

**THE JOURNAL OF
PARLIAMENTARY
INFORMATION**

**VOLUME XXII, NO. 2
April, 1976**

C O N T E N T S

	PAGE
EDITORIAL NOTE	201
ARTICLES :	
First Conference of Chairmen of Committees on the Welfare of Scheduled Castes and Scheduled Tribes .	204
—B. K. Mukherji	
Specialised Select Committee Procedure in U. K. .	215
—Arthur Bottomley	
Political Processes in Hong Kong .	220
—Hilton Cheong Leen	
The Constitution and the Courts .	226
—K. C. Joshi	
The Press and Parliament .	233
—Perey R. Davies	
Reporting the Parliament : A Perspective .	236
—K. Krishnamurthy	
PARLIAMENTARY EVENTS AND ACTIVITIES:	
Farewell to former Speaker, Dr. G. S. Dhillon and Welcome to Shri B. R. Bhagat, Speaker, Lok Sabha .	244
Conferences and Meetings	248
PRIVILEGE ISSUES	250
PROCEDURAL MATTERS	257

	PAGE
PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS	260
SESSIONAL REVIEWS:	
I. Lok Sabha	274
II. Rajya Sabha	285
III. State Legislatures	289
 BOOK REVIEWS:	
(i) S. Seshadri : <i>Parliamentary Control over Finance</i> —H. N. Mukerjee, M.P.	294
(ii) Radhey Mohan & Z. A. Nizami : <i>The People's Prime Minister</i> —R. K. Sinha, M. P.	297
(iii) Mattei Dogan (Ed.) : <i>Mandarins of Western Europe</i> —Hari Kishore Singh, M.P.	301
(iv) Nandini Upreti : <i>Provisional Parliament of India</i> —B. R. Shukla, M.P.	305
(v) Larry Collins & Dominique Lapierre : <i>Freedom at Midnight</i> —C. Ganesan	307
RECENT LITERATURE OF PARLIAMENTARY INTEREST	316
 APPENDICES	
I. Statement showing the work transacted during the Fifteenth Session of the Fifth Lok Sabha	323
II. Statement showing the work transacted during the 94th Session of Rajya Sabha	328
III. Statement showing the activities of State Legislatures during the period October 1 to December 31, 1975.	332
IV. Bills passed by the Houses of Parliament and assented to by the President during the period November 1, 1975 to January 31, 1976.	337

	PAGE
V. Bills passed by the State Legislatures during the period October 1 to December 31, 1975 .	338
VI. Ordinances issued by the Central Govt. during the period November 1, 1975 to January 31, 1976 and by the State Governments during the period October 1 to December 1975 .	342
VII. Party position in Lok Sabha, Rajya Sabha and State Legislatures	350

EDITORIAL NOTE

Committees on the Welfare of Scheduled Castes and Scheduled Tribes, constituted by Parliament and the several State Legislatures, to keep an eye on the implementation of the constitutional safeguards for these weaker sections of Indian society, have during the past few years played a significant role by focussing attention on problems faced by these sections and by making specific recommendations for the speedier amelioration of their conditions. The Chairmen of these Committees held their first Conference in New Delhi recently to assess the role played by these Committees so far in improving the lot of the Scheduled Castes and Scheduled Tribes and to explore ways and means to ensure more effective implementation of their recommendations. We begin this issue with a comprehensive article on this important Conference and the problems that came up there for discussion.

Based on his personal experiences in the British House of Commons, Rt. Hon. Arthur Bottomley, M.P. discusses in his illuminating article the useful role played by the specialised select committees in the British parliamentary set-up. This is a theme of considerable current interest all over the parliamentary world and the article, it is hoped, would be found to be a significant contribution to contemporary literature in the field.

In order to ensure the growth of an ideal relationship between the Press and the Parliament, it is imperative for both to show a high sense of public responsibility and to realise that both are complementary to each other. The delicate question of this inter-relationship between the two has been competently analysed in the valuable contribution of Justice Percy R. Davies, Speaker of the Sierra Leone Parliament.

Mr. Hilton Cheong-Leen's article on the evolution of "Political Processes in Hong Kong" should prove an interesting and informative study to all students of parliamentary institutions and political development.

In the light of the current debate on the changes needed to be brought about in the Constitution so as to ensure speedier implementation of socio-economic measures, Dr. K. C. Joshi's article on

"The Constitution and the Courts" is timely. He has tried to analyse threadbare the theme of judicial review and to answer the question, "to what extent parliamentary enactments should be subjected to review by the Courts."

Importance of the verbatim proceedings of Parliament, the problems encountered and the excitements shared by parliamentary reporters in ensuring a faithful record of these proceedings, have been analysed in a paper contributed by an official parliamentary reporter.

In the constitutional and parliamentary field, there have been some important changes in the Council of Ministers at the Centre. Apart from the appointment of the former Speaker of Lok Sabha, Dr. G. S. Dhillon, as Minister of Transport and Shipping, the former Chief Minister of Haryana, Shri Bansi Lal joined the Cabinet with the Defence portfolio previously held by Sardar Swaran Singh who, after being continuously in the saddle for nearly two-and-a-half decades, resigned. Shri Uma Shanker Dikshit, another senior member of the Cabinet, who also resigned, has since been appointed Governor of Karnataka. Yet another Chief Minister to join the Union Cabinet is Shri P. C. Sethi who has taken over as Minister of Chemicals and Fertilizers. There have been some other changes at various levels.

In the States, ministerial changes have taken place in Haryana and Madhya Pradesh following the shifting of their Chief Minister to the Centre. Uttar Pradesh, which came under President's rule towards the end of November last year following the resignation of Chief Minister Bahuguna, had a new Ministry in the third week of January this year headed by Shri Narain Datt Tewari. Another State to come under President's rule is Tamil Nadu following the dismissal of the Karunanidhi Ministry for acts of mal-administration, corruption and misuse of power.

There have been quite a few developments abroad too. Australia has had general elections following the constitutional crisis created by the dismissal of former Prime Minister Gough Whitlam. The elections resulted in the defeat of the Labour Party and the overwhelming victory of the Liberal-National Country Party coalition headed by Mr. Malcolm Fraser, who was acting as the caretaker Prime Minister.

Elections were also held in New Zealand where again, the outgoing Prime Minister Rowling's Labour Party suffered a defeat at the hands of the National Party led by Mr. Robert Muldoon.

There have been Cabinet reshuffles and other ministerial changes in Bangladesh, Finland, France, Nepal, Norway, Sao Tome & Principe, South Africa, South Korea, South Yemen, Tanzania, Thailand, the United Kingdom, the USA and the USSR. The Prime Minister of Lesotho has, interestingly enough, included two members of the Opposition in his Cabinet. Parliaments have been dissolved in Bangladesh and Thailand.

Cambodia, Cuba and Madagaskar have adopted new constitutions while Nepal has announced significant and far-reaching changes in its 13-year old Constitution, based on the recommendations of the Constitutional Reforms Commission. Laos has done away with monarchy but Spain has reverted to the monarchical order following the installation of Prince Juan Carlos as the first King after nearly four-and-a-half decades under Generalissimo Franco.

Two new nations to achieve independence are the former Portuguese colony of Angola and the former Dutch Guiana, Surinam.

These and other related events have been covered in the feature on 'Constitutional and Parliamentary Developments'.

Besides, the issue continues all the other regular features.

We shall be happy to receive practice and problem oriented original contributions in the specialised fields of comparative legislative and constitutional studies and more particularly on the Indian experience of the working of its democratic Constitution and parliamentary policy—from scholars in India and abroad for publication in the Journal.

Suggestions for improvements would be most welcome.

—S. L. SHAKDHER

FIRST CONFERENCE OF CHAIRMEN OF COMMITTEES
ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES

B. K. MUKHERJEE*

A Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, consisting of 20 Members from Lok Sabha and 10 Members from Rajya Sabha, has been functioning in the Parliament since 18th December, 1968. The Committee has already completed three terms of two years each. On the pattern of the Parliamentary Committee, Committees on the Welfare of Scheduled Castes and Scheduled Tribes have been set up in 12 State Legislatures, namely, Bihar, Haryana, Himachal Pradesh, Kerala, Karnataka, Madhya Pradesh, Maharashtra, Nagaland, Punjab, Rajasthan, Uttar Pradesh and West Bengal. In Rajasthan, originally only one Committee was formed for both Scheduled Castes and Scheduled Tribes but subsequently separate Committees have been constituted for the Scheduled Castes and the Scheduled Tribes.

Shri Mata Prasad, Chairman, Joint Committee on the Scheduled Castes, Scheduled Tribes and Denotified Castes of U.P. Vidhan Sabha, in his letter dated 11-11-1975 to the Chairman, Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, suggested that a meeting of Chairmen of Committees on the Welfare of Scheduled Castes and Scheduled Tribes at the Centre and in the States might be convened to lay down the policies regarding the functioning of these Committees. This proposal was welcomed by the Speaker, Lok Sabha, inasmuch as it was felt that a Conference of this nature provided a useful forum for discussion of matters affecting the well-being of the down-trodden sections of the people in the various States.

*Shri Mukherjee is Chief Legislative Committee Officer, Lok Sabha Secretariat.

The Chairman of the Parliamentary Committee as also the Chairmen of the State Legislature Committees were requested to suggest points for discussion at the Conference, which was to be held on the 17th and 18th January, 1976 in the Parliament House Annexe, New Delhi. The points suggested by the various Chairmen are indicated below:

Chairman, Parliamentary Committee

- (i) Procedure of work of the Parliamentary and Legislature Committees on the Welfare of Scheduled Castes and Scheduled Tribes;
- (ii) Discussion of the Reports of the Commissioner for Scheduled Castes and Scheduled Tribes in Legislatures;
- (iii) Implementation by Government of the recommendations contained in the Reports of the Committees on the Welfare of Scheduled Castes and Scheduled Tribes in Legislatures in India;

Chairman, Maharashtra Committee

- (iv) How to ensure prompt action by Government on the recommendations of the Committee;
- (v) Atrocities on the Scheduled Castes and adequacy of constitutional safeguards as also protective measures taken by the Central and State Governments for their integration with the society;

Chairman, West Bengal Committee

- (vi) In view of the definition of "The State" as contained in Article 12 of the Constitution of India, should the provision for representation of Scheduled Castes and Scheduled Tribes in different services and posts as guaranteed under the Constitution be extended to all local and other authorities within the territory of India?
- (vii) Can the Committee on the Welfare of Scheduled Castes and Scheduled Tribes receive representations and sit in discussion with different leading organisations of the Scheduled Castes and Scheduled Tribes?

Chairman, Karnataka Committee

- (viii) Can the Committee pay surprise visits and make surprise checks of the institutions/organisations meant for Scheduled Castes and Scheduled Tribes when in the course of examination of the subject by the Committee certain irregularities have come to their notice? Whether such visits amount to proceedings of the Committee and whether

it can be divulged to the press and if divulged whether action can be taken against persons responsible for the same and the papers which have published it?

(ix) Whether it would be in order, if the Government withhold production of a file or document to the Committee on the ground that the concerned file/document has been referred to the Vigilance Commission or the same has been seized by the Vigilance Commission? What is the procedure to be followed in such cases?

Chairman, Rajasthan Committee

(x) Difficulties in getting possession of allotted land.

(xi) Setting up of separate Financial Corporations for the Members of the Scheduled Castes.

(xii) The essentiality of bifurcation of the Scheduled Castes and Scheduled Tribes Welfare Committees.

Brief explanatory notes on the points included in the agenda were received from some of the Chairmen of the State Legislatures. For purposes of discussion, items (iii) and (iv) were grouped together.

The Conference was inaugurated by the Speaker of the Lok Sabha, Shri B. R. Bhagat, on January 17, 1976 in Committee Room 'D' of the Parliament House Annexe. Besides the Chairman of the Parliamentary Committee, Chairmen of eight State Legislature Committees on the Welfare of Scheduled Castes and Scheduled Tribes, namely, Bihar, Haryana, Kerala, Karnataka, Maharashtra, Punjab, Rajasthan* and West Bengal attended the Conference. The Chairman of the Hill Areas Committee, Manipur, was also present. The Commissioner for Scheduled Castes and Scheduled Tribes was also invited to attend the Conference and to take part in its deliberations. There was no representative from the U.P. Legislature Committee inasmuch as the State of U.P. was under President's Rule and the State Legislative Assembly was under suspension while the Conference met.

In his Inaugural Address, the Speaker, Lok Sabha, extended a hearty welcome to the distinguished Chairmen of Committees on the Welfare of Scheduled Castes and Scheduled Tribes and stated, that "the Committee on the Welfare of Scheduled Castes and Schedu-

*Chairmen of both Scheduled Castes Committee and Scheduled Tribes Committee were present.

led Tribes is an effective instrument for safeguarding the interests of Scheduled Castes and Scheduled Tribes. The Committee holds, as it were, a watching brief on behalf of the House to see that the measures taken by the Government for the amelioration of the conditions of Scheduled Castes and Scheduled Tribes are adequate and that the moneys sanctioned for their economic uplift are being properly and fully utilised." The Speaker made a pointed reference to the crucial problems which affected the socio-economic interests of the weaker sections of the people in various States. He said that the question of rapid spread of education among the Scheduled Castes and Scheduled Tribes required serious consideration. It was the pivot round which the socio-economic progress of these communities revolved. The problem of land alienation was also a serious problem which concerned the tribal population. He hoped that the Legislature Committees were aware of this problem and they had gone into the question of the effective implementation of the various legislative and executive measures to prevent land alienation. A subject on which the Speaker laid special emphasis related to the non-implementation or delay in the implementation of the various recommendations of the Committee. "The Parliamentary Committee as also the State Legislature Committees on the Welfare of Scheduled Castes and Scheduled Tribes," he said, "have to be vigilant insofar as the implementation of their recommendations is concerned." He commended to all State Legislature Committees the procedure followed by the Parliamentary Committee for scrutinising the replies received from the Government with regard to the recommendations made by the Committee.

The Speaker paid a tribute to the dedicated work done by the erstwhile Chairman, Sardar Buta Singh, as also the present Chairman, Shri D. Basumatari, who was also the Chairman of the first Committee (1968—70). He made a special reference to the whole-hearted support and encouragement given to the Committee by his illustrious predecessor, Dr. G. S. Dhillon who, he said, had an abiding interest in the work of the Committee and always extended to it the necessary support and guidance which helped its growth in stature and importance. He also recorded the commendable services rendered by the Secretary-General, Shri S. L. Shakhder, who assisted the Chairman of the Committee in setting up healthy traditions and in formulating sound working procedures which had stood the test of time.

Shri D. Basumatari, Chairman of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, in his

welcome speech expressed his gratefulness to the Speaker for having agreed to the convening of the first Conference of the Chairmen of the Parliamentary and Legislature Committees on the Welfare of Scheduled Castes and Scheduled Tribes. "Our objectives and problems", he said, "are similar. This Conference will afford us an opportunity to discuss our mutual problems and to exchange views and experiences so as to enable these Committees to be more effective and useful in the discharge of their functions." He informed the Conference that the Government bestowed a very careful consideration to the recommendations made by the Committee. An analysis of the replies furnished by the Government showed that as many as 60 per cent of the recommendations of the Committee were accepted by the Government and others were in the process of examination.

The Conference thereafter took up for consideration the points listed on the agenda. The Commissioner for Scheduled Castes and Scheduled Tribes, who initiated the discussion, expressed his satisfaction that the various recommendations made by him in his reports were now being taken note of by the State Legislature Committees. However, due to the absence of a field organisation and paucity of staff at headquarters, it was not possible for his organisation to keep a watch over the implementation of the various recommendations made in his annual reports. He informed the Conference that the Home Ministry had been actively considering the question of strengthening the Commissioner's organisation and he hoped that the Conference would make his task easier by their wholehearted cooperation in his direction. He suggested that the State Legislature Committees should take up studies of important State Departments like Education, Agriculture, Irrigation, Industries, etc. to find out what steps were being taken by these Departments to give relaxations to Scheduled Castes and Scheduled Tribes in their on-going schemes to enable persons belonging to these categories to secure benefit of the schemes operated by these Departments.

The Chairman of the Conference (Shri D. Basumatari) explained the procedure of work of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes. He informed the Conference that the term of office of the members of the Committee was initially two years and this was extended by a motion adopted by both the Houses of Parliament. According to Rule 331B(2) of the Rules of Procedure and Conduct of Business in the Lok Sabha, the term of office of the members of the Committee will in future be one year.

Suggestions were made by the Chairmen of all State Legislature Committees except Rajasthan that the Committee should have a two-year term instead of one year as at present. The consensus of the Conference was that the State Legislature Committees might make such modifications in the procedure as they considered necessary keeping in view the local conditions. The Committee might have a two-year term so that there was continuity of experience.

Should not the reports of the Commissioner for Scheduled Castes and Scheduled Tribes, who is a Special Officer appointed by the President under Article 338 of the Constitution to investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes, be regularly discussed in Parliament and State Legislatures? This was a subject which was discussed at some depth by the Conference. The Commissioner pointed out that a large number of copies of his reports were supplied to the State Governments but they were not discussed in the State Assemblies. He suggested that the members of the Committee should prevail upon the State Governments so that copies of his reports were received by them in time and discussed in the State Legislatures. The Chairman of the Conference pointed out that at the Centre the reports of the Commissioner were discussed in Parliament although there had been some delay. He also pointed out that the Parliamentary Committee in its very first report had suggested that the reports of the Commissioner should be discussed in all State Legislatures. The Chairmen of State Legislature Committees were of the opinion that a procedure should be laid down whereunder copies of the Commissioner's reports were made available to the State Legislatures. After some discussion, the Conference reached the consensus that the reports of the Commissioner for Scheduled Castes and Scheduled Tribes should be laid on the Table of the State Legislatures and, for this purpose, necessary amendment in the Constitution might be made. The Home Ministry might take necessary steps to have an adequate number of copies of the reports of the Commissioner for Scheduled Castes and Scheduled Tribes sent to each State.

It was the considered view of the Conference that presentation of reports without an effective machinery for the implementation of the recommendations made therein would not serve the purpose for which the Committees were set up in the Centre and the States. The consensus of the Conference was that Action Taken Sub-

Committee or Study Group should be set up by each State Legislature Committee to examine the replies received from the State Governments on the lines of the Action Taken Study Group set by the Parliamentary Committee.

The Chairman of West Bengal Legislature Committee, initiating discussion on his point regarding reservations for Scheduled Castes and Scheduled Tribes in local and other bodies, stated that the definition of the word 'State' as contained in Article 12 of the Constitution of India should have a meaningful reference to all local bodies like schools, colleges, panchayats, cooperative organisations, municipalities, etc. The representation of Scheduled Castes and Scheduled Tribes in different services and posts, as guaranteed under the Constitution, should also be extended to these local and other authorities within the territory of India. The Chairman of the Parliamentary Committee stated that this point had been examined by the Ministry of Home Affairs on a suggestion received from the Commissioner for Scheduled Castes and Scheduled Tribes to the effect that autonomous bodies, including municipal corporations, cooperative institutions, universities, etc. should be asked to make reservations for Scheduled Castes and Scheduled Tribes in all posts and services under their control and, if the word 'State' occurring in Article 12 of the Constitution, did not cover these bodies, the Constitution should be amended suitably. He stated that the opinion of the Ministry of Law, as contained in an order of the Ministry of Home Affairs dated the 30th September, 1974, was that the word 'State' in this Article of the Constitution, while covering the Municipal Corporations, would not cover other autonomous bodies and cooperative institutions, universities etc., but it was not necessary to amend the Constitution as the purpose of making reservations for Scheduled Castes and Scheduled Tribes in such bodies could be achieved by making suitable provision in the relevant statutes or in the Articles of Association etc.

After some discussion, the Conference reached the consensus that it was within the power of the State Legislatures to amend the Acts to provide for reservations for Scheduled Castes and Scheduled Tribes in the services of the local bodies which are the creations of Acts passed by Legislatures. If necessary, executive directions might be given to the local bodies to provide for reservations for Scheduled Castes and Scheduled Tribes in the services of such bodies.

Another point raised by the Chairman of the West Bengal Legislature Committee related to the receipt of representations from Scheduled Castes and Scheduled Tribes Government employees for examination. The Chairman of the Conference stated that insofar as the Parliamentary Committee was concerned, the Committee did not entertain individual service grievances of Government employees inasmuch as they had their own channels of ventilating service grievances. Representations on general policy matters were, however, entertained and considered by the Committee. The Conference agreed with this view.

The Chairman of the Karnataka Legislature Committee raised the question of surprise visits and surprise checks of the institutions and organisations meant for Scheduled Castes and Scheduled Tribes by the Committees on the Welfare of Scheduled Castes and Scheduled Tribes. The Chairman of the Conference pointed out that the Parliamentary Committee did not undertake any surprise visits nor were any hand-outs given to the press relating to the impressions of the Committee of the study tours undertaken by it until the report of the Committee on the subject was presented to the House. The Conference was of the opinion that the Committee might undertake surprise visits, if considered absolutely necessary, to see the conditions of Scheduled Castes and Scheduled Tribes, but no information relating to such visits should be divulged to the press till the report of the Committee was laid on the Table of the House.

Another item which stood in the name of the Chairman of the Karnataka Legislature Committee related to the power of the Government to withhold the production of a file or document to the Committee on the ground that the concerned file/document had been referred to the Vigilance Commission or the same had been seized by the Vigilance Commission. The Chairman of the Conference stated that at the Centre the Parliamentary Committee had power to send for persons, papers, and records but no case had arisen where the Government had declined to produce a paper on the ground that the same had been before the Vigilance Commission. He felt that it would be better if matters, which were already under examination by the Vigilance Commission, were not reported upon by the Committees until the report of the Commission was published. The Conference was in agreement with the views of the Chairman of the Parliamentary Committee.

The Chairman of Maharashtra Legislature Committee initiated discussion on his item regarding atrocities on Scheduled Castes.

He said that despite constitutional safeguards and various protective measures taken by the Central and State Governments in this regard during the last 25 years, the incidents of atrocities were on an increasing scale. This clearly showed that the gap between the Scheduled Castes and the other sections of the society, instead of becoming less, was widening day by day. He cited instances of atrocities on Harijans in his State and made a forceful plea that this subject required to be viewed seriously and it was necessary to consider what effective steps should be taken to ensure the speedy integration of the Scheduled Castes with other sections of the society by considering the adequacy of various constitutional and statutory safeguards in this respect.

The Chairman of the Parliamentary Committee informed the Conference that this was no doubt a serious matter and the Parliamentary Committee was also seized of it. The Parliamentary Committee, however, was unable to make investigations into the incidents of atrocities inasmuch as they related to law and order, which was a State subject. Besides, the Parliamentary Committee had no machinery of its own to make such investigations. It was, therefore, suggested by the Committee in its very first report that the Commissioner for Scheduled Castes and Scheduled Tribes should make necessary investigations whenever cases of atrocities came to his notice and details of the more important complaints investigated by him might be published in the form of *ad hoc* reports of the Commissioner to the President.

The Commissioner for Scheduled Castes and Scheduled Tribes stated that the State Governments were taking a number of steps to curb atrocities on Harijans. The Prime Minister had also suggested that the Chief Ministers should constitute a cell for this purpose under their direct control so that things could be considered at the highest level and proper steps taken. He commended the steps taken by the Maharashtra Government to set up Vigilance Committees at the district levels. The Chairman of the Maharashtra Legislature Committee informed the Conference that the district level Vigilance Committees had since been abolished.

The consensus of the Conference was that the Committees in the State Legislatures might examine cases of serious atrocities taking place in their States and take up the matter with the Chief Ministers concerned. The Commissioner for Scheduled Castes and Scheduled Tribes might also bring to the notice of the President

serious cases of atrocities on Scheduled Castes and Scheduled Tribes. District Vigilance Committees might also be set up on the lines of the Committees earlier set up in Maharashtra but which had been discontinued. Such Committees should be revived in Maharashtra. The organisation of the Commissioner should be strengthened so that he had an Assistant Commissioner or Deputy Commissioner in each State

Three items were put down in the name of the Chairman, Rajasthan Legislature Committee. These related to (i) difficulties encountered by Scheduled Castes and Scheduled Tribes in getting possession of the allotted land, (ii) setting up of separate Financial Corporations for the members of the Scheduled Castes, and (iii) the essentiality of bifurcation of the Scheduled Castes and Scheduled Tribes Welfare Committees. In regard to the first item, the Conference arrived at the consensus that the State Legislature Committees could take up the question of allotment of land to Scheduled Castes and Scheduled Tribes as also restoration of alienated land to such persons for examination and report to the State Legislatures. 'Land' was a State subject and implementation of the policy laid down by the Centre rested with the State Governments. As regards the second item, the Conference agreed that there was necessity of setting up Financial Corporations to cater specially to Scheduled Castes and Scheduled Tribes. It was upto the Chairmen of State Legislature Committees to take up the matter with the State Governments concerned. The Chairman of the Scheduled Tribes Committee of Rajasthan made a forceful plea for the bifurcation of the Scheduled Castes and Scheduled Tribes Committee into two Committees, one dealing exclusively with the problems of Scheduled Castes and the other with those of Scheduled Tribes. The Chairman of the Parliamentary Committee said that personally he was opposed to such bifurcation. He said: "I have been Chairman of this Committee for four years. I have not come across any difficulty during the course of my work as Chairman... The more you speak of separation, the more the feeling of separation will come. That is my personal feeling. No Scheduled Caste Member has ever opposed me for going to the tribal areas nor any Scheduled Tribe Member opposed me for taking up the case of Scheduled Castes." The opinion was divided in the Conference on this issue. After some discussion, however, the Conference reached the consensus that it was for each State Legislature to consider whether it should have two separate Committees relating to Scheduled Castes and Scheduled Tribes instead of one as at present.

Before the deliberations of the Conference came to a close, the Chairmen of State Legislature Committees of Karnataka and Rajasthan renewed their plea for opening up offices of the Commissioner for Scheduled Castes and Scheduled Tribes at each State level.

SPECIALISED SELECT COMMITTEE PROCEDURE IN U.K.

ARTHUR BOTTOMLEY*

The problems facing Governments to-day are more complex and much wider than ever before. No country can live in isolation, and developments in one part of the world can have repercussions elsewhere. The hi-jacking of a plane can, for example, cause problems for several countries. The communications system to-day has world events on T.V. screens immediately, or reported on the radio sometimes even whilst they are happening. We no longer live in an age when a gun-boat could be sent on a mission and reports of the event only becoming known weeks or months after it had occurred.

In the economic world Governments have to operate within world financial and economic agencies, and have become involved in commerce and industry to a degree never experienced before. The general public are not fully aware of these problems that have to be tackled by Governments, even though their interests are directly affected.

I have served in four Labour Governments—two with Clement Attlee as Prime Minister and two with Harold Wilson. I know by experience that there is a need for improved machinery to enable the public at large to know what Governments do on their behalf. The principle that public policy and administrative action should be open to discussion, and that information on the workings of Government should be available to Members of Parliament and the wider public is vital in a democratic society. In particular it is essential that there should be greater understanding and co-opera-

*The Rt. Hon. Arthur Bottomley, O.B.E. is a Member of the House of Commons (U.K.) and Treasurer of the Commonwealth Parliamentary Association.

tion between Government Departments and other public and private bodies and organisations.

A personal experience clearly brought this home to me. When I was Minister for Overseas Trade, business men complained to me about the working of two departments. They said their duties overlapped, causing unnecessary delays and meetings. One Department was known as Commercial Relations and Treaties, and the other as Export Promotion. The two really went together and it certainly appeared that their amalgamation would result in great efficiency and better service. I had to struggle hard to bring this about, and during the period of change some of the more rigid civil servants called it Operation Confusion. Not long ago, when I was talking to a senior civil servant in the present Ministry I asked about these Departments and was told that he had never heard of them. In other words, the new Department created as a result of the amalgamation was now an effective part of the established machinery of Government. There is little doubt that, left to the civil servants, there would still be two departments to-day.

The increasing complexity of Government and the extension of its powers into so many new areas of politics and trade has inevitably meant more control by the executive. It is my view that the executive's power to govern should be matched by an improvement in Parliament's opportunities and techniques for questioning and criticising the executive's use of its powers.

Parliament is the sounding board of public opinion. It is necessary for Parliament to communicate public anxieties, criticisms and preferences to the Government and also to explain the decisions and actions of the Government to the public. Parliament also provides the opportunity for opposition policies to be presented as alternatives to those proposed by the Government. It also gives every individual Member of Parliament the chance to raise any question affecting a constituent or constituency, or any matter in which they have some special knowledge or interest.

However, Parliamentary control must not lead to frustration and ineffective government. Parliament must influence but not direct power, give advice but not command, criticise but not obstruct, scrutinise but not initiate, and ensure publicity and not secrecy. To ensure this practice there must be the ability to obtain the background facts and the understanding essential to any detailed criticism of administration and any informed discussion of policy.

The present machinery of Parliament has failed to keep pace with the increase in the scope of Government activity. It is my view that the system of Parliamentary Select Committees provides such an opportunity for Parliament to do this.

The Parliamentary Select Committee is nothing new, but what is required is the establishment of more specialised Committees, to match, for example, the work of the Public Accounts Committee. The Public Accounts Committee has been long established for the purpose of making sure that the tax-payer's money has been spent for the purposes decided by Parliament, and spent as effectively as possible.

The Government of the day asked me to be Chairman of a Select Committee on Race Relations and Immigration. The establishment of this Committee gave to back benchers an oversight of one of the most difficult and sensitive problems facing the nation. It was at the time that Mr. Enoch Powell was highlighting the subject of race relations. Our endeavour was to defuse the emotive and injudicious statements which had been made about race relations. The Committee appointed was widely representative of the membership of the House of Commons, and as Chairman I asked the members from the beginning to project their thoughts towards what the public would be thinking about their actions in a decade or two from now. I urged that they should be factual and objective in their reporting.

To assist us in our work we decided to visit both the areas in Britain where immigrants resided and their countries of origin. Seeing where immigrants came from enabled Committee members to appreciate their difficulties in coming to new surroundings. The result was that the Committee produced unanimous reports on the problems facing immigrants in education, housing, police-immigrant relationships and other fields. As an illustration of the Committee's work I cite what happened as a result of a visit by the Committee to Wolverhampton. In reply to questions put to the police about allegations that the immigrant population were responsible for an increase in crime it was said that this was incorrect. The Public Health Authorities said that standards of hygiene and cleanliness had not been lowered, as had been suggested, and that the immigrant population followed much the same pattern as the indigenous population—some clean and others not so clean.

Our trips outside Parliament were at first resisted as the Local Authorities said we were interfering in their affairs. When, however, it was seen that this was an opportunity for enabling legislators to understand the kind of problems caused for Local Authorities by Parliamentary action with a view to helping them meet such difficulties we were very welcome.

There are some who oppose the extension of the system of Parliamentary Select Committees, saying that they weaken the importance of the House. The Reports of Select Committees have to be debated in the House, and in general debates the standards are raised because M.Ps. are well informed. M.Ps are able to form a better judgment about scientific and technical developments, environmental problems, education, race relations and so on as the result of knowledge gained by being members of specialised Parliamentary Select Committees. For these reasons M.Ps are able to make a greater impact both upon the Government and public opinion.

If these specialised Select Committees of Parliament are to secure the best results from their deliberations and research, reports should be promptly debated in the House. This would provide an effective weapon against closed Government as practised by even well-intentioned and well-meaning Governments.

It would certainly preserve the principle that public policy and administrative action are open to discussion and that information on the workings of Government can and should be made available, not only to M.Ps but also to the wider public.

The experience of the long established Public Accounts Committee and the Estimates Committee show how smoothly relations with the executive can work without detriment to their effectiveness. However, financial control should not be the only lever for Parliamentary scrutiny. There is a need to see that the public gets value for money and that there is efficient administration and management.

Problems must be seen first-hand and this means visiting places and holding meetings outside the precincts of the Houses of Parliament as well as at Westminster where Ministers and civil servants

can be seen and where it is necessary for the Committee to meet when drafting its Reports for presentation to Parliament.

