here to set out in detail the procedure that may be made applicable to all the administrative tribunals. It may, however, be emphasised that delimiting the jurisdictions of the ordinary courts and the tribunals and defining the procedure to be followed by the latter are matters of urgent necessity.

CONCLUSION

Socialism without socialization of judicial system would be incomplete. Setting up of administrative tribunals is an extension of the welfare system. A systematic development of administrative law will not only enable the removal of the back-log of undecided cases, but would also ensure speedier and cheaper justice to the common man. Care must, however, be taken that decentralization of judicial administration does not become mere disintegration.

PARLIAMENT, THE EXECUTIVE AND THE JUDICIARY IN INDIA

B. R. SHUKLA*

Indian polity is neither wholly federal nor unitary in character but an amalgam of both. During the period of an Emergency and also the President's Rule in a State, as we shall discuss later in this article, the jurisdiction of Parliament and the Union Government is extended even to matters enumerated in the State List. Parliament consists of the President and two Houses, *viz.*, Lok Sabha and Rajya Sabha. Election of Members to Lok Sabha takes place on the basis of universal adult franchise. All its members, except those nominated by the President to represent the Anglo-Indian community, are chosen directly by the people. Members of Rajya Sabha, except 12 who are nominated by the President, are elected by the elected Members of the State Assemblies and those of Union Territories. Though the normal term of Lok Sabha is five years, it may even be dissolved earlier. Its term of five years can be extended for one year at a time during the continuance of an Emergency. Rajya Sabha is a permanent House and is not subject to dissolution. However, as nearly as one-third of its Members retire on the expiration of every second year in accordance with the provisions made in that behalf by Parliament.

The President of India is elected by elected members of both Houses of Parliament and by the elected Members of the State Assemblies on the basis of single transferable vote. He holds office for five years. His term may come to an end through death or resignation. He is liable to be removed through the process of impeachment which may be initiated in either House, but the reso-

*Shri Shukla is a Member of Parliament (Lok Sabha).

lution seeking his removal has to be passed by two-thirds of the total membership of each House after completing the process of investigation laid down in the Constitution.

The executive power of the Union of India vests in the President and the supreme command of Defence Forces also vests in him. The Prime Minister is appointed by the President and other Ministers are appointed by him on the advice of the Prime Minister. The Ministers, including the Prime Minister, hold their offices during the pleasure of the President. All executive actions of the Government of India are expressed as having been taken in the name of the President. It is he who is competent to declare war and conclude treaties. He has the power to grant pardon, reprieve and remission of sentences. Judges of the Supreme Court and High Courts, Members of the Election Commission, Union Public Service Commission, Attorney General, Comptroller & Auditor-General of India, are all appointed by the President. In case the President is satisfied that the security of India or any part thereof is threatened by external aggression or internal disturbances or its financial stability is threatened, he may issue a Proclamation of Emergency under article 352 or 359, as the case may be.

Under a state of Emergency, the jurisdiction of the Union Government and of the Parliament is extended even to subjects which are exclusively in the State List. In case the President is satisfied that the Government of a particular State cannot be carried on in accordance with the provisions of the Constitution, he may suspend or dissolve the State Assembly and impose President's rule there. His actions under the provisions of the Constitution are not challengeable in any court of law, including the Supreme Court. Whenever the Parliament is not in session, the President can, if the circumstances so demand, enact laws by promulgating Ordinances, which have the same force and effect as an Act of Parliament. But Proclamations of Emergency, imposition of President's Rule and the Ordinances, automatically lapse unless approved by Parliament within certain specified periods laid down in the Constitution. President alone has the power to summon Parliament into session and to prorogue it, but it is obligatory on him to call a session within six months from the last date of the preceding session.

Thus viewed, the President of India apparently possesses very wide and sweeping powers and privileges and is immune from criminal prosecution and from being sued in a court of law. But it

is a settled constitutional position that though the powers of the President are couched in such unrestricted language, he is in reality the constitutional head of the State and his position is analogous and akin to that of the Crown in England, who only reigns but does not rule. The President is to act on the aid and advice of the Council of Ministers with the Prime Minister at the head to communicate its decision to him.

While the powers and privileges of the Prime Minister and the Ministers are not specifically and separately provided anywhere in the Constitution, in the actual working of our democratic system, it is the Prime Minister who plays the key and crucial role. A person is appointed Prime Minister because he or she enjoys support of a major section of the members of his or her own party and, what is more important, also commands a support of the majority of Members in Parliament. The Prime Minister is answerable to Parliament for all the executive actions of the Government and its policies. The person holding the office of the Prime Minister remains in office so long as he or she continues to enjoy the support and cooperation of the majority of members in Parliament. The legislative measures, resolutions and the policy decisions, initiated or taken by the Prime Minister or the Council of Ministers are subject to the approval of Parliament. So in actual practice, it is not the President but the Prime Minister who rules.

In the context of the prevailing situation in our country, some of the questions that are frequently posed are: (i) whether it is the Prime Minister who controls Parliament through her majority or it is the latter who controls the Prime Minister or the Government; and (ii) whether under the prevailing system of party whips aimed at the enforcement of party discipline, Members of Parliament belonging to the majority party are rendered ineffective in controlling the actions and policies of the Government? Or to put it in another form, *viz.*, whether it is the party leader who controls the Members of Parliament or the Members of Parliament control the Government?

The questions are more academic than real and do not admit of any cut and dry answer. The reality is that there is a mutual understanding and cooperation existing between the Prime Minister and her party colleagues in making the democratic processes run smoothly and successfully. The Prime Minister cannot afford to ignore the

broad consensus of her party members, nor can the party Members on their own, afford to withhold support and cooperation to her or create obstruction in the way of her functioning because she happens to be their accepted leader. However, if an unfortunate situation is created in which the members of the majority party and the Prime Minister find it difficult to cooperate with each other, the Prime Minister has the prerogative to advise the President to dissolve the Lok Sabha for obtaining a fresh mandate of the people, as happened in the year 1970.

There is yet another way in which the Parliament exercises control over the executive. The Government has to secure the approval of Parliament to the Demands for Grants and have the Appropriation Bills or Votes on Account passed. In case an Appropriation Bill or Vote on Account is not passed by Parliament, no expenditure can be validly incurred, nor can any sum of money be withdrawn out of the Consolidated Fund or the Contingency Fund. The power of Lok Sabha in financial matters is absolute and even the President cannot withhold his assent to Money Bills.

Through debates and discussions and other procedures, such as motions of no-confidence, adjournment motions, calling attention notices and questions, Parliament seeks exposure of governmental lapses, executive vagaries, and other governmental measures, policies and actions. Through various financial committees, especially the Committees on Public Accounts, Public Undertakings and the Estimates, Parliament exercises its vigilance and control over the financial lapses and irregularities of the Government.

Parliament also has the power to impeach and remove the judges of High Courts and Supreme Court by adopting a resolution by two thirds of the total membership of each House.

From time to time doubts have been raised and decisions given by the Supreme Court regarding the competence of Parliament to effect amendments to the Constitution with the aim of curtailing the fundamental rights guaranteed under Part III of the Constitution or to alter its basic features or structure. In *Sajjan Singh's* and *Shankari Prasad Singh's* cases, the competence of Parliament to amend the provisions of Constitution was upheld by Supreme Court even though such amending provisions have the effect of abridging, modifying or restricting the fundamental rights. But these two cases were overruled in the famous *Golak Nath's* case by a majority of judges headed by ex-Chief Justice Subba Rao. The Sup-

reme Court in this case held that fundamental rights were transcendental in character and Parliament had no right to curtail or modify them and any amendment of the Constitution in that respect was subject to article 13. The majority of judges in *Golak Nath's* case, however, realised the dangerous implications of their decision and its possible disturbing effect on various agrarian reform enactments and therefore upheld their validity on the basis of the doctrine of *stare decisis* and acquiescence.

During the last twenty five years, as many as 39 amendments have been made in the Constitution by Parliament in exercise of its constituent power provided under article 368. In pursuance of these amendments, many legislative measures were also enacted by Parliament and the State Legislatures. Their constitutionality was frequently challenged in High Courts and the Supreme Court. Ninth Schedule was added to the Constitution which provided an ever-expanding immunity to legislative Acts from challenge in a court of law. Faced with the situation arising out of *Golak Nath's* case, Parliament passed the Twenty-fourth and Twenty-fifth Amendment Acts in 1971 nullifying the effects of the *Golak Nath's* case and reasserting and clarifying the power of Parliament to amend the Constitution in exercise of its constituent power. When these Amendments were again challenged in the *Keshavananda Bharati's* case, the Supreme Court, by a majority judgment upheld their validity but maintained that the power of amendment given to Parliament under article 368 did not permit any alteration in the "basic structure" of the Constitution. The Court, however, held that the right to property was not a basic feature or structure of the Constitution for this purpose.

Very recently the controversy over the Parliament's power to enact amendments in exercise of its constituent power under article 368, and the power of the Supreme Court to exercise its power of judicial review came up for determination before the Supreme Court in the appeal of *Smt. Indira Gandhi Vs. Raj Narain*. On the 12th June, 1975, Justice J. M. L. Sinha of the Allahabad High Court, sitting as Election Tribunal in the election petition filed by Shri Raj Narain against the Prime Minister held her guilty of electoral corrupt practices, set aside her election and disqualified her for six years. The Court, however, granted a temporary stay of the judgment to enable Shrimati Gandhi to file an appeal before the Supreme Court.

Smt. Indira Gandhi went in appeal to the Supreme Court against the judgment of the Allahabad High Court. Admitting the appeal, the vacation Judge, Mr. Justice Krishna Aiyer, allowed a stay of the

Allahabad judgment without affecting the Prime Minister's continuation in office.

On the 7th August, 1975, Parliament passed the Constitution (39th Amendment) Act which added a new article 329A to the Constitution. The amendment, *inter alia*, provided that the earlier laws governing election petitions shall not apply and shall be deemed never to have applied to the election of a person who is or who subsequently becomes Prime Minister or speaker of Lok Sabha, that any court order declaring such an election invalid subsisting on the eve of this amendment will be void and impugned election shall be valid and that any appeal or cross-appeal against such a court order will be disposed of by the Supreme Court in conformity with the above statement of the law.

On November 7, 1975 the Constitution Bench of the Supreme Court consisting of five judges, *viz.*, Chief Justice A. N. Ray, Justice Khanna, Justice Beg, Justice Mathew and Justice Chandrachud, unanimously upheld the election of Shrimati Indira Gandhi from Rae Bareli Lok Sabha constituency in 1971, setting aside the verdict of the Allahabad High Court. The Judges also set aside the order of the High Court imposing a six-year disqualification on Shrimati Gandhi for contesting any election, in view of the changes enacted in the Representation of People Act in 1974 and 1975, which the Supreme Court upheld.

In separate judgments handed down in this case, the Judges, however, held clause 4 of article 329A as unsustainable for varying reasons. According to Chief Justice Ray, clause 4 did not only set aside the judgment of the lower court, but wiped out the election petition itself, did not create any alternative forum for adjudication of the dispute, and the constituent power did not provide any norms of law to adjudicate the election petition. The main line of reasoning adopted by him was that since election petition itself was wiped out of existence, it banned the right of the respondent to challenge the election. Accordingly he ruled that clause 4 was violative of the rule of law. Justice Khanna held that democracy can function only upon the faith that elections are free and fair and not rigged and manipulated, that they are effective instruments of ascertaining the popular will, both in reality and form and that there should be a machinery of law for adjudicating election disputes. Since clause 4 of article 329A, according to him, takes away the right to challenge the election of a particular person it was subversive of the principles of free and fair election in a democracy.

So the latest constitutional position that emerges from the above decision is that *Keshavananda Bharati's* case still rules the field and that the constituent power in article 368 does not permit altering the "basic structure" of the Constitution.

An unprecedented political-cum-constitutional crisis of first magnitude has thus been happily resolved by the Supreme Court. The practical commonsense and sense of pragmatism shown by the judges without impairing or compromising judicial independence and acting perfectly within the framework of law, redounds to their credit. Questions as to what violates "basic structure" shall remain an open issue to be decided in each particular case. It will take a long time to crystallise the position in this regard.*

In the context of what has been discussed earlier it will be relevant to have a clear concept of sovereignty and its location in the Indian polity. Prior to Independence, sovereignty undoubtedly vested in the British Parliament acting through its monarch. On August 14, 1947 the Indian people struggling for *Swaraj* under the aegis of the Indian National Congress, acquired sovereignty from the British rulers. Sovereignty is only *de jure* recognition of the *de facto* power which is physically capable of giving a stable Government and commanding allegiance of the people. So it were the people of India who became the repository of all that the word sovereignty connotes. The very Preamble of the Indian Constitution, which incorporates the ideological aspirations of the people, was "enacted, adopted and given to themselves" by the 'People of India'. Representatives of the people, convened in the name of the Constituent Assembly, had adopted that historic document in which there is a scheme of distribution of powers among the three wings of the Sovereign Republic of India, namely, the Legislature, the Executive and the Judiciary and there is also an allocation of powers and jurisdiction between the Centre and the States. The Constitution provides a system of checks and counter-checks among the three wings. But none of these wings, however vital and essential it may be, constitutes the sovereign power.

The Constituent Assembly dispersed and vanished after adopting the Constitution. Its constituent power was, however, transferred to

*On November 12, 1975, the third day of the opening of arguments before the 13-judge Bench of the Supreme Court, constituted to review the *Keshavananda Bharati* case judgment, Chief Justice Ray announced the dissolution of the Bench.

Parliament under article 368. If the power to amend the Constitution is not conceded to Parliament, the Constitution would become static and obsolete and would be rendered entirely ineffective to meet the urges and aspirations of a dynamic society. Fundamental Rights enshrined in the Constitution have their own value but the Directive Principles of State Policy, incorporated in Part IV of the Constitution, urging for a break-up of the concentration of economic power and its monopoly and establishment of a just social and economic order, cannot be ignored without inviting disaster to the very fabric of democracy in the country. Thus viewed, Parliament, in pith and substance, is really supreme and sovereign and in the ultimate analysis, has the final decisive voice in all matters of national importance. The effective curb against apprehended misuse of power by Government through its parliamentary majority lies, to a very large extent, in the political consciousness of the people and not in judicial review.

In such circumstances, the three constituents of the Sovereign Republic of India, *viz.*, the Parliament, the Judiciary and the Executive, have to act in harmony rather than in antimony. Their powers and privileges are not weapons for internecine war of mutual destruction. They are not disjunct and lifeless parts of a mechanical process. They have to function as living limbs of one organic whole, maintaining its vigour and vitality.

PARLIAMENTARY EVENTS AND ACTIVITIES*

ELECTION OF SPEAKER

Dr. G. S. Dhillon, Speaker of Lok Sabha, relinquished charge of his office on December 1, 1975 by sending in his resignation to the Deputy Speaker. Later on the same day, he was sworn in as the Minister of Shipping and Transport in the Union Cabinet.

Shri Bali Ram Bhagat, a Member of the House, was elected Speaker of the Lok Sabha on the opening day of its Winter Session on January 5, 1976. The Deputy Speaker, Professor G. G. Swell, was in the Chair. The motion proposing the name of Shri Bhagat was moved by the Prime Minister, Shrimati Indira Gandhi, and seconded by the Minister of Works and Housing and Parliamentary Affairs, Shri K. Raghuramaiah. A second motion proposing the name of Shri Jagannath Rao Joshi, another Member of the House, for the Speakership was moved by Shri P. M. Mehta and seconded by Shri D. N. Singh.

Since there were two motions before the House, the Deputy Speaker, in accordance with the Rule governing the election of Speaker, put the first motion to the House. The voice vote having been challenged, the Deputy Speaker ordered the lobbies to be cleared for a division. The motion proposing the name of Shri Bhagat for Speakership was carried by 344 votes to 58.

The Deputy Speaker, while declaring Shri Bhagat duly elected as the Speaker, described him as "a distinguished Member of the Parliament" who has made a rich contribution to the proceedings. He said he was very happy at Shri Bhagat's election and assured him of his "fullest co-operation to ensure that this House plays a central role in the affairs of the nation."

*Contributed by Research and Information Division and Conference Branch, Lok Sabha Secretariat.

Shri Bhagat was conducted to the Chair by the Prime Minister and Leader of the House, Shrimati Indira Gandhi, and Shri Samar Mukherjee, Deputy Leader of the CPI(M).

Warm felicitations were offered to Shri Bhagat on his election to the office of the Speaker by the Prime Minister and leaders of various groups and some Independent members.

Congratulating Shri Bhagat on his elevation to the high office, the Prime Minister observed:

Shri Bhagat has spent most of his adult life in the service of the people. He has distinguished himself as a parliamentarian and as a Minister who has held charge of a large range of Departments. He has earned respect for his straightforwardness, his capacity, his grasp of principles and details. His amiability and tact have won him a wide circle of friends. His talents have been in evidence in international forums also.

The Lok Sabha is twenty-five years old. But it is after the first General Elections under the Constitution that it became the repository of the expressed democratic will of our people. The Lok Sabha inherits the legacy of the Central Legislative Assembly and the Provisional Parliament both of which counted amongst its members some of the most eminent personages in our recent history.

The Speaker is the custodian of these noble traditions. His foremost task is to uphold the dignity of the House and in doing so, defend the Independence and inviolable unity of the nation itself. It is an axiom to say that the Speaker should be fair and impartial to all sections of the House. Is it not also necessary that all sections of the House help him to do so?

Parliament's supremacy is the reflection of the people's sovereignty. This sovereignty is not an abstract concept. As a living institution, Parliament should mirror the evolving aspirations of the people and find solutions to various old and newly emerging problems. It has been our constant endeavour to preserve Parliament's authority and to enlarge its capacity to deal with problems.

I am constrained to say that some sections of the House have abused the protection offered by legislative privileges and have as a result weakened Parliament. Strength grows through self-restraint. Men and institutions decay if they neglect their responsibilities and think only of rights. This morning, one of our MPs showed me a quotation from

Gandhiji who said to Mr. H. G. Wells—I quote—“You should begin with duties and the rights will follow as the rainy season follows the summer.” Unfortunately, in many walks of our national life, the responsibility has been pushed to the background. Even in Parliament we have allowed our own rules to be slackened in an effort to buy peace with separatist elements.

In the last six months, a national effort has been made to regain discipline and self-restraint. It should be the endeavour of all sections and parties in the House to improve the functioning of Parliament so that it is able to devote greater attention to the basic problems of our people and our country. In this task, a great burden will rest on the shoulders of the Speaker. I hope that each one of us in the House will try not to add to the burden but strive in every way to lighten it.

I should like to take this occasion to express our appreciation to Dr. G. S. Dhillon for his services to the House, for the good humour with which he bore the strain and stress and for the consideration and fair play he showed to all sections of the House.

Once again, on behalf of the House and on my own behalf I offer good wishes to the new Speaker and assure him of fullest cooperation.

Others who offered their felicitations to the Speaker were Sarvasbri Samar Mukherjee of CPI(M); Indrajit Gupta, leader of the CPI group; Era Sezhiyan, leader of the DMK group; P. K. Deo, leader of the BLD group; H. M. Patel of Congress (O), K. Manoharan of ADMK and Frank Anthony, P. G. Mavalankar, Shamim Ahmed Shamim, S. L. Saxena and Jambuwant Dhote, all Independents.

Replying to the felicitations, the Speaker, Shri B. R. Bhagat, said:

I do not know in what words to express how I feel at the moment over the choice you have placed on me for the high office of the Speaker of this august House. You have been abundantly generous to me in this, as also in many kind words, words of assurance and also of warning, with which you have welcomed me to the Chair. I am deeply beholden to the Leader of the House and the Leaders of the Opposition Groups and everyone of you here for the faith you have reposed in me. I see in this only a measure of your kindness and goodwill; for, I cannot think of any special merit in me for this high honour except perhaps that I have been part of this House for long years, and have grown in veneration of it and its traditions.

I had privilege to fight and suffer for the freedom of our country. After Independence, I have served this great nation in my own humble way. This House also I have served, though from different positions and in other capacities. I have lived with it great moments in the nation's life. But to be called to the Chair is quite another thing. For the Speaker's Chair is an awesome and lonely place in the House. And, this Chair has traditions of its own. Illustrious men about whom references have been made in this House today, have filled it with great ability and distinction. And, I am following close upon one who has been vigorous as the Presiding Officer of this House and steered it through very difficult times and who brought to this office uncommon gifts in uncommon measure.

Legend has it that the throne of Vikramaditya had this quality, that whosoever came to occupy it inherited the king's wisdom. This great Chair, I like to think, will also have something of this quality. There are then quite a few here who have been as long in this House as I have been; and there are many who are zealous of its traditions as the Chair is expected to be. I am confident too that the goodwill that has seen me installed in this place, will ever be available to me in the orderly conduct of the proceedings of this House. These auspicious auguries for success are more than any incumbent could wish for, and which I consider to be on my side as I assume the responsibilities of my demanding office today.

On this occasion, need I remind you of what must always be foremost in our minds, *viz.*, that this Parliament as the people's prime institution must ever be primarily concerned with the people's cause, that it has ever to ask itself as to how far it vindicates itself as an instrument of socio-economic regeneration, how effective it is in subserving the great end-purpose of democratic existence. The debates within our walls, and our practices and procedures in other words will always have to be geared to the fulfilment of this central aim. We can ill afford the luxury of preoccupation with mere forms, losing sight of the substance. If we keep this in view in whatever we do in this House, I have no doubt we shall not be labouring in vain.

The Speaker is but a servant of the House and as such he equally belongs to all sections in the House. He is expected to discharge his responsibility impartially and judiciously. I shall follow this golden rule as long as I occupy this Chair. Rules and regulations as framed by this House and traditions set down by my great predecessors will be my guidelines in conducting the business of this House. It is one of the duties of the Chair to maintain firm and fair control to keep up the dignity and decorum of the House. I shall ever seek your cooperation in this task.

May I, once again, express my deep gratitude to all of you for the trust you have placed in me and look forward to your indulgence and cooperation in the House at all times.

Life Sketch

Shri B. R. Bhagat, B.A. (Hons), M.A. (Economics); Son of late Shri Ram Rup Bhagat; b. at Patna, October 7, 1922. Active Congress worker since 1939, on the students' front as also in the main Congress Organisation; Member, Bihar Provincial Students' Federation, 1939; Left College to join 'Quit India' movement in 1942 and remained underground for over two years; Founder Member of the All India Students' Congress at Nagpur 1944; General Secretary, Bihar Pradesh Students Congress 1946-47; Member of the AICC since 1958, Member of Parliament since 1950; Member of the Indian Delegation to (i) the Fortieth Inter-Parliamentary Union Conference, Istanbul, 1951, and (ii) the 6th and 7th Meetings of the Colombo Plan Conference held at Ottawa in 1954 and Singapore in 1955; Leader of the Indian Delegation to the 8th, 9th, 10th and 16th Meetings of the Colombo Plan Conference held respectively at Wellington in 1956, Saigon in 1957, Seattle in 1958 and London in 1964; Alternate Governor to the annual meeting of International Monetary Fund, Washington, 1954; Member, Indian Delegation to ECAFE meeting, Tokyo, 1955; Alternate Governor to the annual meeting of the International Monetary Fund and I.B.R.D., New Delhi, 1958; Alternate Representative, Indian Delegation to the U.N. Conference on Trade and Development, Geneva, 1964; Leader, Indian Delegation to the Budapest International Trade Fair, Budapest, 1965; Leader, Indian Delegation to the Second Ministerial Conference on Asian Economic Cooperation and the Conference of Plenipotentiaries on the Asian Development Bank, Manila, 1965 where he signed the Charter on behalf of the Government and the People of India; Leader of the Indian Delegation to the inaugural session of the Asian Development Bank at Tokyo, November, 1966; Leader, Indian Delegation to UNCTAD II at New Delhi, 1968; Leader, Indian Delegation to the U.N. General Assembly, 1968; Chairman of the India Committee of the Indo-Japan Committees on Economic Development since 1963; Acting Leader, Indian Delegation to the Commonwealth Prime Ministers' Conference at London, 1969; Parliamentary Secretary to Finance Minister, 1952 to 1956; Deputy Minister of Finance, 1956 to 1963; Minister of Planning from September 1963 to January 1966; Minister in the Ministry of Finance from

1st November, 1963 to 12th March 1967; Minister in the Ministry of Defence from 13th March, 1967 to 14th November, 1967; Minister in the Ministry of External Affairs from 15th November, 1967 to 14th February, 1969 and Cabinet Minister since 14th February, 1969; Minister of Foreign Trade and Supply from 14th February, 1969 to 4th November, 1969, Minister of Foreign Trade from 4th November, 1969 to 26th June, 1970 and Minister of Steel and Heavy Engineering from 27th June, 1970 to 18th March, 1971; Chairman of the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1972.

25TH ANNIVERSARY OF THE CONSTITUTION AND PARLIAMENT: RELEASE OF COMMEMORATION VOLUME BY THE PRIME MINISTER

As a part of the celebrations of the 25th Anniversary of the Constitution and Parliament, the Prime Minister, Shrimati Indira Gandhi released two commemoration volumes entitled (i) *The Constitution and the Parliament in India* (in English) and (ii) *Sāmvidhan Aur Sansad* (in Hindi), at a special function held in the Central Hall, Parliament House on December 10, 1975. The function, presided over by Professor G. G. Swell, Deputy Speaker of Lok Sabha, was attended by Ministers, Members of Parliament and officials of the two Houses of Parliament.

The celebrations had earlier been inaugurated by the President of India, Shri Fakhruddin Ali Ahmed on February 26, 1975*.

The commemoration volumes, edited by Shri S. L. Shakhder, Secretary-General, Lok Sabha contain contributions from Ministers, presiding officers, parliamentarians, jurists, constitutional experts and journalists. The contributions cover a wide range of subjects dealing with several significant aspects of the working of the Constitution, Parliament and State Legislatures and the Union Ministries during the last 25 years. They present a wide panorama of the development and functioning of different political institutions in the country and their interactions with each other.

Speaking on the occasion, the Prime Minister described the Constitution as the embodiment of "the traditions and aspirations of a

*See JPI Vol. XXI No. 2 (April-June, 1975) pp. 209—212.

people”, providing “legal instruments for transplanting ideals into practice.” She added that a Constitution “has to provide solutions to problems inherited from the past, those inherent in the present and those likely to emerge in the future.” “Flexibility and responsiveness,” she said, “are the essence of any living, social organism. Form and letter must sometimes change in order to preserve the spirit.”

Referring to the amendments made in the Constitution, the Prime Minister said that more substantive of these had been undertaken in furtherance of the Directive Principles of State Policy. The Constitution, as adopted, had contained a number of transitional provisions which enabled the country’s political reorganisation but “having fulfilled their purpose, these have now withered away.” The Prime Minister paid a tribute to the scholarship and objectivity of the editor of the volumes by observing that he “has been responsible for giving guidance to Parliament through his writings and many times he has been quoted, sometimes for us and sometimes against us, in Parliament.” According to her, Shri Shakhder had “undertaken a further worthwhile task in bringing out these books on our Parliament and Constitution.”

Earlier, welcoming the Prime Minister to the function, Professor Swell said the Constitution was “a unique document, the testament of a people, hallowed by the sacrifices of generations of men and women.” It came alive “only when tested against the constructive tensions of practical politics and realities of concrete situations in national life.”

The Deputy Chairman of the Rajya Sabha, Shri G. Murahari, who proposed a vote of thanks, also complimented the editor for bringing out “this excellent work” in record time.

CONFERENCES AND SYMPOSIA

Meeting of Secretaries of Indian Branches of CPA: A meeting of all the Secretaries of the State Branches of CPA in India was held

in New Delhi on May 19, 1975 to discuss matters relating to the 21st Commonwealth Parliamentary Conference.

Meetings of the Executive Committee of Commonwealth Parliamentary Association: Meetings of the Executive Committee of the Commonwealth Parliamentary Association were held in the Isle of Man from May 24 to 31, 1975. Dr. G. S. Dhillon, Speaker, Lok Sabha and President of the Commonwealth Parliamentary Association, Dr. Henry Austin, M.P. and Regional Representative for Asia and Shri S. L. Shakhder, Secretary-General of Lok Sabha attended the meetings.

Inter-Parliamentary Symposium on 'A New System of International Economic Relations': An Inter-Parliamentary Symposium on 'A new system of International Economic Relations' was held in Bucharest (Romania) from May 29 to 31, 1975 under the auspices of the Inter-Parliamentary Union. From India, Dr. V. K. R. V. Rao, M.P. and Director of the Institute for Social and Economic Change, Bangalore, attended the Symposium on the invitation of the Union.

Meetings of the Standing Committee of Commonwealth Speakers and Presiding Officers: Meetings of the Standing Committee of the Commonwealth Speakers and Presiding Officers were held in Kingston (Jamaica) on June 16 and 17, 1975. Dr. G. S. Dhillon, Speaker, Lok Sabha and a member of the Standing Committee and Shri S. L. Shakhder, Secretary-General, Lok Sabha attended the meetings. On their way to Jamaica, they also visited Bermuda, Bahamas, Mexico city, Cuba and Haiti.

Conference of Secretaries of Legislative Bodies in India: The twenty-first Conference of Secretaries of Legislative Bodies in India, was held on August 22, 1975 in New Delhi. Besides the Secretaries-General of Rajya Sabha and Lok Sabha, 24 Secretaries of State Legislatures attended the Conference. 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 two points on the Agenda:—

- (1) Need for Special Procedure in Legislatures during Emergency; and

(2) Matters relating to the 21st Commonwealth Parliamentary Conference.

Forty-first Conference of Presiding Officers: The Forty-first Conference of Presiding Officers of Legislative Bodies in India was held in New Delhi on August 23 and 24, 1975. 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 Speaker of Lok Sabha attended the Conference. On August 23, 1975, the Chairman of the Conference, Dr. G. S. Dhillon, delivered his Address. The Conference thereafter discussed the following points on the Agenda:—

(1) Need for Special Procedure in Legislatures during Emergency; and

(2) Matters relating to 21st Commonwealth Parliamentary Conference.

Sixty-Second Inter-Parliamentary Conference: The Sixty-second Inter-Parliamentary Conference and meetings connected therewith were held in London from September 2 to 13, 1975.

Dr. G. S. Dhillon, Speaker of Lok Sabha and President of the Inter-Parliamentary Council presided over the Conference.

The delegation to the Conference from India was composed of Shri Om Mehta, Minister of State for Home and Parliamentary Affairs—*Leader of the Delegation:* Shri Moinul Haque Choudhury, M.P.; Shri Indrajit Gupta, M.P.; Shri N. H. Kumbhare, M.P.; Shri R. K. Sinha, M.P.; Shri C. M. Stephen, 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 six resolutions on the following subjects:

1. Situation in the Middle East;
2. Development and International Economic Co-operation;

3. The Role of Parliament in Achieving Effective Equality of Rights and Responsibilities between Men and Women;

4. The Urgency of Achieving Universal Adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, of prohibiting Chemical Weapons and of Banning Environmental and Climatic Modifications for Military and other purposes inconsistent with the Interests of Ensuring International Security and the Well-Being and Health of the People;

5. Measures that should be taken, bearing in mind the favourable changes in the international situation with a view to the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; and

6. Use of Audio-Visual Aids and Other Modern Techniques for the Promotion of Education, including a System for the Dissemination of Information on Education.

The subject "Forms and Methods of Voters' participation in the Parliamentary Legislative Process" was also discussed at the Conference.

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

Meetings of the Association of Secretaries-General of Parliaments: Meetings of the Association of Secretaries-General of Parliaments were held in London in September, 1975. The meetings were presided over by Shri S. L. Shakhder, Secretary-General of Lok Sabha and President of the Association of Secretaries-General of Parliaments.

INDIAN PARLIAMENTARY DELEGATIONS ABROAD

To North Vietnam: In response to an invitation received from North Vietnam, an Indian Parliamentary Delegation led by Dr. G. S. Dhillon, Speaker of Lok Sabha visited North Vietnam from June 23 to 30, 1975. Besides the Leader, the delegation consisted of Shri M. C. Daga, M.P.; Shri Chakrapani Shukla, M.P.; Shri C. K. Chandrappan, M.P.; Shri P. K. Patnaik, Additional Secretary, Lok Sabha was Secretary to the delegation. On their way to North Vietnam, the delegation also visited Bangladesh.

