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EDITORIAL NOTE

The important role of the legislative staff in the scheme of executive accountability to the legislature is at last gaining the recognition it deserved at the hands of the political scientists and students of public administration. Legislative administration is emerging as a distinct branch of public administration. It is coming to be recognised that legislative organisations have their own environment, their own distinct ethos, value-system and philosophy. As the Hon'ble Speaker of Lok Sabha, Shri B. R. Bhagat recently pointed out: "whatever the form, legislative administration differs from executive administration in various respects. The legislative staff is called upon to deal with the needs and susceptibilities of active politicians with objectivity, efficiency, accuracy and promptitude and above all, untainted and partisan politics". The Secretary-General of Parliament stands at the apex of this system. The article on the "Secretary-General of Lok Sabha: Functions and Responsibilities", being published in this issue of the Journal, throws light on the evolution of the office of the Secretary-General in India, his status and privileges, the functions performed by him, his relationship with the Speaker and the Members, and his administrative responsibilities.

Mr. Justice T. S. Misra in his article on "Lawyer in Contemporary Society" pleads for an effective and meaningful role on the part of the legal profession in a socialistic pattern of society. In his own words, "the people of the weaker sections of the society look to the lawyers for legal information and free legal aid and advice and above all for redress against exploitation and for attainment of justice—social, economic and political."

The rule of *sub judice* is by its very nature one of recurring interest since in the interpretation of the rule under the given set of facts of each case, the Chair is required to exercise quite a measure of discretion to ensure harmonization of the demands of public interest with care for avoidance of possible personal injury to the parties involved in the proceedings before the court.

Shri Te. Hanumanthappa's article should be read with interest as it seeks to give within the confines of a single article the position with regard to the "rule of sub-judice", and its interpretation in Parliament and different State Legislatures in India as well as in some Commonwealth Parliaments.

The Constitution of India provides that if for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, his seat may be declared vacant by the House. This however, is only an enabling provision and not mandatory and a seat may not be declared vacant unless there is a contumacious disregard of duty by a member of the House. Shri B. K. Mukherjee, in his article on the "Committee on the Absence of Members from the Sittings of the House", has examined various procedural aspects and has explained the role of the Committee in this regard. He has also made a comparative study of the provisions obtaining in various Legislatures on this matter.

During the quarter under review, there have not been many significant developments in the parliamentary field, in India or abroad. The Supreme Court in its judgment on October 4, 1974 had set aside the election of a Member of Parliament, Shri Amar Nath Chawla, on the ground that he had exceeded the ceiling in his election expenditure, even though the excess may have been financed by the party sponsoring his candidature. The Ordinance promulgated by the President soon thereafter, on October 19, 1974, restored the position in law as it had existed before the Supreme Court judgment, but the six-year disqualification imposed upon Shri Chawla continued. This disqualification has now been removed by the President.

The Congress Party almost swept the polls in the recent biennial elections to the various State Legislative Councils. The party's sphere of influence spread further with the merger of an Opposition party into it, *viz.* the Manipur Hill Union.

There have been some gains for the Members too, both institutionally as well as in their personal capacity. While provision has been made for payment of a pension to Members of Parliament who have served as legislators at the Centre for a period of five years or more, the Leader of the Opposition and the Chief Whip of the ruling party in Karnataka have gained the status of a Cabinet Minister and a Minister of State respectively. In Uttar Pradesh, the allowances and other facilities of the Members have been enhanced.

Reorganisations and changes in governments have taken place in Bulgaria, Finland, Ghana, Jordan, Malaysia, Mauritius, Niger; Portugal, Romania, Sierra Leone, Somalia, Spain, USSR, Taiwan, Tunisia, Upper Volta, Uruguay, West Germany and Yugoslavia. The first democratic government has been installed in Portugal after a

period of 50 years. President Idi Amin of Uganda has now gained a life term.

Some countries have seen important constitutional developments. In Algeria with the approval of a National Charter in a referendum, a new constitution is expected to be adopted shortly. The French Constitution has been amended to provide for certain procedures in the event of the death or incapacity of presidential candidates during election campaigns. President Alfredo Stroessner of Paraguay is being enabled through a constitutional amendment to stand for re-election in 1978; under the existing provisions re-election after two consecutive terms is prohibited. In Lima the Government has suspended constitutional guarantees for a month. Although the Constitutional Conference called by the South African Government to discuss the political future of Namibia continues its work, it is a debatable point if it will succeed in its endeavours in the absence of active participation by the SWAPO which is regarded as the strongest political organisation of the territory.

General elections in Italy have not materially changed the character of the Government—the Christian Democrats having again formed a minority Government, though now under Signor Giulio Andreotti. In Malawi, the nominees of the country's sole political party have been declared elected unopposed. In the United States of America, President Ford has re-established the Federal Election Commission whose activities had been suspended by a Supreme Court judgment. The National Assembly of Sri Lanka would, after the 1977 general elections, have 17 more members in its Chamber.

We offer our best wishes and felicitations to Seychelles on her attaining independence and to Vietnam where the unified country's newly-elected National Assembly has been inaugurated. All these developments and more have been covered under the regular feature 'Parliamentary and Constitutional Developments'.

—S. L. Shakdher.

SECRETARY-GENERAL OF LOK SABHA

—FUNCTIONS AND RESPONSIBILITIES

S. L. Shakhder*

The Government of India Act, 1919, which gave effect to the Montague-Chelmsford Reforms, established for the first time a bicameral legislature at the Centre comprising the Legislative Assembly and the Council of State. The procedural, administrative and clerical work of both the Houses of the Legislature was carried on by the Legislative Department of the Government of India. The Secretary to the Government of India in the Legislative Department was Secretary of both the Houses and was appointed by order in writing by the Governor-General and held office during his pleasure. Joint and Deputy Secretaries in the Legislative Department were assistants to the Secretary of the Assembly and of the Council of State and the Clerks at the Table for both the Houses were supplied from among their number, while the whole of the Secretarial establishment was provided from the ministerial staff of the Legislative Department.

In this scheme of things, the Secretary of the Assembly owed no allegiance to the Assembly or to the President of the Assembly. He was, for all practical purposes, responsible to the Governor-General in Council. He was a nominated member of the House, and as such, was a member of a Party, voted with his Party and worked for his Party. Neither the Assembly nor the President had any authority over him and could not, therefore, in any way control his conduct

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in any matter connected with the Assembly. In this position the Speaker could not regard the advice of the Secretary in connection with the business of the Assembly as coming from a wholly impartial, unbiased and independent source.

In the interpretation of the rules and in the administration thereof by the Office, the President had to rely on the efficiency, independence and reliability of the staff. If, therefore, the business of the House was to be carried on to its satisfaction, the Secretary and the staff had to be responsible to the House and its President and not subordinate to any outside authority.

The Assembly was conscious of the need for an independent status for its Secretariat since its inception in 1921. From time to time, the subject matter was raised in the Assembly through questions and resolutions. A beginning in the direction of autonomy was first made when from September 1928, the Viceroy discontinued the practice of nominating the Secretary as a Member of the Assembly. On January 10, 1929, a self-contained department known as the "Legislative Assembly Department" was created in the portfolio of the Governor-General with the President (Speaker) of the Legislative Assembly as its *de facto* head. In accordance with the Legislative Assembly Department (Conditions of Service) Rules, 1929 framed by the Secretary of State in Council, the Officers of the House were appointed by the Governor-General after consultation with the President and the President was, under the above Rules, entitled to sit with the Federal Public Service Commission at the interviews for the selection of personnel for his Department.

After independence, the independent position of the Secretariat was constitutionally safeguarded under clause (1) of article 98 of the Constitution, which came into force on January 26, 1950. The recruitment and conditions of service of persons appointed to the Secretariat are now regulated in accordance with the Lok Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1955 which were issued by the President, after consultation with the Speaker of the Lok Sabha under Clause (3) of article 98. The Secretary-General who, till October, 1973 was designated Secretary, heads the Secretariat of the Lok Sabha (House of the People), under the overall direction of the Speaker.

∞ The Secretary-General is a permanent officer of the House and is chosen and appointed by the Speaker from amongst those who have made their mark in the service of Parliament in various capacities.

The position of the Secretary-General is in many respects unique. He is a leading public servant not only because it is his function to ensure the administration and working of Lok Sabha—a supreme body representative of the people constituted by direct election on the basis of adult suffrage—from day to day and the correct observance of parliamentary procedure, but also because he enjoys his position by virtue of his political impartiality. In the Warrant of Precedence he holds the same rank as prescribed for Secretaries to the Government of India. In order that he may perform his duties with zeal in the public interest, sufficient safeguards are provided to give him security of service and independence. He is answerable only to the Speaker and his action cannot be discussed either inside or outside the House.

In his capacity as the Secretary-General of the House, he enjoys the privilege of freedom from arrest save on a criminal charge. He cannot be obstructed in the execution of his duty, as it would amount to contempt of the House. The House treats as breach of its privilege not only acts directly tending to obstruct the Secretary-General or other officers in the performance of their duty but also any conduct which may tend to deter them from doing their duty.

The functions of the Secretary-General may be broadly classified into two categories; parliamentary and administrative.

His functions in this sphere are very important. He is expected to know everything that has any reference to Lok Sabha and its business, be it an abstruse constitutional point or the proper precedents that should be followed in any given circumstance. In resolving doubts and interpreting the Rules, the Secretary-General, with his vast experience and knowledge of precedents and conventions, is able to suggest to the Speaker the most appropriate solution. Anticipating the happenings during the day and with a capacity to apply Rules to the everchanging phenomena he tenders advice to smoothen any complex situation that might arise in the House. He is all the time conscious that his advice has to be reasonable and accurate, as he works under the public gaze, as it were, and any mistake on his part is likely to invite criticism almost instantly. His various functions in the sphere of Parliament may be broadly classified as under:

The Secretary-General is the adviser to the Speaker in the matter of exercise of all the powers and functions that belong to the Speaker, and to the House through the Speaker. He acts under

the authority and in the name of the Speaker but does not work under delegated authority. The orders passed by the Secretary-General are the orders in the name of the Speaker and the Speaker accepts full responsibility for those orders. No two persons are more closely associated in their work than the Speaker and the Secretary-General. A relationship of utmost confidence in each other has to exist. It is a delicate and personal relationship which is not susceptible to any accurate description.

What emerges out of this close relationship is the area of demarcation in the disposal of work concerning parliamentary and administrative matters. Normally the Secretary-General, subject to any specific directions of the Speaker, determines what matters he will place before the Speaker and what matters he would dispose of himself. In cases of doubt and difficulty, however, he consults the Speaker.

The meeting of Secretary-General with the Speaker daily an hour before the commencement of sitting of the House is the most crucial hour of a day in parliamentary work. A spate of notices of adjournment motions, Calling Attention and other matters of urgent public importance pour in at that time requiring immediate attention; there is no time to deal with them at length. They are discussed verbally by the Secretary-General with the Speaker in the latter's Chamber, supported by previous rulings, precedents and conventions wherever possible and quick decisions are taken as to the manner of their disposal. The pith and substance of the decision on each matter is crystallized just in a few words which help the Speaker to give his decisions in the Chamber or rulings in the House.

The Secretary-General is always present in the House during the sittings of Lok Sabha. He occupies a seat just below the desk of the Speaker in the pit of the chamber and is constantly available for consultation. In the course of the debate the Speaker, on many an occasion, has to take decisions on the spot and give rulings in cases involving interpretation of the Rules. Although he is guided by precedents, their application creates ticklish problems as they are to be applied in the background and the circumstances peculiar to each case.

Quite often one witnesses an exciting or a pulsating moment in the House which the Speaker comes to grip and with which the

Secretary-General keeps in tune. In such a fluid state, when new facts emerge in quick succession one has to gauge the collective mind of the House recall the precedents and apply the Rule so as to arrive at an almost instant decision. In deciding the matter in that fleeting moment one should not be swayed by the emotional feelings of the House and the procedural aspect must always have precedence. This is all the more essential, as certainty of procedure is very vital to the functioning of Parliament. Advice tendered by the Secretary-General in that behalf is of considerable importance. In such delicate situations one witnesses the Secretary-General occasionally going to the Speaker to whisper some points to help him to give immediate rulings. The Secretary-General does not impose his suggestions. Being the principal adviser to the Presiding Officer, he merely offers his opinion and it is for the latter to accept it or not.

The Secretary-General's advice is available to the members irrespective of party affiliations. The task is difficult and delicate in nature, as he has not only to hold a balance between the Government and the Opposition but must also enjoy the confidence of both. He never gives advice unless asked for. When asked, the advice is full and frank and completely impartial. Sitting in the House, he is not primarily concerned with politics but functions in the midst of an institution which is intimately connected with politics.

Theoretically it may sound well to lay down that the Secretary-General should keep himself aloof from politics. But it has been the actual experience that in a complex political situation, when the atmosphere in the House is tense, the advice tendered by the Secretary-General may have definite political consequences. When Members are confronted with certain matters of urgent public importance, they insist upon a decision being taken by the House which might result in a deviation from the established procedure. The Secretary-General has to be alert all the time, watch the situation, understand the Members' view points, enjoy the confidence of the Speaker and give advice which is not only procedurally correct but also politically feasible so as to meet the challenges of the developing political situation. What is vital at this juncture is an attitude of objectivity, a sense of fairness coupled with ready wit at his command to smoothen the situation. Indeed the application of these qualities is an art which he acquires by practice and experience. In sum, the office of the Secretary-General is one of the

offices in which development of one's own character and personality are of crucial importance.

Some of the parliamentary duties of the Secretary-General are laid down in the Rules of Procedure and Conduct of Business in Lok Sabha, but many others are performed by practice and convention. For the purpose of elections to the offices of the President and the Vice-President, the Secretaries-General of Lok Sabha and Rajya Sabha are alternately appointed as Returning Officers.

Whenever a session of the House is to be held, the Secretary-General issues, on behalf of the President, summons to each Member to attend the session. After the conclusion of the President's address to both Houses of Parliament after a general election or at the first session of each year, the Secretary-General lays on the Table a copy each of the Hindi and English version of the Address duly authenticated by the President.

He keeps a Roll of Members of the House which must be signed, in his presence, by every newly-elected member before taking his seat. He also causes to send to every Member notice of the date for the election of the Speaker and the Deputy Speaker; and receive notices which any Member may give proposing names for these offices.

He is responsible for the arrangement of Government business in such order as the Speaker may, after consultation with the Leader of the House, determine and for the preparation of a list of business for each day of the Session. He circulates the list of business as also every bulletin, list of amendments notice or other paper which is required to be made available to Members under the Rules. The Rules also provide that every notice like notice of question, motion, resolution, Bill, amendment, question of privilege, adjournment motion, matters of urgent public importance for short duration discussion etc. has to be given by Members in writing addressed to the Secretary-General.

Where the previous sanction or recommendation of the President is required under the Constitution for the introduction or consideration of a Bill or an amendment thereto or the consideration of a Demand for Grant the Minister or Member concerned has to communicate in writing to the Secretary-General the President's sanction or recommendation.

The Secretary-General signs messages communicated from the Lok Sabha to Rajya Sabha, reports to the House messages received from the Rajya Sabha if it is in session, otherwise forwards them to each Member and certifies all Bills to be transmitted or returned to Rajya Sabha. In case of urgency, he authenticates Bills in the absence of the Speaker before these are presented to the President for assent and lays them on the Table of the House after they are assented to by him.

In case of joint sittings of the two Houses, the Presiding Officer is the Speaker and the responsibility for organising the concerned secretarial work devolves upon the Secretary-General. In that connection he issues summons to Members of both the Houses and causes to be prepared a full report of the proceedings of every sitting and have it published in such form and manner as the Speaker may direct.

The Secretary-General receives petitions, documents and papers addressed to or intended for the House and reports to the House any such petitions etc. received by him. He issues passes for the admission of visitors to the galleries. He causes to be prepared minutes, summaries and verbatim record of the proceedings of the House at each of its sittings, have them printed and published in such form and manner as the Speaker may, from time to time, direct. He has the custody of all records, documents and papers of the House or any of its Committees or the Secretariat, and does not permit any such paper to be taken out from the Parliament House without the permission of the Speaker.

A Minister, wishing to correct any inaccuracy in the information given by him in answer to a starred or unstarred or short notice or supplementary question or in debate has to give notice to the Secretary-General of his intention to correct it accompanied by a copy of the statement in regard thereto.

In the case of a Member's resignation of his seat in the House or where a seat is declared vacant by the House, the Secretary-General causes the information to be published in the Gazette and forwards a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

By virtue of his being Secretary-General of Lok Sabha, he functions as Secretary-General of all parliamentary committees and may attend the meetings of such committees himself or cause his

officers to attend them. He is empowered to fix the date and time of a sitting of a parliamentary committee, if the Chairman of that Committee is not readily available. In the case of a Select or Joint Committee on a Bill, he does so in consultation with the Minister in charge of the Bill. When it is considered necessary to take evidence of a witness, the Secretary-General issues summons to the witness to appear before the House or Committees thereof. If a parliamentary committee completes its report and the Lok Sabha is dissolved in the meantime, the Secretary-General lays that report on the Table of the new House at the first convenient opportunity, and while laying it he makes a statement to the effect that the report was presented to the Speaker of the preceding Lok Sabha. Where it is ordered by the Speaker that the report be previously printed, published or circulated, the Secretary-General also reports that fact to the House.

The Secretary-General heads a Secretariat which is independent of the Executive and which functions under the overall direction of the Speaker. This ensures that the House is assured of independent advice and its directions are executed without any interference from outside.

As the administrative head of the Secretariat of the House, the Secretary-General exercises the powers vested in the Speaker including the determination of the strength, method of recruitment and of qualifications etc. for the various categories of posts. He is the appointing, punishing and appellate authority for certain classes of officers. The rules of conduct, of discipline and control over the officers and staff of the Secretariat are enforced by him. He exercises financial powers and initiates Budget proposals relating to Lok Sabha and its Secretariat. He is the Chief Accounting Authority for the money sanctioned by the House for expenditure under the Demands for Grants of Lok Sabha and its Secretariat, and the responsibility is discharged by him through and with the assistance of the Pay and Accounts Officer who works in direct relation with him.

He authenticates the orders of the President and the Speaker, corresponds direct with the Ministries and Departments of the Government of India and State and foreign Governments and legislatures on behalf of Lok Sabha and its Secretariat. He also corresponds with Members including Ministers in connection with the business of the House or any matter likely to come up before the House.

Other secretarial functions are in the sphere of Conferences of Presiding Officers of Legislative Bodies of India, and other Conferences like the Conferences of Chairmen of Public Accounts Committee, of Committee on Subordinate Legislation etc. arranging extra-parliamentary activities such as addresses by distinguished persons, sending of parliamentary delegations or goodwill missions abroad or receiving such missions from foreign countries to India. He also functions as the *ex-officio* Secretary of the Indian Parliamentary Group (which acts both as the National Group of the Inter-Parliamentary Union and also as the India Branch of the Commonwealth Parliamentary Association) and its Executive Committee.

In order to keep the Members well informed of the day-to-day developments in India and abroad, an up-to-date and well-equipped library is maintained with an efficient Research and Information Service under the over-all supervision and guidance of the Secretary-General. The Service functions on the lines of the subject-section-cum-desk officer or desk-section system with each of the Sections or Desks being responsible for certain specified subject-areas and Ministries or Departments of the Government of India. The Reference Wing provides reference material on legislative measures and other matters coming up before the House so as to enable Members to participate effectively in the debates. Quite often, Members are supplied with material at extremely short notice and sometimes actually while the debate is going on in the House.

The Research and Information Division aims at assessing in advance the needs of the legislators by identifying the topics of current interest on which there is likely to be a more general demand for information and keeps them informed by the timely issue of Bibliographies, Documentation lists, Brochures, Background Notes, Information Bulletins, Fact Sheets and current Information Digests. While selecting subjects for preparing the above, the effort is to cover as wide a field as possible, keeping in view the Members' information needs and the subjects currently agitating the public mind. From time to time, the Division is entrusted with special assignments of preparing Briefs, Background Papers and research notes for the various Parliamentary Conferences and for the goodwill delegations of Members of Parliament going abroad. It also assists various committees of Parliament by making available to them specialized notes and other material as and when required. At each stage, Secretary-General is intimately involved in taking

policy decisions, giving appropriate directions, examining and approving manuscripts of research projects etc. and guiding the senior research staff in various ways. Apart from bringing out periodicals like the Digests of Central Acts and of Constitutional Cases, and Abstracts of Books, Reports and Articles, monthly Diary of Political Events and Digest of News and Views on Public Undertakings, the Secretary-General himself edits the quarterly *Journal of Parliamentary Information* and the Hindi quarterly *Sansadiya Patrika*. All these have proved to be of immense value to the Members in the discharge of their parliamentary duties. Recently, the Secretary-General edited three major volumes, viz. *The Commonwealth Parliaments* (issued on the occasion of the Commonwealth Parliamentary Conference), and the *Constitution and Parliament in India* and its Hindi counterpart *Samvidhan Aur Sansad* (both issued as part of the 25th Anniversary celebrations of the Constitution and Parliament).

Following the recommendations of a Committee of Members of Parliament appointed by the Speaker on August 16, 1973 "to advise the Chairman of Rajya Sabha and the Speaker of Lok Sabha on the changes that are considered desirable in the structure of pay and allowances, leave and pensionary benefits to the officers and all categories of staff of Rajya Sabha and Lok Sabha Secretariats in the context of the decisions of the Government on the recommendations of the Third Pay Commission", as from December 1, 1974, the Secretariat has been reorganised on a functional basis under the new set up. The Secretary-General was associated with the Committee as a Member and the Committee proceeded on the basis of an official Memorandum prepared by him and the Secretary-General, Rajya Sabha. The Lok Sabha Secretariat now consists of the following services:—

- (i) The Legislative Service (dealing with the work connected with the business of the House including Parliamentary Notice Office, Legislative Branch, Table Office, Question Branch and the Branch dealing with the Legislative Committees, Committee on the Welfare of Scheduled Castes and Scheduled Tribes and Conferences);
- (ii) The Financial Committees Service (servicing the three financial committees viz. Public Accounts Committee, Estimates Committee and Public Undertakings Committee besides the Railway Convention Committee);

- (iii) The Executive and Administrative Service (including: Administration, Works and General, Budget and Payments, Pay and Accounts and Members' Salaries and Allowances, Members' Services and Staff car drivers);
- (iv) The Library, Research and Information Services [consisting of (A) Research and Information Wing and the Press and Public Relations Wing and (B) Parliament Library Wing including the Press Clipping, Documentation and Spot Reference Units].
- (v) Verbatim Reporting, Personal Secretaries and Stenographic Services;
- (vi) Simultaneous Interpretation Service;
- (vii) Printing, Publications, Stationery, Sales, Stores, Distribution and Archives Service [covering (a) Printing, Rota-Printing and Bindery Works, (b) Stationery and Stores, Record-keeping and Archives, (c) Sales and (d) Receipt and Distribution];
- (viii) Editorial and Translation Service, (translation of Debates, reports and Parliamentary papers, editing of Debates and writing the synopsis of Debates);
- (ix) Watch & Ward, Door-Keepers and Sanitation Service;
- (x) Clerks, Typists, Records Sorters and Daftries Service;
- (xi) Messenger Service.

Consequent on this functional reorganisation the status-indicative designations of Deputy Secretaries, Under Secretaries and Section Officers were replaced by designations indicative of the functions of the officers concerned and identifying them with the services to which they belong. Each of these services have now been so structured that the officers and staff working in a particular service "have adequate and equitable avenues of promotion within their own service upto the level of the senior posts included therein".

In order to evolve rules, procedures, pattern and common norms of work-load for the various categories of staff in the Secretariats from time to time, the Committee recommended the constitution of a Standing Board of the Secretaries-General of Lok Sabha and Rajya Sabha. The Secretaries-General were authorised "to appoint such joint bodies for the purpose as they may deem fit". The Committee

further suggested that there should be joint recruitment to common categories of posts for which direct recruitment is provided by holding combined recruitment tests and interviews and drawing up panels on the basis of which appointments in any of the two Secretariats could be offered. The Committee also suggested that the competent authority for assessing the numbers in various cadres of posts, services etc., revision of scales of pay and allowances etc., in the two Secretariats should be the Board of Secretaries-General, "who may, after consultation with the Ministry of Finance, make suitable recommendations to the Chairman/Speaker, as the case may be, from time to time." All these recommendations were accepted by the Speaker, Lok Sabha and the Chairman, Rajya Sabha.

More recently, under the overall control and guidance of the Secretary-General, a Bureau of Parliamentary Studies and Training has been set up to provide necessary opportunities of training, orientation and study in parliamentary institutions and procedures.

The domain of parliamentary activity is vast and important and contribution of the Secretary-General to raise the highest representative institution of the country in the eyes of the public is not insignificant. Whether while occupying his place at the Table, assisting the Committees or dealing with the day-to-day business of the House, his functions demand great qualities of judgment and maturity of thought. His decisions have to be based on sincerity of purpose and impartiality of outlook, and his work characterised by a great spirit of devotion and attachment to the parliamentary institution and sometimes carried out under difficult conditions. In a very full sense, the Secretary-General is the repository of the accumulated wisdom of the House, the custodian of culture and traditions and the one continuing link between the succeeding Lok Sabhas and the changing membership. That is how he carves out a place for himself in the estimation of the House and leaves his imprint on democratic and parliamentary institutions and processes.

LAWYER IN CONTEMPORARY SOCIETY

T. S. MISRA*

Law and lawyer are inseparable. Law reflects the society, re-writes its norms and rejuvenates it with new and progressive ideas. Lawyers represent the people who rely on the protection of the laws and man the Courts in which the rights and obligations of the people are litigated. In a society composed of people having conflicting interests the job of lawyers is, however, difficult. They experience the same trouble which philosophers and religionists have in agreeing on doctrinal abstractions. Constant improvement in the legal environment is, therefore, an imperative requirement in the never-ending process of social change. In this paper I shall deal generally with the social structure based on socialistic pattern and in particular outline the role of lawyers *vis-a-vis* legal education and legal aid service.

General Part: In England the jurisprudential approach emphasises the separation of law and politics. In the United States of America importance is attached to judicial individualism and creativity. In India where justice—social, economic and political—is guaranteed to each citizen, law and sociology law and economics and law and politics live in unison and not in isolation. Law is a convenient sensitive instrument fashioned and refashioned from time to time in the legislative and judicial workshops to record and harmonise the relationship between the law and altering social conditions and outlooks. Laws must reflect the aspirations of the people and if they do not do so, or cease to do so they have to be reshaped to bring them in tune and harmony with the social requirements.

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

Social and economic justice to a common man can be secured by resorting to legal measures, and for securing the benefits under such legal measures he must know what were his rights as also obligations under a particular law and how to secure those rights and discharge the obligations. To an ignorant man the benefits provided by a statute remain meaningless and even if he is made aware of them his poverty may hinder him from asserting his rights. Being indigent he may not be able to secure the assistance of a capable lawyer to vindicate his cause. It is here that social responsibility of a lawyer comes in. He has to come forward voluntarily to educate such persons of their rights and to secure for them their dues with the least expense.

Lawyers have an obligation to assist the public in achieving access to legal services. One of the most difficult aspects in connection with statutory enactments is how to secure information about law. Members of the public get information through the Press and that is not sufficient. The newspapers do not and in fact cannot publish the entire Act. And the newspapers are not read by about eighty per cent of the Indian population which lacks literacy. Quite a substantial part of the litigation stems from the ignorance of the legal provisions. For the implementation of progressive social legislations and ensuring equality before law and equal protection of the laws, legal aid and advice must therefore, reach the common man. Bar Associations can play a vital role in this task.

In India we aim at securing and establishing a social order where justice—social, economic and political—shall inform all the institutions of the national life; where citizens have the right to an adequate means of livelihood, to just and humane conditions of work and to equal pay for equal work; where the ownership and control of the material resources of the community are so distributed as best to subserve the common good; where the operation of the economic system does not result in the common detriment; where the health and strength of workers, men and women and the tender age of the children are not abused; where the youth is protected against exploitation and moral and material abandonment; where right to work, to education and to shelter are ensured; where old, sick and disabled persons get public assistance; where a living wage, a decent standard of life and full enjoyment of leisure and social and cultural opportunities are ensured; and where the educational and economic interests of the weaker sections of the people and in particular of the scheduled castes and scheduled tribes are protected. Such a society is governed by the rule of law on democratic principles.

For the establishment of such a social order there seems to have arisen a necessity to have a delimitation between the powers of the people and those of the individuals. This has become all the more necessary because of the consistent conflict between the demands of the society and the freedom of the individual. There is no gainsaying that the freedom of the individual has to be regulated and controlled by the society and where the individual in purported exercise of his rights, destroys or mutilates the national unity, solidarity and security, his freedom has to be curbed and kept within bounds. Continued vigilance against sinister experiments threatening security and freedom of the country is imperative. When the security of India is threatened by external aggression or internal disturbances the President may declare that a grave emergency exists. This is not an unusual provision in our Constitution. Even in the United States of America the Government headed by President Abraham Lincoln interned during the civil war thousands of people suspected of promoting the rebel cause. Some of them were tried by military commissions but some were never tried. Again, in World War II, President Franklin D. Roosevelt asked the Congress to give the military commanders authority to issue directives felt necessary to maintain national security. The Congress acceded to the demand and in consequence a massive internment programme was established.

Society must of necessity be protected from internal and foreign forces of exploitation, intervention and destabilisation which create disorder and disunity and threaten and imperil the freedom, security and solidarity of the country and hinder the economic, social, moral and spiritual growth of the people. No Government in democracy shall countenance any element, either internal or external, which concerns itself in any manner in thwarting the progress of the people of India and seeks its enrichment at the cost of the nation. In fact no action is tolerable which puts the country to humiliation and tarnishes its image.

An individual citizen being a constituent of society has a duty towards the society. He has also a claim against the society for his social recognition, for his right to work, to food and shelter, to education, to his peace, to his moral, physical and spiritual development, to his movement and speech, but all subject to the claim of the society that no freedom of the individual deters in any manner the cumulative growth and progress of the society. Our country, where millions of people still live below poverty line, has no choice but to work for distributive growth. Development involves growth

with social justice and self-reliance and it requires giving high priorities to distribution of wealth and removal of inequalities. The perennial problems of acquisition, preservation and disposition of wealth find the central place in the framework of the Constitution. Its provisions relate to and emphasise the social and economic order based on socialism. The goal is fixed and objectives are obvious. The philosophy is coherent and the framework is visible. The lawyer has to play a significant role in reaching that goal. Need it be emphasised that one of the sources of law is the litigation process which in itself is an important environment. The law in its turn has a moulding effect on that environment. The lawyer lives and works in that environment. To him is known the ailment and requirement of the society. On him lies the responsibility to remove the ailment and lead the society to progress and prosperity.