It is my belief that the specialised Select Committee procedure is likely to stay as a check on the power of the executive and eventually will be a permanent feature of the British Parliamentary system.

POLITICAL PROCESSES IN HONG KONG

HILTON CHEONG-LEEN*

Hong Kong has been a British Colony for 133 years, and the legal basis for the government is the Letters Patent and Royal Instructions.

The Letters Patent authorize the creation of the Executive and Legislative Councils, and establish the office of Governor with a general definition of his powers, while stressing the over-riding powers of the British Government in regard to the laws and administration of Hong Kong.

The Royal Instructions amplify the Letters Patent, with details concerning the membership and procedures in the Executive and Legislative Councils, the manner in which ordinances are passed, and the subjects on which the Governor must first obtain permission from Whitehall before giving his assent to any bill becoming law.

The Constitution of Hong Kong is therefore the Letters Patent and Royal Instructions. In law, power is concentrated in the hands of the Governor. In practice, Hong Kong has a high degree of flexibility in the making of laws and in the administration of internal affairs.

Although the United Kingdom Government has the power to overrule the Hong Kong Legislative Council, the convention has been established since 1913 that no ordinance passed by the Hong Kong Legislative Council has yet been disallowed. In case of disagreement over any piece of legislation, both sides negotiate a satisfactory compromise, leading up to an amending bill being introduced in the Hong Kong Legislative Council.

*Mr. Hilton Cheong-Leen, O.B.E., JP, is a Member of the Legislative Council, Hong Kong.

The Royal Instructions require the Governor to consult the Executive Council on major matters, as the Council is the Hong Kong equivalent of the British Cabinet. While the Governor has the power under the Royal Instructions to disregard the advice given by the Council, it is again a well-entrenched convention that the Governor respects the majority views of the Council, which comprises six officials and eight unofficials, plus the Governor who presides.

The Legislative Council, as in other colonial legislatures, enacts laws, grants supply, and adopts a supervisory role over the acts of the Executive.

The Legislative Council at present comprises 15 Official Members and 15 Unofficial Members, with the Governor included on the official side as President of the Council and holding a casting vote as well.

The Finance Committee of the Legislative Council consists of all 15 Unofficial members, plus the Financial Secretary, the Director of Public Works and the Colonial Secretary, who chairs the meeting. The Finance Committee plays an influential role in approving, rejecting or cutting down government expenditure.

Through the medium of general debates, questions and adjournment debates, the unofficial members constantly raise matters of public interest and concern. While exercising power with responsibility, the unofficials seek to probe and criticize the defects in the administration, and press for follow-up action.

A unique feature of the Hong Kong Legislative Council is the "consensus approach" in the proceedings whereby there is no Opposition Party in the Council. The 15 Unofficials meet regularly to discuss and plan legislative and finance business. *Ad Hoc* Committees are set up on major or controversial bills and meetings take place between the official side and the unofficial side until final agreement is reached as to how a bill is to be amended before it is passed. At the same time, the "consensus approach" is flexible enough to permit individual unofficials to either abstain or vote against any particular bill.

Following the British parliamentary tradition, the Judiciary is non-political, and retains a high sense of independence in the administration of justice and the interpretation of the laws of Hong Kong.

The Civil Service has a total force of 92,000 persons, about one to every fifty inhabitants in Hong Kong. Of this number, slightly over 2 per cent are expatriate officers while all the rest are locally recruited. However, in the Superscale and Administrative Grades, expatriates occupy about 67 per cent of the posts. By and large, the Hong Kong Civil Service is considered to be the best paid in Asia.

There are two official languages in Hong Kong, Chinese and English, with the latter being used for the purposes of Hansard record in the Legislative Council. English is the language used in industry and international commerce, but the Cantonese dialect of the Chinese language is universally used among the Chinese in Hong Kong.

The proceedings of Executive Council are held behind closed doors, but Legislative Council proceedings are open to live coverage by press, radio and television. Finance Committee meetings are not held in public.

Local Government in Hong Kong is administered by an Urban Council consisting of 12 Elected Members from a qualified franchise and 12 Members appointed by the Governor. This Council elects its own Chairman and Vice-Chairman, and is responsible for a range of services covering environmental health, recreation and cultural services for over 3.5 million people.

Besides the Urban Council, there are two government departments which keep in close and intimate contact with people at the grass-roots level in relation to government policies and programmes. They are the Home Affairs Department and the New Territories Administration.

The Home Affairs Department has established ten City Districts manned by high powered City District Officers, with the principal functions of assessing and explaining to the public in the district government policies, and acting as a feed-back to government of criticisms, suggestions and trends of public opinion.

The City District Office system also performs a certain amount of coordinating work in the services of government at the district level. It tests public opinion on major policies about to be introduced, seeks out sources of grievance and tension, mediates in disputes, and deals with a multitude of individual complaints and

enquiries on government services. The system effectively mobilizes as well large-scale community support and participation on campaigns such as the "Fight Violent Crime Campaign" and the "Keep Hong Kong Clean Campaign".

The CDO system as it is known in Hong Kong is in keeping with the Chinese tradition of "Jen Cheng", the art of humane or benevolent government. It is related to the concept of centralized strategic planning and coordination on the one hand yet allowing for flexibility and adaptation at the lower levels of the administration on the other hand in order to maximise resources and give better service to the people.

The New Territories Administration is responsible for the leased territory which lease expires in 1997. The Territory, with a population of more than 600,000, is administered by a Secretary for the New Territories, with the advice and support of a Rural Consultative Council, consisting mainly of the elected representatives of 27 rural committees covering about 600 villages.

A massive New Towns construction programme is under way in the New Territories, and the major thrust for economic, industrial, and social services expansion will take place there during the coming 15 years.

A remarkable feature of the Hong Kong political system is the emphasis given to tolerating and even taking for granted the rights of the individual. This is in part a reflection of the British parliamentary tradition of respect for the law, and in part due to the studied *laissez faire* attitude of the Government in matters affecting the economic and social affairs of Hong Kong.

This *laissez faire* philosophy of the Hong Kong Government is one derived out of pragmatic necessity, in that Government departments interfere as little as possible in the daily lives of the inhabitants, and will only take action if such appears to be clearly in the interests of the majority of the community. The rights of the individual are paramount in Hong Kong, subject to the overriding well being of the community.

Although it has generally been the practice of the United Kingdom Government to respect local customs and traditions, in one respect the metropolitan power has not been able to respect the wishes of over 90 per cent of the Hong Kong population and that

is in the carrying out of sentences of death passed by the Courts. The last judicial hanging in Hong Kong took place in 1966, and it appears that this situation will remain so as long as a majority in the British Parliament do not favour the death penalty. The strongly felt desire on the part of the greater proportion of the Hong Kong population to carry out the death penalty under law is a result of the widespread concern at the rate of violent crime which has been on the increase within recent years.

Another very special feature about the Hong Kong political system is the Office of the Unofficial Members of the Executive and Legislative Councils (known as UMELCO for short). This Office has been established for over 12 years and its principal functions are (1) to assist Members to deal with public complaints and representations, and (2) to provide administrative and secretarial support to the Unofficial Members. The UMELCO Office exercises a key role in keeping the lines of communication open between Executive and Legislative Unofficial Councillors and all branches of the Government administration so that differences of views as regards the executive and legislative processes can be reconciled, and "consensus approaches" hammered out and agreed upon.

The "consensus approach" in the political system seems to be in keeping with the geopolitical realities of Hong Kong.

Although there are no direct elections to the Legislative Council, the Hong Kong Government is open to all sorts of group pressures, whether they be economic, educational, or community oriented in nature. Also, Hong Kong is reputed to have the freest press in Asia, with minimum controls, and minimum inhibitions in expressing editorial view on the quality and state of public administration. In practice therefore the Government has to tread cautiously and carefully before introducing new legislation or regulations.

Besides discussions and debates in the Executive and Legislative Councils, the Government also relies heavily upon the more than 125 Advisory Committees which cover almost the entire gamut of administration in Hong Kong. As many of these committees are specialist in nature, the Government is able to call upon a large number of persons with a wide range of knowledge and experience in the shaping of policy and the solution of problems.

What of the future of Hong Kong?

This will depend very much on the attitudes of Peking and London.

Hong Kong will continue to remain a dynamic and thriving international city particularly since it is capable of offering much economic advantage to China's progress as an industrially developing nation. At the same time, the United Kingdom Government remains fully committed to preserving the long-term political, economic and social stability of Hong Kong, as confirmed by the new seven year defence agreement which was signed in December 1975 by the United Kingdom and Hong Kong Governments.

Hong Kong's 4.5 million people, the majority of whom are Chinese, have pragmatically avoided adopting extremist points of view, and instead have concentrated on the human needs of the Hong Kong community, which are simply economic and industrial growth, social justice, respect for the rights of the individual, and a sense of cultural identity and purpose in history.

THE CONSTITUTION AND THE COURTS

K. C. JOSHI*

There is much ado these days on the role of the Courts in interpreting the Constitution—the basic law of the land. It is argued that the Constitution is sacrosanct and beyond change at least in relation to its basic structure. It is said that Parliament has the power to make a law and then change it, but it has no right to amend¹ the Constitution if the deletion or addition amounts to a change in the basic structure.² The law can be made by Parliament subject to the provisions of the Constitution. In other words, parliamentary legislation is subject to review by the Courts.

Various experiments have been carried out in the art of government. The one found most suitable is known as 'democracy'. In democracy, there is a larger participation of the people in the administration of their affairs, through their own government. The basic problem of human society is control of power. In case of a State, there are three basic divisions of functions, viz., the legislative, the executive and the judicial. Concentration of these three powers in one agency is not considered conducive to the peoples' interests and, therefore, some sort of separation is made in the functioning of the three departments. Law making is the assigned sphere of the

*Dr. Joshi is a Lecturer in the Faculty of Law, Kurukshetra University, Kurukshetra.

¹For the first time, the Supreme Court in *Golak Nath v. State of Punjab*, A.I.R. 1967 S.C. 1643, held that the Parliament has no power to amend the Constitution if the amendment abridges or takes away any of the rights guaranteed by Part III of the Constitution. But the Parliament could enlarge the scope of Part III. Logically if it can enhance the scope it can contract it also.

²*Golak Nath v. State of Punjab*, A.I.R. 1967 S.C. 1643, *Kesavanand Bharti v. State of Kerala*, A.I.R. 1973 S.C. 1461. What are the basic features is not clear from *Kesavanand's* case. For comments see, Mohammad Ghouse, 326, 367, IX, A.S.I.L. (1963).

Legislature. But adherence to any system is feasible only if it meets the requirements of the people for whom it is meant. A Constitution is 'a document having a special legal sanctity which sets out the framework and the principal functions of the organs of government of a State and declares the principles governing the operation of those organs'.³ In other words, a Constitution embodies the basic structure suitable to the needs of the people. Its basic material undoubtedly is broad public opinion.

No constitution contains all the details of the rules to guide the functions of the different organs of the State. Necessary rules are to be made and this is a subsidiary task.

Two main questions arise in this connection. Firstly, which of the organs of the State generally should make the Constitution workable? This includes both supplying the blood and the flesh to it as well as removing its deficiencies or incongruities which might come to light during the course of its functioning. And, secondly, what is the importance of the document in the political system of the society?

A constitution has been defined as "an act of extraordinary legislation, by which the people establish the structure and mechanism of their government; and in which they prescribe fundamental rules to regulate the motion of the several parts."⁴ A Statute is also legislation but it is an 'ordinary act' of the legislature.⁵

Legislation may be defined as a body of rules made by the appropriate instrumentality in a given society embodying the general will of the people. There need not be much objection to this definition on the ground that law always has not reflected the will of the people, e.g., law in an absolute monarchy. Conceding the apparent but not the real value of the objection, it may be stated that a law is not viable in case it does not have the basis of public will. Monarchies, dictatorships and other systems fail primarily because there is no nexus between the law and the social needs.

³E.C.S. Wade and Godfrey Phillips, *Constitutional Law* p. 1 (Eighth ed.,) London Longman, 1971.

⁴Justice Gibson of Pennsylvania S.C. in *Eakin v. Raub*, 12 Sergeant and Rawle 330 (1825), extracted from Mason and Beane, *American Constitutional Law*, p. 34 (Second ed). Prentice-Hall inc. 1959.

⁵*Ibid.*

Modern political systems are generally worked on the doctrine of division of functions. This division is justified on the premise that concentration of functions in one organ leads to tyranny.⁶ These three limbs in a State are presumed to be equal.⁷ But it is not always true. For instance, though the English Constitution⁸ recognises the three branches of the government, it gives supremacy to the legislature. There is no power given to the Courts to declare an Act of British Parliament unconstitutional. On the other hand, the separation of powers between the three branches of the government has been expressly recognised in the Constitution of the U.S.A.⁹ But there continues a controversy as to the role of each branch in relation to the other. Generally, the controversy is on the scope of judicial review, that is, the power of the Supreme Court to judge the validity of the acts of the Congress and of the President. Nowhere is the power expressly given to the Court in the USA; but it has nevertheless been asserted there since the remarkable case of *Marbury v. Madison*¹⁰ decided by the Marshall Court in 1803. This decision, as every student of American Constitution knows, had deep-rooted political factors behind it. The decision was subjected to a trenchant criticism and the Court did not invalidate any Congressional Act till 1857. The total number of Congressional Acts annulled by the Court since 1803 till 1968 was eighty only.¹¹

Constitution is an embodiment of the will of the people. In other words, it is a skeleton of their common values and aspirations. The great edifice stands on the bed-rock of the public support. Its sanctity lasts only till the time it serves the social needs. It loses its vitality the moment it ceases to respond to popular needs and

⁶The doctrine is commonly known as the doctrine of Separation of Powers. It was propounded by the French Jurist Montesquieu and expressly incorporated in the Constitution of the United States, 1789. Indian Constitution does not accept this doctrine. See A.I.R. 1951 S.C. 332 (*In re. Delhi Laws Act etc.*).

⁷Thomas Jefferson said in 1804 that all the three branches are coordinate. See Mason & Banev, *supra*, note 3 at 15. Prime Minister Indira Gandhi also made a similar observation in her meeting through the Satellite with the U.S. National Broadcasting Company recently. See *Indian Express*, New Delhi August 25, 1975, p. 1, 6; *The Tribune*, Chandigarh, August, 25, 1975, p. 1.

⁸The British Constitution is largely based on unwritten conventions. But it is also partly written in the documents like Magna Carta, Petition of Rights, Bill of Rights, Act of Settlement and the Parliament Act, 1911.

⁹Constitution of the United States of America, Articles I to III.

¹⁰Cranch 137; 2 L. Ed. 60 (1803).

¹¹Mason and Banev, *op. cit.* (Fourth ed.), p. 16.

aspirations. Viability of a constitution, therefore, depends on its responsiveness. Society is not static. Human values and human beings need change. Law must respond to the change or else it would die in the archives. Among the three wings of the State, the best assessor of public requirements naturally is the Legislature. Generally, judges are not elected but appointed either for life, as in the U.S.A., or for a fixed term with secured tenure, as in India. They are generally trained in abstract legal principles.

Democracy is another name for responsibility or accountability. In a democracy, the ultimate sovereignty lies with the people. The members of legislatures are elected by the people periodically and they have to be accountable for the laws they enact for the benefit of the people they represent. A law that does not serve the social interest can be amended or repealed without much difficulty. On the other hand, the Court is manned by persons not accountable to the people directly. Judges are not infallible and it is difficult to correct their mistakes. Therefore, the function of interpreting the needs and aspirations of the people can more effectively be discharged only by the representative body *i.e.*, the Legislature. The power of amending the Constitution is nothing but the power to supply flesh and blood to it and to remove those parts which are sick. The justification for parliamentary supremacy in case of constitutional amendment can be adduced additionally on the analogy of subordinate legislation. Parliament is the delegate and the Constitution is the parent Act enacted and adopted by the people. Parliament must, as a delegate, have the power to make additions or deletions from the Constitution in response to the demands of the times. Article 368 of the Indian Constitution is thus the Henry VIII clause entitling Parliament to remove difficulties which arise when the Constitution is in motion. Thus, Parliament is competent to amend the Constitution to any extent save changing it *in toto*.

The second question relates to the importance of the document. The importance of a constitution differs from country to country. In England, the Constitution does not have any special legal sanctity insofar as it is not a touchstone for testing parliamentary legislation. No special procedure is required to modify a principle of constitutional law. On the other hand, the American Constitution cannot be changed by ordinary legislation. The United States is a federation of States while the U.K. is not. In a federal system, there is distribution of political power and constitution is the document

which distributes this power. There are always chances of disagreement as to the scope and extent of the terms used in such a document. This necessitates an umpire which is provided in the form of a court. Secondly, any encroachment on the catchment areas of both divisions is also to be discouraged. This function of deciding violations of the Constitution is also given to the Court. The Court in determining such disputes naturally looks to the agreement entered into by the States and this is where the constitution assumes sacrosanctity.

In India, we have borrowed from various systems and basically our Constitution is a hybrid of the English and American systems of government. We have a parliamentary form of government largely based on the British pattern in which the supremacy of Parliament is an acknowledged fact. India is a Union of States with a written Constitution. But the amending procedure in our Constitution is not as complicated or difficult as under the American Constitution. It is difficult only in the case of those changes which affect provisions generally known as the federal features. The role of the Indian Supreme Court in interpreting the Constitution is, therefore, to be examined from this perspective.

The functions of the Supreme Court in India can be divided into two categories: (i) political and (ii) civil.¹² The political functions assigned to the Court are those listed in the Constitution. Some of them are prohibition against legislation being inconsistent with the Constitution,¹³ legislative competence of the Parliament and the States,¹⁴ determination of disputes between the Union Government and a State or the States on the one hand and inter-State disputes on the other,¹⁵ as also the legal interpretation of the Constitution.¹⁶ This power of interpretation is with the Court because of the specific grant and can be revoked or varied by Parliament by amending the Constitution. That is, the political jurisdiction conferred on the Courts is not permanent and once withdrawn or contracted, cannot be judged by the Court. Such a power is exercised by the U.S.

¹²This classification has been made by Justice Gibson of the Pennsylvania Supreme Court in *Eakin v. Raub*, 12 Sergeant & Rawle, 330 (1825) in respect of the U.S. Supreme Court and is true about India also.

¹³Constitution of India, Art 12.

¹⁴*Ibid*, Art. 245.

¹⁵*Ibid*, Art. 131.

¹⁶*Ibid*, Art. 132.

Congress also. 'Without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is power to declare the law; when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause.'¹⁷ Therefore, the validity of an amendment to the Constitution cannot be examined by the Supreme Court. This principle is based on the simple premise that any change in the Constitution can be effected only by legislative determination.

The civil functions of the Court are its 'ordinary and appropriate powers being part of its essence, and existing independently of any supposed grant in the Constitution.'¹⁸ In other words, these functions simply concern with the carrying out of its assigned task i.e., administration of distributive justice under municipal law. Thus, administration of Civil and Criminal law and execution of other laws made by the Legislature is the primary function of the Courts.

In case of political functions also it is always the duty of the Court to be guided by the socio-economic needs of the people. These needs can be evaluated in the best and in a responsible manner by the elected representatives of the people only. Constitution is a 'living thing' meant for the living beings. All the three limbs—the Parliament, the Executive and the Supreme Court—have to play a vital role, because each has to interpret the provisions of the Constitution. The American Constitution ordained in the dominant era of individualism and *laissez faire*, has survived in an era of socialism and State regulated economy. It has been rightly said that in a 'large measure', 'the survival of the (American) Constitution has been made possible by the Supreme Court's constant interpretation and reinterpretation to meet changing American social, economic and political conditions.'¹⁹

In India, the Courts, did not respond to some of the social needs favourably, notably the agrarian reforms.²⁰ Likewise, the interpretation of the Court relating to property right reflects the judicial

¹⁷Justice S.P. Chase in *Ex Parte McCordle*, 7 Wallace 506, 514 (1868).

¹⁸Justice Gibson in *Eakin v. Raub*, 12 Sergeant and Rawle 330 (1825).

¹⁹Tresolini and Shapiro, *American Constitutional Law*, 8 (Third ed.).

²⁰See for example, *Kameshwar Singh V. State of Bihar* A.I.R. 1951 Patna 454; *State of Bihar v. Kameshwar Singh*, (1952) S.C.R. 889; A.I.R. 1952 S.C. 252 to *I.C. Golaknath v. State of Punjab*, A.I.R. 1967 S.C. 1643. The very First Amendment had to be put in the Constitution by the Provisional Parliament to overcome the judicial lacuna.

philosophy of the antiquated *laissez faire* era.²¹ In construing law, the Courts must look to the basic philosophy of the Constitution and its manifestation through legislation. If the Courts do not annul parliamentary legislation, nation will not perish. Justice Holmes once said, 'I do not think the United States would come to an end if we (the Judges of the Supreme Court of USA) lost our power to declare an Act of Congress void.'²² When the Court acts as supra legislative chamber, inevitable confrontation between the Court and the Parliament ensues which is always fraught with danger to the Constitution and ultimately to the unity of the nation.

The argument that this interpretation of the power of judicial review will put the cherished values of rule of law and democracy in peril is untenable. Rule of law survives in Britain in spite of the supremacy of Parliament. Democracy cannot be imposed or enforced. The basic postulate of democracy, to quote Justice Gibson again, is that 'the people are wise, virtuous and competent to manage their own affairs...' Similar were the views of the Report of the Joint Committee of (British) Parliament on Indian Constitutional Reforms, 1934. One of the important factors for the success of parliamentary government, the Committee felt, was 'the existence of great political parties divided by broad issues of policy, rather than by sectional interests' and 'the existence of a mobile body of political opinion, owing no permanent allegiance to any party and therefore able, by its instinctive reaction against extravagant movements on one side or the other, to keep the vessel on an even keel.'²³ The Court cannot enforce either of the two.

²¹ See for example *State of West Bengal v. Bela Banerjee*, (1954) S.C.R. 558; *Dwarkanadas Shrinivas v. Sholapur Spg. and Wvg. Co. Ltd.*, (1954) S.C.R. 674, *R.C. Cooper v. Union of India*, A.I.R. 1970 S.C. 564.

²² O.W. Holmes, *Collected Legal Papers*, pp. 295-96 (1920). Quoted in Corwin and Peltascn, *Understanding the Constitution*, p. 29 (First Indian Reprint 1968).

²³ Quoted in Wade and Phillips, *op. cit.*, p. 17.

THE PRESS AND PARLIAMENT

PERCY R. DAVIES*

In considering the relationship of the Press to Parliament one has, of course, to go into the whole question of Parliamentary Privilege. It seems to me also that although there is vast difference between Parliamentary Privilege and what is usually referred to as Cabinet or Executive secrecy, any discussion of the relationship of the Press with Parliament will have to touch on the relationship of these two with the Executive. This is especially necessary because the critics of Parliamentary Privilege have sometimes argued that the Press with Parliament will have to touch on the relationship of Government secrets. If this were the case, it would undoubtedly be a gross denial of the freedom of the Press.

I have hinted that the special powers attached to the Parliament with regard to its relationship with the Press are not designed to prevent healthy Press discussion of governmental activity, even though there have been cases where Parliament has used its powers to prevent the publication of information which is thought to endanger public safety. When such cases do arise, it has usually been argued that the public interest should override any journalistic code. I think the inference to be drawn is that the conduct of the Press is a matter of public importance, even more so in developing countries where a failure on the part of the Press to live up to its public responsibility can have very grave consequences.

The main function of Parliament is, broadly speaking, to deliberate on the policies and actions of Government. The Press on the other hand is there, among other things, to criticize the manner in

*Justice Percy R. Davies, M.R.S.L., M.B.E., is the Speaker, Sierra Leone House of Parliament.

which Parliament performs this act of deliberation. So while the activities of both the Press and Parliament can be said in some respects to be complementary, one to the other, complete harmony cannot be expected at all times. Not even in cases where Governments have partial or total control over the Press.

There are, I think **THREE** areas in which the Press is more likely to come into conflict with Parliament. These are:

- (1) Misleading and slanderous references to Members' conduct in their capacity as Members of Parliament.
- (2) The unauthorized publication of documents especially the publication of Committee Reports which have not been presented to the House.
- (3) The publication of perverted reports of Parliamentary Proceedings.

In short, Parliament while accepting the freedom and autonomy of the Press, is averse to any kind of Press activity—either by threats or ridicule—calculated to hinder its normal work. Put in these clear and simple terms, I do not think anyone will object to this age-old doctrine of upholding the dignity of Parliament by shielding its Members from unwarranted castigation.

The controversy usually centres around the need for a definition of contempt powers. Journalists, many of whom have claimed that the Press has as much public responsibility as Parliament, have quite often expressed some uncertainty as to the extent and scope of Parliamentary Privilege. I do not myself think that the case is as bad as journalists try to make it. For while it is conceded that the power of Parliament to punish for contempt is discretionary, it has been rightly observed that the courts themselves in their relationship with the Press share much in common with Parliament. But I think that for any one who wishes to have a comprehensive grasp of the extent and scope of Parliamentary Privilege, Erskine May's *Parliamentary Practice* is a useful guide.

Of particular importance to the relationship between the Press and Parliament is the fact that Press reports today do not stop at mere factual information. If they did, all that one would caution was for these reports to be thorough, free and based on adequate information.

But a much more interesting aspect of Press reporting today is its evaluative element. It seems to me that this movement away from direct reporting to evaluative criticism carries with it its own special responsibility. So that while one accepts that the effective discharge of the duties of journalists depends on the freedom and autonomy of the Press, one still finds the need for a restraining factor.

I will end by directing your attention to a misleading representation of the special powers of Parliament as they relate to the freedom of the Press. I have in mind the view which sees the privileges of Parliament as designed to protect the Executive. Nothing can be farther away from the true function of Parliament whose legitimate role, now as at all times in the past, is to safeguard the rights and liberties of the citizen. In performing this role, Parliament has on a number of occasions come into bitter conflict with the Executive over the nature of information which the latter should withhold from the House.

A little over a decade ago, a leading British Opposition spokesman, undoubtedly anxious over the threat which unrestricted freedom of the Press posed for public security, suggested that when there is a clash between the journalistic code of ethics and the public interest, Parliament must act as judge. A possible danger in this, as it was quickly pointed out, is that any such decision might be made on party-lines, and if this turns out to be so, any such Parliamentary decision will command very little respect, and the charge that Parliamentary Privilege is intended to protect the Executive will hold.

It seems to me that a situation which comes near to the ideal is one where the work of the Press and that of Parliament are seen as complementary one to the other, both showing a high sense of public responsibility. I think there are signs that tension is lessening as more and more Parliaments come to realise that the Proceedings of the House, like any other sphere of national activity must be a matter of public concern.

REPORTING THE PARLIAMENT—A PERSPECTIVE

K. KRISHNAMURTHY*

“I am making a promise. I am giving an assurance that after this investigation is over, the first thing that we will do is to come to Parliament...”

One of the hon. Members of the Lok Sabha from the Opposition Benches was raising a point of privilege against the Government and in support of his case was quoting the above passage from a book. Soon there were uproarious scenes and other Members started quoting other passages. It was to the verbatim proceedings of the Lok Sabha of the 9th September, 1974 that they were so referring.

Almost every day in the life of the Parliament, one Member or the other is heard quoting from the verbatim proceedings of the House to remind the Government of a promise or an assurance made earlier on the floor of the House. Even the Presiding Officers quote extensively from the proceedings of the bygone days by way of citing precedents for their rulings and observations. Verbatim reports thus serve very important and useful purpose in the day to day business of Parliament. Besides being an authentic and full record of the proceedings of the House, they are a rich source of contemporary history.

What exactly is a verbatim report, when and how did the system originate in India and who prepares these reports, are some of the pertinent and logical questions that come to mind in this context.

According to Erskine May, verbatim report “is a full report in the first person of all speakers alike, a full report being defined

*Shri Krishnamurthy is a Senior Parliamentary Reporter in Lok Sabha Secretariat

as one which, though not strictly verbatim, is substantially the verbatim report with repetitions and redundancies omitted and with obvious mistakes corrected, but which on the other hand leaves out nothing that adds to the meaning of the speech or illustrates the arguments.”¹

According to Kaul and Shakhder, the proceedings relating to the ‘law business’ of the Council of the Governor-General of India established under the Regulating Act of 1773 and as reconstituted under the Act of 1784 were recorded in the form of brief minutes only. The minutes concerning legislative business are, however, traceable only from 1835. In the rules of procedure framed and adopted in February 1897, mention is for the first time made of a “full report of the proceedings” and *verbatim* reports began to be issued thereafter. These were also published in the Gazette. It was only with the coming into existence of the bicameral legislature in 1921 that the verbatim proceedings of the Council of State and the Legislative Assembly began to be issued separately in a book form.²

Till the year 1949, though the record of the proceedings was got ready the same evening, only three typed copies were made. One went to the Member concerned for confirmation, the second to the editor of debates who utilised it for getting the debates printed, and the third, known as the Chamber set, was kept at the Table of the House for reference by Members. Printing of debates naturally took some time and the Ministries of the Government of India felt greatly handicapped in the absence of sufficient number of copies of the proceedings. Introduction of the procedure of stencilling the debates in 1949 satisfied this long-felt need and the cyclostyled proceedings began to be made available the next morning, complete in all respects, for reference purposes.

Under the Rules of Procedure, Secretaries-General of the two Houses are required to get prepared a full report of the proceedings of the Houses at each of their sittings and have it published as soon as practicable in such form and manner as the Presiding Officers may, from time to time, direct.³

¹Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament* 18th Edition, p. 248.

²See M.N. Kaul and S.L. Shakhder (ed.) *Practice and Procedure of Parliament*, Metropolitan Book Co., New Delhi, Second Edition, 1972, pp. 247-248.

³Rules of Procedure and Conduct of Business in Lok Sabha, (5th Ed.), Rule 379; Rules of Procedure and Conduct of Business in Rajya Sabha, Rule 260.

Everything said in the House is reported *verbatim* by the official Parliamentary Reporters, unless the Chair directs otherwise. Parliamentary Reporters have to perform an exacting task. In order to keep pace with Members who speak in the House at varying speeds, these Reporters must be equipped with a minimum speed of 180 words per minute in shorthand and proportionately high speed in typewriting, a good command of the language, sound commonsense and a fairly good knowledge of Parliamentary practice and procedure, world events, history and geography and, above all, robust health. Even with all this being there, the stresses and strains involved in the job become too much even for Reporters of long experience and proven merit, particularly on occasions when the Houses sit without lunch breaks and extend their sittings often far beyond the normal working hours.

Referring to the arduous task of the Parliamentary Reporters in earlier days, which is equally true today, an honourable Member of Parliament had this to say a little over two decades ago: "It will be unjust if I do not mention here the band of brilliant Reporters which the House possessed in those days. It was a small body but extremely helpful. Fast speakers, very fast speakers, slow speakers, inaudible speakers, there were speakers of all varieties unaided by mechanical devices to boost their voice. In those circumstances, the work of the Reporter was extremely difficult."⁴

Parliamentary Reporter's vocabulary has always to be very wide for the topics discussed in Parliament and its committees generally range from subjects like procreational propensities of mosquitoes responsible for the spread of malaria to the intricate details of the working of an atomic reactor. In some foreign countries, the Reporters generally dictate their turns to trained typists while here the Reporters take down the proceedings in shorthand singly in relays of five or ten minutes each and thereafter straightway transcribe their notes themselves on stencils. These are later on coordinated by the Chief Reporter or his assistant, who have all along been men of rich experience.