To European Parliament: In response to an invitation from the European Parliament, an Indian Parliamentary Delegation led by

Shri G. G. Swell, Deputy Speaker, Lok Sabha, visited Brussels, Amsterdam, the Hague, Luxembourg, Strasbourg and Paris from July 18 to 29, 1975. Besides the Leader, the delegation consisted of Shri Mohammad Yunus Saleem, M.P. and Shri N. K. P. Salve, M.P. Shri S. S. Bhalerao, Additional Secretary, Rajya Sabha, was Secretary to the Delegation.

To Poland: In response to an invitation from the Marshal of the Sejm of the Polish People's Republic, an Indian Parliamentary Delegation led by Dr. G. S. Dhillon, M.P., Speaker, Lok Sabha, visited Poland from September 29 to October 3, 1975. The other members of the Delegation were: Shri Darbara Singh, M.P.; Shri Sat Pal Kapur, M.P.; Shri Yogendra Makwana, M.P.; Shri Jagannath Rao, M.P.; Shri Scato Swu, M.P.; Dr. H. P. Sharma, M.P.; Shri G. Viswanathan, M.P.; and Shri S. L. Shaktidher, Secretary-General, Lok Sabha.

To Switzerland: In response to an invitation from the Parliament of Switzerland, an Indian Parliamentary Delegation led by Dr. G. S. Dhillon, M.P., Speaker, Lok Sabha, visited Switzerland from October 4 to 8, 1975. The other members of the delegation were: Dr. Z. A. Ahmed, M.P.; Shri Bhagwat Jha Azad, M.P.; Shri Tulsidas Dasappa, M.P.; Shri Rishi Kumar Mishra, M.P.; Shri Ebrahim Sulaiman Sait, M.P.; Shri K. P. Unnikrishnan, M.P.; and Shri S. L. Shaktidher, Secretary-General, Lok Sabha.

Visit of Speaker and Secretary-General of Lok Sabha to Norway, Belgium, Netherlands, Sweden, Finland and Denmark: In response to an invitation received from the President of the Norwegian Storting (Parliament), Dr. G. S. Dhillon, Speaker, Lok Sabha and President of the Inter-Parliamentary Council and Shri S. L. Shaktidher, Secretary-General, Lok Sabha and President of the Association of Secretaries-General of Parliaments, visited Norway from September 18 to 22, 1975. On their way to and from Norway, they also visited Belgium, Netherlands, Sweden, Finland and Denmark.

FOREIGN PARLIAMENTARY DELEGATIONS TO INDIA

From Indonesia: In response to an invitation from India, a 9-member Indonesian Parliamentary Delegation led by Hon. Mh. Isnaeni, M.P., Deputy Speaker of the Indonesian Parliament visited India from July 26 to August 2, 1975. The delegation called on the Speaker, Lok Sabha and attended a dinner given in their honour by

the Speaker on the day of their arrival. They also watched the proceedings of both the Houses on July 28. Besides Delhi, the delegates visited some places of cultural and industrial interest, viz., Agra, Jaipur and Bombay.

From the Federal Republic of Germany: In response to an invitation from India, an 8-member Parliamentary Delegation from the Federal Republic of Germany led by Dr. Richard Jeager, M.P., Vice-President of the German Bundestag, visited India from November 14 to 22, 1975. On November 17, 1975 the delegation called on the Speaker, Lok Sabha at Parliament House. A meeting between the delegation and Members of Parliament was also held on that day. The delegation also called on the Vice-President, Prime Minister and the Foreign Minister. In the evening, the Speaker hosted a dinner in their honour. Besides Delhi, the delegates were taken to some places of cultural and industrial interest viz., Agra, Jaipur, Madras and Calcutta.

PRIVILEGE ISSUES*

LOK SABHA

Delay in the intimation of a Member's arrest: An issue of privilege involving the arrest of a Member of Lok Sabha and the delay on the part of the detaining authorities in informing the Speaker about his arrest came up before the House in April 1973. The matter was referred by the Speaker to the Committee of Privileges which submitted its report in April 1974. The Report, *inter alia*, laid down certain important guidelines to be observed by the detaining authorities in such cases in future.

The facts of the case are that on April 27, 1973 Shri Dinen Bhattacharyya, a Member, sought to raise a question of privilege in respect of the detention of Shri Jambuwant Dhote, another member of the House, in Nagpur on April 25. The Speaker, Dr. G. S. Dhillon, however, observed that he had not till then received any information about the arrest of Shri Dhote.¹

On the following day, a wireless message dated the 27th April 1973, addressed to the Speaker, Lok Sabha, was received from the Commissioner of Police, Nagpur, regarding the detention of Shri Dhote. This was published in the Lok Sabha Bulletin Part II, dated the 28th April 1973, *vide* para 1145. The message was as under:—

“Shri Jambuwant Dhote, Member, Lok Sabha, was detained under provisions of Maintenance of Internal Security Act, 1971. He was taken into custody at about 18.15 hours on the 25th April, 1973. He is lodged in Yera-vada Central Prison, Poona. A regular intimation to this

*Contributed by Committee Branch-I of the Lok Sabha Secretariat.

¹ L.S. Deb. 27-4-1973, cc. 256-57.

effect sent by post at about 11.30 hours on the 26th instant. A State Express telegram to this effect also sent at about 15.00 hours on 26th instant.”

The State Express telegram, referred to in the above message, was not received in Lok Sabha Secretariat. Only the post confirmation copy, dated the 26th April 1973, of this telegram, was, however, received on April 28, 1973.

On the 28th April itself, the following communication, dated the 26th April, 1973, regarding the detention of Shri Dhote was also received from the Commissioner of Police, Nagpur²:—

“I have the honour to inform you that I have found it my duty, in exercise of my powers under sub-clause (ii) of clause (a) of sub-section (1) read with clause (c) of sub-section (2) of Section 3 of the Maintenance of Internal Security Act, 1971 (26 of 1971) to direct that Shri Jambuwant Dhote, Member of Lok Sabha, be detained with a view to preventing him from acting in any manner prejudicial to the maintenance of public order in Nagpur City.

Shri J. B. Dhote, M.P., was accordingly taken into custody at 18.15 hours on 25th April, 1973. He is being lodged in the Yeravada Central Prison, Poona.”

On May 15, 1973, Sarvashri Madhu Limaye and Birender Singh Rao, members again raised a question of privilege in respect of this matter. While raising the question, Shri Madhu Limaye stated³ *inter alia*, as follows:—

“...according to our rule (rule 229 of Rules of Procedure and Conduct of Business in Lok Sabha), in such a case, they will have to intimate the reason of arrest. When a member is detained and is not put to trial, it becomes all the more necessary to intimate the reason of arrest. The rule thus has been violated....”.

Shri Birender Singh Rao had this to say⁴:

“...On 28th, we came to know from the Lok Sabha papers (Bulletin Part II, dated 28th April, 1973) that the Lok Sabha had been informed the same day that Mr. Dhote had been arrested on the 25th but the Lok Sabha never received any such message....”

² Since the wireless message, reproduced above, had been published in Bulletin Part II, this communication was not published in the Bulletin.

³ *Ibid.*, 15-5-1975, cc. 8-9.

⁴ *Ibid.*, cc. 6-7.

Now it is nearly 20 days. The Minister should have come forward with a statement, but no statement has been made. Within 10 days of the arrest, the case was to be reviewed by a Board. That review also must have taken place. But the Lok Sabha has no information about what the case is or what the result of the review is, under what section or for what offence he has been arrested, etc. All this makes it very strange. Therefore, I request that a privilege motion should be allowed.”

After some discussion the Speaker referred the matter to the Committee of Privileges. While doing so, he made the following observations⁵:

“...In my opinion, this is highly improper. The information should have been immediately conveyed to the Speaker. No lapse of time should have been allowed on it.

...I wish that the Committee examines the question of what should be the point at which the information should be sent to the Speaker, at what time it should start and, secondly, what is the type of information that should be sent.... It is for the Speaker to be satisfied whether it is in time. In this case, when an M.P. is arrested under the Maintenance of Internal Security Act, in my opinion, the telegram should have come immediately afterwards and the details could have followed later. If I allow this motion, the Committee will examine how much information should be given and in what form, in case of arrest under Maintenance of Internal Security Act....

In my own opinion, there was not full information in the intimation given to me by the Commissioner of Police. He has just mentioned the law under which he (the MP) was arrested and where he is detained, and at the end he says that it is to restrain him from certain activities... In every case we have been receiving information that so and so was arrested. In this case there is nothing. So, I give my consent to this privilege motion and, if you like, I can straightaway send it to the Privileges Committee...”

The Committee of Privileges, after considering the written explanation and hearing the oral evidence of Shri V. V. Nayak, the Commissioner of Police, Nagpur, presented a Report to the House on April 5, 1974. The Committee *inter alia*, observed⁶:—

“(i) The Committee are not concerned with the question of justification or otherwise of the detention of Shri Jambuwant Dhote, M.P. under the Maintenance of Internal Security Act, 1971, howsoever undesirable it may be to arrest and detain a Member of Parliament, or, as a matter of that,

⁵ *Ibid.*, cc. 15—18.

⁶ See Committee of Privilege, Fifth Lok Sabha [Seventh Report (1974)].

any citizen, without trial. The Committee, therefore, formulated the following two issues for their examination:

- (a) Whether there was any delay on the part of the Commissioner of Police, Nagpur in sending intimation to the Speaker, Lok Sabha, regarding the arrest and detention of Shri Jambuwant Dhote, M.P., on the 25th April, 1973; and
- (b) Whether the information furnished to the Speaker, Lok Sabha by the Commissioner of Police, Nagpur, indicating the reasons for the arrest and detention of Shri Jambuwant Dhote, M.P., was adequate in accordance with the requirements of rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha.

(ii) As regards the question of delay in sending intimation to the Speaker, Lok Sabha, by the Commissioner of Police, Nagpur, the Committee find that there was a delay of about 21 hours between the time of arrest of Shri Dhote and the sending of the telegram intimating his arrest and detention to the Speaker Lok Sabha, by the Commissioner of Police, Nagpur.

(iii) In his written explanation, the Commissioner of Police, Nagpur, Shri V. V. Naik, stated, *inter alia*, as follows:—

'He (Shri Jambuwant Dhote, MP) was arrested at 6.15 p.m. on 25th April, 1973, on Yeotmall Darwah road in Ghat Section and was escorted directly to Aurangabad Jail. The information about his arrest was received by me at about 7.30 p.m. The police party along with Shri Dhote reached Aurangabad Jail at 4.30 a.m. on 26th April, 1973, but the Jail Superintendent informed them that there was no suitable arrangement for lodging Shri Dhote there. Shri Dhote therefore, was taken to Yeravada Central Prison, Poona, at about 09.00 a.m. after contacting me and obtaining my orders at about 8.00 a.m. and after giving him about one hour at Aurangabad to complete morning ablutions, etc. Shri Dhote reached Yeravada Central Prison, Poona, at about 2.00 p.m. on 26th April, 1973 and was admitted into that prison.

Under . . . instruction forwarded by the Government of India to all State Governments, an intimation of arrest|detention|conviction is required to be sent to the Speaker by telegram and this first intimation should also contain the essential information, namely, in the case of arrest, the place of arrest, the law and the section under which the arrest was made, where the member is lodged, the name and designation of the authority which ordered the arrest, etc. As there was difficulty in the Hon'ble Member's lodging as stated above, the intimation was delayed. It would probably have been better if I had

sent the intimation of his arrest by telegram immediately on receipt of information about it at about 7.30 p.m. on 25th April, 1973, and then sent a further telegram about his place of lodging. But since para 7 of the Instructions appeared to me categorical the delay occurred inadvertently for which I would like to apologise to the Lok Sabha and to the Privileges Committee of the Lok Sabha.'

(iv) During the course of his oral evidence before the Committee, Shri V. V. Naik stated, *inter alia* as follows:—

'... Sir, there was no intention of showing any disrespect to the Member of Parliament. As I said, it is a mistake and the circumstances have been explained... I said that in any case it is a slip on our part. We had delayed in sending the intimation. There is no doubt about it. I apologise for that—we will do our best and so far as I am concerned I shall see that such a mistake does not occur again...'

(v) The Committee are not satisfied with the explanation of Shri V. V. Naik, regarding the reasons for the delay of about 21 hours between the time of arrest of Shri Jamu-want Dhote and sending of the telegram intimating his arrest and detention to the Speaker, Lok Sabha. He did not understand correctly the instructions forwarded by the Government of India to all State Governments in this connection and referred to by him in his written explanation. However, in view of the apology tendered by Shri V. V. Naik in his written explanation and during his oral evidence before the Committee and his assurance that such a mistake would not occur again, the Committee are of the view that no further action need be taken in the matter.

(vi) As regards the question of adequacy of the information sent to the Speaker, Lok Sabha, by the Commissioner of Police, Nagpur indicating the reasons for the arrest and detention of Shri Dhote, the Minister of Law, Justice and Company Affairs has, in his considered written note furnished at the instance of the Committee, stated, *inter alia* as follows:—

'... a mere statement that a person has been detained under Section 3 of the Maintenance of Internal Security Act, 1971 may not amount to a compliance of Rule 229 *supra* but the Commissioner of Police, Nagpur, has pinpointed only one reason, namely 'maintenance of public order' out of the several upon which he could have acted and that may be held to be sufficient compliance with the rule.

It is well-settled that the ground of order of detention should not be vague or indefinite (Rameshwar Lal Vs. the State

of Bihar, AIR 1968 SC|1303). But at present we are only concerned with the reasons of detention to be communicated to the Speaker immediately and not the grounds to be communicated to the detenu.

... though in the case of a concluded matter like conviction pronounced on a reasoned judgement, there would be no difficulty in informing the gist of the judgement in the telegraphic communication to be followed by a copy thereof, it would not be reasonably practicable to expect the detaining authority to furnish the grounds of detention, more so when the statute itself does not require the authority to disclose the facts which it considers to be against the public interest to disclose..

In view of the observations herein it appears reasonable to take a view that it would be sufficient for the detaining authority to indicate the broad reasons as set out in Section 3(1)(a) (i), (ii) or (iii) (of the Maintenance of Internal Security Act, 1971), as the case may be..'

(vii) After examining the implications of the words 'indicating the reasons for the arrest, detention or conviction' used in rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha the Committee feel that the language of Rule 229 does not clearly imply that the detailed 'grounds' on which the order of detention has been made in respect of a Member of Parliament should be communicated to the Speaker, Lok Sabha.

(viii) After careful consideration of all aspects of the matter, the Committee are of the opinion that in the case of detention of a Member of Parliament under the Maintenance of Internal Security Act, 1971, or under any other law providing for preventive detention, it would be desirable that, in addition to citing the relevant section of the Act and giving merely the reasons for the detention as specified in that section, detailed 'grounds' of detention required to be furnished to the detenu under that law should also be communicated to the Speaker, Lok Sabha, by the detaining authority. The contents of such communications, when received by the Speaker, may be conveyed to the Members of Lok Sabha in such manner as the Speaker may deem fit.

The Committee appreciate that it may not be always feasible for the detaining authority to convey to the Speaker, Lok Sabha, such detailed 'grounds' of detention of a Member of Lok Sabha immediately on his arrest and detention. Therefore, in such cases, besides sending to the Speaker immediate information regarding the arrest and detention of a Member together with the reasons for his arrest, and detention, a copy of the detailed 'grounds' should be sent to the Speaker, Lok Sabha simultaneously when those grounds are supplied to the detenu under the relevant law.

(ix) The Committee are of the opinion that in order to make the above position clear, a suitable provision may be made in the relevant rules and necessary instructions be issued by the Government of India to all the concerned authorities of State Governments and Union Territory Administrations to the above effect.

(x) The Committee recommend that no further action be taken by the House in the present case of question of privilege regarding the intimation sent to the Speaker, Lok Sabha relating to the detention of Shri Jambuwant Dhote, M.P.

(xi) The Committee also recommend that a suitable provision be made in the relevant rules and necessary instructions be issued by the Government of India to all the concerned authorities of State Governments and Union Territory Administrations that when a Member of Lok Sabha is arrested and detained under the Maintenance of Internal Security Act, 1971, or under any other law providing for preventive detention, the concerned authorities should, besides sending to the Speaker immediate information regarding the arrest and detention of the Member together with the reasons for his arrest and detention, send a copy of the detailed 'grounds' to the Speaker, Lok Sabha, simultaneously when those grounds are supplied to the detenu under the relevant law providing for preventive detention."⁷

Alleged misleading statement by the Prime Minister in the House:

On November 28, 1974 Shri Madhu Dandavate, a member, sought a clarification whether a circular had been issued by the Prime Minister's Secretariat to the effect that the Ministers should send advance copies of all replies to be given in the House to the Prime Minister.⁸

On December 4, 1974, the Prime Minister, Smt. Indira Gandhi, in a statement to the House, denied that any such circular had been issued by her Secretariat. She said⁹:

"Sir, I was informed the other day that Shri Madhu Dandavate made a reference to an alleged circular issued by my Secretariat. As soon as I heard about it, I wrote to you that there was no truth in this. No circular has gone

⁷ The Ministry of Home Affairs have accordingly issued the necessary instructions in the matter to all the State Governments and Union Territory Administration vide their letter No. 25/2/73-Poll-(D-I) dated the 25th February, 1975.

⁸ L.S. Deb., 28-11-74 c. 1.

⁹ *Ibid.*, 4-12-74 cc. 3-4.

from the Prime Minister's Secretariat in my time.... Neither verbally nor orally. But earlier on—I am not quite sure of the date—in 1964 and perhaps once before, a suggestion was made that Questions pertaining to Pakistan and Kashmir should be shown to the Prime Minister. But this was before my time.... In my time, no such circular has gone. I do not normally look into Questions unless a Minister wants to ask my advice or feels that I should know."

On February 26, 1975, in reply to a Starred Question (No. 133), the Prime Minister informed¹⁰ the House about the contents of a circular issued by the Prime Minister's Secretariat on October 28, 1974 to all the Ministries. The circular, *inter alia*, said:

"The undersigned is directed to say that as in the past, the Prime Minister would like to see advance copies of all statements to be made in Parliament by Ministers as also of briefs for answering supplementary questions, if any. The Ministries are, therefore, requested to forward four copies of such statements and briefs to this Secretariat as soon as they are finalised. During working hours these copies may kindly be sent to Shri B. N. Tandon, Joint Secretary to the Prime Minister, in Room No. 8, Parliament House and at the Prime Minister's House after working hours and on holidays."

On the following day, Shri Atal Bihari Vajpayee, another Member, sought to raise a question of privilege against the Prime Minister by stating that while she had denied in the House on December 4, 1974 that any such circular had gone out to the Ministries from her Secretariat, on the previous day *i.e.*, February 26, 1975, she had read out in the House the text of the circular on the same subject, issued on the 28th October, 1974 by the Prime Minister's Secretariat to all the Ministries. He contended that the Prime Minister had thus misled the House.

The Speaker, Dr. G. S. Dhillon, however, did not allow this matter to be raised as a question of privilege.¹¹

On March 3, 1975, when Shri Madhu Dandavate sought to raise the matter again in the House, the Speaker observed¹²:

"I had not accepted it as a privilege motion. If the Minister wants to make a statement independent of the motion, I do not mind. The Prime Minister has a preroga-

¹⁰ *Ibid.*, 26-2-75 cc. 33-35.

¹¹ *Ibid.*, 27-2-1975 cc. 213-14.

¹² *Ibid.*, 3-3-1975 cc. 219-20.

tive to see and so far as this is concerned, it is clearly mentioned 'as in the past'. Privilege does not arise. I do not allow it. The Prime Minister has got the prerogative to see the statements. She has to coordinate and she is to have general supervision. What is wrong about it? It has been said 'as in the past'. The Prime Minister can explain it This is not a privilege at all. I do not treat it as a privilege."

Thereupon, the Prime Minister, Shrimati Indira Gandhi, explained the position as follows¹³:

"The question that was raised in the House was this. This was the quotation of Mr. Madhu Dandavate....

'It is our information that a circular has gone that henceforth all the replies sent by the Ministers must be first sent to the Prime Minister.'

It is to this that I gave a reply that no such circular has gone. The circular which was sent, as I have told the hon. Speaker and I think that Mr. Madhu Dandavate is also in the know, was to the effect that when statements are made by Ministers in the House, copies of those plus any notes which they may have for supplementaries on those statements should be sent to the Prime Minister's Secretariat..... The hon. member is quite right in saying that the earlier circular was sent by my Secretariat also because I think it is the Prime Minister's business to know what important matters are going on in the House.... I denied that I had asked for all questions and replies to be submitted which I have not asked for.... When a specific question was asked whether I had asked for advance copies of questions and their replies, I said 'No'.... But I certainly think that matters that come up in connection with call attention motions and so on are important, and there also I said that the final version should be sent to me, so that I know what they are saying in the House so that if necessary, and something has to be followed up, I know. I think it is the Prime Minister's business to keep abreast of what is going on in the House."

Thereafter, the matter was closed.

Shouting of slogans and attempt to throw leaflets from the Visitors' Gallery on the Floor of the House: On March 6, 1975, at 12.02 hours, three persons shouted slogans and attempted to throw some leaflets from the Visitors' Gallery on the floor of the House and assaulted the Watch and Ward Staff on duty in the Gallery. They were immediately taken into custody by the Watch and Ward

¹³ *Ibid.*, cc 220-21.

Officer and removed from the Visitors' Gallery.¹⁴ Later in the day, Shri Vasant Sathe, who was in the Chair, brought the incident to the notice of the House as under¹⁵:

"I have to inform the House that today at about 12.02 p.m. three visitors calling themselves Pema Wangyal, son of Shri Karma, Tsering Chopel, son of Shri Chokhondup and Ven N. C. Gyatso, son of late Shri Wangyal, shouted slogans from the Visitors' Gallery, threw some cyclostyled copies of pamphlets which fell in the Gallery and when intercepted by Watch and Ward Staff on duty, they gave some kicks and blows to the Watch and Ward Staff. They were immediately removed from the Gallery and taken into custody 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, thereafter, moved a motion to the effect that the three persons "have committed a grave offence and are guilty of the contempt of the House." The motion further said:

"This House further resolves that without prejudice to any other action to which they may be liable under the law, the said Pema Wangyal, Tsering Chopel and Ven N. C. Gyatso be sentenced to rigorous imprisonment till 6 p.m. on Wednesday, the 19th March, 1975, for the aforesaid contempt of the House, and sent to Central Jail, Tihar, New Delhi."

Shri S. M. Banerjee, a member, moved¹⁶ the following amendment to the above motion:—

"That instead of the punishment suggested by the Minister of Parliamentary Affairs to these three young boys, they should be given a chance to improve themselves, to believe in parliamentary democracy and they should be warned not to do it in future."

The amendment moved by Shri Banerjee was, however, negatived¹⁷ by the House and the motion made by the Minister of Parliamentary Affairs, was adopted.¹⁸

14L.S. Deb., 6-3-1975 c. 270.

15 Ibid., c. 271.

16 Ibid., c. 275.

17 Ibid.

18 Ibid., c. 276.

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 persons and to keep them safely in the Jail till 6 p.m. on March, 19, 1975. The guilty persons were accordingly taken by the Watch and Ward Staff to the Central Jail, Tihar, where they served out their sentence of imprisonment.

Pre-mature publicity in the Press of no-confidence move against Speaker: On March 14, 1975, Shri H. K. L. Bhagat, a Member, sought to raise¹⁹ a question of privilege against the *Indian Express* and the United News of India, a news agency, for giving premature publicity to the notice of a motion of no-confidence against the Speaker, Lok Sabha, tabled by Shri Madhu Limaye, another Member, under the heading "No-confidence move against the Speaker", even before the said motion had been admitted by the Speaker and circulated to Members.

The Speaker, Dr. G. S. Dhillon, observed that he had also seen the news which had appeared in various newspapers. He drew the attention of the House to Rule 334A which specifically prohibits any premature publicity to the no-confidence motions against the Speaker.

Elaborating the point further, the Speaker said that in the case of no-confidence motions against the Speaker, the procedure is that the motion comes to the House for admission on or after the 14th day, after the notice has been given. He said this particular notice came to him on the 3rd of March and the date for admission fell on the 18th—"to be on the safe side, one day more."

Referring to the role of the Press as part of Parliament, particularly in regard to the observance of the rules, the Speaker said²⁰:

"I have been very often eulogizing the Press as part of the Parliament and as if they have equal responsibility, and they feel always happy when I make such observations. If they feel they are a part of the Parliament, then they are expected to know the rules of procedure also. This is not such a light subject. If you allow this practice, any gentleman may come, give a motion and then go out to the Press with all these campaigns against the Speaker; it is very difficult for the Chair to function.

19 L.S. Deb., 14-3-75 c. 206.

20 L.S. Deb., 14-3-75, c. 208.

Procedure should be followed correctly and in spirit. I respect the Constitution. I respect the rules. But I also expect that the liberty should not be converted into a licence. As far as the privilege is concerned, I will have to go into the various aspects."

On March 17, 1975, the Speaker read out to the House the contents of a letter he had received that morning from the Editor of the United News of India in connection with this issue. The letter said²¹:

"This is with reference to last week's Lok Sabha proceedings relating to the no-confidence move against the hon'ble Speaker. The discussion arose from premature publicity given to the details of the no-confidence move as contained in the notice of the motion. I apologise unreservedly for the release of the details to which objection has been taken. This happened as a result of an unfortunate oversight. In view of this apology I hope, you will kindly treat this matter as closed. We will be more careful in future."

In view of the unconditional apology tendered by the Editor of the United News of India, the House treated the matter as closed.

Court Summons to PAC Chairman regarding certain observations made in a Report: On August 1, 1975, the Speaker, Dr. G. S. Dhillon, informed²² the House, *inter alia* as follows:

"...on the 30th July, 1975, a summons has been received from the City Civil Court, Registrar Branch, Calcutta, addressed to the Committee on Public Accounts of Lok Sabha, represented by its Chairman, in Title Suit No. 1428 of 1973 filed in that Court by one Shri Gobinda Ram Sinha, Preventive Officer, Grade I, attached to the Calcutta Customs under the Government of India, for declaration and mandatory injunction as consequential relief valued at Rs. 25 in respect of certain observations made in the Seventy-first Report of the Committee on Public Accounts (Fifth Lok Sabha).

The constitutional position that no such suit or proceedings is maintainable in any court of law is quite clear as provided in Article 105 (2) of the Constitution...

Since this matter relates to the proceedings of the Parliamentary Committee and the powers, privileges and immunities of members and Committees of Parliament, I am placing

²¹ *Ibid.*, 17-3-75, cc. 212-13.

²² L.S. Deb., 1-8-75, cc. 4-5.

this matter before the House. As has been the practice of this House, I am asking the Chairman, Committee on Public Accounts to ignore this summons and not to put in any appearance in the Court.

I am, however, passing on the relevant papers to the Minister of Law for taking such action as he may deem fit to apprise the Court of the correct constitutional position in this regard."

BIHAR VIDHAN SABHA

Intrusion of a stranger into the House: On March 14, 1975, Shri Janardan Tiwari, a Member, raised²³ a question of privilege about the intrusion of a stranger into the House. When other members also raised points of order on this matter, the stranger left the House.

Commenting on the incident, the Speaker, Shri Harinath Mishra, observed that the stranger who might have been caught would be interrogated. Later in the day, the Deputy Speaker, Shri Shakoor Ahmed, who was then in the Chair, informed the House as follows²⁴:

"Today, at about 11.30 a.m. Shri Arjun Prasad Singh, an advocate of Bihar Sharif, entered the Vidhan Sabha building, despite being challenged by the police guards posted at the main gate, by telling them that he was a member of the Vidhan Sabha. Similarly, he also entered the House. As soon as he entered the House, some members raised objection, consequent to which he was immediately taken into custody by the Watch and Ward staff. In his explanation, Shri Arjun Prasad Singh has expressed regrets for his mistake. According to him, he had come to meet Shri Chander Dev Prasad Himanshu, a Member, and he entered the House due to ignorance of rules. But he has acknowledged before the Speaker that he had entered by hoodwinking the guards at the main entrance and the Chamber gate, for which he has offered his regrets. On enquiry from Shri Himanshu, he also stated that Shri Singh has committed this mistake in ignorance of rules."

Shri Chander Shekhar Singh, a Minister, then moved a motion that Shri Arjun Prasad Singh may be released after keeping him in custody till the rising of the House on that day, which was adopted by the House.

²³ Bihar Vidhan Sabha Deb., 14-3-75 (Original in Hindi).

²⁴ *Ibid.*

GOA, DAMAN AND DIU VIDHAN SABHA

Alleged reflections on the House by a Minister in another Legislature: On March 24, 1975, the Speaker, Shri Narayan S. Furgo, informed²⁵ the House that he had received notice of a question of privilege from Shri Jagdish B. Rao, a Member, against Shri R. M. Pande, the Minister of State for Education of the Government of Maharashtra, for his reported speech in the Maharashtra Legislative Assembly on March 20, 1975, allegedly casting reflections on the State Assembly. The notice read, *inter alia* as follows:—

“It is reported in the ‘Navhind Times’ of March 22 that Mr. R. M. Pande assured the Maharashtra Assembly that his Government would recommend to the Centre to get withdrawn the decision of the Sahitya Academy to grant recognition to Konkani (the mother tongue of us, Goans).

This assurance of Mr. R. M. Pande is bound, not only to hurt the feelings of honourable members of this House, but to show scant respect to the following resolution unanimously passed by our Legislative Assembly on March 17, 1975:

“This House welcomes the decision of the Sahitya Academy to recognise Konkani as an independent Indian language and congratulates wholeheartedly the Konkani speaking people, who aspired to raise it to the status of language for their achievement.’

It is my contention that in order to please some of the Maharashtra MLAs, Minister R. M. Pande has chosen to insult our august House.”

Disallowing the question of privilege, the Speaker ruled *inter alia* as follows²⁶:—

“...it is clear that no House can take any action for anything that is said in another House, and each House is supreme insofar as its own proceedings are concerned... the instant case, in any way will not amount to any breach of privilege and contempt of this House as Shri Pande has not cast any aspersions on our Assembly in the reported speech.

I therefore, withhold my consent for raising the matter..”

²⁵ Goa, Daman and Diu Vidhan Sabha Deb., 24-3-1975.

²⁶ *Ibid.*

GUJARAT VIDHAN SABHA

Making of policy statements and premature announcements of Session dates to Press: On June 28, 1975 Shri Pratap Shah, a member, sought to raise²⁷ a question of privilege against the Chief Minister, Shri Babubhai J. Patel, for having disclosed to the Press, soon after his being sworn in, the decision to summon the State Assembly for its Budget Session on June 27 and also divulging the contents of an important legislative measure even before the House was duly constituted.

While raising this issue, Shri Shah *inter alia* stated:

“On the very second day of his swearing in, Hon’ble Chief Minister reported in a Press Note as well as in a Press Conference that it had been decided to summon the session of the Gujarat Legislative Assembly on the 27th June. Sir, as per Rule 3 of Gujarat Legislative Assembly Rules, this power is vested either in the Governor or in the Speaker or in the Secretary of Gujarat Legislature Secretariat. However, I must say that the Chief Minister has made this announcement and thereby committed a breach of propriety. My contention is that this House is the supreme body and that first of all he should have informed this House...

Sir, secondly, on the same day, he announced some policy matters. When the House was to meet on the 27th June he should have announced the policy matters only in the House. The important points covered in the Governor’s Address delivered only today had been disclosed to the Press on that day by Hon’ble Chief Minister.

Sir, my third point is that Hon’ble the Chief Minister has violated Rule 22A (1) of Gujarat Legislative Assembly Rules inasmuch as he had divulged the contents of a Bill to the Press prior to its introduction in this House...

Sir, he specifically stated in his statement that it is proposed to enhance the rate of Central Inter-State sales tax from 3 per cent to 4 per cent and that the necessary Bill will be brought before the House. By making this sort of announcement, Hon’ble the Chief Minister has obviously committed a breach of convention as well as propriety...”

After some discussion, the Chief Minister in a statement explained the position as under:

“The Governor decides the date on which the Assembly should be summoned and sends his orders accordingly. The Governor acts on the advice of the Council of Ministers and

27 Gujarat Vidhan Sabha Deb., 28-6-1975.

I was under the impression that the Council of Ministers would like to summon the Assembly at the earliest so that the Members can take oath and the Assembly can start functioning. All this had led me to announce that the Assembly will meet soon... The practice is that Governor summons the Assembly on the advice of the Council of Ministers and not otherwise and therefore I feel that this was my right and I have exercised it.