Legal Education: A lawyer of today performs not only personal service to his client but also a special service to the community. He must, therefore, of necessity be equipped with the technical know-how of the profession as also the knowledge of the variety of problems of the time and place. Sound knowledge of legal principles, keen sense of perception, highest degree of integrity, professional honesty, perseverance and great insight into human affairs and dealings are, amongst others, the attributes of a lawyer. In him are found the traits of personality like objectivity and independence of thought. Accuracy of observation, expression and thought are his basic qualities. In the course of his professional work he has to come across people of different nature, professing different faiths and having different ideas and ideals. To plead the cause of such persons and to secure justice for them a lawyer would require a constructive approach and some understanding not only in the field of law but in other social sciences as well. Legal education is, therefore, to be broad-based and programme-oriented. It should cover large fields. The syllabus for the course may, therefore, be so designed as to provide a thorough theoretical and practical training to the student in the field of law and impart a working knowledge of other sciences, like sociology, politics and economics. Time has, therefore, come when the study of law should also be linked with the study of social sciences.

Legal education is already designed towards self-employment. Its content and quality is to be improved to make it purposeful and

liberal. Its aim should be directed in producing law graduates who should be alive to the changing pattern of the society, its needs and demands and above all its goal. Additional study of humanities and science would accomplish the object. In an advocacy system the quality of justice dispensed by the Courts is ultimately dependent on the quality of advocacy provided by the Bar. If lawyers fail for want of skill, judges may also fail and in that event the coin of justice will be debased beyond recognition. The interdependence of the Bench and the Bar is the linch-pin of our legal system. Each member of the Bar must, therefore, become personally involved in the legal education process and support and participate in the effort to make the legal education meet the needs of the society.

Legal aid Service: For sometime past, the problem of providing legal aid to the weaker sections has been in the forefront, not only in his country but in other countries as well. The problem is, however, not new. It has its own history and its existence can be traced in the distant past. Fifteen centuries ago in the Roman Empire a system of '*defensores publici*' (public defenders) was invoked for about fifty years. For some centuries the lawyers in Europe and England rendered free legal aid as a 'charity' but it was not noticeable even at times as it was more nominal than real. This continued in the nineteenth century. A new trend, however, seems to have emerged in the present century. In the year 1919, legal aid was sought to be provided 'as a matter of right' in Germany to all persons eligible for the same. In the middle of the century, round about the year 1949, Great Britain also ventured to make legal aid a matter of right. The expression 'judicare' came to be coined to cover the new scheme. However, in the last few years significant progress has been made in this direction in European countries. In the year 1972, legal aid scheme founded on gratuitous services rendered by the Bar was substituted by the 'judicare' scheme in France, Sweden, England, Federal Republic of Germany and Austria. Legal Assistance and Advice Act was enforced in England in April, 1973 making provisions for legal advice to the poor by allowing upto £25 worth of consultation with private attorneys paid for by the Government. The German 'judicare' system covers about 18 per cent of civil cases.

The noticeable feature in European legal aid system is that it is based on national legislation providing a national eligibility criteria, making legal aid a matter of right and not of discretion. The European Bill of Rights which is binding upon fifteen European Governments including the United Kingdom and Ireland provides for free

legal council only in criminal matters, though in a few cases the European Commission of Human Rights has held that the right to a fair hearing both in civil and criminal proceedings contemplates that every one who is a party to such proceedings shall have a reasonable opportunity of presenting his case to the Court under conditions which do not place him at a substantial disadvantage *vis-a-vis* his opponent. Under the 'Judicare' scheme in England and Italy lawyers are chosen by themselves. In Germany this is done by the Judge, and in France and Austria by the local Bars. The mode of compensating the lawyers rendering legal aid is however not the same in these countries. In Italy they are compensated by the Government on the basis of normal fee schedule; in Great Britain they are paid ninety per cent of the normal fee. In Germany and France they are paid on the basis of special fee schedules. Under the Swedish Public Legal Aid Act, 1972 a poor litigant has the choice of securing legal aid either through the private Bar or Public Legal Aid Office. There is also a gradual development of public legal aid agencies in Great Britain. The United States of America has gone far ahead in providing legal aid service. There is a public salaried attorney model which is more effective than the European 'judicare' model, as it is also concerned with community legal aid, education and law reform.

In our country legal aid was formerly rendered, if at all, on 'charity' basis, but recently a fundamental departure from that past has been made by accepting the idea that legal aid is a social service and it is the state's duty to make justice available to the weaker sections of the society. At the national level a Legal Aid and Advice Council has been formed. At the State level also similar bodies have been formed. A Legal aid model needs to be evolved which would work well under Indian legal traditions making legal aid 'a matter of right' for those who are eligible for it. The members of the legal profession should no more consider it to be a matter of 'charity' only. Public defenders are provided to an accused who asks for it. But real legal aid and advice is to be provided in all types of cases to all indigent persons to make justice easily available to them. The agency operating the programme may, however, in suitable cases decide to give a limited legal aid. It may or may not station a lawyer or lawyers at all the points in criminal or civil process depending on the number of court appearances and the availability of lawyers. It may make a lawyer responsible to reach the client at a particular stage; for example, only pleadings may be drafted, or only the witnesses may be examined or cross-examined, or only arguments may be made, or he may be helped at all the stages. All this would natural-

ly depend on the nature of the case and the availability of a suitable lawyer. The programme may, therefore, simultaneously adopt 'Assigned Counsel System', 'Voluntary Counsel System' and 'Legal Aid Programme'. Lawyers provided at public expense to render legal aid should, however, be experienced and well trained. Orientation programme may be chalked out for imparting special training to lawyers involved primarily in trial work. Such programmes may be initiated at the State and local levels. The programme may include 'Law School Scheme' professional seminars and conferences' and a miscellany of specialised training programmes. Bar Associations can take active and effective part in these programmes and thereby render service to the weaker sections of the community.

Conclusoin: The members of the Bar have to play an effective and influential role in a socialistic pattern of society. They have never failed to respond to the realities of the situation. The imprints of the high ideals of the profession have not faded away. The people of the weaker sections of the society look to the lawyers for legal information and free legal aid and advice and above all for redress against exploitation and for attainment of justice—social, economic and political. The members of the legal profession must, therefore, work with dedicated zeal for the achievement of the objectives of law and for securing justice to the common man who lives unknown and dies unsung.

RULE OF SUB-JUDICE

T. C. HANUMANTHAPPA*

'*Sub-Judice*' means 'before the Court for its consideration and determination and a matter *sub-judice* is therefore one before a judge or under judicial consideration. Comments on pending proceedings before a Court, whether in a newspaper or otherwise, are treated as contempt of court. The reason is that such comments may prejudice or tend to prejudice the fair trial of the matter; the streams of justice have to be kept clean and pure.

In England trial by jury was in vogue in criminal cases. Any comment in the newspapers on pending proceedings was considered likely to influence the jury which might ultimately prejudicially affect the case. The rule of *sub-judice* has therefore been formulated on the principle that a preference to the proceedings will vitiate fair decision in a court of law and will be embarrassing to the innocent man and to the judge.

On the question of comment in Parliament on pending cases, Speaker Peel observed in the House of Commons in 1889 as follows:

'I am not aware that there has been any definite and distinct expression of opinion on the part of the House that pending trials should not be alluded to. Nor am I aware of any distinct and definite ruling from the Chair, though I am aware of frequent expressions of opinions both from Ministers in this House and other Members with regard to the impropriety of alluding to pending trials in such a way as to prejudice a fair trial of the case. With these

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remarks I shall leave the subject in the hands of the House.'

No contempt proceedings can be started if comments are made in the legislature in regard to any matter pending before a court, because there is freedom of speech in the legislature. Article 105 of the Constitution of India provides for freedom of speech in Parliament and immunity of members from legal proceedings for any speech made by them in the House. Article 194 makes similar provision in the case of State Legislatures. In other words, even if insinuating remarks are made in the legislature by members against courts, no action will lie for contempt of court'. Members are free to discuss and deliberate upon all matters relating to the governance of the country and the welfare of the people. But, Parliament of itself has imposed certain restrictions on the freedom of speech of its members within the Legislature. One such restriction is that discussion on matters pending adjudication before courts of law should be avoided in the House, its object being that the courts should function uninfluenced by anything said outside.

This restriction figures in the provisions relating to questions [Rule 41(2)] adjournment motions (Rule 58), petitions (Rule 160), resolutions (Rule 173), motions (Rule 188), cut motions (Rule 210) and debate (Rule 352) in the Lok Sabha. Similar provisions are to be found in the Rules of Procedure of State Legislatures placing restrictions on the asking of questions etc. on matters under adjudication or before a Court of Law.

Comments are shut out if a matter is pending before a Court. What constitutes a court is the next question that arises. The Calcutta High Court held in *Khetsi Das Vs. Land Acquisition Collector*, that it is one of the fundamental characteristics of a court that its proceedings shall be public and the parties shall be heard, and that the authority in question must act in accordance with established forms of judicial procedure. It was further held in the said case that the Land Acquisition Collector when acting under the Land Acquisition Act is not a Court although he is required to act judicially, that is to say, with fairness and impartiality.

In the Lok Sabha not only matters pending before Courts of Law cannot be referred to but also matters pending before parliamentary

1. *Surendra Mohanty vs. Nabha Krishna Choudhary* A.I.R. 1958 Orissa 168.

2. 50 C.W.N. 758.

committees, any statutory tribunal or statutory authority performing judicial or quasi-judicial function and commission or court of enquiry appointed to enquire into or investigate any matter.³ The position is similar in most of the State Legislatures. In the Rajya Sabha only matters before courts of law attract the rule. A point to consider is whether in the case of a tribunal, commission etc., performing mere administrative functions reference to matters before it should be shut out in the Legislature. In such cases public criticism cannot be prevented, and there would seem to be no need to shut out discussion in the Legislature. If a commission etc., is not having the characteristics of a court such as public hearing, laws of evidence, right of audience and representation by lawyers, then its action should be open to criticism or scrutiny at least in the Legislature. Questions regarding matters under police investigation have also been discouraged in Lok Sabha and members have been advised to pass on information to the Minister concerned⁴. But questions relating to the procedure or subject or stage of inquiry of a statutory tribunal or authority have been allowed in Lok Sabha if the Speaker considered that such questions are not likely to prejudice the consideration of the matter by the tribunal etc.

In the Maharashtra Legislative Assembly the Panshet Dam Enquiry Commission constituted by the Government was considered to be a court and references to it were not allowed.

There are various rulings and observations of Presiding Officers in India right from 1921, having a bearing on the *sub-judice* rule.

A. AT THE CENTRE

The *sub-judice* rule was explained by Sir Frederick Whyte, President of the Central Legislative Assembly, as follows:—

'A matter is sub-judice—

- (a) when a trial involving it is actually being held by a Court of law;
- (b) when a trial involving it is known to be imminent;
- (c) when the Speaker had reason to believe that it may form part of the issue in judicial proceedings.'

3. Kaul and Shakhder: *Practice and Procedure of Parliament*, 2nd Edn., p. 900.

4. L.S. Deb., 7-4-1958.

The scope of the phrase *sub-judice* is, therefore, wider in legislative procedure than it might be otherwise. It is the duty of the Speaker to protest any person, being tried or about to be put on trial, against any prejudice which might arise through debate in the Legislature.

Questions: In Lok Sabha a question cannot be asked for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India. Questions have been allowed if the disclosure of the information desired is considered not likely to affect the trial of a case. Questions asking for information about the number of counsels engaged and the amount of fees paid have been allowed. Matters which are exclusively within the jurisdiction of the Presiding Judge are not allowed.

On March 3, 1952 the Speaker did not permit a supplementary question which sought details about the grounds on which the High Court of Calcutta had passed an order. When members wanted the proceedings to be sent to the High Court, the Speaker refused to forward the proceedings for the reason that such action might be considered as interference in the course of justice.

Asking of questions on matters under departmental enquiry though not strictly *sub-judice* has been discouraged.⁵

A question under Police investigation is not *sub-judice*. Though such questions cannot be disallowed they have been discouraged. On April 7, 1958 the Speaker has suggested that in case members have got any particular and reliable information about a matter under Police investigation they should pass on that information to the police.

On May 5, 1959 supplementary questions going into the details of a case being tried in a court of law were held inadmissible.

Adjournment Motion: On February 24, 1938 in the Central Legislative Assembly an adjournment motion to discuss the molestation of an Indian girl and firing on rescuers by European soldiers in Muttra District was admitted and the President announced that the matter would be taken up for discussion on the next day. On the following day, when the motion was taken up, the Leader of the House informed that a charge sheet had been put up before the

5. *L.S. Deb. (I)*, 1-8-1956, c. 670.

Magistrate and therefore the matter had become *sub-judice*. Thereupon the President ruled that since the matter had become *sub-judice* the adjournment motion could not be moved.

In the Central Legislative Assembly, on February 13, 1946, with regard to notice of an adjournment motion regarding indiscriminate arrest of Muslim League workers and other demonstrators and wanton use of handcuffs and chains by the Delhi Police, the Home Member contended that the arrested persons were being charged that day in court. But, the President admitted the motion and set it down for discussion at 4.00 P.M. on that day, observing that if by four O'clock the legal proceedings were started then the adjournment motion would have to be dropped.

At the appointed hour, when the motion was taken up, the Leader of the House informed the House that charge-sheet had been filed before a Magistrate and therefore the matter had become *sub-judice*. The President observed that though the matter had become *sub-judice* there were certain matters which were not *sub-judice* and which could be discussed without referring to matters which were *sub-judice*, e.g. the question whether it was desirable in cases of this type that the Police should handcuff people, and discussion could be restricted to such aspect.

Budget discussion: On February, 21, 1952 a member gave notice of a cut-motion, which related to a judicial inquiry into what was known as the Fertilizer Deal. The Minister concerned stated that the matter was *sub-judice* as a dismissed Officer had filed a suit against the Government. On the Chairman explaining the position, the member did not move the motion.

On March 16, 1953 a member while speaking on Demands for Grants referred to the murder of a person in the Emigration Office at Madras. The Deputy Minister for External Affairs stated that a complaint had been made against the Emigration Officer, Madras and that it was pending before the Fifth Presidency Magistrate, Madras. The Chairman ruled that the member was not right in referring to matters which were *sub-judice*.

On March 27, 1954 a member while speaking on Demands for Grants referred to the imprisonment of a member on the ground that he was connected with a struggle for his mothertongue. The Deputy Speaker ruled that the matter was *sub-judice* as a writ petition was pending before the Supreme Court and that there should not be any further reference to the same.

On April 5, 1954 during the discussion on Demands for Grants a member referred to an instance where a member of the House was tied with a rope at the waist and made to walk, hand-cuffed, like the worst of criminals from the jail to the court room quite a distance away. On his attention being drawn that the matter was *sub-judice*, the Deputy Speaker ruled that there should not be any reference as it would prejudice the trial of the case before the Court.

Resolution: A resolution cannot be discussed if the subject matter is *sub-judice*. On December 23, 1950 a resolution regarding the management of the Lady Hardinge Medical College and Hospital was not permitted as the matter was *sub-judice*. The Speaker observed that though the resolution was connected very little with the matter before the Court, since under the Constitution the judiciary was independent it was advisable to keep off from matters which were pending enquiry by the courts.

Legislation: The instance of the Public Safety Bill in the Central Legislative Assembly where the Speaker refused to place the motion for consideration of the Bill before the Assembly on the ground that it would have involved discussion of the Meerut conspiracy case which was then pending trial, is only too well known.

In the First Lok Sabha, on September 26, 1955 a motion to take into consideration the Prize Competitions Bill was moved. A point of order was raised that as the subject matter of the Bill was *sub-judice* discussion on the motion should not be proceeded with. The facts of the case were as follows:—

The Bombay Legislature had enacted a law to control transactions relating to gambling. Certain parties questioned the competence of the Bombay Legislature to enact the law. The Bombay High Court decided in favour of the parties and consequently the Bombay Government appealed to the Supreme Court. In the meanwhile, the Bombay Legislature had passed a resolution requesting the Union Parliament to legislate on the matter as the subject fell within the State List. Accordingly, a Bill was brought forward in Lok Sabha. On the point of order the contention was that since the subject matter of the Bill was under consideration before the Supreme Court, discussion on the consideration motion should not be proceeded with. The Speaker ruled as follows:—

“The Bombay High Court considered only certain facts but did not consider whether betting was good or bad. They considered whether having regard to the facts of the parti-

cular case the competition amounts to a lottery and whether by reason of the licence it is protected from tax. The debate on the present Bill can take place without referring to the matter pending before the Court. There will not be any prejudice by a discussion in the House. In the House of Commons the rule of *sub-judice* has no application to Bills. If there is a bad law Parliament should not sit quiet; it should change it. Constitution was amended when an appeal regarding validation of Bihar Acts which had been declared *ultra-vires* by the Bihar High Court was pending before the Supreme Court. The Indian Penal Code (Amendment) Bill (insertion of New Section 294-b) was discussed when an appeal regarding the subject matter (controlling prize competitions) was pending. Therefore, the motion could be discussed without referring to matters pending before the Supreme Court".

B. IN STATE LEGISLATURES

Madras:

In the Madras Legislative Assembly objections have been raised whenever there have been references in speeches or in supplementary questions to matters which are *sub-judice*. In 1939 a supplementary question was not permitted on the ground that the matter was *sub-judice* irrespective of the fact whether the case was petty or big.⁶ In 1947, the Speaker pleaded his inability to compel the Minister to answer a question on a matter which was *sub-judice*.⁷ Again, in the same year a question relating to the prosecution of a member of the House was not allowed for the reason that the matter was *sub-judice*.⁸ In the year 1954, the Speaker observed that a matter pending before an Industrial Tribunal should not be prejudiced by too many questions on that subject.⁹

On July 25, 1957 the Speaker ruled that Labour Courts which arbitrate on disputes between the management and the Labour are not like law courts.

In 1947, when the Maintenance of Public Order Bill was being discussed, a member raised an objection that the discussion would affect the case of certain persons who had been arrested under the

6. *Mad. Ass. Deb.*, Vol. 9, p. 238.

7. *Ibid.*, Vol 5, pp. 74 and 133.

8. *Ibid.*, Vol. 5, p. 806.

9. *Ibid.*, Vol. 11, p. 3.

Ordinance. The Speaker held that it will be possible to discuss the Bill without touching on the pending cases.¹⁰

On August 10, 1948 when a motion regarding the Madras Maintenance of Public Order (Amendment) Bill, 1948 was to be moved, a member raised a point of order that the Bill could not be discussed as the matter though disposed of by the High Court was pending before the Federal Court. The Speaker stated that the issue before the Court was whether the Ordinance was *ultra vires* while the High Court had decided that it was *intra vires* and further that the discussion in the House would be about the Bill and not the Ordinance. The member further submitted that as soon as the High Court pronounced its judgment the advocate said that he was going to appeal and in view of this it should be construed that the matter was before the Federal Court. The Speaker ruled that a matter should actually be before the court and he cited the ruling of Speaker Colonel Clifton Brown in the House of Commons on March 5, 1946 where he had ruled that till the appeal began the matter was not *sub-judice*.

In 1949, the Speaker did not allow discussion regarding the facilities to a detainee member of the House as the matter was before the High Court¹¹.

In 1953, the Speaker ruled that matter is *sub-judice* only when it is before a Court of Law and the matter under inquiry by a Committee in regard to police firing in certain places is not *sub-judice* as the Committee was not going to give any judgment in the matter.

On May 4, 1957 a member while speaking on the Governor's Address referred to the activities of a party. On his attention being drawn that cases in that connection were pending before a Court, the Speaker ruled that the matter was *sub-judice* and the member should not refer to it.

On October 29, 1957 a member speaking on the no-confidence motion referred to certain incidents in a village. An objection was taken that the matters are likely to be taken to a court. The Speaker ruled that as the matters were not actually before the court, they were not *sub-judice*.

10. *Ibid.*, Vol. 4, pp. 169-70.

11. *Ibid.* Vol. 20, p. 626.

On the following day another member referred to an incident of pouring of kerosene into a well used by Harijans in a village. On his attention being drawn that a case was pending in that matter, the Speaker ruled that the matter was *sub-judice*.

On February 11, 1958 while speaking on the Governor's Address a member referred to the burning of Government buses on the day the Prime Minister visited Madras city. Another member stated that the matter was before the court and therefore there should be no reference to the same. The Speaker ruled that mere reference to burning is not objectionable but to state that a particular person burnt it would be objectionable.

KARNATAKA

A few ruling from the Mysore Legislative Assembly are worth noting. The Speaker of the Mysore Legislative Assembly ruled in March 1958 that 'if the matter goes to a Court of Law tomorrow, that cannot be *sub-judice* today.' But on September 22, 1962, the Minister for Home contended that, in addition to cases under judicial trial, even cases under any enquiry or under investigation have to be precluded from discussion on the floor of the House. He relied upon the decided cases of the High Courts of Madras, PEPSU, and Orissa. Relying on A.I.R. 1943, Lahore, 329, he said:

"Proceedings need not actually be pending..... It is sufficient that proceedings are imminent to the knowledge of the person charged with the contempt."

But the Speaker did not accept this contention and held that an inquiry under S-176 of the Criminal Procedure Code cannot be considered to be a matter which is under adjudication by a Court of Law.

On September 18, 1967, an adjournment motion relating to an explosion in Mysore was raised in the Mysore Legislative Assembly. While making a statement, the Minister stated that the matter was in Court and the motion was disallowed.

C. IN OTHER COMMONWEALTH COUNTRIES

CANADA

In Canada matters which are *sub-judice* are not discussed in the House. Election cases and other matters whether actively before the Courts or merely pending, are not discussed. Pension

Commission (1927) has been held to be a judicial body and therefore matters relating to it are not discussed.

NEW ZEALAND

Standing Order 176 of the House of Representatives of New Zealand precludes discussion of matters pending adjudication. This is based on the principle in the House of Commons of United Kingdom. The object is to ensure that nothing said in debate should prejudice, however slightly, the decision of any court. Discussion of antecedent circumstances are disallowed.¹²

The rule, however, does not apply to Bills. The Property Law Amendment Bill, 1928 was allowed to be discussed though a suit relating to the subject was pending. The general principle involved was allowed to be discussed but the particular case was not allowed to be discussed.¹³

UNITED KINGDOM

In the House of Commons in the United Kingdom matters awaiting or under adjudication by a court of law cannot be brought before the House by a motion or otherwise. A member while speaking on a question must not refer to any matter on which judicial decision is pending.

On March 5, 1946 a member during debate referred to Cypriot Trade Unionists who had been sentenced to imprisonment. There was provision for appeal to the House of Lords against this conviction. Objection was taken that the matter was *sub-judice* and therefore it should not be referred to. The Speaker ruled that the appeal had not yet begun and until it began the matter was not *sub-judice*.

On October 28, 1948 Sir Winston Churchill during his speech on the debate on the Address from the Throne referred to the case of Baron Weisacker, a German civilian then under trial in the American zone. On an objection being taken that the matter was *sub-judice*, the Speaker ruled that the reference was only an illustration and that it was not a comment on the innocence or guilt of an individual and that he did not think it would affect the actual trial.

12. *New Zealand Parl. Deb.*, 1949, Vol. 287, p. 1638.

13. *Ibid.*, 1928, Vol. 217, p. 1090.

On March 2, 1949, as a result of a letter from a member to the Speaker protesting against the Government asking the House to proceed with the British North America Bill while an appeal was still pending before the Privy Council against the Newfoundland-Canada Agreement, Mr. Speaker ruled privately thus:—

This House has by very long established practice foregone the right to express its opinions in Debate (whether on Motions, or on the Address, or on the Adjournment) on matters which are awaiting the adjudication of courts of law. Questions on such matters are specifically prohibited. But in no case has the House ever foregone its right to legislate on such matters at any time it has thought fit. This seems a very just distinction between the two cases, because the expression of opinions in debate could only be aimed at influencing another Court, whereas legislation is action designed to alter the circumstances on which the other Court has to decide, and may even remove any foundation for a case in the Courts. Whether or not, it is right for the House to exercise its legislative power at any particular time is a matter of merits on which the House must decide, but on the existing precedents the chair has no power to limit the right of the House to legislate as and when it pleases.

Permission to move an adjournment motion to discuss a definite matter of urgent public importance will be refused if the matter is *sub-judice*.

On July 21, 1904 a member asked for leave to move the adjournment of the House in order to call attention to an urgent matter of public importance, namely, the failure of the Irish Executive promptly to prosecute persons in the employment of the South Dublin Unionist Registration Association for fraudulently tampering with the registration forms prescribed by the Representation of the People Act, 1884 whereby large number of persons have been unjustly deprived of their votes, or to take any steps by which the said persons might be prevented from flying from justice. Mr. Speaker ruled that he could not put the motion to the House as the Attorney General for Ireland had replied to a question during question hour that the question of instituting criminal proceedings in the matter was under consideration.

In another instance, November 29, 1920 Mr. Speaker Lowther refused to accept a motion for adjournment in the case of Cyril Saunders, on the ground that it would be an interference with the ordinary administration of justice. He gave a similar ruling in

yet another case on March 11, 1921. On June 13, 1922 Mr. Speaker Whitley gave a similar ruling in relation to the case of Ronald True.

On March 12, 1935 a member asked for leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance. Mr. Speaker stated that the matter was *sub-judice*, since an inquiry, if not already started, was about to be held and therefore it was not a matter that could be raised under Standing Order No. 8 (now No. 9).

In cases involving a capital sentence the circumstances of the case, on which the exercise of the prerogative of mercy depended should not be made the subject of a question while the sentence is pending, nor may the sentence itself be raised in a question while it is pending.

On August 12, 1887 a member asked the Secretary of State for Home Department whether representations had been made to him concerning the case of Israel Lipski who had been sentenced to death and whether he could hold out any hope of reprieve. The Secretary of State replied that it was highly inexpedient and injurious to the administration of justice that the circumstances of a criminal case, on which the exercise of prerogative of mercy depended, should be made the subject of discussion or of question in the House.

On August 19, 1887 a member asked whether the Minister was aware that a petition signed by 100 members of Parliament was to be presented to him the next day in favour of the condemned man Lipski and whether in view of that fact he would further extend the respite. The Secretary answered that he understood that such a petition was under preparation but he protested against interference with the ordinary course of the administration of justice by questions in the House.

On August 22, 1889 a member asked the Home Secretary whether he could give the House any information with respect to Maybrick's case. As there was no reply, another member asked whether he was in a position to announce to the public and the condemned woman (Mrs. Maybrick) any decision he had arrived at. The Home Secretary replied that the advice which he proposed to tender was not a matter for question in the House.

This kind of reply was repeated on March 14, 1892, July 13, 1899, February 22, 1901 and December 18, 1902. Later on the Speaker began to rule out matters which were *sub-judice*.

In 1934 Mr. Speaker Fitz Roy declined to allow a question asking the Home Secretary to reconsider his decision in the case of Earnest Brown.

On March 3, 1947 a question relating to the exercise of Royal prerogative was not allowed. On March 10, 1947 when the matter was again raised Mr. Speaker referring to the Lipski case and the Maybrick case ruled that it was injurious to the administration of justice that the circumstances of a criminal case, on which the exercise of the prerogative of mercy depended, should be made the subject of discussion or of question in the House. He further stated that the House would be claiming to be a court of appeal from the sentences pronounced by the courts, if it allowed itself to discuss and decide on the circumstances of such cases.

While the capital sentence is pending it cannot be raised by a question.

On May 1, 1947 Mr. Speaker Clifton Brown in the Gold Coast Murders Case gave the following ruling:

“The practice is that the House makes a complete distinction between capital sentence and other forms of punishment, so far as the prerogative of mercy is concerned. Whereas the remission of a sentence of imprisonment, for example, can be urged upon a minister at any time after its imposition, capital sentence cannot be raised in question or debate while the sentence is pending. After it has been executed, the Minister responsible may be criticised on the relevant vote in supply, or on the adjournment. I have stated that it is the practice of the House, and I cannot alter the practice of the House”.

On February 6, 1961 a member gave notice of a question to ask whether the Home Secretary would order an inquiry into the case of George Riley to see whether there had been miscarriage of justice. George Riley was charged with and convicted of capital murder. The question was ruled out of order. On the next day, the member raised a point of order about the disallowance. Mr. Speaker stated that as he was bound by the rule and going by past precedents, he could not but disallow the question. He also stated that the House could change the rule if necessary.

The same member brought up a motion later on February 16, 1961 challenging the ruling of the Speaker. During a lengthy discussion rulings given till then were quoted. Ultimately the House passed the following resolution:

“That this House upholds the well-established rule under which in any case involving a capital sentence the circumstances on which the exercise of the prerogative of mercy depends should not be made the subject of question or discussion in this House while the sentence is pending”.

On June, 30, 1947 a Minister felt it undesirable to comment on any aspect of a case which was still *sub-judice*. The Speaker did not allow further question on the matter. On November 13, 1947 with reference to a question about a hotel strike, the Minister answered that a Court of Enquiry under the Industrial Courts Act 1919 had been constituted. The Speaker did not permit further questions on the ground that the matter was *sub-judice*. On December 1, 1947 a question about the cost of sending Mr. Justice Birkett as an associate British Judge to the Nuremberg trials was put. When a supplementary was put asking whether it was not one of the primary purposes of these trials to establish the proposition that those who spread race hatred by propoganda are as guilty of crimes against humanity as those who actually commit the crimes, the Speaker ruled the question out of order saying that the member was making an insinuation against a Judge.

On March 11, 1953 in reply to a question it was stated from the Government side that an appeal against the decision of the licensing authority had been lodged and therefore the matter was *sub-judice*. The Speaker did not allow further questions on the matter.

On December 4, 1961 a Minister stated in reply to a question that a writ in an action for libel had been issued and in the circumstances he wanted the House to regard it as *sub-judice*. The Speaker upheld the view and ruled that the House should not expect any answer to the question. This was the first time the rule of *sub-judice* was applied to civil cases. A week later (on December 11) a member referred to this ruling and suggested that the old rule of *sub-judice* should be brought up to the modern requirements of the House and the convenience of the public. Mr. Speaker stated that the proper procedure would be to put down a motion expressing what the rule regarding *sub-judice* should be and if that was approved it would be binding. On November 21, 1962 a motion was moved for referring the matter of the rule re-

garding *sub-judice* to a Select Committee on Procedure. The motion was adopted.

In reply to a query from a member in the House on December 4, 1962 as to whether the rule of *sub-judice* was not being taken too far when even reference to the tribunal or court was being prevented instead of improper references as to what the tribunal ought to do etc., the Speaker explained that during Question time one had to work rather fast and rule on a number of peripheral matters.

On June 20, 1963, Mr. Speaker observed in the tersest of expressions as follows: '*Sub-judice*—a charge made and pending? If so we are not to discuss it'.

The report from the Select Committee on Procedure was considered by the House and adopted on June 26, 1963. Following this on July 23, 1963 the House passed the following resolution embodying the recommendations of the Select Committee on the *Sub-Judice* Rule:

'That, subject always to the discretion of the Chair and to the right of the House to legislate on any matter'.