While referring to the past, one cannot ignore the fact that as compared to the old Central Legislative Assembly whose membership was about 140, the membership of the present Lok Sabha alone is 525. Fundamental and far-reaching changes have come about not

⁴Shri T.T. Krishnamachari was the Member who made this observation; See *Silver Jubilee Commemoration Volume*, Lok Sabha Secretariat, 1954; p. 23.

only in the composition and character of the legislature but in the subjects and problems that it has to deal with. The innovations that had to be made in the procedures and practices to suit the needs of the Parliament of a free and fast-changing country are too numerous to be mentioned in detail here. This, in turn, brought in greater responsibilities on all the Parliamentary officials, Reporters not excluded. A well-known parliamentarian of our times, praising the work of Parliamentary Reporters in India, has observed:

The number of truly excellent stenographers in going down, no doubt, here no less than in Britain, but what we still have in difficult conditions is almost superb. They face perhaps greater difficulties than in the House of Commons, for we speak in very varied ways, and if it comes to speed, we do not yield to British MPs whose fastest rate of speaking is between 200 and 220 words a minute.⁵

Indeed hon. Members of our Parliament speak in varied accents and even a quick ear occasionally fails to catch them. But then the Members too have their own difficulties. While speaking, a Member may be faced with persistent discouragement by way of frequent interruptions from the other side or the constant ringing of the bell by the Chair. Anxious to state his points within the time allotted, the Member generally goes ahead faster, emphasizing his arguments often in a telegraphic language, expecting the Reporters to keep pace and do whatever editing they felt necessary.

A Hansard Reporter in the British House of Commons, it has been observed by some scholars recently, must not only have exemplary shorthand technique, but also "a good knowledge of Parliamentary procedure and be able to cope with opaque, inaudible and circumlocutious arguments." His mental process must be rapid since he will often be obliged to begin his stint in the middle of a complicated legal argument of whose origin he knows nothing. Finally, he must be able to shape a speech in ways which will enhance its coherence without altering its sense.⁶ And it is important to note that all this has to be done in a remarkably short time available to him.

⁵Observations of Prof. H.N. Mukerji, M.P., in *Journal of Parliamentary Information*, Vol. XXI, No. 1, January-March 1975, p. 125.

⁶See Michael Rush and Malcolm Shaw (Ed.), *The House of Commons: Services and Facilities*, London, George Allen and Unwin for PEP and Study of Parliament Group, 1974, p. 120.

From the indistinct sounds that a Reporter may have heard, he has to judge the probable words that the Member had used. Quite often, backbench Members are poorly audible continuously. On one occasion, a front-bench Member actually appealed to the Chair that a particular Member speaking from the backbenches may be requested to speak up as he was inaudible. The Chairman was so confident about the capabilities of the Reporters that the Member who had made the request was told to read the speech later on in the Debates. Since in such cases the Reporters' difficulties are also identical, the Chair generally ask the Members sitting in the backbenches to speak up or to move nearer to the microphone.

Even the Ministers prefer to consult the *verbatim* record of the proceedings to answer questions put to them in the House by Members during the course of discussions if they fail to comprehend what the Members said at a given time. Once a Member from the border areas was speaking in the House about the problems faced by his state and he noticed that the Minister concerned was listening carefully to him. The Member suddenly asked a question and paused in order to have the Minister's reply. It took some embarrassing moments of silence for the hon. Minister to realise that the Member was waiting for an answer. He rose in his seat and admitted that in spite of his best efforts, he was unable to understand what the hon. Member desired to know. He said he would read the official reports of the hon. Member's speech and then give a reply. This, he did, the next day.

Whatever be the difficulties and the handicaps, the Reporters try to make the proceedings complete. Every effort is made to clear up things which they may not have registered by consulting colleagues on the Table. Quite often the Members concerned themselves prove more helpful than even a check up with the tape-recorded version. By convention, good rapport has been established between the Members and the Reporters. Since the Members understand the importance of the *verbatim* record, they try to extend their help and co-operation to the Reporters in making the proceedings complete and accurate.

The reporting of the Question Hour has its own distinct features. One has only to see the question list for any particular day to understand the nature and the variety of topics that come up before Parliament. After the written answers are read out by Ministers, volleys of supplementary questions are put forth from all sides of

the House. These relate to different issues, often unconnected with one another, and the Ministers answer these in quick succession. Identifying correctly the Members asking questions and taking down every word of what is said, including the rapidly quoted figures, unfamiliar technical names, etc. put to test the abilities of a Parliamentary Reporter. By experience, they often identify Members by their voice, rather than by sight.

What follows the Question Hour is very crucial. Many important points are raised in the form of adjournment motions, calling attention notices, privilege motions, etc., before the House settles down to its scheduled business and in this process, there are frequent angry exchanges. Reporting these things in the midst of the accompanying din and tumult naturally needs more than ordinary care on the part of the Reporters.

Most of the work of the House, about 72 per cent, is transacted in English, while about 25 per cent. is transacted in Hindi. There are occasionally speeches in other languages as well which are simultaneously interpreted into English and Hindi. Arrangements exist to record *verbatim* speeches in English and Hindi only. Translated versions of speeches in other languages such as Bengali, Malayalam, Tamil, Telugu and the like, are included in the cyclostyled debates.

A typed copy of every speech delivered, question asked or interruption made by a Member is forwarded to him for confirmation usually the same evening, and it has to be returned with corrections, if any, within twenty-four hours. In case it is not so returned, the transcript recorded by the Official Reporter is utilised. Since the Official Report has to be a correct reproduction of the speeches actually delivered in the House, Members are not permitted to improve the literary form of their speeches by additions or deletions.

When a sitting of the House is held in secret, the Speaker "may cause a report of the proceedings to be issued in such manner as he thinks fit." No other person is permitted to keep a note or record of any proceedings or decision of a secret sitting, whether in part or in full, or issue any report of such proceedings. There was such a secret sitting of the Central Legislative Assembly on February 27, 1942 and the Official Reporters had also to leave the Chamber as soon as the galleries were ordered to be cleared.

Apart from reporting the proceedings of the two Houses of Parliament, Parliamentary reporters are called upon to report the proceedings of Parliamentary Committees as well when witnesses are summoned to give evidence or when the discussion at a sitting is considered to be of such importance as to be reported *verbatim*. Besides, the Reporters have been detailed to take down the speeches and Addresses made by visiting foreign dignitaries such as the Presidents and Prime Ministers of foreign countries to Members of Parliament.

There has been a steady growth in the volume of reporting work in the post-Independence period. To quote a few statistics, in 1947 the Central Legislative Assembly worked for 323 hours spread over 68 days. In 1950, the Provisional Parliament met for 496 hours spread over 99 days. By contrast, in the year 1974, Lok Sabha alone met for 860 hours spread over a period of 119 days. On 98 of those days, the House extended its sittings beyond the scheduled hour, on some occasions going even right upto midnight.

There has also been a phenomenal growth in the number of committees and the duration of their sittings. Prior to Independence, there was only the Public Accounts Committee and it met hardly for two weeks in a year. For instance, in 1951, it held 13 sittings lasting 29 hours. Compared to that, in 1969-70, it held as many as 55 sittings lasting 147 hours. This Committee as well as the Estimates Committee, the Committee on Public Undertakings, and the Committee on the Welfare of Scheduled Castes and Scheduled Tribes accounted for as many as 226 sittings lasting over 462 hours in 1969-70. Besides these, there are other standing committees, not to speak of the Select and the Joint Committees which are set up from time to time. There has thus been almost a tenfold increase in reporting work as compared to the pre-Independence days. The strength of the reporting staff has, of course, been augmented from time to time to cope up with the increased volume of work.

A noticeable feature in recent times is the steady fall in the number of applicants that the post of Parliamentary Reporter attracts. Perhaps other fields of employment offer better emoluments and promotional opportunities, or the rigours of work in this profession deter people from coming forward in larger number. Whatever be the reasons, the rigours and the strain are certainly factors to be reckoned with.

In our times, Legislatures act as a liaison between the people and the State. They serve as the forum which shape and reflect public opinion. Verbatim report is thus an essential part of this process. The widest possible circulation of verbatim proceedings enables people outside, in however small a degree it may be, to take part in the shaping of the destiny of their country.

PARLIAMENTARY EVENTS AND ACTIVITIES

**FAREWELL TO FORMER SPEAKER, DR. G. S. DHILLON AND WELCOME TO
SHRI B. R. BHAGAT, SPEAKER, LOK SABHA**

At an impressive function held at the Parliament House Annexe, New Delhi, on January 27, 1976, the Presiding Officers of the State Legislatures in India bade farewell to Dr. G. S. Dhillon, former Speaker of Lok Sabha and felicitated the new Speaker, Shri B. R. Bhagat, on his assumption of the high office. On behalf of the Presiding Officers, a Souvenir was presented to Dr. Dhillon. The function was presided over by the Prime Minister, Shrimati Indira Gandhi.

Speaking on behalf of the fellow Presiding Officers, the Speaker of Rajasthan Legislative Assembly, Shri Ram Kishore Vyas, said that it was for the first time that the Presiding Officers, who were 'members of a great brotherhood' bound together by many institutional links, had come together to bid farewell to one head of 'this great family' who had just retired and to welcome another who had taken over.

Paying glowing tributes to Dr. Dhillon, Shri Vyas referred to his 'youthful vigour and hearty informality' and his numerous human qualities which have won for him universal love and respect. He said it was difficult to think of any other Presiding Officer with such variegated interest and with such a versatile personality.

Shri Vyas paid a rich tribute to Dr. Dhillon's capacious resilience which helped him to steer through many a storm in the House in the changed atmosphere that came to prevail after the 1967 elections.

Dr. Dhillon showed great ability in the discharge of his onerous responsibility, always upheld the basic norms of parliamentary conduct and never easily lost "his cool and equanimity even in very trying situations."

About the leadership provided by Dr. Dhillon to the Presiding Officers of States, Shri Vyas said that with "his wide knowledge of matters parliamentary, his vigour, his pragmatic approach and his great organising ability and initiative, Dr. Dhillon was always an inspiration to us in the States."

Referring to the contributions made by the former Speaker in the international parliamentary forums like the IPU and the CPA, Shri Vyas said that his work had enhanced his country's as much as his personal prestige. "His election as the President of a world body like the IPU—the first Asian to be elected to the office, which had been the close preserve of the Western nations all along—enough indication of Dr. Dhillon's standing in international parliamentary circles", he said.

Welcoming Shri B. R. Bhagat "as a worthy successor in this distinguished line of Presiding Officers", Shri Vyas said that though new to the Chair, Shri Bhagat 'has been accustomed to the House, from other places and in other capacities'. "A seasoned parliamentarian of quite some standing, known for his rich and solid contributions in the House," he added, "Shri Bhagat was a model parliamentarian, with his enviable knowledge of his subject, his grasp of details, his uprightness, his unfailing civility and affableness, and his deep veneration for the House and its traditions." Describing Shri Bhagat as 'throughout a self-effacing, dedicated soldier in the country's cause', Shri Vyas said: "For men like him it mattered little from which station they served, as long as they continued to serve the cause dear to them."

Expressing his confidence that under Shri Bhagat, Parliament would go forward to fulfil itself, Shri Vyas said one could look forward to "another memorable tenure in the Chair."

Expressing gratitude to the Prime Minister, Shrimati Indira Gandhi, for having found time to come and preside over this function, Shri Vyas said:

As we all know, during the last one decade, our Prime Minister has been ceaselessly and steadfastly striving, in the face of all odds, towards the goal of a fuller life for the

common man. Her burning concern has all along been that in our pre-occupation with the democratic apparatus, we never lose sight of our substantive goal as a democratic people. As a parliamentarian and as a Leader of the House this is what she has been constantly reminding the representatives of the people, that whatever we do in our Legislatures, even our practices and procedures in the House, ought to be oriented towards subserving this central aim. We are, indeed, fortunate to have in our midst today Shrimati Indira Gandhi who has stood as a beacon light, ever guiding and inspiring us.

Dr. G. S. Dhillon, in his reply to the farewell speech, expressing his gratitude to the Presiding Officers for the "love and affection" they had shown him all through, said that he was "very much touched by the affection and shall long remember with warm feelings today's function". He expressed his gratefulness also to the Members of Parliament "who have been a source of strength to me during the most difficult times".

Referring to the period when he was Speaker of Lok Sabha and the unruly behaviour witnessed in legislatures, Dr. Dhillon said:

Democracy visualises orderly behaviour and a sense of bowing to majority decision. A handful of people cannot thwart by violence what the majority of the people have decided peacefully through the ballot. The steps taken by the Prime Minister, drastic and timely, have put our democracy and parliamentary system on an even keel.

Associating himself with felicitations by the Presiding Officers to Shri Bhagat on his elevation to the Chair, Dr. Dhillon said "there could not have been a more astute parliamentarian to occupy the Chair than Shri Bhagat".

Replying to the felicitations, the Speaker of Lok Sabha, Shri B. R. Bhagat, expressed his thankfulness for the generosity shown by the Presiding Officers and the kind words spoken about him. He looked upon the occasion, he said, "as of great symbolic value" insofar as it comes as "one more reminder that we are one country, one people." About his succession to the Speaker's Chair, he said:

When the suggestion was made about my nomination for Speakership, I received it with some initial diffidence, the diffidence you should expect from one placed like me, who is only more than conscious of the great traditions of the Chair in our Parliament and the great expectations any

incumbent must be equal to fulfil. And, added to this was the thought that I was to follow close on the heels of an exceptionally vigorous tenure in the Chair. But, my misgivings were momentary. For, after all there was this fact that my sphere of work has to be among my friends, in a House with which I have grown, so to say, these many years, a place where I have known always nothing but friendliness, courtesy and kindness, where I have known only affection and goodwill in a measure more than I could ever hope to repay. The warmth with which I was welcomed to the Chair in the House came only as a reassurance of this to me. And, what could be more comforting than this that I have, as well, the moral support and goodwill of my esteemed colleagues all over the country?

As for myself, I would say that I look upon my new assignment as but a continuation of my service so far in other spheres. It may be a different kind of experience for me personally, with other kinds of demands upon my faculties, but, I feel, certainly not one incompatible with my background. For, in a parliamentary polity, the Legislature and the Executive are after all partners in a common adventure. The core aim of legislative oversight of administration itself is, as a matter of fact, only to galvanize, not supplant, executive initiative and will for action.

Turning to the role and responsibilities of the Legislature in our times, Shri Bhagat said:

Human institutions are for human ends. They would retain their relevance to the degree they are able to continually orient themselves and stay apposite to the developing needs of society. In countries like India, which are late arrivers on the technological scene and where problems of history and geography have added to the problems of growth, there is very little time to lose. We are a nation in a hurry, all whose energies must be bent in constructive nation-building tasks. We have to move forward speedily to give content to political freedom. The common man cannot wait indefinitely. It is a measure of the urgency of the situation that our Prime Minister Shrimati Indira Gandhi, deeply committed as she is to the people's cause, would not let us forget our central goal as a democratic society and . . . would not brook any obstacles to come in the way of its realisation.

Shrimati Indira Gandhi "indeed symbolizes India's commitment to the cause of democratic socialism," the Speaker said.

Addressing on the occasion, the Prime Minister observed that while Dr. Dhillon's leaving the Chair was a loss to Parliament, it

was a gain to the Government. Likewise, if Shri Bhagat's now occupying the Chair was a good thing for Parliament, it was a loss to the ruling party of a good parliamentarian.

Talking of the recent developments in the country, Shrimati Gandhi said that instead of preparing for the bigger challenges which the country faces, "many among us were busy raising storms in tea cups and giving them much greater importance than to the other major problems with which we are confronted, not only problems of poverty, of inequality, of vested interests at every level and in all areas, but also defending Indian interests, principles, internationally." The word 'democracy' here was being misused until it no longer was democracy.

The Prime Minister went on to say that if we are to "have a system that is viable, that serves the interests of the common man, it has to be a system that goes towards construction, towards development, towards production and sharing among all our people, helping those who are weaker in any way than the rest of us." That is the only system that can work and we have to evolve that here, she maintained.

Concluding her address, she paid tributes to Dr. Dhillon's contribution as the Presiding Officer of Lok Sabha, who with his sense of humour "dealt with exceedingly difficult situations and helped... to cool down the heated atmosphere and to remove the dust". She welcomed him as a Cabinet colleague and said that the Cabinet was the gainer by his joining it. She also referred to the various capacities in which Shri Bhagat had worked in the past and which had "given him wide experience, and throughout it he has been known for his ability to keep people together, to try and settle disputes and to further the cause of India". She wished him success in his new role as Speaker of Lok Sabha "because in his success lies the success of Indian Parliament and of all of us who are gathered here."

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

The first Conference of Chairmen of Committees on the Welfare of Scheduled Castes and Scheduled Tribes was held on January 17 and 18, 1970 under the Chairmanship of Shri D. Basumatari, M.P.,

Chairman of the Committee in Parliament. Chairmen of the Committee from Bihar, Haryana, Kerala, Karnataka, Maharashtra, Manipur, Punjab and West Bengal attended the Conference. Shri B. R. Bhagat, Speaker of Lok Sabha, inaugurated the Conference which was addressed also by Shri D. Basumatari, M.P.*

IPU WORKING GROUP ON "REVISION OF THE UNION'S STATUTE"

The meetings of the Working Group of the Inter-Parliamentary Union on "Revision of the Union's Statutes" were held in Geneva from January 12 to 15, 1976.

Dr. G. S. Dhillon, M.P., Minister of Shipping and Transport and President of the Inter-Parliamentary Council, attended the Geneva meetings.

Visit of Mauritius Parliamentarians

In response to an invitation from the Speaker, Lok Sabha, Mr. K. Sunassee, M.P., Chief Whip of Labour Party and Mr. A. V. Chettiar, M.P., of Mauritius, visited India from January 21 to February 1, 1976. On January 26, they witnessed the Republic Day Celebrations. On January 28, they watched the proceedings of the two Houses, called on the Speaker of Lok Sabha, and visited *Sansadiya Soudha*, the new Parliament House Annexe. On the following day, a Luncheon Party was hosted in their honour by the Minister of Parliamentary Affairs. They also visited Bombay, Agra and Madras.

*For details, see article on the subject by B. K. Mukherjee, p. 204 *supra*.

PRIVILEGE ISSUES*

LOK SABHA

Offering of services by a private firm on payment for 'lobbying work' in Parliament.—The Speaker had been receiving, from time to time, complaints about one Shri M. L. Vinayak who, styling himself as the “Director, Public Relations Counsel of India, New Delhi”, had been issuing circulars to private firms and individuals offering his and his firm’s services, on payment, for work relating to the business in Parliament, including “lobbying work”.

The Speaker referred the whole case to the Committee of Privileges on February 26, 1974. The Committee examined Shri Vinayak on oath at a number of sittings when he also had the fullest opportunity to have his say before the Committee.

In their Sixteenth Report, laid on the Table of Lok Sabha on January 20, 1976, the Committee were of the opinion “that the activities of Shri M. L. Vinayak and his firm are clearly objectionable and have the effect of lowering the image and dignity of Parliament and that, therefore, those activities constitute a breach of privilege and contempt of the House”.

Before submitting the Report to the Speaker, the Committee called Shri Vinayak to appear before them and informed him of the Committee’s conclusions that his and his firm’s “activities are unauthorised and highly objectionable and they have the effect of lowering the image and dignity of Parliament” and that those activities “constitute a breach of privilege and contempt of the House”.

*Contributed by Committee Branch-I, Lok Sabha Secretariat.

He was also informed of the Committee's feeling "that making out copies of the debates of Lok Sabha and of other Parliamentary papers and Reports and selling those copies is unauthorised and a breach of the copyright of the Lok Sabha."

Thereupon, Shri Vinayak immediately submitted a written undertaking to the Committee that he would discontinue forthwith all his activities which were considered objectionable and a breach of privilege and contempt of the House.

In view of the categorical undertaking given by Shri Vinayak, the Committee felt that a lenient view might be taken of the breach of privilege and contempt of the House committed by him and the matter might be closed.

The Committee at the same time also recommended that if Shri Vinayak indulged in any of those activities again, a severe punishment might be given to him.¹

RAJYA SABHA

Casting reflections on the House in a communication addressed to the Lt. Governor of Delhi.—On May 10, 1974, Shri Bhairon Singh Shekhawat, a Member, sought to raise a question of privilege against Shri Jagjit Singh, President, New Friends Co-operative House Building Society, for casting aspersions on the House in a letter dated the 7th May, 1974, alleged to have been written by him to Shri Baleshwar Prasad, the then Lt. Governor of Delhi.² Producing a photostat copy of the impugned letter, Shri Shekhawat contended that the language used in the letter and more particularly the following two sentences in it amounted to a breach of privilege and contempt of the House.³

"I have assessed the situation and feel it will not be possible for me and the Committee to stand the opposition in view of the Court's attitude and its further exploitation in Parliament and Papers, unless full support from police and Registrar of Societies is afforded much more than ever.

¹See Committee of Privileges (5LS), 16th Report. New Delhi, Lok Sabha Secretariat.

²R.S. Deb., 10-5-74, cc. 86—88.

³*Ibid.*

Since you are busy due to riots in the city, I will give the notice in newspapers only when I get green signal. It is good that Parliament closes on or before 13-5-1975."

On a motion moved by Shri Shekhawat and adopted by the House, the matter was referred to the Committee of Privileges.

The Committee of Privileges, after examining Sarvashri Bhairon Singh Shekhawat and Jagjit Singh and going through the material called for from the then Lt. Governor of Delhi and Shri Jagjit Singh, in their Fifteenth Report, presented to the House on February 18, 1975, reported *inter alia* as follows:

"...the Committee examined the different aspects of the statement made by Shri Shekhawat in the light of letters received from Shri Jagjit Singh and the Lt. Governor of Delhi wherein both of them had denied having written or received such a letter. The Committee felt that since Shri Shekhawat had neither seen the original letter nor had any knowledge of its present whereabouts and also because of his inability to produce before the Committee the person who had given him the photostat copy of the impugned letter or to give any help to the Committee in the matter, a stage had been reached where it was not possible for the Committee to lay hands on the original letter even if it existed. The Committee, therefore, had perforce to decide the case on the basis of the materials already before it.

After giving its careful consideration to the matter, the Committee did not feel satisfied about the genuineness of the photostat copy of the alleged letter of Shri Jagjit Singh. In view of this, the Committee did not like to examine on merits the question as to whether or not the contents of the alleged letter constituted a breach of privilege or contempt of the House.

The Committee, however, felt that any member who would desire to raise a question of breach of privilege in the House on the basis of any document should be circumspect and should satisfy himself about its genuineness beforehand.

In the view taken by the Committee and in the circumstances of the case, the Committee recommends that no further action be taken by the House in the matter and it may be dropped."

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

MADHYA PRADESH VIDHAN SABHA

Adjournment motion in one State Legislature in respect of proceedings of another Legislature.—On March 19, 1975 Sarvashri Homi Daji and Yashwant Rao Meghawale, Members, sought to raise in the Vidhan Sabha a question of privilege against Shri S. P. Malaviya, a Member of the Uttar Pradesh Vidhan Sabha, regarding an adjournment motion tabled by the latter in the Uttar Pradesh Vidhan Sabha calling in question certain proceedings in the Madhya Pradesh Vidhan Sabha in connection with realisation of rupees fifteen crores from the U.P. Government for the Rihand Dam.⁴ The members contended that anything said in the House could not be made the subject matter of discussion in another House and hence tabling an adjournment motion in the Uttar Pradesh Vidhan Sabha was against the supremacy and dignity of the Madhya Pradesh Vidhan Sabha.

After some discussion, the Speaker, Shri Gulsher Ahmed, ruled *inter alia* as follows⁵:—

“...before discussing this matter, we should know the facts of the adjournment motion and how that adjournment motion interferes with the proceedings of this House.

...All the Assemblies in our country have passed a resolution in this regard. This House also passed a resolution on the 4th August, 1972, which I would like to read out.

‘This House resolves that if any member, officer or employee of a House of other Legislatures or Indian Parliament is involved in any case of contempt or of a breach of privilege of this House, the honourable Speaker will refer it to the Presiding Officer of that House. But if after hearing the member, who raises the question or after going through the article, where a complaint is based on an article, the Speaker is satisfied that there is no breach of privilege involved or the matter is too frivolous to be taken note of, he may disallow the privilege motion...’

I have requested the Speaker of U.P. Vidhan Sabha to send the relevant proceedings. After receiving the proceedings, I shall lay them on the Table of the House. For the time being, I have stayed the matter and I shall give my ruling after receiving all the relevant information.”

⁴M.P. Vidhan Sabha Debts., 19-3-1975 (Original in Hindi).

⁵*Ibid.*

The relevant proceedings of the Uttar Pradesh Vidhan Sabha were received by the Speaker of the Madhya Pradesh Vidhan Sabha, after the prorogation of the House. After going through these proceedings, which revealed that the Speaker, Uttar Pradesh Vidhan Sabha had neither read the adjournment motion referred to earlier nor allowed anybody to move it in the House, the Speaker closed the matter.

RAJASTHAN VIDHAN SABHA

Shouting of slogans and throwing of a leaflet from the Visitors' Gallery on the Floor of the House.—On March 31, 1975, at about 15.08 hours, one Shri Manohar Singh Kumawat shouted some slogans and threw a leaflet from the Visitors' Gallery on the floor of the House. He was immediately taken into custody by the Watch and Ward Officer.

Later in the day, the Speaker, Shri Ram Kishore Vyas, informed⁶ the House *inter alia* as under:—

“I have to inform the House that today, at about 15.08 hours, when the proceedings of the House were going on, a person calling himself Manohar Singh Kumawat threw a leaflet and shouted..slogans from the Visitors' Gallery....

The Watch and Ward Officer immediately took Shri Kumawat into custody. I called Shri Manohar Singh in my chamber and questioned him. He is a student of criminology and criminal administration in Rajasthan University. He does not consider shouting slogans and throwing of leaflet from the Visitors' Gallery as an obstruction in the proceedings of the House or a contempt of the House. He is not prepared to regret or apologise for his act.”

Thereupon, the Chief Whip, Shri Khet Singh, moved the following motion⁷:—

“That this House resolves that the person calling himself Manohar Singh Kumawat, who shouted slogans and threw a leaflet from the Visitors' Gallery on the Floor of the House, at about 15.08 hours today and whom the Watch and Ward Officer took into custody immediately, has committed an offence and is guilty of contempt of the House.

This House further resolves that Shri Manohar Singh

⁶Rajasthan Vidhan Sabha Deb., 31-3-1975 (Original in Hindi).

⁷*Ibid.*

Kumawat be kept in the custody of the Sergeant-at-Arms, Rajasthan Vidhan Sabha, till the rising of the House.”

Shrimati Nirmala Kumari, a Member, suggested that the offender should be sentenced to at least a week's imprisonment. After some discussion, the amendment was accepted and the motion as amended was adopted.

In pursuance of the above decision of the House, the Speaker issued a warrant of commitment addressed to the Superintendent, Central Jail, Jaipur, directing him to take the guilty person into custody for the period specified in the amended motion.

UTTAR PRADESH VIDHAN SABHA

Making a policy statement outside the House while the House was in session.—On March 17, 1975, the Speaker, Shri Vasudeva Singh, informed the House that he had received the following notice of a question of privilege from Shri Satya Prakash Malviya, a Member, against the Chief Minister, the Finance Minister and the Food Minister for making a policy statement in the Press prior to its announcement in the House:—

“It was decided in a meeting of the Uttar Pradesh Cabinet held on the 13th March, 1975 under the Chairmanship of the Chief Minister, Shri H. N. Bahuguna, that the price of khandsari might be increased from Rs. 200 to Rs. 235/- per quintal and levy might be reduced from 33 per cent to 25 per cent. These two decisions pertain to policy matters and have been taken at a time when the House is in session. It is well established that when the House is in session, policy decisions are announced in the House only....

....It is a matter of regret that these decisions of the Cabinet were published in the morning editions of several dailies of 14th March, 1975 whereas the same were announced in the House by Shri N. D. Tiwary, Finance Minister, and Dr. Rajender Kumari Vajpayee, Food Minister, during their speeches in the House in the afternoon on that day.

This is a serious matter which requires investigation to bring out all the facts as to how these decisions have come in the press and who was responsible for that.

*U.P. Vidhan Sabha Debs., 17-3-1975 (Original in Hindi).

Now, I raise the question of privilege against the Finance Minister and the Food Minister.”

Disallowing the question of privilege, the Speaker ruled *inter alia* as follows⁹:—

“...the Member himself is not certain and is demanding investigation to bring out the complete facts...I am referring it to the Government who will apprise the hon. Member of the relevant facts but this does not constitute a question of privilege.”

After some discussion that followed, the Speaker, however, observed as follows¹⁰:—

“...It has been a practice of this House, and propriety and courtesy also demands, that the Ministers should make important statements first in the House and not outside. It will be a matter of courtesy for the Cabinet to announce policy matters in the House when in session instead of divulging it outside...but this does not constitute a question of privilege....”

1957-58
Session 5

⁹ *Ibid.*

¹⁰ *Ibid.*

PROCEDURAL MATTERS*

LOK SABHA

Procedure for suggestions regarding next week's agenda: On January 9, 1976, when some Members rose to make submissions on the statement made earlier by the Minister of Parliamentary Affairs regarding Government business for the next week, the Speaker observed that it had been decided at a meeting he had with Leaders of Parties and Groups that henceforward Members who wished to make suggestions regarding next week's business, might approach the Minister of Parliamentary Affairs by Thursday every week to enable him to consider their suggestions before announcing the following week's business and that such submissions should not be made in the House. The Speaker added that the new procedure would be followed as an experiment.

The Minister of Parliamentary Affairs suggested that Leaders of the Opposition Groups could meet him every Thursday at 4.30 P.M. in his room to express their views if any, regarding the following week's agenda so that he could have consultations with the Ministers concerned, before he made the weekly announcement regarding the business for the following week in the House the next day.

In view of this new procedure, submissions by Members were not allowed.¹

*Contributed by Table Office, Lok Sabha Secretariat.

¹L.S. Deb., 9-1-1976 cc. 130—33.

Opposition to motion for leave to introduce a Bill-No debate at that stage: On January 27, 1976 two Members, Sarvashri H. N. Mukerjee and S. M. Banerjee, had given advance intimation of their intention to oppose the introduction of Parliamentary Proceedings (Protection of Publication) Repeal Bill, 1976. When the Minister of State for Information and Broadcasting (Shri Vidya Charan Shukla) moved the motion for leave to introduce the Bill, Shri H. N. Mukerjee made a statement to oppose introduction and the Minister made his statement thereafter. After the Minister's statement, the second Member, Shri S. M. Banerjee, wanted to make a submission on the ground that certain points had not been answered by the Minister. The Speaker thereupon observed that the Member could only seek a brief clarification and there could not be any debate at that stage. Thereafter the Member asked a clarificatory question to which the Minister replied.²

Speaker to be informed beforehand before any allegations are made in the House: On January 19, 1976, during the course of his speech on Voluntary Disclosure of Income and Wealth Bill, when a Member (Shri Krishan Chandra Halder), alleged that black-money owners were making donations to the ruling Party and the Bill sought to give protection to such donors, two other Members wanted him to mention the names of such persons to prove his allegation. The Speaker, thereupon, observed³:—

“.....I would urge the hon. Members not to make very wild, general and unsubstantiated allegations. They should refrain from doing this and if they want to make any specific allegation, they should inform me beforehand.”

Not Chair's duty to pronounce on constitutionality of a Bill: During the discussion on the motion for consideration of the Urban Land (Ceiling and Regulation) Bill on February 2, 1976, a Member (Shri Bhogendra Jha) raised an objection that the Bill violated Article 252 of the Constitution inasmuch as the resolutions passed by several States had recommended to Parliament to enact legislation for fixing a ceiling on urban immovable property, whereas the Bill under consideration purported to fix the ceiling only on urban vacant land. The Minister of Works & Housing, Shri K. Raghuramaiah, explained that urban immovable property included not only buildings but also land and the proposed legislation sought to

² L.S. Deb., 27-1-1976, cc. 146—53.

³ L.S. Deb., 19-1-1976, cc. 181—84.

give effect to the resolutions passed by the State Governments in part insofar as they dealt with urban land. The resolutions nowhere stated that Parliament could not legislate only in respect of a part thereof. The Member, however, submitted that under Article 252, Parliament could not enact law to give effect to the resolutions in part only and sought a ruling on the point.

The Speaker, thereupon, observed:

“I am not here to interpret the Constitution. I am only concerned to see that the procedural requirement for consideration of this Bill is met.”