The second point raised was that the Chief Minister announced policy matters before the formation of the Council of Ministers, before the Assembly came into being and before the swearing in of the Members of the Assembly. Sir, your honour may be aware of the practice that every Chief Minister, soon after his appointment, announces the policies of his Government in his radio broadcast. The announcement made by me is not a new one. Most of the points referred to therein are included in our election manifesto. In my speech I have referred to those points and nothing else.

Sir, the third point relates to the amendment to be made in the Sales Tax Act. The Bill is not even drafted. But one thing which was brought to my notice was that the Government of India had informed the Governor in March, 1975 that they were raising the rate of Inter-State sales tax from 3 per cent to 4 per cent. They had instructed him to take necessary action immediately so that Gujarat can avail of the benefit of 4 per cent. The Central Government had thus advised to bring such Bill by the earliest... The Central Government was to bring into force the new rate of Inter-State sales tax from 1st July of this year. Hence we also thought it advisable to take up this amendment at least before the Budget so as to make the increased rate of sales tax effective from 1st July, 1975 in Gujarat State. This was an open fact and not a confidential one... Yet if there is any breach of propriety I am really sorry for that and I shall be careful in future."

After hearing the Chief Minister, the Speaker gave the following ruling²⁸:—

"After the statements made by Hon'ble Members, Hon'ble the Chief Minister has given his explanation. In respect of the announcement regarding summoning the Assembly there is no breach of propriety in view of the fact that the Governor acts according to the advice of the Council of Ministers. Policy matters having been included in the election manifesto of the party, there is no breach of propriety. As regards announcement of details of the Sales Tax Bill, I hope that the Hon'ble Ministers will be more careful in future."

²⁸ Ibid.

MADHYA PRADESH VIDHAN SABHA

Shouting of slogans and throwing of leaflets from the Visitors' Gallery: On March 21, 1975, at about 12.40 hours, three persons shouted slogans and threw leaflets from the Distinguished Visitors' Gallery of the Vidhan Sabha on the floor of the House²⁹. They were immediately taken into custody by the Security Officer. Later in the day, the Chief Minister, Shri P. C. Sethi, moved the following motion which was adopted by the House:—

“That the persons calling themselves Sarvashri Chhagan Lal Sahu, Puran Chand Maurya and Motilal Sahu, who today, at about 12.40 p.m., shouted slogans and threw leaflets from the Distinguished Visitors' Gallery, and who were immediately taken into custody by the Security Officer and who have confessed their guilt, are guilty of contempt of this House.

This House, therefore, resolves that the said Sarvashri Chhagan Lal Sahu, Puran Chand Maurya and Motilal Sahu, be sentenced to simple imprisonment till the prorogation of the House.”

In pursuance of the above decision of the House, the Speaker, Shri Gulsher Ahmed, issued a Warrant of Commitment addressed to the Superintendent, District Jail, Bhopal, committing the said Sarvashri Chhagan Lal Sahu, Puran Chand Maurya and Motilal Sahu, to prison.

RAJASTHAN VIDHAN SABHA

Non-fulfilment of an assurance given by a Minister to the House: On March 15, 1975, the Speaker, Shri R. K. Vyas, informed³⁰ the House that on the 8th February of this year, Sarvashri Ramkishan and Kedarnath, Members, had given notice of a question of privilege against the Minister for Panchayats and Development, for not fulfilling an assurance given by him in the previous session of the House that elections to the Panchayat Raj institutions would be held and that their term would not be extended. Despite that assurance, the term of those institutions had been extended upto December 31, 1977 by an Ordinance and thereby the Minister had misled the House.

29 M.P. Vidhan Sabha Debs., 21-3-1975 (Original in Hindi).

30 Rajasthan Vidhan Sabha Debs., 15-3-1975 (Original in Hindi).

Disallowing the question of privilege, the Speaker ruled³¹ as follows:—

“In this connection, it is clear that consequent on the passage of the Bill to replace the aforesaid Ordinance by the House, the House has approved the Government policy on extending the term of the Panchayat Raj institutions. In such a situation the only question remains to be seen whether any question of privilege arises from the non-fulfilment of the assurance given to the House.

“Hon. members know that on many occasions, a number of assurances are given and though it is the moral duty of the Government to fulfil all these assurances, many occasions arise when due to certain reasons, the State Government has not been able to fulfil all the assurances. There is a Committee of the House i.e., Committee on Government Assurances, which examines the reasons for non-fulfilment of any assurance in time and also what action should be taken by the Government...

“Further, it is also in accordance with the Parliamentary tradition that the non-fulfilment of any assurance as well as not fulfilling any assurance in time is not deemed to be a violation of privilege.....

“As the Bill for extension of the term of Panchayat Raj institutions has already been passed by the House, there is no question of further examining the non-fulfilment aspect of the said assurance. In the circumstances, I withhold my consent to this question of privilege.”

UTTAR PRADESH VIDHAN PARISHAD

Alleged misreporting of the proceedings by All India Radio: On February 28, 1975, Shri Gauri Shankar Rai, a Member, sought to raise³² a question of privilege against the All India Radio for alleged misreporting of the proceedings of the Governor's Address to both Houses of the Legislature assembled together, earlier on February 18. Shri Rai stated that the All India Radio, in its news bulletin broadcast from the Delhi Station at 21.00 hours on that day, while mentioning about the Governor's Address, did not refer to what happened before the Address i.e., the speech made by the Leader of the Opposition and subsequent walk-out by members of the Opposition and thus the proceedings of the House were deliberately suppressed

³¹ *Ibid.*

³² U.P. Legislative Council Debs., 28-2-1975 (Original in Hindi).

and twisted. He said the A.L.R. had thus committed a breach of privilege and the matter be referred to the Committee of Privileges for investigation and report.

The Chairman, Shri Virendra Swaroop, on hearing Shri Rai and other Members, reserved his ruling on the matter. On March 12, 1975 he disallowed the question of privilege, giving the following reasons³³:—

“In this connection, the main point to be considered is whether the address of the Governor be treated as part of the proceedings of the House. According to Rule 6 of the Rules of Procedure and Conduct of Business in Uttar Pradesh Legislative Council, the sitting of the Council is duly constituted when it is presided over by the Chairman or any other member competent to preside over a sitting of the Council under the Constitution or these rules.

....Keeping in view the above Parliamentary conventions and rules, I conclude that the proceedings during the Governor's Address to both Houses of Legislature assembled together are not part of the proceedings of the House... The publication of such proceedings cannot be considered as the publication of proceedings of the House. I therefore, disallow the question of privilege.

HOUSE OF COMMONS (U.K.)

Attribution of motives to a member for her speech in the House:

On March 3, 1975, Mrs. Dunwoody, a Member, raised³⁴ a question of privilege against the *Travel Trade Gazette*, a newspaper for publishing a news report allegedly attributing motives to her for her speech in the House. The impugned news report read *inter alia* as follows:—

“*Commons attack angers ABTA M.P., Walsh speculation.*”

There was speculation amongst the trade over Mrs. Dunwoody's motives for attacking ABTA. Several ABTA leaders cited her friendship with Mr. Dennis Walsh, the former ABTA chairman who was forced to stand down from office.

³³ *Ibid.*, 12-3-75.

³⁴ H.C. Debs., 3-3-1975, c. 1064.

Dunwoody Day

Now comes the news that ABTA leaders are suspicious of the motives of a former Labour junior Minister in a surprise attack in the House of Commons on the association.

It is being openly suggested that Mrs. Gwyneth Dunwoody was 'primed' well in advance of her speech by outside influences.

Cynics point to her close friendship with former ABTA chairman Dennis Walsh, now leading the other trade associations, the Institute of Travel Agents.

Mutterings of vested interests and power politics are being bandied about. Nothing, of course, can be conclusively proved. But in situations such as this there is usually no smoke without fire.

The question being asked is: What is the real significance of the Dunwoody broadside?

Is she speaking for the holiday maker at large when she claims they could eventually need protection from tour operator collapse by the intervention of a national government?

Or is she being used as a powerful pawn in a protracted battle of travel trade chess aimed at dethroning the present ABTA leadership?"

The Speaker, Sir Selwyn Lloyd, in his ruling on March 4, 1975, said³⁵:

"I have considered the matter of the complaint made yesterday by the hon. Member (Mrs. Dunwoody) of certain passages in the *Travel Trade Gazette* newspaper. I am satisfied that this is a proper case for me to allow a motion with precedence over the Orders of the Day."

The Lord President of the Council and Leader of the House of Commons, Mr. Edward Short, then moved a motion for reference of the matter to the Committee of Privileges, which was adopted by the House³⁶.

The Committee of Privileges, after considering the written submission from the Editor the *Travel Trade Gazette*, in their

³⁵ *Ibid.*, 4-3-1975, cc. 1269-70.

³⁶ *Ibid.*, c. 1270.

Report³⁷ presented to the House on April 3, 1975, reported, *inter alia* as follows:—

“(1) Your Committee have considered the passage in the *Travel Trade Gazette* newspaper of 28th February upon which a complaint was based on 3rd March. They have taken into account a written submission from the editor of the newspaper.

(2) Your Committee find that the passage complained of repeats, and seeks to support, allegations that a Member's conduct was influenced by improper and undisclosed motives. In your Committee's view the publication of such matter constitutes a serious contempt of the House, not only by reflecting on the House, but by tending to undermine freedom of speech in Parliament.

(3) Your Committee informed the editor of their finding and have received from him a letter containing an unqualified expression of regret and an apology and an undertaking to take steps to avoid the repetition of such an offence. In these circumstances, Your Committee recommend that the House do not take any further action in the matter.

(4) . . . In view of the possibility of legal action based on the same issue of the *Travel Trade Gazette*, Your Committee have not reported to the House the submission made to them by the editor referred to in paragraph (1) above.”

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

Alleged restrictions by Prime Minister on the freedom of the Ministers:—On April 8, 1975, Mr. English, a Member, sought to raise a question of privilege³⁸, against the Prime Minister, Mr. Harold Wilson, for imposition of restrictions on the freedom of Ministers with regard to the handling of official business in the House, as stated

37 H.C. 302 (1974-75).

38 H.C. Debs., 8-4-1975 cc. 1018-19.

in the written answer³⁹ to a question given by him in the House on April 7, 1975. While raising the question of privilege, Mr. English stated, *inter alia*, as follows⁴⁰:—

“I am referring to the first sentence of the second paragraph which reads:—

“This freedom does not extend to parliamentary proceedings and official business.”

Official business is of no concern to us, but restricting the freedom of parliamentary proceedings is a matter for this House and not for the Government. As was pointed out earlier, on a previous occasion in 1931 no restriction was placed on right hon. and hon. Members speaking personally, even if they were Ministers, to express their own views.

It is the law of the country that Members of Parliament have not merely a right but a duty to express in this House their opinions and to be protected in ways in which they would not be outside this House. They are protected, for example, against defamation by absolute privilege.

It is the principle of the procedures of this House that a member may come here and say what he chooses. Normally,

39 The written reply to the question read as follows:

“The Prime Minister: In accordance with my statement in the House on 23rd January last, those Ministers who do not agree with the Government’s recommendation in favour of continued membership of the European Community are, in the unique circumstances of the referendum, now free to advocate a different view during the referendum campaign in the country.

The freedom does not extend to parliamentary proceedings and official business. Government business in Parliament will continue to be handled by all Ministers in accordance with Government policy. Ministers responsible for European aspects of Government business who themselves differ from the Government’s recommendation on membership of the European Community will state the Government’s position and will not be drawn into making points against the Government recommendation. Wherever necessary, Questions will be transferred to other Ministers. At meetings of the Council of Ministers of the European Community and at other Community meetings, the United Kingdom position in all fields will continue to reflect Government policy.

I have asked all Ministers to make their contributions to the public campaign in terms of issues, to avoid personalising or trivialising the argument, and not to allow themselves to appear in direct confrontation, on the same platform of programme, with another Minister who takes a different view on the Government recommendation.”

40 H.C. Debs., 8-4-1975 cc. 1018-19.

members of the Government do not do that, but in this case they are to be allowed to do so outside this House. I cannot imagine a more complete derogation from the rights of this House than to say that its members may speak outside it but not in it.

Insofar as the working of which I complain refers to proceedings in this House and to the personal views of Ministers, I submit that it reveals a contempt of this House."

The Speaker, Sir Selwyn Lloyd, in his ruling on April 9, disallowed the question of privilege and observed⁴¹:

"I have considered this matter carefully.

In general, I think that arrangements made within political parties in this House would be unlikely to raise questions of contempt or privilege. Also the Chair must be careful not to appear to be trying to interfere in such arrangements.

In this particular case, as I understand the Prime Minister's answer, the new element is freedom to dissent in the country, not any change in the normal practices in this House.

Therefore, I am not prepared to give to a motion concerning it precedence over the Orders of the Day."

⁴¹ *Ibid.*, 9-4-1975 c. 1238.

PROCEDURAL MATTERS

LOK SABHA*

Notices for raising points concerning Ministries: On April 29, 1975, some Members who gave advance intimation of the specific points they intended to raise on the Appropriation (No. 2) Bill, 1975, spoke on the motion for consideration of the Bill. Two Members, Sarvashri S. M. Banerjee and P. G. Mavalankar, who did not send any advance intimation, were allowed to speak as a special case which was not to be treated as a precedent.

Except the Finance Minister, no other Minister intervened in the debate. When the Finance Minister in his reply stated that with regard to the points concerning various Ministries, information would be passed on to the Ministers concerned and such action as was necessary would be taken by them, a Member, Shri Madhu Limaye, objected and stated that if reply to points raised was not given, the rule requiring advance notice of the points would be meaningless. The Speaker, thereupon, observed that the Member had given a consolidated notice containing points concerning several Ministries. He ruled that in future separate notices should be given in respect of points concerning each Ministry and the Notices received by 10 O' clock would be sent to the Ministers concerned and they would be required to be present. The notice should also be sent direct to the Minister concerned as the time was so short that sometimes the Ministers were not available; sometimes Finance Minister was not in a position to reply on their behalf because those points related to other Ministries. The Speaker also observed that the matter might be considered by the Rules Committee¹.

Adjournment of Debate on Government Bill: On May 8, 1975 when further consideration of the motion for introduction of the

*Contributed by Table Office, Lok Sabha Secretariat.

¹ See L.S. Deb., 29-4-1975, cc. 411-14, and 2-5-1975, cc. 226-27.

Maintenance of Internal Security (Amendment) Bill, 1975, was taken up, the Minister of Home Affairs stated that as the Bill was only for introduction at that stage and consideration of the Bill would come up in the following Session, he would have no objection to the postponement of the introduction of the Bill as suggested by the Speaker provided it could be taken up in the following session. Thereupon, the following motion moved by a Member, Shri Somnath Chatterjee, was adopted²:—

“That further debate on the motion “that leave be granted to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971” moved by Shri K. Brahmananda Reddy, be adjourned.’

Re-appropriation of Private Members' Business time for other business: On Friday, May 9, 1975, last day of the 13th session, Private Members' Business was scheduled to be transacted from 3 p.m. to 5.30 p.m.

After leave was granted by the House to Shri Jyotirmoy Bosu to move a motion of no-confidence in the Council of Ministers, the Minister of Parliamentary Affairs, Shri K. Raghuramaiah, sought to move a motion under rule 388 that rule 26 in its application to the Private Members' Business be suspended so that the motion of no-confidence might be discussed immediately. Several Members of the Opposition objected to the motion. The Speaker, thereupon, observed that in accordance with the decision of the House, the House was to adjourn *sine die* on that day and, therefore, motion of no-confidence could be discussed till mid-night. As there was no unanimity in regard to the postponement or dispensing with of the Private Members' Business, he would not allow the motion for suspension of rule 26 by the Minister of Parliamentary Affairs. The motion was therefore, not put to vote.

Motion of no-confidence was accordingly discussed from 6 p.m. to 12 midnight, *i.e.*, after the disposal of the Private Members' business³.

Reference of issues to Privileges Committee: On May 9, 1975, a Member, Shri Shyamnandan Mishra, gave notice of a question of privilege against another Member, Shri Janeshwar Misra, for having read out in the House on May 2, 1975 an alleged forged letter, stated to have been written by employees of Hindalco, to the President of the Company, saying that a sum of Rs. 5 lakhs was paid to P.S. to

2 L.S. Deb., 8-5-1975, cc. 260—69.

3 L.S. Deb., 9-5-1975, cc. 338—59, 432—580.

the Prime Minister to prevent trade union activity in that concern. On getting the consent of the Speaker, leave was granted by the House to Shri Mishra to raise the question of privilege. Shri Mishra then moved the motion that the question of privilege be referred to the Committee of Privileges.

Another Member, Shri Madhu Limaye, sought to move an amendment to this motion seeking that the Committee should call for handwriting experts. The amendment also sought to instruct the Committee to present its report in the last week of the next session. On this, the Speaker referred to the provisions of rule 277 and permitted Shri Limaye to move his amendment only with regard to the time for presentation of the report, and not the other matter. Shri Limaye accordingly moved the amendment with regard to time for presentation of report which was negatived by the House. The motion moved by Shri Shyamnandan Mishra was then adopted⁴.

Suspension of Rules: The following motion tabled by the Minister of Parliamentary Affairs, Shri K. Raghuramaiah, was admitted and included in the List of Business of July 21, 1975, the opening day of the 14th Session of Fifth Lok Sabha:—

“This House resolves that the current session of Lok Sabha being in the nature of an emergent session to transact certain urgent and important Government business, only Government business be transacted during the session and no other business whatsoever including Questions, Calling Attention and any other business to be initiated by a Private Member be brought before or transacted in the House during the session and all relevant rules on the subject in the Rules of Procedure and Conduct of Business in Lok Sabha do hereby stand suspended to that extent.”

When the Minister of Parliamentary Affairs moved the above motion on July 21, several Members of the Opposition raised points of order contending that under Rule 388 of the Rules of Procedure, a motion for suspension of a rule could be brought only in relation to an item of Business before the House and there could not be a blanket suspension of rules as was sought to be done.

Ruling out the points of order, the Speaker observed that the Minister had informed him that the present session was in the nature of an emergent and brief session and the Government wanted to conduct only urgent business and therefore, he gave notice of the motion under Article 118 of the Constitution and not under rule 388. He was within his right to come forward with such a motion. More so, he

⁴ L.S. Deb., 9-5-1975, cc. 22—26, 235—39, 252—56.

(the Speaker) had no power to interpret the Constitution. The motion was, therefore, in order.

After the Speaker's ruling, several Members made submissions in this regard. The Minister of Parliamentary Affairs also explained the position. The motion was then put to vote and adopted by the House after a division⁵.

Right to issue instructions to partymen in the House: During the clause-by-clause consideration of the Constitution (Fortieth Amendment) Bill, 1975 on August 7, 1975, a Member, Shri B. R. Shukla, wanted to move his amendments to clause 5 for which he had given notice. When Shri Shukla got up to move his amendments, some Members, as also the Minister of Parliamentary Affairs, persuaded him not to move them. On this, another Member, Shri Jambuwant Dhote, took objection to the Member being pressurised by the Minister of Parliamentary Affairs not to move his amendments. The Speaker thereupon, observed that the Whip had a right to issue instructions to his partymen and complaint, if any, of pressure being exercised on a Member should come from the Member concerned himself⁶.

STATE LEGISLATURES

GUJARAT*

Wearing of black ribbons does not amount to any demonstration: On July 10, 1975 a Member, Shri Pratap Shah, raised a point of order that some hon'ble members had come to the House wearing black ribbons which, according to him, amounted to demonstration and a disrespect to the House. He requested the Speaker for his ruling as to whether such demonstrations should be permitted inside the House.

After hearing some other Members, the Speaker, while disallowing the point of order, observed that the rules did not prescribed any particular dress for the Members. He added that since the black ribbon put on by certain Members formed part of their dress and so long as it did not create any hindrance to anybody in the House and

5 L.S. Deb., 21-7-1975, cc. 26—71.

6 L.S. Deb., 7-8-1975, cc. 91—95.

*Based on material received from Gujart Legislative Assembly Secretariat.

did not affect the orderliness in or dignity of the House, no objection could be taken⁷.

Tabling of motion by Deputy Speaker: On July 17, 1975 a Member, Shri Ashok Bhatt, raised a point of order and stated that Shri Manubhai Palkhiwala, Deputy Speaker, by moving a motion in respect of the 20-point economic programme, had brought a party programme for discussion in the House and thereby committed grave and serious breach of propriety as Deputy Speaker. In this connection he pointed out that three Lok Sabha Deputy Speakers had withdrawn even their Questions which were tabled prior to their election as Deputy Speaker.

Explaining the position, Shri Manubhai Palkhiwala, (the Deputy Speaker) said that the Deputy Speaker enjoyed the same rights as any other Member of the House, and various notices tabled by him were in pursuance of these rights.

While giving his ruling, the Speaker held the point of order as substantial and correct. Referring to Kaul and Shakhder's book on "Parliamentary Practice and Procedure", the Speaker observed that he was in favour of the tradition in Lok Sabha that the Deputy Speaker does not table any question or motion. He, however, stated that in the present case the Deputy Speaker had already been allowed to move the motion and he had done so on the condition that it would not be allowed to be quoted as a precedent⁸.

⁷ Gujarat L.A. Deb., 10-7-1975, Pt. II Vol. 47, cc. 141—56.

⁸ *Ibid.*; 17-7-75, Pt. II, Vol. 47 cc. 704— 10.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS*

(May 1, 1975 to October 31, 1975)

INDIA

DEVELOPMENTS AT THE CENTRE

Cabinet changes: In a reshuffle of the Central cabinet announced in New Delhi on June 28, Shri Vidya Charan Shukla took over as Minister of State for *Information and Broadcasting* in place of Shri I. K. Gujral, who became Minister of State for *Planning*.

Allahabad High Court Judgment on election petition against Shrimati Indira Gandhi: In his judgment on June 12, on a petition filed by Shri Raj Narain, challenging the election of Shrimati Indira Gandhi to the Lok Sabha, Justice Jagmohan Lal Sinha of the Allahabad High Court exonerated her of all but two charges contained in the petition, but set aside her election to the Lok Sabha on the ground that she had used the services of a government official, Shri Yashpal Kapoor, Officer on Special Duty in her Secretariat, in her election work and that she had availed of the assistance of State Government officials—the district magistrate, the superintendent of police and the PWD executive engineer—in connection with the construction of a rostrum and other arrangements for her election meetings in Rae Bareilly. These, the judge held, constituted a 'corrupt practice' entailing disqualification for six years from holding any elective office.

The Judge granted a 20-day stay of his judgment and order on the application of Shrimati Gandhi's counsel in this behalf on the

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

ground that by virtue of Shrimati Gandhi's position as the leader of the Congress Parliamentary Party and as Prime Minister, unless a leader was elected by the Party and appointed as Prime Minister, the work of the Government of India would come to a standstill and many complications would arise.

Partial stay order by Supreme Court: On June 20, Shrimati Gandhi sought an "absolute and unconditional stay" in the Supreme Court of the operation of the Allahabad High Court judgment, pending the final disposal of her appeal against the judgment. In his judgment delivered on June 24, the Vacation Judge, Justice Krishna Iyer, while granting a stay ruled that Shrimati Gandhi would not participate in the proceedings of the Lok Sabha nor vote or draw remuneration in her capacity as a member of the Lok Sabha "but as long as she continues as Prime Minister or Minister, her rights to participate in either House of Parliament (without the right to vote) or discharge other constitutional or legal obligations as Prime Minister shall not be affected."*

Declaration of Emergency: On June 26, the President, Shri Fakhruddin Ali Ahmed, by a Proclamation, declared a state of Emergency in the country on grounds of threat to the security of India by "internal disturbances". The Emergency declared in 1971 and still in force related to threat from "external aggression". Parliament gave its approval to the Proclamation of Emergency on July 23, when the Lok Sabha voted the relative motion with 336 in favour and 59 against. The Rajya Sabha had approved it on the previous day.

On July 23, the Lok Sabha passed, by 342 votes to one, the Constitution (Thirty-eighth Amendment) Bill seeking to make the declaration of Emergency non-justiciable. The Bill put beyond judicial scrutiny the "satisfaction" of the President in declaring the Emergency as also the Ordinance-making powers of the President, Governors and administrators of Union Territories. Rajya Sabha passed the Bill the next day and it was assented to by the President on August 1.

Electoral reform: By a recent amendment to the Conduct of Election Rules, 1961 notified by the Ministry of Law on May 16, the sys-

Subsequently, the Supreme Court in their judgement of November 7, 1975 unanimously upheld Shrimati Gandhi's election to Lok Sabha from the Rae Bareilly constituency in the 1971 poll. Details of the judgment will appear in the next issue of the *Journal*.—Editor.

tem of obtaining signatures or thumb impressions of voters on the counterfoils of ballot papers has been dispensed with.

AROUND THE STATES

BIHAR

Resignation of Ministers and Reshuffle of Portfolios: Three Ministers, viz., Shri Naval Kishore Sinha, Shri Sukhdev Verma and Shri Zawar Hussain resigned on October 9, on their failing to get elected to either House of the State Legislature within the stipulated period of six months, which was to expire on October 10. As a result the **Chief Minister, Shri Jagannath Mishra, announced on the next day** a major reshuffle of portfolios in which he shed three of his major departments, *Industries, Tourism and Rajya Bhasha*, and took over *Finance*.

GUJARAT

Mid-term Elections: Mid-term elections were held in Gujarat on June 8 and 11, after a period of 16 months of President's rule, which was imposed in the State in February, 1974 and was twice extended. The newly-formed Janata Front emerged as the single largest party with 86 seats in a House of 181. The results of the elections, compared with those of the previous elections held in 1972 when the total number of seats was only 168, were as follows:

	1975	1972
<i>Number of Seats</i>	181	168
Janata Front	86	—
Congress (O)	57	16
Jan Sangh	18	3
Socialist	2	—
BLD	2	—
National Labour Party	1	—
Ind. (JF)	6	—
Congress	75	140
KMLP	12	—
Independents and others	8	9

Formation of Ministry: On June 18, Shri Babubhai Jashbhai Patel was sworn in as Chief Minister by the Governor, Shri K. K. Vishwanathan. On the same day, Shri Patel submitted the list of his 18-member Council of Ministers to the Governor and also announced the following allocation of portfolios:

Shri Babubhai Patel, *General Administration, Finance, Planning, Industrial Policy and Capital Project*; Shri Maneklal Gandhi, *Panchayats and Civil Supplies*; Shri Keshubhai Patel, *Agriculture and Irrigation*; Shri Bhailalbhai Contractor, *Power, Industries, Mines, Parliamentary Affairs and Transport*; Shri Navinchandra Barot, *Labour, Municipalities and Town Planning*; Shri Popatlal Vyas, *Home, Judiciary, Information and Tourism*; Shri Lallubhai Sheth, *Village Industries and Cooperation*; Shri Motibhai Choudhary, *Roads and Buildings*; Shri Navalbhai Shah, *Education and Animal Husbandry*; Shri Keshavlal Patel, *Revenue and Famine Relief*; Shri Makrand Desai, *Housing and Accommodation Control*; Shri Rasik Acharya, *Law and Jails*; Shri Vinodchandra Sheth, *Ports, Printing and Stationery and Small Savings*; Shrimati Hemsaben Acharya, *Health and Family Planning*; Professor Karsandas Soneri, *Social Welfare, Sports, Cultural Activities and Youth Welfare*; Shri Mohansinh Rathwa, *Forests and Fisheries*; Shri Shankarbhai Waghela, *Rural Housing and Minor Irrigation*; and Shri Harish Chandra, *Prohibition, Excise and Sarvodaya*.

The two Parliamentary Secretaries, Shri Lekhraj Bachani and Shri Rajkumar Gupta were attached to the Chief Minister.

Election of Speaker: On June 28, Shri Kundanlal Dholakia was unanimously elected Speaker of the State Assembly.

Reshuffle of Portfolios: On October 4, the Chief Minister reshuffled the portfolios affecting, besides himself, nine other Ministers. The Chief Minister, who held the *Finance* portfolio, parted with *Taxation and Sugar Cess*.

Bye-elections to Rajya Sabha: Two candidates of the ruling Janata Front, Shri Ramlal Parikh and Shri Virendra Singh and one belonging to the Congress, Shri Harish Mahida, were returned to the Rajya Sabha from the Gujarat Assembly in bye-elections held on August 8.

HARYANA

Stay of the expulsion order on MLA: The Punjab and Haryana High Court, on May 7, stayed the implementation of the decision of the Assembly to expel Shri Hardwari Lal from the House on the ground of his publishing two booklets casting aspersions on the office

of the Speaker, the Assembly and its members. The Court also directed the Election Commission not to hold by-election in Shri Hardwari Lal's constituency till the Court gave its final verdict on the writ petition filed by him.

Cabinet changes: Shri Bhajan Lal, a senior Cabinet Minister, resigned from the Ministry on July 2. Soon after acceptance of the resignation, Shri Pokhar Ram was sworn in as a Cabinet Minister. In a major reshuffle announced on July 3, the Chief Minister, Shri Bansi Lal, reallocated the portfolios as follows:—

Shri Bansi Lal (*Chief Minister*), *General Administration (excluding Public Relations) Administration of Justice, Planning and Public Works (Public Health)*; Shri Kanhaiya Lal Poswal, *Home, Jails, Public Relations, Cultural Affairs, Tourism, Civil Aviation, Elections, Sports, Parliamentary and Legislative Affairs*; Shri Ram Saran Chand Mittal, *Finance, Printing and Stationery, Wakf, Dairy Development and Animal Husbandry*; Shri B. D. Gupta, *Irrigation and Power, Cooperation and Agriculture*; Shri Harpal Singh, *Industries, Health and Industrial Training*; Shri Maru Singh, *Education, Languages and Archaeology*; Shri Shyam Chand, *Excise and Taxation, Food and Supplies, Town and Country Planning, Colonisation, Social Welfare and Welfare of Scheduled Castes and Backward Classes*; Shri Chiranji Lal, *Revenue, Colonisation, Rehabilitation, Public Works (Building and Roads), Technical Education and Architecture*; Shri Maha Singh, *Development and Panchayats, Transport and Labour and Employment*; Shri Pokhar Ram, *Housing, Local Government, Forests, Wildlife Preservation and Fisheries*; Shrimati Sharda Rani, *Home, Health and Public Works (Public Health, Building and Roads)*; Shrimati Parsanni Devi, *Education, Excise and Taxation, Transport, Jails and Social Welfare*; Shri Goverdhan Dass, *Cooperation, Local Government, Technical Education, Planning, Parliamentary Affairs and Industrial Training*; and Shri Harmohinder Singh Chatha, *Irrigation and Power, Food and Supplies, Agriculture, Revenue, Consolidation and Rehabilitation*.

HIMACHAL PRADESH

Cabinet reshuffle: In a reshuffle of portfolios on June 8, the Chief Minister, Dr. Y. S. Parmar, relinquished *Health and Family Planning, Agriculture and Animal Husbandry* and took over *Forest*. The following is the list of the reshuffled portfolios:—

Cabinet Ministers:

Chief Minister—*General Administration including Confidential, Cabinet, Parliamentary Affairs, and Border, Home*

and Personnel Secretariat, Administration, Administrative Reforms and Vigilance, Planning, Finance, Public Relations, Horticulture, University Education and Forest; Shri Ram Lal Chauhan, PWD, Health and Family Planning, Tourism, Multi-purpose Projects, Power, Excise and Taxation; Shri Desraj Mahajan, Revenue, Transport, Rehabilitation, Civil Supplies, Election and Law; and Shri Lal Chand Prarthi, Agriculture, Animal Husbandry and Fisheries, Industries, Irrigation, Housing, Arts, Language and Culture and Ayurvedic.

Ministers of State:

Shri Hardayal, *Industries and Panchayats* (both Independent charge), *Law* (attached to Shri Desraj Mahajan), *Arts, Language and Culture* (attached to Shri Lal Chand Prarthi); Shri Mansa Ram, *Welfare, Co-operation* (both independent charge), *Irrigation, Agriculture, Animal Husbandry and Fisheries* (attached to Shri Lal Chand Prarthi); Shrimati Sarla Sharma, *Community Development, Local Self-Government* (both independent charge), *Health and Family Planning* (attached to Shri Ram Lal Chauhan), *Industry* (attached to Shri Lal Chand Prarthi).