(1) matters awaiting or under adjudication in all courts exercising a criminal jurisdiction and in courts martial should not be referred to—

(a) in any motion (including a motion for leave to bring in a bill), or

(b) in debate, or

(c) in any question to a Minister including a supplementary question;

(2) Matters awaiting or under adjudication in a civil court should not be referred to—

(a) in any motion (including a motion for leave to bring in a bill), or

(b) in debate, or

(c) in any question to a Minister including a supplementary question,

from the time that the case has been set down for trial or otherwise brought before the court, as for example by notice of motion for an injunction; such matters may be referred to before such date unless it appears to the Chair that there

is a real and substantial danger of prejudice to the trial of the case.

(3) Paragraphs (1) and (2) of this Resolution should have effect—

(a) in the case of a criminal case in courts of law, including courts martial, from the moment the law is set in motion by a charge being made;

(b) in the case of a civil case in courts of law, from the time that the case has been set down for trial or otherwise brought before the court as for example by notice of motion for an injunction;

(c) in the case of any judicial body to which the House has expressly referred a specific matter for decision and report from the time when the resolution of the House is passed.

(4) Paragraphs (1) and (2) of this resolution should cease to have effect—

(a) in the case of courts of law, when the verdict and sentence have been announced or judgment given, but resumed when notice of appeal is given until the appeal has been decided;

(b) in the case of courts martial, when the sentence of the court has been confirmed and promulgated, but resumed when the convicted man petitions the Army Council, the Air Council, or the Board of Admiralty;

(c) in the case of any judicial body to which the House has expressly referred a specific matter for decision and report, as soon as the report is laid before the House.

The present practice after the passing of the resolution has been summarised in May (18th Edn.)¹⁴ as follows:

“The resolution bars references in debate (as well as in motions and questions) to matters awaiting or under adjudication in all courts exercising a criminal jurisdiction and in courts martial from the moment the law is set in motion by a charge being made to the time when verdict and sentence have been announced, and again when notice of appeal is given until the appeal is decided (in the case of court martial it applies from when the charge is made until the sentence of the court has been confirmed and promulga-

14. See p. 417.

ted, and again when the convicted man petitions the Army Council, the Air Council or the Board of Admiralty). The ban further applies to matter awaiting or under adjudication in a civil court from the time that the case has been set down, for example, by notice of motion for an injunction; such matters may be referred to before such date unless it appears to the Chair that there is a real and substantial danger of prejudice to the trial of the case the ban again applies in the case of any judicial body to which the House has expressly referred a specific matter for decision and report from the time when the resolution of the House is passed, but ceases to have effect as soon as the report is laid before the House."

The scope of the rule of sub-judice was raised at the Conference of Presiding Officers in New Delhi in October, 1967 and it was decided to appoint a Committee of Presiding Officers to go into the question. The Committee accordingly appointed considered the matter in great detail with reference to the practice in the House of Commons and the various rulings in the Indian Parliament and the State Legislatures and submitted its report to the Conference of Presiding Officers held in Trivandrum in October 1968. The following observations of the Committee are worth noting:

(1) The Committee are of the firm opinion that freedom of speech in Legislatures is the essence of Parliamentary democracy. Certain self-imposed restrictions to a limited degree are put on this freedom of speech. One such restriction is that discussions on the floor of the Legislatures on matters pending adjudication before Courts of Law should be avoided so that the Courts are not influenced in dealing with such matters.

(2) The Committee feel that while applying the restrictions regarding the rule of sub-judice, care should be taken to see that the primary right of freedom of speech is not impaired to the prejudice of the Legislature. Every attempt should be made to strike a delicate balance in this regard.

(3) The Committee are of the opinion that so far as privilege matters are concerned, the Legislatures being the sole judge of their privileges, the rule of sub-judice has never been applied and does not apply.

(4) The Committee are also of the opinion that the rule of sub-judice when applicable should apply to matters pending before Civil and Criminal Courts and Court Martial proceedings. Other bodies exercising judicial and quasi-judicial functions should not ordinarily be covered.

(5) The Committee are further of the opinion that the rule of sub-judice cannot stand in the way of legislation. Legislatures being supreme and sovereign, there can be no bar insofar as the work of Legislatures in the field of legislation is concerned. If the rule of sub-judice is made applicable to legislation, the Legislatures will become subordinate to the courts in that matter. Further, it is well known that there are numerous cases concerning a large number of statutes awaiting at all times adjudication in one court or the other. Therefore, it will make enactment impossible if the rule of sub-judice is applied to legislation. The only thing to be guarded against is the discussion of facts of an actual case pending before a court."

The Committee has recommended certain guidelines, which are illustrative (*i.e. not* exhaustive) and it is left to the individual presiding officer to use his discretion and judge each case on its merits. The guidelines are:

(1) Freedom of speech is a primary right whereas rule of sub-judice is a self-imposed restriction. So, where need be, the latter must give way to the former.

(2) Rule of sub-judice has no application in privilege matters.

(3) Rule of sub-judice does not ordinarily apply to legislation.

(4) Rule of sub-judice should apply in regard to proceedings before Civil and Criminal Courts and Courts Martial in any part of India and not ordinarily to other judicial or quasi-judicial bodies such as tribunals etc. which are generally fact-finding bodies.

(5) Rule of sub-judice applies to questions, statements, motions (excluding motions in respect of leave to introduce a Bill, take a Bill into consideration, refer a Bill to a Select Joint Committee, circulate a Bill for eliciting opinion thereon, pass a Bill,) resolutions, and other debates.

(6) Rule of sub-judice applies only in regard to the specific issues before a court. The entire gamut of the matter is not precluded.

(7) In case of linked matter, part of which is sub-judice and part not sub-judice, debate can be allowed on the matters which are not sub-judice.

(8) Rule of sub-judice has application only during the period when the matter is under active consideration of a Court of Law or courts martial. That would mean as under:

(a) In criminal cases—From the time charge-sheet is filed till judgment is delivered.

- (b) In courts martial—From the time charges are preferred till the charges are confirmed.
- (c) In civil suits—From the time issues are framed till judgment is delivered.
- (d) In writ petitions—From the time they are admitted till orders are passed.
- (e) Injunction petitions—From the time they are admitted till orders are passed.
- (f) Appeals—From the time the appeal is admitted till judgment is delivered.

The Committee recommended that the above guidelines may be agreed to by the Conference of Presiding Officers, leaving it to each Presiding Officer to use his discretion and judge each case on its merits. The Conference approved the Report.

From the survey of the rulings, it is found that the tendency has been to apply the rule of sub-judice more frequently and shut out references which may lead to heated debates. When tensions mount, the Presiding Officers often stop further discussions. However, it is felt that it would be better and in the national interest to reduce such shut-outs. Only the particular matter which is actually awaiting adjudication in any Court of Justice, Civil or Criminal or in any tribunal or Commission or Committee constituted to determine rights and liabilities, after administering oath, is to be protected and debate excluded. The rule should not be applied to cases where charge-sheet has not been filed or where the enquiry is not imminent. Extraneous matters though forming part of larger whole but not directly involved should not be excluded from the deliberations of the Legislature. Matters, discussion of which will not influence one way or the other trial in the Court, should not be shut out. Keeping in view the principle of freedom of speech and the rule of sub-judice, a controlled debate, which will not in any manner vitiate a fair and just trial, may be allowed. Greater responsibility lies, therefore, on the Presiding Officer. On the Bastar incidents, the Speaker of Lok Sabha observed on April 7, 1966:

“There are inhibitions put down there that when a matter is before a Commission of Inquiry, that matter cannot be discussed in the House, but there is a provision that those aspects whose discussion might not prejudice the inquiry can be allowed by the Speaker. So, I have in my discretion, because it was a matter of public importance, of great importance, allowed that discussion, but we shall have to confine ourselves within the limits.’

The ruling of the Speaker of the Lok Sabha on May 9, 1968 also explains how the interests of both the Legislature and Judiciary could be protected:

'The rule whether a motion which relates to a matter which is under adjudication by a Court of Law should be admitted or discussed in the House has to be interpreted strictly. While on the one hand, the Chair has to ensure that no discussion in the House should prejudice the course of justice, the Chair has also to see that the House is not debarred from discussing an urgent matter of public importance on the ground that a similar, allied or linked matter is before a Court of Law. The test of sub-judice in my opinion should be that the matter sought to be raised in the House is substantially identical with the one on which a court of law has to adjudicate. Further, in case the Chair holds that a matter is sub-judice, the effect of this ruling is that the discussion on the matter is postponed till the judgment of the court is delivered. The ban of sub-judice will not apply thereafter unless the matter becomes sub-judice again on an appeal to a higher court.'

Thus, it is seen that it is the ultimate responsibility of the Presiding Officer suitably to regulate the debate by maintaining the balance between the principle of freedom of speech and the rule of sub-judice.

COMMITTEE ON THE ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE

B. K. MUKHERJEE *

What kind of a Committee is the Committee on the Absence of Members from the sittings of the House? What are its powers and functions? What is the *modus operandi* of the Committee? These are some of the questions which are likely to be raised by any student of parliamentary practice and procedure.

Before we discuss the powers and functions of the Committee on the Absence of Members from the Sittings of the House, it may be worthwhile to explain what is meant by the term 'Parliamentary Committee' According to Rule 2 of the Rules of Procedure and Conduct of Business in Lok Sabha, a Parliamentary Committee is a Committee which is appointed or elected by the House or nominated by the Speaker and which works under the direction of the Speaker and presents its Report to the House or to the Speaker and the Secretariat for which is provided by the Lok Sabha Secretariat. Examples of the elected Committees of the Lok Sabha are the three Financial Committees (Estimates Committee, Public Accounts Committee and the Committee on Public Undertakings), the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, and the Joint Committee on Offices of Profit.

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The Committee on the Absence of Members from the Sittings of the House is one of the 13¹ Committees which are nominated by the Speaker. Select/Joint Committees on Bills are examples of Committees which are appointed by the House.

If we adopt the categorisation of Committees as adumbrated by K. C. Wheare in his book, *Government by Committees*² the Committee on the Absence of Members from the Sittings of the House comes in the category of 'Committee to Advise'. It advises the House in regard to the grant of leave of absence of Members under Article 101(4) of the Constitution.

PRACTICE IN THE BRITISH PARLIAMENT

In the British Parliament, ordinarily the attendance of Members upon their service in Parliament is not enforced by either House, but when any special business is about to be undertaken, steps are taken to secure their presence. In the House of Lords, however, the name of every Lord present during the sitting of the House is taken down each day by the Clerk and entered in the Journal. In the formative stages of British Parliament, Members of the Commons who absented themselves were directed to be punished. The penalty upon a Member for absence was the forfeiture of his wages, and although that penalty is no longer applicable, the legislative declaration of the duty of a Member remains on the statute book.³ In modern times the ensuring of attendance in the Commons has become a principal function of the party machinery. The publication of the official Division Lists, showing the number and the names

1. These are: (i) The Business Advisory Committee; (ii) The Rules Committee (iii) Petitions Committee; (iv) Privileges Committee; (v) The Committee on Government Assurances; (vi) The Committee on Private Member's Bills and Resolutions; (vii) The Committee on the Absence of Members from the Sittings of the House; (viii) The Joint Committee on Salary and Allowances of Members of Parliament; (ix) Library Committee; (x) House Committee; (xi) General Purposes Committee; (xii) Committee on Subordinate Legislation; (xiii) Committee on Papers laid on the Table of the House.

2. K. C. Wheare has categorised the Committees forming part of the machinery of Government (U.K.) into the following:

- (1) Committee to Advise
- (2) Committee to Enquire
- (3) Committee to Negotiate
- (4) Committee to Legislate
- (5) Committee to Administer
- (6) Committee to Scrutinize and Control.

3. May's *Parliamentary Practice and Procedure*, Eighteenth edition p. 214.

of Members, provides an opportunity for a Member to place on record not only his vote but the fact of his attendance.

In the House of Lords, the leave of absence procedure is based upon Standing Order No. 22, which was agreed to on June 16, 1958, and amended on July 26, 1967. The Standing Order states that Lords are expected to attend the sittings of the House or, if they cannot do so, to obtain leave of absence. Lords may apply to the House for leave of absence at any time during a Parliament, either for a Session or for the remainder of the Parliament.⁴

In the House of Commons, in the absence of any specific orders to that effect, Members are presumed to be in attendance upon their service in Parliament. It was considered necessary in the past for Members to apply to the House for 'Leave of absence' for which sufficient reasons had to be given, such as urgent business, ill health, illness in their families, or domestic affliction. Upon these and other grounds leave of absence was given, though it was occasionally refused. A Member forfeited his leave of absence if he attended the service of the House before its expiration. It is now considered necessary for a Member to be given leave of absence in the ordinary course of his business, but such leave is frequently given to official delegations from the House. The Speaker has also asked the leave of the House to absent himself in order to pay official visits and to receive honorary degrees and appointments at Universities.⁵

CANADA

According to Standing Order No. 5, every Member is bound to attend the service of the House, unless leave of absence has been given to him by the House.

AUSTRALIA

According to the Standing Orders of the House of Representatives of the Parliament of the Commonwealth of Australia (Nos. 31, 35, 36 and 37), the attendance of Members at each sitting of the House is recorded in the Votes and Proceedings. Leave of absence is given by the House to any Member, on motion without notice, stating the cause and period of absence, and such motion is given priority over all other business. A Member is excused from service

4. *Ibid.*, p. 215.

5. *Ibid.*, pp. 215-216.

in the House, or on any committee, so long as he has leave of absence. Any Member, having leave of absence, forfeits the same if he attends the service of the House before the expiration of such leave.

SRI LANKA

According to Constitution of Sri Lanka, the seat of a Member becomes vacant if he without taking leave of the National State Assembly absents himself from the sittings of that Assembly during a continuous period of three months.

Provisions in the Indian Constitution

Article 104(4) of the Indian Constitution provides:

“If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant: |

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.”

Clause (4) of article 101 of the Constitution has been taken verbatim from Section 25(3) of the Government of India Act, 1935. Under this clause, a member does not automatically vacate his seat in either House by absence for any length of time. But if he remains absent for a continuous period of sixty days (excluding periods of prorogation or adjournment over four days consecutively), the House may declare his seat vacant, by a resolution. It is not obligatory upon the House to pass such a resolution. The absence under article 101(4) causes a vacancy only if the House considers it fit to unseat the member and declares the seat vacant.

In the Central Legislative Assembly, if a member for a period of two consecutive months was absent from India or unable to attend to the duties of his office, his seat could be declared vacant by the Governor-General, *vide* Sec. 93(2) of the Government of India Act as set out in the Ninth Schedule to Government of India Act, 1935. However, in the case of an elected member, the Governor-General could consider the possibility of taking action under the constitutional provision only when moved to do so by the consti-

tuency of the member to which the member was primarily responsible for the due performance of his duties.⁶

After the passing of the Indian Independence Act, 1947 the Ninth Schedule as also Sec. 25(3) of the Government of India Act, 1935 were omitted from the Act of 1935 under India (Provisional Constitution) Order, 1947.⁷

The period of sixty days referred to in the Constitution means 'a single unbroken period of sixty days' and in order to disqualify a member under these provisions, the absence has to be continuous.

The period of absence is calculated from the day a member is absent from the sittings of the House till the day he next attends it, whether in the same session or in subsequent sessions. The intervening days in a session on which no sitting of the House is held are counted but any period of prorogation or adjournment of the House for more than four consecutive days is excluded.

Where a member has already been absent for over sixty days on the date of application for permission to remain absent, the permission of the House given to remain absent up to the date of the application is termed as 'condonation of absence' and the permission to remain absent after the date of the application, if applied for, is termed as 'grant of leave of absence'.⁸

Procedure in the Rajya Sabha

When a member seeks permission of the Council of States (Rajya Sabha) to remain absent for a period of sixty days or more, the following procedure is followed:

- (i) The member makes an application in writing to the Chairman, stating the period for which he seeks permission to be absent from the Council (Rajya Sabha).
- (ii) After the receipt of such application, the Chairman, as soon as may be, reads out the application to the Council (Rajya Sabha) and asks—

"Is it the pleasure of the Council that the permission be granted to such and such a member for remaining absent

6. Kaul & Shakhder: *Practice and Procedure of Parliament*, Second Edition, pp. 321-322.

7. *Ibid.*, p. 322.

8. *Ibid.*, pp. 322-323.

for all meetings of the Council for such and such period?"

If no one dissents, the Chairman says—

“Permission to remain absent is granted.”

But if any dissentient voice is heard, the Chairman takes the sense of the Council (Rajya Sabha) and thereupon declares the determination of the Council. No discussion takes place on any question before the Council (Rajya Sabha) under this rule. The Secretary communicates the decision of the Council to the member.

On March 22, 1976, the Chairman of the Rajya Sabha informed the members that he had received the following letter dated the 1st March, 1976, from Shri Subramanian Swamy, M.P.:

“I have been informed that the next session of the Rajya Sabha is commencing on March 8, 1976. As I am still on my tour abroad, and will not be able to return during the expected length of the session, I request you to grant me leave of absence from this imminent session of the House.”

The Chairman ascertained the pleasure of the House that permission be granted to Shri Subramanian Swamy for remaining absent from all meetings of the House during the 95th session of the Rajya Sabha. After taking the sense of the House, the Chairman stated: “The sense of the House is that leave should not be granted. Permission to remain absent is not granted.”

When a member wanted to know whether there was any precedent in this regard, the Chairman stated: “The procedure is to take the sense of the House and the Chairman has to decide. When the sense of the House is not in favour, I have decided not to grant permission.”

This is the only instance where leave of absence to a member of Rajya Sabha was refused.

Procedure in Lok Sabha

In the Lok Sabha, the procedure is slightly different inasmuch as that House has provided for a Committee on ‘Absence of Members from Sittings of the House’ and it is obligatory to refer to this Committee all applications for leave of absence. The Report of the Committee is considered by the House and the decision of the House is communicated by the Secretary to the Member concerned. Before

we discuss the functions and procedure of work of this Committee, a reference may be made here about the procedure for declaring a seat vacant under article 101(4) of the Constitution, with reference to the relevant Rules of Procedure.

Rule 241(1) of the Rules of Procedure and Conduct of Business in Lok Sabha provides that "The seat of a member shall be declared vacant under clause (4) of article 101 of the Constitution on a motion by the Leader of the House or by such other member to whom he may delegate his functions in this behalf."

The House takes action to move a motion for declaring a seat vacant on the basis of the Report of the Committee on the Absence of Members from the Sittings of the House (*See infra*). The Report before presentation to the House is forwarded to the Leader of the House for comments. After the report is agreed to by the House, the Leader of the House, or if he has delegated his authority to the Chairman of the Committee, then the latter may move the motion on giving notice thereof.⁹

Some of the instances where seats were declared vacant under article 101(4) of the Constitution are given below :

(i) On a motion moved by the Minister of Parliamentary Affairs and adopted by the House on April 19, 1950, the seats of the following three members were declared vacant under article 101(4) of the Constitution :—

- (1) Shri Ravu Swetachalapathi Ramakrishna Ranga Rao
- (2) Shri Raghiv Ahsan
- (3) Shri Abdul Hamid

While moving the motion, the Minister informed the House that the above-mentioned members were written to in order to find out whether they had anything to say but no reply had been received from them.

(ii) during the Fourteenth Session of First Lok Sabha, on a motion moved by the Chairman of the Committee on Absence of Members and adopted by the House on December 5, 1956, the seat of Shri Sibnarayan Singh Mahapatra was declared vacant under article 101(4) of the Constitution.

9. *Ibid.*, p. 323; Appendix IV of Eighteenth Report of Committee on Absence of Members (First Lok Sabha).

After the motion was moved, a member (Shri U. N. Trivedi) submitted that the motion should have been moved either by Minister of Parliamentary Affairs or the Leader of the House. Thereupon, Minister of Parliamentary Affairs informed the House that the Leader of the House had delegated his authority to the Chairman of the Committee on Absence of Members in that behalf and the latter had moved the motion in that capacity.

Form of Motion/Notification: The motion regarding the vacation of the seat under article 101(4) is moved in the following form :—

“In pursuance of cl. 4 of Art. 101 of the Constitution of India, the seat of Shri, Member of Lok Sabha, who has been absent from all meetings of the House for a period of more than sixty days is hereby declared vacant.”

The date on which the motion for vacation of seat of a member is adopted by the House is the date from which his seat is vacated. If the motion is adopted after 12.00 hours the seat is treated as having been vacated in the afternoon and *vice versa*.

The form of the Notification, issued by the Secretary-General in the Gazette Part I, Section 1, is as follows :—

“NOTIFICATION

No. The following motion adopted by Lok Sabha at its sitting held on is published for general information :—

(Here text of the motion).

Attendance Register: An attendance register is maintained for members to sign against their names in token of having attended the sitting of the House on a particular day. This register was first introduced on December 11, 1947. The attendance register is however, not a complete document. It is only a voluntary record of the evidence to show that a particular member signed the attendance register on a particular day. Absence of signature of a member does not, therefore, mean that he was not present in the House on a particular day.

Origin of the Committee: The Rules Committee at its sitting held on the 17th December, 1954 considered the procedure for grant-

ing leave of absence to the Members. The Rules Committee recommended the incorporation of new rules in the Rules of Procedure Extracts from the Minutes of the Rules Committee are reproduced below :

“It was explained that Article 101(4) of the Constitution provided that if for a period of sixty days a member of either House of Parliament was without permission of the House absent from all meetings thereof, the House might declare his seat vacant. In pursuance of this Article specific provisions were made in Rules 228 and 229¹⁰ of the Rules of Procedure laying down the method for seeking permission of the House for remaining absent from meetings of the House and for vacating seats in the House on a motion moved in this behalf by the Leader of the House.

A question might arise in this connection as to what action the House should take when a member having been absent for a period of sixty days without taking leave of the House attended the meeting of the House on the expiry of this period. The power to declare a seat vacant was only an enabling power and it was within the competence of the House to condone the absence of any member.

The Committee noted that cases of absence of members had increased. It was thought that it would be difficult for the House as a whole to consider each individual case on merits before coming to a decision whether the absence was to be condoned or not. It was therefore considered necessary that the House should appoint a Committee to consider such cases, in the first instance, and the House might consider the matter on the report made to it by the proposed Committee.

It was explained that the procedure contemplated under the proposed rules was that all applications for leave of absence would be referred to the proposed Committee for consideration and the Committee would submit its report to the House in all cases. Where the recommendation to the House was for granting leave or condoning the absence it would not be necessary to move a motion for the consideration and adoption of the Report of the House. However, in all such cases, the intention was that the

10. Now Rules 242 and 243.

Speaker should make a formal announcement on the following lines in the House:

‘The Committee in its.....report has recommended that leave be granted (or absence be condoned) in respect of Shri.....The members are being informed accordingly.’

Such an announcement would be made one or two days after the presentation of the Report.

Where leave was not recommended by the Committee, the motion for consideration, adoption etc. of the Report, after it had been presented to the House, would be moved as provided in the proposed rule 229(3).

The Committee agreed to these rules with the amendments that the number of members be increased from 10 to 15 and the quorum be increased from 4 to 5.”

Provision has been made in the Rules of Procedure and Conduct of Business in Lok Sabha to regulate the procedure for seeking permission of the House by Members for remaining absent or for vacation of seat under article 101(4) of the Constitution. The relevant Rules are: Rules 325, 326 and 327.

Rule 325 provides for the appointment of a Committee on the Absence of Members from the Sittings of the House consisting of 15 members nominated by the Speaker. The Committee holds office for a period not exceeding one year. Usually a new Committee is constituted in the month of June every year. The term of office of members of the Committee may be extended by motions adopted by the House.¹¹

The first Committee on the Absence of Members from the Sittings of the House was constituted by the Speaker on the 12th March, 1954, and the first sitting of the new Committee was held on the 18th

11. On April 1, 1968, the Deputy Speaker moved, and the House adopted, the following motions:

- (1) That this House do suspend Rule 325 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for extension of the term of office of the present members of the Committee on Absence of Members from the Sittings of the House.
- (2) That this House do extend the term of office of the present members of the Committee on Absence of Members from the Sittings of the House upto the 30th April, 1968.

March 1954. Before March 12, 1954, all applications from Members desiring leave of absence were considered by the House. The applications were read out in the House and the pleasure of the House was taken.¹²

The functions of the Committee are laid down in Rule 326 of the Rules of Procedure which read as under:

- (i) To consider all applications from members for leave of absence from the sittings of the House; and
- (ii) To examine every case where a member has been absent for a period of sixty days or more, without permission, from the sittings of the House and to report whether the absence should be condoned or circumstances of the case justify that the House declare the seat of the member vacant.

This Rule also provides that the "Committee shall perform such other functions in respect of attendance of members in the House as may be assigned to it by the Speaker from time to time."¹³

12. The pleasure of the House was taken in the following form:

"Is it the pleasure of the House that leave be granted to such and such a member for remaining absent from all meetings of the House for such and such period?"

13. Instances where matters relating to attendance of Members in the House were referred to the Committee on Absence of Members by the Speaker are given below:

The following two points were raised in the House in connection with the recommendations contained in the 11th Report of the Committee (First Lok Sabha) on the Absence of Members from the Sittings of the House:

- (i) Why leave of absence is granted to members for 59 days only in the first instance and not for the entire period applied for by them; and
- (ii) nature of the transport difficulties experienced by Rt. Rev. John Richardson who had advanced it as a reason for grant of leave.

The Speaker directed that the points be referred to the Committee. The Committee examined these points on December 13, 1955. The observations of the Committee were incorporated in the Minutes which were laid on the Table of the House on the 14th March, 1956 [L. S. Deb. (II), 29-9-1955].

During the 12th Session of First Lok Sabha, the Speaker referred to the Committee the following point for consideration and report:

"Whether members who do not attend the sitting of Lok Sabha in the first hour should be treated as absent for the whole day."

The Committee examined the matter on May 28, 1956 and reported its views to the Speaker.

Procedure of Work: The Committee in its First Report (First Lok Sabha) has delineated the procedure to be adopted in considering applications for leave of absence. It has recommended the following:

- (i) Each application for leave of absence shall be considered on its merit and after examination of the reasons advanced in the application.
- (ii) An application for leave of absence shall specify the definite period from what date to what date the leave is required and the reason for which such leave is required;
- (iii) Leave of absence should be applied for in the first instance for a period not exceeding sixty days.
- (iv) Whenever a member is continuously absent from the meetings of the House for a period of sixty days or more, without obtaining permission, a letter shall be addressed to him requesting him to state for the information of the Committee the reasons for such absence. On receipt of his reply, or after a reasonable time, the case will be considered by the Committee.
- (v) When the Committee makes a recommendation that leave of absence be granted or the absence be condoned the pleasure of the House will be taken by the Speaker in the following terms one or two days after the date of presentation of the Report to the House:

“The Committee in its.....Report has recommended that leave of absence be granted (or absence be condoned) in respect of ShriThe Member(s) is/are being informed accordingly.”

The decision of the House shall thereafter be communicated to the Member.

- (vi) (a) Where leave is not recommended by the Committee, a motion for consideration, adoption etc. of the Report, after it is presented to the House, will be moved by a member of the Committee under the Rules [Rule 290 (3)].
- (b) The decision of the House on such a motion shall be communicated to the Member.”

The Committee in its seventh Report (First Lok Sabha) has held the view that "In future, applications for leave of absence for a period of less than 15 days need not be brought before it for its consideration."

In its Thirteenth Report (First Lok Sabha), the Committee made the following further recommendations:

"In certain cases the Committee observed that members applied for leave of absence after the expiry of the period of 60 days of continuous absence from the sittings of the House. In this connection the Committee observed that unless applications for leave of absence were sent in time in future, there may be complications and the Committee may find it difficult to recommend condonation of the period of absence in such cases."

There are instances where the Committee has recommended condonation of absence for over 60 days.¹⁴

In its Eighteenth Report (First Lok Sabha), the Committee recommended that seats of only such members be declared vacant who show disregard to House and furnish unsatisfactory explanation for their continuous absence for 60 days or more, without permission. Normally it recommends condonation of such absence. These principles were laid down in connection with the case regarding Shri Sibnarayan Singh Mahapatra *vide paras 8 and 9* of this Report. The Committee had observed as under:

"Since his (Shri Sibnarayan Singh Mahapatra's) election to the House, the member had been absent from the sittings of the House for long period. A statement showing the period of absence of the member from session to session is attached at Appendix II. The member last attended

14. (i) Absence of Shri B. Shiva Rao without permission for 68 days during which he had been ill (3rd Report of the Committee, First Lok Sabha).

(ii) Absence of Shri Muchaki Kosa, for over 60 days upto the date of his application (7th Report, First Lok Sabha).

(iii) Continuous absence of Shri C. Gohain and Shri Muchaki Kosa without permission for 65 days and 90 days respectively. (13th Report, First Lok Sabha).

(iv) Absence of Shri C. Gohain upto the date of his resignation (20th Report, First Lok Sabha).

the sitting of the House on 13-8-56. His absence upto 7-3-56 was condoned by the House on the recommendation of the Committee (*vide* Thirteenth Report of the Committee on Absence of Members). The present period of his absence commencing from 8-3-56 to 21-11-56 amounted to 152 days. The total period of his absence from the sittings of the House upto 21-11-56 amounted to 636 days against a total of 753 days of the sessions of the House.

The Committee considered that in view of the disregard shown by the Member to the House and in the absence of any satisfactory explanation of his continuous absence, they would not be justified in recommending leave to the member. The Committee, therefore, recommend that leave of absence may not be granted to the member and a motion may be made under Rule 284 with a view to declaring the seat of the member vacant."

In pursuance of the recommendations of the Committee on Absence of Members from the Sittings of the House in its Eighteenth Report that leave might not be granted to Shri Sibnarayan Singh Mahapatra and that a motion might be made under Rule 284 with a view to declaring his seat vacant, adopted by the House on the 4th December, 1956, Shri G. S. Altekar, Chairman of the Committee, moved the following motion for the vacation of seat of Shri Mahapatra on the 5th December, 1956:—

"In pursuance of clause 4 of Article 101 of the Constitution of India, the seat of Shri Sibnarayan Singh Mahapatra, member of Lok Sabha, who has been absent from all meetings of the House for a period of more than 60 days is hereby declared vacant."

The following procedural points were raised on the motion:—

- (i) The motion being a motion on behalf of the Parliament ought to come either from the Minister of Parliamentary Affairs or from the Leader of the House (Shri U. M. Trivedi).
- (ii) The motion is not in order in the absence of the notice prescribed by the Rules (Shri H. V. Kamath).

As regards the first point the Chair observed that some one authorised by the Leader of the House could also move the motion.

The Minister of Parliamentary Affairs, thereupon, informed the House that the Prime Minister had delegated the authority to the Chairman of the Committee in that behalf and the latter had moved the motion in that capacity.

The Chair also ruled out the second objection observing that the motion was a natural corollary of the adoption by the House of the recommendation of the Committee on Absence of Members that leave might not be granted to Shri Mahapatra and a motion might be made with a view to declaring his seat vacant and notice of the motion was, therefore, not necessary.