When the Member asked whether the ruling would apply even if a Bill violated the Constitution, the Speaker further observed⁴:

“It will be for the Courts; I cannot decide that. So far as the procedure is concerned, resolutions have been passed by State Legislatures. More than that, I am not called upon to say by way of interpretation. I have given my ruling.”

⁴ L.S. Deb., 2-2-1976, cc. 32-33.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS*

(November 1, 1975 to January 31, 1976)

INDIA

DEVELOPMENTS AT THE CENTRE

Cabinet Changes: On November 30, the Defence Minister, Sardar Swaran Singh, and the Minister of Transport and Shipping, Shri Umashankar Dikshit, resigned from the Council of Ministers. Sardar Swaran Singh, who had been a Minister continuously since 1952, stated that he felt the time had come when he should make room for others, while Shri Dikshit said that he had decided not to seek re-election to the Rajya Sabha on the expiry of his term in 1976. Shri R. K. Khadilkar, Minister of State for Supply and Rehabilitation and Shri K. R. Ganesh, Minister of State for Petroleum and Chemicals also resigned at the same time. Immediately thereafter, the Prime Minister, Shrimati Indira Gandhi inducted the erstwhile Speaker of Lok Sabha, Dr. G. S. Dhillon, and the Chief Minister of Haryana, Shri Bansi Lal into the Cabinet as Minister of Transport and Shipping and the Minister without Portfolio respectively. While the Prime Minister herself held temporarily the Defence portfolio and Shri K. Raghuramaiah, Minister of Works, Housing and Parliamentary Affairs, that of Supply and Rehabilitation, the following new Ministers of State were also appointed: Shri H. K. L. Bhagat, Works and Housing; Shri Vithal Gadgil, Petroleum and Chemicals; Dr. V. A. Seyid Mohammed, Law, Justice and Company Affairs [*vice* Dr. (Smt.) Sarojini Mahishi who had also resign-

*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.

ed and whose resignation was accepted on January 2] and Shri Ram Sewak, Health and Family Planning. The Deputy Minister in the Ministry of Works and Housing, Shri Dalbir Singh, moved to the Ministry of Shipping and Transport in the same capacity.

In a second reshuffle of the Cabinet on December 20, Shrimati Gandhi allocated the Defence Portfolio to Shri Bansi Lal and inducted Shri P. C. Sethi, Chief Minister of Madhya Pradesh, into the Cabinet as Minister of Chemicals and Fertilizers. Shri K. D. Malaviya became Minister of Petroleum; Shri P. K. Mukherjee, Minister of State in the Finance Ministry, took over the new Department of Banking and Revenue in the same Ministry; Shri Vithal Gadgil became Minister of State for Defence Production *vice* Shri Ram Niwas Mirdha, who in turn became Minister of State for Supply and Rehabilitation; Shri Z. A. Ansari, Deputy Minister in the Ministry of Industry and Civil Supplies and Shri C. P. Majhi, Deputy Minister in the Ministry of Petroleum and Chemicals moved to the Ministries of Petroleum, and Chemicals and Fertilizers respectively in the same capacity.

Supreme Court judgment on Election of Shrimati Indira Gandhi: A five-judge Bench of the Supreme Court on November 7 unanimously upheld the appeal of the Prime Minister, Shrimati Indira Gandhi, against the judgment of the Allahabad High Court on June 12, that her election to the Lok Sabha from Rae Bareilly constituency in the 1971 elections, was invalid. The Bench also dismissed the cross-appeal filed by Shri Raj Narain, her opponent, against the High Court judgment.

An application filed by Shri Raj Narain seeking a review of this ruling was dismissed by the same five-member Bench on December 19, because, as stated by the Chief Justice, Mr. Justice A. N. Ray, there was "no sufficient ground for reviewing the judgment in this case."

In their judgment the Supreme Court struck down clause 4 of article 329A of the Constitution introduced by the Constitution (Thirty-ninth Amendment) Act, 1975, which had provided that no previous law relating to election petitions should apply or be deemed ever to have applied to the election to Parliament of the Prime Minister or the Speaker of Lok Sabha and that if the election of either had been declared to be void before the commencement of the Act, it should continue to be valid.

The Chief Justice, Mr. Justice A. N. Ray said: "Clause 4 in article 329A has done four things. First, it has wiped out not merely the judgment but also the election petition and the law relating thereto. Secondly, it has deprived the right to raise a dispute about the validity of the election by not having provided another forum. Third, there is no judgment to deal with and no right or dispute to adjudicate upon. Fourth, the constituent power of its own legislative judgement has validated the election." He further said:

"Clause 4 suffers from these infirmities. First, the forum might be changed but another forum has to be created. If the constituent power became itself the forum to decide the disputes, the constituent power, by repealing the law in relation to election petitions and matters connected therewith, did not have any petition to seize upon to deal with the same. Secondly, any decision is to be made in accordance with law. In the present case the constituent power did not have any law to apply to the case, because the previous law did not apply and no other law was applied by clause 4. The validation of the election in the present case is therefore not by applying any law, and it therefore offends the rule of law. Hence by validating Mrs. Gandhi's election, Parliament has passed a declaratory judgment and not a law."

The other four judges of the Bench concurred with the Chief Justice's rulings and three of them specifically held that clause 4 of article 329A was unconstitutional. Mr. Justice H. R. Khanna, recalling that the Supreme Court had ruled in 1973 that Parliament's power to amend the Constitution did not permit altering its basic structure and that democracy was part of the basic structure, said that democracy could function only upon the faith that elections were free and fair. He said: "To extinguish the right and the remedy to challenge the validity of an election would necessarily be tantamount to laying down that even if the election of a candidate is vitiated by the fact that it was secured by flagrant violation of the principle of free and fair election the same would still enjoy immunity from challenge and would be none the less valid. Clause 4 of article 329A can therefore be held to strike at the basis of free and fair elections...."

Mr. Justice Y. V. Chandrachud said that Parliament by clause 4 had "decided a matter of which the country's courts were lawfully seized." No constitution could survive without "conscious adherence to its fine checks and balances", and just as courts ought not to enter into problems entwined in the political thicket, Parliament must also respect the preserve of the courts.

Dissolution of Special Bench of Supreme Court: On November 12, the Chief Justice of the Supreme Court, Mr. Justice A. N. Ray dissolved a special 13-judge bench of the Supreme Court which had been constituted at the Government's request to review the Court's judgment of 1973 in *Kesavanand Bharati's case* limiting Parliament's power to amend the basic structure of the Constitution.

Suspension of Fundamental Rights: The President by an order issued on January 8 suspended the right of any person to move any court for the enforcement of rights conferred under article 19 of the Constitution for the period of the Emergency.

AROUND THE STATES

ANDHRA PRADESH

New Governor: On December 28, Shri Mohan Lal Sukhadia, former Governor of Karnataka was appointed Governor of Andhra Pradesh.

HARYANA

Change in Government: Shri Banarasi Das Gupta, Minister of Irrigation and Power, Agriculture, and Cooperation in Shri Bansi Lal's Cabinet, was sworn in as Chief Minister on December 1, following the latter's inclusion in the Central Cabinet. In a minor reshuffle of portfolios on December 4, the new Chief Minister made three notable changes—taking over the Home portfolio from Shri K. L. Poswal, transferring his Agriculture portfolio to Shri Maha Singh and retaining other portfolios held by him as a Minister in the outgoing Cabinet besides taking over all portfolios held by his predecessor. He also took over the Department of Public Relations from Shri Poswal who would now be the new Transport Minister.

Pension for Speaker: On January 28, the Legislative Assembly passed the Speaker's Pension and Medical Facilities Bill entitling those who had held the office of the Speaker after March 14, 1972 to pension and medical facilities.

JAMMU AND KASHMIR

Stay order by Supreme Court on Deputy Speaker's election: On December 10, the Supreme Court confirmed the *ex-parte* stay of the judgment of the High Court setting aside the election of Shri Beli Ram, Deputy Speaker of the State Assembly subject to the

condition that the order should not affect the right of the Assembly to remove him.

KARNATAKA

New Governor: The former Union Minister of Transport and Shipping, Shri Umashankar Dikshit was on December 28, appointed as Governor of Karnataka.

MADHYA PRADESH

New Chief Minister: On December 23, Shri Shyama Charan Shukla was sworn in as Chief Minister succeeding Shri P. C. Sethi who had joined the Central Cabinet. Announcing his cabinet on December 27, Shri Shukla inducted two Ministers of Cabinet rank—Shri S. N. Mushran and Shri V. R. Uike, a Minister of State, Shri Aziz Qureshi and a Deputy Minister, Shri Kishan Lal Kurre. The Chief Minister retained 30 portfolios with him. On January 7, 1976, the Chief Minister announced the addition of 16 new Ministers to his Ministry—9 Cabinet Ministers, 5 Ministers of State and 2 Deputy Ministers. The departments of a few Ministers were also changed on January 11.

MANIPUR

Expansion of Ministry: On January 17, the Congress-led Ministry was expanded with the swearing in of one Cabinet Minister, Shri N. Goujagin and nine Ministers of State. Three Ministers of State were dropped.

SIKKIM

Merger of Sikkim Congress Party: On December 29, the Sikkim Congress Party formally merged with the Indian National Congress. On the same day, Shri Kalzang Gyatso Bhutia of Sikkim National Party, the lone opposition member in the State Assembly, announced his decision to join the Congress.

TAMIL NADU

Promulgation of President's rule: On January 31, President's rule was promulgated in the State under article 356 of the Constitution and the Legislative Assembly of the State was dissolved following a report from the Governor, Shri K. K. Shah that a situation had arisen in which the Government of the State could no longer be

carried on in accordance with the provisions of the Constitution. In his report the Governor had stated that the Karunanidhi Ministry had by a series of acts of mal-administration, corruption and misuse of power to achieve partisan ends, set at naught all canons of justice and equity, and that it had disregarded the instructions of the Centre in relation to the Emergency and had misused the emergency powers. Further, under the cover of the demand for autonomy, the DMK had been encouraging secessionist activities.

UTTAR PRADESH

Promulgation of President's rule: On November 29, the Chief Minister Shri H. N. Bahuguna submitted the resignation of his 21-month old Ministry to the Governor, Shri M. Chenna Reddy, telling newsmen that he thought it was time for him to quit. To enable the Congress Legislature Party to elect a new leader, the Governor recommended imposition of President's rule in the State for a short period. The President, Shri Fakhruddin Ali Ahmed, issued a proclamation on November 30 under article 356 of the Constitution placing the State under President's rule, but keeping the State Assembly under suspension till a popular Ministry was installed. This was the fourth occasion when the President's Rule was imposed in the State.

New Ministry: The 52-day President's rule in the State ended on January 21, with the installation of a Congress Ministry headed by Shri Narain Datt Tewari. The Ministry consisted of 14 Cabinet Ministers and 16 Ministers of State, the only new cabinet Minister being Shri Shanti Prapanna Sharma. Six of the Ministers of State were also new entrants.

DEVELOPMENTS ABROAD

ANGOLA

Achievement of Independence: Angola became independent on November 10, after the Portuguese High Commissioner handed over the war-torn country to "the Angolan people" in a brief ceremony thus ending 500 years of Portugal's rule. On the next day, Mr. Agostinho Neto, President of the Angolan Peoples' Liberation Movement (MPLA) proclaimed the territory's independence, naming it as "The Peoples' Republic of Angola". On November 14, Mr. Lopo De Nascimento was sworn in as Prime Minister.

AUSTRALIA

Dismissal of Prime Minister and Dissolution of Parliament: In the wake of the prolonged refusal of the Opposition-controlled Senate to pass the national Budget, the Governor-General, Sir John Kerr, on November 11, dismissed the Prime Minister, Mr. Gough Whitlam, dissolved both Houses of Parliament and called for a general election. He also appointed the Opposition Liberal Leader Mr. Malcolm Fraser to head a caretaker Government against whom, however, the Labour-controlled House of Representatives passed a vote of no-confidence by 64 against 55.

On November 11 itself, the Speaker of the House of Representatives Mr. Gordon Scholes protested to the Queen against the Governor-General's action saying that he had acted improperly in ignoring the no-confidence motion adopted by the House. Queen Elizabeth, however, expressed her inability on November 24, to intervene in the constitutional crisis saying that the matter was closely within the jurisdiction of the Governor-General.

General elections: In the general elections held on December 13, the Liberal-National Country Party coalition headed by Mr. Malcolm Fraser defeated the Labour Party by securing the largest parliamentary majority in the country's history. By December 25, with one seat still to be decided, the composition of the House of Representatives was: Liberals 68, National Country Party 23, Labour Party 35.

New Government: The newly-elected Prime Minister Mr. Fraser, on December 18, named a 24-member Cabinet, including Mr. Phillip Lynch as Treasurer, Mr. Andrew Peacock as Foreign Minister and Mr. Davis James Killen as Defence Minister. He also announced an inner Cabinet of 12 senior Ministers. The Ministers were sworn in on December 24.

BANGLADESH

Military Coup: In a military coup on November 3, the 11-week old regime of President Khondaker Moshtaque Ahmed was overthrown. In the early hours of November 6 Dacca radio announced that President Moshtaque Ahmed had "expressed his desire to vacate the office of President in favour of the Chief Justice of the Supreme Court, Mr. Justice A. M. Sayem". President Moshtaque had earlier issued a proclamation—which came into effect from August 20, 1975—enabling himself to nominate his successor and to hand over the presidency to the latter if he was unable to discharge his functions or

wished to vacate his office for any reason. The Vice President Mr. Mohammadullah resigned shortly afterwards and Mr. Justice Sayem was sworn in as President by a Supreme Court judge on the morning of November 6.

On assuming office of the President, Mr. Justice Abusadat Mohammad Sayem announced the dissolution of Parliament and holding of general elections by February 1977. In a nation-wide broadcast on November 7, he announced that the country would be governed under Martial Law and he himself would be the Chief Martial Law Administrator, assisted by a Council of Advisers. He constituted the Council consisting of three Deputy Chief Marshal Law Administrators and four prominent educationists as Members and allocated responsibilities of the Ministries and Divisions. The Members would have privileges as Ministers. The Council was expanded on December 4, with the inclusion of two more persons, one of them being a woman. There was reallocation of responsibilities of the Ministries and Divisions on January 24, 1976.

CAMBODIA

New Constitution: The new constitution of "the Democratic State of Cambodia" approved by the Khmer National United Front's third National Congress on December 14, 1975 was promulgated on January 5, 1976. According to the Constitution, the means of production belong to the State and the people, laws will be drafted by the People's Assembly of 250 deputies (consisting of 150 peasants, 50 workers and 50 soldiers) elected for a five-year term, and the top judicial organ will be a people's court whose members will be elected by the Assembly.

CUBA

New Constitution: On December 20, 1975 the Congress approved the country's first socialist constitution and a 30,000-word general policy programme. The Constitution which is to come into force after a referendum in February, provides for the election of local assemblies for the first time since Dr. Castro came to power 17 years ago.

FINLAND

Formation of new Cabinet: After the general elections in September 1975, President Urho Kekkonen, on November 30, appointed a five-party coalition Government headed by Mr. Martti Miettunen to

replace Mr. Keijo Liinamaa's caretaker Cabinet, which had been in office since June 1975.

FRANCE

Government changes: President Giscard d'Estaing carried out a major reorganisation of the Cabinet on January 12, retaining its coalition character but involving the appointment of three new Ministers, eight new secretaries of State (including two women), dropping of two Ministers and four Secretaries of State and a change in three portfolios. An innovation of the new Government was the classification of four members—three of them newly appointed—as belonging to the “presidential majority”, i.e. committed supporters of President Giscard d'Estaing's policies but not identified with any of the parties or groups comprising the ruling coalition.

LAOS

Abolition of Monarchy: The 700-year old monarchy in the country was abolished on December 3, and replaced by the Laos Peoples' Democratic Republic. Prince Souphanouvong, the Pathet Lao Chief was named President of the new Republic. Mr. Keysone Phom Viharm took over as Prime Minister on December 5.

LESOTHO

Opposition Members in Cabinet: On November 12, the Prime Minister, Chief Leabua Jonathan, appointed two members of the Opposition to his Cabinet.

MADAGASKAR

New Republic: The “second Malagasy Republic” was officially proclaimed as the Democratic Republic of Madagaskar on December 30 and Lt. Commander Didier Ratsiraka was proclaimed as the Republic's first President. Earlier, in a referendum on December 21, the Malagasy people had by overwhelming majority approved a charter of the Malagasy Socialist Revolution and adopted a draft constitution.

NEPAL

New Cabinet: King Birendra accepted on December 1, 1975 the resignation of the Prime Minister, Mr. Nagendra Prasad Rijal, and nominated Dr. Tulsi Giri as Prime Minister. His Ministry consisted of six Ministers, five Ministers of State and four Assistant Ministers mostly from the outgoing team.

Constitutional Changes: On December 12, King Birendra announced far-reaching changes in the 13-year old Constitution of the country and conferred a new over-riding status with wide powers on a new panchayat organisation "Back to Village National Campaign" under his leadership. Under the new dispensation, the King's powers to amend the Constitution were considerably enhanced; the earlier provision requiring a two-thirds majority of the special Committee of some members of the Raj Sabha and the National Panchayat was scrapped and only a formal consultation with that Committee would be needed thereafter. A Central Committee of the "Back to Village National Campaign" with all political control, loyal to the Crown and under its direct supervision, through 4000 village panchayats, would function like a politburo with powers to screen and select candidates for the panchayat's elective posts, recommend formation of a Council of Ministers, recall members from the National Panchayat for any "unbecoming behaviour" and organize propaganda and communication between different organs of the panchayat establishment. Other reforms included widening of the electoral base, throwing open of National Panchayat sessions (hitherto held *in camera*) to the people, abolition of the graduates' constituency and establishment of a new Commission under the direct control of the King to prevent "abuse of powers by Ministers and officials". These changes were based on the recommendations of the Constitutional Reforms Commission.

NEW ZEALAND

General elections: The National Party led by Mr. Robert Muldoon won the general elections on November 29, defeating the outgoing Prime Minister Mr. Wallace Rowling's Labour Party. The results were: National Party 53, Labour Party 34.

NORWAY

Formation of new Cabinet: On November 9, King Olav asked Hr. Odvar Nordli to form a new minority Labour Cabinet in succession to Hr. Trygve Bratteli who had resigned. Announced on November 12, the new Cabinet contained six new appointments while two Ministers changed portfolios.

PHILIPPINES

No elections: President Ferdinand Marcos on January 22, ruled out holding general elections within the next four years. But he

announced the creation of a broadbased Legislative Advisory Council which, he said, might later assume the functions of a National Assembly.

SAO TOME AND PRINCIPE

New Cabinet: President Manuel Pinto da Costa took responsibility for a number of portfolios in a new cabinet appointed on December 11, while the Prime Minister Mr. Miguel Trouvoada surrendered the Foreign Affairs and Defence portfolios.

SOUTH AFRICA

Cabinet reorganisation: A number of portfolios were reallocated among members of the Prime Minister Mr. Vorster's Cabinet on January 22. Besides other changes, the Speaker of the House of Assembly, Mr. Alwyn L. Schlebusch was inducted into the Cabinet as Minister of Public Works and Immigration.

SOUTH KOREA

Cabinet reshuffle: On December 19, the President, Mr. Park Chung-hee carried out a major cabinet reshuffle replacing 10 Ministers including the Prime Minister Mr. Kimi Jongpil. Mr. Choi Kuy-ha was then named as acting Prime Minister.

SOUTH YEMEN

Cabinet reorganisation: A reorganisation of the Government of Mr. Ali Nasser Mohammed on December 31, included the abolition of the Ministry of Public Works and the creation of a new Ministry of State for Local Administration Affairs, besides several new appointments.

SPAIN

Reversion to Monarchy: Prince Juan Carlos de Borbon, nominated by Generalissimo Francisco Franco, who died on November 20, as his successor was installed as Spain's first king before Parliament on November 22. On December 5, he instructed the Prime Minister Sr. Carlos Arias Navarro to stay on as Chief of Government and gave him wide powers to reorganise the Ministry. Sr. Navarro formed his first cabinet under the monarchy on December 11, which included Sr. Manuel Fraga Iribarne, the Interior Minister who had advocated major reforms in Spain's constitution.

SRI LANKA

Vote of Confidence for Government: On December 24, the Prime Minister, Mr. Sirimavo Bandaranaike won a vote of confidence in the National Assembly, where she faced charges of improper conduct by engaging in a series of land sales in 1972, circumventing her Government's own land reform laws.

SURINAM

Achievement of Independence: On November 25, Surinam (the former Netherlands Guiana) gained independence after more than three centuries of colonial rule. Dr. Johan Ferrier became the new Republic's interim President until the holding of new elections.

TANZANIA

New Government: On November 11, President Julius Nyerere took oath of office for his third five-year term as President. He announced a new reorganised 26-member cabinet consisting of 10 new appointments—two of them for women. Mr. Ibrahim Kaduma became Foreign Minister in succession to Mr. John Malecela who was given the agriculture portfolio.

THAILAND

Dissolution of National Assembly: The Prime Minister Mr. Kukrit Pramoj carried out a major reshuffle of his Cabinet on January 8, taking over the Interior portfolio after the opposition Social Agrarian Party had agreed to enter the Government. A royal decree was, however, issued on January 12 dissolving the National Assembly. The dissolution came two days before the Assembly was due to debate a no-confidence motion against the Government. In a broadcast later, Mr. Kukrit announced that general elections would be held on April 4, 1976.

UNITED KINGDOM

Government Changes: On November 20, Mr. Peter Snape, M.P. was appointed Assistant Whip in succession to Miss Betty Boothroyd, who had resigned because of her commitments as a delegate to the European Parliament:

On December 4, the Prime Minister announced a number of government changes arising from the resignation of two Ministers in

the House of Lords. These included Mr. John Smith, hitherto Parliamentary Under-Secretary of State for Energy who became Minister of State for Energy *vice* Lord Balogh who resigned on reaching the age of 70; and Mr. Gerald Kaufman, Parliamentary Under Secretary of State for Industry who became Minister of State for Industry in succession to Lord Beswick who left the Government to become Chairman of the British Aerospace, the Corporation which will run the nationalized aircraft industry. Lord Goronwy Roberts became Minister of State for Foreign and Commonwealth Affairs and succeeded Lord Beswick as Deputy Leader of the House of Lords.

On January 23, Lord Crowther Hunt, Minister of State, Department of Education and Science and Mr. Gerald Fowler, Minister of State, Privy Council Office, exchanged portfolios and Lord Oram was appointed a Lord in Waiting.

New Ombudsman: It was announced on January 23, that Sir Idwal Pugh, a second Permanent Secretary in the Department of Environment, would succeed Sir Alan Narre as Parliamentary Commissioner for Administration (Ombudsman) and Health Service Commissioner for England, Scotland and Wales on the latter's retirement on April 1.

U.S.A.

Cabinet Changes: President Ford announced on November 3, several cabinet and other changes which concerned mainly with foreign policy and national security affairs. The Cabinet changes were: Mr. Donald Rumsfeld was nominated as Secretary of Defence in succession to Dr. James Schlesinger, who left the Administration. Mr. George Bush was nominated as director of Central Intelligence Agency *vice* Mr. William Colby who also left the Administration; Mr. Elliot Richardson became Secretary of Commerce in place of Mr. Rogers Morton who had indicated his wish to return to the private sector; Dr. Kissinger relinquished his post as Presidential Assistant for National Security Affairs, to which he had been appointed in December 1968, to devote full time to his responsibilities as Secretary of State and was replaced in the former post by his deputy Lt. Gen. Brent Scowcroft; and Mr. Richard B. Cheney succeeded Mr. Rumsfeld as assistant responsible for coordinating the White House Staff.

On January 22, President Ford announced the appointment of Mr. W. J. Usery as Secretary of Labour in succession to Mr. John Dunlop who had resigned on January 14, following the veto by the President of his Bill on picketing in the construction industry.

U.S.S.R.

Government Changes: On December 29, Mr. Yergeni Kozlovsky, Deputy Minister of Geology, was appointed Minister of Geology in succession to Mr. Alexander Sidovenko.

SESSIONAL REVIEWS

I. LOK SABHA*

The Winter Session of Parliament commenced on January 5, 1976 with an Address by the President of India to both Houses of Parliament assembled together. This was the 94th Session of Rajya Sabha and the Fifteenth Session of the Fifth Lok Sabha. Both Houses discussed several issues of national and international importance and passed a number of important legislative measures. The session concluded on February 6, 1976.

A brief resume of the important discussions and legislative business transacted by Lok Sabha during the session is given below:

A. DISCUSSIONS

President's Address: In his Address to Parliament, the President referred to the declaration of emergency on June 25 and the 20-point economic programme launched on July 1 last year and said that the steps taken to tone up the efficiency in all spheres of life had had a dramatic effect on the health of the nation. The uncertainties of the international situation, particularly in the Indian sub-continent and its neighbourhood, the continuing challenge of disruptive forces at home and the need to accelerate social and economic programmes, were the factors which necessitated vigilance and discipline, the President pointed out. He exhorted the people to make constant efforts to improve performance in different fields and bring about changes and reforms in every sphere of national life.

The President also announced that the Government had decided upon a comprehensive scheme of reforms in the financial adminis-

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

tration in the country. The maintenance of accounts of the Union would henceforth be departmentalized and separated from Audit. A change was also contemplated in the methods of evaluation of performance in order to make the administration at every level result-oriented and accountable. The Government were also constituting a national resources council with adequate powers to prepare a master plan for river basins, he added.

While referring to international situation, President Ahmed said that the recent events in Bangladesh had caused anguish and concern. Nevertheless, India had treated those developments entirely as an internal affair of that country. He regretted that the progress of implementation of the Simla Agreement had been slow because of disappointing response from Pakistan and added that India and Pakistan as close neighbours had no alternative but to co-operate and live in friendship with each other. As regards the United States of America, the President emphasized India's desire for a mature and constructive relationship with that country.

The President's Address was discussed for four days in Lok Sabha on a Motion of Thanks moved by Shri Dinesh Chandra Goswami on January 6. Shri Chandrajit Yadav, Minister of Steel and Mines, who intervened in the discussion on the following day, mentioned that the developments in the past six months had proved the fact that the emergency had been promulgated in the best interests of the country. He listed the gains of emergency in various spheres, particularly in arresting inflation.

Shri Y. B. Chavan, Minister of External Affairs, who participated in the debate on January 8, observed that the success of a country's foreign policy depended on her economic and political strength. If India was strong at home, she could have a better image outside. Reviewing the different trends developing in the World and their relevance to India, Shri Chavan said that the present detente in Europe, the successful culmination of the people's struggle in South-East Asia and the continuing wave of decolonization in the African sub-continent, were welcome signs.

The Prime Minister Shrimati Indira Gandhi, replied to the discussion on January 9. In her speech, she declared that democracy could work only when all sections were willing to subscribe to it. As such, she urged the Opposition to give up the path of obstruction and violence and to create conditions for a dialogue.

The Prime Minister referred to the delay caused in the finalization of the Fifth Plan, and pointed out that the Government wanted the international economic situation to stabilize a little, so that they were able to plan with a greater degree of certainty and assurance. The basis of the Fifth Plan, she said, remained valid. Annual plans were formulated within its framework and sought to further the objectives of the Plan.

Smt. Gandhi maintained that significant economic achievements had been registered under the 20-point programme during the last six months. In this context, she particularly mentioned that consumer prices for agricultural labour had come down by 8.3 per cent, public sector production was 3.15 per cent higher than the previous year and procurement of Kharif cereals was 27 lakh tonnes against 14 lakh tonnes last year. Assuring the House that the elections were not being given up, the Prime Minister observed:

“.....Elections are not the be-all and the end-all of democracy or of life. The good of the country, its unity and capacity to defend itself against aggression or oppression, its ability to produce more and distribute production more fairly, all these are aspects which cannot be neglected and we cannot allow a situation to develop where these things are jettisoned merely for the sake of having an election or proving to the world how democratic we are.”

She concluded her speech with an appeal for a new era of co-operation that would enable “Bharat Mata” to become young again and to hold her head high.

The Motion of Thanks was thereafter adopted by the House.

Developments in Tamil Nadu: Tamil Nadu was placed under President's rule on January 31 following a Proclamation issued by the President under Article 356 of the Constitution. The DMK Government was dismissed and the State Legislative Assembly dissolved. These developments followed a report from the Governor of Tamil Nadu, Shri K. K. Shah, stating that he was satisfied that a situation had arisen in which the Government of the State could no longer be carried on in accordance with the provisions of the Constitution. This was the first time that Tamil Nadu has been brought under President's Rule. The five-year term of the State Assembly was due to expire on March 21 this year.

Copies of the President's Proclamation and the Governor's Report were laid on the Table of the House on February 2 by the

Minister of Home Affairs, Shri K. Brahmananda Reddy. In a statement to the House later, the Minister said that the President's Rule had to be imposed in the State following serious complaints of corruption, mal-administration and flagrant misuse of power by the DMK Government for party purposes.

On February 3, the Minister of State in the Ministry of Home Affairs, Shri Om Mehta, announced the appointment of a one-man Commission of Inquiry under Shri Justice S. R. Sarkaria, a Judge of the Supreme Court, to inquire into the allegations against the former Chief Minister, Shri M. Karunanidhi and some other Ministers of Tamil Nadu. The Minister further informed the House that for the present, 27 out of the 54 allegations contained in the Memorandum of Shri M. G. Ramachandran, the Anna DMK leader and the Memorandum of Shri M. Kalyanasundaram and some others which appeared *prima-facie* to require a probe, had been referred to the Commission for inquiry. The Commission had been requested to submit its report by February 1, 1977.

Chasnala Mine Disaster: In a statement to the House on January 6, the Minister of Steel and Mines, Shri Chandrajit Yadav, expressed his profound shock at the major accident which took place in the Chasnala Colliery of Indian Iron and Steel Ltd. near Dhanbad, on December 23, 1975 due to the sudden flooding of the mine. Everything humanly possible was being done to hasten the dewatering of the mine, the Minister assured. High priority had also been given to the rescue operations in the hope of saving some precious lives. Shri Yadav also announced that the Government had appointed Justice Ujjal Narain Sinha, retired Chief Justice of Patna High Court, to hold an inquiry into the causes and circumstances leading to the accident.

Briefly intervening in the discussion that followed, the Prime Minister, Smt. Indira Gandhi said that she fully shared the sense of shock and anxiety in the matter and had no objection to having a fuller discussion in the House on this disaster.

In another statement made on January 12, the Minister of Steel and Mines said that the Damodar river flow was 2,000 metres away from the Chasnala mine and there was no possibility of any seepage from that river. Later, replying to a discussion raised under Rule 193, by a Member, Dr. Ranen Sen, the Minister reiterated that the entire resources within the country or even from outside had been mobilized for dewatering of the mine and saving the

precious lives of the trapped workers. He announced that a Committee headed by him would examine the quantum of short-term and long-term relief that could be provided to those affected by the accident. Apart from considering the question of increasing the compensation amount suggested by Members, Shri Yadav said, the Government was also thinking of making long-term arrangements for the education of the children of the trapped miners and the marriage of their daughters. A proposal for long-term pension or provident fund scheme for the affected families was also under the consideration of the Government. Careful consideration was also being given to a proposal for group insurance scheme for the miners, the Minister announced.

Indo-Nepalese Co-operation: The Minister of External Affairs, Shri Y. B. Chavan, made a statement in the House on January 27 regarding his visit to Nepal. He said *inter alia*, that as a result of the discussions he had had with the Nepalese Prime Minister and his other colleagues, India would be able to take positive steps for strengthening the friendly relations and mutually beneficial co-operation between the Governments and the peoples of the two countries. As regards India's relations with Nepal, the Minister emphasized that it was necessary to be vigilant, so that no misunderstanding was allowed to be created or built upon between the two countries.

Shri Chavan further informed the House that as members of the non-aligned movement and keeping in view the Non-Aligned Summit being held in Colombo during the current year, both sides discussed the role of non-aligned nations in the changing world environment.

