

# ***THE JOURNAL OF PARLIAMENTARY INFORMATION***

**SECOND REGIONAL SEMINAR ON PARLIAMENTARY PRACTICE  
AND PROCEDURE FOR ASIA, SOUTH-EAST ASIA AND  
AFRICA REGIONS OF THE CPA.**

**SEMINAR ON FINANCIAL ACCOUNTABILITY OF THE  
EXECUTIVE TO THE LEGISLATURE.**

**ADDRESS BY THE SPEAKER AT THE CONFERENCE OF  
PRESIDING OFFICERS.**

**ADDRESS BY THE SPEAKER AT THE SYMPOSIUM ON  
"LEGISLATURE AS THE MIRROR OF THE PEOPLE'S  
ASPIRATIONS—AN ASSESSMENT AND TASKS AHEAD."**

**PARLIAMENTARY PROCEDURE**

**—RADHANANDAN JHA**

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# THE JOURNAL OF PARLIAMENTARY INFORMATION

*Editor:* AVTAR SINGH RIKHY

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

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## EDITORIAL NOTE

The Second Regional Seminar on Parliamentary Practice and Procedure for Asia, South-East Asia and Africa Regions of the Commonwealth Parliamentary Association was held in New Delhi from 21 to 25 January, 1982, under the auspices of the Indian Parliamentary Group. The subjects discussed at the Seminar were: "Question Hour: how to make it more effective?" and "Public Sector Enterprises: how Parliament should oversee their functioning?" Also, a seminar on "Financial Accountability of the Executive to the Legislature" was held from 4 to 6 December, 1981 under the joint auspices of the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat and the Indian Parliamentary Group. We publish in this issue important speeches including the inaugural addresses by Shri M. Hidayatullah, Vice President of India and Chairman, Rajya Sabha and Dr. Bal Ram Jakhar, Speaker, Lok Sabha, delivered at the two seminars.

We also reproduce in this issue, two Addresses by the hon'ble Speaker of Lok Sabha,—one at the Conference of Presiding Officers of Legislative Bodies in India and the other at a Symposium on "Legislature as the mirror of people's aspirations—an assessment and tasks ahead", both held at Hyderabad in December 1981.

Also included is an article on "Parliamentary Procedure" by Shri Radhanandan Jha, Speaker, Bihar Vidhan Sabha.

The issue carries, besides, the other regular features like notes on procedural matters, parliamentary privileges, parliamentary events and activities, and constitutional and parliamentary developments in India and abroad, and brief sessional resume of the two Houses of Parliament and State Legislatures.

—AVTAR SINGH RIKHY

**SECOND REGIONAL SEMINAR ON PARLIAMENTARY PRACTICE  
AND PROCEDURE FOR ASIA, SOUTH-EAST ASIA AND AFRICA  
REGIONS OF THE COMMONWEALTH PARLIAMENTARY  
ASSOCIATION**

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The Second Regional Seminar on Parliamentary Practice and Procedure for Asia, South-East Asia and Africa Regions of the Commonwealth Parliamentary Association was held in New Delhi at the Parliament House Annexe from 21 to 25 January, 1982. Dr. Balram Jakhar, Speaker of Lok Sabha and President of the India Branch of the Commonwealth Parliamentary Association delivered the Welcome Address. The Seminar was inaugurated by Shri M. Hidayatullah, Vice-President of India and Chairman of Rajya Sabha. We reproduce below the Welcome Address of the Speaker of Lok Sabha, the Inaugural Address of the Chairman of Rajya Sabha and the two key-note speeches by Shri Shyam Lal Yadav, Deputy Chairman, Rajya Sabha and Shri G. Lakshmanan, Deputy Speaker, Lok Sabha.