The following amendment which was moved by Shri H. V. Kamath was negated:—

“That the consideration of the motion be postponed till the 12th December, 1956.”

The original motion regarding the vacation of seat of Shri Mahapatra was thereafter put to the vote of the House and adopted.

Sometimes, the Committee bring matters involving difficulties to members, which make them apply for leave of absence, to the notice of Speaker and the Ministry concerned.¹⁵

Normally the statement of the member that he is applying for leave of absence on grounds of illness is accepted and he is not asked to furnish a medical certificate. However, on one occasion, when a member had been continuously absent from the sittings of the House for a long period, he was directed to state full reasons for his absence and produce a medical certificate from a civil surgeon before the question of granting him any further leave could be considered.¹⁶

15. CAM, while recommending grant of leave of absence to a member, who had applied for leave due to difficulties in getting a boat from Port Blair, suggested that in view of his standing complaint in getting a boat the attention of the Ministry concerned should be drawn to this matter. (Minutes of Committee dated 30-11-1954).

CAM, while recommending grant of leave of absence to a member, who was undergoing imprisonment and had applied for leave of absence on the ground that the appeals filed by him in the cases pending against him had not yet been heard suggested *inter alia* that the case should be brought to the notice of Speaker as the appeals had been pending for an unduly long time. (Minutes of Committee dated 11-3-1955).

16. Kaul & Shakhder: *op. cit.*, p. 325.

The period for which leave of absence is required by a member must not exceed sixty days. If a member applies for leave of absence for a period exceeding sixty days, the Committee recommends fifty-nine days' leave only in the first instance.¹⁷

In case a member applies for leave of absence for a period which falls partly during the current session and partly in the next session, he is granted leave till the termination of the current session only in the first instance, provided that the period of leave so granted does not exceed fifty-nine days. For the portion of period of leave falling in the next session, the member is advised to apply afresh.¹⁸

As soon as a member completes forty days of continuous absence without permission of the House, the Secretariat informs him about it, so that he may apply for leave of absence in time in order to avoid complications at a later stage. This is done in pursuance of the recommendation of the Committee on Absence of Members contained in their Thirteenth Report (First Lok Sabha).

If a Member is continuously absent from the sittings of the House for sixty days or more, without permission, his attention is drawn to the constitutional provisions and the relevant rules and he is advised to apply for condonation of the period of absence, stating the reasons necessitating his absence, for the information and consideration of the Committee. In a similar case, no such communication is, however, sent to a Minister.

Applications for Leave of Absence: Applications for leave of absence have to specify the grounds for leave.¹⁹ The reasons given in the application should be proper, sufficient and convincing. Break-down of means of transport has been considered a valid ground for leave of absence.²⁰ Leave should not be asked for on flimsy and frivolous grounds or on grounds which tend to lower the prestige and dignity of the House.²¹

When the House is in session, a member who is on a Government Committee or Commission and goes out in connection with its work, has to apply for leave of absence.²²

17. *Ibid.*, p. 325.

18. *Ibid.*

19. *Ibid.*, p. 326.

20. *Ibid.*

21. *Ibid.*

22. *Ibid.*

A member who has not made and subscribed the oath or affirmation is entitled to ask for leave of absence from sittings of the House in order to avoid penalty envisaged in the Constitution.²³

Re-examination of Grounds for Grant of Leave: The Committee on the Absence of Members in its Thirteenth Report, presented to the House on the 14th March, 1974, had recommended grant of leave of absence to two Members on the ground of the work relating to the constituency and to one Member on the ground of trouble in his factory. On the 18th March, 1974, when the Speaker took the pleasure of the House to the grant of leave, a Member (Shri H. N. Mukerjee) raised objections about the grounds on which leave had been recommended by the Committee for the three Members. He submitted that certain principles and procedure should be followed while granting leave of absence to Members. The Speaker observed that when the House was sitting, except for very exceptional circumstances, the duty to the House was more important than any other matter and that some principles should be laid down as to for what purposes Members might remain absent from the sittings of the House.

In the light of observations made by the Speaker, the Committee on the Absence of Members from the Sittings of the House considered the grounds on which leave could be granted to Members under Article 101(4) of the Constitution, at their sittings held on the 27th September and the 31st October, 1974.

In its Seventeenth Report (5th Lok Sabha), presented to the House on 25th November, 1974 the Committee on the Absence of Members from the Sittings of the House recommended the grounds on which leave could be granted to Members. The findings of the Committee are given below:

“The Committee noted that under Article 101(4) of the Constitution, a Member could remain absent continuously for a period of 59 days without the permission of the House. Therefore, so long as present provisions of Article 101(4) stand, absence for less than 60 days would not have any effect on the membership of a Member even if the Committee refused to recommend granting of leave applied for by a Member. In view of that the Committee

23. *Ibid.*, p. 327.

recommend that the grounds on which leave could be granted to Members might be as follows:—

- (1) Illness of self, including medical check up.
- (2) Illness, accident or mishap in the family.
- (3) Death in the family.
- (4) Marriage of self or marriage in family.
- (5) Detention in Jail.
- (6) Pilgrimage or participation in religious celebrations.
- (7) Visits abroad for—
 - (i) Participation in Conferences and Delegations;
 - (ii) Study tour;
 - (iii) Lecturing;
 - (iv) Participation in Games and Sports.
- (8) Relief work in natural calamities like floods, drought, fire or earthquake in the constituency or any part of the country.
- (9) Work connected with delimitation of constituencies or preparation of electoral rolls.
- (10) Work connected with some Commission of Inquiry.
- (11) Celebrations like the following in the constituency in which the Member has been assigned a prominent role—
 - (i) Martyr's Day;
 - (ii) Centenary Celebrations;
 - (iii) Inauguration of a new Project, Assembly or State etc.
- (12) Election or Bye-elections in the constituency.
- (13) Participation in party session or party meetings.
- (14) Agitations or disturbances in the constituency.
- (15) Breakdown of communications.

The Committee feel that some of the grounds mentioned above would not merit grant of leave for long durations and ac-

cordingly want to clarify that while granting leave not only the ground but also duration of leave would also be a vital factor.

The Committee are of the view that the present practice of relying on the information given by the Members should continue and Members need not be required to produce certificates or evidence in support of the ground on which leave was applied for. The Committee also feel that where the grounds on which leave was applied for were not clear or needed elucidation, the Members should be asked to clarify the grounds before leave was recommended.

The Committee further recommend that leave need NOT ordinarily be granted on grounds like—

- (i) work in constituency other than those mentioned above;
- (ii) professional or business engagements;
- (iii) private affairs;
- (iv) domestic trouble other than those mentioned above."

On 3rd December 1974, the Chairman moved the following motion:

"That this House do agree with the Seventeenth Report of the Committee on the Absence of the Members from the Sittings of the House presented to the House on the 25th November 1976."

The motion was adopted in the following amended form:

"That this House do agree with the Seventeenth Report of the Committee on the Absence of Members from the Sittings of House presented to the House on the 25th November, 1974 subject to the modification that in paragraph 6 of the Report for the words 'need NOT be granted', the words 'need not ordinarily be granted', be substituted."

Report and Action Taken: The report of the Committee is circulated to all the members on the same day on which it is presented to the House. A paragraph informing the members about this is also issued on the same day in the Bulletin.

If the recommendations contained in the report are that the leave of absence be granted to the members concerned or absence be condoned, as the case may be, then one or two days after the presentation of the report to the House, the Speaker takes the pleasure of the House in respect of these recommendations (Rule 327). The entry in list of business²⁴ is made in the following form:

“Leave of Absence from the Sittings of the House. Mr. Speaker to take the pleasure of the House regarding grant of leave of absence to Members as recommended in the Fourth Report of the Committee on Absence of Members from the Sittings of the House presented to the House on the 22nd March, 1963.”

The pleasure of the House is taken by the Speaker in the following terms on a day as soon as may be after the presentation of the report:—

“The Committee on the Absence of Members from the Sittings of the House in its.....Report has recommended that leave of absence be granted or absence be condoned (as the case may be) in respect of Shri.....for the period indicated in the report.

I take it that the House agrees with the recommendations of the Committee.

The members will be informed accordingly.”

No formal motion for the adoption of the report of the Committee is moved unless in the case of absence of a member the Committee has not recommended leave of absence or the report contains special matters; only the pleasure of the House is ascertained in the manner provided in the above rule.

The members concerned are then informed through a letter about the grant of leave of absence to them or condonation of their absence, as the case may be.

24. The practice of including the entry in the List of Business regarding taking pleasure of the House was started during the 4th session (3rd Lok Sabha) in connection with Fourth Report of the Committee. Prior to that the item was included in Officers' Agenda Sets only.

On the same day on which leave of absence is granted to the members or their absence is condoned by the House, the names of all such members together with the period for which leave has been granted or absence condoned, are published in the Bulletin.

When the pleasure of the House is taken by the Speaker on the recommendations of the Committee as contained in its report, no member generally dissents, but if a dissentient voice is heard the Speaker takes the sense of the House and decides accordingly. While doing so he goes by voices and, if necessary, he may allow a division as well.

At the time of taking the pleasure of the House the Speaker permits members to raise points on the report provided they have given advance intimation thereof in writing. In case notice of any point is received the Chairman of the Committee is apprised of the position so as to enable him to answer that point in the House on the appropriate date.

Conclusion: The Committee on the Absence of Members from the Sittings of the House in its Fourth Report (First Lok Sabha) had observed:

“The duty of each member to the House is paramount and the Committee consider that members should remain absent only when it is absolutely necessary and there are good reason for doing so. It is absolutely necessary that in this as in other matters proper and healthy precedents should be established.”

The Speaker had also observed on the 18th March, 1974 that when the House was sitting, except for very exceptional circumstances, the duty to the House was more important than any other matter.

The Committee on the Absence of Members from the Sittings of the House has laid down basic principles on which leave could be granted to the members under article 101(4) of the Constitution. Members of Parliament are now aware of the grounds which would merit grant of leave of absence.

Before the constitution of the Committee, cases of absence of members were considered by the House itself. As the Rules Committee had observed, it was difficult for the House as a whole to consider each individual case on merits before coming to a decision

whether the absence was to be condoned or not. The procedure under which all applications for leave of absence of members are first referred to a Committee of the House has no doubt helped in the saving of Parliament's time. Reports of the Committee are presented to the House. Opportunities are, therefore, available to the members for discussion of the reports if the House so desires.

PARLIAMENTARY EVENTS AND ACTIVITIES*

(1) CONFERENCES AND SYMPOSIA OF LEGISLATIVE BODIES IN INDIA

Forty-second Conference of Presiding Officers: The forty-second Conference of Presiding Officers of Legislative Bodies in India was held in Simla on May 31 and June 1, 1976. Shri B. R. Bhagat, Speaker of Lok Sabha and Chairman of the Conference presided. Almost all the Presiding Officers of Legislative Bodies in India as also the Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha attended the Conference. On May 31, 1976, after Shri Kultar Chand Rana, Speaker of the Himachal Pradesh Assembly had welcomed the Presiding Officers, Shri B. R. Bhagat delivered his Address. The Conference discussed the following points on the Agenda:—

- (1) The propriety of issuing an Ordinance when one of the Houses of a bi-cameral Legislature is in Session before introducing the Bill on the subject in that House.
- (2) What action the Presiding Officers should take when a Member complains that there was no mention in newspaper about his speech made in the House?
- (3) Role of the Estimates Committee in relation to the examination of the current Budget Estimates before they are voted upon by the House.
- (4) Whether any change in the Rules of Procedure and Conduct of Business in the Legislature is necessary to

*Contributed by the Conference Branch, Lok Sabha Secretariat.

ensure quorum of the House and, if so what changes should be made therein?

- (5) Whether assurances should be culled out from Governor's Address and Budget Speech for the purpose of being pursued by the Committee on Government Assurances?
- (6) Is it not desirable that in matters of powers, privileges and immunities of Parliament, State Legislatures and their Members as conferred by articles 105 and 194 of the Constitution, reference to the House of Commons of the Parliament of the United Kingdom be deleted from these articles?
- (7) Whether Deputy Speaker should continue in office like the Speaker even after dissolution of the Assembly?
- (8) How the duties attached to the Office of the Speaker shall be carried on in case the Speaker resigns or dies or is otherwise incapacitated during the period of dissolution of the Assembly?
- (9) What facilities are to be rendered to the Members detained in prison for the discharge of their duties?
- (10) What should be the exact procedure for voting on Demand for Excess Grant of a preceding year on the recommendation of the Committee on Public Accounts? Should there be any cut motion with regard to such Demand although this is only regularisation of expenditure already incurred?
- (11) Whether copy of proceedings of the House should be given to Lokayukta?
- (12) Whether a Committee of the House can be constituted to enquire into the administrative decisions and the orders of a Presiding Officer soon after the demitting of his Office?
- (13) Whether questions should be allowed to be asked in the House regarding matters pertaining to local importance or particular groups or persons?
- (14) In a case where at the closing hour of the sitting of the House when discussion on an amendment to a Bill was over, the amendment was put to vote, division claimed

thereon and granted by the Chair, but at that stage the House was adjourned on account of the absence of the Minister, the Chair having declared that the division would take place the next day—

- (a) from what stage, the process of voting should start on the next day, i.e., *de novo* from the stage of taking voice vote or from the stage of proceeding with the division since voice vote was already taken on the previous day; and
 - (b) whether only Members who were present on the earlier day when the division was granted or Members who were present the next day when the division actually takes place are entitled to vote?
- (15) Whether the Business Advisory Committee Report should be presented to the House by the Speaker as Chairman of the Committee or by the Minister for Parliamentary Affairs?

Conference of Secretaries of Legislative Bodies in India: The twenty-second Conference of Secretaries of Legislative Bodies in India was held on May 30, 1976 in Simla (Himachal Pradesh). Besides the Secretaries-General of Lok Sabha and Rajya Sabha, 29 Secretaries of State Legislatures attended the Conference. In addition, Shri B. N. Banerjee, M.P. (former Secretary-General of Rajya Sabha and immediate past Chairman of the Conference) and Shri M. N. Kaul, former founder Chairman of the Conference (former Secretary of Lok Sabha) also attended the Conference as special invitees. The Conference was held under the Chairmanship of Shri S. L. Shakhder, Secretary-General, Lok Sabha. After the Welcome speech by Shri V. P. Bhatnagar, Secretary, Himachal Pradesh Legislative Assembly Shri S. L. Shakhder, Secretary-General, Lok Sabha (Chairman of the Conference) addressed the Conference. The Conference was also addressed by Shri B. N. Banerjee, M.P.; Shri M. N. Kaul and Shri S. S. Bhalerao, Secretary-General Rajya Sabha. The Conference, thereafter discussed the 'Report of the Committee of Secretaries (Hanumanthappa Committee) on Staffing pattern in the Legislature Secretariats'.

Meeting of Presidents of the Commonwealth Parliamentary Association in India at Simla: A meeting of the Presidents of the Commonwealth Parliamentary Association Branches in India was

held on June 1, 1976 at Vidhan Sabha Bhawan, Simla. Shri B. R. Bhagat, Speaker of Lok Sabha and President of the India Branch of Commonwealth Parliamentary Association in India presided.

Presiding Officers Conference—Symposium: A Symposium on 'Need for Constitutional reforms in the context of new programmes of economic growth and social justice' was held in the Himachal Pradesh Assembly Chamber, Simla on Wednesday, the 2nd June, 1976. The Speaker of Lok Sabha, Shri B. R. Bhagat who is the Chairman of the Conference of Presiding Officers, presided over the Symposium. Dr. Y. S. Parmar, Chief Minister of Himachal Pradesh inaugurated the Symposium. The Deputy Chairman of Rajya Sabha, the Presiding Officers of State Legislatures in India, Members of Parliament, Ministers and M.L.As. from Himachal Pradesh participated in the Symposium.

INDIAN PARLIAMENTARY DELEGATIONS ABROAD

Visit of Indian Parliamentary Delegation to the European Parliament: A two-member Indian Parliamentary Delegation composed of Shri Dinesh Singh, M.P. as Leader of the delegation and Shri Vayalar Ravi, M.P. visited the European Parliament (Brussels, Hague, Paris and Hamburg) in June-July, 1976.

Visit of Indian Parliamentary Delegation to Indonesia:—In pursuance of an invitation from Indonesia, an Indian Parliamentary Delegation led by Shri B. R. Bhagat, Speaker of Lok Sabha, visited Indonesia from July 6 to 15, 1976. Besides the leader, the delegation consisted of Shri Tarun Gogoi, M.P.; Dr. Lokesh Chandra, M.P.; Shri K. Maya Thevar, M.P.; Shri Loknath Misra, M.P.; Shri C. K. Jaffer Shariff, M.P.; Shri P. K. Patnaik, Additional Secretary, Lok Sabha; Secretary to the delegation and Dr. S. Seshadri, Secretary to Speaker of Lok Sabha.

Visit of Indian Parliamentary Delegation to U.S.S.R.: In pursuance of an invitation from U.S.S.R., an Indian Parliamentary Delegation led by Shri B. R. Bhagat, Speaker, Lok Sabha visited U.S.S.R. from July 25, to August 4, 1976. Besides him, the delegation consisted of Shri Chhatrapati Ambesh, M.P.; Shri A. S. Chowdhri, M.P.; Shri G. S. Mishra, M.P.; Shri V.B. Raju, M.P.; Shri Ram Shekhar Prasad Singh, M.P.; Shri Ranbir Singh, M.P.; Shri Satyendra Narayan Sinha, M.P.; Shri V.V. Swaminathan,

M.P.; Shri D.K. Panda, M.P.; Shri S. S. Bhalerao, Secretary-General, Rajya Sabha, Secretary to the Delegation and Dr. S. Seshadri, Secretary to Speaker, Lok Sabha.

PARLIAMENTARY STUDY COMMITTEE ON SPORTS*

The whole country received a great shock on the poor performance of the sportsmen, particularly, of the hockey team, at the recent Montreal Olympics. There had been serious criticism in the Press as well as in other forums about the organisation and management of sports in the country. Naturally, the Parliament could not remain unconcerned or unaffected and the matter was raised by several Members of Parliament on the floor of both Houses of Parliament and also with the Speaker, Lok Sabha. As a consequence, the Speaker appointed a Committee under his own Chairmanship in May 1976 consisting of Members of Parliament from both Houses to study the various aspects of the organisation, development and promotion of sports and physical education in the country and other cognate matters that need attention at Parliamentary level. This Parliamentary Study Committee on Sports included the Minister and Deputy Minister of Education and some other Ministers.

The Committee formed the following three Study Groups to study different aspects of the problems relating to sports:—

- | | |
|-----------------|---|
| Study Group I | on organisation and functioning of sports associations. |
| Study Group II | .. on development of sports. |
| Study Group III | .. on organisation of sports competitions. |

The Study Groups have invited memoranda from the Sports Associations and individuals interested in the subject of sports.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING*

First Intensive Training Course: The first 10-week Intensive Training Course for twenty Officers of State Legislatures organised by the Bureau concluded on July 24 1976. During the Course there were as many as 77 discussion-sessions at which a number of distinguished persons in the Parliamentary field and several senior

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

**Contributed by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat.

Government and Parliamentary Officials spoke to the Course participants. Besides, the participant spent 31 afternoons (accounting for some 80 hours) with various Branches of both the Lok Sabha and Rajya Sabha Secretariats for practical training. The participants had also opportunities of meeting the President of India, the Vice-President, the Prime Minister and the Speaker and hearing them first hand on current issues and matters of Parliamentary interest. On completion of the training, certificates of Training were distributed to the Course participants by the Speaker at a function held in the Central Hall of Parliament.

Speaking on the occasion, the Speaker said 'it is high time that legislatures with their prestige and resources, legislative officials with their fund of accumulated experiences and practical wisdom and scholars with their specialised knowledge pool their assets and talents together' for better management of work in the Legislatures. Congratulating the Course participants, whom he described as 'the fortunate pioneers' and wishing them all success in their future endeavours, the Speaker expressed the hope that they would go back to their respective Legislatures 'with something of the culture and the philosophy of this temple of democracy'.

Earlier, giving a brief account of the Course and the activities of the Bureau, the Secretary-General, Lok Sabha, Shri S. L. Shakhder said 'the Bureau has a tremendous potential and may one day grow into a prestigious and Unique Academy of Parliamentary learning and training drawing people from all over the world'.

Training Programme for Sergeants-at-Arms, Marshals and Watch and Ward Officers: A two-week training programme for sergeants-at-Arms, Marshals and Watch & Ward Officers, in which 20 Officers from State legislatures all over the country and 4 from the Lok Sabha and Rajya Sabha Watch & Ward Services participated, was organised by the Bureau from September 13 to 25, 1976. In his inaugural Address to the Course participants on 13th September, 1976, the Deputy Speaker, Lok Sabha, Shri G. G. Swell mentioned the various problems that confront the security officers of Parliament and State Legislatures and said that the Course had been planned out 'very efficiently' for a proper understanding of the kind of duties that these officers had to perform. Referring to the various other training Courses finalised by the Bureau, he observed that 'to have accomplished all this is a testimony to the dynamism of the Bureau and it is a matter of pleasure to me to be able to say that the Bureau has

lived up to the expectations' it had aroused at the time of its inauguration in May 1976.

On the conclusion of the Course on September 25, 1976, Certificates of Training were distributed to the participants by Professor Siddheshwar Prasad, Deputy Minister in the Ministry of Energy.

Programme of Study and Training for Foreign officials: Under the programme of study and training for foreign officials chalked out by the Bureau, Mr. Harrison Bismarck Ndoria Gicheru, Assembly Clerk, National Assembly of Kenya was provided training facilities from 1st to 30th September, 1976 to study the various aspects of working of parliamentary processes and procedures in Lok Sabha.

Other Courses and Programmes: The other Courses and programmes on hand include the following:

- (i) Orientation Workshop in English Language and Writing skills for parliamentary officials (October 4—28, 1976).
- (ii) Specialisation Course for Librarians of State Legislature Secretariats. (October 18—November 6, 1976).
- (iii) Appreciation Course for I.A.S. Probationers in Parliamentary processes and procedures. (last week of January and February each year).
- (iv) Appreciation Course in Parliamentary processes and procedures for officers of the rank of Deputy Secretaries and Under Secretaries of the Government of India. (second and fourth week of each month commencing November, 1976).

PRIVILEGE ISSUES*

LOK SABHA

Requests for making available Parliamentary Records to CBI: In July, 1976 the Deputy Inspector General of Police, Central Bureau of Investigation, New Delhi, requested the Lok Sabha Secretariat to make available to the Central Bureau of Investigation admitted writings of Shri George Fernandes, who was a member of the Fourth Lok Sabha, in connection with investigation of a case by the Central Bureau of Investigation. Following the procedure laid down in this behalf in the First Report of the Committee of Privileges (Second Lok Sabha) and adopted by the House on September 13, 1957, the Speaker referred the matter to the Committee of Privileges under rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha. The Committee of Privileges in their Eighteenth Report presented to the House on August, 16, 1976 reported that although the Deputy Inspector General of Police, Central Bureau of Investigation, had stated that the writings of Shri George Fernandes, *ex-MP*, were, at present, required for purposes of investigation and not for production in Court, it was quite possible that those documents might have ultimately to be produced in a court of law. The Committee recommended that two notices purported to be in the handwriting of Shri George Fernandes, and purporting to bear his signatures, from the Lok Sabha Secretariat files might, with the permission of the House, be made available to the Deputy Inspector General of Police, Central Bureau of Investigation, New Delhi. The Report of the Committee of Privileges was adopted by the House on August 20, 1976. In pursuance of the decision of the House, the aforesaid

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

two notices purported to be in the handwriting of Shri George Fernandes, and purporting to bear his signatures, were made available to the Deputy Inspector General of Police, Central Bureau of Investigation, New Delhi.

Handcuffing of Member: The Committee of Privileges, in its Nineteenth Report presented to the House on August 31, 1976, examined a question of privilege regarding the handcuffing of a member of Lok Sabha by the Police on August 5, 1974, while he was being taken from the jail to a Magistrate's Court in Bihar. The Committee noted that the Union Home Ministry had repeatedly issued instructions to all State Governments and Union Territory Administrations, in 1957, 1959, 1968 and in 1974 to the effect that persons in police custody and prisoners, whether under-trial or convicts, should not be handcuffed as a matter of routine and that the use of handcuffs should be restricted to cases where the prisoner is of a desperate character or where there are reasonable grounds to believe that he will use violence or attempt to escape. The Committee, therefore, came to the conclusion that the handcuffing of the concerned Member of Lok Sabha on August 5, 1974 was "in utter disregard and in defiance of the clearest instructions of the Ministry of Home Affairs as well as of the Government of Bihar, particularly those governing the Members of Parliament. As such, the action of the concerned officials was highly improper and deplorable" and deserved to be "severely censured".

The Committee expressed the hope that "the instructions regarding handcuffing of prisoners, issued by the Union Ministry of Home Affairs from time to time will be strictly and scrupulously followed by all the authorities concerned of the State Governments and Union Territory Administrations and there would ordinarily be no occasion to handcuff prisoners such as Members of Parliament, members of State Legislatures, peaceful *satyagrahis*, persons occupying good positions in public life and professionals like journalists, jurists, doctors, writers and educationists".

In regard to this particular case the Committee recommended that no further action be taken by the House in the matter since the Government of Bihar had already initiated departmental action against the concerned officials at fault in that incident.

PUNJAB VIDHAN SABHA

Presence of a Sarpanch in the Governor's Box in Vidhan Bhavan:

On January 29, 1976, the Speaker, Dr. Kewal Krishna, informed¹ the House that he had received notice of a question of privilege from Shri Raj Kumar, a member, wherein he had stated that the Sarpanch of Village Chhotepur, Block Dhariwal, Tehsil and District Gurdaspur, was seen occupying a seat in the Governor's Box in Vidhan Bhavan on January 28, 1976 during the Question Hour, when the Minister for Development and Panchayats was making a statement in the House in reply to a supplementary question that the show cause notice for the removal of that Sarpanch could not be served upon him because he had gone to Uttar Pradesh. Shri Raj Kumar had further stated in his notice that the Sarpanch was immediately asked to vacate the Governor's Box and that his unauthorised presence in a place of high dignity in the Bhavan was a matter of public concern.

The Speaker observed:

"I am having the matter examined in all its aspects and will give my ruling later".

On February 6, 1976 the Speaker disallowed the question of privilege and ruled² *inter alia* as follows:—

".....I have examined the matter. I may inform the House that when the fact of the presence was brought to my notice, I immediately ordered for his withdrawal from the Governor's Box. Admission of strangers to various Galleries is regulated under my directions. Governor's Box is meant only for the guests of the Governor and VIPs and I have given fresh instructions accordingly. I want to assure the House that I am equally anxious that the sanctity of the Governor's Box should be maintained at all costs and any person who is not a V.I.P. shall not be accommodated in this Box.

In view of what I have stated, I do not give my consent to the question of privilege being raised. I hope all the hon'ble Members will co-operate in this regard".

1. Punjab Vidhan Sabha Debs., 29-1-1976.

2. Ibid., 6-2-1976.

HOUSE OF COMMONS (U.K.)

Threat to a member by a solicitor to commence legal proceedings against him: On April 21, 1975 Mr. Rose, a member sought to raise³ a question of privilege regarding alleged threat to him by solicitor of the Unification Church to commence legal proceedings against him for making certain allegations against his clients in a letter to a Minister pursuant to his reply in the House on April 16, 1975.

While raising the matter, Mr. Rose stated *inter alia* as follows:—

Although the threat is nominally confined to articles appearing in the Press—one of which, as I say, predated the matters complained of by four days—I submit that there is none the less a clear breach of privilege here and an attempt to restrict my freedom of action in a number of ways in carrying out my duties in Parliament and also outside Parliament in fulfilling my duties which flow from membership of the House of Commons. In respect of Parliamentary Questions, there is absolute privilege, and a retraction in the terms demanded would, in effect, prevent me from pursuing matters already raised or, indeed, future matters such as the conviction of a member of that organisation last week and the threat made by the leader of it to the prosecuting solicitor at proceedings last week.

In respect of comments outside the House and reported in the Press arising from the Parliamentary Questions, I maintain that the threat prevents my explaining my actions in the House and carrying out the activities necessary both to obtain information and to supply information to the Minister who has an interest in this matter and that I have a duty so to do.

Giving his ruling on the next day, April 22, 1975 the Speaker disallowed the question of privilege and ruled⁴ *inter alia* as follows:—

“I have considered the complaint raised yesterday by the hon. Member for Manchester, Backley (Mr. Rose) that a solicitor’s letter which he had received constituted a breach of

3. H.C. (U.K.) *Debs.*, 21-4-1975, cc. 982—4.

4. *Ibid.*, 22-4-1975, c. 1240.

privilege. I have considered his submission carefully and read the Questions in *Hansard* to which he referred. I have come to the conclusion that the action with which he is threatened does not appear to relate to any proceedings in Parliament. I do not consider, therefore, that I should be justified in giving his complaint precedence over the Orders of the Day."

Installation of a bugging device in a member's room: On July 10, 1975 Mr. Torney, a member, sought⁵ to raise a question of privilege against Mr. Corbett, another member, for installing a bugging device and recording of his (Mr. Torney's) conversations in his room in the House without his knowledge or consent. While raising the matter, Mr. Torney stated *inter alia* as follows:—

'In an exercise conducted by the magazine *New Scientist* with the full knowledge of my hon. friend the Member for Hemel Hempstead (Mr. Corbett), my room in the House was fitted with a bugging device and my conversations were recorded, including a telephone conversation that I had with the Ministry of Agriculture—not the Minister—in my capacity as a Member.

This was done without my knowledge or consent, and the bugging device was left lying in the room after I had left it. The room is used by other hon. Member. I assume that my hon. friend is prepared to take responsibility for all that occurred, including the smuggling in of these devices into the building, past the security control.

I do not want to exaggerate the importance of the incident which has the appearance of a practical joke that went wrong, but it seems to me that it has a wider significance and should be brought to the attention of the House."

Thereupon, Mr. Corbett stated as follows:—

"The event to which my hon. friend has drawn attention was conducted as a serious exercise for a serious purpose, in which both my hon. friend and I have jointly taken an interest. However, on reflection I realise that this exercise, for which I take full responsibility, was not wholly

5. H.C. (U.K.) Debs., 10-7-1975, c. 757.

wise, and I should, therefore, like to apologise to my hon. friend, to my hon. friends who are associated with him and to the whole House."

Mr. Torney stated that in view of the expression of regret by Mr. Corbett, he was quite happy to leave the matter where it was. The Speaker, Mr. Selwyn Lloyd, then ruled⁶ *inter alia* as follows:—

"...In all the circumstances, in view of what has been said and the apology that has been tendered, perhaps the House will leave it where it is."