Restructuring of News agencies: The Minister of State for Information and Broadcasting, Shri Vidya Charan Shukla, informed the House on February 2 that the managing boards of the four national news agencies, Press Trust of India (PTI), United News of India (UNI), Samachar Bharati and Hindustan Samachar, had during the past two months passed resolutions extending support to the idea of a single national news agency in the country. On January 24 this year, a society named *Samachar* was accordingly registered with the aim of developing a national news organisation which would cover all aspects of national life and project these adequately on the national and world media. With effect from February 1, the news covered by these four agencies began to be issued under the bye-line of the *Samachar*.

Explaining as to why this step became imperative the Minister said that multiplicity of news agencies had on the one hand, resulted in the duplication of efforts and waste of resources and on the other hand, the coverage of developmental activities in the rural areas was very meagre. He expressed the hope that the emergence of a national news agency would adequately fulfil the role of a news-medium befitting the size, the complexity and the richness of activities of the country.

B. LEGISLATIVE BUSINESS

The House discussed and passed as many as 34 Bills during this session. Following are some of the more important Bills discussed and passed by the House:

House of the People (Extension of Duration) Bill: Moving that the House of the People (Extension of Duration) Bill (introduced on February 3, 1976), be taken into consideration, the Minister of Law, Justice and Company Affairs Shri H. R. Gokhale, said on February 4 that the two Proclamations of Emergency issued on December 3, 1971 and on June 25, 1975 had resulted in considerable improvement in discipline in all spheres of national life. The Government, however, could not yet afford to relax in its efforts and the gains achieved by the nation had to be consolidated and preserved. For this purpose, he added, it was necessary to avail of the powers under the proviso to article 83 (2) of the Constitution and extend the life of the present Lok Sabha (House of the People) by one year, so, that all round stability and continued progress was ensured.

Replying later to the brief discussion which ensued, Shri Gokhale maintained that the present was not the right time for holding the General Elections to Lok Sabha. He did not agree that the measure was unconstitutional and pointed out that the very Constitution which in the normal circumstances dictated that an election should come after a period of 5 years was over, also laid down that if there was an emergency in operation, the House by law could extend the period for not more than one year at a time.

Thereafter, the motion for consideration was adopted and the Bill was passed.

The Parliamentary Proceedings (Protection of Publication) Repeal Bill: The Bill was introduced in the House on January 27 by the Minister of Information and Broadcasting, Shri Vidya Charan Shukla. Moving a motion for consideration of the Bill the follow-

ing day, the Minister dispelled the misunderstanding that the Bill was casting reflection either on the proceedings of the House or on the conduct of Members or was restricting the freedom of the Press.

In his reply to the brief discussion that followed, Shri Shukla reiterated that the measure would not prevent newspapers from reporting what was said in Parliament. The only thing it sought to ensure was that the immunity enjoyed by the Members inside the House was not abused by the Press and others in a manner in which they had been doing during the last 20 years. He assured the House that the present repealment was not going to inhibit any Member of Parliament. On the other hand, as things stood, it was going to help in the growth of healthy journalism and healthy debates in Parliament.

Thereafter, the motion for consideration was adopted and the Bill, as amended, was passed. Earlier, the Statutory Resolution seeking disapproval of the Ordinance which the Bill sought to replace, was negatived.

Election Laws (Extension to Sikkim) Bill: A Bill to extend election laws to Sikkim was introduced in the House on January 9. Moving the Bill for consideration the Minister of State in the Ministry of Law, Justice and Company Affairs, Dr. V. A. Seyid Muhammad, said on January 12 that with a view to giving effect to the provisions of the Constitution (Thirty-Sixth Amendment) Act, 1975, it was decided, in consultation with the Election Commission, that the Representation of the People Act, 1950 and the Representation of the People Act, 1951 should be extended with necessary modifications, to the State of Sikkim. As Parliament was not in session and as it was necessary to extend those Acts so that the representatives of the State of Sikkim in Parliament could be elected without delay, the President promulgated on September 9, 1975, the Election Laws (Extension to Sikkim) Ordinance, 1975. This Bill sought to replace that Ordinance.

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

Prevention of Publication of Objectionable Matter Bill: On January 28 and 29, the House concurrently discussed the Prevention of Publication of Objectionable Matter Bill (introduced on January 27) and the Statutory Resolution moved by Shri Erasmo de Sequeira seeking disapproval of the Ordinance promulgated by the President on December 8, 1975. Piloting the Bill, the Minister of

State for Information and Broadcasting, Shri Vidya Charan Shukla said that it sought to prevent publication of objectionable matter and provided for punishment to those who indulged in printing such a matter. Explaining the term 'objectionable matter', the Minister added that apart from the matter defined as objectionable in the statute books of the Criminal Procedure Code, the Indian Penal Code and other laws passed by Parliament, the present measure had defined seduction of any member of the armed forces from allegiance or duty to the State etc., or promotion of disharmony or feeling of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or caste or community as "Objectionable Matters".

Commending the Bill to the House, Shri Shukla maintained that the Bill was meant to import health to 'our public life' and in journalism. The provisions of the Bill, he added, would not be used against *bona fide* and genuine working class movements.

Replying to the two-day discussion on January 29, the Minister asserted that the Bill was aimed at preventing abuse of freedom of Press. All *bona fide* and legitimate criticism which did not amount to defamation would, however, be allowed. At the same time, he pleaded, defamation of those who were in a vulnerable position had to be stopped because not only did it hurt the democratic and the elective process, but it also created a feeling against democracy itself.

Denying that the Bill took away any of the Constitutional guarantees, the Minister maintained that it did not impose any more restrictions on the Press than had been proposed by editors and eminent journalists themselves. The only difference, he said, was that they wanted the curbs to be voluntary and the Government had incorporated them in the statute.

Thereafter, the motion for consideration of the Bill was adopted and the Statutory Resolution seeking disapproval of the Ordinance which the Bill sought to replace was negatived. The Bill, as amended, was later passed by the House.

Urban Land (Ceiling and Regulation) Bill: On February 2, the Minister of Works and Housing and Parliamentary Affairs, Shri K. Raghuramaiah moved a Bill seeking to impose a ceiling of 500 sq. metres to 2,000 sq. metres on vacant urban land depending on the categories of urban agglomerations. Commending the Bill to the House, the Minister observed that the Bill was only a beginning of the process of socialisation of urban property. The Government

had a series of package measures, which would take care of built-up property.

The Minister also announced that the Government proposed to issue guidelines to the State Governments for taxing buildings beyond a certain limit. Properties of certain categories like the State Governments, Central Government, charitable endowments, banks, societies registered under the Societies Registration Act had, however, been exempted from the purview of the Bill, he added.

Replying to the discussion lasting for more than six hours, the Minister assured the House that industrial development would not be allowed to suffer as a result of the proposed ceiling on Urban land. As regards the disposal of property, the Minister said that no ban was being imposed on sale or transfer of plots or buildings. The Bill only contemplated that prior permission of Government was necessary and the Government would have the first option to purchase such property. If the Government was not interested, the owner could sell it to others.

Thereafter, the motion for consideration was adopted and the Bill, as amended, was passed.

On February 6, the House agreed to some Amendments made in the Bill by Rajya Sabha at their sitting held on February 5.

Payment of Bonus (Amendment) Bill: On February 3, the House took up for simultaneous consideration the Payment of Bonus (Amendment) Bill and a Statutory Resolution moved by Shri Indrajit Gupta and others seeking disapproval of an Ordinance, which the Bill sought to replace.

Moving the Bill for consideration, the Minister of Labour and Employment, Shri K. V. Raghunatha Reddy said that the bonus was sought to be related to profit or alternatively to production and productivity. If any company made a profit of even as little as one paise, the employer would be bound to pay to every employee a minimum bonus equal to 4 per cent of the salary or wage.

The Minister added that in order to keep the maximum amount of bonus linked to profit sharing or productivity, the ceiling of 20 per cent had been made applicable in both cases. Further, keeping in view the interest of weaker sections of workers, the minimum of bonus was proposed to be raised to Rs. 60 in the case of employees who had not completed 15 years of age and Rs. 100 in the case of others as against Rs. 25 and 40 under the principal Act.

In reply to the discussion on the following day, the Minister denied the charge that the bonus law had been amended under pressure on the advice of the monopolists. What the Government had done, the Minister explained, was to rationalise the bonus law taking into account the national and international economic situation and the compulsions of economic policy. As a matter of fact, the underlying idea of bringing the present measure was to ensure that the country became economically self-sufficient.

He assured the working class that the Government stood by them and would give them the best with regard to social welfare and other measures.

The Statutory Resolution was negatived and the Bill was passed.

Regional Rural Banks Bill: Moving for consideration the Regional Rural Banks Bill, introduced on January 15, the Minister of State incharge of the Department of Revenue and Banking, Shri Pranab Kumar Mukherjee told the House on January 20 that the Ordinance which the Bill would replace, had been promulgated on September 26 last year with a view to implementing the debt relief measures in the rural areas. It would also enable the Government to set up Regional Rural Banks in the country so as to develop the rural economy by providing credit and other facilities for purposes of development of agriculture, trade, commerce, industry and other productive activities in the rural areas. The target was to establish 50 Regional Rural Banks before April 1, 1977, the Minister announced.

During the course of his reply to the discussion on January 21, Shri Mukherjee observed that each nationalized bank would be entrusted with the opening of at least one rural bank. At the same time, he added, the Government would ensure that one regional rural bank was opened in each State.

Thereafter, the Bill, as amended, was passed.

Burmah Shell (Acquisition of Undertaking in India) Bill: On January 16, the Minister of Petroleum, Shri K. D. Malaviya, moved a motion in the House for consideration of the Burmah Shell (Acquisition of Undertaking in India) Bill, introduced by him on the previous day. During his speech, the Minister said that the Bill referred only to the acquisition of the distribution and marketing of Burmah Shell Oil Storage and Distribution Company of India Ltd. With this take-over, the Government would be assuming effective control of

about 95 per cent of the production and marketing of petroleum products in the country. In his reply to the brief debate that ensued, the Minister maintained that the amount of Rs. 27 crores for the taking over of distribution units and Rs. 9.25 crores for the taking over of refineries was quite reasonable. He assured the House that no employee would be retrenched, nor would there be any reduction in the strength or change in the conditions of service of the employees. He also expressed the hope that by early 1980 India might become self-sufficient in the crude oil for its refineries.

After the Minister's reply the motion for consideration was adopted and the Bill passed.

Equal Remuneration Bill: While moving a motion for consideration of the Bill on January 30 (introduced on January 15), the Minister of Labour and Employment, Shri Raghunatha Reddy said that the Bill provided for the payment of equal remuneration to men and women workers for the same work or work of a similar nature. Among other things, the Bill provided that no employer shall, while making recruitment for the same work or work of a similar nature, make any discrimination against women except where the employment of women in such work was prohibited or restricted by any law. The Bill also provided for the setting up of Advisory Committees by the appropriate Government for promoting employment opportunities for women. The Minister added that contravention of any provision of the Act shall be punishable with fine extending upto Rs. 5,000.

The motion for consideration of the Bill was adopted and the Bill was passed, as amended, after the Labour Minister had replied to the brief discussion.

THE QUESTION HOUR

During the Session, 3772 notices of questions (2715 Starred, 1043 Unstarred and 14 Short Notice) were received. Out of these, 346 Starred and 1597 Unstarred Questions were admitted. These figures do not include 185 Starred Questions which were not reached in the House for oral answer and replies to which were laid on the Table of the House as in the case of Unstarred Questions.

Each of the Lists of Starred Questions contained 20 questions except those of January 23 and 29 which contained 21 Questions and

that of January 19, which contained 24 Questions. On an average, 9½ questions were orally answered on the Floor of the House on a single day when there was Question Hour. The maximum number of questions answered was 12 on January 23, 28 and 29. The minimum number of questions answered orally was 7 on January 21. The average of questions in Unstarred Lists came to 94 as against the prescribed limit of 200 questions. The maximum number of Unstarred Questions in a day's List was 115 on January 27 and minimum number being 58 on January 13.

II. RAJYA SABHA*

Brief resume of important discussions held and other business transacted in Rajya Sabha during the Session are mentioned below:

A. DISCUSSIONS

President's Address: The President's Address was the subject matter for discussion in Rajya Sabha from January 6 to 8.

Moving the Motion of Thanks for the Address on January 6, Dr. V. P. Dutt said that the country had enthusiastically hailed the imposition of emergency and welcomed the 20-point economic programme initiated by the Prime Minister. This was so because the emergency answered certain unspoken needs and feelings of the people and the 20-point economic programme addressed itself to problems that were relevant to the country and to the society. The Member added that if there was to be an opposition it should be a responsible and democratic opposition.

In her reply to the debate on January 8, the Prime Minister, Shrimati Indira Gandhi, said that the Emergency was declared not because the Government wanted to do so but because of acts of sabotage, violence and deliberate attempts aimed at paralysing the Central Government.

She did not agree with the view that the world had not understood the reasons for the declaration of emergency. According to her, the non-aligned world, the socialist world and many other countries had expressed their full understanding of the situation in India, as also the reasons for which the Emergency had to be proclaimed.

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

Giving her reactions to the apprehensions and concern expressed in some quarters that the agricultural prices were falling, the Prime Minister said it was one of the national objectives to bring down all prices; both food and industrial prices had fallen except fuel prices which had gone up for reasons entirely beyond the control of the Government.

Referring to the move for postponement of elections, the Prime Minister said that while every political party was interested in elections, the Congress Party was not concerned now with winning or losing at the polls. According to her information, received from almost every State, if the elections were held now, the Congress Party would win. But the point was whether it would be in the national interest to disturb the emergency just now and take up the forces of anarchy and disorder in the country.

The Motion of Thanks was thereafter adopted.

Discontinuance of AIR subscriptions to News Agencies: Replying to a Calling Attention notice on the reported decision of the A.I.R. to discontinue subscriptions to the PTI and the UNI, Shri V. C. Shukla, Minister of Information & Broadcasting confirmed on January 15 that the report was correct and the decision would take effect from February 1, 1976. According to him, the agreements of the A.I.R. with the four teleprinter News Agencies, viz., the PTI, the UNI, the Hindustan Samachar and the Samachar Bharati expired in 1973 and thereafter no agreements were made. The functioning and the utility of these News Agencies for the purposes of A.I.R. had been under review for the past several months and it had been felt that the news supplied by them did not fulfil the requirements, either in quantity or in quality. It was, therefore, decided to discontinue the subscription and depend on A.I.R.'s own arrangements. A.I.R. would augment and develop its own reporting strength and also organise its own sources of collection of news.

The Minister also referred to the move for voluntary merger of the four news agencies and said the Government would certainly help them in this move. He also disclosed that the employees of the four news agencies had assured their full support to the merger proposal*

Chasnala Mine Disaster: The accident in the Chasnala Coal Mines came up for discussion in the Rajya Sabha on January 19.

*See also related discussion in Lok Sabha, P. 278 *Sapra*.

During the discussion, Shri K. V. Raghunatha Reddy, Minister of Labour, informed the House that in view of the enquiry being conducted into the circumstances leading to the accident by a former Chief Justice of the Patna High Court, he did not think it proper to anticipate or indicate the action to be taken against the officers involved.

Later, replying to the discussion, Shri Chanderjit Yadav, Minister of Steel & Mines, reiterated that the entire country was shocked over this major accident, the entire mine having been flooded within a few minutes leading to a grim tragedy. He acknowledged the help offered by countries like the Soviet Union and Poland, who had supplied vital equipments along with their experts and engineers, for dewatering operations.

Regarding provision of immediate and long-term relief to the affected families, the Minister repeated what he had said in the Lok Sabha and disclosed that an *ex-gratia* payment of Rs. 1750 to each family had been announced, *viz.*, Rs. 1,000 from the company, Rs. 500 from the Bihar Government and Rs. 250 from the Labour Welfare Fund.*

B. LEGISLATIVE BUSINESS

Some of the important Bills discussed and passed by the Rajya Sabha during the Session are as follows:

The Bonded Labour System (Abolition) Bill, 1976: On January 12, Shri K. V. Raghunatha Reddy, Minister of Labour moved a motion for the consideration of the Bonded Labour System (Abolition) Bill, 1976 (introduced on January 6), and said that the system of bonded labour was the most anomalous remnant of feudalism still vitiating Indian society. In order to wipe out this socio-economic evil, the President had promulgated an Ordinance on October 24, 1975 abolishing the system. The present Bill was just to give a permanent legislative shape to the Presidential Ordinance.

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

The Equal Remuneration Bill, 1976: On January 12, Shri K. V. Raghunatha Reddy, while moving the motion for the consideration of the Equal Remuneration Bill (introduced in the House on January 6) said that a significant measure taken by Government in recent

*For related discussion in Lok Sabha, see p. 277 *supra*.

months had been the promulgation of the Equal Remuneration Ordinance by the President on September 26 last year, providing for the payment of equal remuneration to men and women workers and for the prevention of discrimination against women, on the ground of sex, in the matter of employment and for other connected matters. This measure was significant not only because it coincided with the International Women's Year, and brought India fully in line with accepted international standards, but also because it brought immediate relief to millions of women-folk employed or seeking employment.

The motion for consideration of the Bill, which sought to replace the Ordinance, was adopted and the Bill passed the same day.

*The Burmah Shell (Acquisition of Undertakings in India) Bill, 1976**: On January 20, Shri K. D. Malaviya, Minister for Petroleum, while moving for consideration of the Bill, as passed by Lok Sabha repeated the arguments in favour of the acquisition advanced earlier in Lok Sabha and said it was necessary to execute this part of the transaction by means of legislation, because the Burmah Shell Oil Storage and Distributing Company of India Limited was not a company registered in India. It was only a branch of a foreign company which was operating in this country. So far as the Refinery was concerned, it was a registered company in India, and the Refinery could be taken over by negotiation and understanding. After the take-over, the Burmah-Shell Refinery would be named as the Bharat Refinery Limited.

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

The Delhi Rent Control (Amendment) Bill, 1976: On January 21, Shri H. K. L. Bhagat, Minister of Works & Housing, while moving the motion for consideration of the Delhi Rent Control (Amendment) Bill, 1976 (introduced in the House on January 19) said that the question of amending the Delhi Rent Control Act, 1958, had been pending for a long time. The Government proposed to bring subsequently a comprehensive legislation in this connection before Parliament. Meanwhile, with a view to conferring a right of tenancy on heirs|successors of a deceased statutory tenant so that they might be protected from eviction by landlords and also for simplifying the

*Laid on the Table of the Rajya Sabha on January 19, as passed by the Lok Sabha on January 16, 1976.

procedure for eviction of tenants in case the landlord required the premises *bona fide* for his personal occupation, the Government thought it necessary to amend the Act. Urgent amendment was also necessitated consequent on the Government's decision of the 9th September, 1975, that a person who owned a house in Delhi should vacate the Government accommodation allotted to him before the 31st December, 1975. The matter was discussed with the Members of Parliament from Delhi who also stressed the urgency of the matter to provide relief to persons against whom eviction proceedings had been pending in courts of law on this account. As Parliament was not in session, the Delhi Rent Control Amendment Ordinance, 1975 had been promulgated on 1st December, 1975.

The Minister assured that the Bill, which sought to replace the said Ordinance, was not designed against the Government servants. As a matter of fact, a house vacated by the Government servant would be utilised by another Government servant. A large number of tenants in Delhi were contractual tenants, and there was no question of their being adversely affected under this Bill.

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

III. STATE LEGISLATURES*

During the period 1st October to 31st December, 1975, only a few State Legislatures in the country held their sessions. Nagaland and the Union Territory of Pondicherry continued to be under President's rule.

A resume of the business transacted by the State Legislatures which were in session, and from whom information was received, is given in the paragraphs that follow.

BIHAR

The State Legislative Council@ held its 63rd Session from December 9 to 22, 1975. The total number of sittings was 8. The session was significant in the sense that after three consecutive sessions, Questions, Call Attention notices, etc. were again allowed to be taken up. Two days were made available also for transacting non-official business.

*Compiled by Research and Information Division, Lok Sabha Sectt., on the basis of material received from the State Legislature Secretariats.

@Information from the Legislative Assembly not received.

The aftermath of the widespread floods in Bihar in August-September, 1975 was the subject of an important discussion in the House on December 10, in which a number of members participated. The Minister concerned, while replying to the debate, apprised the House of the important measures taken by the Central and the State Governments to check recurrence of such a calamity in future.

On December 19, it was announced by the Chair that Shri Jageshwar Mandal, MLC (Congress-O) who had been adopted as the Leader of the Progressive Legislature Party, consisting of Congress (O), Socialist and some Independent Members, would be the new Leader of the Opposition. The office had fallen vacant following the death of the former Leader of the Opposition, Shri Ram Bilash Sharma, on November 20, 1975.

While making this announcement, the Chair expressed the hope that the new Leader would extend all help in smoothly conducting the business of the House. In his reply, Shri Mandal assured his full co-operation to the extent it was required for the preservation of parliamentary democracy and for maintaining the dignity of the House.

An official Resolution, moved by the Forest Minister, Shri T. Borda, on December 18, by requiring that all matters relating to Forests (item No. 19 of the State List), with respect to which Parliament had no power to make law except as provided for in Articles 249 and 250, should be regulated in the State by law made by Parliament, was discussed and adopted by the House.

A non-official Resolution, moved by Shri Raj Kumar Purbey, MLC (CPI), which asked the State Government to recommend to the Government of India to so amend the Constitution as to replace the existing system of election by proportional representation and also to provide for the right to recall, was lost.

MEGHALAYA

The State Legislative Assembly held one session during this period. The session which commenced on December 12, adjourned *sine die* on December 18, accounting for seven sittings in all.

Out of the five Government Bills introduced, three were passed. In all, notices of 121 Unstarred Questions were received, out of which 120 were admitted and answered. In addition, two short notice questions were also admitted.

MIZORAM

The Legislative Assembly had a one-day session on November 7, to elect the new Speaker in place of Shri H. Thansanga, who had been appointed as a Minister. The House unanimously elected Shri Vaivenga, former Education Minister, as the new Speaker of the Legislative Assembly. After Shri Vaivenga took the Chair, Shri Ch. Chhunga, Chief Minister and Shri R. Dotinaia, Leader of the Opposition, felicitated him on his election to the august office. The Speaker thanked the Members for giving him the opportunity to serve the House.

ORISSA

The State Legislative Assembly met for its Sixth Session from November 10 to 26. It was a normal session insofar as the Question Hour was resumed and time was also allowed for Private Members' Bills and Resolutions. As many as 25 notices of adjournment motions were received during the session, 19 of which were disallowed by the Speaker in the Chamber and the remaining six were disallowed after the Ministers concerned made statements in the House. Out of 16 call attention notices, only four were allowed by the Speaker and the Ministers concerned made statements thereon. During the session, particular care was taken to see that only important matters were brought before the House so that more time was available for the transaction of regular business.

Notices of starred questions received from Members in detention were treated as unstarred questions. The House passed as many as 19 Government Bills and three non-official resolutions during the Session.

SIKKIM

One session of the Legislative Assembly was held during the period under review. The House met for only one day and adopted one Bill i.e., the Sikkim Appropriation Bill (No. 6) of 1975.

TAMIL NADU

The Fourteenth Session of the Fifth Assembly met from October 22 to November 12, 1975, the total number of sittings being 17. The House passed 37 Government Bills during the Session.

Out of 392 notices of starred and 17 unstarred questions received, 180 and 17 were, respectively, admitted. Seven short notice questions were also answered in the House.

An official resolution requesting the Government of India "to locate the headquarters of the proposed Leather Industries Development Corporation in Madras" and to allow "the Leather Export Promotion Council to continue to function in Madras with the additional responsibility of promoting the export of finished leathers", was discussed and adopted unanimously on November 10.

The Legislative Council met from October 23 to November 19, 1975, the actual number of sittings being 13.

The House passed as many as 37 Bills, earlier passed by the State Assembly, without any amendment or recommendation. Out of 58 notices of starred questions received, 43 were admitted. Besides, two short notice questions were also admitted and answered in the House.

TRIPURA

The Eleventh Session of the Legislative Assembly commenced on December 10 and continued upto December 17. The actual number of sittings held was 6. Only Government business was transacted during the Session. To ensure this, the Minister-in-Charge of Parliamentary Affairs moved a motion on the opening day itself seeking suspension of the provisions in the Rules in regard to private members' business. The motion was unanimously adopted by the House.

Five new Government Bills were introduced and passed. In addition, the House also adopted one more Bill, viz., the Tripura Town and Country Planning Bill, as reported by the Select Committee. On December 11, the House passed the Supplementary Demands for the year 1975-76 and the related Appropriation Bill.

By an important ruling given in the House by the Speaker on December 17, the Government were directed to furnish, at their earliest, to the Assembly Secretariat written replies to all questions

which had been postponed from the last Budget Session, to give Government the time they needed to collect the requisite information for replies to them, but which could not be taken up during the current session because of the suspension of the question hour and all private members' business during the session. The Assembly Secretariat would, in turn, transmit the replies received from the Government to the concerned Members.

The Speaker further directed that thenceforward if any question remained unanswered, "the Government should furnish its reply to the Assembly Secretariat at the earliest opportunity so that it may be forwarded to the concerned Member during the inter-session period."

BOOK REVIEWS

PARLIAMENTARY CONTROL OVER FINANCE by Seshadri, New Delhi Allied Publishers Pvt., Ltd. 1975. Price Rs. 45/-

This is a study, at some depth, of the growth and the working of the Committee on Public Accounts in our Parliamentary set-up. The author has had the advantage of direct acquaintance with the Committee at work over a number of years and is therefore equipped to write on his subject with first-hand knowledge. The P.A.C. in India has certain specialities of its own which can be related to the particular requirements of the Indian scene. Dr. Seshadri's book deals hardly, if at all, with the wider subject of the system of Committees in a parliamentary context, but concentrates on points of detail relating to the composition of the Public Accounts Committee, its scope and functions, its procedure and the methods evolved, with their 'plus' and 'minus' points, the role of its members and officers, and its significance in the cycle of financial control by the people's representatives in Parliament (as well, of course, as in our State Legislatures). Inevitably, the author relies almost entirely on material carefully collected in the archives of Parliament, since the P.A.C. at the Centre has proved itself, by the volume and quality of its work, to be the exemplar to corresponding Committees in the States of the Indian Union.

The P.A.C. is the oldest among the financial committees of the House of the People (Lok Sabha), and since 1954 includes, on an associate but equal status, members from Rajya Sabha also. Its basic task is the examination of accounts showing the appropriation of sums granted by Parliament for expenditure of the Government of India, the annual Finance Accounts and such other items. Generally, the Committee examine cases involving losses, nugatory expenditure and financial irregularities, but its functions extend

“beyond the formality of expenditure to its wisdom, faithfulness and economy”.

Dr. Seshadri discusses with some acuteness a question, sometimes raised, if the P.A.C. can, in the course of its work and its recommendations, go into what are called matters of policy. It is difficult, indeed, to define with precision what ‘policy’ connotes. Any examination of “wisdom, faithfulness and economy” (or lack of it) in the sphere of Government expenditure might almost necessarily—at least on occasion—imply impingement on the sphere of policy. Since in parliamentary Committees different parties are represented and since, obviously, different parties have, in basic matters, a different approach and viewpoint, there might conceivably be a clash in Committee which cannot be easily reconciled. As a matter of fact, however, the Committee does—because it has sometimes got to—go into what might well be construed as matters of policy, and in almost every case, in spite of the presence of Opposition members, a consensus is arrived at. This is because it is the function of the Committee to analyse the facts of a case in a manner different to what comes normally to a bureaucratic way of doing things, and its findings, even where Government policy might, at least, by implication, be commented upon, are invariably helpful to a better ordering of the country’s affairs. If, for example, in a case of infructuous expenditure the Committee find the failure directly related to the policy itself, adverse comment might very well ensue, but without detriment to the objectives of the country as a whole. To quote the writer’s own observation (p. 97): “Whether a factory is to be established in collaboration with a particular foreign firm or the other would appear to be in the realm of policy decision. But on the basis of after events, the Committee might question the prudence of such collaboration”. Obviously, the Committee cannot go beyond the accepted policy of Government (which has the sanction of Parliament), but it keeps a check all the time on how it works and to that extent influences policy.

The writer traces the evolution of the Committee from 1921, recalling the assiduous work of such Central Assembly members during pre-independence days like the late S. Satyamurthi (sometimes nicknamed “Supplemurthy” on account of his quick comprehension of things and grasp of detail) and noting, correctly, that the pre-independence P.A.C. where the then Finance Member (almost always:

a white man) presided, was necessarily inhibited, and that the decade and a half after 1947 practically settled the lines of the Committee's evolution. Since 1967, a member of the Opposition heads the P.A.C. and this practice has meant a not inconsiderable difference in the tone of its scrutiny and the tenor of its reports. This is because the Chairman, as the writer explains at some length, though no more than the first among equals in his Committee, can, if he is a positive person, influence its work to a large extent. In Committee there is a lot of give-and-take and a certain genuine open-mindedness; with concrete issues dominating, the members, who do not lack in mutual goodwill in spite of sometimes serious differences, do almost invariably succeed in reaching agreed conclusions. By and large, the officers, of high status, who alone, with their *aides* at their elbow, can give evidence before the Committee, are usually forthright in their replies to questions, and in spite of an understandable eagerness to justify Government action (and even sometimes to extenuate failure), they are not unoften ready to admit mistakes and promise attempts at rectification. Much help comes to the Committee from Audit, without whose close cooperation little indeed can be done, and the Comptroller and Auditor General of India, whose reports form the basis of almost all P.A.C. inquiries, it usually looked upon with good reason as the philosopher and friend, and also from time to time the guide, of the Committee.

While the title of the book is a little too comprehensive and the contents do not quite perform the promise of the title, it is a useful compendium on the P.A.C. and includes many very interesting details which are not, but should be, widely known in parliamentary circles. To add to its value there is a number of case studies, comprising an analysis of some typical P.A.C. reports of past years. One has a feeling, however, that the case studies could have been selected with greater discrimination. Even more, there seems a lack of reference to comparatively recent reports, a selection out of which should not have been too difficult for a book appearing in 1975. Of course, when the P.A.C. has in the last 25 years produced some 450 reports or more, the task of selection is not easy. Even so, Dr. Seshadri's study, which could with a little more effort be up-to-date, suffers slightly on this account.

There is a lot of scope for improvement in Government's response to P.A.C. recommendations (and to the reasoned narrative preceding them), but it is patent that the consciousness that a representative parliamentary body scrutinises what has been done—even though *ex post facto*—acts as a considerable check against all

tendencies towards slackness, arbitrariness, wooden-headedness and other defaults on the part of the executive while incurring expenditure from out of the Consolidated Fund of India. Work in the P.A.C. fortifies the conviction of many in our parliamentary life that members' talents could be much better utilized and the country's fundamental interests truly served if there were Standing Committees attached to all Ministries and there was, as a result, a really close, working link between Parliament and the administration in every sphere. Dr. Seshadri's book will help to reinforce the idea that Parliaments are not intended to be "talking shops", but that they are, and should increasingly turn to be, "working bodies".

—H. N. MUKERJEE, M.P.

THE PEOPLE'S PRIME MINISTER. By Radhey Mohan and Zafar Ahmad Nizami. New Delhi, Friends & Friends. 1975.

The book under review is one of the latest additions to the growing literature on the distinguished Prime Minister of India, Shrimati Indira Gandhi. The book presents a chronological picture of her career with many important details in bold relief. At places it is profuse in quotations with relatively less of analysis from the authors. While they have tackled well the difficult task of assessing the illustrious personality of the Prime Minister, it would have been better if they had delved deeper into the record of her achievements. While they have given a detailed coverage of the more recent events, particularly of the last two years, they have failed to study in depth the personality of a person who has symbolized the best urges, the achievements and the victories of the Indian people.