Chief Parliamentary Secretary, Shri Babu Ram, *Parliamentary Affairs, Public Relations, Planning, Forests*, (attached to Shri Ram Lal Chauhan) and Parliamentary Secretary, Shri Kishorilal Tadu, *Parliamentary Affairs, Public Relations* (attached to the Chief Minister), *Civil Supplies and Transport* (attached to Shri Desraj Mahajan).

JAMMU AND KASHMIR

Bye-elections to State Assembly: The Chief Minister, Sheikh Mohammed Abdullah, and the Revenue Minister, Mirza Mohammad Afzal Beg, were declared elected to the State Assembly on July 4, defeating their opponents by huge margins in the by-elections from the Ganderbal and Devsar constituencies, respectively.

Dissolution of Plebiscite Front: The delegates' session of the Jammu and Kashmir Plebiscite Front unanimously decided on July 5 to dissolve the Front and revive the National Conference as suggested by the Chief Minister, Sheikh Mohammed Abdullah. The delegates requested Sheikh Abdullah to assume the leadership of the revived National Conference so that the secular, democratic and socialist forces in the State could be strengthened.

Election to Rajya Sabha: The former Chief Minister of Jammu and Kashmir, Syed Mir Qasim, was on July 28 declared elected to

Rajya Sabha from Jammu and Kashmir unopposed, filling the vacancy caused by the resignation of the late Shri D. P. Dhar.

Unseating of Deputy Speaker: The High Court on September 25, set aside the election of the Deputy Speaker of the Assembly, Shri Beli Ram, on grounds of non-compliance of rules and found that "some spurious votes" had been cast during the election. On October 10, the Supreme Court ruled that Shri Beli Ram could continue to discharge his duties as Deputy Speaker though he would not be entitled to act and vote as a member during the pendency of his appeal before the Supreme Court.

KARNATAKA

Bye-elections: The Congress Party retained the Guledgud seat in the Legislative Assembly when its candidate, Shri M. B. Horakiri won the bye-election held on June 15, by a margin of 2,325 votes.

KERALA

Resignation by Speaker: Shri K. Moideen Kutty Hajee resigned from the office of Speaker of the Legislative Assembly on May 8.

Extension of the Assembly: A Bill seeking to prolong the life of the present Kerala Legislative Assembly by a period of six months beyond October 21, 1975, the normal date of its expiry, was approved by Rajya Sabha on July 23, and by Lok Sabha on July 29.

Merger of ADMK: On October 26, Shri K. P. Shanker Das, the State organiser of Anna DMK announced the "unconditional" merger of the Kerala Unit of the party with the opposition Kerala Congress.

MANIPUR

Election of new Speaker: Consequent upon the resignation of the Speaker of the Manipur Legislative Assembly, Shri Mohammed Alimuddin on September 4, 1975, a former Revenue Minister, Shri Chandramani Singh was elected Speaker on September 18.

Change of party affiliations: During July 21-22, 13 opposition MLAs joined the Congress party raising its strength in the 60-member Assembly to 37.

New Ministry: A five-member Congress-CPI coalition Ministry, headed by Shri Raj Kumar Dorendra Singh, was sworn in in Imphal on July 23. The Governor, Shri L. P. Singh, administered the oath

of office and secrecy to the new Ministers. This was the fourth Ministry in 16 months after the mid-term poll in February, 1974. The portfolios announced on July 26, were: Chief Minister, *Home, Agriculture, Health, Law and Education*; Shri Reishang Keishang, *Finance and Revenue*, Shri R. K. Ranbir Singh, *PWD*; Shri S. Bijoy Singh, *Industries*; and Shri T. P. Kiuelengpao, *Departments of Transport and Communications*.

NAGALAND

Dissolution of Assembly: On May 20, the President dissolved the State Assembly with immediate effect after receiving a report from the Governor, Shri L. P. Singh, that the present Assembly was unlikely to lead to the formation of a stable popular Government.

Extension of President's Rule: During its July session, Parliament approved of a statutory resolution for continuance of President's rule in the State for a further period of six months beginning September 26.

ORISSA

Cabinet reshuffle and expansion: On May 25, 1975 the Chief Minister, Shrimati Nandini Satpathy dropped from her 18-month old Council of Ministers, Shri Banka Behari Das, Minister of *Revenue and Rural Development* and announced that the *Supply* Minister, Shri Sriballabh Panigrahi would temporarily hold Shri Das's *Revenue* portfolio and Shri Jagannath Patnade would act as the Deputy Revenue Minister in addition to his present responsibility as the Deputy Education Minister. The Irrigation Minister Shri Dibyalochan Sekhar Deo, would temporarily hold charge of the Rural Development portfolio of Shri Das.

On October 18, the Chief Minister increased the strength of her Council of Ministers from 17 to 18 with the induction of Shri Gangadhar Mahapatra as Minister of *Food and Supplies, Cultural Affairs and Tourism* and reshuffled the portfolios of some others. On October 19 the elevation of Shri Ramachandra Ulka, Minister of State, to Cabinet rank was announced.

MLA unseated: On June 16, the Orissa High Court declared void the election of Shri Jugal Kishore Patnaik (Congress) to the State Assembly from the Bhadrak constituency, holding that the nomination papers of his rival had been improperly rejected by the return-

ing officer. On July 14, the Supreme Court, however, granted an absolute stay of the judgment.

PUNJAB

Corruption charges against Ministers: On July 28, the Union Minister of State for Home Affairs and the Department of Personnel laid on the Table of Lok Sabha a copy of the report of the Chhangani Commission, which was appointed to inquire into charges of corruption, administrative impropriety and favouritism and nepotism against the former Akali Chief Minister, Shri Prakash Singh Badal and his six other Ministerial colleagues. The findings of the Commission were accepted by the Central Government. Besides Shri Badal, other former Ministers against whom the Commission gave an adverse verdict were Shri Teja Singh, Shri Satnam Singh Bajwa, Bawa Harnam Singh, Shri Narender Singh, Shri Randhir Singh Cheema and Shri Atma Singh. The Commission, set up on October 16, 1971 following allegations made by Shri Trilochan Singh Riyasti, a former Akali Minister and Shri Satyapal Dang of the CPI, upheld 30 of the 91 allegations against these former Ministers and held that the rest had not been established.

The memorialists had also made allegations against another former Akali Chief Minister, Shri Gurnam Singh but the Commission did not complete its process of investigation in this case because of his death.

The State Government constituted a Committee on August 1 to take follow-up action on the report of the Commission.

By-elections: The Congress and the Akali Dal retained their respective seats in the Punjab Vidhan Sabha in three by-elections, the results of which were announced on May 28. In Dasuya, the Congress candidate, Shri Gurbachan Singh Cheema won by a margin of over 11,300 votes, against his nearest Akali rival, Shri Devinder Singh Bajwa, who was a former Deputy Minister. In the Dakala constituency, Shrimati Jasdev Kaur Sandhu defeated her immediate Congress rival, Shrimati Nirmal Bhagwat Singh, by a margin of 2,865 votes; and in the keenly-contested Morinda constituency the Akali candidate, Shrimati Satwant Kaur Sandhu defeated her nearest Congress rival, Shri Bhag Singh, by a margin of about 300 votes.

RAJASTHAN

Increase in Members' allowances: On May 9, the Vidhan Sabha passed the Rajasthan Legislative Assembly (Officers and Members' Emoluments) (Amendment) Bill, which seeks to raise the daily allowances of legislators during the session from Rs. 31 to Rs. 35 and also authorise the payment of Rs. 100 per month to the legislators as amenities allowance.

SIKKIM

Expansion of Cabinet: On June 28, Shri K. B. Limboo was sworn in as *Minister of Planning and Development*, raising the strength of the Ministry to seven. Following the expansion, the Chief Minister, Kazi Lhendup Dorji, reallocating the portfolios, transferred some of his 20 departments to other Ministers.

Election of Speaker and Deputy Speaker: The Deputy Speaker of the Legislative Assembly, Shri C. S. Rai, was unanimously elected the Speaker of the 31-member State Assembly on September 5. Shri Ram Chandra Podyal was elected Deputy Speaker on October 1.

Elections to Parliament: On September 22, Shri S. R. Rai, General Secretary of the Sikkim Congress, was declared elected unopposed as Sikkim's lone representative to Lok Sabha. Shri Leonard Solomon Lepcha, the Sikkim Congress candidate was, on September 30, declared elected to Rajya Sabha.

TAMIL NADU

Dropping of Minister: On September 24, the Chief Minister, Shri M. Karunanidhi announced that Shri A. P. Dharmalingam, Minister for Revenue, had been dropped from the Council of Ministers. He also announced a redistribution of portfolios among his colleagues.

UTTAR PRADESH

Salary increase for legislators: During its July-August, 1975 session, the Vidhan Sabha passed a Bill seeking to rationalise the emoluments payable to Members of the two Houses. The new legislation provides for a consolidated compensatory allowance of Rs. 550 a month replacing the present practice of separate daily and travelling allowances. But the lump sum allowance would be paid subject to the condition that each day's absence from the House would entail a deduction of Rs. 15.

Appointment of Lok Ayukta: On June 7, the Governor promulgated two ordinances, one providing for the appointment of a Lok Ayukta and the other providing for the declaration of assets by Ministers and Members of the State Legislature. The State Assembly passed the relative Bills on July 31 to replace the Ordinances.

WEST BENGAL

Bye-elections to Rajya Sabha: Five Congress candidates, viz., Shri D. P. Chattopadhyay, Shri Pranab Mukherjee, Shrimati Pratima Bose, Shri Jawaharlal Banerjee and Shri Ahmed Hussain Mondal and one CPI nominee, Shri Kalyan Roy, were declared elected to the Rajya Sabha from the Assembly constituency on June 26.

UNION TERRITORIES

ARUNACHAL PRADESH

New Lt. Governor: On August 11, the President appointed Shri K. A. K. Raja as Lt. Governor of the Union Territory.

Inauguration of democratic administration: On August 15, the Union Territory acquired the essential elements of a democratic administration—a full-fledged Legislative Assembly and a Council of Ministers. The Union Minister of State for Home Affairs, Shri Om Mehta, inaugurating the new set-up, extended hearty greetings to the people of the Union Territory and expressed the hope that they would take full advantage of fresh opportunities available to them now. At a ceremony presided over by him immediately after the Independence Day parade, the newly appointed Lt. Governor, Shri K. A. K. Raja, sworn-in Shri Prem Khandu Thungon as Chief Minister. Four other Ministers and the temporary Speaker were also administered oaths and a 30-member Legislative Assembly was inaugurated.

Election of Speaker: On August 21, Shri Nokmey Namati was unanimously elected Speaker of the Assembly.

MIZORAM

Reconstitution of Ministry: On October 11, the seven-member Ministry was reconstituted by dropping of two of the Ministers from the Council of Ministers, viz., Shri K. T. Khuma and Shri Vaivenga. In their place were appointed Shri Ch. Seprangwa, who was given the portfolios of Planning, Agriculture, Community Development, Animal Husbandry and Veterinary; and Shri H. Thansanga, a former Speaker who was given Education, Public Works Department, Public Health Engineering, Power and Electricity.

DEVELOPMENTS ABROAD

AFGHANISTAN

Cabinet reshuffle—In a Cabinet reorganisation announced on September 28, President Mohammed Daud Khan shifted the *Interior Minister*, Mr. Faiz Masoud as Minister for *Frontier Affairs*. Mr. Abdul Ellat was appointed Deputy Prime Minister.

~~AFGHANISTAN~~ ARGENTINA

Cabinet changes—Economic difficulties in the country precipitated the resignation on May 28 of the *Treasury and Finance Minister*, Dr. Alfred Gomez Morales. He was succeeded by Sr. Celestino Rodrigo. In the wake of a confrontation between the Government and the trade unions, the Labour Minister Sr. Ricardo Otero resigned. The entire eight-member Cabinet resigned on July 7; and on July 11 President Isabel Martinez de Peron announced the formation of a new Cabinet which included both these Ministers. On July 18, Sr. Celestino Rodrigo resigned from the Cabinet in the face of a continuing national crisis. He was replaced on July 22, by Dr. Pedro Jose Bonani. On July 23, the President appointed Rodolfo Roballos as new Social Welfare Minister in place of Jose Lefez Rega.

Following the resignation of the Cabinet on August 11, the President, the same day, appointed seven members of a new Government including an army officer as Minister of the Interior and on August 15, completed the Cabinet with the appointment of a new Treasury and Finance Minister. The Interior Minister Col. Vicente Damasco and the Defence Minister Mr. George Garrido however, resigned on September 15, and were replaced by Senor Angel Robledo and Senor Tomas Vottero respectively.

AUSTRALIA

Cabinet changes—The Prime Minister, Mr. Gough Whitlam, announced on June 5 a major reshuffle of his Cabinet following the retirement from Parliament of the Defence Minister Mr. Lance Barnard (who had been Deputy Prime Minister from 1972 to 1974). The composition of the new Federal Cabinet was as follows:

Mr. Gough Whitlam, *Prime Minister*; Dr. James Cairns, *Deputy Prime Minister and Environment Conservation*; Mr. William Morrison, *Defence*; Mr. William Hayden, *Treasurer*; Mr. Frank Crean, *Overseas Trade*; Dr. Rex Patterson,

Northern Australia; Senator Kenneth Wriedt, *Agriculture and Government and Leader in the Senate*; Mr. Frederick Daly, *Property and Services and the Leader of the House*; Senator Donal Willesee, *Foreign Affairs*; Senator Douglas McClelland, *Special Minister of State*; Senator James Cavanagh, *Police and Customs*; Mr. Clyde Cameroon, *Science and Consumer Affairs*; Mr. Thomas Uren, *Urban and Regional Development*; Mr. Charles Jones, *Transport*; Mr. Kim Beazley, *Education*; Dr. Douglas Everingham, *Health*; Dr. Moss Cass, *Media*; Mr. Lionel Bowen, *Manufacturing Industry*; Mr. Leslie Johnson, *Aboriginal Affairs*; Mr. Gordon Bryant, *Capital Territory*; Mr. Reginald Connor, *Minerals and Energy*; Senator Reginald Bishop, *Postmaster-General*; Mr. Frank Steward, *Tourism and Recreation*; Mr. Keppel Enderby, *Attorney General*; Senator John Wheeldon, *Repatriation and Compensation and Social Security*; Senator James McClelland, *Labour and Immigration*; Mr. Joseph Riordan, *Housing and Construction*.

Dismissal and resignation of Ministers—On July 2, the Prime Minister dismissed Dr. James Cairns, Deputy Prime Minister and Minister for *Environment and Conservation*, because of his alleged involvement in unorthodox methods of raising overseas loans. Dr. Cairns, it was alleged, went outside government channels to investigate the possibility of an overseas loan with the help of a Melbourne financier.

The Prime Minister, Mr. Gough Whitlam, following further press reports linking Mr. Reginald Connor, Minister for *Minerals and Energy*, with the overseas loan affair, defended the Government's policy in the House of Representatives on July 9. On July 15, he claimed executive privilege to prevent 12 senior public servants from answering questions in the Senate on the loan dealings. The Senate, where the Opposition has a majority, had on July 9, decided to call the public servants before it if the Government had not by then agreed to appoint a Royal Commission. In a letter to the Senate, he said: "The principle of ministerial responsibility is, and must remain, the keystone of our parliamentary system. In keeping with that principle, officers do not decide and are not responsible for government policy or for government action. It is the Government, not the public services, that will answer in Parliament any request, any challenge put to it. It is the Government, not the public service that is responsible to the people. If this principle is successfully challenged, government will be unworkable."

In spite of a further decision by the Senate that it alone had the power to determine whether the traditional concept of executive

privilege could be applied in this case, the 12 public servants on July 16, refused to answer questions or table documents.

The Minerals and Energy Minister Mr. Reginald F. Connor resigned from the Government on October 14, amidst allegations that he had misled Parliament in regard to alleged improper attempts to raise Government loans overseas.

AUSTRIA

General elections—At the general elections held on October 5, for the Nationalrat (Lower House) the Socialist Party secured 93 seats, People's Party 80, and the Freedom Party 10. On October 28, a cabinet headed by the Federal Chancellor, Dr. Bruno Kresiky was sworn in by the President.

BAHREIN

Dissolution of National Assembly—Following the resignation of the Government of Shaikh Khalifa bin Sulman al Khalifa on August 24 on the ground that the National Assembly had *inter alia* obstructed its development and legislative programme, the Amir (ruler) dissolved the Assembly on August 26, when the Prime Minister promised new elections as soon as a new electoral law was drafted and certain articles of the constitution concerning the terms of reference of the Legislature revised.

BANGLADESH

President Killed in Coup—The President, Sheikh Mujibur Rahman, was killed in a *coup* in the early morning of August 15, together with the members of his family and was succeeded as President by Mr. Khondkar Mushtaque Ahmed, Minister of Commerce, who announced formation of a cabinet consisting of ten Ministers and six Ministers of State, all but one of whom had been members of President Mujib's Government. On August 21, he appointed five new Ministers of State and announced the distribution of portfolios in his cabinet. The portfolios of the Cabinet Ministers were:

President Khondkar Mushtaque Ahmed, *Defence and Home Affairs*; Mr. Justice Abu Sayeed Chowdhury, *Foreign Affairs*; Professor Mohammad Yusuf Ali, *Planning*; Mr. Phani Majumdar, *Local Government, Rural Development and Co-operatives*; Mr. Mohammad Sohrab Hossain, *Public Works and Urban Development*; Mr. Abdul Manan, *Health and*

Family Planning; Mr. Monoranjan Dhar, *Law, Parliamentary Affairs, and Justice*; Mr. Abdul Momin, *Agriculture and Food*; Mr. Asaduzzaman Khan, *Ports, Shipping and Inland Water Transport*; Dr. Azizur Rahman Mallick, *Finance*; and Dr Muzaffar Ahmed Chowdhury, *Education, Scientific and Technical Research and Atomic Energy*.

On August 27, the President by an order abolished the nomenclature of Ministers, Ministers of State and Deputy Ministers and declared that henceforth the Members of the Council of Ministers would be designated as *Sachib* (Secretary).

On August 30, the President by another ordinance banned the political parties and declared all political activity in the country illegal.

A Presidential Order, on September 1, declared as null and void the one-party system announced by Sheikh Mujibur Rahman on June 6. Another order repealed the formation of the Bangladesh Krishak Praja Awami League.

Earlier, on July 21, President Sheikh Mujibur Rahman had removed from office Mr. Mohammed Nurul Islam Manzur, Minister of State for Communications, against whom there were "grave charges of corruption". On August 8, the former President, Shri Abu Sayeed Choudhary, joined his cabinet.

CAMEROON

Cabinet reorganizations: M. Paul Biya who had been Secretary-General at the Presidency with the rank of Minister of State since January 16, 1968 was appointed Prime Minister on June 30. Other members of his cabinet were: M. Jean Keutch, *Foreign Affairs*; M. Youssoufa Dauda, *Economic and Planning*; M. Marcel Yondo, *Finance*; M. Charles Doumba, *Justice and Keeper of the Seals*.

CANADA

Cabinet changes: Prime Minister Trudeau announced on September 26 the cabinet changes following the resignation for personal reasons of Mr. John Turner, the *Finance Minister*, on September 10. Mr. Donald Macdonald succeeded Mr. Turner as *Finance Minister*.

The changed portfolios of other Ministers were: Mr. Alastair Gillespie, *Energy, Mines and Resources*; Mr. Donald N. Jamieson, *Industry, Trade and Commerce*; Mr. Otto Lang, *Transport*; Mr. Ronald Basford, *Justice and Attorney General*; Mr. Marchand,

Minister without Portfolio; Mr. Jack Cullen, *National Revenue*; Mr. Marcel Lessard, *Regional Economic Expansion*.

In an earlier change announced on August 29, Mr. Pierre Juneau became Minister of Communications in succession to Mr. Gerard Pelletier, who had resigned from the Government on being appointed the country's ambassador to France.

CAPE VERDE ISLANDS

Cape Verde Islands become Independent: The Cape Verde Islands became independent at mid-day on July 5 after five centuries of colonial rule. Before the proclamation of independence, the islands' first free elections had been held on June 30 to elect a People's Assembly consisting of 56 deputies. The sole contesting party was the African Party for the Independence of Guinea and Cape Verde (PAIGC) which secured 92.17 per cent votes. The Party had been responsible in August 1974 for negotiating an agreement with Portugal on the formal independence of Guinea-Bissau. The Assembly met for the first time on July 4, in the capital, Praia. The proclamation of independence was made at a special session of the Assembly. Mr. Aristides Pereira was elected President of the Republic.

COLOMBIA

Cabinet changes: On July 10, Dr. Juan Jose Turbay replaced Dr. Eduardo Hierro Santacruz as Minister of Petroleum and Mines, and Sr. Samuel Hoyos Arango took over as Minister of Justice from Dr. Alberto Santofimio Botero.

CYPRUS

Referendum on Draft Constitution: On June 8, Turkish Cyprus went to the polls in a referendum on the draft constitution for the new State proclaimed by them in Northern Cyprus. The draft provided for a presidential form of government, the President remaining in office for five years.

CZECHOSLOVAKIA

Election of President: Dr. Gustav Husak, General or First Secretary of the Czechoslovak Communist Party since April 1969 and Chairman of the National Front (embracing all political parties and

mass organizations of Czechoslovakia), was unanimously elected President of the Republic by a joint session of the two Houses of the Federal Assembly on May 29, 1975.

EGYPT

Dismissal of Minister: An announcement of August 19 said that Mr. Ahmed Kamal Abdul Magid had been dismissed as Minister of Information and that Mr. Yussaf el Sibai, Minister of Culture, would take over his portfolio. No reasons had been stated for the dismissal.

FINLAND

General elections: Elections to the Diet were held on September 21-22, following the resignation of the four-party coalition cabinet under Mr. Kalevi Sorasa in June. The overall results of the elections left the non-socialist parties still commanding a majority in the Diet, although the Socialists had made a net gain of one seat.

GREECE

New Constitution: On June 7, Parliament approved the country's new constitution. 208 deputies of the ruling New Democratic Party voted for the resolution, but 84 opposition deputies boycotted the decision because, according to them, the new constitution restricted human rights by giving the President excessive powers. This was, however, denied by the Prime Minister, Mr. Karamanlis, Mr. Constantine Tsatos, elected by Parliament as the country's first President since the abolition of monarchy, took oath of office on June 20.

HUNGARY

Replacement of Prime Minister: Mr. Jenő Fock "retired at his own request for health reasons" from the office of Prime Minister on May 15, and was replaced by Mr. György Lazar who had been a Deputy Premier, Hungary's representative at the Council for Mutual Economic Assistance (Comecon), and head of the State Planning Office.

IRAN

Elections: On June 20, nearly 70 million Iranians went to the polls to elect 268 deputies and 30 senators in the country's first single-party election.

Formation of New Government: On September 22, Prime Minister Amir Abass Hoveida formed a new Cabinet retaining all members of the previous cabinet and appointing a new Minister.

JAPAN

Electoral reforms: The revised Public Offices Election Law, which received approval of the Diet on July 4, provides for an increase of 20 seats in the 491-member House of Representatives, a tighter control over distribution of party handbills and organ papers in election campaigning and further use of public funds in financing elections. The amount of money to be deposited by a candidate with the election management office will increase three-fold—from 300,000 yen to 1,000,000 yen in the case of a Lower House general election. This, it is expected, will help eliminate fringe candidates.

The revised Political Fund Control Law consists of twin-pillars of putting a ceiling to political donations and obliging public disclosure of such donations. Under the amended law, donations from a business firm to political parties, political fund-gathering bodies and individual politicians must not exceed 100 million yen a year. Also, donations by them to party factions, individual politician support organisations or political bodies other than specified above would be limited to 50 million yen a year. Such donations would, however, be subject to a ceiling of 1,500,000 yen a year to a single political organization. Political donations from an individual have been limited to a total of 20 million yen a year. Under the provisions obligating disclosure of the annual balance sheets of political organizations, all the incomes and outgoings worth more than 10,000 yen must be specified. Also, contributions in forms other than pure donations—membership fees and business incomes of political organizations—would also have to be made public.

No-confidence motion lost: On July 3, the House of Representatives voted down a no-confidence motion against Prime Minister Mr. Taiseo Miki's cabinet.

KENYA

Dismissal of Minister: On June 12, President Jomo Kenyatta, reacting to a government defeat in Parliament on the previous day, dismissed the Minister of Works, Mr. Masinde Muliro and two Assistant Ministers who voted against an attempt to amend a report on the murder of a government critic, Mr. J. M. Kariuki.

Arrest of M.Ps.: The Deputy Speaker Mr. John Marie Seroney and a Member, Mr. Martin Shikuku, who were critical of the Government were arrested in the Parliament building in Nairobi on October 15.

LAOS

New Ministers: Four new Ministers and two Deputy Ministers were sworn in on June 16, consolidating the Pathet Lao position in the coalition administration. Under the new Government changes, Mr. Leuam Rajasombath became Minister of Finance, while the Interior Minister, Mr. Pheng Phongsavan took over the Defence portfolio. The Pathet Lao announced on August 23 that it had established a revolutionary Government.

LEBANON

Resignation by Ministers: On May 7, six ministers resigned from the Cabinet after criticizing Government's handling of the clashes during the previous month between members of the Falangist party and Palestinian guerillas. On May 12, the Defence Minister Mr. Joseph Skaf also announced his resignation thus bringing the total number of Ministers who did so for the same reason to nine. The Prime Minister, Mr. Rashid Al-Solh submitted his resignation on May 15. After a week, on May 23, the first military Government headed by the former commander of internal security forces, Brig. Nouredin Rifai, was formed.

It, however, lasted only for 3 days and was succeeded by a new Government headed by Mr. Rashid Karame. He completed formation of his six-member cabinet by June 30.

MALAYSIA

New Head of State: A meeting of the Conference of Rulers of Malaysia on June 19 elected the Sultan of Kelantan, Tuanka Yahya Putra as the sixth Yang di-Pertuan Agong (Supreme Head of Malaysia) for a five-year term.

Cabinet changes: In a cabinet reorganisation on August 6, the Prime Minister, Tun Abdul Razak, surrendered the Foreign Affairs portfolio to Tengku Ahmed Rithaudeen. Datuk Abdul Taib bin Muhmud became Minister of *Information and Special Functions* in addition to his responsibility for *General Planning and Socio-Economic Research*.

MAURITANIA

New Government: On August 23, the formation of a new Government was announced which involved appointment of a number of Ministers of State each controlling several subordinate ministries. This new structure was in line with a decision by the fourth congress (described as "Congress de law clarification") of the *Parti due peuple maritanien* (PPM), Mauritania's sole legal political party. In the new Government seven ministers of state, who were also members of the party's political bureau, were assisted by 21 ministers of whom 12, including a woman, were new-comers to the Cabinet.

MOZAMBIQUE

Mozambique Achieves Independence: Mozambique became an independent nation at mid-night on June 25, after nearly five centuries of Portuguese colonial rule. The country will be officially known as the People's Republic of Mozambique reflecting the revolutionary socialism of the new leadership. Mr. Samora Machel, the 41-year old revolutionary leader of the 8.5 million-nation was officially sworn in as President. On June 30, he formed his 18-member Cabinet.

NEPAL

Resignation of Ministers: Mr. Dhyan Bahadur Rai, Assistant Minister for Water and Power, resigned on August 26.

NORTHERN IRELAND

Elections: On May 1, elections for the Constitutional Convention authorized by the Northern Ireland Act, 1974 took place by the method of proportional representation by the single transferable vote. The final result of the election declared on May 3 was as follows: UUUC—46; SDLP—17; Alliance Party—8; UPNI—5; NILP—1; Independent Loyalist—1. The Convention met for the first time on May 8. Before adjourning, the Convention approved a motion appointing an all-party Committee to draw up draft rules of procedure.

NORTH VIETNAM

Election of President and Vice-President: Following general elections to the 425-seat National Assembly on April 6, the deputies, on

June 5, unanimously re-elected M. Ton Duc Thang and M. Nguyen Luong Bang as President and Vice-President of the Republic respectively. A new Cabinet headed by M. Pham Van Dong was approved on June 6.

PAKISTAN

Opposition boycott ends: On October 29, the Opposition returned to the National Assembly ending its eight-month old boycott of the House.

PORTUGAL

Inauguration of Constituent Assembly: On June 2, President Costa Gomes opened the first session of the Constituent Assembly and urged the deputies to "put aside your party differences in the name of the more humble and less favoured classes" and not to place limitations on the "progress of the MFA and the Portuguese people." The final distribution of the 250 seats in the Assembly following the April elections was as follows: Socialist Party—116; PPD—81; Communist Party—30; CDS—16; MDP-CDE—5; UDP—1; Association for the Defence of the Interests of Macao—1.

Formation of New Cabinet: On August 8, the President disclosed the composition of the new Cabinet, headed by General Vasco dos Santos Goncalves and composed largely of pro-Communist officers and civilians. He conceded that the Cabinet was "a transitory measure" which he hoped "may provide for a political pause by means of which, in a climate of order, discipline and work, we may construct something more definitive." The Government had however to resign on September 7. Later, on September 19, a new Government headed by Admiral Jose Pinheiro de Azevedo and dominated by anti-Communist civilians and military men was sworn in.

SAO TOME AND PRINCIPE

Achievement of Independence: The islands of Sao Tome and Principe became an independent democratic republic on July 12 after five centuries of Portuguese rule, in accordance with the agreement signed in Algiers on November 26, 1974 between the Portuguese Government and the Movement for the Liberation of Sao Tome and Principe. Dr. Manuel Pinto Da Costa became the country's first President, and Sr. Miguel Trouvoada, the Prime Minister, Foreign Minister and Minister of Defence.

SAUDI ARABIA

New Cabinet: On October 13, King Khaled formed a new 25-man Cabinet.

SIERRA LEONE

Cabinet changes: President Siaka Stevens, on July 14, reshuffled his cabinet shortly after his decision to separate the office of Prime Minister from that of Vice-President. Mr. Sorie Ibrahim Koroma, who continued as Vice-President, was assigned the Finance Ministry, previously held by Mr. Christian Kamara-Taylor, the new Prime Minister and Interior Minister.

SINGAPORE

Cabinet reorganisation: As a result of the reorganisation of the cabinet on June 2, the new portfolios of the affected Ministers are as follows: Mr. Toh Chin Chye, *Health and Education*; Dr. Lee Chiaw Meng, *Science and Technology*; Mr. Chua Sian Chin, *Home Affairs*; Mr. E. W. Barker, *Law and Environment*; Mr. Lim Kim San, *National Development*. Three new Ministers of State were also appointed to exercise full ministerial functions, *viz.*, Mr. Chai Chong Yii, *Education*; Dr. Tang Eng Liang, *National Development*, and Mr. Ong Teng Cheong, *Communications*. The *Education* portfolio was on June 14, taken over by the Prime Minister Mr. Lee Kuan Yew with Mr. Chai Chong Yii handling the day-to-day administration of the Ministry.

SOUTH AFRICA

Formation of Progressive Reforms Party: A new political party was born on July 26, with a pledge to abolish apartheid and set up a form of power-sharing between blacks and whites. The policy of the Progressive Reforms Party, formed from the merger of two liberal leading political groups, was formally adopted in Johannesburg. Mr. Colin Eglin, leader of the new party told delegates: "The days of whites decision-making for all South Africans are fast drawing to a close." The new party will hold 11 seats in Parliament.

SRI LANKA

Dismissal of Ministers and Cabinet reshuffle: On September 2, three Ministers, *viz.*, Mr. N. M. Perera, *Finance*, Mr. Coluin R. de Silva, *Constitutional Affairs and Plantation Industries*, and Mr.

Leslie Goonewardene, *Transport*, were dismissed from Prime Minister, Mrs. Sirimavo Bandaranaike's 21-Member Cabinet. The Prime Minister carried out a cabinet reshuffle on September 17, the new Cabinet being as follows:

"Mrs. Sirimavo R. Das Bandaranaike, *Prime Minister, Defence, Foreign Affairs, Planning and Economic Affairs, and Plan Implementation*; Mr. Maithripala Senanayake, *Irrigation, Power and Highways*; Mr. T. B. Ilangaratne, *Foreign and Internal Trade, Public Administration and Home Affairs*; Dr. Badiudin Mahmud, *Education*; Mr. P. B. G. Kalugalle, *Shipping, Aviation and Tourism*; Mr. M. P. De. Z. Siriwardena, *Labour*; Mr. Felix R. D. Bandaranaike, *Justice and Finance*; Mr. T. B. Subasinghe, *Industries and Scientific Research*; Mr. K. B. Ratnayake, *Transport, Parliamentary Affairs and Sports*; Mr. Ratnasiri Wickremanayake, *Plantation Industry*; Mr. Hector Kobbekaduwa, *Agriculture and Lands*; Mr. George Rajapakse, *Fisheries and Health*; Mr. Pieter Keuneman, *Housing and Construction*; Mr. Chelliah Kumarasuniyar, *Post and Telecommunications*; Mr. W.P.G. Ariyadasa, *Local Government*; Mr. R. S. Perera, *Information and Broadcasting*; Mr. S. S. Kulatilleke, *Social Services*; Mr. T. B. Tennakoon, *Cultural Affairs*; Mr. S. K. K. Suriarachchi, *Food, Cooperatives and Small Industries*.