Premature leakage to Press of Boyle Committee's Report on salary of Members: On July 16, 1975, Mr. Tebbit, a member, sought to raise⁷ a question of privilege regarding alleged leakage to Press of the Report of the Boyle Committee on Salary of Members before the House was informed of it. While raising the matter, Mr. Tebbit stated:

"It is clear that somebody had briefed the Press. It is quite clear that not even the Opposition Front Bench had been enabled to see the Boyle Report or to know what the Government statement would be. Therefore, it is a fair assumption that it must have been somewhere within the Government, within a restricted circle, that this Press briefing was given."

On the next day, disallowing the question of privilege, the Speaker ruled⁸ as follows:—

"I now have to rule on the matter of privilege raised yesterday by the hon. Member for Chingford (Mr. Tebbit), while not expressing any general opinion as to leakages of information and the rules of privilege, I do not think in this case that the matter is such as would justify me in giving precedence over the Orders of the Day to a motion concerning it".

Premature publication of a Report of a Select Committee: On October 13, 1975, Mr. J. K. Rooker, a member raised⁹ a question of

6. *Ibid.*, cc. 758-9.

7. H.C. (U.K.) Debs., 16-7-1975, cc. 1515-16.

8. *Ibid.*, 17-7-1975, c. 1731.

9. H.C. (U.K.) Debs., 13-10-1975, c. 865.

12. H.C. (U.K.) (1975-76) 22.

privilege against *The Economist* for publishing in its issue of October 11, 1975, an article under the heading "Wealth Tax" which gave details of a draft Report circulated to the members of the Select Committee on a Wealth Tax for consideration at their next sitting. Mr. J. W. Rooker *inter alia* stated:

"There appeared in *The Economist* of 11th October a most detailed article about a draft Report of a Select Committee of his House, which, in fact, does not meet until Wednesday of this week. The report in *The Economist* gives in detail the amount of money which it is proposed to raise by means of the wealth tax. . . . No member of the Select Committee has seen the draft Report.

"In the past the editor of *The Economist* has not been slow in coming forward to give advice to Members of this House. There have been complaints from time to time about Governments making statements outside the House instead of in the House. Hon. Members certainly have a right to be the first to be informed of the contents of Select Committee Reports. I should like you to consider this article, Mr. Speaker, and to give a ruling".

On October 14, 1975, the Speaker ruled¹⁰ *inter alia* as follows:—

"I am satisfied that the matter of the complaint is such that I should permit a motion to it to be given precedence over the Orders of the Day."

Thereupon the Leader of the House, Mr. Edward Short, moved¹¹ the following motion which was adopted by the House:—

"That the matter of the complaint be referred to the Committee of Privileges."

The Committee of Privileges, after examining in person the Editor of *The Economist*, Mr. Andrew Knight, and the author of

10. *Ibid.* dt. 14-10-1975 c. 1134.

11. *Ibid.*

the article, Mr. Mark Schreiber, in their First Report¹² presented to the House on November 25, 1975, stated *inter alia* as follows:—

- (i) "The publication of documents in the possession of a Committee which have not been reported to the House is contrary to the rules of the House and may constitute a contempt.
- (ii) "The seriousness of the contempt involved in the publication of a Committee document may vary with the circumstances of each case, but the unauthorised disclosure of the contents of a Draft Report cannot be regarded as other than damaging to the work of Parliament. Members of a Select Committee may welcome and rely upon outside advice when taking evidence in the course of an enquiry, but their deliberations in Committee must be conducted in the knowledge that they are and will remain private, and free from outside pressure. On this occasion the Chairman had caused the Draft Report to be marked on the cover with a warning that knowledge of the document should be confined to the members and staff of the Select Committee, and this warning must have been read, both by the person who provided Mr. Schreiber with his copy and (as he admits) by Mr. Schreiber himself."
- (iii) "...Your Committee find that Mr. Knight's conduct was blameworthy in deciding to publish what he knew was a draft Committee document and reckless in deciding to go ahead when he suspected that he was acting in contempt of Parliament. The editor must bear the chief responsibility for publication, and for the form the article took of an explicit account of the contents of a Draft Report".
- (iv) "...It appeared to Your Committee that Mr. Schreiber considered that it was for him to decide what confidential information he would treat as secret, and what he would not, irrespective of the views of the House. Your Committee consider Mr. Schreiber's conduct to be wholly irresponsible."
- (v) "Your committee consider the principal offender to be the person who provided the information. No Select Committee can operate properly if any of its members (or

¹² H. C. (U. K.) (1975-76) 22.

their personal Staff) are prepared to disclose the confidential proceedings of the Committee to persons unauthorised to receive them. Mr. Schreiber has not been prepared to disclose the identity of his informant, although Mr. Knight has told Your Committee that he has satisfied himself that neither the Clerk of the Committee nor his staff were concerned with the disclosure of the information. Your Committee have twice communicated with the members of the Select Committee on a Wealth Tax inviting them to assist in identifying the source of the disclosure. They have received a written assurance from each Member that he cannot help them. In these circumstances there is no further action that Your Committee can take on this aspect of the matter, except to report their opinion that should it subsequently transpire that the informant was someone who had an opportunity to assist Your Committee, the House should treat that person's conduct as deserving of the utmost severity."

- (vi) "Mr. Schreiber on several occasions refused to answer questions about how he came to possess the Draft Report and in particular about the identity of his informant.... If it were to be accepted that in cases of contempt journalists could shelter their informants with impunity, not only would journalists be placed above the law, but opportunities for abuse of their position by all those who handle confidential material in Parliament would be greatly widened. Refusal to answer proper questions asked by a Select Committee is itself a contempt of the House and in this instance such refusal has seriously obstructed the work of Your Committee. They take this repeated refusal into account in considering the appropriate action to be taken in Mr. Schreiber's case."
- (vii) "In Your Committee's opinion this would be an appropriate case for the imposition of a fine on *The Economist*. They draw attention to the following recommendation of the Select Committee on Parliamentary Privilege¹³ in 1937 on the subject of penalties:—

'Your Committee further consider that the penal jurisdiction of the House is unnecessarily handicapped by the

13. H.C. (U.K.) (1967-68) 34. For a summary of the Report see *Privileges Digest*, Vol. XIII No. 2, pp. 84—91.

absence of any power to impose a fine. They take the view that the type of contempt likely to be committed in modern times can often best be dealt with by a fine and that the power to impose a fine would resolve the dilemma which may on occasions face the House that a mere rebuke appears to be inadequate penalty whilst imprisonment would be unnecessarily harsh. It is moreover the only penalty which can be imposed upon a limited company or other corporate body'.

Your Committee endorse the conclusion of that Report on the responsibility of Mr. Knight and Mr. Schreiber. Mr. Knight has quite properly accepted responsibility, as editor, for not, of course, apply retrospectively to the present case".

- (viii) "Your Committee turn to the question of the personal responsibility of Mr. Knight and Mr. Schreiber. Mr. Knight has quite properly accepted responsibility, as editor, for the decision of *The Economist* to publish an account of the Draft Report and he has expressed his regret to Your Committee. He has admitted that it was an offence to publish matter submitted to a Select Committee before that Committee had reported to the House, and he has admitted that he went ahead suspecting, but not troubling to check, that such was the case in this instance. Mr. Schreiber made public use in his capacity as a journalist of a Parliamentary document which he knew to be intended for the sole use of a Select Committee, and he refused to answer certain questions asked by Your Committee. They recommend that, except for the sole purpose of interviewing, in their capacity as constituents, their Members of Parliament, Mr. Knight and Mr. Schreiber should be excluded from the precincts of the House for six months. They recognise that this may impede their journalistic and advisory activities but nevertheless consider such exclusion to be justified. They recommend that it be effected by means of a Resolution agreeing with this Committee's Report".

The Report was considered¹⁴ by the House on December 16, 1975. Mr. George Strauss, a member of the Committee moved the follow-

14. H.C. (U.K.) Debs., 16-12-1975, cc. 1303—56.

ing motion:—

“That this House agrees with the Committee in paragraph 9¹⁵ of the said Report”.

Mr. Paul Channon, a member, while proposing an amendment to the motion, stated *inter alia* as follows:—

“I beg to move, to leave out from ‘House’ to the end of the Question, and to add instead thereof, ‘while regretting the leakage of information from the Select Committee on a Wealth Tax and its publication by *The Economist*, considers that no further action need be taken in the matter....’ I remind the House of what the Select Committee on Parliamentary Privileges said in its Report in 1967. It said:

“The House should exercise its penal jurisdiction

- (a) in any event as sparingly as possible, and
- (b) only when it is satisfied that to do so is essential in order to provide reasonable protection for the House, its Members or its Officers from such improper obstruction or attempt at or threat of obstruction as is causing, or is likely to cause, substantial interference with the performance of their respective functions’.

It is in the light of that that the House should decide whether what the Select Committee proposes is reasonable”.

While intervening in the Debate, the Attorney-General, Mr. S. C. Silkin, who was also a member of the Committee of Privileges stated *inter alia* as follows:—

“. . . It is admitted by Mr. Schreiber and Mr. Knight that they well knew that this was a confidential document. Although they did not know for certain that they were committing a contempt deliberately, one said that he was 60 per cent, or 70 per cent, sure and the other admitted

15. (viii) above.

that he knew. These were deliberate actions, knowing that what was being done was what the House forbade and what the Select Committee intended to forbid. That was the reason why the Draft Report was marked as it was.

It is a free vote tonight and I am speaking only as a member of the Committee. It is open to the House to say 'We shall do nothing about it'. I suggest that it is important that it should not be seen to be an offence that can readily be repeated. That is the reality of the harm that might be done. It is not the particular harm in the particular case that is involved; it is the harm of doing nothing in circumstances in which that deliberate action has been taken".

After a lengthy debate the amendment proposed by Mr. Paul Channon was agreed to by the House on a division by 64 votes to 55 and it was finally resolved:—

"That this House, while regretting the leakage of information from the Select Committee on a Wealth Tax and its publication by *The Economist*, considers that no further action need be taken in the matter".

PROCEDURAL MATTERS*

LOK SABHA

Constitutionality of a Bill: On August 31, 1976 when the Central Sales Tax (Amendment) Bill, 1976 was taken up for consideration, a point of order was raised by Shri N. Sreekantan Nair that the Bill went against article 286 of the Constitution inasmuch as the legislation purported to deny the State Governments the right to formulate laws regarding imposition of Sales Tax. The Minister of Revenue and Banking, Shri Pranab Kumar Mukherjee, stated that the Bill was only an amending Bill which sought to lay down a principle in respect of sales tax on export items and Parliament had the authority under article 286(2) to do so. Ruling out the point of order the Speaker observed that he was not determining the constitutionality or otherwise of the provisions of the Bill.

Clarificatory questions on Calling Attention Notices: Although the rule is clear that in the case of a Calling Attention Notice when the Minister makes his statement there should be no debate thereon, often because of the topicality of the matters brought up, the tendency has been for the proceedings to get protracted. Twice when this happened during the last session of Lok Sabha (on August 16 and 19, 1976) the Speaker had to point out that clarificatory questions asked by members should not be so lengthy as to convert the occasion into a debate. Generally, Calling Attention should not take more than half-an-hour and, in exceptionally important cases, more than 35 to 40 minutes. The

*Contributed by the Table Office, Lok Sabha Secretariat.

Speaker further ruled that not more than 2 or 3 points may be raised by way of clarification, that the member calling attention could take 3-4 minutes and other members 2-3 minutes, and that the Minister's reply should be complete but short.

Unfinished Speech of a Member: On August 26, 1976, when the part-discussed Essential Commodities (Amendment) Bill was taken up again in the House, Shri Bhogendra Jha who was to resume his unfinished speech on the Bill was not present in the House. Thereupon, his unfinished speech was treated as having been concluded, and the Speaker called the next member, Shri M. C. Daga to speak on the resumed consideration of the Bill. By the time, Shri Daga had completed his speech, Shri Jha ushered in and sought the permission of the Chair to speak. The Deputy Speaker who was in the Chair did not accede to his request.

Part discussed items: On August 24, 1976, the Minister of Parliamentary Affairs, made a suggestion in the House that three Bills, namely, the Metal Corporation (Nationalisation and Miscellaneous Provisions) Bill, the Laxmirattan and Atherton West Cotton Mills (Taking over of Management) Bill and the Dhoties (Additional Excise Duty) Repeal Bill be given precedence over a part-discussed Bill, the Essential Commodities (Amendment) Bill, in the Revised List of Business for August 25. It was agreed to by the House. Similarly, again at the instance of the Minister of Parliamentary Affairs and agreed to by the House on August 25, the Labour Provident Fund Laws (Amendment) Bill was given precedence over the same part discussed item viz. the Essential Commodities (Amendment) Bill in the Revised List of Business for August 26, 1976.

Points of order: On August 26, 1976 a member Shri K. Gopal was moving a Calling Attention Notice. Another member, Shri K. Lakkappa then raised a point of order enquiring as to why his notice to draw attention to a similar situation was not admitted. The Speaker ruled it out observing that there could not be any point of order against the decision of the Chair in regard to the admissibility of notices.

On August 13, when during the discussion on a Private Member's Bill a member raised a point of order that no Cabinet Minister or Minister of State was present in the House while an important issue was being debated, the Chair ruled it out of order, pointing out that there was no rule which made it obligatory for a Cabinet Minister or Minister of State to be present and on this occasion the Deputy Minister in charge of the Department concerned was there in the House.

Making allegations in the House: On August 20, 1976, participating in the discussion on Supplementary Demands for Grants (General), a member, Shri Shyam Sunder Mohapatra began making allegations against a Bank Manager by name, an outsider not present in the House to defend himself. The Speaker ordered expunction of the remarks on the ground that before any allegations of a serious nature are made in the House, Members must give intimation to the Speaker in advance and obtain his prior permission.

Resignation by Members: If the Member has specified a future date for his resignation to take effect, the resignation takes effect from the date so specified if the Speaker has accepted the resignation by that date. The Member is informed of the acceptance of his resignation immediately after the resignation is accepted by the Speaker but the resignation is notified on the date from which it is to take effect. Two such cases arose in Lok Sabha recently:

- (i) On May 26, 1976, a Member, Shri Baburao Jangluji Kale elected from Jalna constituency of Maharashtra handed over to the Speaker a letter resigning his seat in Lok Sabha with effect from May 31, 1976 citing his election to Maharashtra Legislative Council as reason for his resignation. On May 27, 1976 the Speaker accepted his resignation with effect from May 31, 1976 and the Member was informed of the acceptance of resignation through a letter dated the 27th May, 1976. The acceptance of resignation was notified in Bulletin Part II and the Gazette of India Extraordinary on May 31, 1976. An announcement to this effect was made in the House on August 10, 1976, the opening day of the Seventeenth Session of the Fifth Lok Sabha.
- (ii) Similarly, Shri Arjun Shripat Kasture who was elected from Khamgaon constituency of Maharashtra handed over to the Speaker a letter dated the 13th July, 1976 resigning his seat in Lok Sabha w.e.f. the 16th July, 1976. The Member was informed of the acceptance of the resignation through a letter dated the 15th July, 1976. The acceptance of resignation was notified in Bulletin Part II and the Gazette of India Extraordinary on the 16th July, 1976. An announcement to this effect was made in the House on the 10th August, 1976.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS*

(May 1, 1976 to July 31, 1976)

INDIA

DEVELOPMENTS AT THE CENTRE

Cabinet changes: Syed Mir Qasim, former Chief Minister of Jammu and Kashmir was on June 7 sworn in as Minister without Portfolio in the Union Cabinet.

Removal of Member's disqualification: In an order gazetted on May 19, the President, Shri Fakhruddin Ali Ahmed removed the six-year disqualification suffered by Shri Amarnath Chawla, a former Member of Parliament as a result of the judgment by the Supreme Court in October, 1974 in a petition filed against his election to the Lok Sabha.

Extension of detention powers under MISA: On June 16, the President extended by one more year the power of the Government to detain a person under the Maintenance of Internal Security Act without giving him the grounds for his detention. The extension was made through an ordinance which substituted the words "twenty four months" for "twelve months" in Section 16A of MISA. The twelve-month period specified in this Section would have expired on June 29, this year.

*This feature, prepared by the Research and Information Division of LARRDIS, 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.

AROUND THE STATES

ANDHRA PRADESH

New Governor: On June 16, Shri R. D. Bhandare was sworn in as Governor of Andhra Pradesh by Shri S. Obul Reddy, Chief Justice of the State High Court.

Biennial elections to Legislative Council: On July 20, the Congress party won all the eight seats it contested in the biennial elections to the ten Council seats from the Assembly constituency. The ninth seat went to a CPI sitting member and the tenth to a Congressman contesting as an Independent.

ASSAM

Death of Minister: On June 10, Shri Parmananda Gogi, Revenue Minister of Assam died of cancer at the Assam Medical College Hospital, Dibrugarh.

New Governor: On June 16, Shri Jagannath Kaushal was sworn in as Governor of Bihar. The acting Chief Justice of the Patna High Court, Shri K. B. N. Sinha administered the oath of office to him.

KARNATAKA

Biennial elections to Legislative Council: According to the results announced on June 7, Congress captured nine out of 11 seats in the biennial elections held on June 6 to the Karnataka Legislative Council. The Party's strength in the 63-member Council thus rose from 35 to 44.

Resignation by Minister: On June 12, the Minister for Social Welfare and Rural Development, Shri N. Rachaiah resigned following expiry of his term in the Legislative Council.

Status of Leader of Opposition: The Opposition leader in the Assembly and the Chief Whip of the ruling party were on July 19 given the status of cabinet Minister and Minister of State respectively through an ordinance promulgated by the Governor.

KERALA

Cabinet expansion: On June 26, Shri K. M. George was sworn in as a Minister in the State cabinet. The Governor, Shri N. N. Wanchoo administered the oath of office and secrecy.

MAHARASHTRA

Biennial elections to Legislative Council: According to the results announced on June 14, Congress won six of the seven seats to the Maharashtra Legislative Council from the local authorities constituency. In July, the Congress won 10 of the 11 seats in the biennial poll to the Council from the Assembly constituency.

MANIPUR

Dissolution of party: On July 5, the Opposition Manipur Hill Union (MHU) dissolved itself and formally merged with the Congress with all its members.

TAMIL NADU

New Governor: On June 16, Shri Mohan Lal Sukhadia took oath of office as the new Governor of the State.

UTTAR PRADESH

Increase in Members' allowances: On May 12, the State Assembly passed the U.P. Legislative Chambers (Emoluments of Members) Amendment Bill, 1976, providing for a daily allowance of Rs. 15 to Members, in addition to the consolidated compensatory allowance of Rs. 350 P.M. a rise in the ceiling on travelling on free railway coupons outside the State from 10,000 km. to 15,000 km. a year, besides other benefits.

DEVELOPMENTS ABROAD

ALGERIA

Abolition of National Charter: A National Charter, drafted by the Government and amended after popular consultation, was finally approved by an overwhelming majority in a referendum held on June 27, 1976. The 280-page charter comprised a preamble and seven chapters on (i) the building of a socialist society; (ii) the party and the State; (iii) guidelines for the building of socialism; (iv) national defence; (v) foreign policy, with emphasis on the fact that Algeria was a non-aligned country; (vi) the main directions of the policy of development; and (vii) the principal objectives of development.

The consultation of the Algerian people on the draft charter had indicated strong support for President Boumedienne and his policies. It had however, also been marked by open call for the elimination of corruption and privileges among some of the country's political leaders, and by some criticism of the charter itself.

The Charter was to be followed by the drafting of a new constitution, based on the "socialist principles" expressed in the Charter and to be approved in another referendum on November 1, 1976, and providing also for the election of a one-party National Assembly and of a President by universal suffrage before the end of 1976.

BANGLADESH

Lifting of ban on political activities: Constitutional restrictions on political, activities on religious basis were removed by a Presidential proclamation on May 3. The proclamation omitted a Constitutional provision in Article 38 which read: "No person shall have the right to form, or be a member or otherwise, take part in the activities of any communal or other association or union which in the name or on the basis of any religion has for its object, or pursues a political purpose". With the omission of the proviso, the restriction on all political organisations on religious basis like Muslim League and Jamiat-e-Islami which remained banned since the adoption of the Constitution on December 14, 1972 was removed.

EAST TIMOR

Merger with Indonesia: On May 31, the popular assembly of East Timor claiming to represent the 6,50,000 people of the former Portuguese colony unanimously approved a petition to integrate it with its neighbour Indonesia. On July 17, President Suharto of Indonesia signed a bill approved earlier by Parliament on July 15, incorporating East Timor with Indonesia. East Timor thus became the 27th province of Indonesia.

FRANCE

Constitutional Amendment: The Congress of the two Houses of the French Parliament, meeting at the Palace of Versailles on June 14, adopted by 490 votes to 258 with one abstention (i.e., by 41 votes more than the requisite three-fifths majority of 449) an amendment to Article 7 of the French Constitution intended to establish certain procedures in the event of the death or incapacity of presidential candidates during an election campaign.

The amendment empowered the Constitutional Council to postpone a presidential election (i) if in the seven days preceding the final date for the deposit of candidatures a person who had publicly announced his candidacy not more than 30 days before that date died or was incapacitated or (ii) if an officially-accepted candidate died or was incapacitated before the first round of voting.

In the event of the death or incapacity of one of the two most successful candidates in the first round before any withdrawal on that candidate's part for the second round, the Constitutional Council would declare that the whole election procedure had to be gone through again, and the same would be the case in the event of the death or incapacity of one of the two candidates remaining in contention for the second round.

ITALY

General Elections: General elections were held in Italy on June 20-21, a year before they would normally have been done, following the resignation on April 30 of Signor Aldo Moro's minority Christian Democratic (DC) Government which had been formed in February. Signor Moro's resignation was occasioned by the withdrawal of parliamentary support from the Government by the Italian Socialist Party (PSI) after the Christian Democrats had relied on the support of the extreme right-wing Italian Socialist Movement (MSI) to secure the adoption of a controversial clause in an abortion bill against the votes of the other parties.

Following the elections, in which the Christian Democrats retained their position as the largest party while the Communists made considerable gains and most other parties lost ground, a minority Christian Democratic Government headed by Signor Giulio Andreotti was sworn in on July 30.

JAPAN

Arrest of former Prime Minister: On July 27, the former Prime Minister Mr. Kakuei Tanaka was arrested by the Public Prosecutor's Office for alleged involvement in the Lockheed payoff scandal. With his arrest Mr. Tanaka resigned from the Liberal Democratic Party (LDP). He was suspected of having received illegally a total of 500 million yen (Rs. 15.3 million) from Mr. Hior Hiyama, former chairman of Marubeni Corporation in Tokyo between August 9, 1973 and February 28, 1974.

LIMA

Suspension of Constitutional Guarantees: On July 1, the Government decreed a state of emergency and suspended constitutional guarantees for 30 days.

MALAWI

Unopposed Return of Members to New National Assembly: It was announced on May 24 that 85 candidates nominated to the National Assembly by the Malawi Congress Party, the country's sole political organization had been returned unopposed, while two others had failed to have their nomination papers accepted in time.

After President Banda had on May 22 dissolved the cabinet and had himself assumed all ministerial powers, he appointed a new cabinet on May 31.

PARAGUAY

Approval of Constitutional Amendment to permit Re-election of President: A constitutional amendment submitted by the ruling Colorado Party to enable President Alfredo Stroessner to stand for re-election in 1978 for a further five-year term was approved in principle by the Paraguayan Congress on July 16 by 80 votes to 17. A constitutional convention would meet early in 1977 to revise Article 173 of the constitution which prohibited re-election after two consecutive terms, in spite of which provision President Stroessner had held power uninterrupted since 1954 and had been re-elected on four occasions.

Both the Liberal Party and the Liberal Radical Party opposed the amendment, which they feared could result in President Stroessner retaining the presidency for life.

PORTUGAL

First democratic government: On July 23 a Socialist Party cabinet headed by the Prime Minister, Dr. Mario Soares was sworn in to run the first democratic government in the country in 50 years.

SEYCHELLES

Achievement of Independence: Seychelles became an independent republic and the 36th member of the Commonwealth at mid-

night on June 28-29, on the basis of arrangements which had been drawn up at a constitutional conference held in London in January 1976 and set out in a white paper. The Seychelles Bill providing for the achievement of independence was enacted on May 27 followed by the third reading of the Bill on May 24.

Upon the achievement of independence, Mr. James Mancham, Chief Minister (and subsequently Prime Minister) since 1970 and leader of the Seychelles Democratic Party, was sworn in as the new Republic's First President. He also took responsibility for Foreign Affairs, Defence and Internal Security, being succeeded as Prime Minister by Mr. Albert Rene, hitherto Minister of Works and Land Development and leader of the Seychelles People's United Party.

SOMALIA

Proclamation of One-Party State: President Siyad Barreh, speaking at the inaugural Congress of a newly-proclaimed Somali Socialist Revolutionary Party on June 28, 1976 declared that the new party—which would come into being on July 1—would be the country's sole political organisation, and would lead the country to progress and prosperity under the aegis of scientific socialism.

The Supreme Revolutionary Council of Somalia was dissolved on July 1 and its powers were transferred to the newly-created party, which elected President Siyad Barreh as its Secretary-General. He declined, however, to accept the rank of Marshall bestowed upon him by the party.

SOUTH WEST AFRICA

(NAMIBIA)

The Constitutional Conference: The Constitutional Conference called by the South African Government to discuss the political future of South West Africa continued its work at two sessions in June and August 1976. The talks had been boycotted from the outset by the South West Africa People's Organization (SWAPO) which was widely regarded, especially outside Southern Africa, as the territory's strongest political grouping.

SRI LANKA

Increase in strength of National Assembly: The next National State Assembly will have 168 members as against the present

strength of 151. The President, Mr. William Gopallawa, on May 25 issued a proclamation providing for the change. This followed the recommendations of the Delimitation Commission appointed by him in September, 1975 for demarcating constituencies on the basis of one seat for a population of 90,000. In effect the next Parliament from 1977 will have 17 more elective seats. Six of the new 145 constituencies will be multi-member ones.

UGANDA

Life term for President: On June 25, Radio Uganda reported that Field Marshal Idi Amin had been declared President of Uganda for life.

UNITED KINGDOM

No-confidence vote: On June 9, the Labour Government defeated a vote of no-confidence with a comfortable majority of 19.

UNITED STATES

Re-establishment of Federal Election Commission: President Ford on May 11 signed into law legislation reviving the major powers of the Federal Election Commission, which had been set up under the 1974 Federal Campaign Finance Act but whose activities had been suspended following a Supreme Court ruling on January 30 that the Commission's composition was unconstitutional because only two of its six members had been nominated by the President.

Following its reconstitution, the Commission on May 21 approved the payment of \$3,200,000 in retroactive federal funds to nine presidential candidates and of \$1,000,000 to the Democratic and Republican National Committees to help finance their nominating conventions, President Ford received over \$1,300,000 and Mr. Reagan over \$500,000, and among the Democrats Mr. Carter got \$437,000 and Mr. Udall \$31,200.

VIETNAM

Inauguration of National Assembly: On June 24, the Vietnamese National Assembly was inaugurated by a South Vietnamese, Mr. Nguyen Hun Tho, Chairman of the Provisional Revolutionary Government's Council of Wise Men. According to Radio Hanoi report

the Vietnamese National Assembly had chosen a new name, flag, emblem and national anthem for Vietnam.

The National Assembly elected on April 25 proclaimed on July 2 the reunification of the country for the first time since 1859 under the name of the Socialist Republic of Viet Nam.

A Committee of 36 members, with Mr. Truong Chinh as Chairman was elected to draft the constitution and it was resolved that pending its introduction, the 1959 constitution of North Viet Nam would be in force throughout the country.

The Assembly elected Mr. Ton Duc Thang (the President of North-Vietnam) as President of the Socialist Republic of Vietnam; Mr. Nguyen Lnong Bang (Vice-President of North Viet Nam) and Mr. Nguyen Hun Tho as Vice-Presidents. Mr. Pham Van Dong was elected as Prime Minister. The Government included six South Vietnamese.

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY
INTEREST

I. THE CONSTITUTION (FORTIETH AMENDMENT) ACT, 1976

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Fortieth Amendment) Act, 1976.

Substitu-
tion of
new
article
for
article
297.

2. For article 297 of the Constitution, the following article shall be substituted, namely:—

Things of
value
within
territorial
waters
or
continental
shelf and
resources
of the
exclusive
economic
zone to
vest
in the
Union.

“297. (1) All lands, minerals and other things of value underlying the ocean within the territorial waters, or the continental shelf, or the exclusive economic zone of India shall vest in the Union and be held for the purposes of the Union.

(2) All other resources of the exclusive economic zone of India shall also vest in the Union and be held for the purposes of the Union.

(3) The limits of the territorial waters, the continental shelf, the exclusive economic zone, and other maritime zones, of India shall be such as may be specified, from time to time, by or under any law made by Parliament.”

3. In the Ninth Schedule to the Constitution, after entry 124 and before the *Explanation*, the following entries shall be inserted, namely:—

Amendment of the Ninth Schedule.

- “125. Section 66A and Chapter IVA of the Motor Vehicles Act, 1939 (Central Act 4 of 1939).
126. The Essential Commodities Act, 1955 (Central Act 10 of 1955).
127. The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (Central Act 13 of 1976).
128. The Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976).
129. The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976 (Central Act 20 of 1976).
130. The Prevention of Publication of Objectionable Matter Act, 1976 (Central Act 27 of 1976).
131. The Levy Sugar Price Equalisation Fund Act, 1976 (Central Act 31 of 1976).
132. The Urban Land (Ceiling and Regulation) Act, 1976 (Central Act 33 of 1976).
133. The Departmentalisation of Union Accounts (Transfer of Personnel) Act, 1976 (Central Act 59 of 1976).
134. The Assam Fixation of Ceiling on Land Holdings Act, 1956 (Assam Act I of 1957).
135. The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bombay Act XCIX of 1958).
136. The Gujarat Private Forests (Acquisition) Act, 1972 (Gujarat Act 14 of 1973).
137. The Haryana Ceiling on Land Holdings (Amendment) Act, 1976 (Haryana Act 17 of 1976).
138. The Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Himachal Pradesh Act 8 of 1974).

139. The Himachal Pradesh Village Common Lands Vesting and Utilisation Act, 1974 (Himachal Pradesh Act 18 of 1974).
140. The Karnataka Land Reforms (Second Amendment and Miscellaneous Provisions) Act, 1974 (Karnataka Act 31 of 1974).
141. The Karnataka Land Reforms (Second Amendment) Act, 1976 (Karnataka Act 27 of 1976).
142. The Kerala Prevention of Eviction Act, 1966 (Kerala Act 12 of 1966).
143. The Thiruvuvaram Payment (Abolition) Act, 1969 (Kerala Act 19 of 1969).
144. The Sreepadam Lands Enfranchisement Act, 1969 (Kerala Act 20 of 1969).
145. The Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971 (Kerala Act 20 of 1971).
146. The Kerala Private Forests (Vesting and Assignment) Act, 1971 (Kerala Act 26 of 1971).
147. The Kerala Agricultural Workers Act, 1974 (Kerala Act 18 of 1974).
148. The Kerala Cashew Factories (Acquisition) Act, 1974 (Kerala Act 29 of 1974).
149. The Kerala Chitties Act, 1975 (Kerala Act 23 of 1975).
150. The Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975 (Kerala Act 31 of 1975).
151. The Kerala Land Reforms (Amendment) Act, 1976 (Kerala Act 15 of 1976).
152. The Kanam Tenancy Abolition Act, 1976 (Kerala Act 16 of 1976).
153. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1974 (Madhya Pradesh Act 20 of 1974).

154. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1975 (Madhya Pradesh Act 2 of 1976).
155. The West Khandesh Mehwassi Estates (Proprietary Rights Abolition, etc.) Regulation, 1961 (Maharashtra Regulation I of 1962).
156. The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Maharashtra Act XIV of 1975).
157. The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Act, 1972 (Maharashtra Act XXI of 1975).
158. The Maharashtra Private Forests (Acquisition) Act, 1975 (Maharashtra Act XXIX of 1975).
159. The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Amendment Act, 1975 (Maharashtra Act XLVII of 1975).
160. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1975 (Maharashtra Act II of 1976).
161. The Orissa Estates Abolition Act, 1951 (Orissa Act I of 1952).
162. The Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954).
163. The Rajasthan Land Reforms and Acquisition of Landowners' Estates Act, 1963 (Rajasthan Act 11 of 1964).
164. The Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Act, 1976 (Rajasthan Act 8 of 1976).
165. The Rajasthan Tenancy (Amendment) Act, 1976 (Rajasthan Act 12 of 1976).
166. The Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act, 1970 (Tamil Nadu Act 17 of 1970).

167. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1971 (Tamil Nadu Act 41 of 1971).
168. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1972 (Tamil Nadu Act 10 of 1972).
169. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1972 (Tamil Nadu Act 20 of 1972).
170. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1972 (Tamil Nadu Act 37 of 1972).
171. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fourth Amendment Act, 1972 (Tamil Nadu Act 39 of 1972).
172. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fifth Amendment Act, 1972 (Tamil Nadu Act 7 of 1974).
173. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fifth Amendment Act, 1972 (Tamil Nadu Act 10 of 1974).
174. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1974 (Tamil Nadu Act 15 of 1974).
175. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Third Amendment Act, 1974 (Tamil Nadu Act 30 of 1974).
176. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1974 (Tamil Nadu Act 32 of 1974).
177. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1975 (Tamil Nadu Act 11 of 1975).
178. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1975 (Tamil Nadu Act 21 of 1975).

179. Amendments made to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Uttar Pradesh Act I of 1951) by the Uttar Pradesh Land Laws (Amendment) Act, 1971 (Uttar Pradesh Act 21 of 1971) and the Uttar Pradesh Land Laws (Amendment) Act, 1974 (Uttar Pradesh Act 34 of 1974).
180. The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1976 (Uttar Pradesh Act 20 of 1976).
181. The West Bengal Land Reforms (Second Amendment) Act, 1972 (West Bengal Act XXVIII of 1972).
182. The West Bengal Restoration of Alienated Land Act, 1973 (West Bengal Act XXIII of 1973).
183. The West Bengal Land Reforms (Amendment) Act, 1974 (West Bengal Act XXXIII of 1974).
184. The West Bengal Land Reforms (Amendment) Act, 1975 (West Bengal Act XXIII of 1975).
185. The West Bengal Land Reforms (Amendment) Act, 1976 (West Bengal Act XII of 1976).
186. The Delhi Land Holdings (Ceiling) Amendment Act, 1976 (Central Act 15 of 1976).
187. The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Goa, Daman and Diu Act 1 of 1976).
188. The Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973 (Pondicherry Act 9 of 1974)."

II. THE CONSTITUTION (FORTY-FIRST AMENDMENT) ACT, 1976

An Act further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Forty-first Short title Amendment) Act, 1976.

**Amend-
ment of
article 316.**

2. In article 316 of the Constitution, in clause (2), for the words "sixty years", the words "sixty-two years" shall be substituted.

**III. THE FIFTH SCHEDULE TO THE CONSTITUTION (AMENDMENT)
ACT, 1976**

An Act further to amend the Fifth Schedule to the Constitution of India.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

**Short
title.**

1. This Act may be called the Fifth Schedule to the Constitution (Amendment) Act, 1976.

**Amend-
ment of
the Fifth
Schedule.**

2. In the Fifth Schedule to the Constitution, in paragraph 6, in sub-paragraph (2),—

(1) after clause (a), the following clause shall be inserted, namely:—

“(aa) increase the area of any Scheduled Area in a State after consultation with the Governor of that State;”;

(2) after clause (c), the following clause shall be inserted, namely:—

(d) rescind, in relation to any State or States any order or orders made under this paragraph, and in consultation with the Governor of the State concerned, make fresh orders redefining the areas which are to be Scheduled Areas;”.

SESSIONAL REVIEWS

I. LOK SABHA*

The Seventeenth Session of Lok Sabha commenced on August 10, 1976 and continued till September 2, 1976. A resume of some of the important discussions and the legislative business transacted during the session is given below:

A. DISCUSSIONS

National Policy for Children: On August 11, 1976, the Minister of Education, Social Welfare and Culture, Professor S. Nurul Hassan replying to a two-day discussion¹ informed the House that his Ministry in close collaboration with other concerned Ministries and State Governments had started an integrated child development service. The integrated scheme covered the nutrition and health care of expectant mothers and the post-natal care of the mother and the child. To start with, the programme was being implemented in 33 tribal blocks. The Government hoped to cover every block in the country by the Sixth Plan.

A National Children's Board had been set up under the chairmanship of the Prime Minister to oversee and review the implementation of the nutritional care programme. Boards had similarly been established in a number of States under the chairmanship of the Chief Ministers concerned, and the Government were trying to see

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

1. The Motion was moved by Shri D. P. Yadav, Deputy Minister in the Ministry of Education and Social Welfare and in the Department of Culture on May 26, 1976.

that in the States where such Boards had not been established, it was done soon, so that there was full coordination between the National Board and the State Boards.

While it was recognised that socio-economic factors were responsible for children begging in the streets, the Government, the Minister said, was aware of the existence of organised racketeers, who kidnapped and compelled them to beg. The Government was having a deeper look at relevant laws to see that such exploitation was put down with a very heavy hand.

Social surveys had shown that large numbers of juvenile delinquents took to crime because organised gangs utilized them and even trained them to do so. There again, the Minister added, no mercy would be shown to such elements.

Dealing with the concern expressed by Members about the exploitation of child labour, the Minister stated that the Government had already set up an inter-departmental working group on employment of children and its report was expected shortly.

Rise in prices of essential commodities: Making a statement on the subject on August 10, 1976, in response to a Calling Attention Notice by Shri Indrajit Gupta, the Minister of State in the Ministry of Supply and Cooperation, Shri A. C. George said that as a result of various measures taken by the Government, the trend in rising prices had been arrested. In view of the sound health of the national economy, the Government had every hope that the overall price situation would continue to be satisfactory. If any unwarranted increase in respect of any essential commodity was observed, Government would not hesitate to intervene and take necessary remedial action to discipline the prices. Further, the Government was considering to formulate a national plan for edible oils on an annual basis to regulate their prices.

The Minister of Finance, Shri C. Subramaniam intervening in the discussion said that he proposed to hold a meeting with the Reserve Bank to find out how far the credit control limits fixed earlier had been observed and what further steps were necessary to curtail the money supply.

Settlement of Cauvery Waters Dispute: In a statement on August 27, 1976, the Minister of Agriculture and Irrigation, Shri Jagjivan Ram, informed the House that a settlement of some complex issues

on the issue had emerged after his meeting with the Governor of Tamil Nadu, Chief Minister of Karnataka and Electricity Minister of Kerala on August 25-26, 1976. The salient features of the understanding reached amongst the three States were: effecting maximum possible economies in the present use of the Cauvery Waters without detriment to the existing ayacuts, constitution of a Committee comprising representatives of the Central and State Governments to work out the sharing of available waters in lean months and constitution of a Cauvery Valley Authority comprising one irrigation engineer from each of the three States to be presided over by an irrigation engineer nominated by the Centre. The functions and rules of procedure of the Authority, the Minister added, would be drafted by a Committee of Secretaries of the three States.

Continuance of Proclamation in respect of Nagaland: On August 19, 1976, the Minister of Home Affairs, Shri K. Brahmananda Reddy moved a statutory resolution on continuance of the President's rule in the State of Nagaland. Initiating the discussion, he said that the implementation of the Shillong Accord was proceeding well under the President's Rule in the State and a new atmosphere of peace, harmony and orderly progress was being built up. Holding of elections at the present juncture might create new complications which might even provide a setback to the process of normalisation in the State. The Government, therefore, was of the considered view that the President's rule in Nagaland should be continued for another period of six months with effect from September 26, 1976. After Shri Reddy replied to the brief discussion, the Resolution was adopted.

Continuance of Proclamation in respect of Tamil Nadu: Moving another statutory resolution later for continuance of the President's Rule in Tamil Nadu, Shri Reddy contended that as the administrative machinery in the State was at the present juncture tied down to the urgent task of providing relief to the drought-affected people, holding of elections before the expiry of the present term of the President's rule (on September 9, 1976) would not be possible.

Replying to a two-day discussion on August 23, 1976, Shri Reddy said that subsequent to the imposition of the President's rule in the State, there had been a qualitative change in the administration of the State. The Central Government had already sanctioned Rs. 7.5 crores for relief to the affected areas. Thereafter, the Resolution was adopted.

Continuance of Proclamation in relation to Gujarat: Moving another statutory resolution on the subject, on August 31, 1976 Shri K. Brahmananda Reddy said that the present Presidential Proclamation for Gujarat would expire on September 23, 1976. Government was now fully engaged in giving a boost to the economic programme and implementing the measures aimed at increasing the efficiency and effectiveness of the State administration. It would be desirable to maintain the current tempo and speed up developmental and welfare measures in the State for some time more. The Government, therefore, was of the view that the President's rule in Gujarat should be continued for another period of six months with effect from September 24, 1976.

Replying to the two-day discussion Shri Reddy said that the State Administration was taking sufficient steps to not only implement the other aspects of the 20-Point Programme, but also afford relief to the common people by seeing to it that the prices of essential commodities did not shoot up. The Minister assured the House that there was no proposal for the dissolution of the Assembly. He also added that when circumstances were propitious for forming a government, active steps would certainly be taken to do so. Thereafter, the Resolution was adopted.

B. LEGISLATIVE BUSINESS

Constitution (Forty-third) Amendment Bill: On August 30, 1976, the Minister of State in the Ministry of Home Affairs, Department of Personnel and Administrative Reforms and Department of Parliamentary Affairs, Shri Om Mehta, moved a Bill² seeking to raise the retirement age of Members of the State Public Service Commissions or Joint Commissions from 60 to 62 years. Commending the Bill to the House, Shri Mehta said that in view of the status and functions assigned to Public Service Commissions under the Constitution, these Commissions had to be manned by persons of high calibre, eminence and great integrity. To a great extent this was possible only if the conditions of service of their members were made sufficiently attractive. One of these conditions was that persons who were offered the posts should have opportunity to serve for reasonably long periods. The present measure sought to provide for this by an amendment of article 316(2) of the Constitution.

2. The Bill was introduced in Lok Sabha on August 26, 1976.

Replying to the brief discussion, the Minister said that the Government always made sure that one member each from the Scheduled Castes and Scheduled Tribes was always on the Union Public Service Commission. He assured the House that the Government would examine the suggestion to provide for recruitment to public sector undertakings through the U.P.S.C. The salaries of the U.P.S.C. members had been raised from Rs. 3,000 to Rs. 3,250 besides improving the pension scheme for them.

Thereafter, the Bill, as amended was passed.

Salaries and Allowances of Members of Parliament (Amendment) Bill: Moving that the Bill³ be taken into consideration, the Minister of Works and Housing and Parliamentary Affairs, Shri K. Raghuramaiah said on September 1, 1976 that the present Bill had been brought in pursuance of the recommendations of the Joint Committee on Salaries and Allowances of Members.

The most important provision in the Bill, he added, related to pension to ex-members. The Bill provided for a pension of Rs. 300 for a member who concluded a five-year term as a member, whether continuously or otherwise, whether as a member of Provisional Parliament or Constituent Assembly. The Bill also provided that for every succeeding year, an ex-member would be entitled to Rs. 50 more, until the ceiling of Rs. 500 was reached. The Bill also liberalised the provision relating to air journey to which the members were entitled during sessions.

Replying to the brief discussion which ensued, Shri Raghuramaiah pointed out that it was no use comparing the ex-M.Ps. with the freedom fighters. The freedom-fighter's pension, on his death, was payable to his wife, un-married daughter and so on. But there was no such provision for ex-M.Ps. Therefore, the Bill, as amended, was passed.

Kerala Legislative Assembly (Extension of Duration) Second Amendment Bill: Moving that the Bill⁴ be taken into consideration, the Minister of State in the Ministry of Law, Justice and Company Affairs, Dr. V. A. Seyid Muhammad maintained on August 30, 1976 that the circumstances in which the duration of the Kerala Legislative Assembly was extended for a period of six months for

3. The Bill was introduced in Lok Sabha on August 31, 1976.

4. The Bill was introduced in Lok Sabha on August 26, 1976.

the second time, i.e. upto October 21, 1976, continued to prevail. As both the Proclamations of Emergency continued to be in operation, it was felt that it was not desirable to hold the elections now. It was, therefore, proposed that the duration of the existing Legislative Assembly of Kerala might be extended for a further period of six months with effect from October 22, 1976.

Replying to the brief discussion, the Minister ruled out the imposition of President's rule in the State. He also declined to give an assurance that the Government would not ask for further extension and said that extension was sought only on justifiable facts.

Thereafter, the Bill was passed.

Representation of the People (Amendment) Bill: Moving that the Bill⁵ be taken into consideration, the Minister of State in the Ministry of Law, Justice and Company Affairs, Dr. V. A. Seyid Muhammad, on August 16, 1976 said that the purpose of the amendments contained in the present Bill was to empower the Election Commission to consolidate all orders of delimitation into a single Order and to maintain the said Order up-to-date by correcting printing mistakes, etc. The First and the Second Schedules to the Representation of the People Act, 1950 were also being amended to reflect the correct position in regard to allocation of seats in Lok Sabha and in the State Legislative Assemblies as determined by the Delimitation Commission.

While replying to the discussion later the Minister made it clear that the Commission had based its findings on the latest Census Report. If in certain cases, representation of Scheduled Castes and others had been reduced, it could not be attributed to the Delimitation Commission. Thereafter, the Bill was passed.

Code of Civil Procedure (Amendment) Bill, 1974: Moving for consideration of the Bill,⁶ as reported by the Joint Committee, the Minister of State in the Ministry of Law, Justice and Company Affairs, Dr. V. A. Seyid Muhammad on August 11, 1976 said that the Bill sought to give effect, as far as practicable, to the many

5. The Bill was introduced in Lok Sabha on August 13, 1976.

6. The Bill had been introduced in Lok Sabha on April 8, 1974 and referred to a Joint Committee on May 2, 1974. The Report of the Joint Committee was presented to Lok Sabha on April 1, 1976.

recommendations made by the Law Commission in its various Reports.

With a view to eliminating delays in the disposal of suits and proceedings, the provisions with regard to service of summons on the defendants, appearance and filing of written statements by the defendants, filing of documents by parties, summoning and enforcing the attendance of witnesses, examination of witnesses on commission, adjournments, and temporary injunctions had been streamlined. Further, the categories of suits which might be tried by a court in a summary manner had also been enlarged. Steps had been taken to discourage adjournments. Provision had also been made to ensure speedy delivery of judgement. Restrictions were proposed to be imposed on the right of appeal.

Replying to the two-day discussion on the Bill, the Minister on August 12, 1976 reiterated that the main objective of the Bill was to eliminate delays, to cut down costs of litigation and to help the indigent litigant.

Thereafter, the Bill, as amended, was passed.

Fifth Schedule to the Constitution (Amendment) Bill: Moving that the Bill be taken into consideration, the Minister of State in the Ministry of Home Affairs, Department of Personnel and Administrative Reforms and Department of Parliamentary Affairs, Shri Om Mehta on August 30, 1976 said that for effective implementation of the economic programmes and for protecting the tribals during the transition period, it was necessary that the benefits of the arrangements under the Fifth Plan were extended to that portion of the Sub-Plan area in such States which was outside the scheduled areas. The present amendment of the Fifth Schedule would enable the Government to rationalise the situation according to the new requirements and it would help in laying a strong foundation for the faster development of the simple tribal people.

Replying to the discussion, Shri Mehta contended that the Bill empowered the President to increase the extent of Scheduled areas in the States. He added that it was for the first time that the concept of an integrated tribal development block had been introduced in the Fifth Five Year Plan, the underlying idea being to protect the tribals from exploitation and to raise their standard of living as

7. The Bill was introduced in Lok Sabha on August 26, 1976.

well as their educational standard. The Government proposed to spend Rs. 1400 crores in the tribal areas for the purpose.

Shri Mehta added that after conferring with the Chief Ministers and the Ministers of State dealing with tribal development, it was decided to change the excise policy and stop vending of liquor through the contractor in the tribal areas. Action was also being taken to restore the alienated lands to the tribals. In order to save the poor tribals from exploitation in the forest areas by contractors, the State Governments had been advised either to purchase themselves or to make arrangements for the purchase of their produce by cooperatives. Thereafter, the Bill was passed.

Maintenance of Internal Security (Second Amendment) Bill: On August 12, 1976, the House took up for simultaneous consideration of Maintenance of Internal Security (Second Amendment) Bill⁸ and Statutory Resolution moved by Shri Somnath Chatterjee seeking disapproval of the Ordinance, which the Bill sought to replace. Initiating the discussion Shri Chatterjee sought an assurance from the Government that the special provision of dealing with the emergency would not be extended further.

Replying to a three-day discussion, the Minister of Home Affairs, Shri K. Brahmananda Reddy on August 16, 1976 said that the present amendment sought to extend the time mentioned in the original Section 16A from 12 months to 24 months. He informed the House that it would be immature at this juncture to indicate any date regarding the revocation of emergency. The Statutory Resolution was negatived and the motion for consideration of the Bill was adopted. Thereafter, the Bill was passed.

President's Pension (Amendment) Bill: Moving that the Bill⁹ be taken into consideration on August 16, 1976, the Deputy Minister in the Ministry of Home Affairs, Shri F. H. Mohsin said that the existing provisions of the President's Pension Act, 1951, *inter alia*, provided for medical attendance and treatment, free of charge, to a retired President. But such facilities were not available to the spouse of a retired President or the spouse of a President who died while holding office as such. Keeping in view the dignity of the high office of the President, it was proposed to extend the said

8. The Bill was introduced in Lok Sabha on August 10, 1976.

9. The Bill was introduced in Lok Sabha on August 10, 1976.

facilities to the spouse of a President in both cases. After a brief discussion, the Bill was passed.

C. THE QUESTION HOUR

During this Session 4821 notices of questions (3761 Starred, 1037 Unstarred and 23 Short Notice Questions) were received. Out of these, 302 Starred, 2186 Unstarred and one Short Notice Question were admitted. The above figures of admitted questions include 3 Starred and 43 Unstarred Questions which were printed in the Lists but were subsequently postponed or transferred to other Lists.

Each of the Lists of Starred Questions contained 20 questions except those of August 25 and 31, 1976 which contained 21 questions each. The average number of questions orally answered on the floor of the House was 9. The maximum number of questions answered was 12 on August 26, 1976. The minimum number of questions answered orally was 6 on August 16, 1976. The average number of questions in Unstarred Lists came to 146 as against the prescribed limit of 200 questions. The maximum number of Unstarred Questions in a day's List was 199 on August 16, 1976 and the minimum number 106 on August 19, 1976.

II. RAJYA SABHA

The Rajya Sabha met for its Ninety-seventh Session from August 10, 1976 to September 3, 1976. Some of the important discussions held and other business transacted during the Session are briefly mentioned below:—

Rise in prices of food-grains, sugar and other essential commodities throughout the country: Making a statement in the Rajya Sabha on August 11, 1976, in response to a Call Attention by Dr. Z. A. Ahmed, Shri A. C. George, Minister of State in the Ministry of Civil Supplies and Cooperation said that the first and the foremost point included in the 20-Point Programme related to measures for the streamlining of arrangements for distribution of essential commodities and for the maintenance of price stability. In the week immediately preceding the declaration of Emergency, the index of wholesale prices stood at 312.9. By the last week of March, 1976, this index had declined to 283.1. There was, therefore, a reduction in wholesale prices by more than 9 per cent.

Between April and June, 1976, there was undoubtedly an increase in all commodities wholesale price index by 4.7 per cent.

This year, the uptrend was accentuated due to delay in the onset of monsoon and deficient rainfall in the earlier part of the rainy season. Speculators and anti-social elements tended to take advantage of this situation and pushed up the prices. The increase in the prices had largely been confined to a few commodities like oilseeds, groundnut oil, raw cotton and hides and skins. The prices of a number of other essential commodities, such as wheat, maize, several varieties of pulses, spices, soaps and kerosene oil had remained more or less stable or witnessed only a marginal increase. The Government had initiated a number of measures to keep the prices down. Over and above the normal release of levy free sugar an extra 20,000 tonnes of sugar was shortly being released. To relieve the pressure on indigenous oils, vanaspati manufacturers had been directed to compulsorily use imported oils to the extent of 50 per cent with effect from July 15, 1976. Further exports of HPS Groundnuts had been banned. The State Governments had been asked to intensify action against hoarding of oilseeds/edible oils. The overall health of the national economy was very sound. The country had witnessed a record production and procurement of foodgrains. There was also a significant growth in industrial production. The overall availability of essential commodities throughout the country was reported to be satisfactory. In this context, Government had every hope that the overall price situation would continue to be satisfactory. If any unwarranted price increase in respect of any essential commodity was observed, Government would not hesitate to intervene and take necessary remedial action to discipline the prices.

Report of the University Grants Commission for 1973-74: On August 11, 1976, Shri D. P. Yadav, Deputy Minister in the Ministry of Education and Social Welfare and in the Department of Culture, moving the motion for consideration of the Annual Report of the University Grants Commission for year 1973-74,¹ said that during the last ten years the U.G.C. had tried to bring uniformity in the educational system of the country. The work done by the U.G.C. during all these years was really commendable although it had limited resources. The U.G.C. had tried that education should not be developed in an unplanned way in the country; rather it should prove helpful and useful to the vast population of the country. In order to bring about uniformity in the educational system, the U.G.C. had introduced 10+2+3 formula for adoption throughout the

1. Laid on the Table of the Rajya Sabha on May 19, 1976.

country. The Commission had also paid special attention to certain aspects of education for bringing about improvement. Special panels had been constituted to re-organise subject-wise courses and bring about modern trends in education.

Professor S. Nural Hassan, Minister of Education, Social Welfare and Culture, replying to the discussion on August 16, 1976, said that in spite of various limitations, the University Grants Commission had been making valuable contributions to raise the standard of higher education in the country. The whole scheme of the U.G.C Act was to attempt to co-ordinate and determine the standards of higher education by providing grants for specific activities or by withholding grants if the requisite standards were not being maintained by certain Universities. Beyond this, the Commission had no power except a general moral authority of giving advice and suggestions to various universities. The establishment of universities was specially within the purview of State Legislatures. The Commission had, therefore no powers to direct a university, if it was found wanting in certain respects either to wind itself up or to carry out any particular directive which the Commission might choose to give it. The universities had also been given academic autonomy. However, within these limitations, what the Commission had been able to achieve and what it was further trying to achieve was extremely commendable.

The very rapid, uncontrolled and unregulated expansion of higher education had created a situation in which the limited resources available to the Commission had proved totally inadequate to meet the essential needs of the expanding system. Therefore, Government had to take steps to limit it. However, the Commission had been trying to ensure that the expansion of enrolments was regulated without reducing in any way the opportunities to the weaker sections of the community to receive education.

Performance of the Indian Hockey Team at Montreal: Shri Prakash Vir Shastri, raising the discussion, on August 31, 1976, said that India which was once occupying the top position in hockey, could not even enter semi-finals in the international olympics held at Montreal this year. It got only the seventh place. This defeat had rightly agitated the minds of the Indians. It was the first time that the President of India had to give his reaction on this crushing defeat.

There were about 28 game federations in the country in which corruption and nepotism were rampant. A high level investigation should be conducted in the affairs of these autonomous bodies. The federations were receiving huge grants from the Government and it was a pity that the Government was a silent spectator while these bodies were misusing their autonomy.

Shri Arvind Netam, Deputy Minister in the Ministry of Education and Social Welfare and in the Department of Culture, replying to the discussion said that the Hockey Federation of India had not yet submitted its report to the Government. All the sports organisations were observing the guidelines issued by Government fully. A Study Committee consisting of Members of Parliament had been constituted under the Chairmanship of the Speaker of the Lok Sabha to go into the various complaints.

B. LEGISLATIVE BUSINESS

The Maintenance of Internal Security (Second Amendment) Bill, 1976: On August 19, 1976, Shri K. Brahmananda Reddy, Minister of Home Affairs, moving the motion for consideration of the Bill,² said that Section 16A of the Maintenance of Internal Security Act was a special provision for effectively dealing with the Emergency and had been brought into operation for a period of 12 months, which lapsed on June 24, 1976. If, these provisions had been allowed to lapse on that date and all the detenus released, there would have been a serious set-back to security, public order and to the emergency situation in the country. The Maintenance of Internal Security (Amendment) Ordinance was accordingly promulgated on the 16th June, 1976, amending Section 16A of the Maintenance of Internal Security Act by substituting "twenty-four months" for "twelve months." The present Bill sought to replace the above Ordinance.

He further said that there might be a few instances here and there where possibly on account of any incorrect information probably some detention could have taken place which might not have been justified. It was for that reason that after review several persons had been released and were being released every day. The motion was adopted and the Bill was passed by the Rajya Sabha on the same day.

2. The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on August 16, 1976.

The Code of Civil Procedure (Amendment) Bill, 1976: On August 23, 1976, Dr. V. A. Seyid Muhammed, Minister of State in the Ministry of Law, Justice and Company Affairs, moving the motion for consideration of the Bill,³ said that the Code of Civil Procedure (Amendment) Bill, 1974, was referred to a Joint Committee of both Houses of Parliament and after examining the Bill in depth, the Joint Committee had suggested certain changes in it.

When the Code of 1908 was enacted, the society was feudal in character, people had ample leisure and litigation in the country was less complex. With the abolition of feudalism and with rapid industrialisation of the country, the pattern of litigation in civil courts had undergone a substantial change. The growth in the population and the growth in the economy had also added to the volume of litigation in the civil courts. A necessity had, therefore, been felt for judicial reforms, so that disposal of the cases might be expedited and costs might be reduced.

In suggesting amendments to the Bill, the Joint Committee had kept in view the twin objects of ensuring a fair trial and expediting the disposal of suits and proceedings. The question of costs was also considered by the Joint Committee. It was felt that the Bill should contain a specific provision about court fees. But 'court fees' was a State subject and the Bill could not provide for it. However, endeavour had been made to ensure that the costs of litigation were reduced by elimination of delays at each stage of litigation.

Among other things adequate provisions had been included in the Bill to discourage adjournments of cases, and it was provided that no adjournment should be granted on the ground that the lawyer was engaged in another court or on the ground of illness of the lawyer where the litigant had sufficient opportunity to engage another lawyer. The delay in the delivery of judgments was another major cause of delay. The Bill, therefore, sought to put a time-limit for the delivery of judgments. With a view to ensuring that the judgment (—), debtors might not delay or defeat the execution of the decree passed against them, the definition of decree had been amended. The Bill also included provisions for arranging free legal services to the indigent persons. The various provisions of the Code, as proposed to be amended by the Bill, would, in fact, go a long way in ensuring fair justice to the litigants and in eliminating delays and thereby reducing costs of litigation.

³ The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on August 19, 1976.

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

The Code of Criminal Procedure (Amendment) Bill, 1976: On August 26, 1976, Shri F. H. Mohsin, Deputy Minister in the Ministry of Home Affairs, moving the motion for consideration of the Bill⁴, said that the provisions of the Bill were intended to remove the doubts and difficulties felt in the actual working of the new Code. The new Code which replaced the 75 year-old basic law of criminal procedure in the country was enacted with all care and attention and after considering the views of all the persons concerned. However, it could not be denied that a new law of this complex nature could not be made foolproof straightaway. The intention was, therefore, to watch its working for sometime and to come up with amendments found necessary to remove the doubts and difficulties actually felt. The present Bill sought to do this. The motion was adopted and the Bill was passed on the same day.

The Central and Other Societies (Regulation) Bill, 1974: On August 31, 1976, Dr. V. A. Seyid Muhammed, Minister of State in the Ministry of Law, Justice and Company Affairs, moving the motion for consideration of the Bill⁵, said that since independence, the Central Government had sponsored a large number of organisations having promotion of literature, science or the fine arts or diffusion of knowledge as their objects. Most of these organisations were wholly, or substantially, financed by the Central Government. The main object of sponsoring such organisations was to give them autonomy, so that they might function effectively without having the necessity of complying with the departmental rules and regulations, whether financial or otherwise. These societies were registered under the Societies Registration Act, 1860. The subject-matter of the said Act being exclusively in the State field, the Central Government had no power to exercise effective control over these societies. But, since these societies were financed from public funds, Central Government was accountable to Parliament for the expenditure incurred by it in connection with these societies. As such, while it was necessary to maintain the autonomy of these organisations, it was also necessary to confer on the Central Government power to exercise financial and other control over these organisations. The Bill, therefore, sought to strike a balance between

4. Introduced in the Rajya Sabha on August 24, 1976.

5. The Report of the Joint Committee of the Houses was presented to the Rajya Sabha on August 12, 1976.

the autonomy of these societies and the obligation of the Central Government to Parliament with regard to the finances made available to them.

The existing societies had been classified into two categories, namely, those specified in the Schedule of the Bill, and those not so specified. The existing societies specified in the Schedule, could, on the commencement of the proposed legislation, be deemed to be Central societies. Other existing societies might, as and when the occasion arose, be declared by the Central Government to be Central societies. As soon as a society was deemed, or declared, to be a Central Society and was registered as such, it would become a body corporate and would cease to be governed by the provisions of the Societies Registration Act, 1860.

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

The Salaries and Allowances of Members of Parliament (Amendment) Bill, 1976: On September 2, 1976, Shri K. Raghu Ramaiah, Minister of Works and Housing and Parliamentary Affairs, moving the motion for consideration of the Bill,⁶ said that under the present rules, a Member began to draw his salary only when he took his seat in the House. This caused hardship to a Member whose election was declared at a time when the House was not in session. The Government therefore thought that it would be better to have the payment commenced from the time a Member was declared elected.