Perhaps the best tribute has come from Prof. Rasheeduddin Khan who, in his introduction to the book, has said:

"Indira Gandhi is the child of the Indian revolution and an embodiment of the resplendent values of that revolution. This is both her asset and the primordial basis of her political legitimacy. Her charisma is based neither on demagogy, gimmickery or artificial aids. It originates in her capacity to transmit a message of confidence and leadership to the vast segments of the citizens of federal India cutting across the divisions of religion, language, caste, region and culture. They see in her a leader who is not motivated with narrow, mean, communal, caste, sectional, parochial or even partisan interests, but by lofty ideals and broader vision for transforming this wretched land of rampant poverty, illiteracy,

disease and disunity into a united, thriving modern society committed to positive values of life, liberty and progress”.

The authors do not appear to have taken the trouble of examining Smt. Gandhi's achievements before her assumption of Prime Ministership. They perhaps think that the process was just a sudden development in history. The statement that Indira “still a little known person” was chosen by the Congress Party to lead the nation at a critical period of its history, belies historical facts. It is fairly well known that Smt. Gandhi had been the President of the Indian National Congress. She had extensively toured the world and visited every part of India. As Congress President, she was responsible for the dismissal of the Nambudiripad Government in Kerala. As Minister of Information and Broadcasting in the Lal Bahadur Shastri Cabinet, she had shown a rare sense of control over her Ministry and its problems and was also chosen by the then Prime Minister to represent the country abroad.

The authors rightly emphasise “the charisma of her personality and the heritage of the Nehru name” but they ignore the other facts which went into making the leader. The authors are probably wrong in quoting a supposed statement by Messers Sanjiva Reddy and P. C. Sen to the effect that Smt. Gandhi was an unknown entity. The former President of the Indian National Congress and the Union Minister for Information and Broadcasting was not somebody who was completely in the shadows of politics.

Many of the details of the Congress split and the events that followed, have been objectively explained. This is reflected in the author's statement that “besides, her childhood hero was Joan O' Arc who staked her life on the pyre rather than submit herself to the wishes of the authorities.” They are also correct in the appreciation of “fierce” independence as being a trait of Smt. Gandhi's personality.

The difficulties faced by the Prime Minister and her bold decision on the Punjabi Suba, the challenge with which she met the anti-cow slaughter movement, the solutions evolved for the economic crisis and her decision to back Dr. Zakir Husain for the Presidentship of the Indian Republic, have been presented reasonably well. Her role in the elections of 1967 against the worst of odds have also been ably analysed. In the later period, the way Smt. Indira Gandhi tried to rehabilitate the image of the party through the enunciation of the 10-point programme has also been assessed properly.

The authors have not been able to critically examine all the factors that were responsible for the great split of the Indian National Congress. Also, how Smt. Gandhi finally won the battle of legitimacy for the Congress led by her, has not been fully dealt with. The broad details given are only illustrative of the facts even otherwise widely known.

The historic role of the Prime Minister in the abolition of the privy purses and the nationalisation of the banks and the constitutional crisis that ensued, have been analysed well. A factual error has, however, crept in the book where it has been stated that Shri Dinesh Singh was made a member of the Congress Working Committee. While the authors have correctly observed that Faridabad heralded the parting of the ways in the Indian National Congress, they have not gone deeper into the real developments, including the emotical, psychological and ideological campaign built by the rightists inside the Congress and the grand alliance.

The role of the Leader in the battle for the liberation of Bangladesh is yet another fact of history which could have been presented in a better way. The fact of the ideological support to an emigre revolutionary movement of the Mukti Bahini, with revolutionaries fighting inside, the ideological and material support given to it, the historic US-Chinese collusion which was the last attempt to save the tottering dictatorship of Pakistan and the battle for the liberation of Bangladesh and its seating in the comity of nations are achievements which entitle Smt. Gandhi to immortality in the rank of world leaders. The fact of the unilateral cease-fire, the withdrawal of Indian Armed Forces before time from Dacca, the Simla Summit, the withdrawal of Indian Forces from Indian-occupied West Pakistan, further vindicate her title to greatness both in war and in peace.

While the legal battle of the election of Smt. Indira Gandhi from Rae Bareilly has been evaluated properly, the national and international conspiracy to oust her has not been dealt with in the manner that it deserves. India is the only country where a great leader stood against the collusion of two super-powers to save a rotten military dictatorship from collapse. It was natural that every effort — financial, ideological and that of subversion, would be used to overthrow Smt. Gandhi. The fact of the Big Lie built by the Indian Press when opposition leaders could go to the extent of accusing the Congress leaders of having planned the assassination of Shri L. N. Mishra, the day-in and the day-out character assassination

campaigns inside the Parliament and outside are some of the factors which could have been analysed better. The Railway strike, the movements in Andhra Pradesh, Gujarat and Bihar and the attempts to split the Congress Party are some of the facts of recent history which could have been better presented. The authors have however succeeded in bringing out broad outlines of these conspiracies. The economic crisis, the bold steps to control inflation and discipline the economy are some of the major achievements described. No country in the world under any leadership has shown such boldness in controlling the canker of black-money, smuggling, inflation and rising prices.

The authors have done well in quoting the President of the Indian National Congress, Shri D. K. Barooah, where he says: "I do not think that there is any controversy between judiciary and democracy. Without judiciary democracy will be weakened. Without democracy where would be judiciary? Without stable foundation of democracy, there cannot be any justice."

Some of the speeches of the Prime Minister which have become part of India's revolutionary history, have very thoughtfully been included. How complicated is the task of a leader of the Indian people has been presented in her own inimitable style by the Prime Minister, when she says: "We have 22 States and 9 Union Territories most of which are larger than the bigger States of the world." She has pointed out that in other democratic countries of the world the economic changes preceded the democratic revolution while in India the reverse was the case and yet "democracy has not inhibited or slowed down our industrialisation or modernisation."

In her address at the inaugural ceremony of the 21st Commonwealth Parliamentary Conference at Parliament House, New Delhi on the 28th October, 1975, Smt. Indira Gandhi analysed the nature of the Indian crisis in the following words:

"Democracy is not just an ideal or an objective. It is a method through which a country tries to manage its affairs. In a developing society this inevitably means taking measures for social and economic transformation which upset one section or another. Any system can prevail only so long as it keeps pace with changing conditions and proves its ability to solve the problems of its people. When the majority are struggling for survival, will they tolerate luxury for a few either material or in the form of licence to do what they wish? The essential is: to what extent a party or its alternatives can truly reflect the wishes and

aspirations of the people. Over the years some democracies have evolved a polarisation in which only two effective parties are in active political existence. But does a deviation from this rule dilute the essence of democracy? The inability to accede to power by democratic means may lead some parties to offer unconstitutional or extra-constitutional challenges. For young democracies, it is imperative to guard against such developments. It then becomes an onerous, if painful, duty to counter them by constitutional remedies. The responsibility for preserving democracy is not confined to the ruling party but devolves equally on the parties of the opposition and the people as a whole".

The authors have done well in bringing out this book which covers in detail some of the events of the last few years. It is difficult to write a book with a total appreciation of the dimensions of a personality so distinguished and diverse as that of Smt. Gandhi. Any one of the dozens of her achievements would entitle an appraisal of her person in a volume of the size presented by the authors. The efforts, as a whole, is well-meaning and the style is sober and objective. The authors deserve to be congratulated for their effort. It is hoped that in the revised edition they will go deeper into the many dimensions of the great personality that is Indira Gandhi.

—R. K. SINHA, M.P.

*Chairman, Estimates Committee,
Lok Sabha.*

THE MANDARINS OF WESTERN EUROPE: THE POLITICAL ROLE OF TOP CIVIL SERVANTS. *By* Mattei Dogan (Ed.) U.S.A., Halsted Press Division, John Wiley & Sons, 1975.

This collection of studies by eighteen scholars of the higher echelons of the European Civil Service aims at identifying the top civil servants located near the political decision making centres and analysing the role they play in the power structures of political systems of Western Europe.

Ever since the growth of the modern State, the study of the role of civil service has assumed serious importance. What role in the administrative process should be assigned to it—whether it should play a major or a minor role in the decision and policy making process—has often been a subject of serious discussion, even of controversy, among political scientists and parliamentarians alike.

The complex nature of the modern State with the multiplicity of its functions has tended to complicate the work of the administrative machinery. Previously, a mere law and order apparatus, the bureaucracy, by virtue of the limited nature of its task, hardly needed to play any significant role in the decision-making process of government; it had practically no political role as such. On the other hand, a welfare and development oriented bureaucracy, by the very nature of the problems it has to tackle and with its work often of a technical nature, has to participate necessarily in the process of policy making. It thus has to enter into the 'forbidden garden' of political and policy making chambers—though not into party and partisan politics, unless the State is not following a democratic and parliamentary system.

James B. Christoph, writing about the British Civil Service says that while the Civil Servant there undoubtedly accepts "the constitutional rightness of the politician's primacy in matters of overriding substance, he is introduced early to the folk wisdom that the civil servants are repositories of the realistic way—the proper methods and procedures needed to convert the windiness of parliamentary politics into the harder currency of applied politics (*i.e.* administration)" (p. 32). There is a tendency to prevail upon the political boss with "departmental views" where he is either inexperienced or lacks ability or has not got sufficient time to go into the depth of the subject or is just easy going. But the requirements of running a modern government are such that "having to serve on many cabinet and other committees, any one other than a top-grade and experienced minister tends to use the brief he has been given. And before every ministerial committee, an equivalent official committee meets and goes over points, so that the whole thing can be through without a hitch to an agreed conclusion provided none of the ministers interject a personal note" (p. 42).

Wherever the parliamentary and democratic system is in operation, including Britain, there appear to be two more formidable obstacles to the firm assertion of ministerial group on departmental affairs, insecure familiarity with the subject-matter, and briefness of the tenure. "By temperament, socialization, situation and resources, top civil servants are well placed to strongly influence the outcome of policy but not to transform it into a sole proprietorship" (p. 59). In a literal sense, the modern political system is essentially "bureaucratic" characterized by "the role of officials".

In Western Europe, as indeed all over the world, parliaments have been declining in power and functions. Legislative business has been partly transferred to the executive branch, as is clear from the growing importance of delegated powers which allow the Administration to issue regulations. These regulations make possible the implementation of laws in matters, legislation upon which rightfully belongs to parliamentary bodies. Bills passed by Parliament are generally drafted and proposed by the government, in actual fact, by top administrative officials. Parliament has hardly any initiative in the matter. The editor appropriately quotes here Alfred Grosser who stresses: "Everywhere the legislative initiative has passed into the hands of the administrations. The legislatures sometimes amend, rarely reject, usually ratify. The members continue, indeed, to call themselves collectively 'the legislative power' on the law books, but in most cases they merely participate in a procedure of registration" (p. 7). The same point is emphasized by James Christoph when he writes about England that "Parliament lays down a framework of policy and statutorily empowers the minister to work out the details... This delegated legislative power is in turn sub-delegated by the minister to his top civil service". And an ordinary member, having no expert staff of his own, is hardly in a position to act as an informed and effective critic of governmental initiative.

Another source of encroachment on the powers of legislature has come from the practice of referendum a concept which may be increasingly patronised by dominant political personalities occupying the centre of stage at a given moment, as has happened in France during de Gaulle's Fifth Republic.

Yet another factor contributing to the rise in the power of top bureaucracy has been the political instability of governments. France, during both the Third and Fourth Republics, and Italy all along in the post-World War II period, offer outstanding examples in this regard. The editor has, in this context, quoted a former senior French civil servant, M Etienne Hirsch, who writes this about France: "During thirteen years, I have personally had to deal with twenty-six governments. This means that the government was not the same during the elaboration of the plan, then for discussion in Parliament and finally for implementation. A large part of the time was spent explaining to some minister, facing parliamentary debate or threatened with a crisis, what was good to prepare for the following four years. Many times I had the impression that the minister

was wondering if I was truly aware of the situation in which he found himself". While this may be true of multi-party system, a situation like this can be eliminated to a considerable extent in a two-party system, as in Great Britain.

Under the single-party system, as in Spain and in the Communist countries of Eastern Europe, top civil servants mostly fulfil functions of policy implementation than policy formulation. But here too, especially in post-Stalinist era in all the countries of Communist bloc, a more flexible and mobile system of government has emerged wherein many posts in administration, even of purely a political nature, have come to be occupied by technicians. Mr. Kosygin, Prime Minister of the USSR, is an outstanding example of the growing importance of technocrats in the Soviet political hierarchy. But in a Communist or in a Fascist State, Parliament or peoples' legislative organ mean something very different from the traditional concept of parliamentary institutions and therefore not very relevant to the main theme discussed in the book. Rodomir Luck in 'Rotation Among Top Government Officials in Yugoslavia' and Jerzy Waiter in "The Functional Equivalents of Top Civil Servants in the Socialist State: The Polish Case" have made brilliant contributions to our understanding of the nature and role of civil service in a one-party ideologically-oriented and committed State. In the current debate on the desirability of a committed bureaucracy in our own country these two contributions may lend a helping hand in our understanding of the subject.

These essays conclusively expose the hollowness of the theory of parliamentary supremacy in a democratic system of government. The book thus poses a serious question for the consideration of all those wedded to the philosophy of the sovereignty of parliamentary institutions. The question is to what extent do the elected representatives of the people really matter in the governance of details and in the formulation of policy and the process of decision-making. To make them more effective, some institutional devices have to be thought about so that Parliament can fully reflect the urges and aspirations of the people and not be a mere helpless tool in the hands of the bureaucratic apparatus as such.

This collection of essays, some of which are based on personal experiences, research and detailed data and sample surveys conducted by competent authorities, is, on the whole, a useful addition to our knowledge of the nature and role of top civil administrators

in the modern state. There are, of course, certain repetitions which is rather irritating, but in a work of this nature, where editing is not only impractical but also impolite, this perhaps was unavoidable. The book should prove helpful to scholars in the study of public administration, comparative government and the decision making-process in the modern governmental set-up.

—HARI KISHORE SINGH, M.P.

PROVISIONAL PARLIAMENT OF INDIA. By Nandini Upreti, Agra, Lakshmi Narain Agarwal, 1975. Price Rs. 25.00

Parliamentary institutions were long in the making before the advent of freedom in the country. After the Constitution came into force on the 26th January, 1950, the Constituent Assembly of India assumed the functions of the Provisional Parliament of India. It was thus a continuation of the Constituent Assembly of India (Legislative). The single-chamber Provisional Parliament had a short duration. It came into being on January 26, 1950 and continued to function upto a few months in 1952 when it was replaced by a newly elected bi-cameral Parliament under the Constitution.

Serving as "a bridge between the non-sovereign legislature of pre-independent India and the sovereign legislature of free India", the Provisional Parliament thus played a significant and historic role in the evolution of parliamentary democracy in our country. The author of the book under review, who claims to have originally written it in the form of a thesis based on primary sources, has empirically traced the origin and formation of the Constituent Assembly and the manner in which the representatives of British India and the Princely States were elected or nominated to the Assembly.

The second chapter *viz.*, 'The Legislative Elite: A Profile', is very interesting. It gives percentage-wise break-up of members on the basis of their age, education, occupation, legislative experience and rural and urban background.

The author has given a vivid account of the functioning of the Provisional Parliament in its manifold and varying forms. She has highlighted the role of the late Speaker, Shri G. V. Mavalankar in introducing innovations and adjustments of the rules of procedure in the context of the new situation. Provisional Parliament

was thus a change in continuity. The author has also described in detail the evolution and working of the Committees on Estimates and Public Accounts in the new set-up and highlighted their importance as watchdogs of Parliament over the financial affairs of the nation.

The adjournment motions in the legislature of pre-independence days were allowed to be raised more liberally, as they were not treated as motions of censure, because the Executive then was not accountable to the Legislature. After Independence, however, when the Government became responsible to the Legislature, the necessity of changing the attitude of members to the procedure governing adjournment motions came to be insisted upon by the Speaker. He wanted all such motions to be treated as censure motions and as such insisted that these should be brought up only on most urgent and important issues. Thus a new aspect of the adjournment motion as a *censure motion in disguise* was developed during the Provisional Parliament.

The ceremonials and the procedure relating to the President's Address to Parliament and the Motion of Thanks and amendments thereto, have been described in detail in the book. While outlining the procedure of putting and answering questions in the House, the author has even gone to the length of giving vital statistical details about the number of questions put in the Provisional Parliament, classifying them subject-wise, purpose-wise and object-wise. An analysis of the official and non-official bills and resolutions which were taken up during the limited duration of the Provisional Parliament has also been given.

The book reveals that there was no organised Opposition in the Provisional Parliament on the lines of the party system that we have today. Divisions were rare. Unattached members did not follow strict lines in their opposition to the Government, and expressed their views freely in the House. In those days, occasions were not lacking when some Congress members would exercise this freedom to express their independent views and criticise their own ministers.

The Cabinet too during the days of the Provisional Parliament, could not be said to be a homogeneous one particularly with the presence in it of members like Dr. Shyama Prasad Mukherjee, Dr. B. R. Ambedkar, Shri John Matthai, Shri K. C. Niyogi, to mention

only a few, known for their divergent views. They were included in the Cabinet even though they did not belong to the Congress party which constituted a majority in the House. It was obviously an attempt to make the Cabinet as broad based as possible, drawing upon national talents. Ultimately, however, this arrangement could not last long. This aspect of the working of the Cabinet during those days has been discussed in detail by the author. Emergence of the party system and the administrative accountability of the Government to Parliament have also been discussed in sufficient detail.

The wealth and variety of the information contained in the book is an eloquent proof of the hard labour put in by the author. It is a pleasant surprise that even though loaded with elaborate statistical data, the book retains its charm. The last chapter has been written with clarity and elegance. The author's approach throughout is historical as well as analytical. The book also serves the purpose of a good digest of rulings given by the Chair in the Provisional Parliament.

Legislators as well as students of constitutional history should profit considerably by reading through this useful book.

—B. R. SHUKLA, M.P.

FREEDOM AT MIDNIGHT Larry Collins and Dominique Lapierre. New Delhi, Vikas Publishing House, 1976. Price Rs. 45.00

This book is the latest addition to the already existing volume of writings—some completely authentic, some less so—on the events of the period between Mountbatten's assumption of the Viceroyalty of India and the assassination of Gandhiji. These events include the partition of India into two States—India and Pakistan. They include the termination of British paramountcy over the Indian States, and in these States becoming, in India at any rate, an organic part of the Dominion by virtue of an entirely voluntary act of accession on the part of the Rulers, a development unparalleled in history. These events also include the outbreak of communal violence on a scale not known before, the failure of the Punjab Boundary Force of 50,000 officers and men to do anything to prevent it in the Punjab, and the

large-scale emigration of population in the north-west. And, perhaps most important of all, they include the last days of the Father and the architect of Indian freedom, Mahatma Gandhi; how, alone, walking the streets of Calcutta and the stretches of Noakhali, he was able by his spiritual force and practice of *ahimsa*, to control the communal fury which had erupted there and to function with much greater success as a one-man boundary force; and how, after he had seen India win her freedom, he died at the hands of an assassin.

The technique adopted in the book is not the usual style of historical writing, a narration of events, with a background to the events and the personae. The writing is journalistic, impressionistic, picturesque, always seeking to dramatise the events, to convey the authors' imagining of what the various actors in the drama must have thought and said.

The result is an extremely readable presentation of the various personae in the great human drama that was the transfer of power in India. The principal personalities are portrayed with vividness and sensitiveness—especially Mountbatten and Gandhiji. The picture of the great migration is drawn in all its grimness but with sympathy. And the authors have done their own research for unravelling the plotting that culminated in Gandhiji's assassination.

But a reviewer of these pages cannot fail to note certain major blemishes in the historical portion of the narrative, certain inaccuracies and irrelevancies. Minor errors are several. To take a few examples, Emperor Jahangir and Queen Elizabeth were not contemporaries. The East India Company received its Charter in 1600 (not 1599), in the time of Elizabeth; and William Hawkins started on his voyage in 1608 (not 1600). Of other errors one may mention about V. P. Menon. Menon entered Government service in 1914, not 1929. By 1929 he had already become well established in the service of the Government of India, not yet holding high office, but well known for his wisdom and knowledge, known to be a loyal servant but with a patriotic outlook, highly regarded by his European Reforms Commissioners for his frankness. It was in 1936 that he became a Deputy Secretary and in 1942—after 29 years of hard work—that he became Reforms Commissioner himself, a position on which he could be called the Constitutional Adviser to the Governor General. He worked with three Viceroys—Linlithgow, Wavell and Mountbatten, and all three had confidence in his ability and judgment. Mountbatten

developed a great deal of affection for Menon, and their friendship lasted till Menon's death in 1966. The reference in the book to "General and Mrs. D. C. Mehra, the son and daughter-in-law of V. P. Menon" is an obvious error for "General and Mrs. D. C. Misra"; the son-in-law and daughter of Menon. Authors have to be careful about these things.

It is, however, with major blemishes that we are principally concerned. And the major defect in the book is a lack of appreciation of the historical and political background of the situation in India when Mountbatten came out as Governor General. First of all, it is necessary to stress that it is contrary to the facts of Indian history to say, as the book does, that Britain had "painstakingly" erected a unity in India. The authors have themselves said, repeating a common but inaccurate cliché, that "under the British there had been two Indias, the India of the provinces, administered by the Central Government at Delhi, and the separate India of her princes". Actually under the constitution of 1935, which was then in force, the Provinces and the Central Government at Delhi functioned in specifically demarcated areas. The Provinces were not administered by the Central Government, and any orders to a Provincial Government to fall in line with the policies of the Central Government could only be given by the Governor General "in his discretion". It was because of this restriction on the powers of the Central Government that the National Government of 1946—and in particular Sardar Patel functioning as Home Minister—found itself helpless when faced with rioting on an extensive scale in the Provinces, especially the Punjab. Then there were the Indian States—over 500 of them. They were not "one separate India of the princes" but as many political entities as there were States. In the early nineteen thirties the British Government adopted the doctrine that relations with Rulers of Indian States were some kind of personal relations between them and the Crown in Great Britain, not political and commercial and economic relations between the State Governments and the Government of India. The Constitution of 1935 gave further refinement to this doctrine and brought into existence a new functionary, the Crown Representative, to deal with the princes of India, with a whole hierarchy of Residents and other functionaries who constituted the Political Department. "At one stroke of the pen", says the Government of India, not yet holding high office, but well known for delinked from the Governor General in Council and pegged to the British Crown. The policy of balance and counter-poise thus forged for the imperial political armoury another formidable political wea-

pon, the problem of the States". It is important to bear all this in mind in evaluating the situation that existed in 1947. In one sentence, the position was that there existed some kind of unity in the country, but it was there only for "imperial" purposes, and the country was ready to fall apart once the British power slackened in its will to maintain it.

The general story which the book seeks to build up, especially with reference to the role of Mountbatten in the matter of transfer of power to Indian hands, can be briefly summed up. In the words of the authors—

Britain was trapped between these two irreconcilable positions (the demand of the Muslim League for Pakistan and Congress insistence that the unity of the country should be maintained) sinking slowly into a quagmire from which she seemed unable to extricate herself. Time and again British efforts resolve the problem had failed.

Then came along Mountbatten and after five weeks of talks with the political leaders of India and the Governors of the Provinces, he evolved a plan for the partition of India. This plan was approved by Amery and the British Cabinet, but in the meanwhile Mountbatten had shown it to Jawaharlal Nehru who rejected it. Mountbatten then asked V. P. Menon to prepare a fresh plan, which the latter did; and Mountbatten got all the political parties to agree.

This is a very inadequate picture of what actually happened. For a proper appreciation of the position it is necessary to go a little more deeply into the past. Actually, it was the British who used their power and influence to encourage Jinnah in his attitude of intransigence. Though the story goes earlier, we may start with Wavell's efforts in 1945 to reconstitute his Executive Council so as to make it representative of the Indian political parties. Wavell thought, very reasonably, that the British could not rule over India for long after the war, that the Empire in India would have to be wound up soon; and, as a first step, he argued that, if representative Indians could be given the reins of power, it would pave the way for smooth transition from British to Indian rule. This was the genesis of the Simla Conference in 1945. All political parties in India—except Jinnah and the Muslim League which he controlled—were willing to cooperate with the Viceroy; they were impressed with his sincerity. The only obstacle came from Jinnah, who insisted that he (*i.e.*, the Muslim League) should alone nominate the Muslim members of the reconstituted Executive Council. This was a pre-posterous demand

which was, even according to Wavell, out of the question. It would exclude the Muslims who were in the Congress; it would exclude the Unionist party in the Punjab, which had fully supported the war effort and had run an efficient government in that Province for ten years, and which, though predominantly Muslim, was agrarian in outlook and included considerable Sikh and Hindu elements. Wavell had at this stage enough public support and could have gone ahead without the Muslim League; Jinnah's bluff would have been called, and Wavell himself knew it. But he found himself unable to break the Britisher's habit of using the Muslim League and Jinnah as a counterweight against the Congress. And Churchill, at 10 Downing Street, would have been only too happy if the whole project failed. Whatever the reason, Wavell suddenly announced his decision to close the Conference and shelve all further effort at constitutional progress. We may quote a British historian—

Jinnah had perhaps made the most important point—he was now in a position to veto changes by refusing to cooperate.... There is evidence that Jinnah was encouraged in his action by the Churchill Government and by at least one member of Wavell's Executive Council.*

This British inclination to let Jinnah have the whip hand in holding up political progress in India came up again in Wavell's time in September 1946. Congress had now entered the Executive Council after the Muslim League had withdrawn their acceptance of the Cabinet Mission's plan. The Viceroy now wanted—by hook or by crook—to bring in the Muslim League. He managed this by giving Congress his personal assurance that the Muslim League would (a) cooperate in running an efficient administration and (b) join the Constituent Assembly and help to hammer out a Constitution for India. The League did neither—nor would Wavell force the issue with Jinnah. Wavell had by now become more or less a champion of Jinnah.

After much more discussion, in England as well as in India, the British Government came out with a statement on February 20, 1947 announcing that the British would transfer power in India before June 1948. The statement added, however, that the British Government would have to consider whether power should be transferred in some areas (the obvious reference being to the Punjab and Bengal) to the existing provincial Governments or in such other way as may

*See Michael Edwardes, *Nehru: A Political Biography*. (Pelican Books).

be most reasonable and in the best interests of the Indian people. This notwithstanding, hopes expressed by some Congress leaders to the contrary, was open acceptance of Pakistan. In order to stake its claim to the Punjab, where it had been unable so far to capture power, despite notable election successes, the League started a campaign of civil disobedience, which soon degenerated into violence. The Premier of the province, Khizer Hayat Khan, resigned in March 1947 and Governor Jenkins took over the province under his personal rule. He was, however, unable to control the riots.

The Government at the Centre was helpless. The influence of the great Congress leaders at the centre, Jawaharlal Nehru, Vallabh-bhai Patel, Rajendra Prasad and others, was able to control the riots in Bihar and prevent them from spreading to other Congress governed provinces. Gandhiji by his spiritual force and personality was keeping the peace in Bengal, after a period of widespread rioting. But no one could do anything in the Punjab. Sardar Patel repeatedly urged that the imposition of martial law was the only way to contain the situation; the writer of this review believes that he had occasion to consult the late B. N. Rau, for whom all had respect. It may also be recalled that years ago in 1919 martial law had been imposed in the Punjab when the situation was far less dangerous. But neither the Governor nor the Viceroy would agree.

It was in this situation that Mountbatten came to India. He was a dynamic person, quick in his grasp of affairs and decisive in his action. One wonders, however, if in dealing with the law and order situation he had the knowledge and the ability to over-rule the European civil service officers. In any case the situation in the Punjab was not controlled, with catastrophic consequences.

Mountbatten soon prepared a plan by which Britain was to hand over power. This plan has not, for some reason, received the critical attention it deserves. Its essence was that the Provinces should be unilaterally and simultaneously granted independence, on the assumption that the west and east of the country would combine as a Muslim State, to be called Pakistan, and the centre and south of India would combine as the State of India. Mountbatten envisaged the splitting of Bengal and the Punjab. Eastern Punjab would obviously have to go to India and, in Bengal, some of West Bengal, including the port of Calcutta, would also have to be included in India. The authors have suggested that Mountbatten contemplated (and even encouraged) the creation of a united and independent

Bengal. This is probably not correct. Neither Mountbatten nor any important section of Indian opinion thought at that stage that Bengal should remain independent. It is true that there was such a move; but the vast majority of public opinion, both in Bengal and in the rest of India, including Congress and the Muslim League, was against it.

It was when he showed this plan to Nehru that Mountbatten found how misplaced his confidence had been that the plan would find acceptance. Yet Nehru's reaction was quite predictable, and his violent opposition to the plan was eminently reasonable. It would result in a totally fragmented India. One can imagine the extent of the fragmentation if, in addition to the provinces, one thinks of the hundreds of Indian States which were to get independence.

Mountbatten was now at the end of his tether; and it was Indian statesmanship that found the answer to the *impasse*. FREEDOM AT MIDNIGHT is not quite correct when it says—

Mountbatten informed Menon that by that evening he would have to redraft the charter that would give India independence.... Menon finished his task in accordance with Mountbatten's instructions.

What actually happened was that since December 1946, V. P. Menon had been in consultation with Vallabhbhai Patel over a plan for the immediate transfer of power in India. Both were worried by the rapidly worsening law and order situation, and by the fact that the Pakistan demand had the sympathy of most of the British element in the services. There was a real risk of the situation deteriorating, and communal disturbances spreading to other provinces. Menon had, in consultation with Patel, evolved a plan for immediate demission of power to two Dominions, after Bengal and the Punjab had been partitioned. It was this scheme that Menon discussed with Mountbatten a few days before the latter disclosed to Nehru his own scheme which he had sent to Great Britain. Menon's scheme appealed to Mountbatten: Nehru was consulted and he also accepted it. Patel had already approved of it. Mountbatten now summoned all his energy to get the British Government to accept this scheme and then to implement it. This was the scheme which he took to London and which eventually became the basis of the transfer of power in India. A major blemish of the book is that this whole background has been omitted.

We have now to consider the position of the Indian States and their accession to the Indian Dominion. The picture presented in the book of the eccentricities of the Indian princes seems to have been drawn from lurid hearsay accounts and unverified reports, and again there are inaccuracies. There is a "Maharaja of Orissa" mentioned twice in the book. In actual fact there was no Indian State of the name of Orissa. Orissa was a province of British India since 1937, ruled over by a Governor. After 1950 it is a State of the Indian Union. There is an account of a Maharaja of Baroda who is stated to have attempted to poison a Resident by having him fed diamond dust ground out from a diamond "the size of an acorn"; there is a vivid account of how—

the Maharaja's judges were not impressed by the assurances of his Brahmin priests that they had performed all the rites necessary to assure the reincarnation of the Colonel's soul..."

These events happened in 1874-75 but records about them exist. The facts were that the Governor General appointed a Commission to go into the allegation against the Maharaja that he had attempted to poison the Resident. Three of the Commissioners held that the charge of attempted murder was not proved; and the Government of India acquitted the Maharaja of the charge, though he was deposed for misgovernment. And one may wonder how, if in Baroda diamond dust nearly poisoned a man, in Mysore it could act as aphrodisiac, for which purpose it is said to have been used.

The authors have again gone off the mark when they say that it was Mountbatten who proposed to Patel about the deal with the Princes. Two major errors may be noticed. First of all, what was proposed at that stage was that the Princes should accept the jurisdiction of the Dominion in respect of the three subjects of Defence, External Affairs and Communications: the Dominion would have no power of taxation in the States, and in all other matters the Rulers retained their sovereignty. There was no question at the time of the Rulers renouncing their temporal powers, as suggested in the book. Integration, as distinct from accession, took place later. Nor was there any bargaining, either like carpet merchants or in any other manner, between Patel and Mountbatten. Actually the scheme for accession was initiated by V. P. Menon, and approved with enthusiasm by Patel and the Congress Ministers. Patel issued a statement on July 5, 1947—acclaimed as a statesmanlike pronouncement—inviting the Rulers to accede to the Dominion on these three subjects, pointing

out that the States had not exercised defence and external affairs functions at any time and emphasising that "it is better for us to make laws sitting together as friends than to make treaties as aliens". Let it be said to the lasting credit of Mountbatten that he wholeheartedly welcomed the idea and worked for its success, and that his efforts were a major factor in ensuring the success of the accession plan. Indeed, India has not forgotten—and will never forget—that the association of Mountbatten with the Indian Government was of great benefit to the country at a critical period. One is bound to emphasise, however, that, while Mountbatten played a notable part in the early days of the Indian Dominion, due tribute has also to be paid to Indian statesmanship.