TURKEY

Elections to Senate: According to the results declared on October 13 in partial Senate elections for 54 of the 150 elected Senate seats, the ruling Justice Party took 27 seats and the Republican Peoples Party 25. The ruling party, however, retained its grip on the Senate.

UNITED KINGDOM

The Referendum: In a national referendum held on June 5, the United Kingdom electorate voted in favour of continued membership of the European Community by a two-to-one majority with England, Wales, Scotland and Northern Ireland, all registering "yes" majorities. Of the 68 countries and regions on which counting was based, only two Scottish island areas—Shetland and the Western Isles—returned majority votes against Community membership. The overall result of the referendum published in a white paper on June 9, was as follows:

"Yes" votes—17,378,581 (67.2 per cent)

"No" votes— 8,470,073 (32.8 per cent)

The holding of a national referendum (for which no precedent existed in British constitutional history) had been announced by

the Prime Minister Mr. Harold Wilson, on January 23, on the basis of commitments given in the Labour Party election manifestoes of February and October, 1974. The necessary Parliamentary legislation was enacted on May 3.

Cabinet reshuffle: Following the referendum on Britain's continued membership of the EEC, the Prime Minister Mr. Wilson, between June 10 and 17, carried out a government reshuffle involving both cabinet and junior Ministers. The new appointments were as follows:

Mr. Tony Benn, *Secretary of State for Energy*; Mr. Eric Varley, *Secretary of State for Transport*; Mr. Reginald Prentice, *Minister of Overseas Development*; Mr. Frederick Mulley, *Secretary of State for Education and Science*; Mr. John Gilbert, *Minister for Transport*; Mr. Robert Sheldon, *Financial Secretary, Treasury*; Mr. Gregor Mackenzie, *Minister of State in the Department of Industry*; Mr. Edward Rowlands, *Parliamentary Under-Secretary of State, Foreign and Commonwealth Office*; Mr. Gerald Kaufman, *Parliamentary Under-Secretary of State for Industry*; Mr. Meacher, *Parliamentary Under Secretary of Department of Health and Social Security*; Miss Lestor, *Parliamentary Under Secretary of State for Education and Science*; Mr. Jones, *Parliamentary Under-Secretary of State for Wales*; Mr. Armstrong, *Parliamentary Under-Secretary of State for the Environments*; and Mr. Denzil Davies, *Minister of State, Treasury*.

On September 12, Mr. Frank Mc Elhome, M.P. was appointed as Parliamentary Under-Secretary for Scotland in succession to Mr. Robert Hughes, who had resigned on July 21—over Government's counter-inflation policies.

Broadcasting of House of Commons proceedings: The first live radio broadcast of House of Commons proceedings took place on June 9, in pursuance of a motion—approved by the House in February authorizing an experiment in sound (though not television) broadcasting to be held in accordance with conditions approved by the Select Committee on House of Commons (Services). On August 9, the House of Commons after trying out the experimental broadcasting of the question hour and selected debates, decided to make broadcasting of its proceedings a permanent feature of the British Parliament.

Members' salaries: On July, 23, members of the House of Commons voted to raise their salaries immediately by 28 per cent.

Stone-house episode: On May 6, a committee of the House of Commons announcing its conclusion that the run-away member of the House, Mr. John Stone-house, who was in Australia, had abandoned his parliamentary duties, recommended that a motion to expel him was justified. It suggested that there should be a month's delay to give him an opportunity to appear before Parliament or resign.

On June 30, an Australian Court decided that Mr. Stone-house and his former secretary, Sheila Bartly would be extradited to England.

U.S.A.

New Appointment: The U.S. Senate on July 22 confirmed the nomination, announced by President Ford on June 26, of Dr. Forrest David Mathews, as Secretary of *Health, Education and Welfare*.

U.S.S.R.

Government changes: On September 13, Mr. Nikolai Talyzin, previously First Deputy Minister of Communications, was appointed Minister of Communications in succession to Mr. Nikolai Psurtser, who had retired.

Elections: All the nominees to the Supreme Soviet, including the Communist Party Chief, Mr. Leonid Brezhnev, the President Mr. Nikolai Podgorny and the Prime Minister, Mr. Alexei Kosygin, received an absolute majority in the elections held on June 15. A total of 90,177,22 electors or 99.97 per cent of the electorate went to the polls.

ZAIRE

Ministers' salaries: On May 22 the salaries of all Ministers and political leaders were levelled to 1,000 Zaires a month with effect from July 1. Free cars, servants, military guards and housing were at the same time abolished for officials.

ZAMBIA

Resignation of Prime Minister: On May 27, the Prime Minister, Mr. Mainza Chena resigned. He was replaced by Mr. Elijah Mudenda.

SESSIONAL REVIEWS*

I. FIFTH LOK SABHA—FOURTEENTH SESSION

The Fourteenth Session of Fifth Lok Sabha, an emergent session called to transact certain important Government Business, was held from July 21 to August 7, 1975. On the opening day, the House adopted, by 301 to 76 votes, a Motion suspending certain rules of the Rules of Procedure and Conduct of Business in Lok Sabha with a view to enabling the House to transact Government business only. A brief resume of the important discussions and some of the legislative business transacted during the session is given below:

A. DISCUSSIONS

Approval of Proclamation of Emergency: On July 21, the Minister of Agriculture and Irrigation, Shri Jagjivan Ram moved the following Resolution:—

“This House approves the Proclamation of Emergency made by the President on the 25th June, 1975 under Clause (1) of Article 352 of the Constitution as also the Order of the President dated 29th June, 1975 made in exercise of powers conferred by sub-clause (b) of clause (4) of Article 352 of the Constitution, as applied to the State of Jammu and Kashmir, applying the said Proclamation to the State of Jammu and Kashmir.”

Initiating the discussion, Shri Jagjivan Ram said that proclamation of Emergency was issued in accordance with the powers conferred on the Government by the Constitution. Defending the action of the Government he said there had been a calculated attempt on the part of the opposition parties since 1967 to bring down the prestige of the Government with the intention of toppling

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

it through undemocratic means. Having no faith in the people of India, they incited the army and the police to subvert democracy. A more questionable aspect of their activities, according to him, was that they used the students as a means to further their ends. The Government was, therefore, compelled to take certain measures to curb their activities so as to maintain law and order. Similarly, when the undemocratic activities of Shri Jaya Prakash Narayan became intolerable, these had to be stopped.

The Prime Minister, Shrimati Indira Gandhi, who intervened in the discussion on the following day, declared that there could be no return to the days of total licence and political permissiveness. She added: "There has to be greater self-restraint. When individuals or groups do not learn to cultivate self-restraint, the Constitution has to tell them where they have to stop."

Defending the proclamation of internal emergency, she observed that this action was totally within our Constitutional framework and was taken in order "not to destroy the Constitution but to preserve the Constitution, to preserve and safeguard our democracy." She further observed that Democracy had not been endangered by what the Government had done, but "was being endangered and would have been destroyed had the Opposition Front been allowed to launch the direct action and its plan of sabotage under RSS guidance and to go ahead with its campaign to create dissatisfaction in the army, the police and amongst our industrial workers."

Commenting on the functioning of democracy in India, the Prime Minister remarked:

"... Democracy implies that once representatives are chosen and Government comes into being with the approval of the majority, it functions freely to bring about the social and economic changes that it promised to the people.... Here, in India, democracy is evolving in a set of unique circumstances. Millions of extremely poor people are hankering for a better life, for greater equality of opportunity, for social justice and they are electing Governments and participating in the process of Government in order to realise these aspirations. Therefore, it is a question of striking a balance, a balance between the political rights of the individual and the social and economic rights of the collective mass of people. The great national task, we face, makes it necessary for us to evolve a political system in which the right balance is struck...."

She appealed to the Opposition to try and help in the implementation of programmes announced by the Government so that "this

painful necessity could be converted into a new opportunity to work together and to take the country forward.”

Replying to the two-day discussion on July 23, Shri Jagjivan Ram told the House that the Proclamation had created a sense of confidence in the people and the authority of the Government, sought to be weakened by the Opposition, had been stabilized. The country had appreciated the swift action taken by the Prime Minister and the unfortunate situation that had been developing had been contained.

Dealing with the apprehensions expressed by Members regarding misuse of powers by the Government, the Minister said that the emergency powers had to be used against political leaders and workers, if they adopted undemocratic and unconstitutional methods. He expressed the hope that the opposition parties would conduct themselves in such a way that the proclamation of emergency, though it may remain on the statute book, would become gradually infructuous.

The Resolution was, thereafter, adopted by the House.

New Programme for Economic Progress: On July 1, the Prime Minister had announced a new 20-point time-bound programme for economic progress for the purpose of identifying priority areas and quicker solution of problems in the context of the Emergency. The text of the Programme was laid on the Table of the House on July 28. On July 31, the Minister of Finance, Shri C. Subramaniam, moved a motion urging the House to take note of the economic programme. He referred in this context to the serious inflationary situation prevailing in the country and contended that though the inflation had been brought down by monetary and fiscal measures, it was not a permanent solution. The permanent solution, according to him, lay in **greater production and the products being available to large masses at reasonable prices.** The Minister said there were good prospects of attaining a food production of 110 to 115 million tonnes and an industrial growth of 5 to 6 per cent. during the current year. Insofar as the industrial sector was concerned, he stressed the need for giving priorities to industries producing goods of mass consumption. He also invited suggestions from Members for evolving an institutional framework for workers' participation in management of industries.

The Minister of Health and Family Planning, Dr. Karan Singh stressed that the family planning should receive the highest priority for the success of all economic development programmes.

The Minister of Energy, Shri K. C. Pant said that in the wake of the energy crisis, coal was the primary source of energy in the coming decades and as such the Government were putting into operation a 12-point programme for increasing production, productivity and efficiency in the coal industry. He also informed the House about the Government's plan to reorganize the coal industry on rational lines

As regards the non-traditional sources of power like solar and geo-thermal energy, energy from waves and air, the Minister told the House that the Government had set up a Committee to develop a coordinated research programme and to determine priorities, to review progress and to follow up the utilization of results.

On August 4, the Minister of Petroleum, Shri K. D. Malaviya expressed his optimism that the country would be able to achieve self-sufficiency in oil by 1980.

Winding up the 18-hour debate, spread over three days, the Minister of Finance announced that with a view to bringing about dynamism in the growth of economy, the plan investment had been increased by 23 per cent, giving priority to irrigation and power. Referring to a statement made by the Prime Minister on June 27 about nationalization, the Finance Minister said that it implied no change in the earlier policy, but added that the Government would not hesitate to nationalise any industry if in its view, it was essential for the health of the economy and for public good. The Government were also considering steps to delink ownership of industrial enterprises from their management.

The Motion was later adopted by the House.

Attempt on the life of Chief Justice of India: Making a statement in the House on August 4, 1975 regarding an incident of March 20, 1975 when an attempt was made with handgrenades on the life of Chief Justice of India, Shri A. N. Ray, the Minister of State in the Ministry of Home Affairs, Shri Om Mehta disclosed that the investigation conducted into the case had revealed that the conspiracy had been hatched some time in early March this year by three fanatic Anand Margis. Of them two actually threw the grenades while the third man remained with them on the spot. Central Bureau of Investigation, he added, had been able to get not only oral but also documentary evidence to establish complicity of those persons in the crime. He assured the House that a charge-sheet against them would be filed soon.

B. LEGISLATIVE BUSINESS

Some of the important legislative measures discussed and passed by the House during the session were as under:—

Constitution (Thirty-eighth Amendment) Bill: A motion for consideration of the Constitution (Thirty-eighth Amendment) Bill, 1975* was moved by the Minister of Law, Justice and Company Affairs, Shri H. R. Gokhale on July 23. The Bill sought to amend the provisions of articles 123, 213, 239B, 352, 356, 359 and 360 of the Constitution. The Minister explained that the present measure was intended to set at rest the doubts and controversies regarding the provisions of the Constitution relating to the powers of President to issue Proclamations of Emergency and to promulgate Ordinances during recesses of Parliament. One of the proposed amendments sought to provide that the "satisfaction" mentioned in aforesaid articles was subjective and outside the judicial review and hence could not be canvassed or questioned before a court of law. So was the case with the power of the Governor and the Administrator of a Union Territory under article 213 and 239B, respectively. There were decisions of the Privy Council, the Federal Court and the High Courts reiterating the principle that the issue was non-justiciable. In spite of such a clear cut position, the Minister added, the issue was being agitated in Courts again and again. To place the matter beyond a shadow of doubt, it was proposed to amend the Constitution.

The other important aspect covered by the Bill was to bring out clearly the intention as to the powers of President under article 352 of issuing different proclamations on different grounds, being war or external aggression or internal disturbance or imminent danger thereof, whether or not a proclamation issued by the President was already in operation. It also sought to provide that while an order made under clause (i) of Article 359 regarding any of the rights conferred by Part III was in operation, nothing in that Part conferring these rights would restrict the power of the State to make any law or take any executive action.

Replying to the short discussion which ensued, Shri Gokhale said that the present bill was in no way intended or meant to be derogatory to the jurisdiction of the Supreme Court or any other

*On a motion for leave to introduce the Bill, moved by the Minister of Law, Justice and Company Affairs, Shri H. R. Gokhale on July 22, 1975, the House divided: Ayes 244, Noes 63.

Court in India. It was only the Government, he asserted, which knew what was the real impending threat necessitating the proclamation of emergency. All the material which the Government had in respect of possible actions by foreign powers threatening the security of the country, could not be kept open in public for the scrutiny of courts. In the very nature of things, he added, these were matters which ought not to be in the public gaze, but had to be left to the discretion and decision of executive.

Thereafter the motion for consideration of the Bill was adopted and the Bill was passed, as amended, in accordance with the provisions of article 368 of the Constitution.

The Constitution (Fortieth Amendment) Bill, 1975: On August 7, the Minister of Law, Justice and Company Affairs, moved a motion for consideration of the Constitution (Fortieth Amendment) Bill which proposed that issues relating to the election of President and Vice-President should be determined by an authority or body created by Parliamentary law, instead of being decided by the Supreme Court as provided in article 71. The Bill also proposed that the election of the Prime Minister and the Speaker to Parliament should also not be called in question except before such authority or body as might be provided by a Parliamentary law. It also provided that the validity of any law creating the new forum or the decision of any authority or body constituted under such a law would not be called in question in any court of law.

While explaining the above objectives of the amending Bill, the Minister of Law stated that opportunity was being taken to include certain laws, Central as well as the State laws, including the Maintenance of Internal Security Act, in the Ninth Schedule so as to give them the protection of article 31B and remove any uncertainty about their validity.

Replying to the discussion in the House, Shri Gokhale said that the Government had yet to decide whether there should be two separate authorities, one dealing with matters relating to the election of the President and the Vice-President and the other dealing with matters relating to the Prime Minister's and the Speaker's election. He, however, assured the House that before giving a final shape to the framework of the new authority, the Government would consult all concerned who had been broadly "sympathetic and cooperative in respect of the progressive economic and social policies of the Government."

Defending the inclusion of MISA in the Ninth Schedule, the Law Minister said that its mere inclusion in the Constitution did not make it a permanent feature. It did not preclude Parliament from amending or even repealing the internal security law at any appropriate time. He also assured the House that the Government would not hesitate to include certain other acts in the Ninth Schedule, if it was considered necessary.

Thereafter, the Bill was passed with some amendment.*

Maintenance of Internal Security (Amendment) Bill 1975: On July 25, the Minister of Home Affairs Shri K. Brahmananda Reddy moved a motion for consideration of the Maintenance of Internal Security (Amendment) Bill, 1975, adding a new section to MISA so that a detenu could not claim any right to personal liberty by virtue of natural law or common law. In the context of the emergency, the Minister said, the possible release of detenus on technical grounds would cause a serious setback to the preventive measures launched by the administration in the larger interests of the country.

In his reply to the discussion that followed, the Home Minister assured the House that MISA would not be misused. The Prime Minister had already advised the Chief Ministers of States to be careful in its application. Similar instructions had also been issued by the Union Home Ministry to the State Governments. Thereafter, the Bill was passed by the House.

Defence of India (Amendment) Bill, 1975: In order to meet the requirements of the Proclamation of Emergency made on June 25, 1975 and to meet the threat to the security of India due to internal disturbances, the President also promulgated on June 30, the Defence of India (Amendment) Ordinance so as to realign the Defence of India Act, 1971. On July 28, the Minister of Home Affairs, Shri K. Brahmananda Reddy moved for consideration the Defence of India (Amendment) Bill, 1975, to replace the Ordinance; the Bill had been passed earlier by the Rajya Sabha. During the course of his reply to the discussion on July 29, the Deputy Minister in the Ministry of Home Affairs, Shri F. H. Mohsin informed the House that the State Governments and all the concerned officers had been instructed and advised to ensure that the Defence of India Rules were used for the benefit of people.

*The Bill was re-numbered as Constitution (Thirty-Ninth Amendment) Bill, 1975.

Thereafter, the House adopted the Bill.

Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Bill: The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Bill was moved for consideration of Lok Sabha on July 23 by the Minister of State in the Ministry of Finance, Shri Pranab Kumar Mukerjee. The Bill *inter alia*, provided that smugglers would not be entitled to know the grounds of their detention. Piloting the measure, the Minister said that since the Bill dealt with a special category of persons, i.e., the smugglers, the clandestine methods adopted by them and the organized nature of their activities, the disclosure of grounds of detention to such persons and compliance with usual procedure of reference to the Advisory Boards in the present emergency, would not be in the larger interests of the nation.

The Bill was passed the same day after a brief discussion.

Taxation Laws (Amendment) Bill: The Taxation Laws (Amendment) Bill, 1975, a measure seeking to bring about important amendments to the direct taxes enactments for the purpose of unearthing black money and preventing its proliferation, combating tax evasion and avoidance, reducing tax arrears, rationalising exemptions and deductions available under the relevant enactments, and also streamlining the tax administration, was moved for consideration.* on July 28 by the Minister of Finance, Shri C. Subramaniam. He told the House that the provisions of the Bill, when enacted into law, would help in combating tax offences and dealing with the problem of tax arrears more effectively.

In reply to the discussion on the Bill, he assured the House that the Government would not hesitate in making structural changes in the taxation laws, if it would lead to better performance and better assessment of the taxes from the individual citizens or companies. The Bill was later passed with certain modifications.

*The Bill had been introduced in Lok Sabha on May 9, 1973 and was referred to a Select Committee of the House on May 15, 1973. The Report of the Select Committee was presented to Lok Sabha on March 20, 1975.

The Finance (Amendment) Bill: Moving for consideration of the Finance (Amendment) Bill, 1975, the Minister of Finance, Shri C. Subramaniam said on July 23 that the measure had been brought forward in order to give effect to Government's decision (announced by the Prime Minister on July 1, 1975) to raise the limit of income tax exemption from Rs. 6,000 to Rs. 8,000. The proposed changes, he disclosed, would result in a loss of revenue of about Rs. 21 crores in a full year and about Rs. 12.6 crores during the current financial year. On the other hand, raising of the exemption would provide relief to tax payers in the lower and middle income brackets.

While the measure was welcomed during the course of the two-day discussion, a suggestion was made for raising the exemption limit from Rs. 8,000 to 10,000. The suggestion was, however, not accepted by the Finance Minister. The Bill was later passed by the House.

The Banking Service Commission Bill: On July 29, the Deputy Minister in the Ministry of Finance, Smt. Sushila Rohtagi, moved a motion for consideration of the Banking Service Commission Bill and said that it sought to set up a recruitment agency, on the lines of U.P.S.C., to be called the Banking Service Commission, for the recruitment of personnel for the public sector banks. The Commission would be an independent, impartial and high power body and would consist of a Chairman and not more than eight members. The establishment of such a Commission, she added, would impart objectivity and impartiality in the recruitment procedures of the banks by prescribing uniform qualifications and eligibility standard applicable to all public sector banks and thereby help to tap the right type of persons for banking industry. Later, replying to the two-day discussion on July 30, she expressed the hope that the Bill would help in the efficient functioning of nationalized banks and in achieving the objectives of nationalization.

Thereafter, the Bill was passed with certain amendments.

Election Laws (Amendment) Bill, 1975: The Minister of Law, Justice and Company Affairs, Shri H. R. Gokhale, moved a motion in the House on August 5 for consideration of the Election Laws (Amendment) Bill, 1975. The main object of the new measure,

according to the Minister, was to remove with retrospective effect certain uncertainties and doubts regarding provisions of the Representation of the People Act, 1951 relating to: (i) the definition of candidate under section 79(b) of that Act; (ii) the corrupt practice under section 123(3) as to the use of and appeal to religious and national symbols, and (iii) the corrupt practice under section 123(7) as to assistance by officers in the service of Government for the furtherance of the prospects of the candidate's election. The Bill also sought to make the necessary consequential amendment in the definition of candidate in section 171A of the Indian Penal Code.

Under section 8A of the Representation of the People Act, the Minister added, there was no option but to disqualify the candidate for a period of six years, no matter whether the corrupt practice was of a minor or a technical nature. It was proposed to substitute this section with a new one providing that the case of every person found guilty of a corrupt practice would be submitted to the President for determination of the question as to whether such person would be disqualified and if so, for what period. The new section also provided that any disqualified person might submit a petition to the President for the removal of such disqualification and the President would give his decision after obtaining the opinion of the Election Commission.

Shri Gokhale, replying to the brief discussion, said that the amendment was not intended for any single individual, but had been made applicable to all pending cases and other cases which had been disposed of by the High Courts and where the period of limitation had not expired for filing an appeal.

The House later passed the Bill, with some modifications.

The Lok Sabha adjourned *sine die* on August 7, 1975.

The ninety-third session of the Rajya Sabha commenced on July 21, along with that of the Lok Sabha. Meeting in the context of the state of Emergency, this session of the Rajya Sabha, like that of the other House, was also in the nature of an emergent session. Accordingly, the Question Hour was dispensed with and no business other than certain urgent and important Government Business was taken up for consideration. For this purpose, the House adopted a Motion on the very first day suspending the relevant Rules of the House.

Approval of Proclamation of Emergency: On the opening day itself, the Minister of Home Affairs, Shri K. Brahma nanda Reddy, while moving a resolution for approval of the Proclamation of Emergency made by the President on June 25, 1975 (laid on the Table of the House earlier), said that the situation in the country for the last few years had been surcharged with extra-parliamentary and violent methods adopted by certain Opposition parties. In early 1974 there were large-scale agitations by students in Gujarat and later a demand was made for dissolution of the Assembly and the resignation of the Ministry. Several MLAs were also subjected to continuous humiliation, insult, coercion and pressure was put on them to resign their seats. Consequently, the Gujarat Assembly had to be dissolved. The same tactics were repeated in Bihar with greater force. If the civil disobedience movement of the type that was envisaged by the disruptive elements had been allowed to come into operation, it would have resulted in violence of a kind which it would not have been possible even for the Government to contain. Therefore, the Government considered it their duty to control the situation effectively in time and to prevent the administration in the country from being paralysed.

Intervening in the debate on the following day, the Prime Minister said that the decision to declare an Emergency could not have been taken lightly or easily. In the last four years, she added,

*Contributed by the Research Unit of the Rajya Sabha Secretariat.

there had been a steady increase in violence, indiscipline and crime and those indulging in such activities were somehow being provided with shelter. Continuous strikes by industrial workers and others was paralysing the economic front. There was deterioration in the entire national life threatening not only the democratic set-up but the very survival of the nation. A section of the press indulged in presenting a distorted picture of the national life and played down the country's achievements. This had necessitated imposition of censorship of the press. Declaration of emergency, according to the Prime Minister, had brought about a sense of discipline amongst the people and it was for the Government to take hold of this opportunity to further strengthen this spirit of discipline and cooperation so that the country could go ahead faster.

The Resolution was later adopted by the House.

New Programme for Economic Progress: Moving a motion on July 28 for consideration of the New Programme for Economic Progress announced by the Prime Minister (laid on the Table earlier), the Minister of Finance, Shri C. Subramaniam, described the programme as realistic and relevant and said that it contained a broad spectrum of ideals to stimulate national idealism. It should inspire all with renewed vigour to the task of achieving the national objective of removing poverty. Shri Subramaniam added that the programme attached the highest priority to the control of inflation and sought to curb speculative tendencies by more disciplined use of bank credit consistent with the broad national priorities and with the need for stimulating production in the priority sector. The action against smugglers, hoarders, tax-evaders and blackmarketeers had also been greatly intensified. He assured the House that special legislation providing for confiscation of smugglers' properties was being finalised and necessary measures providing for punishment against misuse of import licences were also being formulated. Under the new programme, it was also envisaged that five million hectares of additional land would be brought under cultivation in the next few years. A national programme had also been drawn up to optimise the use of India's vast ground water resources. The production of fertilizers in the country was expected to increase by nearly 30 per cent in the current year. The Minister concluded by saying that the programme outlined by the Prime Minister attempted to reach long cherished ideals and, if properly implemented, would help to mobilise India's vast reservoir of human and material resources for national reconstruction and development.

B. LEGISLATIVE BUSINESS

Some of the bills discussed and passed by the House during the session were as follows:—

The Defence of India (Amendment) Bill, 1975: Shri K. Brahma-nanda Reddy, Minister of Home Affairs, moving the motion for consideration of the Bill on July 23, (introduced in the House on July 21, 1975) said that the proclamation of Emergency made by the President had necessitated the enactment of a suitable legislation to meet the situation arising out of the circumstances leading to the proclamation.

The Defence of India Act, 1971 enacted in the wake of the Emergency proclaimed on December 3, 1971, provided for special measures to ensure public safety and interest. Even though the provisions of this Act were considered suitable for the purpose of maintaining internal security, they could not be automatically used without enlarging the scope of the Act to cover the needs of the proclamation made on June 25, 1975.

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

The Constitution (Thirty-eighth Amendment) Bill, 1975: The motion for consideration of the Constitution (Thirty-eighth Amendment) Bill, 1975 was moved on July 24 by Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs. Piloting the measure, the Minister observed that on a plain reading of the provisions of the articles sought to be amended, it would be clear that the 'satisfaction' of the President for the purpose of promulgating an Ordinance under Article 123 and for issuing Proclamations of Emergency under articles 352, 356 and 360 was purely subjective. Nevertheless, since the issue was being raised in the courts again and again, the Bill sought to place the matter beyond a shadow of doubt. The Bill also sought to confer powers on the President to issue different proclamations on different grounds and while an order made under clause (1) of article 359 regarding any of the rights conferred by Part III of the Constitution was in operation, nothing in that Part conferring those rights would restrict the powers of the State to make any law or to take any executive action.

The motion for consideration of Bill was adopted and the Bill was passed in accordance with the provisions of article 368 of the Constitution.

*Constitution (Fortieth Amendment) Bill, 1975**: On August 8, the Minister of Law, Justice and Company Affairs, moved for consideration the Constitution (Fortieth Amendment) Bill, 1975.

After explaining the broad objectives of the proposed measure (earlier explained by him in Lok Sabha), the Minister commended it to the House which later passed it in accordance with the provisions of article 368 of the Constitution.

Constitution (Forty-first Amendment) Bill, 1975: While moving a motion for the consideration of the Constitution (Forty-first Amendment) Bill, 1975, introduced by him earlier, the Minister of Law, Justice and Company Affairs said on August 9 that under the existing scheme of Article 361, the President or the Governor was not answerable in respect of exercise or performance of the powers and duties of his office and was also immune from criminal proceedings during the term of his office. There was, however, no immunity in respect of civil proceedings. The Members would appreciate that if civil proceedings were allowed to be instituted against persons holding high positions as the President or the Governor, it would hamper the efficient discharge of their duties, besides causing unnecessary and unwarranted harassment to them, particularly when there was a likelihood of many frivolous suits being instituted. The Minister said it would therefore, be most reasonable that no proceedings should be allowed to be instituted against these dignitaries, during the term of their office. A provision was, accordingly being made in the Bill that while no civil proceedings should be instituted against the President or the Governor during the term of his office, it would be open to third parties to institute or continue the proceedings after he demitted his office.

Under our democratic and republican form of Government, Prime Minister of the country held a most pivotal position and, therefore, it was most reasonable, as also advisable, to extend the protection given by the Constitution to the President or the Governor, to the Prime Minister also. Opportunity was, therefore, taken to amend the provisions of Article 361 so as to extend the protection conferred by it to the Prime Minister as well.

The Bill was passed by the Rajya Sabha in accordance with the provisions of article 368 of the Constitution on the same day.

*The Bill, as passed by Lok Sabha and re-numbered as the Constitution (Thirty-Ninth Amendment) Bill, 1975, was laid on the Table of the House on August 7, 1975.

The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Bill, 1975: Moving the motion for consideration of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Bill, 1975*, as passed by Lok Sabha, the Minister of State in the Ministry of Finance, Shri Pranab Kumar Mukherjee said on July 25 that a similar Act was passed last year by Parliament to immobilise, by detention, persons connected with smuggling, foreign exchange racketeering and related activities and to disrupt the machinery established for furthering these activities. Detention of some of those detained under the provisions of the Act had been challenged in writs of *habeas corpus* in the various High Courts of the country. In view of the clandestine manner in which such persons carried on their activities and the consequent difficulty in securing the type of evidence needed to comply with the rigid standards insisted upon by the Courts, some persons against whom orders of detention had been made under the Act succeeded in getting such orders set aside. It was, therefore, found necessary to clarify that the grounds were separable so that the non-acceptability of one or more grounds did not result in automatic release, and thus defeat the aim of Government to liquidate the operations of these anti-social elements. Further, in the present Emergency, the disclosure of grounds of detention to such persons, and compliance with the usual procedures of reference to the Advisory Boards would not be in the larger interests of the nation. In order to deal with the above situation and in view of the urgency of the matter, the President promulgated on July 1, the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1975. The present Bill sought to replace the provisions of that Ordinance.

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

Maintenance of Internal Security (Amendment) Bill 1975: On July 29, 1975 while moving the motion for consideration of the Maintenance of Internal Security (Amendment) Bill, 1975†, as passed by the Lok Sabha, the Minister of Home Affairs, Shri K. Brahmananda Reddy said that the Members were aware of the activities of certain

*The Bill as passed by the Lok Sabha was laid on the Table of the Rajya Sabha on July 24, 1975.

†The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on July 28, 1975.

political parties over the last few years which had deliberately injected hatred and violence into the public life of the country and attempted to create conditions of chaos and disorder. An extraordinary situation was created by the sinister machinations and manoeuvres of organised groups which wanted to seize power by extra-constitutional means. This extraordinary situation called for an immediate and effective preventive action. A Presidential Order was, therefore, issued under article 359 on June 27, 1975 suspending the right of any person to move the courts for the enforcement of certain fundamental rights.

The amendments proposed in this Bill, the Minister added, were essentially meant to make MISA effective. It was for this reason that a new section was proposed so that a detenu could not claim any right to personal liberty by virtue of natural law or common law. To ensure that the detentions ordered in the wake of the Emergency were not continued longer than necessary it was provided, firstly, that the detention order was made by a competent authority subordinate to the State Government. The State Government would review the order within 15 days and confirm whether or not such detention was necessary. Secondly, even after such confirmation, the State Government or the Central Government, as the case might be, would reconsider the matter again within four months. Another amendment to the existing section 14 of MISA prohibited re-detention of such person unless he came to an adverse notice again after release in the context of the Emergency.

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

Election Laws (Amendment) Bill, 1975: On August 6, the Minister of Law, Justice and Company Affairs, Shri H. R. Gokhale, moving the motion for consideration of the Election Laws (Amendment) Bill, 1975* repeated the objectives of the Bill, as explained by him earlier in Lok Sabha. He added that the amendments proposed in the Representation of the People Act would have retrospective effect so as to apply to elections held before the date of enactment of the Bill in respect of which election petitions might be filed or were pending.