It had also been provided in the Bill that if there was an air service, a member would be entitled, in a situation, where by reason of the climatic conditions like snow, rain, floods and so on, he was cut off with the other parts of the country and it would not be possible for him to reach the nearest rail-head to come to Delhi or go to any other place, to a free air pass from the place where the air service was available nearest to his constituency, to the place where the rail-head began. Also in some cases, it had been found that the Members were not able to utilise the air passes. It had, therefore, been suggested by the Committee, with which the Government agreed, that the Members should be entitled to utilise those passes in the next Session or in the subsequent one provided the journey was completed within the year.

6. The Bill as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on September 1, 1976.

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

The Untouchability (Offences) Amendment and Miscellaneous provision Bill, 1976: On September 3, 1976, Shri Om Mehta, Minister of State in the Ministry of Home Affairs, Department of Personnel and Administrative Reforms and Department of Parliamentary Affairs, moving the motion for consideration of the Bill⁷ said that the Untouchability (Offences) Act, 1955, was passed in pursuance of article 17 of the Constitution which had abolished 'untouchability' and had made its practice in any form punishable by law. A Committee was appointed under the Chairmanship of Shri Elayaperumal to go into the working of the Act and on the basis of the recommendations of that Committee, a Bill was introduced in the Lok Sabha in April, 1972. The Bill was referred to a Joint Committee of the two Houses. The Joint Committee went thoroughly into the various aspects and made many far-reaching changes. The Bill as reported by the Joint Committee had been passed by the Lok Sabha with a few amendments. The name of the principal Act was being changed to 'the Protection of Civil Rights Act.'

The present amending Bill considerably tightened the provisions relating to the removal of untouchability. The direct or indirect preaching of untouchability or its justification on historical, philosophical or religious grounds was being made an offence. The compelling of any person to do any scavenging, sweeping etc., was also being made punishable. The State Governments were being empowered to impose collective fines on the inhabitants of any area who were concerned in or abetting the commission of untouchability offences. All untouchability offences were cognizable. Thus the Bill, would have a deterrent effect in curbing the commission of untouchability offences. The Government was making every endeavour to uplift the Scheduled Castes and to ensure that the last vestiges of untouchability were completely eradicated from the country within the shortest possible time. Under the 20-point programme of the Prime Minister various measures were being taken for the economic uplift of these downtrodden sections of the society. The massive education programme for the Scheduled Castes also helped them in improving their social and educational standards. The great strides achieved in filling posts in the country's public services at various levels had also contributed to raising the status of this community.

7. The Bill as passed by the Lok Sabha was laid on the Table of the Rajya Sabha on September 3, 1976.

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

D. OBITUARY REFERENCES

The Chairman made references to the passing away of Shri Niranjan Singh Talib, a sitting member, Sarvashri K. Damodaran, Dr. A. Ramaswami Mudaliar and Konda Narayanappa, Ex- Members and Kazi Nazrul Islam of Bangla Desh. The House observed a minute's silence as a mark of respect to the memory of the deceased.

BOOK REVIEW

The United States Congress In Comparative Perspective By John E. Schwarz and L. Earl Shaw (Hinsdale, III, The Dryden Press, 1976, 421 pages, Price \$ 13.95)

The present study is concerned with an analysis of the operation of the decision-making process of the United States Congress in a comparative background of the experiences drawn from similar representative bodies in Britain, France and West Germany. The comparison of the Congress with the British House of Commons, the National Assembly of the French Fifth Republic and the West German Bundestag is significant as these have often been cited as alternative models for Congressional reforms—the British House of Commons because of its (presumably superior ?) practice of party responsibility, and the other two because each of them is a variant of both American and the British practices in a number of respects. In such a perspective, the authors have in their evaluative judgement highlighted that the Congress has compiled a record of representing national public opinion that equals and perhaps surpasses all that can possibly be accomplished by alternative structures proposed by the critics of the Congress. Despite the claims of the decline of legislatures, the Congress has nevertheless retained substantial influence in the making of public policy, including a record of policy initiative that critics of Congress have frequently failed to recognize. Such accomplishments, according to the authors, have been possible because of two characteristics often thought to be the major defects of the Congressional system—the comparatively indisciplined nature of Congressional parties and the fragmented character of the Congressional power structure.

Delineating the institutional and structural comparisons in the four countries undertaken for study, the authors proceed with to

examine the ways the members of these legislatures acts in making decisions, towards other major forces in the political system. In their analysis they have attempted to identify various types of goals and particular elements of the legislative setting and to show their relevance to legislative behaviour. The three types of goals that have been central to their concern have been: legislators' career and ambitions; affective attachments (with focus particularly on feelings of party identification); and formative outlooks (including legislator's policy, attitudes, conceptions of roles, and desire to make informed decisions). Their findings in such a comparative framework indicate that in contrast to the popularly held view, voting unity among members of the American Congressional parties is by no means absent. The party has been a rather significant correlate of voting behaviour even in the Congress. In other legislatures too where members of parties maintained higher levels of voting cohesion, even the most cohesive of these parties experienced some significant voting rebellions. Although members' career ambitions and party identification did not provide the basis for a comparatively high level of party-voting unity in the American Congressional parties, a considerable body of evidence suggests that identification with one's party and party colleagues is present to some degree in American legislative parties and that the operation of this disposition encourages party-voting loyalty.

A major portion of the study extensively examines the legislative-executive relations in the four governmental systems under study with the object of describing the relative roles of these institutions in the process of legislation. An attempt is made to assess as to how central or peripheral the four legislatures typically have been *vis-a-vis* the executive in the initiation and development of policies contained in such legislation. A direction of Congressional criticism that has been examined in this context is the charge that it has lost the ability to undertake positive action to solve the problems of contemporary society with the result that it has either become subservient to Presidential leadership or has been capable of exerting power almost exclusively in the sense of frustrating and blocking proposals for positive action.

The authors' findings, however, indicate that the Congress has itself remained a prominent arena of initiation in the policy process without the lead or help of the White House. In addition, the Congress has been an important arena of policy incubation. It has been a highly active, integral, and influential factor in the making of legislation, especially legislation in the domestic area. The fact that

the White House plays an important part in much policy initiation and that the Presidency is active during Congressional consideration of legislation if of obvious importance. But it does not detract the political significance the Congress has retained. Instead, it indicates the need for the kind of collaboration that has come to characterize the process of making legislation. Both the experiences of the Congress and the Bundestag in Germany underline the point that the involvement of the contemporary legislature in the decision-making process is not necessarily limited essentially to the deliberation stage and to responding to executive initiatives, as is often thought to be the case even for the stronger legislatures. This, according to the authors, is more appropriate to the experiences of the House of Commons and the National Assembly than it is to the experience of either the Bundestag or the Congress.

In respect of the crucial issue of the legislative control over the executive, the findings of the study indicate that with the possible exception of the National Assembly in France, a rather considerable amount and variety of supervisory activity has occurred in each of the other legislatures. However, a common characteristic that these legislatures share is that they cannot make a systematic attempt to assure that the entirety of the law is applied properly. That the whole system of legislative control is fundamentally a spot-check system and it cannot be an entirely comprehensive one is an observation which is as much true of the three legislatures as it is of the House of Commons. Examining the question as to what promotes or impedes legislative involvement in activities pertaining to supervising the executive, the authors observe that the forces that produce party disunity, when combined with internal fragmentation of the legislature's powers and resources, may contribute to legislative initiative in a three-fold way. They may do so by (a) maximizing the numbers of legislators motivated to become involved in policy initiation independently of the executive, (b) enlarging the number of legislators who have resources enabling them to pursue these activities more efficaciously; and finally (c) by raising the likelihood that legislature-centered winning coalitions can be nurtured and successfully constructed.

The legislators' behaviour towards interest groups in the four countries is shaped by, and must be viewed in the context of, the ties they have with their party. Interest groups in all four systems have attempted to maximize their impact on a large bloc of legislators by using strategies that concentrated on influencing the executive and/or the legislative party organisation. The study indicates that interest group influence in dealing directly with individual legislators,

at least on the diversity of issues considered by it, was often related to the popular size or potential appeal of the interest group at the constituency level. Some evidence also points to the possibility that legislators' constituency of role concepts or orientations have been important in shaping their attitudes and behaviour towards specific interest groups. The over-all interest group influence on legislative policy decisions has been as great (and perhaps greater) in executive and party dominant situations.

The authors also sought to examine the validity of the criticism of the American Congress, "that despite being popularly elected the Congress has not been sufficiently reflective of the general public, that many of its members have come mainly to be dominated by special interests, and that the decision-making structure within the Congress has itself been undemocratic". On this issue the study reveals rather a close similarity in the percentages of persons identifying themselves as liberals or conservatives in the public and percentages of Representatives having liberal or conservative voting records in the House. It also suggests that the ideological composition of the House shifted overtime according to shifts that occurred in the ideological composition of the public. Such conclusions, however, seem to be less appropriate for the Senate. The principal reason suggested by authors for this is "that the ideological composition of the Senate membership was consistently at greater variance with the ideological composition of the public than was observed for the House. However, the Senate was found to be quite representative in another way. Thus, as for the House, the changes in the ideological composition of the Senate as a whole paralleled changes that took place in the public. The Senate Committee leadership also consistently met the standards for substantive representation set by a combination of the majoritarian and consensual models of representation" (p. 390).

On the whole the authors have emphasised the viewpoint that the record of the Congress along the lines of the preceding analysis has been rather more respectable than its general image might suggest. They have, therefore, strongly pleaded for Congressional reforms that might help it further improve upon its records. Not only that Congress should improve its informational capacity and mechanisms for policy coordination; but equally important, the Congress would do well to improve its image. Continued campaign-financing reform, stricter codes regarding conflicts of interest, opening up committee procedures to greater public view, and the like might be of greater value in helping to better the image of the Congress and to build the more balanced view that the study suggests the Congress

deserves to have. In this list of reforms one might also add an unwritten code of moral conduct self-imposed by its members—particularly in view of its tarnished image by the shocking disclosures of moral conduct of certain Congressmen in recent times.

One wonders, however, whether the conclusions arrived at after such an arduous task are as startling or revealing to justify a project and expense of such a magnitude. Or, was it simply undertaken to prove or disprove some of the existing conflicting opinions about the role of the US Congress in the legislative and policy-making arena? Despite this basic objection to such studies that one might have, the present work is undoubtedly the product of enormous painstaking efforts on the part of the authors. To conduct a comparative analysis of the policy-making processes of the four of the major legislative bodies in the world is indeed a stupendous task for which the authors deserve all praise, and congratulations. In its conceptual framework, collection of empirical data and penetrating analysis, it is one of the outstanding studies seen in recent years after K. Bradshaw and D. Pring's *Parliament and Congress* (London, 1972), although perhaps not so lucid, clear or pointed. The arguments and findings of various other works have been extensively used by the authors for a comparative focus and these are very well documented. The study is truly one of the few that have successfully accomplished a difficult task of comparing the seemingly different legislative bodies with a view to suggest a perspective for reforms in the home setting.

To a student of comparative politics and legislature, the book furnishes a mine of information, source material, and statistical data relating to the legislatures of four major democracies, which may help develop some additional theoretical constructs for comparative analysis of legislative behaviour in other countries. It is, however, doubtful whether such a model could be appropriately applied to the study of legislatures in developing countries for the simple reason that they do not always exhibit the same characteristic assumptions on which the present study is based. The book in its entirety is a substantive research work, the chief merit of which lies in an in-depth and profound analysis of various facts of the legislators' behaviour and interactions with other actors in the policy-making mechanism of the four different societies. This is bound to enrich the existing literature on comparative legislative behaviour and provide fresh insights for further researches in the field.

—R. B. JAIN

RECENT LITERATURE OF PARLIAMENTARY INTEREST

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE SEVENTEENTH SESSION OF THE LOK SABHA

1. Period of the Session	August 10 to September 2, 1976.	
2. Number of meetings held		17
3. Total number of sitting hours	103 hours and 9 minutes.	
4. Number of divisions held		7
5. <i>Government Bills :</i>		
(i) Pending at the commencement of the Session		12
(ii) Introduced		27
(iii) Laid on the Table as passed by Rajya Sabha		5
(iv) Returned by Rajya Sabha with any amendment/ recommendation and laid on the Table		Nil.
(v) Referred to Select Committee		Nil.
(vi) Referred to Joint Committee }		Nil.
(vii) Reported by Select Committee		Nil.
(viii) Reported by Joint Committee		Nil.
(ix) Discussed		32
(x) Passed		32
(xi) Withdrawn		Nil.
(xii) Negatived		Nil.
(xiii) Part-discussed		Nil.
(xiv) Discussion Postponed		Nil.
(xv) Returned by Rajya Sabha without any recommendation		9
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted		Nil.
(xvii) Pending at the end of the Session		12
6. <i>Private Members' Bills :</i>		
(i) Pending at the commencement of the Session		106
(ii) Introduced		2
(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	1
(xii) Discussion postponed	Nil.
(xiii) Motion for circulation of Bill negatived	Nil.
(xiv) Referred to Select Committee	Nil.
(xv) Removed from the Register of pending Bills	Nil.
(xvi) Pending at the end of the Session	186
7. Number of Discussions Held Under Rule, 193: (Matters of Urgent Public Importance)	
(i) Notices received	7
(ii) Admitted	Nil.
(iii) Discussion held	Nil.
8. Number of Statements Made Under Rule, 197 : (Calling-attention to matters of urgent public importance)	
Statements made by Ministers	5
9. Half-an-hour discussions held	1
10. Statutory Resolutions :	
(i) Notices received	10
(ii) Admitted	6
(iii) Moved	6
(iv) Adopted	5
(v) Negatived	1
(vi) Withdrawn	Nil.
11. Government Resolutions :	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	Nil.
(iv) Adopted	Nil.

12. *Private Members' Resolutions :*

(i) Received	3
(ii) Admitted	3
(iii) Discussed	2
(iv) Withdrawn	1
(v) Negatived	Nil.
(vi) Adopted	Nil.
(vii) Part-discussed	1
(viii) Discussion postponed	Nil.

13. *Government Motions :*

(i) Notices received	6
(ii) Admitted	6
(iii) Moved	Nil.
(iv) Adopted	Nil.
(v) Discussed	1 (Part-discussed during last session)

14. *Private Members' Motions :*

(i) Notices Received	68
(ii) Notices Admitted	37
(iii) Moved	Nil.
(iv) Adopted	Nil.
(v) Discussed	Nil.
(vi) Negatived	Nil.
(vii) Part-discussed	Nil.
(viii) Withdrawn	Nil.

15. *Motions Re : Modification of Statutory of Rule :*

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

16.	Number of Parliamentary Committees created, if any, during the session	—
17.	Total number of Visitor's Passes issued during the session	—
18.	Maximum number of Visitors' Passes issued on any single day, and date on which issued	—
19.	<i>Number of Adjournment Motions :</i>	
	(i) Brought before the House	} Nil
	(ii) Admitted and discussed	
	(iii) Barred in view of adjournment Motion admitted on the subject	
	(iv) Consent withheld by Speaker outside the House	
	(v) Consent given by Speaker but leave not granted by House	
20.	<i>Total Number of Questions Admitted :</i>	
	(i) Starred	302
	(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	2306
	(iii) Short-notice Questions	1
21.	<i>Working of Parliamentary Committees :</i>	

S. No.	Name of the Committee	No. of sittings held during the period 1-5-76 to 31-7-76	No. of Reports presented during the Session
1	2	3	4
1.	Business Advisory Committee	1	3
2.	Committee on Absence of Members from the Sittings of the House	1	2
3.	Committee on Government Assurances	3	1
4.	Committee on Papers Laid on the Table	6	1
5.	Committee on Petitions	8	2
6.	Committee on Private Members, Bills and Resolutions	1	1
7.	Committee on Privileges	4	3
8.	Committee on Public Undertakings	1	..
9.	Committee on Subordinate Legislation	5	..

1	2	3	4
10.	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	7	..
11.	Estimates Committee	7	..
12.	House Committee	4	..
13.	Public Accounts Committee	31	7
14.	Railway Convention Committee	3	..
15.	Rules Committee . . . . .	..	..
16.	General Purposes Committee . . . . .	..	..
<i>Joint Select Committees :</i>			
1.	Joint Committee on Offices of Profit	5	1
2.	Joint Committee on the Constitution (Thirty-second Amendment) Bill, 1973	4	..

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE NINETY-SEVENTH SESSION OF RAJYA SABHA

1. Period of the Session	August 10 to September 3, 1976.	
2. Number of meetings held		18
3. Total Number of sitting hours	95 hours and 49 minutes (excluding lunch break)	
4. Number of divisions held		4
5 Government Bills.		
(i) Pending at the commencement of the Session		10
(ii) Introduced		6
(iii) Laid on the Table as passed by Lok Sabha		28
(iv) Returned by Lok Sabha with any amendment		Nil
(v) Referred to Select Committee by Rajya Sabha		Nil
(vi) Referred to Joint Committee by Rajya Sabha		Nil
(vii) Reported by Select Committee		Nil
(viii) Reported by Joint Committee		2
(ix) Discussed		34
(x) Passed		34
(xi) Withdrawn		1
(xii) Negatived		Nil
(xiii) Part-Discussed		Nil
(xiv) Returned by Rajya Sabha without any recommendation		9
(xv) Discussion postponed		Nil
(xvi) Pending at the end of the Session		9
6. Private Members Bills.		
(i) Pending at the commencement of the Session		45
(ii) Introduced		3
(iii) Laid on the Table as passed by Lok Sabha		Nil

(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil
(v) Reported by Joint Committee	Nil
(vi) Discussed	3
(vii) Withdrawn	3
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	Nil
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Pending at the end of the Session	45

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

(i) Notices received	5
(ii) Admitted	Nil
(iii) Discussion held	Nil

8. Number of Statements made under Rule 180 (Calling-attention to matter of urgent public importance)

Statements made by Ministers	3
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9. Half-an-hour discussion held

3

10. (Statutory Resolutions)

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

11. Government Resolutions

(i) Notices received	}	All the Statutory Resolutions mentioned at Sr. No. 10 were Government Resolutions.
(ii) Admitted		
(iii) Moved		
(iv) Adopted		

12. *Private Members' Resolutions :*

(i) Received	7
(ii) Admitted	7
(iii) Discussed	1
(iv) Withdrawn	1
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	1 (Discu- sion not concluded ; lapsed after the proro- gation of the Rajya Sabha)
(viii) Discussion postponed	Nil

13. *Government Motions :*

(i) Notices received	3
(ii) Admitted	3
(iii) Moved	1
(iv) Adopted	1
(v) Part-discussed	Nil

14. *Private Members' motions :*

(i) Received	14
(ii) Admitted	13
(iii) Moved	} Nil
(iv) Adopted	
(v) Part-discussed	
(vi) Negatived	
(vii) Withdrawn	

15. *Motions regarding modification of Statutory Rule :*

(i) Received	} Nil
(ii) Admitted	
(iii) Moved	
(iv) Adopted	
(v) Negatived	

(vi) Withdrawn	}	Nil
(vii) Part-discussed		
16 Number of Parliamentary Committees created, if any, during the session		Nil
17 Total number of Visitors' Passes		804
18 Maximum number of Visitors' Passes issued on any single day, and date on which issued.		78 (on 1st Sept., 1976).
19 <i>Number of Motion for Papers under rule 175.</i>		
(i) Brought before the House	}	Nil
(ii) Admitted and discussed		
20 <i>Total Number of Questions admitted.</i>		
(i) Starred		450
(ii) Unstarred (including Starred Questions).		1030
(iii) Short-notice Questions		Nil
21 <i>Discussion on the working of the Ministries :</i>		Nil
22 <i>Working of Parliamentary Committees :</i>		

Name of Committee	No. of meetings held	No. of Reports presented
1	2	3
(i) Public Accounts Committee		7
(ii) Committee on Public Undertakings . . . . .		..
(iii) Business Advisory Committee . . . . .		..
(iv) Committee on Subordinate Legislation . . . . .	..	2
(v) Committee on Petitions	6	..
(vi) Committee on the Welfare of Scheduled Castes & Scheduled Tribes		9
(vii) Committee of Privileges . . . . .		..
(viii) Committee on Rules . . . . .		..
(ix) Joint Committee on Offices of Profit . . . . .	..	1
(x) Committee on Government Assurances	7	..
(xi) Joint Committee on the Plantations (Labour) Amendment Bill, 1973 . . . . .	..	..

1	2	3
(xii) Joint Committee on the Indian Penal Code (Amendment) Bill, 1973 . . . . .	..
(xiii) General Purposes Committee . . . . .	..	..
(xiv) Joint Committee on the Central Other Societies (Regulation) Bill, 1974	7	1
(xv) Joint Committee on Adoption of Children Bill, 1972.	3	1
(xvi) Railway Convention Committee . . . . .	..	..
23 Number of Members granted leave of absence		10
24 Petitions presented		Nil
25 Number of new Members Sworn with Dates		Nil

APPENDIX III
STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD APRIL 1 TO JUNE 30, 1976

Legislature	Duration	Sittings	Government Bills	Private Members Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
Andhra Pradesh L. A.	326(127)	145(182)(a)	..
Andhra Pradesh L. C.	436(193)	(7)(b)	..
Assam L. A.
Bihar L. A.	22-6-76 to 29-7-76	26	7(12)	..	(2582)	(975)	(159)
Bihar L. C.
Haryana L. A.	147(72)	23(35)	..
Himachal Pradesh L. A.
Jammu & Kashmir L. A.	1(1)	1	..	..	..
Jammu & Kashmir L. C.
Karnataka L. A.	7-4-76 to 15-4-76 and 10-5-76 to 27-5-76	27	10(24)	..	73(56)	16(14)	6

I	2	3	4	5	6	7	8
Karnataka L. C.	12-4-76 to 17-4-76 and 14-5-76 to 27-5-76	15	(23)	(23)	..	..	11(5)
Kerala L. A. . . . .	..	..	..	..	..	..	..
Madhya Pradesh L. A.*	4-2-76 to 31-3-76	30	38(38)	3194(1952)	1618(1280)	25(2)	..
Manipur L. A. . . . .	..	..	..	..	..	..	..
Meghalaya L. A. . . . .	..	..	..	..	..	..	..
Punjab L. A. . . . .	..	..	..	..	65(21)	14(7)	..
Rajasthan L. A.	8-3-76 to 3-4-76	3	3(5)	I	(124)	(85)	..
Sikkim L.A. . . . .	..	..	..	..	..	..	..
Tripura L. A. . . . .	..	..	..	..	..	..	..
Uttar Pradesh L. A.	22-3-76 to 12-5-76	26	18(18)	671(522) (C)	(220)(d)	440(29)	..
Uttar Pradesh L. C.	22-3-76 to 14-5-76	22	4(29)	719(311)	180(91)	57(11)	..
West Bengal . . . . .	..	..	..	..	..	..	..

Union Territories

Arunachal Pradesh L. A.	..	..	..	..
Delhi Metropolitan Council	3-5-76 to 19-5-76	12	2(2)	372(213) 344(316) 13(5)
Goa, Daman and Diu L. A.	..	..	..	..
Mizoram L. A.	..	..	..	..

*Pertains to the period 1-1-1976 to 31-3-76

NOTE

- (i) Figures in Cols. 4 and 5 indicate the number of bills introduced followed by the number of bills passed in brackets.
- (ii) Figures in Cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.
- (iii) The figures shown against U.P. Legislative Assembly and Legislative Council be substituted for the corresponding figures in JPL, July-Sept. 1976, Vol. XXII No. 3. on pp. 548-49.
- (a) Includes 134 Starred Questions admitted as Unstarred question.
- (b) Starred Questions admitted as unstarred question.
- (c) Includes notice for 211 Short Notice question admitted as Starred Questions.
- (d) Includes 177 Starred Questions admitted as Unstarred Questions and 43 notices for short notice Questions admitted as Unstarred Questions.

Jammu & Kashmir L. A.	3	3	3	2	2	2	7	1	(i)	..
Jammu & Kashmir L. C.	..	..	..	..	..	..	..	..	..	..
Karnataka L. A.	2(2)	1(1)	2(2)	13(1)	12(1)	3(1)	3	..	(k)	..
Karnataka L. C.	2(2)	1(2)	..	..	..	..	..	..	..	..
Kerala L. A.	..	..	..	..	..	..	..	..	..	..
Madhya Pradesh L. A. *	6(6)	2(1)	4(4)	1(1)	4(2)	3(1)	2	3(2)	1	6(2)
Madhya Pradesh L. A. **	..	2	..	5	3	2	3	2	1	8
Manipur L. A.	..	2	8	..	..	7	..	21	1	..
Meghalaya L. A.	..	1	..	..	3	3	2	3	..	..
Punjab L. A.	..	11	2	15	14	14	1	10	7	..
Rajasthan L. A.	1(1)	27	29	23	27	21	37(n)	30	12	11
Sikkim L. A.	..	..	..	..	..	..	..	..	..	..
Tripura L. A.	..	1	..	1	4	8	..	2	13	..
Uttar Pradesh L. A.	5(5)	2	5(1)	3	..	4(4)	..	4(2)	..	(p)
Uttar Pradesh L. C.	6(6)	3(3)	1(2)	(3)	..	..	..	..	..	..
West Bengal L. A.	..	7	7	2	9	9	..	3	3	14
<i>Union Territories</i>										
Arunachal Pradesh L. A.	..	..	..	..	..	..	..	..	..	..
Delhi Metropolitan Council.	2(2)	3	..	1(1)	..	..	..	..	..	..

	1	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Goa, Daman and Diu L.A.	.	.	1	..	..	..	..	3	..	1	..	..	..	1	..	1(q)	..
Mizoram L.A.	.	.	3	..	..	..	..	3	..	..	1	..	..	2	..	..	..

**Pertains the period 1-4-76 to 30-6-76.

(e) Pertains to Andhra Pradesh Education Bill, 1976.

(f) Represents Amenities Committee.

(g) Represent Main Committee-7 and Sub-Committees-27.

(h) Represent Main Committee-2 and Sub-Committees-16.

(i) Represent Sub-Committees.

(j) Represent (i) Joint Select Committee on Agrarian Reforms Bill, 1976-6; (ii) Select Committee on Municipal (Amendment) Bill, 1976-2; and Joint Committee on Members' Salaries Bill, 1975-1.

(k) Represents Joint Select Committee on the Karnataka (Sandur Area) Inams Abolition Bill, 1976-4.

(l) Represents Select Committee on Madhya Pradesh Gandhi Basti Kshetra (Sudhar Tatha Nirmulan Vidhyayak) 1975 (No. 20 of 1975)-1. (m) Select Committee on (i) Madhya Pradesh Land Revenue Code (Amendment) Bill, 1975 (No. 20 of 1975)-1; and (ii) Dahej Pratischedha (M.P. Sanshodhan) Vidheyak, 1976 (No. 36 of 1976)-3.

(n) Represent Committees on (i) Scheduled Castes-19 and (ii) Scheduled Tribes-18.

(o) Represents Committee on Absence of Members from the Sittings of the House.

(p) Select Committees on (i) the U.P. Urban Local Self-Government Law (Amendment) Bill, 1974-2(i); and (ii) the U.P. Protection of Trees in Rural Areas Bill, 1976-7.

(q) Represents the Select Committee on the Goa, Daman and Diu Nyaya Panchayat Bill, 1974.

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

APPENDIX IV

LIST OF BILLS BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD MAY 1, 1976 TO JULY 31, 1976

S.No.	Title of the Bill	Date of Assent by the president
1	The Appropriation (No. 4) Bill, 1976	20-5-76
2	The Workmen's Compensation (Amendment) Bill, 1976	21-5-76
3	The Finance Bill, 1976	27-5-76
4	The Coal Mines (Nationalisation) Amendment Bill, 1976	27-5-76
5	The Marriage Laws (Amendment) Bill, 1976	27-5-76
6	The Merchant Shipping (Amendment) Bill, 1976	27-5-76
7	The Pharmacy (Amendment) Bill, 1976	27-5-76
8	The Constitution (40th Amendment) Bill, 1976	27-5-76
9	The Tariff Commission (Repeal) Bill, 1976	28-5-76
10	The Life Insurance Corporation (Modification of Settlement) Bill, 1976	29-5-76
11	The Banking and Public Financial Institutions Laws (Amendment) Bill, 1976	11-6-76
12	The Additional Emoluments (Compulsory Deposit) Amendment Bill, 1976	11-6-76
13	The Tea (Amendment) Bill, 1976	11-6-76
14	The National Library of India Bill, 1976	11-6-76
15	The Disturbed Areas (Special Courts) Bill, 1976	11-6-76

APPENDIX V

LIST OF BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD
APRIL 1, 1976 TO JUNE 30, 1976.

BIHAR VIDHAN SABHA

1. Bihar Bhoodan Movement (Amendment) Bill, 1975.
2. Santhal Parganas Tenancy (Supplementary Provision) (Amendment) Bill, 1975.
3. Bihar Lokayukta (Amendment) Bill, 1976.
4. Bihar Co-operative Society (Amendment) Bill, 1976.
5. Bihar Executive Magistrate (Temporary powers) Bill, 1976.
6. Bihar Ancient Monuments and Archaeological Sites Remains Bill, 1974.
7. Bihar Legislature (Members Salaries & Allowances) (Amendment) Bill, 1976.
8. Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Bill, 1976.
9. Bihar Appropriation (No. 2) Bill, 1976.
10. Bihar Appropriation (Excess Expenditure, 1963-64, 1964-65, 1965-66, 1966-67 and 1967-68) Bill, 1976.
11. Ranchi District Tana Bhagat Royates Agricultural Lands Restoration (Amendment) Bill, 1976.
12. Bihar Industrial Establishment (National and Festival Leave and Casual Leave) Bill, 1971.

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY

1. A Bill to provide for the restitution of certain mortgaged properties in the State of Jammu and Kashmir.

KARNATAKA LEGISLATIVE ASSEMBLY*

- **1. The Karnataka Municipalities (Amendment) Bill, 1976.
2. The Karnataka Motor Vehicles Taxation (Amendment) Bill, 1976.

*The same Bills were passed by the Karnataka Legislative Council.

**Awaiting assent.

3. The Public Wakfs. (Extension of Limitation) Karnataka Amendment Bill, 1976.
4. The Karnataka Ministers Salaries and Allowances (Amendment) Bill, 1976.
5. The Karnataka Vacant Land in Urban Area (Prohibition of Alienation) (Amendment) Bill, 1976.
6. The Karnataka Sales Tax (Third Amendment) Bill, 1976.
7. The Karnataka Entertainments Tax (Amendment) Bill, 1976.
8. The Karnataka (Enhancement of Certain Cesses) Bill, 1976.
9. The Karnataka Tax on Professions, Trades, Callings and Employments Bill, 1976.
10. The Karnataka Land Reforms (Third Amendment) Bill, 1976.
11. The Karnataka Agricultural Produce Marketing (Regulation) (Second Amendment) Bill, 1976.
12. The Karnataka Service Examination Bill, 1976.
13. The Karnataka Small Cause Courts (Amendment) Bill, 1976.
- *14. The Essential Commodities (Karnataka Amendment) Bill, 1976.
15. The Karnataka Legislature Salaries (Second Amendment) Bill, 1976.
16. The Karnataka Agricultural Produce Marketing (Third Amendment) Bill, 1976.
17. The Karnataka Forest (Second Amendment) Bill, 1976.
- *18. The Wakf (Karnataka Amendment) Bill, 1974.
19. The Karnataka Public Libraries (Amendment) Bill, 1975.
20. The Karnataka Electricity Supply Board (Recovery of Dues) Bill, 1974.
- *21. The Karnataka (Belgam and Gulbarga Areas) Religious and Charitable Inams Abolition (Amendment) Bill, 1974.
22. The Karnataka Urban Land Tax Bill, 1975.
- *23. The Karnataka (Sandur Areas) Inam Abolition Bill, 1975.
- *24. The Karnataka Municipal Corporation Bill, 1974.