The impression one is likely to get from the book about Maharaja Yadavendra Singh of Patiala also needs to be corrected. The authors have drawn a picture of this Ruler, with an army the size of an infantry division, bulwarked by centurion tanks, waiting with concern and tension on Political Department's Sir Conrad Corfield's missionary effort for independence on his behalf. Actually, Maharaja Yadavendra Singh was one of the Rulers who joined the Constituent Assembly, gave a lead to the Princes to accede to the Indian Dominion, and cooperated in every way. V. P. Menon says about him:

This young Ruler, who was thirty-four years of age at the time, showed remarkably robust patriotism and his contribution cannot be lightly forgotten.

The authors claim to have done original research about the actors in the Gandhiji assassination episode. Recent newspaper reports indicate the possibility of litigation on the disclosures in this connection.

The book FREEDOM AT MIDNIGHT is certainly a very readable production and many aspects of the events of the time are treated with sympathy and sensitiveness, but the passion for sensational writing makes it unreliable history. For a proper appreciation of the happenings and of the personalities involved, it is, to say the least, an inadequate and sometimes misleading guide.

—C. GANESAN,
Formerly Secretary,
Union Public Service Commission.

RECENT LITERATURE OF PARLIAMENTARY INTEREST

I. BOOKS AND REPORTS

Banks, Arthur S. (ed.): *Political Handbook of the World: 1975: Governments and Intergovernmental Organisations as of Jan. 1, 1975*. New York, McGraw—Hill Book Company, 1975.

Bayly, C. A.: *Local Roots of Indian Politics. Allahabad, 1880-1920*. Oxford, Clarendon Press, 1975.

Bhuleshkar, Ashok V., ed.: *Growth of Indian Economy in Socialism*. Bombay, Oxford and IBH Publishing Co., 1975

Bizzell, William Bennett: *Judicial Interpretation of Political Theory: A Study in the relation of the Courts to the American Party System*. New York, Burt Franklin Reprints, 1974.

Cowling, Maurice: *Impact of Hitler: British Politics and British Policy 1933—1940*. London, Cambridge University Press, 1975.

Follett, M. P.: *Speaker of the House of Representatives*. New York, Burt Franklin Reprints, 1974.

Gadhok, D. N.: *Parliamentary Control Over Government Expenditure*. New Delhi, Sterling Publishers, 1976.

Golanti, William: *Long Afternoon: British India 1601—1947*. Delhi, Vikas Publishing House, 1976.

Great Britain, Parliament. House of Commons. Select Committee on European Secondary Legislation, Session 1974-75: *Thirty-third Report, together with the proceedings of the Committee*, London, H.M.S.O. 1975.

Great Britain. Parliament. House of Commons. Select Committee on Procedure. Session 1974-75: *Third Report* together with the proceedings of the Committee, minutes of evidence and appendices: late sittings, London. H.M.S.O., 1975.

Great Britain. Parliament. Joint Committee on Statutory Instruments, Session 1974-75: *Twenty-fourth to Twenty-seventh Reports*. London, H.M.S.O. 1975.

Gupta, Partha Sarathi: *Imperialism and the British Labour Movement, 1914—1964*. London, Macmillan, 1975.

Holler, Fredrick L.: *Information Sources of Political Science* (5 volumes), Santa Barbara, California, American Bibliographical Centre, Clio Press, Inc., 1975.

Hunt, Richard N.: *Political ideas of Marx and Engels: Vol. I—Marxism and Totalitarian Democracy 1818—1850*. London, Macmillan Press, 1974.

Inter-parliamentary Union: *Chronicle of Parliamentary Elections*, July 1, 1974—June 30, 1975. Geneva. International Centre for Parliamentary Documentation 1975.

James, Robert Rhodes (ed): *Winston S. Churchill: His Complete Speeches, 1897—1963* (8 Volumes): London, Chelsea House Publishers, 1974.

Karanjia, R. K.: *Indira—U. P. Confrontation: The Great Debate*. New Delhi, Chetana Publications, 1975.

Mackintosh, John P.: *Government and Politics of Great Britain*. (2nd edition). London, Hutchinson University Library, 1974.

Mc Innes, Neil: *Communist Parties of Western Europe*. London, Oxford University Press, 1975.

Norton Philip: *Dissensions in the House of Commons: Intra-party dissent in the House of Commons Division Lobbies, 1945-1974*. London, Macmillan, 1975.

Punjab Vidhan Sabha Secretariat: *Committees, 1974-75 (a review)*. Chandigarh, June, 1975.

Seervai, H. M.: *Constitutional Law of India: A Critical Commentary*, 2nd ed. (Vol. 1). Bombay. N. M. Tripathi Private Ltd. 1975.

Shakdher, S. L. (ed.): *Constitution and Parliament in India: the 25 years of the Republic*. Delhi, National (for the Lok Sabha Secretariat), 1976.

Sheshadri, P.: *Parliamentary Control over Delegated Legislation (with special reference to U.K. and India)*. Hyderabad, 1974.

Shukla, Satyendra R.: *Sikkim: the Story of Integration*. New Delhi, S. Chand & Co., 1976.

Skvirsky, David: *Problems of the Communist Movement: Some Questions of Theory and Method*. Moscow, Progress Publishers, 1975.

Swingewood, Allan: *Marx and Modern Social Theory*. London. Macmillan Press, 1975.

Wilensky, Harold. L.: *Welfare State and Equality: Structural and Ideological Roots of Public Expenditures*. Berkely, University of California Press, 1975.

Wilson, A. Jeyaratnam: *Electoral Politics in an Emergent State: The Ceylon General Election of May, 1970*. London, Cambridge University Press, 1975.

Zagladin V.V. (ed): *World Communist Movement: Outline of Strategy and Tactics*, Moscow, Progress Publishers, 1973.

Zaidi, A. Moin: *Full Circle: 1972-75: Dynamics of a Social Revolution—The National Emergency*. New Delhi, Michiko and Panjathan, 1975.

Zukin, Sharon: *Beyond Marx and Tito: Theory and Practice in Yugoslav Socialism*. New York, Cambridge University Press, 1975.

II. ARTICLES

Abdullah, Sheikh Mohammed: Holiday to Politicking. *Indian Express*, 26-1-1976.

Acharya, G. N.: Need to rearrange and enlarge our constitutional rights. *Mainstream* Vol. 14, No. 19, 10-1-1976, p. 7.

Anand Mulk Raj: Present Constitution totally inadequate. *Free Press Journal*, January 19, 1976.

Benewick, Robert: Civil liberties lobby: a comparative analysis. *Government and Opposition*, Vol. 10, No. 4, Autumn 75, p. 415.

Bhatt, Jagdish: Supreme Court Verdict. *Current Events*, Vol. 21, No. 12, December 75, p. 7.

Bhattacharjea, Ajit: Reconsidering the Constitution (Commentary). *Indian Express*, 27-12-75.

Borooah, D.K.: Indira Gandhi after Nehru strengthening Democracy. *Patriot*, 8-12-75.

———: India's continuing fight against Fascism. *Socialist India*, Vol. 12, No. 2, 13-12-75, p. 10.

Bruneau, Thomas C.: Portugal: The search for a new political regime. *World Today*, Vol. 31, No. 12, December 75, p. 478.

Burkett, A.J. : German Parliament : Political arena or sideshow? *The Parliamentarian*, Vol. 56, No. 4, Oct. 1975, p. 221.

Burnham, Walter Dean : Insulation and responsiveness in Congressional elections. *Political Science Quarterly*, Vol. 90, No. 3, Fall 1975, p. 411.

Butt, Ronald: Price we are all paying for Mr. Wilson's party peace. *Times, London*, 23-11-75.

Chaturvedi, J. P. : Entry of States into political mainstream. *Mainstream*, Vol. 14, No. 17, December 27, 1975, p. 17.

Das, A. N.: Decade of P.M.'s Eventful Momentous Rule. *Amrita Bazar Patrika*, 19-1-76.

Dutt, V. P. : Emergency India : The Background. *Socialist India*, Vol. 12, No. 4, 27-12-75 p. 24.

Eashwar Sagar : Presidential Race in U.S. *Hindu*, 3-12-75.

Eswaran, V. V. : Plenary Session : Success for the Leadership. *Socialist India*, Vol. 12, No. 6, 10-1-76, p. 6.

Fletcher, Raymond: Parliament through the Looking Glass. A Very Strange World. *Times London*, 12-1-76.

Fresh Look at our Constitution. *Mainstream*, Vol. 14, No. 18, 3-1-76., p. 7.

Gandhi, Indira: Congress Party: An Instrument of Change. *Socialist India*, Vol. 12, No. 4, 27-12-75, p. 9.

—————: Democracy in India. *Contemporary*, Vol. 20, No. 1, Jan. 76, p. 15.

—————: Our Democratic System. *Kurukshetra*, Vol. 24, No. 5. 1-12-75, p. 4.

Ghosh, S. K.: Leadership in China after Chou. *Foreign News and Features*, 24-1-76, p. 5.

Gupta, Bhupesh : Legislatures must reflect peoples' issues and struggles. *New Age*, Vol. 24 No. 3, 18-1-76, p. 7.

Hening, Stanley: Europe after Referendum. *International Affairs*. Vol. 51, No. 4, Oct. 75 p. 487.

Ivekovic, Ivan: Angola in the struggle on Independence. *Review of International Affairs* Vol. 26 No. 615 Nov. 75, p. 10.

Jain, Girilal: Amending the Constitution: Some fallacies and misconceptions. *Times of India* 31-12-75.

Jenkins, Peter : Future of the Labour Party. *Political Quarterly*, Vol. 46, No. 4, October-December. 1975, p. 373.

Joshi, D. K.: India after 100 days of Emergency. *Century*, Vol. 13,, No. 11, 1-11-75, p. 7.

KAUL, T. N.: India's own way to Progress, Peace. *Link* Vol. 18, No. 24, 26-1-76, p. 27.

Kaushik, B M.: Constitutional Crisis in Australia. *Institute for Defence Studies and Analysis*. Dec. 1975, p. 1109.

Khushwant Singh: Ten Years of Indira Gandhi. *Illustrated Weekly of India*, Vol. 97, No. 41, 25-1-75., p. 8.

Kyle, Keith: Sunningdale and After: Britain, Ireland and Ulster. *World Today*, Vol. 31, No. 11, Nov. 75, p. 439.

Latifi, Danial: Prime Minister's Case. *Seminar*, No. 196, December 1975, p. 30.

Mathur, Girish: Fascist and reactionary parties and forces in India. *Mainstream*, Vol. 14, No. 15, 13-12-1975, p. 7.

—: Gujarat elections and after. *New Wave*, Vol. 5, No. 20, 28-12-75, p. 3.

Mehrotra, O. N.: New political dimensions in Pakistan. *Institute for Defence Studies and Analysis*, Dec. 1975, p. 1165.

Menoufi, Kamal El: Indira Gandhi and the Opposition. *Socialist India*, Vol. 12, No. 1, 6-12-75, p. 13.

Morris-Jones, W. H.: Whose Emergency India's or Indira's? *World Today*, Vol. 31, No. 11 Nov. 75.

Mukherjee, Sadhan: Growth of Fascist Forces in India. *New Age*, Vol. 23, No. 49, 7-12-75, p. 13.

Narasimhan, V. K.: Constitution and Consensus. *Financial Express*, 1-12-75.

Nichols, Peter: Drive to make Italy's new brand of Communism Work. *Times, London*, 25-11-75.

Noorani, A. G.: Lessons of Australia's Constitutional Crisis. *Indian Express*, 23-12-75.

Nuechterlein, Donald E.: South-East Asia in International Politics: A 1975 perspective. *Asian Survey*, Vol. 15, No. 7, July 1975, p. 574.

Oren, Stephen: India Vs. Indira. *Contemporary Review*, Vol. 227 No. 1318, Nov. 1975, p. 252.

Osborne, John: White House Watch. *New Republic*, Vol. 1973, No. 18, 1-11-75, p. 7.

Palkhivala, Nani A.: Should we alter our Constitution? *Illustrated Weekly of India*, Vol. 97, No. 1, 1-1-76, p. 6.

Park Richard L.: Political crisis in India, 1975. *Asian Survey*, Vol. 15, No. 11, Nov. 1975, p. 996.

Philippart, Andre: Science and Modern Politics. *Government and Opposition*, Vol. 10, No. 4, Autumn 1975, p. 473.

Rajeshwara Rao, C.: 50 years of CPI and its glorious record. *New Age*, Vol. 23, No. 52, 28-12-1975, p. 5.

Rangaswamy, K.: Bangladesh's Ordeal Continues, *Foreign News and Features*, Vol. 6, No. 48, 28-11-75, p. 1.

—: Relaxed atmosphere in Parliament. *Foreign News and Features*, Vol. 7, No. 2, 10-1-76, p. 1.

Ratnam, P.: Policy-making and parliamentary accountability with particular reference to India's foreign policy. *Journal of Constitutional and Parliamentary Studies*, Vol. 9, No. 1, Jan|March 75, p. 73.

Ray, Niharranjan: How democracy worked in ancient India. *Indian Herald*, 9-12-75.

Rees, Peter: Clarity in the preparation of legislation. *The Parliamentarian*, Vol. 56, No. 4, Oct. 75, p. 232.

Rose, Paul: Referendum in Retrospect. *Contemporary Review*, Vol. 227, No. 1315, Aug. 1975, p. 66.

Scott, Peter: Why a Welfare State will not conform to any party line. *Times*, London, 30-12-75.

Shakdher, S. L.: Commonwealth Parliamentarians Meet. *Socialist India*, Vol. 12, No. 1, 6-12-76, p. 24.

Sharma, M. R.: Legal Supremacy of Indian Parliament. *Tribune*, 26-1-76.

Sharma, T. R.: Marxian theory, non-capitalist path and the Indian communists. *Indian Political Science Review*, Vol. 10, No. 1, Jan. 76, p. 49.

Sorabjee, S. J.: Constitution. *Seminar*, No. 197, Jan. 1976, p. 57.

Spencer, Martin E.: Political technicians, corrupters of democracy. *Mainstream*, Vol. 14, No. 14, 6-12-75, p. 19.

Strepukhov, Michail: Government by the People. *Soviet Land*, Vol. 28, No. 3, December 1975, p. 2.

Venkataraman, R.: Changing the Constitution. *Swarajya*, Vol. 20, No. 28, 10-1-1976, p. 1.

Williams, R. J. and Greenaway, R.: Referendum in British politics: A Dissenting View. *Parliamentary Affairs*, Vol. 28, No. 3, Summer 75, p. 250.

APPENDIX I

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

1. Period of the Session	January 5 to February 6, 1976	
2. Number of meetings held		22
3. Total number of sitting hours	135 hours 15 mts.	
4. Number of divisions held		25
5. <i>Government Bills</i> :		
(i) Pending at the commencement of the Session		13
(ii) Introduced		34
(iii) Laid on the Table as passed by Rajya Sabha		11
(iv) Returned by Rajya Sabha with any amendment/reccmmer dation and laid on the Table		3
(v) Referred to Select Committee		Nil
(vi) Referred to Joint Committee		Nil
(vii) Reported by Select Committee		Nil
(viii) Reported by Joint Committee		Nil
(ix) Discussed		34
(x) Passed		34
(xi) Withdrawn		2
(xii) Negatived		Nil
(xiii) Part-discussed		Nil
(xiv) Discussion postponed		Nil
(xv) Returned by Rajya Sabha without any reccmmer dation		8
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted		Nil
(xvii) Pending at the end of the Session		22
6. <i>Private Members' Bills</i> :		
(i) Pending at the commencement of the Session		210
(ii) Introduced		8
(iii) Laid on the Table as passed by Rajya Sabha		Nil

(iv) Returned by Rajya Sabha with any amendment and laid on the Table	Nil
(v) Reported by Select Committee	Nil
(vi) Discussed	3
(vii) Passed	Nil
(viii) Withdrawn	2
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	Nil
(xii) Discussion postponed	1
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Removed from the Register of Pending Bills	Nil
(xvi) Pending at the end of the Session	216
7. Number of Discussions held under Rule 193:	
Matters of Urgent Public Importance	
(i) Notices received	25
(ii) Admitted	3
(iii) Discussion held	1
8. Number of Statements made under Rule 197:	
Calling attention to matters of urgent public importance	
9. Statements made by Ministers	1
10. Half-an-hour discussions held	Nil
11. Statutory Resolutions :	
(i) Notices received	76
(ii) Admitted.	12
(iii) Moved	12
(iv) Adopted	Nil
(v) Negatived	12
(vi) Withdrawn	Nil
12. Government Resolutions :	
(i) Notices received	1
(ii) Admitted.	1

(iii) Moved	I
(iv) Adopted	I
13. Private Members' Resolutions :	
(i) Received	6
(ii) Admitted.	6
(iii) Discussed	3
(iv) Withdrawn	I
(v) Negatived	I
(vi) Adopted	Nil
(vii) Part-discussed	I
(viii) Discussion postponed	Nil
14. Government Motions :	
(i) Notices received	I
(ii) Admitted	I
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Discussed	Nil
15. Private Members' Motions :	
(i) Notices received	88
(ii) Admitted.	29
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Discussed	Nil
(vi) Negatived	Nil
(vii) Part-discussed	Nil
(viii) Withdrawn	Nil
16. Number of Parliamentary Committees created, if any, during the session	Nil
17. Total number of Visitors' Passes issued during the session	5,070
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued	631 on 28-1-76

19. *Number of Adjournment Motions :*

(i) Brought before the House	Nil
(ii) Admitted and discussed	Nil
(iii) Barred in view of adjournment Motion admitted on the subject	Nil
(iv) Consent withheld by Speaker outside the House	10
(v) Consent given by Speaker but leave not granted by House	Nil

20. *Total Number of Questions Admitted :*

(i) Starred	346
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	1,597
(iii) Short-notice Questions	None

21. Number of Members granted leave of absence 22

22. Petitions presented Nil

23. New Member sworn :

Shri S. K. Rai (Sikkim) on 5-1-76

24. *Working of Parliamentary Committees:*

S. No.	Name of the Committee	No. of sittings held during the period 1-11-75 to 31-1-76	No. of reports presented during the Session
1	Business Advisory Committee	2	2
2	Committee on Absence of Members from the Sittings of the House	1	2
3	Committee on Government Assurances	4	4
4	Committee on Papers Laid on the Table on of the House	1	..
5	Committee on Petitions	7	5
6	Committee on Private Members' Bills and Resolutions	4	3

1	2	3	4
7	Committee of Privileges	2	2
8	Committee on Public Undertakings	22	4
9	Committee on Subordinate Legislation	5	2
10	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	10	9
11	Estimates Committee	17*	10
12	General Purposes Committee . . . . .	..	..
13	House Committee	3	..
14	Public Accounts Committee	21	15
15	Railway Convention Committee	7	3
16	Rules Committee	7	..
<i>Joint / Select Committees :</i>			
1	Joint Committee on Offices of Profit	3	2
2	Joint Committee on the Constitution (Thirty-Second Amendment) Bill, 1973	4	..
3	Joint Committee on the Code of Civil Procedure (Amendment) Bill, 1974	14	..
4	Joint Committee on Salaries and Allowances of Members of Parliament	1	..

*No. of sittings held during the period 1-11-75 to 6-2-76.

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE 94TH SESSION OF RAJYA SABHA

1. Period of the Session	January 5 to February 6, 1976
2. Number of meetings held	23
3. Total number of sitting hours	112.39 hrs (excluding lunch break)
4. Number of divisions held	5
5. <i>Government Bills</i> :	
(i) Pending at the commencement of the Session	11
(ii) Introduced	11
(iii) Laid on the Table as passed by Lok Sabha	25
(iv) Returned by Lok Sabha with any amendment	7
(v) Referred to Select Committee by Rajya Sabha	Nil
(vi) Referred to Joint Committee by Rajya Sabha	Nil
(vii) Reported by Select Committee	Ni
(viii) Reported by Joint Committee	3
(ix) Discussed	35
(x) Passed	35
(xi) Withdrawn	Nil
(xii) Negatived	Nil
(xiii) Part-Discussed	Nil
(xiv) Returned by Rajya Sabha without any recommendation	8
(xv) Discussion postponed	Nil
(xvi) Pending at the end of the Session	12
6. <i>Private Members Bills</i> :	
(i) Pending at the commencement of the Session	88
(ii) Introduced	7
(iii) Laid on the Table as passed by Lok Sabha	Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table	Ni
(v) Reported by Joint Committee	Nil

(vi) Discussed	6
(vii) Withdrawn	3
(viii) Passed	Nil
(ix) Negatived	2
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Pending at the end of the Session	90
7. Number of discussions held under Rule 176 (Matters of Urgent Public Importance)	
(i) Notices received	2
(ii) Admitted	1
(iii) Discussion held	1
8. Number of Statements made under Rule 180 (Calling-attention to matter of urgent public importance)	
Statements made by Ministers	1
9. Half-an-hour discussions held	Nil
10. Statutory Resolutions :	
(i) Notices received	8
(ii) Admitted	8
(iii) Moved	8
(iv) Adopted	Nil
(v) Negatived	8
(vi) Withdrawn	Nil
11. Government Resolutions :	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1
12. Private Members' Resolutions:	
(i) Received	9
(ii) Admitted	9
(iii) Discussed	1

(iv) Withdrawn	I
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	I
(viii) Discussion postponed	Nil
13. Government Motions:	
(i) Notices received	I
(ii) Admitted	I
(iii) Moved	} Nil
(iv) Adopted	
(v) Part-discussed	
14. Private Members' Motions:	
(i) Received	25
(ii) Admitted	12
(iii) Moved	} Nil
(iv) Adopted	
(v) Part-discussed	
(vi) Negatived	
(vii) Withdrawn	
15. Number of Parliamentary Committees created, if any, during the session	Nil
16. Total number of Visitors' Passes	943
17. Maximum number of Visitors' Passes issued on any single day, and date on which issued	90 on 28-1-76
18. Total number of questions admitted.	
(i) Starred	509
(ii) Unstarred (including Starred Questions)	801
(iii) Short-notice questions	Nil
19. Number of Members granted leave of absence	13
20. Petitions presented	Nil
21. Number of new members sworn in :	

Sr No.	Name of Members sworn in	Date on which sworn in
1	2	3
1.	Shri H. B. Mahida	5-1-76
2.	Shri Ramlal D. Parikh	"

1	2	3
3.	Shri Zawar Husain	5-1-76
4.	Shri Viren J. Shah	”
5.	Shri Leonard Solomon Saring	”

22. Working of Parliamentary Committees.

Name of Committee	No. of meetings held during the period 1-11-75 to 31-1-76	No. of Reports presented during the Session
(i) Public Accounts Committee . . . . .	..	15
(ii) Committee on Public Undertakings . . . . .	..	4
(iii) Business Advisory Committee	1	..
(iv) Committee on Subordinate Legislation	1	1
(v) Committee on Petitions	8	2
(vi) Committee on the Welfare of Scheduled Castes & Scheduled Tribes . . . . .	..	10
(vii) Committee of Privileges		Nil
(viii) Committee on Rules		Nil
(ix) Joint Committee on Offices of Profit		2
(x) Railway Convention Committee . . . . .	..	2 Reports and 2 Minutes.
(xi) Committee on Government Assurances	5	Nil
(xii) Joint Committee on Foreign Contribution (Regulation) Bill, 1973	Nil	1 (Report presented on 6-1-76)
(xiii) Joint Committee on the Indian Penal Code (Amendment) Bill, 1973	13	1 (Report presented on 29-1-76)
(xiv) Joint Committee on the Central & Other Societies (Regulations) Bill, 1974	6	Nil
(xv) Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974	Nil	(Report presented on 5-1-76)

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD OCTOBER 1 TO DECEMBER 31, 1975

Legislature	Duration	Sittings	Government Bills	Private Members' Bills	Started Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
Andhra Pradesh Legislative Assembly	129(55)	29(a)	..
Assam Legislative Assembly
Bihar Legislative Council*	9-12-75 to 22-12-75	8	7	1(b)	356(333)	16	174(63)
Gujarat Legislative Assembly	191(99)	..
Haryana Legislative Assembly	150(96)	132(86)	..
Jammu & Kashmir Legislative Assembly
Jammu & Kashmir Legislative Council
Karnataka Legislative Assembly	91(87)	8(1)	..
Karnataka Legislative Council	40(38)	11(11)	..
Madhya Pradesh Vidhan Sabha

Manipur Legislative Assembly . . . . .	..	..	..	..	..	..	..	..	..
Meghalaya Legislative Assembly	10-12-75 to 18-12-75	7	5(3)	..	..	121(120)	..	..	2(2)
Orissa Legislative Assembly	10-11-75 to 26-11-75	..	19(b)	..	..	..	..	..	..
Punjab Vidhan Sabha . . . . .	..	..	..	..	..	215(116)	..	..	..
Rajasthan Legislative Assembly . . . . .	..	..	..	..	..	..	..	..	..
Sikkim Legislative Assembly	4-9-75 to 1-10-75	1	1(1)	..	..	..	..	..	..
Tamil Nadu Legislative Assembly	22-10-75 to 12-11-75	17	34(37)	..	..	392(186)	..	..	19(7)
Tamil Nadu Legislative Council	23-10-75 to 19-11-75	13	37(c)	..	..	58(43)	..	..	2(12)
Tripura Legislative Assembly	10-12-75 to 17-12-75	6	5(6)	..	..	..	..	..	..
<i>Union Territories</i>									
Goa, Daman and Diu Legislative Assembly	3-10-75 to 6-10-75	2	6(6)	..	..	256(45)	..	..	2(1)
Mizoram Legislative Assembly	7-11-75	1	..	..	..	..	..	..	..

* Information from Bihar Vidhan Sabha not received.

(a) Starred questions admitted as unstarred questions.

(b) No. introduced.

(c) Represents No. of Bills passed.

(d) 37 bills as passed by the Assembly were passed without any amendment or recommendation, as the case might be.

Jammu & Kashmir Legislative Council	5	..	..	2	2	..	2	..	..
Karnataka Legislative Assembly	19	2	.. 16(t)	4	28	16	1	.. 10(t)	(f)
Karnataka Legislative Council	5	..	..	..	..	..	..	..	6
Madhya Pradesh Vidhan Sabha	3	2	.. 1	6	2	4	3	11	(g)
Manipur Legislative Assembly	7	2	..	..	4	10	..	13	..
Meghalaya Legislative Assembly	1	..	..	..	..	6(1)	1(1)	7	..
Orissa Legislative Assembly	..	..	..	..	..	..	..	..	..
Punjab Vidhan Sabha	14	3	.. 7	22	14	3	1	14	9
Rajasthan Legislative Assembly	25	29	.. 16	36	20 41(h)	40	9	20	35
Sikkim Legislative Assembly	..	..	..	..	..	..	..	..	..
Tamil Nadu Legislative Assembly	2	3(1)	..	9	1(i)	14	1	.. 10(t)	(j)
Tamil Nadu Legislative Council	2	..	..	..	..	..	..	..	..
Tripura Legislative Assembly	2(1)	4	1	.. 3(3)	5(1) (h)	8(2)	..	..	(l)
UNION TERRITORIES									
Goa, Daman & Diu Legislative Assembly	5	2	..	2	..	4	2	..	2(m)
Mizoram Legislative Assembly	2	1	..	..	3	9	3	1	14

NOTE:—Figures in brackets indicate the number of reports, if any, presented.

- (d) Joint Select Committee on (i) A.P. Gram Panchayat (Amendment) Bill, 1975—2 sittings and (ii) A. P. Panchayat Samithi and Zilla Parishad (Amendment) Bill, 1975—3 sittings.
- (e) Known in Gujarat as Committee on 'Members Allowance Rules'.
- (f) Joint Select Committees on (i) Agricultural Income Tax Bill—2, (ii) Urban Land Tax Bill—Nil and (iii) Lokayukta and Up-Lokayukta Bill—1.
- (g) Select Committees on : M. P. Bhurjaswa Sanhit (Sanshodhan) Vidhyak, 1975—4 sittings, (2) M. P. Citri Basti Kshetra Sudhar Tatha (Nirmulan) Vidhyak, 1975—1.
- (h) There are two separate Committees with the following nomenclatures : (i) Committee for the Welfare of Scheduled Castes—23. (ii) Committee for the Welfare of Scheduled Tribes—18.
- (i) Known as 'Committee on Delegated Legislation'.
- (j) JC/SC on (i) The T. N. Handloom Textiles (Production, Distribution and Sales) Bill, 1974—1.
(2) The T. N. Occupants of Kudiyiruppu (Conferment of Ownership) Second Amendment Bill, 1974—1 (1); (3) The T. N. Panchayats (Amendment and Validation) Bill, 1974—1.
- (k) Known as 'Committee on Delegated Legislation'.
- (l) Select Committee on the Tripura Town and Country Planning Bill, 1975—1(1).
- (m) S. C. on 'The Goa, Daman and Diu, Nyaya Panchayat Bill, 1974'.

.. ..

.. ..

.. ..

.. ..

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT
DURING THE PERIOD 1ST NOVEMBER, 1975 TO 31ST JANUARY, 1976

S. No.	Title of the Bill	Date of Assent by the President
1	The Income-tax (Amendment) Bill, 1976	22-1-76
2	The Burmah Shell (Acquisition of Undertakings in India) Bill, 1976	24-1-76
3	The Unit Trust of India (Amendment) Bill, 1976	24-1-76
4	The Delhi Development (Amendment) Bill, 1976	24-1-76
5	The Appropriation Bill, 1976	24-1-76
6	The Appropriation (Railways) Bill, 1976	24-1-76
7	The Appropriation (No. 2) Bill, 1976	25-1-76
8	The Voluntary Disclosure of Income and Wealth Bill, 1976	25-1-76
9	The Indian Railways (Amendment) Bill, 1976	25-1-76
10	The Ejection Laws (Extension to Sikkim) Bill, 1976	25-1-76
11	The Sales Promotion Employees (Conditions of Service) Bill, 1976	25-1-76
12	The Import and Export (Control) Amendment Bill, 1976	25-1-76
13	The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Bill, 1976	25-1-76
14	The Maintenance of Internal Security (Amendment) Bill, 1976	25-1-76

APPENDIX V

BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD OCTOBER 1, 1975 TO
DECEMBER 31, 1975

BIHAR

1. Chhota Nagpur and Santhal Pargana Swashasi Vikas Pradhikar (Sanshodan) Vidheyak, 1975.
2. Bihar Motor Vehicles Taxation (Amendment) Bill, 1975.
3. Dowry Prohibition (Bihar Amendment) Bill, 1975.
4. Bihar Homoeopathic System of Medicine Development (Amendment) Bill, 1975.
5. Land Revenue (Bihar Law Validation) Bill, 1975.
6. Bihar Appropriation (No. 3) Bill, 1975.
7. Indian Electricity (Bihar Amendment) Bill, 1975.

MANIPUR

- *1. The Manipur Land Revenue and Land Reforms (Amendment) Bill, 1975.
- *2. The Manipur Panchayati Raj Bill, 1975.

MEGHALAYA

1. The Meghalaya Appropriation (No. III) Bill, 1975.
2. The Meghalaya Appropriation (No. IV) Bill, 1975.
3. The Meghalaya Sales Tax (Amendment) Bill, 1975.
4. The Meghalaya Finance (Sales Tax) (Amendment) Bill, 1975.
5. The Meghalaya Rural Indebtedness Relief Bill, 1975.

SIKKIM

1. Sikkim Appropriation Bill (No. 6) of 1975.

*Awaiting assent.