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

*The Bill, as passed by Lok Sabha, was laid on the Table of the House on August 5, 1975.

C. OBITUARY REFERENCES

The Chairman made references to the passing away of Sarvashri B. N. Mandal and Babubhai M. Chinai, sitting members and Sarvashri D. P. Dhar, T. Bhaskara Rao, S. Budh Singh, T. R. Deogirikar and Bhagirathi Mahapatra, ex-members. The House observed two minutes' silence as a mark of respect to the memory of the deceased.

The Rajya Sabha adjourned *sine die* on August 9, 1975.

III. STATE LEGISLATURES*

(April 1 to September 30, 1975)

Andhra Pradesh

During the period under review, the State Legislative Assembly held three sessions in all. The two Houses met first on May 8, 1975, the second time from July 28 to 30, 1975 and the third time on August 9, 1975. The total number of sittings was five. The Legislative Council held two sessions, *viz.*, the 22nd Session which had been continuing since January 27, 1975 and was prorogued on June 5, 1975 and the 23rd Session which began on July 28, and was prorogued on August 12, 1975.

On May 8, a resolution ratifying the Constitution (Thirty-sixth Amendment) Bill, 1975, as passed by Parliament, which sought to make Sikkim a full-fledged State of the Indian Union, was adopted.

The July Session was in the nature of an emergent session to transact certain urgent and important government business only and as such, no questions, calling attention notices or other Private Members' business were admitted. For this purpose, the relevant Rules were suspended by Resolutions adopted by the two Houses.

The Constitution (Thirty-eighth Amendment) Bill, 1975 was also ratified during this Session while the Constitution (Thirty-ninth Amendment) Bill, 1975 was similarly ratified during the one-day session held on August 9, 1975.

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

Only three Government Bills were introduced and passed during this period.

Assam

The State Legislative Assembly met four times, firstly on May 10 for a one-day session, secondly, on July 28, third time on August 9 and lastly from September 1 to 9, 1975. Total number of sittings was ten.

The Session on May 10 was called specially to ratify the Constitution (Thirty-sixth Amendment) Bill, 1975. The Sessions held on July 28 and August 9, 1975 were in the nature of emergent sessions to ratify the Constitution (Thirty-eighth Amendment) Bill and the Constitution (Thirty-ninth Amendment) Bill, 1975, respectively. The ratification was done through Resolutions moved by the Chief Minister, Shri Sarat Chandra Sinha, and adopted by the House.

Bihar

The 14th Session of the Sixth Vidhan Sabha, which was an emergent session, met on August 9 and ratified the Constitution (Thirty-ninth Amendment) Bill, 1975, the motion having been moved by the Chief Minister, Dr. Jagannath Mishra. Problems created by unprecedented floods and severe drought in the State were also discussed during the Session. Altogether 47 members participated in the debate.

The Vidhan Parishad held three sessions of two sittings each *viz.*, Sixtieth (May 9 to 10), Sixty-first (July 28 to 29) and Sixty-second (August 9 to 10, 1975).

The House ratified the 36th, 38th and 39th Amendments to the Constitution respectively, during these three sessions. During the 61st session, the Chief Minister, Dr. Jagannath Mishra, also moved an official resolution welcoming the 20-point economic programme announced by the Prime Minister and assuring her of whole-hearted cooperation from the House in carrying forward the goals set in the programme, with the peoples' co-operation. The resolution was later adopted by the House.

Delhi

The Delhi Metropolitan Council held two sessions, *viz.*, from April 28 to May 12, 1975 and on August 5, 1975. The actual number

of sittings was 12. Out of 12 Private Members' bills introduced, one Bill *viz.*, "The Keep Delhi Clean Bill, 1975" was passed.

The House discussed as many as eleven Resolutions on various subjects like introduction of total prohibition in Delhi, extension of facilities under labour laws to all industrial workers in Delhi and amendments to Land Reforms Act to reduce litigation. A Resolution welcoming the proclamation of national emergency by the President as a "timely and necessary step" and the new economic programme announced by the Prime Minister, was also adopted. Through this Resolution the House also expressed its "full faith and confidence in the leadership of Prime Minister Shrimati Indira Gandhi."

Haryana

The Vidhan Sabha held three sessions: (i) from May 5 to 6, (ii) July 28 to 30 and (iii) on August 9, 1975.

The House ratified the Constitution (Thirty-sixth Amendment) Bill, 1975 on May 5 and the Constitution (Thirty-ninth Amendment) Bill, 1975 on August 9, 1975 by adopting official resolutions moved by the Chief Minister.

Jammu and Kashmir

The Legislative Assembly held one session during this period, from July 7 to August 13, 1975, the actual number of sittings being 23. Out of a total of 24 Bills (23 Government and one Private Member's), 22 Government Bills were passed by the House.

The Legislative Council also held only one session, from July 7 to August 14, 1975, the number of sittings being 21. The House passed 25 Government Bills and two Private Member's Bills.

Karnataka

The Legislative Assembly held two sessions (i) from July 28 to 30 and (ii) on August 9, 1975 during this period. Total number of sittings was three and one, respectively. The House adopted eight bills in all, out of which two had been transmitted to it by the Legislative Council.

The Legislative Council held its 36th session from July 28 to 31st and again on August 9, 1975, the total number of sittings being five.

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It passed nine Bills in all, out of which six had been received from the Legislative Assembly and one Bill pertained to the 35th session.

The two Houses also ratified the Constitution (Thirty-eighth Amendment) Bill, 1975 and the Constitution (Thirty-ninth Amendment) Bill, 1975 by adopting official resolutions to this effect, during these sessions.

Madhya Pradesh

The Fifth Vidhan Sabha held three Sessions, during this period: tenth session on May 6, the eleventh session from July 28 to 30 and the twelfth session on August 9, 1975. The tenth session had been specially convened for the ratification of the Constitution (thirty-eighth amendment) Bill, 1975 relating to merger of Sikkim as one of the States of the Indian Union. Shri Krishna Pal Singh, Law Minister, move a Resolution to this effect, which was unanimously adopted by the House on the same day.

The eleventh Session commenced on July 28 and was prorogued on July 30, 1975. Since this was an emergent session called to transact certain urgent and important government business, no questions, calling attention notices or other Private Members' business was taken up. For this purpose the House adopted a Resolution suspending the relevant Rules of Procedure.

Nine Government Bills were introduced in and passed by the Vidhan Sabha, including the appropriation bill relating to the first supplementary estimates of 1975-76.

The Finance Minister, Shri Shyam Sunder Narain Mushran, presented the first supplementary estimates for 1975-76 on July 29, which was voted by the House on the next day.

On July 28, Shri Prakash Chand Sethi, Chief Minister, moved a resolution seeking the approval of the House to "the proclamation of emergency made by the President" which was adopted by the House.

On July 29, a Government Resolution moved by Shri Basant Rao Uikey, Minister for Electricity and Irrigation, that the limit of raising loans by the M.P. Electricity Board be enhanced to Rs. 150 crores, was also adopted by the House. The same day, on a motion moved by Shri Krishan Pal Singh, Law Minister, the House unani-

mously adopted a resolution for the ratification of the Constitution (Thirty-eighth Amendment) Bill, 1975.

The twelfth Session was summoned with one week's notice for ratifying the Constitution (Thirty-ninth Amendment) Bill, 1975. On August 9, the Law Minister moved a Resolution to this effect which was unanimously adopted on the same day.

Insofar as the legislative business was concerned, only one Government bill, 'the Madhya Pradesh Municipal Corporation (Amendment) Bill, 1975' was introduced in and passed by the House during this one-day session.

Manipur

The fourth Session of the Legislative Assembly which had begun on March 6 continued till April 11, 1975. The fifth session was held on May 9 while the sixth commenced on September 5 and continued upto September 18, 1975.

On May 9 (Fifth Session), the House passed an official Resolution ratifying the Constitution (Thirty-eighth Amendment) Bill, 1975.

The Sixth session, which was originally scheduled for only 3 sittings, was adjourned on September 9 for the election of Speaker which was held on September 18, 1975.

On the opening day of the Session, a Government motion without notice under rule 133 of the Rules of Procedure and Conduct of Business of the Manipur Legislative Assembly was moved by the P.W.D. Minister and adopted to the effect that "only Government Bills and business be transacted during the Session and no other business whatsoever including Questions, Calling Attention and any other business to be initiated by Private Members be brought or transacted in the House during the Session and all relevant rules on the subject in the Rules of Procedure and Conduct of Business of the Manipur Legislative Assembly do stand suspended to that extent." As a result of this, two Private Members' resolutions already entered in the list of business of the opening day of the Session were suspended and all unofficial business brought or initiated by the Private Members were not dealt with during the Session. However, amendments to Bills initiated by the Private Members were entertained.

During the period under review, two Government Bills namely (i) The Manipur Land Revenue and Land Reforms (Amendment) Bill, 1975 and (ii) The Manipur Panchayati Raj Bill, 1975, as reported by the Select Committee and Hill Areas Committee were adopted unanimously.

As already mentioned, on September 9, 1975, the Deputy Speaker announced the order of the Governor of Manipur appointing the 18th September, 1975 as the date for holding election to the Office of the Speaker. The vacancy had occurred on account of the resignation of Shri Md. Allimuddin from Speakership w.e.f. September 5, 1975.

On the appointed day, Dr. L. Chandramani Singh, member of the Assembly, was elected to the Office of the Speaker.

Mizoram

The 8th Session of the Legislative Assembly began on September 22 and concluded on October 3, 1975. Originally it was intended to have only four sittings during the session, but due to receipt of some Official Bills towards the later part of the Session, the duration was extended and six sittings were held.

Since the Government did not feel any need for suspension of the Rules to leave out consideration of Private Members' Business, the session was held in the normal way and notices from Private Members were received and admitted as usual. In all the six sittings there was Question Hour as usual. 75 starred and 12 unstarred questions were disposed off.

At the time of consideration of the Mizoram Board of School Education Bill, 1975, which had been referred by the Administrator to the Central Government before introduction in the Assembly, a view was expressed that no amendments could be made to the Bill by the House without a fresh recommendation of the Administrator. But the Hon'ble Speaker ruled that it was a financial Bill-Category 'B' and not a Money Bill and, therefore, amendments could be moved even without the prior recommendation of the Administrator.

Punjab

The Vidhan Sabha had two sessions. The first was a single-day session held on May 6 and the second which commenced on July 28, adjourned *sine die* on August 9 after having met for four actual

sittings. A total of 19 Government Bills were passed. The July-August Session was in the nature of an emergent session and no Private Members' business, including questions etc., was taken up. Only certain urgent and important government business was transacted and for this purpose the relevant Rules of the House were suspended by a Resolution adopted by the House.

On May 6, the House ratified the Constitution (Thirty-sixth Amendment) Bill, 1975 by adopting an official resolution to this effect. On the same day, a motion regarding suspension of certain Rules of the House to discuss official resolutions hailing (i) the successful launching of the first satellite, Aryabhata, into space; and (ii) the final victory of the National Liberation Front in South Vietnam and of the Khmer Rouge in Cambodia, was carried. The two Resolutions were then moved and adopted.

On August 9, the concluding day of the session, the House ratified the Constitution (Thirty-ninth Amendment) Bill, 1975 by adopting an official resolution to that effect.

Rajasthan

Two sessions of the Vidhan Sabha were held during the period under review. While the first session was held from May 6 to 9, the second was held from July 28 to August 9, 1975. The number of sittings was four and three respectively. The Session which began on July 28 was in the nature of an emergent session and as such, like several other State Legislatures, no Private Members' business, including questions, was admitted except certain urgent and important Government business. For this purpose, all relevant Rules of the House were suspended by a Resolution adopted to that effect.

Apart from seven Government Bills passed during this period, three Government Resolutions ratifying the 36th, 38th and 39th Amendments to the Constitution of India were also adopted on May 7, July 28 and August 9, 1975, respectively.

Tamil Nadu

On May 2, 1975 the two Houses of the State Legislature adopted a resolution ratifying the Constitution (Thirty-sixth Amendment) Bill, 1975 making Sikkim a State of the Indian Union.

Tripura

The 9th Session of the Assembly commenced on July 28, 1975 and was prorogued at the conclusion of the day's business. This one day's Session was summoned only for ratifying the Constitution (Thirty-eighth Amendment) Bill, 1975 and no Private Members' business including questions, calling attention motions etc. was transacted. For this purpose the relevant Rules of the House were suspended following the adoption of a motion moved at the commencement of the Session by the Minister-in-charge of Parliamentary Affairs.

The Law Minister then moved a resolution regarding the ratification of the Constitution (Thirty-eighth Amendment) Bill, which was adopted after some discussion.

The 10th Session was also a one-day Session. This emergent Session was called for ratifying the Constitution (Thirty-ninth Amendment) Bill, 1975. The Assembly was summoned on August 9 and prorogued at the conclusion of the day's business. Like the ratification of the 38th Amendment, this Amendment was also ratified by passing, after some discussion, a resolution moved by the Law Minister.

Uttar Pradesh

The Budget Session of the Vidhan Sabha which had commenced on February 18, 1975 concluded on April 29, 1975. The House was prorogued on May 4, 1975. During this session, the Vidhan Sabha held 41 sittings in all to dispose of supplementary demands for 1974-75, vote on account for a part of the year 1975-76 and the budget for 1975-76, besides legislative and other business. Election to the office of Deputy Speaker, which had been postponed several times in the previous sessions, was also held during this session. Shri Sheo Nath Singh Kushwaha of the Socialist Party was elected to the office by 184 votes to 5.

The resolution for ratification of the Constitution (Thirty-eighth Amendment) Bill, 1975 was taken up on April 29, 1975, the last day of the Budget Session, and adopted by the House.

The Vidhan Parishad had also commenced its session on February 18 and adjourned *sine die* on April 29, 1975; the session was prorogued on May 2, 1975. Another session began on July 28 and adjourned on August 9, 1975; it was prorogued on September 6, 1975.

On April 21, the House adopted a resolution congratulating the Indian scientists for the successful launching of the satellite, Aryabhata. On April 29, the House ratified the Constitution (Thirty-sixth Amendment) Bill, 1975 by adopting an official resolution to that effect. The Constitution (Thirty-eighth Amendment) Bill and the Constitution (Thirty-ninth Amendment) Bill, 1975 were ratified on July 29 and August 9, 1975 respectively.

BOOK REVIEWS

JAPAN PARLIAMENTARY: AN INTRODUCTION. By Hans H. Baerwald. London, Cambridge University Press, 1974. 155 pages £4.15s.

Prof. Baerwald has a fairly wide and intimate knowledge of the origins, development and working of Japan's Parliament i.e. the Diet. His book is based on extensive periods of his residence in Japan, which allowed him to observe the Diet in action, and to interview a large number of politicians, bureaucrats, newsmen and political scientists. As an officer, who was working under the Supreme Command for the Allied Powers, he could watch the transformation of the Imperial Diet under the Meiji Constitution into the National Diet of the 1947 Constitution, framed on guidelines issued by General MacArthur, but originating in the Potsdam Declaration.

The Kokkai or National Diet equipped Japan with a modern democratic structure on the British pattern. The Constitution affirms: "The Diet shall be the highest organ of state power and shall be the sole law-making organ of the state". The Japanese Parliament has now been functioning for over 27 years or so. Prof. Baerwald sets himself the task of tracing its origin and finding out to what extent its internal organisation and rules of procedure affect its capacity to fulfil its constitutional mandate. The peculiar features of the Japanese Party system and the ways in which political parties function are also examined with the same object. Finally the author draws certain conclusions about the future of parliamentarism in Japan.

Japan has a multi-party system representing a wide spectrum of political ideology, ranging from conservatism on the one hand to Communism on the other. And it is the Liberal Democratic Party,

or its predecessors, who have been in power all the time except for a brief period (1947-48) during which the Socialists shared in the exercise of executive power by participating in two coalition Cabinets. The Liberal Democratic Party represents really the forces of conservatism but their candidates' votes never fell below 60 per cent of the total and in several elections even exceeded 65 per cent. Other important parties in Japan are the Japanese Socialist Party, the Communist Party and the Komeito. The last one is the genuinely new party of the post-War period, as all the others can trace their origins to the pre-War era.

Factionalism within a party is not something strange and unusual in a democratic society. But what is most remarkable about the party system in Japan is that factionalism is embedded in the major parties and explains the decisions taken on crucial issues. It is almost a cliché to describe the Liberal Democratic Party as a coalition of factions. The Japanese Socialist Party also suffers from internal dissensions caused by its three major factions. In spite of its rigid discipline, the Communist Party also has not been free from factionalism. It is only the Komeito which can claim freedom from this malaise. Prof. Baerwald explains the reasons for this surprising state of affairs but defends it on the ground that, if the Liberal Democratic Party were a united party, it might develop into an oligarchical authoritarianism, since it is most likely to continue to be in power in the foreseeable future. Says Prof. Baerwald, "In conclusion therefore, factions and factionalism contribute their share to making Japanese politics open and competitive. In the context of Japan's political party system, factionalism is not only advantageous, but also eminently rational. Furthermore, only by coming to terms with the intra-mural disputes that take place within the political parties themselves, can one come to grips with the realities of Japanese politics."

Prof. Baerwald further explains the working of the Parliamentary system, describes the electoral arrangements, and the various confrontations that have taken place in the House. If the Diet continues to attract an increasingly larger number of people with political ambitions, its prestige and influence will, according to Prof. Baerwald, "remain significant, and may ultimately lead to the Diet living up to the full prerogatives of its constitutional mandate."

The book is written in a racy style and will be valuable to politicians and others interested in political and constitutional problems in India.

—Y. S. Mahajan, M.P.

DIRECT DEMOCRACY IN SWITZERLAND. By Niranjan Bhuinya. New Delhi, Associated Publishing House 1975, 166 pages. Rs. 40.00.

The lesson of the Swiss system of Government, according to the author of the present book, is: stability, anonymity and efficiency. These features, all combined in one, cannot be found in either the Parliamentary system or in the Presidential system. While a parliamentary government may be efficient and responsible, it may not be stable. A presidential government, on the other hand, may be both efficient and stable but it may not be "responsible". In each of these two systems, the role of an individual—the Prime Minister or the President, as the case may be, becomes preponderant. This is not so with the Swiss system where the Government is run by a truly collegial body which is both efficient and "responsible", with a fixed term of office.

The supremacy of the federal Constitution is generally maintained by the federal judiciary. But in Switzerland the federal judiciary (Federal Tribunal) is denied this power. But the Federal Assembly is not supreme over the Constitution. If the Federal Assembly transgresses these limits, the people may intervene and assert their authority to protect the sanctity of the Constitution. So it has been said that what the Supreme Court does in the U.S.A., the people do in Switzerland.

No legal revision can take place without the assent both of a majority of Swiss citizens and of a majority of the Cantons, and an ordinary law duly passed by the Federal Assembly, may be legally annulled by a popular vote. That is why James Bryce held the opinion that "democracy is more truly democratic in Switzerland than in any other country in the world".

The author, by citing various examples, has shown that the Swiss Constitution allows direct participation of the people in the management of public affairs to a greater extent than any other constitution in the world. This direct participation of the people is ensured through the two important institutions of referendum and initiative. And the Swiss people have made judicious use of these two institutions. The Swiss Constitution itself was adopted by the direct vote of the people and can be amended only with their approval.

As the Swiss people are very much distrustful of one-man supremacy, there is provision for a plural executive and not for any single executive head. This plural executive consists of seven members

and is known as the Federal Council. Although there is a President of the Federal Council, the Council in its corporate capacity represents the Swiss Federal State and is entrusted with the "Supreme directing and executive power in the Confederation."

In Switzerland, the federal executive is a combination of Parliamentary and Presidential Executive. The Executive is elected by the Federal Legislature but it is not responsible to and cannot be dismissed by the legislature. It has a constitutionally fixed term of office. It combines, in the words of Codding, the best qualities of the democratic presidential and cabinet systems.

There is no accurate division of functions between the executive and judicial departments of the Government.

The Swiss Federation consists of nineteen full Cantons and six half Cantons which include as many as 3,052 autonomous Communities. Each of these full and half Cantons has its constitution, legislature, executive and judiciary. Five Cantons still practice democracy in its most direct form. In these Cantons all male citizens of full age meet annually (on the last Sunday of April, or, in Glarus, on the first Sunday of May), in the open air for the purpose of legislation, taxation and the election of an annual administrative council and of the members of the cantonal court.

It has been said that politics is run in Switzerland more economically than anywhere else in the world. There are no party funds. The Swiss political parties do not differ in their social composition and there are no fundamental ideological differences among them. Social tension is less because of the absence of extremes of wealth and poverty.

The three principal political parties of Switzerland are Radical Democratic Party, Swiss Social Democratic Party and the Swiss Christian Conservative Party.

The writer has also devoted a separate chapter to the country's foreign policy which is guided by the twin precepts of neutrality and solidarity.

The book provides good reading material for those who want to know the basic and the fundamental features of direct democracy as it is being practised in Switzerland. And this makes interesting reading.

—Chintamani Panigrahi, M.P.

THE CENTRAL EXECUTIVE. By S. S. Khera. Orient Longmans Ltd., New Delhi, 1975. Rs. 28.00.

The author, Shri S. S. Khera, has inscribed his book "The Central Executive", to the young generation upon whom, he believes, lies the main hope of democracy. The book attempts to present in brief outline some of the main features of the dynamics of the Central executive government in India.

A study of the Central Executive in India is, in many respects, essentially an examination of the position, functions, powers and responsibilities and the accountability of the Prime Minister as head of the executive government, and therefore a fair portion of the book is concerned with the Prime Minister and the manner in which the first three Prime Ministers have held the centre of the stage. The author has attempted to view the Central executive from the principal angle of its relationship amongst the different parts of the Government as a whole. Since this book is primarily about the executive wing of the Central Government, the author has very briefly dealt with the Legislature, only to illustrate the relations between the Executive and the Legislature. Even the chapter on Judiciary is done only to examine the relationship between the executive, the legislature and the judiciary. The principal elements of the Central executive, the President of India, the Prime Minister and Council of Ministers, have been dealt with in greater detail.

The Constitution of India came into force on the 26th January, 1950 to create the Union of States and the Centrally-administered Territories which comprise India. The Constitution has many federal features such as the distribution of subjects between the Centre and the States. However, the total government of the country is really a single integrated Union and not a Federation. Besides the distribution of subjects between the Centre and the States, the residuary powers of Government vest in the Central Government and Parliament. The Central Government has the power to intervene in the affairs of the State Governments; to supersede a State Government and take the administration directly under President's rule and under Parliament's control. More important is the power of the Parliament which is in real custody of the Constitution and has the power to amend it in various ways. Under the Constitution, the legislatures at the Centre and in the States and the executive governments are inextricably intermeshed; one is a part of the other. The executive government represented by the Council of Ministers is an extension of the legislature itself, for every Minister must be a

member of the legislature or get himself elected to membership within six months of assuming office. Conversely, as members of the legislature, the Council of Ministers individually as well as collectively represent the executive government in each House of the legislature and have to render account on behalf of the executive government for everything that is done. The executive government depends for its continuance and for its continued survival upon the confidence of the lower House of the legislature. Again, the legislature is itself dependent for its continued existence during the term of its life, upon the right of the Prime Minister at the Centre, and the Chief Minister in a State, to advise the President or the Governor respectively to dissolve the lower House and to seek a fresh general election. The Directive Principles of State Policy are a kind of instrument of instructions to the Government and the Parliament of India and the Government and the legislature of States, which are fundamental in the governance of the country.

The Parliament of India consists of the two Houses of Parliament and the President. It controls the executive in every aspect of the latter's working. The executive government must have the confidence of Parliament in the lower House. In a real sense, both the Parliament and the executive are different aspects of one integrated whole. The Indian system is based on the principle of a unitary concept of supermacy. There is division of functions between the executive and the Parliament, but there is no separation of powers such as prevails in a Presidential system like that of the United States of America. The executive Council of Ministers, with the Prime Minister at its head consists of Members of Parliament, thus forming an extension of Parliament itself. By established convention the Prime Minister must be a member of Lok Sabha. The Prime Minister and the Council of Ministers can have the continuous confidence of Lok Sabha only if they can command a majority there. That majority is subject to the exercise by the executive of the party whip. Thus legislature and the executive are intimately dependent on each other for their continued existence. The legislature may censure the Government or pass a vote of no-confidence. In that event the executive government will fall immediately. Conversely, the Prime Minister may advise the President to dissolve the Lok Sabha and call for a general election. The power to dissolve is a strong weapon in the hands of the Prime Minister.

The constitutional provisions link the Council of Ministers to Parliament. Parliament determines the salaries and allowances of

Ministers. Secondly, a Minister who is not a member of either House of Parliament shall get himself elected before the expiry of six months; else he ceases to be a Minister. Again, most important of all, the Council of Ministers shall be collectively responsible to the House of the People. It is this feature that is a key to the system of Parliamentary democracy in India. Various constitutional provisions make for the ultimate supremacy of the Central legislature in the affairs of the nation and the States. There being no direct link between Parliament and the State Legislatures, it becomes the function of the Central executive government to provide that link. Thus the Central executive becomes responsible for all that goes on in the country and becomes accountable to Parliament for the security, well-being and social and economic progress of the nation as a whole. This very supremacy of Parliament places wide powers in the hands of the Prime Minister.

The President of India occupies a position similar to the Crown of Britain, as Head of State. Article 53 of the Constitution vests in the President all the executive powers of the Union of India to exercise it in accordance with the Constitution. Within the limits of his constitutional position as Head of State, the President is to encourage, exhort and warn, but he has to function strictly within the four corners of the Constitution. He is not a custodian or the guardian of the Constitution, but the President represents, as it were, the conscience of the nation as a whole.

The Prime Minister of India occupies much the same position as the Prime Minister of Britain. Article 74 of the Constitution sets out his position as being at the head of the Council of Ministers. He is not just one of the Ministers, the first among equals; as the head of the Government the Prime Minister occupies a position of far greater importance and status than as just a Chairman of the Council of Ministers. The Prime Minister represents the whole of the executive government. The President has no real choice in the selection of the person whom he must invite to assume the office of Prime Minister and to form the government. The members of the Parliamentary Party which has the majority elect their leader, and that leader is invited by the President to form the government. Thus, the leader of the majority in Parliament is its representative in the executive government. The majority party always elects a person as leader who is most acceptable to the people and who in its opinion can hold the country united, and not necessarily the top man in the party hierarchy. The out-dated concept of *primus inter pares* is not valid today.

The powers of the Prime Minister have grown considerably in the functioning of the Central executive under the Constitution. The members of the Council of Ministers are appointed on the advice of the Prime Minister. The Head of the State in India cannot appoint anyone to ministerial office except upon the advice of the Prime Minister. From the point of view of the President, the Prime Minister is in effect the whole Council of Ministers. The Prime Minister necessarily carries the final load of responsibility for the policies and actions of the Government. Under the present system the Prime Minister must initiate, inspire and lead, whether it be his colleagues in the Council of Ministers or in Parliament or amongst the people outside. In times of crisis the country looks up to the Prime Minister for lead and guidance and not to the Council of Ministers as a whole, much less to the Parliament. The author narrates in a historical perspective how the powers of the Prime Minister have grown from the days of Jawaharlal Nehru.

The Prime Minister has a completely free choice as to the selection of Ministers and the allocation of work among them. Though constitutionally the Council of Ministers is collectively responsible, in practice each individual Minister has to pay for his own mistakes and resign, but the whole Cabinet does not resign. Thus, the responsibility of the Council of Ministers is both joint and several. The whole Council of Ministers resigns only in the case of the resignation or death, etc. of a Prime Minister and not in other cases. Thus, it is seen that the Ministers continue in office during the pleasure of the President, which in essence means the pleasure of the Prime Minister.

The other chapters in the book deal with the functioning of the Cabinet Secretary and the Secretariat which is primarily under the control of the Prime Minister, and also about the relationship between the civil servants and the politicians, and how a healthy convention should be established between the two in the running of the administration. The author has made a passing reference to the judiciary whose main function is to interpret the Constitution and also uphold the powers of Parliament in regard to the Constitution.

The author who has had the advantage of serving the Government of India from 1927 to 1965, the last three years as Cabinet Secretary, could know the functioning of the whole system of government from close quarters. The account of the functioning of Parliamentary democracy in India after the Constitution came into force given in

the book, is therefore fairly detailed. According to the author, with whom I entirely agree, the basic feature of the Indian Constitution is the supremacy of the Central executive that is able to hold the country, despite its various diversities, united and stable. Whatever may be the constitutional amendments that may be required from time to time to meet the growing aspirations of the people, this basic structure should not be disturbed.

The book gives in a historical perspective the working of the various organs under the Constitution, and shows how ultimately it is the Central executive that contributes to the successful running of the government in a Parliamentary democracy. The book is a good essay on the Central executive and should prove of great interest to students of public administration as well as to politicians.

—JAGANNATH RAO, M.P.,
Chairman,
Committee on Petitions, Lok Sabha.

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE FOURTEENTH SESSION OF THE FIFTH LOK SABHA

1. Period of the Session	21-7-1975— 7-8 -75
2. Number of meetings held	14
3. Total Number of sitting hours.	87 hours and 15 minutes
4. Number of divisions held	14
5. <i>Government Bills :</i>	
(i) Pending at the commencement of the Session	22
(ii) Introduced	11
(iii) Laid on the Table as passed by Rajya Sabha	5
(iv) Returned by Rajya Sabha with any amendment/recommendation and laid on the Table	Nil
(v) Referred to Select Committee	Nil
(vi) Referred to Joint Committee	Nil
(vii) Reported by Select Committee	1
(viii) Reported by Joint Committee	1
(ix) Discussed	25
(x) Passed	25
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-discussed	Nil
(xiv) Discussion postponed	Nil
(xv) Returned by Rajya Sabha without any recommendation	7
(xvi) Motion for concurrence to refer the Bill to Joint Committee—adopted	Nil
(xvii) Pending at the end of the Session	13
6. <i>Number of Statements made under Rule 197 :</i>	
Calling-attention to matters of urgent public importance	Nil
Statements made by Ministers	4

7. *Statutory Resolutions :*

(i) Notices received	6
(ii) Admitted	5
(iii) Moved	3
(iv) Adopted	3
(v) Negatived	Nil
(vi) Withdrawn	Nil

8. *Government Resolutions :*

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

9. *Government Motions :*

(i) Notices received	3
(ii) Admitted	3
(iii) Moved	3
(iv) Adopted	2
(v) Discussed	3

10. Number of Parliamentary Committees created, if any, during the session Nil
11. Total number of Visitors' Passes issued during the session 869
12. Number of Members granted leave of absence 10
13. *Working of Parliamentary Committees :*

S. No.	Name of the Committee	No. of sittings held during the period 1-5-75 to 30-9-75	No. of Reports presented during the Session
1	2	3	4
1	Business Advisory Committee	2	2
2	Committee on Absence of Members from the sittings of the House	3	2
3	Committee on Government Assurances	2	..

1	2	3	4
4	Committee on Papers Laid on the Table	1	..
5	Committee on Petitions	11	1
6	Committee on Private Members' Bills and Resolutions	1	1
7	Committee on Privileges	5	1
8	Committee on Public Undertakings	12	5
9	Committee on Subordinate Legislation	7	1
10	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	8	4
11	Estimates Committee . . . . .	..	..
12	House Committee	3	..
13	Public Accounts Committee	51	7
14	Railway Convention Committee	8	1
15	Rules Committee . . . . .	..	..
<i>Joint/Select Committees:</i>			
1	Joint Committee on Offices of Profit	5	1
2	Joint Committee on the Constitution (Thirty-second Amendment) Bill, 1973	5	..
3	Joint Committee on the Public Financial Institutions Laws (Amendment) Bill, 1973	6	1
4	Joint Committee on the Code of Civil Procedure (Amendment) Bill, 1974	15	..
5	Select Committee on the Customs Tariff Bill, 1974	4	1

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE 93RD SESSION OF RAJYA SABHA

	July 21 to August 9, 1975
1. Period of the Session	16
2. Number of meetings held	16
3. Total number of sitting hours	68 hrs. & 57 minutes (excluding lunch break)
4. Number of divisions held	24
5. Government Bills :	
(i) Pending at the commencement of the Session	11
(ii) Introduced	6
(iii) Laid on the Table as passed by Lok Sabha	20
(iv) Returned by Lok Sabha with any amendment	2
(v) Referred to Select Committee by Rajya Sabha . . . . .	..
(vi) Referred to Joint Committee by Rajya Sabha . . . . .	..
(vii) Reported by Select Committee . . . . .	..
(viii) Reported by Joint Committee . . . . .	..
(ix) Discussed	28
(x) Passed	27
(xi) Withdrawn . . . . .	..
(xii) Negatived . . . . .	..
(xiii) Part-Discussed . . . . .	..
(xiv) Returned by Rajya Sabha without any recommendation	7
(xv) Discussion postponed	1
(xvi) Pending at the end of the Session	11
6. Private Members Bills :	
(i) Pending at the commencement of the Session	88
(ii) Introduced . . . . .	..
(iii) Laid on the Table as passed by Lok Sabha . . . . .	..