MADHYA PRADESH VIDHAN SABHA

1. Madhya Pradesh Gandhi Basti Chhetra (Sudhar Tatha Nirmulan) Vidheyak, 1975.
2. Court Fees (M.P. Second Amendment) Bill, 1975.
3. The Madhya Pradesh Griha Nirman Mandal (Sanshodhan) Vidheyak, 1976.

*Awaiting assent.

4. The Madhya Pradesh Prakoshtha Swamitva Vidheyak, 1976.
5. The Madhya Pradesh Sugarcane (Regulation of Supply and Purchase) Amendment Bill, 1976.
6. The Madhya Pradesh Pashu (Niyantran) Vidheyak, 1976.
7. The Madhya Pradesh Nagar Tatha Gram Nivesh (Sanshodhan) Vidheyak, 1976.
8. The Payment of Wages (Madhya Pradesh Amendment) Bill, 1976.
9. The Public Wakfs (Extension of Limitation) Madhya Pradesh Amendment Bill, 1976.
10. The Indian Electricity (Madhya Pradesh Amendment) Bill, 1976.
11. The Madhya Pradesh Amarkantak Nagrak Vikas Mandal (Nirsan) Vidheyak, 1976.
12. The Madhya Pradesh Gramin Vikas Kar (Sanshodhan) Vidheyak, 1976.
13. The Madhya Pradesh Shakari Bhumi Vikas Bank (Sanshodhan) Vidheyak, 1976.
14. The Madhya Pradesh Homoeopathy Parishad Vidheyak, 1976.
15. The Madhya Pradesh Shashkiya Sevak (Adhivarshiki-Ayu) Sanshodhan Vidheyak, 1976.
16. The Madhya Pradesh Dhan Parichalan Skeem (Pratishedh) Sanshodhan Vidheyak, 1976.
17. The Madhya Pradesh Appropriation Bill, 1976.
18. The Madhya Pradesh Motor Vehicles (Taxation of Goods) Amendment Bill, 1976.
19. The Madhya Pradesh Adjustment and Liquidation of Industrial Workers Debt Amendment, Bill 1976.
20. The Madhya Pradesh Cooperative Societies (Amendment) Bill, 1976.
21. The Madhya Pradesh Non-Trading Corporation (Amendment) Bill, 1976.
22. The Madhya Pradesh Society Registrakaran (Sanshodhan) Vidheyak, 1976.
23. The Madhya Pradesh Gramdan (Sanshodhan) Vidheyak, 1976.
24. The Madhya Pradesh Land Revenue Code (Amendment) Bill, 1976.
25. The Madhya Pradesh Contingency Fund (Amendment) Bill, 1976.
26. The Madhya Pradesh Abhikaranon Ke Madhyam Se Bis Sutriya Karyakram Ka Karyanvayan Vidheyak, 1976.

27. The Madhya Pradesh General Sales Tax (Amendment) Bill, 1976.
28. The Indian Stamp (Madhya Pradesh Amendment) Bill, 1976.
29. The Madhya Pradesh Entertainments Duty and Advertisements Tax (Amendment) Bill, 1976.
30. The Madhya Pradesh Gramin Rin Vimukti Tatha Rin Sthagan (Sanshodhan) Vidheyak, 1976.
31. The Madhya Pradesh Government Electrical Undertakings (Dues Recovery) Amendment and Validation Bill, 1976.
32. The Madhya Pradesh Appropriation (No. 2) Bill, 1976.
33. The Madhya Pradesh Motor Vehicles Taxation (Amendment) Bill, 1976.
34. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Bill 1976.
35. The Madhya Pradesh Appropriation (No. 3) Bill, 1976.
36. The Madhya Pradesh Vidhan Sabha Sadasya Vetan Tatha Bhatta (Sanshodhan) Vidheyak, 1976.
37. The Madhya Pradesh Samaj Ke Kamjore Vargon ke Liye Vidhik Sahyata Tatha Vidhik Salah Vidheyak, 1976.
38. The Minimum Wages (Madhya Pradesh Amendment) Bill, 1976.

RAJASTHAN LEGISLATIVE ASSEMBLY

1. Rajasthan Legislative Assembly (Officers and Members Emoluments) (Amendment) Bill, 1976.
2. Rajasthan Prohibition (Amendment) Bill, 1976.
3. Rajasthan Excise (Amendment) Bill, 1976.
4. Rajasthan Passengers and Goods Taxation (Amendment) Bill, 1976.
5. Rajasthan Public Demands Recovery (Amendment) Bill, 1976.

UTTAR PRADESH VIDHAN SABHA

1. The Uttar Pradesh Educational Institutions (Taking over of Management) Bill, 1976.
2. The Uttar Pradesh Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Bill, 1976.
3. The Uttar Pradesh Intoxicating Liquor (Objectionable Advertisements) Bill, 1976.
4. The Uttar Pradesh Regulation of Cold Storages Bill, 1976.
5. The Uttar Pradesh Public Services (Tribunals) Bill, 1976.

6. The Uttar Pradesh Motor Vehicles Taxation and Other Laws (Amendment) Bill, 1976.
7. The Uttar Pradesh Milk Bill, 1976.
8. The Uttar Pradesh Fruit Nurseries (Regulation) Bill, 1976.
9. The Uttar Pradesh Regulation of Money Lending Bill, 1976.
10. The Uttar Pradesh Storage Requisition (Amendment) Bill, 1976.
11. The Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) (Amendment) Bill, 1976.
12. The U.P. Sales Tax (Amendment and Validation) Bill, 1976.
13. The Uttar Pradesh Motor Vehicles (Special Provision) Bill, 1976.
14. The Uttar Pradesh State Public Service Commission (Regulation of Procedure and Conduct of Business) (Amendment) Bill, 1976.
15. The Uttar Pradesh Excise (Amendment) Re-enactment and Validation) Bill, 1976.
16. The Uttar Pradesh Sales of Motor Spirit, Diesel Oil and Alcohol Taxation (Amendment) Bill, 1976.
17. The Uttar Pradesh Legislature Chambers (Members Emoluments) (Amendment) Bill, 1976.
18. The Uttar Pradesh Appropriation Bill, 1976.

DELHI METROPOLITAN COUNCIL

1. The Punjab Pre-emption (Delhi Repeal) Bill, 1976.
2. Delhi Sales Tax (Amendment and Validation) Bill, 1976.

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT DURING THE PERIOD MAY 1 TO JULY 31, 1976 AND THE STATE GOVERNMENTS DURING THE PERIOD APRIL 1, 1976 TO JUNE 30, 1976.

Serial No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
1		3	4	5	6
CENTRAL GOVERNMENT					
1	The Antiquities and Art Treasures (Amendment) Ordinance, 1976 (No.4 of 1976).	4-6-76	10-8-76	--	Replaced by Legislation.
2	The Maintenance of Internal Security Amendment Ordinance, 1976. (No.5 of 1976)	16-6-76	--Do--	--	--
3	The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1976 (No. 6 of 1976)	--Do--	--Do--	--	--
4	The Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Ordinance, 1976 (No.7 of 1976)	23-6-76	--Do--	--	--
5	The Burn Company and Indian Standard Wagon Company (Nationalisation) Ordinance, 1976 (No.8 of 1976)	17-7-76	--Do--	--	--
6	The Labour Provident Fund Laws (Amendment) Ordinance, 1976 (No. 9 of 1976)	17-7-76	--Do--	--	--
7	The Indian Iron and Steel Company (Acquisition of Shares) Ordinance, 1976 (No. 10 of 1976)	17-7-76	--Do--	--	--

1	2	3	4	5	6
8	The Laxmirattan and Atherton West Cotton Mills (Taking over of Management) Ordinance, 1976 (No.11 of 1976)	19-7-76	Do.	—	—
9	The Metal Corporation (Nationalisation and Miscellaneous Provisions) Ordinance, 1976.(No.12 of 1976)	2-8-76	Do.	—	—
STATE GOVERNMENTS					
ANDHRA PRADESH					
1	The Andhra Pradesh University Acts (Supplementary) Amendment Ordinance, 1976 (No. 7 of 1976)	17-4-76	17-7-76	—	—
2	The Andhra Pradesh Gram Panchayats (Amendment) Ordinance, 1976 (No. 8 of 1976).	13-5-76	'Do.	—	—
3	The Andhra Pradesh Municipalities (Amendment) Ordinance, 1976 (No. 9 of 1976)	25-5-76	Do.	—	—
4	The Andhra Pradesh University Acts (Amendment) Ordinance, 1976 (No. 10 of 1976).	31-5-76	Do.	—	—
5	The Andhra Pradesh Co-operative Societies (Second Amendment and Validation) Ordinance, 1976 (No.11 of 1976).	10-6-76	Do.	—	—
6	The Andhra Pradesh (Krishna and Godavari Delta Area) Drainage Cess (Amendment) Ordinance, 1976 (No. 12 of 1976).	19-6-76	Do.	—	—
7	The Andhra Pradesh Agricultural University (Second Amendment) Ordinance, 1976 (No.13 of 1976)	25-6-76	Do.	—	—
BIHAR					
1	The Bihar Co-operative Societies (Fourth Amendment) Ordinance, 1976 (No. 71 of 1976)	22-6-76	8-4-76	15-8-76	—

2	The Bihar Hindu Religious Trust (Second Amendment) Ordinance, 1976 (No. 72 of 1976)	Do.	21-4-76	Do.
3	The Bihar Khadi & Village Industries (Second Amendment) Ordinance 1976 (No. 73 of 1976)	Do.	Do.	Do.
4	The Rajendra Agricultural University (Second Amendment) Ordinance, 1976 (No. 74 of 1976)	22-6-76	21-4-76	15-8-76
5	The Patna Corporation (Second-Amendment) Ordinance, 1976 (No. 75 of 1976)	"	"	"
6	The Bihar Municipality (Third-Amendment) Ordinance, 1976 (No. 76 of 1976)	"	"	"
7	The Bihar Advertisement Tax (Second Ordinance, 1976) (No. 77 of 1976)	"	"	"
8	The Indian Stamps (Bihar Second Amendment) Ordinance, 1976 (No. 78 of 1976)	"	"	"
9	The Bihar Municipality and Patna Corporation (Second Amendment) Ordinance, 1976 (No. 79 of 1976)	"	"	"
10	The Bihar Aid to Industries (Second Amendment) Ordinance, 1976 (No. 80 of 1976)	"	22-4-76	"
11	The Bengal Ferries (Second Amendment) Ordinance, 1976 (No. 81 of 1976)	"	"	"
12	The Motor Vehicle (Bihar Third Amendment) Ordinance, 1976 (No. 82 of 1976)	"	"	"
13	The Bihar Soil and Water Consumption and Land Development Second Ordinance, 1976 (No. 83 of 1976)	"	"	"
14	The Bihar Motor Vehicle Taxation (Second Amendment) Ordinance, 1976 (No. 84 of 1976)	"	"	"
15	The Bihar Weights and Measures (Enforcement) (Second Amendment) Ordinance, 1976 (No. 85 of 1976)	"	"	"

	3	4	5	6
16. The Bihar Private Irrigation Works (Second Amendment) Ordinance, 1976 (No. 86 of 1976).	22-6-76	22-4-76	15-8-76	
17. The Lalit Narain Mithila University Second Ordinance, 1976 (No. 87 of 1976).	"	"	"	"
18. The Patna University (Second Amendment) Ordinance 1976, (No. 88 of 1976).	"	"	"	"
19. The Bihar State Universities (Bihar University, Bhagalpur and Ranchi) (Second Amendment) Ordinance, 1976 (No. 89 of 1976).	"	"	"	"
20. The Magadh University (Second Amendment) Ordinance, 1976 (No. 90 of 1976).	"	"	"	"
21. The Kameshwar Singh Darbhanga Sanskrit University (Second Amendment) Ordinance, 1976 (No. 91 of 1976).	"	"	"	"
22. The Bihar District Board (Reorganisation) Second Ordinance, 1976 (No. 92 of 1976).	"	"	"	"
23. The Bihar State University Laws and School Laws (Second Amendment Cancellation) Ordinance, 1976 (No. 93 of 1976).	"	"	"	"
24. The Bihar Primary Education (Second Amendment) Ordinance, 1976 (No. 94 of 1976).	"	"	"	"
25. The Bihar Local-Self Government (Second Amendment) Ordinance 1976 (No. 95 of 1976).	"	"	"	"
26. The Bihar Non-Government Elementary School (Taking over Control) Ordinance, 1976 (No. 96 of 1976).	"	"	"	"
27. The Bihar State University Co-ordination Committee Ordinance, 1976 (No. 97 of 1976).	"	"	"	"

28. The Bihar State University Laws (Second Amendment) Ordinance, 1976 (No. 98 of 1976).	33	33	33
29. The Bihar School Examination Board (Second Amendment) Ordinance, 1976 (No. 99 of 1976).	33	33	33
30. The Bihar Panchayat Samities, Zila Parishads (Second Amendment) Ordinance, 1976 (No. 100 of 1976).	22-6-76	22-4-76	15-8-76
31. The Bihar Panchayat Raj (Second Amendment & Validation) Ordinance, 1976 (No. 101 of 1976)	33	33	33
32. The Bihar Panchayat Samities and Zila Panchayat (Second Amendment and Validation) Ordinance, 1976 (No. 102 of 1976).	33	33	33
33. The Bihar Entertainment Tax (Second Amendment) Ordinance, 1976 (No. 103 of 1976).	33	33	33
34. The Jhariya Water Supply (Second Amendment) Ordinance, 1976 (No. 104 of 1976).	33	33	33
35. The Bihar Medical Education Institution (Regulation and Control) Second Ordinance, 1976. (No. 105 of 1976).	33	33	33
36. The Court Fee (Bihar Second Amendment) Ordinance, 1976 (No. 106 of 1976).	33	33	33
37. The Chhota Nagpur and Santhal Pargana Autonomous Development Authority (Second Amendment) Ordinance, 1976 (No. 107 of 1976)	33	33	33
38. The Bihar Public Land Encroachment (Second Amendment) Ordinance, 1976 (No. 108 of 1976).	33	33	33
39. The Bihar Land (Rent Surcharge) (Second Amendment) Ordinance, 1976 (No. 109 of 1976).	33	33	33
40. The Bihar Kolhaji Civil Justice (Increase of Pecuniary Jurisdiction) Second Ordinance, 1976 (No. 110 of 1976).	33	33	33
41. The Bihar Cess (Second Amendment) Ordinance, 1976 (No. 111 of 1976).	33	33	33

1	2	3	4	5	6
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|---|---|---|---|---|--|
| 42. The Bihar Irrigation Laws (Second Amendment) Ordinance, 1976 (No. 112 of 1976). | " | " | " | " | |
| 43. The Bihar Irrigation and Lift Irrigation (Second Amendment) (No. 113 of 1976). | " | " | " | " | |
| 44. The Bihar Irrigation field Channels (Second Amendment) Ordinance, 1976 (No. 114 of 1976). | " | " | " | " | |
| 45. The Motor Vehicle (Bihar Fourth Amendment) Ordinance, 1976 (No. 115 of 1976). | " | " | " | " | |
| 46. The Bihar Agriculture Production Market (Second Amendment) Ordinance, 1976 (No. 116 of 1976). | " | " | " | " | |
| 47. The Bihar Farmer and Village Area Development Agency Second Ordinance, 1976 (No. 117 of 1976). | " | " | " | " | |
| 48. The Bihar Sugarcane (Supply and Purchase Regulation) Second Ordinance, 1976 (No. 118 of 1976). | " | " | " | " | |
| 49. Th Bihar Sugarcane (Supply and Purchase Regulation) (Second Amendment) Ordinance, 1976 (No. 119 of 1976). | " | " | " | " | |
| 50. The Bihar Taxation on Passengers and Goods (Carried by Public Service) Motor Vehicles (Second Amendment) Ordinance, 1976 (No. 120 of 1976). | " | " | " | " | |
| 51. The Bihar Premises and Motor (Requisition) Second Ordinance 1976 (No. 121 of 1976). | " | " | " | " | |
| 52. The Essential Commodities Bihar (Second Amendment) Ordinance, 1976 (No. 122 of 1976). | " | " | " | " | |
| 53. The Essential Commodities Bihar (Third Amendment) Ordinance 1976 (No. 123 of 1976) | " | " | " | " | |

54. The Bihar Secondary Education Board Second Ordinance, 1976 (No. 124 of 1976).	"	"	"
55. The Bihar State Housing Board Second Ordinance, 1976 (No. 125 of 1976).	22-6-76	22-4-76	15-8-76
56. The Bihar State Electric Supply Undertaking (Acquisition) Second Ordinance, 1976 (No. 126 of 1976).	"	"	"
57. The Bihar Health Cess Second Ordinance, 1976 (No. 127 of 1976).	"	"	"
58. The Bihar Co-operative Society (Third Amendment) Ordinance, 1976 (No. 128 of 1976).	"	"	"
59. The Bihar Regional Development Authority Second Ordinance, 1976 (No. 129 of 1976).	"	"	"
60. The Bihar Nursing Homes and Clinical Establishment (Registration and Advertisement) Second Ordinance, 1976 (No. 130 of 1976).	"	"	"
61. The Bihar Non-Government Medical Colleges (Taking over of Management) Ordinance, 1976 (No. 131 of 1976).	"	"	"
62. The Bihar Criminal Procedure Code (Amendment) Ordinance, 1976 (No. 132 of 1976).	"	"	"
63. The Bihar Gram Dan (Second Amendment) Ordinance, 1976 (No. 133 of 1976).	"	"	"
64. The Ranchi District Tana Bhagat Raiyates Agricultural Lands Restoration (Second Amendment) Ordinance, 1976 (No. 134 of 1976).	"	"	"
65. The Bihar Application of State Laws to Transferred Territories Second Ordinance, 1976 (No. 135 of 1976).	"	"	"
66. The Santhal Parganas Tenancy (Supplementary Provision) (Second Amendment) Ordinance, 1976 (No. 136 of 1976).	"	"	"

1	2	3	4	5	6
67.	The Bihar Hoodan Movement (Second Amendment) Ordinance, 1976 (No. 137 of 1976).	"	"	"	"
68.	The Bihar Ancient Monuments and Archaeological Sites Remains Second Ordinance, 1976 (No. 138 of 1976).	"	"	"	"
69.	The Bihar Irrigation Development (Land Acquisition) Second Ordinance, 1976 (No. 139 of 1976).	"	"	"	"
70.	The Bihar Co-operative Society (Fifth Amendment) Ordinance, 1976 (No. 140 of 1976).	"	"	"	"
71.	The Bihar Cycle Rickshaw (Licence Regulation) Ordinance, 1976 (No. 141 of 1976).	"	10-5-76	"	"
72.	The Bihar Medical Education Institution (Regulation and Control) (Amendment) Ordinance, 1976 (No. 142 of 1976).	"	"	"	"
73.	The Patna University Ordinance, 1976 (No. 143 of 1976).	"	"	"	"
74.	The Bihar University Service Commission Ordinance, 1976 (No. 144 of 1976).	"	"	"	"
75.	The Bihar State University Ordinance, 1976 (No. 145 of 1976).	"	"	"	"
76.	The Bihar Inter-University Board Ordinance, 1976 (No. 146 of 1976).	"	"	"	"
77.	The Bihar Contingency Fund (Amendment) Ordinance, 1976 (No. 147 of 1976).	"	1-6-76	"	The End of the Session.
1.	The Karnataka Public Money (Recovery of Dues) Ordinance, 1976 (No. 8 of 1976).	"	"	"	"

KARNATAKA

15-6-76

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3.	The Karnataka State Universities (Amendment) Ordinance, 1976 (No. 10 of 1976)	21-6-76	—	—
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1.	The Madhya Pradesh Nagariya Sthawar Sampatti Kar (Sanshodhan) Adhyadesh, 1976 (No.3 of 1976)	30-4-76	—	—
2.	The Madhya Pradesh Municipal Laws (Amendment) Ordinance, 1976. (No. 4 of 1976)	30-4-76	—	—
3.	The Madhya Pradesh General Sales Tax (Second Amendment) Ordinance, 1976 (No. 5 of 1976)	30-4-76	—	—
4.	The Madhya Pradesh Sthaniya Kshetra Me Maal Ke pravesh par kar Adhyadesh, 1976 (No. 6 of 1976)	30-4-76	—	—
5.	The Madhya Pradesh Panchayats (Amendment) Ordinance, 1976 (No. 7 of 1976)	8-6-76	—	—
6.	The Madhya Pradesh Krishi Upaj Mandi (Sanshodhan) Adhyadesh, 1976 (No. 8 of 1976)	30-6-76	—	—
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2.	The Punjab Regional and Town Planning Ordinance, 1976 (No. 2 of 1976)	4-5-76	—	—
3.	The Punjab Prevention of Anti-Social and Hazardous Activities Ordinance, 1976 (No. 3 of 1976)	27-5-76	—	—

*Original in Hindi.

1	2	3	4	5	6
		UTTAR PRADESH			
1	The U.P. Public Charitable and Hindu Religious Institutions and Endowments Ordinance, 1976.	24-5-76			
2	The U.P. Land Laws (Amendment) Ordinance, 1976	15-6-76			
3	The U.P. Urban Local Self Government Laws (Amendment) Ordinance, 1976	21-6-76			
4	The U.P. Co-operative Society (Amendment and Validation) Ordinance, 1976	25-6-75			
		WEST BENGAL			
1	The Bengal Motor Vehicles Tax (Amendment) Ordinance, 1976 (X of 1976).	14-5-76			
2	The Burdwan University (Amendment) Ordinance, 1976 (XI of 1976).	14-6-76			
3	The Calcutta University (Amendment) Ordinance, 1976 (XII of 1976).	-Do-			
4	The Calcutta Municipal (Amendment) Ordinance, 1976 (XIII of 1976).	15-6-76			
5	The Bengal Municipal (Amendment) Ordinance, 1976 (XIV of 1976).	17-6-76			
6	The Calcutta Municipal (Second Amendment) Ordinance, 1976 (XV of 1976).	22-6-76			

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- 1 The U.P. Public Charitable and Hindu Religious Institutions and Endowments Ordinance, 1976. 24-5-76
- 2 The U.P. Land Laws (Amendment) Ordinance, 1976 15-6-76
- 3 The U.P. Urban Local Self Government Laws (Amendment) Ordinance, 1976 21-6-76
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- 1 The Bengal Motor Vehicles Tax (Amendment) Ordinance, 1976 (X of 1976). 14-5-76
- 2 The Burdwan University (Amendment) Ordinance, 1976 (XI of 1976). 14-6-76
- 3 The Calcutta University (Amendment) Ordinance, 1976 (XII of 1976). -Do-
- 4 The Calcutta Municipal (Amendment) Ordinance, 1976 (XIII of 1976). 15-6-76
- 5 The Bengal Municipal (Amendment) Ordinance, 1976 (XIV of 1976). 17-6-76
- 6 The Calcutta Municipal (Second Amendment) Ordinance, 1976 (XV of 1976). 22-6-76

APPENDIX VII

A. PARTY POSITION IN LOK SABHA

(As on September 1, 1976)

Name of State	No. of Seats	Cong.	CPI (M)	CPI	GPI	JS	BLD	Other Parties	Un-attached	Total	Vacancies
I	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh	41	36	1	1	..	..	2(a)	1	41	..	..
Assam	14	12	1	..	..	..	..	..	13	1	1
Bihar	53	35	..	5	2	1	6(b)	..	49*	3	3
Gujarat	24	13	..	..	..	2	7(c)	1	23	1	1
Haryana	9	6	..	..	1	..	..	2	9	..	..
Himachal Pradesh	4	3	..	..	..	..	..	..	3	1	1
Jammu & Kashmir	6	5	..	..	..	..	..	1	6	..	..
Karnataka	27	27	..	..	..	..	..	..	27	..	..
Kerala	19	6	2	3	..	..	5(d)	2	18	1	1
Madhya Pradesh	37	23	..	..	9	1	2(e)	1	36	1	1
Maharashtra	45	37	..	1	..	..	3(f)	2	43	2	2
Manipur	2	2	..	..	..	..	..	..	2	..	..
Meghalaya	2	..	..	..	..	..	..	2	2	2	..

M

C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Cong.	Cong. O	BLD	JS	CPI	CPI(M)	SP	Other Parties	Ind.	Total	Vacancies
	2	3	4	5	6	7	8	9	10	11	12	13
I												
Andhra Pradesh Legislative Assembly (as on 30-6-76)	288	243	..	..	..	8	1	..	23(a)	10	285	3
Andhra Pradesh Legislative Council (as on 4-8-76)	90	57	..	..	5	3	..	..	7(b)	5	77	13
Assam Legislative Assembly (as on 1-7-76)	114	91	..	2	..	3	..	4	5(c)	5	110	4
Bihar Legislative Assembly. (as on 28-7-76)	319	193	3	..	1	33	..	..	15(d)	21	267(e)	52
Bihar Legislative Council (as on 30-6-76)	96	72	2	1	2	5	..	..	3(f)	11	96	..
Haryana Legislative Assembly (as on 3-8-76)	81	60	2	6(g)	2	..	..	..	2(h)	7	79	2
Himachal Pradesh Legislative Assembly (as on 16-8-76)	68	54	..	..	5	..	1	..	2(i)	6	68	..
Jammu & Kashmir Legislative Assembly (as on 5-8-76)	75	59	..	2	2	..	..	..	9(j)	2	74	1
Jammu & Kashmir Legislative Council (as on 10-5-76)	36	22	..	..	..	..	..	..	6(k)	3	31	5
Karnataka Legislative Assembly (as on 16-8-76)	217	164	23	..	..	3	1	2	1(l)	18	213(m)	4
Karnataka Legislative Council (as on 16-8-76)	63	44	10	..	6	..	..	..	..	2	63(n)	..

Kerala Legislative Assembly (as on 23-7-76)	134	35	3	16	31	7	32(o)	6	131(p)	3
Madhya Pradesh Legislative Assembly (as on 30-8-76)	297	225	26	5	4	4		26	288(q)	9
Manipur Legislative Assembly (as on 21-7-76)	60	49		6			4(r)	1	60	..
Meghalaya Legislative Assembly (as on 31-7-76)	60	12					47(s)	1	60	..
Punjab Legislative Assembly (as on 4-8-76)	104	67(t)	1	10	1	..	23(u)	1	103	1
Rajasthan Legislative Assembly (as on 16-8-76)	184	149		5	1	2	15(v)	9	181	3
Sikkim Legislative Assembly (as on 2-8-76)	32	32							32	
Tripura Legislative Assembly (as on 30-6-76)	60	40**		1	15			3(w)	59	1
Uttar Pradesh Vidhan Sabha (as on 30-6-76)	426	237		16	2	1	150(x)	15	421	5
West Bengal Legislative Assembly (as on 30-6-76)	281	210	2	36	13	..	7(y)	10(z)	279 (aa)	2
UNION TERRITORIES										
Andhra Pradesh Legislative Assembly (as on 5-5-76)	23	23	..			..	..		23	
Delhi Metropolitan Council (as on 19-5-76)	61	46	2	6	3	..	1(bb)	2	60	1

	1	2	3	4	5	6	7	8	9	10	11	12	13
Goa, Daman & Diu Legislative Assembly (as on 30-6-76)		30	1	..	..	..	..	..	..	28(cc)	1(dd)	30	..
Mizoram Legislative Assembly (as on 24-7-76)		33	29	..	..	..	..	..	..	4(ee)	..	33	..

** Includes 5 suspended members.

(a) Andhra Progressive Democrats—7, Progressive Front—6, Socialist Democratic Front—4, People's Democrats—3, Majlis Ittihad-ul-Muslimeen—2, RPI—1.

(b) Progressive Democratic Front.

(c) People's Democratic Party—3, R.C.P.I.—1, P.T.C.—1.

(d) Includes S.S.P.—3, All-India Jharkhand—3, Hul Jharkhand—2, Progressive Hul Jharkhand—1, Jharkhand (N.E. Hora Group)—1, Hindustani Soshiit Dal—1, Socialist Vidhayak Dal—1, Nominated—1.

(e) Includes Hon. Speaker.

(f) Samajbadi Dal—2, Teachers—1.

(g) *Notes*—Chaudhri Hardwari Lal ceased to be a member of the House *vide* Haryana Vidhan Sabha Secretariat Notification No. HVS-1A-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.

(h) Vishal Haryana Party.

(i) Lok Raj Party.

- (i) Includes National Conference—4; Unattached members—5.
- (k) National Conference.
- (l) Janatha Paksha—1.
- (m) Includes Hon. Speaker.
- (n) Includes Hon. Chairman.
- (o) Kerala Congress - 9, R.S.P.—5; Muslim League: (opposition)—7, Muslim League—5; Karshaka Tozhilali Party—2; Kerala Socialist Party—2; Kerala Congress (Original)—2.
- (p) Includes Hon. Speaker.
- (q) Includes Hon. Speaker and Nominated—1.
- (r) M.P.P.
- (s) A.P.H.L.C.—39; HSPDP—8.
- (t) One member of the Congress Party, namely Sardar Kirpal Singh Randhawa, has no right to vote.
- (u) Shiromani Akali Dal.
- (v) Swatantra Party—1; Janata Morcha—14.
- (w) Includes two members supported by C.P.I. (M).
- (x) Includes Lok Paksha—145, Muslim League—1, Hindu Mahasabha - 1, Shoshit Samaj Dal—1, Nominated—1, Unattached —1.
- (y) Includes RSP—3, Socialist Unity Centre - 1, Worker's Party—1, Gorkha League—2.
- (z) Includes Hon. Speaker; resigned from the Muslim League—1; expelled from Congress—5; Others—3.

(aa) Includes Nominated—1.

(bb) Muslim League—1.

(cc) Maharashtrawadi Gomantak—19, United Goans—9 [(i) Sequ ira Group—2, (ii) Naik Group—7].

(dd) Hon. Speaker.

(ee) Mizo Union—3, People's Conference—1.

NOTE:—The figures are based on the information furnished by the respective State Legislatures Secretariats. Gujarat, Nagaland, Tamil Nadu and the Union Territory of Pondicherry continued to be under President's rule.

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