TAMIL NADU

1. The Tamil Nadu Contingency Fund (Second Amendment) Bill, 1975.
2. The Tamil Nadu Restriction of Habitual Offenders (Amendment) Bill, 1975.
3. The Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy (Amendment) Bill, 1975.
4. The Tamil Nadu Towns Nuisances (Amendment) Bill, 1975.
5. The Tamil Nadu Relief Undertakings (Special Provisions) (Amendment) Bill, 1975.
6. The Motor Transport Workers (Tamil Nadu Amendment) Bill, 1975.
7. The Tamil Nadu Indebted Persons (Temporary Relief) Bill, 1975.
8. The Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Bill, 1975.
- *9. The Indian Stamp (Tamil Nadu Third Amendment) and Tamil Nadu Court Fees and Suits Valuation (Amendment) Bill, 1975.
10. The Tamil Nadu Payment of Salaries (Amendment) Bill, 1975.
11. The Tamil Nadu Inam Estates Leaseholds and Minor Inams (Abolition and Conversion into Ryotwari) Amendment Bill, 1975.
12. The Tamil Nadu Educational Institutions (Temporary Control of Property) Amendment and Validation Bill, 1975.
13. The Indian Stamp (Tamil Nadu Second Amendment) Bill, 1975.
- *14. The Holdings (Stay of Execution Proceedings) Tamil Nadu (Amendment) Bill, 1975.
15. The Tamil Nadu General Sales Tax (Second Amendment) Bill, 1975.
16. The Tamil Nadu Additional Sales Tax and Sales Tax (Surcharge) Amendment Bill, 1975.
- *17. The Sakthi Pipes Ltd. (Acquisition of Undertaking) Bill, 1975.
- *18. The Southern Structuralis Ltd., (Acquisition of Undertaking) Bill, 1975.
- *19. The Lasco Steel Ltd., (Acquisition of Undertaking) Bill, 1975.

*Awaiting assent.

- *20. The Textool Company Ltd., (Acquisition of Undertakings) Bill, 1975.
21. The Tamil Nadu Private Electricity Supply Undertakings (Acquisition) (Amendment) Bill, 1975.
- *22. The Tamil Nadu State Wakf Board (Validation of Functions of Special Officer) Bill, 1975.
- *23. The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Bill, 1975.
24. The Tamil Nadu District Municipal Councillors (Extension of Term of Office) Bill, 1975.
25. The Tamil Nadu Panchayats and Panchayat Union Councils (Extension of Term of Office) Bill, 1975.
26. The Coimbatore Municipal Council (Appointment of Special Officer) Bill, 1975.
- *27. The Tamil Nadu Handloom Textiles (Production, Distribution and Sale) Bill, 1974, as amended by the Joint Select Committee.
28. The Tamil Nadu District Development Councils (Amendment) Bill, 1975.
29. The Tamil Nadu Legislature (Prevention of Disqualification) Amendment Bill, 1975.
30. The Tamil Nadu General Sales Tax (Third Amendment) Bill, 1975.
31. The Tamil Nadu Urban Land Tax (Amendment) Bill, 1975.
- *32. The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Bill, 1975.
33. The Tamil Nadu Payment of Salaries (Second Amendment) Bill, 1975.
34. The Tamil Nadu Appropriation (No. 4) Bill, 1975.
35. The Tamil Nadu Appropriation (No. 3) Bill, 1975.
- *36. The Tamil Nadu Occupants of Kudiyruppu (Conferment of Ownership) Second Amendment Bill, 1974, as amended by the Joint Select Committee.
37. The Tamil Nadu Co-operative Societies (Amendment) Bill, 1974.

*Awaiting assent.

TRIPURA

1. The Tripura Agricultural Debtors Relief Bill, 1975.
2. The Salaries and Allowances of Ministers (Tripura) Amendment Bill, 1975.
3. The Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Tripura) Amendment Bill, 1975.
4. The Salaries and Allowances of the Members of the Legislative Assembly (Tripura) Amendment Bill, 1975.
5. The Tripura Appropriation (No. 3) Bill, 1975.
6. The Tripura Town and Country Planning Bill, 1975, as reported by the Select Committee.

GOA, DAMAN AND DIU

1. The Goa, Daman and Diu Administrative Tribunal Bill, 1975.
2. The Goa, Daman and Diu Mamlatdar Court (Amendment) Bill, 1975.
3. The Goa, Daman and Diu Agricultural Tenancy (Amendment) Bill, 1975.
4. The Goa, Daman and Diu Excise Duty (Validation of Appointments and Proceedings) Bill, 1975.
5. The Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) (Amendment) Bill, 1975.
6. The Goa, Daman and Diu Protection of Rights of Tenants (Cashew-nut and Arecanut Gardens) (Amendment) Bill, 1975.

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT DURING THE PERIOD NOVEMBER 1, 1975 TO JANUARY 31, 1976 AND THE STATE GOVERNMENTS DURING THE PERIOD OCTOBER 1 TO DECEMBER 31, 1975

S.No.	Subject	Date of promulgation	Date on which laid before House	Date of cessation	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
1	The Imports and Exports (Control) Amendment Ordinance, 1975 (No. 19 of 1975)	4-11-75	5-1-76		Replaced by Legislation.
2	The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Ordinance, 1975 (No. 20 of 1975)	5-11-75	,,		,,
3	The Payment of Wages (Amendment) Ordinance, 1975 (No. 21 of 1975)	12-11-75	,,		,,
4	The Maintenance of Internal Security (Fourth Amendment) Ordinance, 1975 (No. 22 of 1975)	16-11-75	,,		,,
5	The Voluntary Disclosure of Income and Wealth (Amendment) Ordinance, 1975 (No. 23 of 1975)	29-11-75	,,	..	,,
6	The Delhi Rent Control (Amendment) Ordinance, 1975 (No. 24 of 1975)	1-12-75	,,		,,
7	The Parliamentary Proceedings (Protection of Publication) Repeal Ordinance, 1975 (No. 25 of 1975)	8-12-75	,,		,,

1	2	3	4	5	6
8	The Press Council (Repeal) Ordinance, 1975 (No. 26 of 1975)	8-12-75	15-1-76		Replaced by Legislation.
9	The Delhi Land Holdings (Ceiling) Amendment Ordinance, 1975 (No. 27 of 1975)	8-12-75	,,		,,
10	The Prevention of Publication of Objectionable Matter Ordinance, 1975 (No. 28 of 1975)	8-12-75	,,	..	,,
11	The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Second Amendment) Ordinance, 1975 (No. 29 of 1975)	12-12-75	,,	..	,,

STATE GOVERNMENTS

ANDHRA PRADESH

1	The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Ordinance, 1975	11-10-1975			
2	The Andhra Pradesh Hyderabad Municipal Corporations (Amendment) Amending Ordinance, 1975	16-10-1975			
3	The Andhra Pradesh (Telangana Area) Horse racing and Betting Tax (Amendment) Ordinance, 1975	28-10-1975			
4	The Andhra Pradesh (Telangana Area) Ijra and Kowli land cancellation of Irregular Pattas and abolition of concessional Assessment (Amendment) Ordinance, 1975	28-10-1975			
5	The Andhra Pradesh Cinemas (Regulation) (Amendment) Ordinance, 1975	25-11-1975			
6	The Andhra University (Amendment) Ordinance, 1975	8-12-1975		..	..

1	2	3	4	5	6
7	The Andhra Pradesh Forest (Amendment) Ordinance, 1975	17-12-1975			
8	The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Ordinance, 1975	17-12-1975			
9	The Andhra Pradesh University Acts (Supplementary) Ordinance, 1975	20-12-1975			
10	The Andhra Pradesh Sugarcane (Regulation of Supply and Purchase) (Amendment) Ordinance, 1975	27-12-1975			
GUJARAT					
1	The Gujarat Contingency Fund (Temporary Increase) Ordinance, 1975	1-10-1975			
2	The Gujarat Rural Debtors (Temporary Relief) Ordinance, 1975	18-10-1975		..	
3	The Bombay Stamp (Gujarat Second Amendment) Ordinance, 1975	31-10-1975			
4	The Bombay Entertainments Duty and Advertisements Tax (Gujarat Amendment) Ordinance, 1975	31-10-1975			
5	The Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 1975	28-11-1975		..	
6	The Gujarat Sales Tax (Second Amendment) Ordinance, 1975	12-12-1975		..	..
7	The Gujarat Contingency Fund (Temporary Increase) (Second) Ordinance, 1975	22-12-1975			
8	The Bombay Land Requisition (Gujarat Extension of Duration) Ordinance, 1975	26-12-1975			
9	The Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Ordinance, 1975	30-12-1975		..	..

1	2	3	4	5	6
10	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1975	30-12-1975	..		
JAMMU AND KASHMIR					
1	The J & K Sikh Gurdwaras and Religious Endowment (Amendment) Ordinance, 1975	2-12-75	5-2-76	..	Replaced by Legislation.
2	The J & K Village Panchayat (Extension of Term) (Amendment) Ordinance, 1975.	29-12-75	-do-	..	-do-
3	The J & K Land Revenue (Amendment) Ordinance, 1975.	31-12-75	-dc-	..	-do-
HARYANA					
1	The Punjab Betterment Charges and Acreage Rates (Haryana Repealing) Ordinance, 1975.	2-9-75	12-1-76	..	Replaced by Legislation.
2	The Punjab Agricultural Produce Markets (Haryana Amendment and Validation) Ordinance, 1975.	25-9-75	-dc-	..	-do-
3	The Punjab Co-operative Societies (Haryana Amendment) Ordinance, 1975.	17-7-75	-do-	..	-do-
KARNATAKA					
1	The Karnataka Bonded Labour System (Abolition) Ordinance, 1975	18-10-1975		..	..
2	The Karnataka Municipal Laws (Amendment) Ordinance, 1975	18-10-1975	..	..
3	The Karnataka Debt Relief Ordinance, 1975	21-10-1975	..	..	..
4	The Karnataka Homoeopathic Practitioners (Amendment) Ordinance, 1975	24-10-1975		..	..
5	The Karnataka Sales Tax (Fourth Amendment) Ordinance, 1975	28-10-1975	..		..
6	The Mythic Society (Dissolution and Management) Ordinance, 1975	3-11-1975	..	..	..

1	2	3	4	5	6
	(i) Erratum. Karnataka Land Reforms (Amendment) Ordinance, 1975	29-10-1975			
	(ii) Erratum. Mythic Society (Dissolution and Management) Ordinance, 1975	5-11-1975		..	
7	The Karnataka Debt Relief (Amendment) Ordinance, 1975	11-11-1975			..
8	The Karnataka Improvement Boards Ordinance, 1975	19-11-1975	..		..
9	The Karnataka Debt Relief (2nd Amendment) Ordinance, 1975	28-11-1975	..	..	..
10	The Karnataka Appellate Tribunal Ordinance, 1975	8-12-1975			
11	The Karnataka Electricity Supply Undertaking Acquisition (Amendment) Ordinance, 1975	16-12-1975	..		..
12	The Karnataka Land Reforms (2nd Amendment) Ordinance, 1975	16-12-1975			
13	The Karnataka Village Panchayats (Postponement of Election) (Amendment) Ordinance, 1975	19-12-1975			..
14	The Karnataka Land Reforms (Third Amendment) Ordinance, 1975	19-12-1975			
15	The Karnataka Appellate Tribunal (Amendment) Ordinance, 1975	19-12-1975			
16	The Karnataka Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Ordinance, 1975	19-12-1975			
17	The Bangalore Development Authority Ordinance, 1975	20-12-1975	..		
18	The Karnataka Land Revenue (2nd Amendment) Ordinance, 1975	24-12-1975	..		..

1	2	3	4	5	6
19	The Karnataka Village Offices Abolition (Amendment) Ordinance, 1975	24-12-1975			
20	The Karnataka Forest (Amendment) Ordinance, 1975	24-12-1975			..
21	The Karnataka Land Reforms (4th Amendment) Ordinance, 1975	24-12-1975			
22	The Karnataka Rent Control (2nd Amendment) Ordinance, 1975	30-12-1975			

MADHYA PRADESH

1	The Madhya Pradesh Aabadh Shram Pratsihedh Adhyadesh, 1975 (No. 15 of 1975)	2-10-75	6-2-75	..	..
2	The Madhya Pradesh Adjustment and Liquidation of Industrial Workmen's Debt (Amendment) Ordinance 1975	2-10-75	"	..	..
3	The Madhya Pradesh Prakoshtha the Swamitva Adhyadesh, 1975.	6-10-75	"	..	..
4	The Madhya Pradesh Amarkantak Nagarak Vikas Mandal (Nirsan) Adhyadesh.	15-10-75	"	..	..
5	The Madhya Pradesh Shasakiya Sevak (Adhivarshki Ayu) Sanshodhan Adhyadesh.	17-10-75	"		..
6	The Madhya Pradesh Gramdan (Dwitiya Sanshodhan) Adhyadesh, 1975	28-10-75	"		..
7	The Madhya Pradesh Motor Vehicles (Taxation of Goods) Second Amendment Ordinance 1975	1-11-75	"	..	..
8	The Madhya Pradesh Co-operative Societies (Amendment) Ordinance, 1975	20-11-75	"	..	..

1	2	3	4	5	6
9	The Indian Electricity (Madhya Pradesh Amendment) Ordinance 1975.	22-11-75	6-2-75	..	..
10	The Madhya Pradesh Dhan Parichalan Skeem (Pratishedh) Sanshodhan Adhyadesh, 1975 .	22-11-75	"	..	..
11	The Madhya Pradesh Land Revenue Code (Amendment) Ordinance 1975 . . .	29-11-75	„	..	..
12	The Madhya Pradesh Nagar Taha Gram Nivesh (Dwitiya Sanshodhan) Adhyadesh, 1975 . .	20-12-75	„	..	..
PUNJAB					
1	The Punjab Gram Panchayat (Amendment) Ordinance, 1975	8-10-75	..	..	..
2	The Punjab Gram Panchayat (Second Amendment) Ordinance, 1975	26-12-75	..	..	..
3	The Punjab Town Improvement (Second Amendment) Ordinance, 1975	7-12-75	..	..	..
4	The Punjab Municipal (Third Amendment) Ordinance, 1975 .	7-12-75	..	..	..
5	The Punjab Panchayat Samitis and Zilla Parishads, (Third Amendment) Ordinance, 1975 .	8-12-75	..	..	..
6	The Punjab General Sales Tax (Amendment and Validation) Ordinance, 1975	20-12-75	..	..	..
7	The Punjab Agricultural Produce Markets (Validation) Ordinance, 1975	26-12-75	..	..	..
RAJASTHAN					
1	Rajasthan Legislative Assembly Members (Removal of Disqualification) (Amendment) Ordinance, 1975.	31-10-75	6-1-76	..	Replaced by Legislation

1	2	3	4	5	6
2	Rajasthan Municipalities (Amendment) Ordinance, 1975 . . .	31-10-75	6-1-76	..	Replaced by legislation
3	Rajasthan Monuments (Archaeological Sites and Antiquities) (Amendment) Ordinance, 1975	24-10-75	-do-	..	-do-
TAMIL NADU					
1	Tamil Nadu Homoeopathy System of Medicine and Practitioners of Homoeopathy (Amendment) Ordinance, 1975	10-10-75	24-10-75		-do-
2	The Tamil Nadu Private Colleges (Regulation) Ordinance 1975	21-11-75	..	..	..
3	The Madas City Municipal Corporation (Amendment) Ordinance, 1975 . . .	29-11-1975	..	..	..
4	The Tamil Nadu Horse Race (Abolition of Book-makers) Ordinance, 1975 . . .	12-12-1975	..	..	..
5	The Public Wakfs (Extension of Limitation) Tamil Nadu Amendment Ordinance, 1975 . . .	31-12-1975	..	..
TRIPURA					
1	The Tripura Agricultural Debtors Relief Ordinance, 1975	17-9-75	10-12-1975	21-1-76	Replaced by legislation.

APPENDIX VII

A. PARTY POSITION IN LOK SABHA

(As on March 15, 1976)

Name of the State	Seats	Cong.	CPI (M)	CPI	JS	DMK	Other Parties	Unattached	Total	Vacancies
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Andhra Pradesh . . .	41	36	1	1	1		2(a)	1	41	..
Assam . . .	14	12	1			..	..		13	1
Bihar . . .	53	35		5	2		8(b)		50*	2
Gujarat . . .	24	12		..	..		10(c)	1	23	1
Haryana . . .	9	6			1			2	9	..
Himachal Pradesh . . .	4	3							3	1
Jammu & Kashmir . . .	6	5						1	6	
Karrataka . . .	27	27		..			..		27	
Kerala . . .	19	6	2	3			5(d)	2	18	1
Madhya Pradesh . . .	37	22			9		5(e)	1	37	

Maharashtra	45	39	1	..	3(f)	2	45	..
Madhya Pradesh	2	2	..	..	..	..	2	..
Meghalaya	2	..	..	..	..	2	2	..
Nagaland	1	..	..	..	1(g)	..	..	..
Orissa	20	14	1	..	4(h)	1	20	..
Punjab	13	9	1	..	..	1	11	2
Rajasthan	23	15	..	2	3(i)	3	23	..
Sikkim	1	1	..	..	..	..	1	..
Tamil Nadu	39	8	4	..	8(j)	2	38	1
Tripura	2	..	2	..	..	..	2	..
Uttar Pradesh	85	71	5	4	2(k)	3	85	..
West Bengal	40	13	3	..	1(l)	1	38	2
<i>UNION TERRITORIES</i>								
Andaman & Nicobar Islands	1	1	..	..	..	..	1	..
Chandigarh	1	1	..	..	..	..	1	..
Dadra and Nagar Haveli	1	1	..	..	..	..	1	..
Delhi	7	6	..	..	..	..	6	1

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Gos, Daman & Diu	2	1	..	..	..	..	1(m)	..	2	..
Lakshadweep	1	1	..	..	..	..	..	..	1	..
Mizoram	1	1	..	..	..	..	..	..	1	..
Pondicherry	1	..	..	..	..	..	1(n)	..	1	..
NOMINATED										
Arunachal Pradesh	1	1	..	..	..	..	..	..	1	..
Anglo-Indian	2	..	..	..	..	..	2(o)	..	2	..
TOTAL	525	349	26	24	18	16	56	23	513*	12

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

(a) Telengana Praja Samiti-2.

(b) Cong. (O)-3, Socialist Party-2, U.I.P.G.-2, B.L.D.-1.

(c) Cong. (O)-8, B.L.D.-2.

(d) Muslim League-2, Kerala Congress-3.

(e) B.L.D.-1, U.I.P.G.-3, Socialist Party-1.

(f) Socialist Party-1, Forward Bloc-2.

(g) U.I.P.G.-1.

(h) B.L.D.-4.

(i) B.L.D.-1, U.I.P.G.-2.

(j) Muslim League-1, Forward Bloc-1, Cong(O)-1, A.D.M.K.-5.

(k) B.L.D.-2.

(l) Socialist Party-1.

(m) B.L.D.-1.

(n) A.D.M.K.-1.

(o) U.I.P.G.-2.

B. PARTY POSITION IN RAJYA SABHA

(As on March 1, 1976)

States	No. of seats	Cong.	Cong. (O)	J.S.	C.P.I.	B.L.D.	C.P.I. (M)	Other Parties	Ind.	Vacancies
	2	3	4	5	6	7	8	9	10	11
Andhra Pradesh	•	18	15	•	•	•	•	•	3	•
Assam	•	•	7	•	•	•	•	•	•	•
Bihar	•	•	22	14	1	3	1	1(a)	1	•
Gujarat	•	•	11	8	1	•	•	•	1	•
Haryana	•	•	•	5	4	•	•	•	1	•
Himachal Pradesh	•	•	•	3	3	•	•	•	•	•
Jammu and Kashmir	•	•	•	4	4	•	•	•	•	•
Karnataka	•	•	•	12	8	2	•	•	2	••
Kerala	•	•	•	•	2	•	•	3	2(c)	1
Madhya Pradesh	•	•	•	16	12	•	•	•	•	•
Maharashtra	•	•	•	19	14	•	•	•	3(d)	1
Manipur	•	•	•	1	1	•	•	•	•	•
Meghalaya	•	•	•	1	•	•	•	•	1(e)	•
Nagaland	•	•	•	1	•	•	•	•	1(f)	•
Orissa	•	•	•	10	5	1	4	•	•	•
Punjab	•	•	•	7	3	•	•	•	2(g)	1

I	2	3	4	5	6	7	8	9	10	11
Rajasthan	10	9		1						..
Sikkim	1	1						..	..	..
Tamil Nadu	18				..			15(h)	3	
Tripura	1	..	..	..	1	..	..	..	..	..
Uttar Pradesh	34	18	3	4	1	3	..	1(i)	2	2
West Bengal	16	10		..	3	..	2		1	
UNION TERRITORIES.					..					..
Arunachal Pradesh	1	1		..						..
Delhi	3	2		1						..
Mizoram	1	1								..
Pondicherry	1	..						..		1
NOMINATED	12	4	..	..	..	..	..	8	..	..
	244	146	7	12	12	8	5	36(l)	15	5

(c) Muslim League—1: S.P.I

(a) PSP

(d) REP-1; P.W.P.-1; S.P.-1 (e) APHLC

(f) UDF (g) Akali Dal

(h) Muslim League-3; ADMK-3; D.M.K. 9

(i) B.K.D. (j) F.B.(M)

(l) D.M.K.-9; M.L.-4; B.K.D.-3; 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.-3 ; Nominated-8.

C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Cong.	Cong. (O)	BLD	JS	CPI	CPI(M)	SP	Other Parties	Ind.	Total	Vacancys
I	2	3	4	5	6	7	8	9	10	11	12	13
Andhra Pradesh:												
Legislative Assembly (As on 31-12-75)	288	242	..	..	..	8	1	24(a)	10	285	3	
Legislative Council (As on 30-9-75)	90	68			6	4		8(b)	4	90	..	
Assam Legislative Assembly (As on 1-2-76)?	114	94		2(c)		3		4	5(d)	5	113	1
Bihar:												
Legislative Assembly (As on 31-3-75)	319	193	3		1	35		18(e)	20	270(f)	49	
Legislative Council (As on 9-3-36)	96	60	5		5	4		6(g)	13	93	3	
Gujarat Legislative Assembly (As on 31-12-75)	182	73	56*	2*	18*			2*	13(h)	8(i)	179	3
Haryana Legislative Assembly (As on 4-2-76)	81	62	2	6(j)	2	..			2(k)	7	81	..
Himachal Pradesh Legislative Assembly (As on 29-5-75), .	68	54			5		1		2(l)	6	68	
Jammu & Kashmir:												
Legislative Assembly (As on 21-2-76)	75	58		2	2				9(m)	2	73	2
Legislative Council (As on 19-3-76)	36	22	..	..	..	..	..	..	6(n)	3	3	5

	1	2	3	4	5	6	7	8	9	10	11	12	13
Karnataka :													
Legislative Assembly (As on 5-3-76)		217	164	24	..	..	3	..	2	1(o)	20	215(p)	2
Legislative Council (As on 1-10-75)		63	34	20		6		..		..	2	63(q)	
Legislative Assembly (As on 19-5-75)		134	35	3	..		16	31	7	33(r)	6	132(s)	2
Madhya Pradesh Legislative Assembly (As on 10-3-76)		297	227			31	5	..	4	..	21	290(t)	7
Manipur Legislative Assembly (As on 5-2-76)		60	40		..		6	..		12(u)	2	60	
Meghalaya Legislative Assembly (As on 27-2-76)		60	12		..	..		..		51(v)	1	60	
Punjab Vidhan Sabha (As on 12-2-76)		122	67(w)			1	10	1	..	25(4)	..	122	
Rajasthan Legislative Assembly (As on 19-2-76)		184	149				5	1	2	15(y)	9	181	3
Sikkim Legislative Assembly (As on 28-2-76)		32	32(z)		..					..		32	
Tamil Nadu :													
Legislative Assembly (As on 31-12-75)		235	7	13			5			206(aa)	1	234(bb)	1
Legislative Council (As on 31-1-76)		63	2	9						44(cc)	5	61(dd)	2
Tripura Legislative Assembly (As on 31-12-75)		60	35		..		1	15	..		8(ee)	59	1

Uttar Pradesh : Vidhan Sabha (As on 29-9-75)	426	228	10	97	60	16	2	4	5(ff)	1	423	3
Vidhan Parishad (As on 14-11-75)	108	72	2	10	5	1			14(gg)	3	107	1
West Bengal Legislative Assembly (As on 30-9-75)	281	215	3			36	13		9(hh)	4(ii)	280	1
Delhi Metropolitan Council (As on 26-9-75)	61	46	2	1	6	3			1(ji)	2	60	
Goa, Daman & Diu Legislative As- sembly (As on 31-12-75)	30	1							26(kk)	1(ll)	28	2
Mizoram Legislative Assembly (As on 11-2-76)	33	29							4(mmm)		33	

(a) Socialist Democratic Front—5, Andhra Progressive Democratic—7, Progressive Front—6, Peoples Democrats—3, Majlis Ittehad-ul-Muslimeen—2, RPI-1.

(b) Progressive Democratic Front.

(c) Only one Swatantra Member and one Independent member joined the newly formed B.L.D. Unit in State Assembly.

(d) Peoples Democratic Party—3, R.C.P.I.—1 P.T.C.—1.

(e) Includes S.S.P.—6, All India Jharkhand—3, Hul Jharkhand—3, Progressive Hul Jharkhand—1, Jharkhand (N.E.Hora Group)—1, Hindustan Soshit Dal—2, Socialist Vichayak Dal—1, Nominated—2.

(f) Includes Hon. Speaker.

(g) Samajbadi Dal—4, Teachers—2.

(*) These Parties Constitute the Janta Morcha.

(h) Rishriya Majdoor Paksh (a part of Janata Morcha)—1, Kisan Majdoor Lok Paksha—12.

(i) Seven belong to the Janta Morcha.

(i) Note : "Chaudhri Hardwari Lal ceased to be a Member of the House *Vide* Haryana Vidhan Sabha Secretariat Notification No. HVS-LA-19/75/2, dated the 8th January 1975. But *vide* Punjab and Haryana High Court order dated 7-5-75 he is entitled to attend the Session of the Haryana Legislative Assembly and sign the register for minimum number of days to keep his seat in tact, but shall not take part in the proceedings of the said Assembly or vote or draw any remuneration.

(k) Vishal Haryana Party—2.

(l) Lok Raj Party.

(m) Includes National Conference—4, Jamat-e-Islami—5.

(n) National Conference.

(o) Janata Paksha.

(p) Includes Hon. Speaker.

(q) Includes the Hon. Chairman.

(r) Includes Kerala Congress—10, Muslim League—5, Muslim League (Leader—Shri M. Moideenkutty)—6, Revolutionary Socialist Party—6, Kerala Socialist Party—2, Karshak Thozhilali Party—2, Kerala Congress (Original)—2.

(s) Includes Hon. Speaker, and Nominated—1.

(t) Includes Hon. Speaker and Nominated—1.

(u) MPP—5, MHU—6, KNA—1.

(v) APHLC—39, HSPDP—8.

(w) One member of the Congress Party, Namely, S. Kirpal Singh Randhawa, has no right to vote.

(x) Akali Dal.

(y) Swatantra—1, Janata Morcha—14.

(z) The Sikkim National Congress has since merged with the Indian National Congress and the lone member of the Sikkim National Party has also joined the Congress.

- (az) D:avida Munnetra Kazhagam—167, Anna Dravida Munnetra Kazhagam—16, Forward Block—7, Muslim League—6, Swatantra—5, Tamil Nadu Communist Party—2, Thazhthapattor Munnetra Kazhagam—2 ; Tamil Arasu Kazhagam—1.
- (bb) Includes Hon. Speaker and one Nominated Member.
- (cc) DMK—31, Swatantra—2, United Party—4, Indian Union Muslim League—2, Tamil Arasu Kazhagam—2, Toilers Commonweal Party—1 Forward Bloc—1, Anna DMK—1
- (dd) Includes Hon. Chairman.
- (ee) Two supported by CPI (M).
- (ff) Includes Hindu Mahasabha—1, Muslim League—1, Soshit Samaj Dal—1, Nominated—1 Unattached—1.
- (gg) Includes Republican Party—1, Shikshak Dal—6, Rashtrawadi Dal—3, Independent Group—4.
- (hh) Includes R.S.P.—3, Socialist Unity Centre—1, Workers Party—1, Gorkha League—2, Muslim League—1, Nominated—1.
- (ii) Supported by the U.F.—1, Others—3 (Including Hon. Speaker).
- (ji) Muslim League.
- (kk) Maharashtrawadi Gomantak—19 United Goans—7.
- (li) Hon. Speaker.
- (mm) Mizo Union—3, People's Conference—1.

Note : The figures are based on the information furnished by the respective State Legislature Secretariats. No latest information was received from the Orissa Assembly Secretariat ; Nagaland and the Union Territory of Pondicherry continued to be under President's rule.

**OTHER PERIODICALS/PUBLICATIONS OF THE SABHA
SECRETARIAT**

Periodicals

1. Diary of Political Events (Monthly)

Annotated chronology of the national and international political events.

(Per copy: Rs. 1.50; Annual: Rs. 25.00, including the Annual issue)

2. Diary of Political Events, 1974 (Annual)

Annotated chronology of national and international political events of the year. (Per copy: Rs. 5.00)

3. Digest of Central Acts (Quarterly)

Contains synopses of Central laws.

(Per Copy: Rs. 2.00; Annual Subscription: Rs. 8.00)

4. Digest of Legislative & Constitutional Cases (Quarterly)

Contains abstracts of judgments of the Supreme Court and the High Courts involving important legislative and other cases.

(Per copy: Rs. 2.00; Annual Subscription: Rs. 8.00)

5. Abstracts of Books, Reports and Articles (Quarterly)

Contains abstracts of important books, reports and articles published in India and abroad on subjects of current interest.

(Per copy: Rs. 1.75; Annual Subscription: Rs. 6.00)

6. Documentation Fortnightly

A well-indexed periodical containing suitably annotated titles of important books, articles, reports and other materials on various subjects received in the Parliament Library, during every fortnight.

(Per copy: Rs. 1.60; Annual Subscription: Rs. 38.50)

Other Publications

1. Developments in Chile

Chronological account of the political and constitutional developments leading to the fall of Allende regime. Also contains important UN and IPU resolutions on Chile. (Rs. 3.00)

2. Legislators in India: Salaries & Other Facilities

Contains tabulated statements on salaries, allowances and other facilities available to M.Ps, and legislators in States. (Rs. 3.00)

3. S. L. Shakhder (ed.): The Commonwealth Parliaments

A comprehensive and authoritative study in comparative parliamentary political science, more particularly of legislative procedures and institutions of the Parliaments in Commonwealth countries. (Rs. 35.00)

4. Constitution Amendment in India (4th Edition)

A documentary study on the nature, scope and operation of the Constitution amending process in India, containing synopses and legislative history of all constitutional amendments till the end of October 1974. (Rs. 6.75)

5. S. L. Shakhder (ed.): The Constitution and the Parliament in India—The 25 Years of the Republic.

The volume brought out as part of the Silver Jubilee celebrations of the Constitution and Parliament of India, contains contributions from Ministers, Presiding officers, distinguished parliamentarians, eminent jurists, constitutional experts and others. They present a wide panorama of the development and functioning of the different political institutions in the country and their interactions with each other. (Rs. 125.00)

Hindi Publications

1. Sansadiya Patrika (Quarterly)

Contains mainly original contributions in Hindi on various constitutional and parliamentary subjects from Members of Parliament and other experts in the field. Authentic recorder of parliamentary events in India and abroad.

(Per copy: Rs. 3.00; Annual Subscription: Rs. 12.00)

2. S. L. Shakhder (ed.): Samvidhan Aur Sansad: Ganatantra Ke Pachis Varsh.

Hindi version of the Constitution and the Parliament in India—"The 25 Years of the Republic". (Rs. 90.00)

Copies of the above publications can be had from:

Sales Branch,
Lok Sabha Secretariat,
Sansadiya Soudha,
New Delhi-1.