(iv) Returned by Lok Sabha with any amendment and laid on the Table . . . . .	..
(v) Reported by Joint Committee . . . . .	..
(vi) Discussed . . . . .	..
(vii) Withdrawn . . . . .	..
(viii) Passed . . . . .	..
(ix) Negatived . . . . .	..
(x) Pending at the end of the session	88]
7. Number of Discussions held under Rule 176 : (Matters of Urgent Public Importance)	
(i) Notices received	} Nil
(ii) Admitted	
(iii) Discussion held	
8. Number of Statements made under Rule 180 : (Calling-attention to Matter of Urgent Public Importance)	
(i) Statements made by Ministers	Nil
(ii) Half-an-hour discussion held . . . . .	..
9. Statutory Resolutions :	
(i) Notices received	13
(ii) Admitted	9
(iii) Moved	} Nil
(iv) Adopted	
(v) Negatived	
(vi) Withdrawn	
10. Government Resolutions :	
(i) Notices received	3
(ii) Admitted	3
(iii) Moved	3
(iv) Adopted	3
11. Private Members' Resolutions :	
(i) Received	} Nil
(ii) Admitted	
(iii) Discussed	
(iv) Withdrawn	
(v) Negatived	

(vi) Adopted	}	Nil
(vii) Part-discussed		
(viii) Discussion postponed		
13. Government Motions :		
(i) Notices received		3
(ii) Admitted		3
(iii) Moved		3
(iv) Adopted		3
(v) Part-discussed		Nil
14. Private Members' Motions:		
(i) Received	}	Nil
(ii) Admitted		
(iii) Moved		
(iv) Adopted		
(v) Part-discussed		
(vi) Negatived		
(vii) Withdrawn		
15. Motions regarding Modification of Statutory Rule :		
(i) Received	}	Nil
(ii) Admitted		
(iii) Moved		
(iv) Adopted		
(v) Negatived		
(vi) Withdrawn		
(vii) Part-discussed		
16. Number of Parliamentary Committees created, if any, during the session		Nil
17. Total number of Visitors' Passes		252
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued		40; on July 23, 1975
19. Number of Motions for Papers under Rule 175 :		
(i) Brought before the House	}	Nil
(ii) Admitted and discussed		

20. Total Number of Questions Admitted :

(i) Starred	}	Nil
(ii) Unstarred (including Starred Questions)		
(iii) Short-notice Questions		

21. Number of Members granted leave of absence 6

22. Petitions presented Nil

23. Number of New Members Sworn with Dates :

Sr. No.	Name of Members sworn	Date on which sworn
1	Shri Jaharlal Banerjee	21-7-75
2	Shrimati Pratima Bose	21-7-75
3.	Prof. D. P. Chattopadhyaya	21-7-75
4	Shri Ahmad Hossain Mondal	21-7-75
5	Shri Pranab Mukherjee	21-7-75
6	Shri Kalyan Roy	21-7-75
7	Syyed Mir Qasim	30-7-75

24. Working of Parliamentary Committees:

Sr. No.	Name of the Committee	Number of sittings held	Number of Reports presented
1	Committee on Petitions	24*	2**
2	Joint Committee on the Central and Other Societies (Regulation) Bill, 1974	19	Nil
3	General Purposes Committee	Nil	Nil
4	Joint Committee on the Indian Penal Code (Amendment) Bill, 1972	16	Nil
5	Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974	11	Nil
6	Committee on Government Assurances	9	1

*Includes 14 sittings held by the Sub-Committee of the Committee on Petitions.

**Includes one report presented by the Sub-Committee of the Committee on Petitions.

Sr. No.	Name of the Committee	Number of sittings held	Number of Reports presented
7	Committee of Privileges	2	1
8	Committee on Subordinate Legislation	6	1
9	Joint Committee on the Adoption of Children Bill, 1972	5	Nil
10	Joint Committee on the Foreign Contribution (Regulation) Bill, 1973	7	Nil

APPENDIX III
Statement showing the Activities of the State Legislatures during the period April 1, 1975 to September, 1975

Legislature	Duration	Sittings	Government Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
I	2	3	4	5	6	7	8
<i>States</i>							
Andhra Pradesh L.A.	(i) 8-5-75 (ii) 28-7-75 to 30-7-75 (iii) 9-8-75	5	3(3)	..	1275(464)	(358)(a)	2(b)
Andhra Pradesh L.C.	(i) 27-1-75 to 5-6-75* (ii) 28-7-75 to 12-8-75*	35	5(5)	..	702(395)	(61)(c)	..
Assam L.A.	(i) 5-2-75 to 4-4-75 (ii) 10-5-75 (iii) 28-7-75 (iv) 9-8-75 (v) 1-9-75 to 8-9-75 9-8-75	47	14(16)	..	1376(1308)	66(59)	40(16)
Bihar L.A.	(i) 9-5-75 to 10-5-75	1	..	..	..	..	..
Bihar L.C.	(i) 28-7-75 to 29-7-75 (ii) 9-8-75 to 10-8-75 (iii) 9-8-75 to 6-5-75 (iv) 28-7-75 to 30-7-75 (v) 9-8-75	6	..	..	..	..	..
Haryana L.A.	(i) 5-5-75 to 6-5-75 (ii) 28-7-75 to 30-7-75 (iii) 9-8-75	6	20(20)	..	69(46)	5(5)	..
Jammu and Kashmir L.A.	7-7-75 to 13-8-75	23	23(22)	1	654(534)	424(342)	9(7)
Jammu and Kashmir L.C.	7-7-75 to 14-8-75*	21	7(25)(d)	2(2)	331(250)	102(87)	5(3)
Karnatak L.A.	(i) 28-7-75 to 30-7-75 (ii) 9-8-75	4	6(8)(e)	..	183(170)	49(42)	..
Karnatak L.C.	(i) 28-7-75 to 31-8-75 (ii) 9-8-75	5	2(9)(f)	..	54(47)	13(10)	..
Madhya Pradesh L.A.	(i) 6-5-75 (ii) 28-7-75 to 30-7-75* (iii) 9-8-75	5	10(10)	..	..	..	..

	1	2	3	4	5	6	7	8
Manipur L.A.	.	(i) 6-3-75 to 11-4-75 (ii) 9-5-75 (iii) 5-9-75 to 18-9-75	16	5(7)	2(1)	64	8	..
Meghalaya L.A.	.	(i) 5-5-75 to 6-5-75 (ii) 28-7-75 (iii) 9-8-75	4	3(3)	..	2(2)	50(50)	1(1)
Punjab L.A.	.	(i) 6-5-75 (ii) 28-7-75 to 9-8-75	5	18(19)	..	193(91)	26(10)	1
Rajasthan L.A.	.	(i) 6-5-75 to 9-5-75 (ii) 28-7-75 to 9-8-75	7	7(7)	..	70(51)	15(22)	..
Tamil Nadu L.C.	.	20-2-75 to 13-5-75	1	..	..	..	..	..
Tripura L.A.	.	(i) 7-3-75 to 29-3-75 and 8-5-75 to 4-6-75 (ii) 28-7-75 (iii) 9-8-75	27	5(5)	..	811(459)	149(201)(8)	13(4)
Uttar Pradesh L.A.	.	18-2-75 to 29-4-75	41	10(13)	..	3014(2336)(h)	..	(1456)(i)
Uttar Pradesh L.C.	.	(i) 18-2-75 to 29-4-75 (ii) 28-7-75 to 9-8-75	50	9(35)	..	1411(1165)	202(197)	178(19)
West Bengal L.A.	.	28-7-75 to 9-8-75	9	8(8)	..	..	..	..
Union Territories	.	(i) 28-4-75 to 12-5-75 (ii) 5-8-75	12	..	12(1)	1076(160)(j)	(673)	11(3)
Delhi Metropolitan Council	.	22-9-75 to 3-10-75	6	3(4)(k)	1(1)	92(87)	16(15)	..
Mizoram L.A.	.							

^aDates of Prorogation.

Notes : (i) Figures in Cols. 4 and 5 indicate the number of bills introduced followed by the number of bills passed in brackets.

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

(a) Starred Notices admitted as unstarred questions.

(b) Short Notice Questions admitted as ordinary starred questions.

(c) Notices for starred questions admitted as unstarred questions.

(d) Includes seven from Legislative Council and Eighteen from the Lower House.

(e) Includes two Bills transmitted by L.C.

(f) Includes six Bills received from Legislative Assembly and four bill pertaining to 35th Session.

(g) 131 out of it given as starred questions but admitted as Unstarred questions.

(h) Out of 2336, 1945 were admitted as starred questions and 391 as unstarred questions.

(i) Out of 1456, 96 were admitted as short notice questions, 1064 as starred questions and 297 were admitted as unstarred questions.

(j) Includes both starred and unstarred questions.

(k) Includes one Bill introduced during Seventh Session and passed during Eighth Session.

APPENDIX III (Contd.)

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

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Legislature																
Business Advisory Committee																
Committees 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 Committee																
Other Committees																
States																
Andhra Pradesh L.A.		1(1)	1		8	21	29		11		14		23	26	(1)	
Andhra Pradesh L.C.		1(1)	2		5		8(1)							12	(m)	
Assam L.A.		5	1(1)		7(1)	13(1)	17		8		6	1	1	1		
Bihar L.C.		2(2)	17		12					16	16	19		1	(n)	(o)
Haryana L.A.		3(3)			5		10	7(1)			2	12	29(1)			
Jammu and Kashmir L.A.*		6	1		1	8			4		2	3	11	3	(p)	
Jammu and Kashmir L.C.		2(2)														
Karnataka L.A.		1				23										
Karnataka L.C.		1											32(1)	4	(q)	
		4												13		

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Madhya Pradesh L.A.	2(2)	4	3	..	3	8(2)	4	10	6(1)	..	..	2	14(2)	..	(r)	..
Manipur L.A.	1(1)	..	..	..	..	..	..	..	10(1)	..	..	..	14(3)	..	41(3)	..
Meghalaya L.A.	..	2	5	..	2	..	..	..	22	..	3	..	22	17(8)	..	..
Punjab L.A.	1(1)	23	..	..	13(1)	28	21	27	25(1)	..	2	25	21	3	(t)	..
Rajasthan L.A.	2	42	43	..	31	59	26	96(u)	54	..	26	37	60	6	(13)	(v)
Tamil Nadu L.C.	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tripura L.A.	10(3)	14(1)	12(1)	..	11(2)	..	15(1)	..	19(4)(w)	..	4	4	16(2)(w)	..	(x)	(y)
Uttar Pradesh L.A.	5(5)	3(1)	2(2)	..	3	16	9(1)	..	12(1)	..	..	1	24(1)	..	(z)	(aa)
Uttar Pradesh L.C.	7	29	7	..	5	..	..	..	..	..	7	..	..	2	(bb)	(cc)
West Bengal L.A.	5(5)	11	6	..	10	18(1)	17	7	11	..	..	6	24	..	9	..
Union Territories:																
Delhi Metropolitan Council	4(2)	6	..	3(1)	..	..	..	..	..	4	..	..	..	..	10	..
Mizoram L.A.	..	..	..	(1)	..	..	..	..	..	..	..	..	..	..	..	(dd)

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

- (l) Joint Select Committee on (i) the Andhra Pradesh Gram Panchayats (Amendment) Bill, 1975-9; (ii) the Andhra Pradesh Panchayat Samithis and Zila Parishads (Amendment) Bill, 1975-8.
- (m) Joint Select Committee on the Andhra Pradesh Occupants of Households (Conferment of ownership) Bill, 1975-1.
- (n) Represents (i) Bihar Ancient Monuments and Archaeological sites and Remains Bills, 1974-15; (ii) Bihar State Housing Board Bill, 1974-75; (iii) Bihar District Development Authority Bill, 1974-3.
- (o) Represent Slum Clearance Committee-4.
- (p) (i) Select Committee on a Bill to prohibit the conversion of land into orchards in the State of Jammu and Kashmir-4(2); (ii) Joint Committee on a Bill to amend the Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960-1; (iii) Joint Committee on a Bill to make effective provisions for the prevention of corruption among Government Servants-2 (i); (iv) Joint Committee on the Constitution of Jammu and Kashmir (Twelfth Amendment) Bill, 1975-1 (i) (Bill withdrawn); (v) Joint Committee on a Bill to amend the Representation of People Act, 1957-1 (i) (Bill withdrawn).

- (g) Select Committees on (i) the Karnataka Agricultural Income Tax (Amendment) Bill, 1975-3, (ii) Urban Land Tax Bill, 1975-3; Joint Select Committees on (i) the Mysore (Sardur Area) Inams Abolition Bill, 1973-4; (ii) the Mysore Lokayukta and upa-Lokayukta Bill, 1973-1; (iii) The Karnataka Religious and Charitable Institutions Bill-1; Special Committee constituted to enquire into the incident occurred on the occasion of the Governor's Address on 10-2-75-2.
- (r) Select Committees on (i) Madhya Pradesh Gandhi Basti Kshetra (Sudhar Tatha Nirmulan Vidheyak 1975 (No. 20 of 1975)-5; (ii) Madhya Pradesh Land Revenue Code Amendment Bill, 1975 (No. 17 of 1975).
- (s) Represents (i) 2 sittings of the Main Committee, (ii) 15 sittings of the sub-committee.
- (t) Select Committee on the Punjab Scheduled Roads and controlled areas Restriction of Unregulated Development (Amendment) Bill, 1975-1(i).
- (u) Represents 45 sittings of the Committee on Scheduled Castes and 51 sittings of the Committee on Scheduled Tribes.
- (v) Committee on allotment of Cars and Scooters to Members-7.
- (w) Besides these, the Committee on Public Accounts and the Committee on Estimates submitted their first joint report.
- (x) Select Committees on (i) the Tripura Buildings (Lease and Rent Control) Bill, 1974-7 (i) (ii) the Tripura Town and country Planning Bill, 1975-3.
- (y) Represents Committee on Absence of Members-3(i).
- (z) Represents (i) Joint Committee on Scheduled Castes, Scheduled Tribes and Denotified Tribe-10(i); (ii) Select Committee on the U. P. Urban Local Self-Government Laws (Amendment) Bill, 1974-1.
- (aa) Represents Parliamentary Research, Reference & Studies Committee-6(i).
- (bb) Sadharan Khand (Amendment) Bill, 1975-1(i) (as passed by U. P. Vidhan Sabha)
- (cc) Represents (i) Rulings compilation Committee-8; (ii) Financial and Administrative Delays Inquiry Committee-12(i); (iii) Inter-House Privileges Committee-7; (iv) Chitrakoot and Rajapur Development Committee -23; (v) Cultural Affairs Committee-11; and (vi) Agro-Industrial Inquiry Committee-25(i).
- (dd) Parliamentary Committee (Other than Select Committees)-4.

APPENDIX IV

Bill passed by the Houses of Parliament and assented to by the President during the period 1st May 1975 to 30th September, 1975.

Sl. No.	Title of the Bill	Date of Assent by the President
1	The Constitution (Thirty-seventh Amendment) Bill, 1975	3-5-1975
2	The All India Services Regulation (Indemnity) Bill, 1975	6-5-1975
3	The Tokyo Convention Bill, 1975	8-5-1975
4	The Appropriation (No. 2) Bill, 1975	8-5-1975
5	The Rampur Raza Library Bill, 1975	9-5-1975
6	The All-India Services (Amendment) Bill, 1975	9-5-1975
7	The Former Secretary of State Service Officers (Conditions of Service) Bill, 1975	9-5-1975
8	The Finance Bill, 1975	12-5-1975
9	The Tobacco Cess Bill, 1975	12-5-1975
10	The Nagaland Appropriation (No. 2) Bill, 1975	14-5-1975
*11	The Constitution (Thirty-sixth Amendment) Bill, 1975	16-5-1975
12	The Companies (Temporary Restrictions on Dividends Amendment) Bill, 1975	21-5-1975
13	The Government of Union Territories (Amendment) Bill, 1975	22-5-1975
14	The Pondicherry Appropriation (No. 2) Bill, 1975	29-7-1975
15	The Nagaland State Legislature (Delegation of Powers) Bill, 1975	30-7-1975
16	The Defence of India (Amendment) Bill, 1975	31-7-1975
17	The Kerala Legislative Assembly (Extension of Duration) Bill, 1975	31-7-1975
18	The Finance (Amendment) Bill, 1975	31-7-1975
19	The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Bill, 1975	1-8-1975
20	The Appropriation (No. 3) Bill, 1975	1-8-1975
21	The Appropriation (No. 4) Bill, 1975	1-8-1975

*The Bill was introduced in Lok Sabha as "The Constitution (Thirty-eighth Amendment) Bill, 1975". The short title of the Bill was changed to the "Constitution (Thirty-sixth Amendment) Bill, 1975" by Lok Sabha through an amendment to clause 1

Sl. No.	Title of the Bill	Date of Assent by the President
22	The Employees State Insurance (Amendment) Bill, 1975	1-8-1975
@23	The Constitution (Thirty-eighth Amendment) Bill, 1975	1-8-1975
%24	The Maintenance of Internal Security (Amendment) Bill, 1975	5-8-1975
25	The Election Laws (Amendment) Bill, 1975	6-8-1975
26	The Taxation Laws (Amendment) Bill, 1975	7-8-1975
27	The Banking Service Commission Bill, 1975	7-8-1975
28	The Delhi Sales Tax Bill, 1975	7-8-1975
29	The Telegraph Wires (Unlawful Possession) Amendment Bill, 1975	7-8-1975
30	The Agricultural Refinance Corporation (Amendment) Bill, 1975	7-8-1975
31	The Provident Funds (Amendment) Bill, 1975	7-8-1975
†32	The Constitution (Thirty-ninth Amendment) Bill, 1975	10-8-1975
33	Indian Coinage (Amendment) Bill, 1975	12-8-1975
34	The Salaries and Allowances of Members of Parliament (Amendment) Bill, 1975	16-8-1975
35	The Cigarettes (Regulation of Production, Supply and Distribution) Bill, 1975	16-8-1975
36	The National Cadet Corps (Amendment) Bill, 1975	16-8-1975
37	The Customs Tariff Bill, 1975	16-8-1975
38	The Public Financial Institutions Laws (Amendment) Bill, 1975	20-8-1975

@The Bill was introduced in Lok Sabha as the "Constitution (Thirty-ninth Amendment) Bill, 1975". The short title of the Bill was changed to the "Constitution (Thirty-eighth Amendment) Bill, 1975" by Lok Sabha through an amendment to clause 1.

%The Bill was introduced in Lok Sabha as the "Maintenance of Internal Security (Second Amendment) Bill, 1975. The short title of the Bill was changed to the "Maintenance of Internal Security (Amendment) Bill, 1975" by Lok Sabha through an amendment of clause 1.

†The Bill was introduced in Lok Sabha as the "Constitution (Fortieth Amendment) Bill, 1975". The Short Title of the Bill was changed to the "Constitution (Thirty ninth Amendment) Bill, 1975" by Lok Sabha through an amendment to clause 1.

APPENDIX V

LIST OF BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD APRIL 1, 1975 TO SEPTEMBER 30, 1975

Andhra Pradesh Legislative Council

1. The Indian Tools Laws (Andhra Pradesh Extension and Amendment) Bill, 1975.
2. The Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotawani) Amendment Bill, 1975.
3. The Andhra Pradesh Appropriation (No. 3) Bill, 1975.
4. The Andhra Pradesh General Sales Tax (Amendment) Bill, 1975.
5. The Andhra Pradesh Municipalities (Fourth Amendment) Bill, 1975.

Andhra Pradesh Legislative Assembly

1. The Andhra Pradesh General Sales Tax (Amendment) Bill, 1975.
2. The Andhra Pradesh Municipalities (Fourth Amendment) Bill, 1975.
3. The Andhra Pradesh Appropriation (No. 3) Bill, 1975.

Assam Legislative Assembly

1. The Assam Appropriation (No. 1) Bill, 1975.
2. The Assam Appropriation (No. II) Bill, 1975.
3. The Assam Finance Bill, 1975.
4. The Assam Elementary Education (Provincialisation) Bill, 1975.
5. The Assam State Acquisition of Lands Belonging to Religious or charitable Institution of Public Nature (Amendment) Bill, 1975.
6. Assam Contingency Fund (Amendment) Bill, 1975.
7. The Assam Cooperative Societies (Amendment) Bill, 1975.
8. The Assam Panchayati Raj (Third Amendment) Bill, 1975.
9. The Assam Tea Plantation Provident Fund (Amendment Pension Fund) Scheme (Amendment) Bill, 1975.
10. The Assam Khadi and Village Industries Board (Amendment) Bill, 1975.
11. The Assam Appropriation (No. III) Bill, 1975.
12. The Assam Rural Indebtedness Relief Bill, 1975.
13. The Assam Taxations (Publication of Information) Bill, 1975.
14. The Gauhati University (Amendment) Bill, 1975.
15. The Dibrugarh University (Amendment) Bill, 1975.

16. The Assam Fixations of Ceiling on Land Holdings (Amendment) Bill, 1975.

*Bihar**

Haryana

1. The Faridabad Complex (Regulation and Development) Amendment and Validation Bill, 1975.
2. The Punjab Urban Immovable Property Tax (Haryana Amendment) Bill, 1975.
3. The Indian Electricity (Haryana Amendment and Validation) Bill, 1975.
4. The Haryana General Sales Tax (Amendment) Bill, 1975.
5. The Punjab Land Revenue (Haryana Amendment) Bill, 1975.
6. The Punjab Motor Spirit (Taxation of Sales) Haryana Amendment Bill, 1975.
7. The Punjab State Aid to Industries (Haryana Amendment) Bill, 1975.
8. The Punjab Agricultural Produce Markets (Haryana Amendment) Bill, 1975.
9. The Haryana Prevention of Beggary (Amendment) Bill, 1975.
10. The Punjab Security of Land Tenures (Haryana Amendment) Bill, 1975.
11. The Pepsu Tenancy and Agricultural Lands (Haryana Amendment) Bill, 1975.
12. The Haryana Appropriation (No. 4) Bill, 1975.
13. The Haryana Appropriation (No. 5) Bill, 1975.
14. The Punjab Panchayat Samitis (Haryana Amendment and Validation) Bill, 1975.
15. The Punjab Gram Panchayat (Haryana Amendment) Bill, 1975.
16. The Haryana State Legislature Officers, Ministers and Members (Medical Facilities) Bill, 1975.
17. The Haryana Legislative Assembly (Allowances of Members) Amendment Bill, 1975.
18. The Rohtak University Bill, 1975.
19. The Haryana Relief of Agricultural Indebtedness Bill, 1975.
20. The Haryana Legislative Assembly (Allowances of Members) Second Amendment Bill, 1975.

Jammu and Kashmir Legislative Assembly

1. A Bill to amend the laws relating to mortgage of immovable Property including land in favour of Banks and other financial institutions in the State.

*No Bills passed during the period under review.

2. A Bill to prohibit the Conversion of land into orchards in the States of Jammu and Kashmir.
3. A Bill to amend the Jammu & Kashmir Electricity (Supply) Act, 1971.
4. A Bill further to amend the Jammu and Kashmir Game Preservation Act Smvt. 1998.
5. A Bill to provide for the medical facilities to Ministers and the Presiding Officers.
6. A Bill to reform and re-organise School Education in the State and consolidate the law relating thereto.
7. A Bill to make effective provisions for the prevention of corruption among Government Servants.
8. A Bill to amend the Jammu and Kashmir Representation of the People Act, 1962.
9. A Bill further to amend the Constitution of Jammu and Kashmir.
10. A Bill to amend the Jammu and Kashmir General Sales Tax Act, 1962.
11. A Bill to authorise payment and appropriations of certain sums from and out of Consolidated Fund of Jammu and Kashmir State for the services of financial year 1975-76.
12. A Bill to provide for the authorisation of certain appropriation of money out of the Consolidated Fund of Jammu and Kashmir State to meet the amounts spent on certain sums during the financial year ended on the 31st day of March, 1969.
13. A Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the J & K State to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1970 in excess of the amounts authorised or granted for the said services.
14. A Bill to provide for the authorisation of Consolidated Fund of the Jammu and Kashmir to meet the amounts spent on certain services during the financial year ended on the 31st March, 1971 in excess of the amounts authorised or granted for said services.
15. A Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the Jammu and Kashmir State to meet the amount spent on certain services during the financial year ended on 31st March, 1972 in excess of amount authorised or grants.
16. A Bill to provide for enhancement of Salaries of Legislators, Presiding Officers, Ministers and Deputy Ministers.
17. A Bill further to amend the Constitution of Jammu and Kashmir.
18. A Bill to amend the Jammu and Kashmir Representation of People Act, 1957.

Karnataka Legislative Assembly

1. The Karnataka (Determination of the retirement age of certain Teachers) Bill, 1975.

2. The Karnataka Sales Tax (Third Amendment) Bill, 1975
3. The Karnataka Vacant Lands in Urban Areas (Prohibition of Alienation) Bill, 1975.
4. The Karnataka Municipalities (Postponement of Elections) Bill, 1975.
5. The Karnataka Debt Relief Bill, 1975.
6. The Karnataka Appropriation (No. 4) Bill, 1975.
7. The Karnataka Land Revenue (Amendment) Bill, 1975.
8. The Karnataka Rent Control (Amendment) Bill, 1975.

Karnataka Legislative Council

1. The Karnataka Land Revenue (Amendment) Bill, 1975.
2. The Karnataka Rent Control (Amendment) Bill, 1975
3. The Mysore Co-operative Societies (Second Amendment) Bill, 1973.
4. The Karnataka (Determination of the Retirement Age of Certain Teachers) Bill, 1975.
5. The Karnataka Sales Tax (Third Amendment) Bill, 1975.
6. The Karnataka Municipalities (Postponement of Elections) Bill, 1975.
7. The Karnataka Vacant Lands in Urban Areas (Prohibition of Alienation) Bill, 1975.
8. The Karnataka Debt Relief Bill, 1975
9. The Karnataka Appropriation (No. 4) Bill, 1975.

*Madhya Pradesh Vidhan Sabha**

1. Sarvajanic Vakf (Parsima Ka Vistaran) Madhya Pradesh Sanshodhan Vidheyak, 1974.
2. The Madhya Pradesh Accommodation (Requisition) Amendment Bill 1975.
3. The Madhya Pradesh Nagar Palika Parishad (Nirantarata evam Vidhimanyatakarana) Vidheyak, 1975.
4. The Madhya Pradesh Money Lenders (Amendment) Bill, 1975.
5. The Madhya Pradesh General Sales Tax (Amendment) Bill, 1975.
6. The Madhya Pradesh Shasakiya Sevak (Adhivarshiki-Ayu) Sanshodhan Vidheyak, 1975.
7. The Madhya Pradesh Appropriation Bill, 1975.
8. The Madhya Pradesh General Sales Tax (Second Amendment) Bill, 1975
9. The Indian Stamp (Madhya Pradesh Amendment) Bill, 1975.

*Sl. Nos. 1 to 25 relate to the period 1-1-75 to 31-3-75; See JPI, Vol. XXI No. 3, July-September, 1975, pp. 500 and 511.

10. The Madhya Pradesh Ayurvedic, Unani, tatha Prakritik Chikitsa Vyavasayi (Sanshodhan) Vidheyak, 1975.
11. The Indian Stamp (Madhya Pradesh Second Amendment) Bill, 1975.
12. The Madhya Pradesh Land Revenue Code (Amendment) Bill, 1975.
13. The Madhya Pradesh Van-Upaj (Vyapar-Viniyaman) Sanshodhan Vidheyak, 1975.
14. The Madhya Pradesh Appropriation (No. 2) Bill, 1975.
15. The Madhya Pradesh Krshik Jot Uchchatam Sima (Sanshodhan) Vidheyak, 1975.
16. The Madhya Pradesh Chikitsiya Shiksha (Nyantran) Sanshodhan Vidheyak, 1975.
17. The Madhya Pradesh Nagarpalika (Sanshodhan) Vidheyak, 1975.
18. The Madhya Pradesh Dhan Parichalan Scheme (Pratishedh) Vidheyak, 1975.
19. The Madhya Pradesh Nagar Tatha Gram Nivesh (Sanshodhan) Vidheyak, 1975.
20. The Madhya Pradesh Land Reforms Scheme (Sanshodhan) Vidheyak, 1975.
21. The Madhya Pradesh Gramin Vikas Kar (Sanshodhan) Vidheyak, 1975.
22. The Madhya Pradesh Bhu-Rajaswa Sanhita (Sanshodhan Tatha Vidhi Manyata Karan) Vidheyak, 1975.
23. The Madhya Pradesh Gramdan (Sanshodhan) Vidheyak, 1975.
24. The Madhya Pradesh School Shikcha Vidheyak, 1974.
25. The Madhya Pradesh Lok Pradesh Tatha Up-Lok Ayukta Vidheyak, 1974.
26. The Madhya Pradesh Electricity Duty (Amendment) Bill, 1975.
27. The Madhya Pradesh General Sales Tax (Third Amendment) Bill, 1975.
28. The Madhya Pradesh Krishi Upjal Mandi (Sanshodhan) Vidheyak, 1975.
29. The Court Fees (Madhya Pradesh Amendment) Bill, 1975.
30. The Madhya Pradesh Motor Vehicles (Taxation of Passengers) Amendment Bill, 1975.
31. The Madhya Pradesh Motor Vehicles Taxation (Amendment) Bill, 1975.
32. The Madhya Pradesh Bhumi Sudhar Yojna (Sanshodhan) Vidheyak, 1975.
33. The Madhya Pradesh Gramin Rin Vimukti Tatha Rin Sthagan Vidheyak, 1975.
34. The Madhya Pradesh Appropriation (No. 3) Bill, 1975.

35. The Madhya Pradesh Municipal Corporation (Amendment) Bill, 1975.

Manipur Legislative Assembly

1. The Manipur Town and Country Planning Bill, 1975.
2. The Salaries and Allowances of Ministers (Manipur) (Second Amendment) Bill, 1974
3. The Salaries and Allowances of Members of the Legislative Assembly (Manipur) (First Amendment) Bill, 1975.
4. The Manipur Appropriation Bill (No. 2) 1975.
5. The Manipur Hill House Tax (Amendment) Bill, 1975.
6. The Manipur Land Revenue and Land Reforms (Amendment) Bill, 1975.
7. The Manipur Panchayati Raj Bill, 1975.

Meghalaya Legislative Assembly

1. The Meghalaya Finance Bill, 1975.
2. The Meghalaya Passengers and Goods Taxation (Amendment) Bill, 1975.
3. The Meghalaya Amusement and Betting Tax (Amendment) Bill, 1975.

Punjab Vidhan Sabha

1. The Punjab Panchayat Samities and Zila Parishads, (Second Amendment) Bill, 1975.
2. The East Punjab War Awards (Amendment) Bill 1975.
3. The Punjab Agricultural Produce Markets (Amendment) Bill, 1975.
4. The Punjab Appropriation (No. 3) Bill, 1975.
5. The Punjab Courts (Amendment) Bill, 1975.
6. The Provincial Small Cause Courts (Punjab Amendment) Bill, 1975.
7. The Punjab Municipal (Amendment) Bill, 1975.
8. The Punjab Commercial Crops Cess (Amendment) Bill, 1975.
9. The Punjab Town Improvement (Amendment) Bill, 1975.
10. The Punjab Scheduled Castes Land Development and Finance Corporation (Amendment) Bill, 1975.
11. The Punjab Gram Panchayat (Amendment) Bill, 1975.
12. The Punjab Panchayat Samitis and Zila Parishads (Third Amendment) Bill, 1975.
13. The Punjab Affiliated Colleges (Security of Service of Teachers) Amendment Bill, 1975.
14. The Punjab General Sales Tax (Second Amendment) Bill, 1975.

15. The Punjabi University (Amendment) Bill, 1975.
16. The Gurunanak University Amritsar (Amendment) Bill, 1975.
17. The Punjab Agricultural Indebtedness (Relief) Bill, 1975.
18. The Punjab Land Reforms (Amendment) Bill, 1975.
19. The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development (Amendment) Bill, 1975.

Rajasthan Vidhan Sabha

1. The Indian Electricity (Rajasthan Amendment) Bill, 1975.
2. The Rajasthan Private Electric Supply Undertakings (Acquisition) Bill, 1975.
3. The Rajasthan Legislative Assembly (Officers and Members' Emoluments) (Amendment) Bill, 1975.
4. The Rajasthan Ministers' Salaries (Amendment) Bill, 1975.
5. The University of Rajasthan (Amendment) Bill, 1975.
6. The Jodhpur University (Second Amendment) Bill, 1975.
7. The Udaipur University (Second Amendment) Bill, 1975.

Tripura Legislative Assembly

1. The Tripura Land Revenue & Land Reforms (Third Amendment) Bill, 1975.
2. The Tripura Appropriation Bill, 1975.
3. The Tripura Appropriation (Vote on Account) Bill, 1975.
4. The Tripura Appropriation (No. 2) Bill, 1975.
5. The Tripura Buildings (Lease and Rent Control) Bill, 1975.

Uttar Pradesh Vidhan Sabha

1. The U.P. Taxation and Land Revenue Laws Bill, 1974.
2. The U.P. Higher Education Grants Commission Bill, 1974.
3. The U.P. Court Fees (Payment in Cash) Bill, 1975.
4. The Indian Electricity (U.P. Amendment and Validation) Bill, 1975.
5. The Essential Commodities (U.P. Amendment) Bill, 1975.
6. The Bhoodan Yagna (Amendment) Bill, 1975.
7. The U.P. Public Money (Recovery of Dues) (Amendment) Bill, 1975.
8. The U. P. Appropriation (Supplementary 1974-75) Bill, 1975.
9. The U.P. Appropriation (Vote on Account) Bill, 1975.
10. The U.P. Khadi and Village Industries Board (Amendment) Bill, 1975.
11. The U.P. Urban Local Self Government Laws (Amendment) Bill, 1975.

12. The U.P. Agricultural Credit (Amendment) Bill, 1974.
13. The U.P. Ceiling on Property (Temporary Restriction on Transfer) Amendment Bill, 1975.

*Uttar Pradesh Vidhan Parishad**

1. The U.P. Indian Medicine (Amendment) Bill, 1974.
2. The U.P. Sarak Parshwa Bhumi Niyantaran (Amendment) Bill, 1975.
3. The U.P. Shiksha Vidhi Sanshodhan Bill, 1975.
4. The U.P. Flats Ownership Bill, 1975.
5. The U.P. Apradhikrat Chikitsa Shikshan Sanstha (Nivaran) (Sanshodhan) Bill, 1975.
6. The U.P. Homoeopathic Medicine (Amendment) Bill, 1975.
7. The U.P. Krishi Utpadan Mandi Samiti (Alpakalik Vyavastha) (Sanshodhan) Bill, 1975.
8. The U.P. Fundamental Rule 56 (Amendment and validation) Bill, 1975.
9. The U.P. Municipalities (Amendment) Bill, 1975.
10. The Essential Commodities U.P. (Second Amendment) Bill, 1975.
11. The U.P. Madhyamik Shiksha Vidhi (Sanshodhan) Bill, 1975.
12. The U.P. Educational Cess Abolition Bill, 1975.
13. The Societies Registration (U.P. Amendment) Bill, 1975.
14. The U.P. Jal Sambharan tatha Sewer Vyavastha Bill, 1975.
15. Samyukta Prant Badrinath (Swachhata tatha Sudhar) (Nirsan) Bill, 1975.
16. The U.P. Viniyog Bill, 1975.
17. The U.P. Sadharan Khand (Sanshodan) Bill, 1975.
18. The U.P. Lok Ayukta and Upa Lok Ayukta Bill, 1975.
19. The U.P. Ministers and Legislators (Declaration of Assets and Liabilities) Bill, 1975.
20. The U.P. Sthaniya Nikaya (Anhati Nivaran) Bill, 1975.
21. The U.P. Bhoomi Vidhi (Sanshodan) Bill, 1975.
22. The Kumaon tatha Garhwal Water (Storage and Distribution) Bill, 1975.
23. The U.P. High Court (Letters Patent Appeal Samapti) Bill, 1975.
24. The U.P. Bonded Labour Abolition Bill, 1975.
25. The U.P. Viniyog (1968-69) ki barthi vyay ka viniyiman, Bill, 1975.
26. The U.P. Viniyog (1969-70) ki barthi vyay ka viniyiman Bill, 1975.
27. The U.P. Chit Fund Bill, 1975.
28. The U.P. Sugarcane (Kray Kar) (Sanshodan) Bill, 1975.

*Original received in Hindi.

29. The U.P. Sarvajanik Nigamon par Niyantran Bill, 1975.
30. The U.P. Parks, Playgrounds and Open Space (Protection and Regulation) Bill, 1975
31. The U.P. Legislature (Members' Allowances) (Amendment) Bill, 1975.
32. The U.P. Sales Tax (Amendment and Vaidikaran) Bill, 1975.
33. The Registration (U.P. Amendment) Bill, 1975.
34. The Indian Stamps (U.P. Amendment) Bill, 1975.
35. The U.P. Gramin Nirbal Varga (Rin ki vasooli ka adhisthagan) Bill, 1975.

APPENDIX VI

Ordinances issued by the Central Government during the period May 1 to September 30, 1975 and the State Governments during the period April 1, 1975 to September 30, 1975

Serial No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
*1.	The Maintenance of Internal Security (Amendment) Ordinance, 1975 (No. 4 of 1975)	29-6-75	21-7-75		Replaced by Legislation
2.	The Defence of India (Amendment) Ordinance, 1975 (No. 5 of 1975).	30-6-75	Do.	..	Do.
3.	The Conservation of foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1975. (No. 6 of 1975).	1-7-75	Do.		Do.
*4.	The Maintenance of Internal Security (Second Amendment) Ordinance, 1975 (No. 7 of 1975)	15-7-75	Do.	..	Do.
5.	The Income-tax (Amendment) Ordinance, 1975 (No. 8 of 1975).	9-9-75	To be laid on the commencement of next session		..
6.	The Election Laws Extension to Sikkim Ordinance, 1975 (No. 9 of 1975).				
7.	The Indian Railways (Amendment) Ordinance, 1975 (No. 10 of 1975)	25-9-75	..		..
8.	The Payment of Bonus (Amendment) Ordinance 1975 (No. 11 of 1975).	25-9-75	to be laid on the commencement of next session		
9.	The Equal Remuneration Ordinance, 1975. (No. 12 of 1975)	26-9-75			

*Both the Ordinances were replaced by one Bill.

1	2	3	4	5	6
10.	The Regional Rural Banks Ordinance, 1975 (No. 13 of 1975)	26-9-75	..		..
11.	The Motor Vehicles (Amendment) Ordinance, 1975 (No. 14 of 1975)	26-9-75	..		..
ANDHRA PRADESH					
1.	Andhra Pradesh Municipalities (Amendment) Ordinance, 1975	30-6-75	28-7-75		Replaced by legislation
2.	Andhra Pradesh General Sales Tax (Amendment) Ordinance, 1975	Do.	Do.		Do.
3.	Andhra Pradesh Occupants of Homesteads (Conferment of Ownership) Ordinance, 1975	14-8-75	..		..
4.	Andhra Pradesh Gram Panchayats (Amendment) Ordinance, 1975	16-8-75			..
5.	Andhra Pradesh Gram Panchayats and Panchayat Samithis and Zilla Parishads (Amendment) Ordinance, 1975	Do.			..
6.	Hyderabad Municipal Corporation (Amendment) Ordinance, 1975.	Do.		..	..
7.	Andhra Pradesh Municipalities (Amendment) Ordinance, 1975	Do.		..	..
8.	Andhra Pradesh Indebted Agriculturists, Landless Labourers and Artisans (Temporary Relief) Ordinance, 1975.	26-8-75			..
9.	Andhra Pradesh Land and Encroachment (Amendment) Ordinance, 1975	28-8-75		..	..
10.	Andhra Pradesh Bonded Labour System (Abolition) Ordinance, 1975	Do.			..
11.	Andhra Pradesh Payment of Salaries and Removal of Disqualifications (Second Amendment) Ordinance, 1975.	11-9-75			..
12.	The Land Acquisition Andhra Pradesh (Amendment) Ordinance, 1975	12-9-75			..
13.	Andhra Pradesh Civil Services Disciplinary Proceedings Tribunal (Amendment) Ordinance, 1975	26-9-75	..	..	..

1	2	3	4	5	6
14.	Andhra Pradesh Municipalities (Third Amendment) Ordinance, 1975	27-9-75			..
15.	Andhra Pradesh Gram Panchayat (Second Amendment) Ordinance, 1975	27-9-75			..
ASSAM					
1.	The Assam Contingency Fund (Amendment) Ordinance, 1975	23-5-75	28-7-75	3-9-75	..
2.	The Assam Co-operative Societies (Amendment) Ordinance, 1975	5-6-75	[28-7-75	3-9-75	..
HARYANA					
1.	The Indian Electricity (Haryana Amendment and Validation) Ordinance, 1975. (Haryana Ordinance No. 1 of 1975)	27-2-75	5-5-75		Replaced by Legislation.
2.	The Punjab Urban Immovable Property Tax (Haryana Amendment) Ordinance, 1975. (Haryana Ordinance No. 2 of 1975).	19-3-75 Published in the Gazette on 25-3-75	5-5-75		Replaced by Legislation
3.	The Faridabad Complex (Regulation and Development) Amendment and validation Ordinance, 1975 (Haryana Ordinance No. 3 of 1975)	1-4-75	5-5-75		Do.
4.	The Haryana General Sales Tax (Amendment Ordinance, 1975) (Haryana Ordinance No. 4 of 1975)	1-7-75	28-7-75		Do.
KARNATAKA					
1.	The Karnataka (Determination of age of Certain Teachers) Ordinance, 1975.		28-7-75	..	Do.
2.	The Karnataka Rent Control (Amendment) Ordinance, 1975	22-5-75	28-7-75	..	Do.
3.	The Karnataka Vacant Lands in Urban Areas (Prohibition of Acquisition) Amendment Ordinance, 1975.	17-6-75	28-7-75	..	Do.
4.	The Karnataka Vacant Lands in Urban Areas (Prohibition of Alienation) Ordinance, 1975.	3-7-75	28-7-75	..	Do.
5.	The Karnataka Sales Tax (Third Amendment) Ordinance, 1975	4-7-75	28-7-75	..	Do.

1	2	3	4	5	6
6.	The Karnataka Land Revenue (Amendment) Ordinance, 1975 .	10-7-75	28-7-75		Replaced by Legislation.
7.	The Karnataka Municipalities (Postponement of Elections) Ordinance, 1975 .	10-7-75	28-7-75		Do.
8.	The University of Agricultural Sciences (Amendment) Ordinance, 1975 .		5-9-75		
9.	Karnataka (Prohibition of Sale of Pledge) Ordinance, 1975 . . .	8-9-75			
10.	Karnataka Land Reforms (Amendment) Ordinance, 1975 . . .	11-9-75	..		
11.	Karnataka State Universities Ordinance, 1975	25-9-75	..		
JAMMU AND KASHMIR					
1.	The Jammu and Kashmir Prohibition on conversion of Land Ordinance of 1975 . . .	3-5-75	7-7-75	18-8-75	Do.
MADHYA PRADESH					
1.	Madhya Pradesh Krishi Upaj Mandi (Sanshodhan) Adhyadesh, 1975 (No. 2 of 1975). . .	12-5-75	28-7-75		Do.
2.	The Court Fees (Madhya Pradesh Amendment) Ordinance, 1974. (No. 3 of 1975) . . .	13-6-75	Do.		Do.
3.	The Madhya Pradesh General Sales Tax (Amendment) Ordinance, 1975. (No. 4 of 1975) . . .	28-6-75	Do.		Do.
4.	The Madhya Pradesh Bhumi Sudhar Yojna (Sanshodhan) Adhyadesh, 1975. (No. 5 of 1975) . . .	9-7-75	Do.		Do.
5.	The Madhya Pradesh Motor Vehicle Taxation (Amendment) Ordinance, 1975. (No. 6 of 1975) . . .	15-7-75	Do.		Do.

1	2	3	4	5	6
6.	The Madhya Pradesh Motor Vehicles Taxation of Passengers Amendment Ordinance 1975. (No. 7 of 1975) . . .	17-7-75	28-7-75		Replaced by Legislation.
7.	The Madhya Pradesh Municipal Corporation (Amendment) Ordinance, 1975. (No. 8 of 1975)	31-7-75			Do.
8.	The Madhya Pradesh Nagar Tatha Gram Nivesh (Sanshodhan) Adhyadesh, 1975. (No. 9 of 1975) .	26-8-75			Do.
9.	The Madhya Pradesh Gramin Vikas Kar (Sanshodhan) Adhyadesh, 1975. . . .	27-8-75			
10.	The Madhya Pradesh Girha Nirman Mandal (Sanshodhan) Adhyadesh, 1975. (No. 11 of 1975) .	2-9-75			
11.	The Madhya Pradesh Pashu Pakshi Bali Pratishedh Adhyadesh, 1975 (No. 12 of 1975)	11-9-75			
12.	The Madhya Pradesh Council Adhyadesh 1975 (No. 13 of 1975)	15-9-75			
PUNJAB					
1.	The Punjab Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1975. (Punjab Ordinance No. 1 of 1975) . . .	9-4-75	6-5-75	..	Do.
2.	The Punjab Municipal (Amendment) Ordinance, 1975. (Punjab Ordinance No. 2 of 1975) . . .	16-5-75	28-7-75	..	Do.
3.	The Punjab Panchayat Samitis and Zila Parishads (Second Amendment) Ordinance, 1975 (Punjab Ordinance No. 3 of 1975) . . .	11-6-75	28-7-75		Do.

1	2	3	4	5	6
4	The Punjab Town Improvement (Amendment) Ordinance, 1975	4-7-75	28-7-75		Replaced by Legislation.
5	The Punjab Municipal (Second Amendment) Ordinance, 1975	Do.	Do.		Do.
6	The Punjab Scheduled Castes Land Development and Finance Corporation (Amendment) Ordinance, 1975	4-7-75	28-7-75		Do.
7	The Punjab General Sales Tax (Amendment) Ordinance, 1975	16-7-75	Do.		Do.
8	The Punjab Courts (Amendment) Ordinance, 1975 (Punjab)	17-7-75	Do.		Do.
9	The Provincial Small Cause Courts (Punjab Amendment) Ordinance, 1975	Do.	Do.		Do.
RAJASTHAN					
1	The Raj. Private Electric Supply Undertakings (Acquisition) Ordinance, 1975	11-6-75	21-4-75	7-5-75	Do.
2	Indian Electricity (Rajasthan Amendment) Ordinance, 1975	21-4-75	7-5-75		Do.
3	Jodhpur University (Amendment) Ordinance, 1975	10-7-75	28-7-75	19-8-75	Do.
4	University of Raj. (Amendment) Ordinance, 1975	10-7-75	28-7-75	19-8-75	Do.
5	Udaipur University (Amendment) Ordinance, 1975	20-7-75	28-7-75	19-8-75	Do.
6	Raj. Imposition of Ceiling on Agricultural Holdings (Amendment) Ordinance, 1975	15-8-75	Not yet Laid		Do.

1	2	3	4	5	6
7	Raj. Revenue Laws (Amendment) Ordinance, 1975	15-8-75	Not yet Laid		Replaced by Legislation.
8	Raj. Money Lenders (Amendment) Ordinance, 1975	15-8-75	Do.		Do.
9	Raj. Co-operative Societies (Amendment) Ordinance, 1975	23-8-75	Do.		Do.
10	Raj. Public Service Commission (Regulation and Validation of Procedure) Ordinance, 1975	25-8-75	Do.		Do.
11	The Registration (Raj. Amendment) Ordinance, 1975	28.8.75	Do.		Do.
12	Wages Laws (Raj. Amendment) Ordinance, 1975	6-9-75	Do.		Do.
13	The Raj Sagri System Abolition (Amendment) Ordinance, 1975	6-9-75	Do.		..
14	The (Raj. Tenancy Amendment) Ordinance, 1975	6-9-75	Do.		..
15	The Raj. Scheduled Debtors (Moratorium on Debts) Ordinance, 1975	11-9-75	Do.		..
16	The Raj Panchayat Samitis & Zila Parishads (Amendment) Ordinance, 1975	19-9-75	Do.		..
17	The Raj. Imposition of ceiling on Agricultural Holdings (Second Amendment) Ordinance, 1975	22-9-75	Do		..
18	The Raj. Panchayat (Amendment) Ordinance, 1975	24-9-75	Do.		..
19	The Raj. Stamp Law (Adaptation) (Amendment) Ordinance, 1975	25-9-75	Do.		..
20	The Raj. Premises (Control of Rent and Eviction) (Amendment) Ordinance, 1975	29-9-75	Do.		..

1	2	3	4	5	6
TAMIL NADU					
1	The Tamil Nadu District Municipal Councillors (Extension of terms of Office) Ordinance, 1975	29-5-75			
2	The Coimbatore Municipal Council (Appointment of Special Officer) Ordinance, 1975	28-6-75			
3	The Tamil Nadu Additional Sales Tax and Sales Tax (Surcharge) (Amendment, Ordinance 1975)	1-7-75			
4	The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Ordinance 1975	16-7-75			
5	The Tamil Nadu Panchayats and Panchayat Union Councils (Extension of term of office) Ordinance, 1975	22-7-75			
6	The Tamil Nadu Indebted Persons (Temporary Relief) Ordinance, 1975	22-7-75			
7	The Tamil Nadu Indebted Persons (Temporary Relief) Amendment Ordinance, 1975	23-7-75			
8	The Tamil Nadu Urban Land Tax (Amendment) Ordinance, 1975	30-7-75			

1	2	3	4	5	6
9	The Indian Stamp (Tamil Nadu Amendment) Ordinance, 1975 . . .	1-8-75			
10	The Tamil Nadu Relief Undertakings (Special Provisions) Amendment Ordinance, 1975	13-8-75			
11	The Tamil Nadu Contingency Fund (Amendment) Ordinance, 1975	4-9-75			
12	The Tamil Nadu Educational Institutions (Temporary control of Property) Amendment and Validation Ordinance, 1975 . . .	8-9-75			
13	The Holdings (Stay of Execution Proceedings) (Tamil Nadu Amendment) Ordinance, 1975	17-9-75			
TRIPURA					
1	Tripura Land Revenue and Land Reforms (Third Amendment) Ordinance, 1975	27-2-75	11-3-75	12-4-75	Replaced by Legislation.
UTTAR PRADESH					
1	U.P. Krishi Utpadan Mandi Samiti (Alpakalik vyavastha) (Amendment) Ordinance, 1975	5-5-75	28-7-75	..	Replaced by Legislation.
2	U.P. Water Supply and Sewerage Ordinance, 1975	20-5-75	28-7-75		Do.
3	U.P. High Court (Letters Patent Appeal Samapti Amendment) Ordinance, 1975 . . .	23-5-75	28-7-75	..	Do.

1	2	3	4	5	6
4	U.P. Sales Tax (Amendment and validation) Ordinance, 1975	26-5-75	28-7-75		Replaced by Legislation
5	U.P. Lok Ayukta and Upa Lok Ayukta Ordinance, 1975	7-6-75	28-7-75		Do.
6	U.P. Fundamental Rule 56 (Amendment and validation) Ordinance, 1975	7-6-75	28-7-75		Do.
7	U.P. Ministers and Legislators (Assets and Liabilities) Ordinances, 1975	7-6-75	28-7-75		Do.
8	U.P. Municipalities (Amendment) Ordinance, 1975	15-6-75	28-7-75		Do.
9	Essential Commodities (U.P. Second Amendment) Ordinance, 1975	13-6-75	28-7-75		Do.
10	U.P. Madhyamik Shiksha Vidhi (Amendment) Ordinance, 1975	7-7-75	28-7-75		Do.
11	Kumaon and Garhwal water (Collection, storage and distribution) Ordinance, 1975	16-7-75	28-7-75		Do.
12	U.P. Bhoomi Vidhi (Sanshodan) Ordinance, 1975	16-7-75	28-7-75		Do.
13	U.P. Bonded Labour Abolition Ordinance, 1975	22-7-75	28-7-75		Do.
14	Cold Storage Ordinance, 1975	11-9-75			..
15	U.P. Lok Seva (Adhikaran) Ordinance, 1975	17-9-75			
16	U.P. Department Inquiry (compelling of witnesses to be present and produce documents) Ordinance, 1975	17-9-75	..		..

1	2	3	4	5	6
WEST BENGAL					
1	The West Bengal Council of Higher Secondary Education (Amendment) Ordinance, 1975	12-6-75	28-7-75	7-9-75	Replaced by legislation.
2	The City Sessions Court (Amendment) Ordinance, 1975	17-7-75	28-7-75	Do.	Do.
3	The Chandernagore Municipal (Amendment) Ordinance, 1975	14-7-75	28-7-75	Do.	Do.
4	The Bengal Finance (Sales Tax) (Amendment) Ordinance, 1975	11-6-75	28-7-75	Do.	Do.
5	The Great Eastern Hotel (Taking over of Management) Ordinance, 1975.	8-7-75	28-7-75	Do.	Do.
6	The Calcutta Tramways Company (Taking over of Management) (Amendment) Ordinance, 1975.	17-7-75	28-7-75	Do.	Do.
7	The North Bengal University (Amendment) Ordinance, 1975	18-9-75	..		
8	The Taxes on Entry of Goods into Calcutta Metropolitan Area (Amendment) Ordinance, 1975	18-9-75			
9	The West Bengal Government Townships (Extension of Civic Amenities) Ordinance, 1975	23-9-75			..
10	The West Bengal Acquisition of Homestead Land for Agricultural Labourers and Artisans Ordinance, 1975	24-9-75			..
11	The West Bengal Transport Undertakings (Prevention of Ticketless Travel) Ordinance, 1975.	26-9-75			..
12	The Bengal Finance (Sales Tax) (Second Amendment) Ordinance, 1975.	30-9-75	..	..	..

APPENDIX VII
A. PARTY POSITION IN LOK SABHA
 (As on January 1, 1976)

Name of the State	No. of Seats	Cong.	CPI (M)	CPI	JS	DMK	BLD	Other Parties	Un-attached	Total	Vacancies
I	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh	41	37	1	1	..	..	..	2(a)	..	41	..
Assam	14	13	1	..	..	..	..	..	..	14	..
Bihar	53	36	..	5	2	..	1	7(b)	..	51	2
Gujarat	24	12	..	..	..	..	2	8(c)	1	23	1
Haryana	9	7	..	..	1	..	..	..	1	9	..
Himachal Pradesh	4	3	..	..	..	..	..	..	..	3	1
Jammu & Kashmir	6	5	..	..	..	..	..	..	1	6	..
Karnataka	27	27	..	..	..	..	..	..	..	27	..
Kerala	19	6	2	3	..	..	..	5(d)	2	16	1
Madhya Pradesh	37	21	..	..	10	..	1	5(e)	..	37	..
Maharashtra	45	40	..	1	..	..	..	3(f)	1	45	..
Manipur	2	2	..	..	..	..	..	..	..	2	..
Meghalaya	2	..	..	..	..	..	..	..	2	2	..
Nagaland	1	..	..	..	..	..	..	1(g)	..	1	..
Orissa	20	14	..	1	..	..	5	..	..	20	..
Punjab	13	9	..	1	..	..	..	..	1	11	2
Rajasthan	23	15	..	..	2	..	1	2(h)	3	23	..
Sikkim	1	..	..	..	..	..	..	..	1	1	..
Tamil Nadu	39	8	..	4	..	18	..	7(i)	1	38	1
Tripura	2	..	2	..	..	..	..	..	..	2	..
Uttar Pradesh	85	73	..	5	4	..	2	..	1	85	..
West Bengal	40	13	20	3	..	..	..	10	1	38	2

1	2	3	4	5	6	7	8	9	10	11
Delhi . . .	3	2	..	1	..	..	..	..	..	..
Mizoram . .	1	1	..	..	..	..	..	..	..	..
Pondicherry . .	1	..	..	..	..	..	..	..	..	1
Nominated . .	12	1	..	..	..	..	..	11	..	..
	244	146	8	12	12	8	5	39(1)	11	3

(a) PSP

(c) Muslim League—1; S.P.—1

(d) B.K.D.—1; REP—1; P.W.P.—1; S.P.—1

(e) APHLC

(f) UDF

(g) Akali Dal

(h) Muslim League—3; ADMK—2; D.M.K.—11

(i) B.K.D.

(1) D.M.K.—11; M.L.—4; B.K.D.—2; S.P.—2; Akali Dal—2; A.P.H.L.C.—1; U.D.F.—1; P.S.P.—1; REP—1; P.W.P.—1; A.D.M.K.—2; Nominated—11.

C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Cong.	Cong(O)	B.L.D.	J.S.	CPI	CPI(M)	SP	Other parties	Ind.	Total Vacancies	
I	2	3	4	5	6	7	8	9	10	11	12	13
Andhra Pradesh Legislative Assembly (as on 30-9-1975)	288	242			..	8	1		25(a)	11	287	1
Legislative Council (as on 30-9-1975)	90	68			6	4			8(b)	4	90	..
Assam Legislative Assembly (as on 1-10-1975)	114	95		2		3		4	5(c)	5	114	
Bihar Legislative Assembly (as on 31-3-1975)	319	193	3		1	35			18(d)	20	270(e)	49
Legislative Council (as on 1-10-1975)	96	59	6		5	4			6(f)	13	93	3
Haryana Legislative Assembly (as on 1-10-1975)	81	61(g)	26(h)		2				3(i)	7	81	..
Himachal Pradesh Legislative Assembly (as on 29-5-1975)	68	54			5		1		2(j)	6	68	
Jammu & Kashmir Legislative Assembly (as on 1-10-1975)	75	59		2	2				5(k)	6	74	1
Legislative Council (as on 1-10-1975)	36	22							14(l)		36	
Karnataka Legislative Assembly (as on 1-10-1975)	217	165	25		..	3	..	2	1(m)	19	216(n)	1
Legislative Council (as on 1-10-1975)	63	34	20		6	..	..	..	..	2	63(o)	
Kerala Legislative Assembly (as on 19-5-1975)	134	35	3			16	31	7	33(p)	6	132(q)	2

Madhya Pradesh Legislative Assembly (as on 1-10-1975)	297	227		35	5	4	17	290(r)	7
Manipur Legislative Assembly (as on 18-9-1975)	60	38		..	6	..	14(s)	60	..
Meghalaya Legislative Assembly (as on 22-10-1975)	60	12		..	..		47(t)	60	..
Orissa Legislative Assembly (as on 5-11-1974)	146	69		..	7	3	57(u)	146(v)	
Punjab Legislative Assembly (as on 6-10-1975)	104	67(w)		1	10	1	25(x)	104	
Rajasthan Legislative Assembly (as on 25-10-1975)	184	150	..	..	5	1	2 16(y)	8 182	2
Tamil Nadu Legislative Assembly (as on 2-5-1975)	235	7	13	5	5	..	207(z)	234(aa)	1
Legislative Council (as on 9-10-1975)	63	1	9	..	..	..	44(bb)	6 61(cc)	2
Tripura Legislative Assembly (as on 1-10-1975)	60	35		..	1	15	8(dd)	59	1
Uttar Pradesh Legislative Assembly (as on 29-9-1975)	426	228	10	97	60	2	4 5(ee)	1 423	3
Legislative Council (as on 14-11-1975)	108	72	2	10	5	1	14(ff)	3 107	1
West Bengal Legislative Assembly (as on 30-9-1975)	281	215	3	..	..	36	13 9(gg)	4(hh)	280
Delhi Metropolitan Council (as on 26-9-1975)	61	46	2	2	6	3	1(ii)	2 60	1
Goa, Daman & Diu Legislative Assembly (as on 31-12-1974)	30	1		..	..	..	28(jj)	1(kk)	30
Mizoram Legislative Assembly (as on 7-5-1975)	33	29	..	..	..	..	4(ll)	..	33

- (a) Socialist Democratic Front—6, Andhra Progressive Democrats—7, Progressive Front—6, Peoples Democrats—3, Majlis Ittehaful-Muslimeen—2, RPI—1.
- (b) Progressive Democratic Front.
- (c) Peoples Democratic Party—3, RCPI—1, PTC—1.
- (d) Includes SSP—6, All India Jharkhand—3, Hul Jharkhand—2, Progressive Hul Jharkhand—1, Jharkhand (N.E. Hora group)—1, Hindustani Soshit Dal—2, Socialist Vidhayak Dal—1, Nominated—2.
- (e) Includes Hon. Speaker.
- (f) Samajbaddal—4, Teachers—2.
- (g) Includes Hon. Speaker.
- (h) Note :—“Chaudhri Hardwari Lal ceased to be member of the Haryana Vidhan Sabha *vide* Haryana Vichan Sathe Secretariat Notification No. HVS—LA—19/75/2, dated the 8th January, 1975. But *vide* Punjab and Haryana High Court order dated 7-5-1975 he is entitled to attend the session of the Haryana Legislative Assembly and sign the register for the minimum number of days required to keep his seat intact, but shall not take part in the proceedings of the said Assembly or vote or draw any remuneration.”
- (i) Vishal Haryana Party.
- (j) Lok Raj Party.
- (k) JamatIslami.
- (l) Final Party affiliations not available.
- (m) Janathapaksha.
- (n) Includes Hon. Speaker.
- (o) Includes the Chairman.
- (p) Includes Kerala Congress—10, Muslim League (Leader Shri M. Moideenkutty)—6, Revolutionary Socialist Party—6, Kerala Socialist Party—2, Karshak Thozhilali Party—2, Kerala Congress Original—2.
- (q) Includes Hon. Speaker and nominated—1.
- (r) Includes Hon. Speaker, nominated—1.

- (g) Includes M.P.P.—7, M.H.U.—6, K.N.A.—1.
- (t) Includes A.P.H.L.C.—39 ; H.S.P.D.P.—8.
- (u) Orissa Pragati Legislature Party.
- (v) Includes Hon. Speaker.
- (w) One Congress M.L.A. viz., S. Kirpal Singh Rardhawa has neither the right to vote nor to participate in the proceedings.
- (x) Shiromati Akali Dal.
- (y) Janta Morcha—15, Swatantra—1.
- (z) D.M.K.—167; A.D.M.K.—16, Tamil Arasu Kazhagam—1, Forward Bloc—7, Muslim League—6, Tamil Nadu Communists 2, Thazhithapathor Munnera Kazhagam—2, Swatantra—5, Nominated—1.
- (aa) Includes Hon. Speaker.
- (bb) D.M.K.—31, Swatantra—2, United Party—4, Indian Union Muslim League—2, Toilers Commonwealth Party—1, Forward Bloc—1, A.D.M.K.—1, Tamil Arasu Kazhagam—2.
- (cc) Includes Hon. Chairman.
- (dd) Two supported by C. P. I. (M).
- (ee) Includes Mahasabha—1, Muslim League—1, Soshit Samaj Dal—1, Nominated—1, Unattached—1.
- (ff) Includes Republican Party—1, Shikshak Dal—6, Rashtrawadi Dal—3, Independent Group—4.
- (gg) Includes R.S.P.—3, Socialist Unity Centre—1, Workers Party—1, Gorkha League—2, Muslim League—1, Nominated—1.
- (hh) Supported by the U.F.—1, Others—3, (including Hon. Speaker)
- (ii) Muslim League.
- (ji) Includes Maharashtra Gemanak Party—19, United Gans—9.
- (kk) Hon. Speaker.
- (ll) Mizo Union.

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

CORRIGENDA

Contents page, against the author of the article entitled 'The Press and Parliament', read "Percy R. Davies' for 'Perey R. Davies'.

Page 233, para 2 line 2, for 'wih' read 'with'

Page 245, para 2 line 6, after the word 'along' read 'is'.

Page 271, para 1 line 2, for 'Mr.' read 'Mrs.'.

Page 294, in the caption, read 'S. SESHADRI'
for 'SESHADRI'

Page 315, para 1 line 10, for 'Mountlgatten' read
'Mountbatten'.