**EDITOR**

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**WELCOME ADDRESS BY DR. BAL RAM JAKHAR, SPEAKER OF LOK SABHA AND  
PRESIDENT OF THE INDIA BRANCH OF THE COMMONWEALTH PARLIAMEN-  
TARY ASSOCIATION**

I am delighted to have this opportunity of meeting distinguished parliamentarians and legislators from sister countries of the Commonwealth and my colleagues in India at the Second CPA Regional Seminar on Parliamentary Practice and Procedure. We, in the Indian Parliamentary Group, feel honoured in hosting this Regional Seminar. On behalf of our Group and the Members of our Parliament and State Legislatures, as well as on my own behalf, I extend a hearty welcome to all of you and hope that you will find the sojourn pleasant and the meetings quite useful. I look forward to hearing views and sharing your experiences on the subjects stated for discussion at the seminar.

The importance of the two subjects that are to be discussed at this seminar, namely (i) Question Hour— How to make it more effective? and (ii) Public Sector Enterprises—How Parliament should oversee their functioning? is self evident. The essential underlying issue in each case is that of preserving and strengthening parliament's ability to call the executive to account which, in the present day, is, undoubtedly, one of the most vital and crucial functions of the legislature, especially in countries which follow the Westminster model.

With the ever-widening scope of State responsibilities, the information needs of Parliament have grown correspondingly. Therefore, as a first requisite to effective parliamentary scrutiny and oversight of the executive, it is imperative that complete, comprehensive and pertinent information on the activities of the Government is available to Members of Parliament. We all know, that out of the various procedures for obtaining information from the executive that are in use in commonwealth parliaments, the question procedure is, unquestionably the best known effective and most popular media. The great merit of this procedure lies in its simplicity and its ready availability. On the face of it, a question is a request by a Member of the House to a Minister for furnishing information on a matter of public importance. But eliciting factual information is only one of the uses of a parliamentary question. In skilful hands a question is a convenient means not only for getting the Government's policy or stand on specific issues clarified or elucidated, but also for focussing attention on a public grievance or highlighting, albeit indirectly, a governmental lapse or abuse. And with all this, the question hour, even though a somewhat trying time for Ministers, also helps Government to keep abreast of public opinion; know popular reaction to their policies and performance; people's grievances and their problems and of any administrative lapses that may have occurred; and take appropriate remedial measures. All in all, questions are indeed a most useful instrument in the hands of parliamentarians for enforcing executive accountability and exercising check and influence over it. The need for putting question proceedings and time to optimum use is, therefore, paramount.

I am sure distinguished participants with all their practical experience as parliamentarians and legislators will be putting forth many useful ideas that would help make the question hour more effective. For myself, I feel I need no more than emphasize a few essential points which might be regarded as being, more or less, of general validity.

First of all, considering the limited duration of question time as also the expenditure and labour entailed in processing the notices of questions and collecting the information needed for answering them, it is obvious that questions should not be tabled just for the pleasure of doing so. A pointless

question or supplementary, or one that is concerned with only trivial or reads like a riddle, means so much of the precious time of the House spent infructuously—time which could well be utilized by other Members waiting to ask their questions—perhaps, on more important matters—but who happen to be further down in the question list. Members, therefore, need to be very discriminating in tabling questions and in being brief, pointed and precise in their supplementaries. At times, I find this to be a monologue. Of course, to be able to table questions and put supplementaries, which are purposive and meaningful, one has to do a great deal of homework and thereby make sure of being on the right trail. Also, it is only if Members are alert and attentive during question hour that they can detect any inconsistencies in the answer given by a Minister and oblige him, through pointed supplementaries, to come out with full and correct information. But this needs the presence of the Members who put the Questions in the House. At certain times, we also miss them.

Secondly, while every House has a set of rules governing the procedure relating to questions; in practice, how usefully question time is utilized depends much on the way the Presiding Officer controls and regulates it. I need hardly emphasize that the discretionary power available to the Speaker, say for example, in admitting or disallowing questions or in calling Members to ask supplementaries, has to be used judiciously and prudently, and with the conscious aim of making most of the question time so that parliament, as a body, and its Members individually, are better placed to discharge their representative and oversight functions.

In discussing the second subject, I think, in the first place, it would be well to take cognizance of the fact that in many of the developing countries, the public sector has emerged as the most important and crucial factor in the overall strategy for development and economic reform. From year to year, increasingly large investments of national resources are being made in the public enterprises. It is indisputable that in a parliamentary system of government, the legislature, as the nation's trustee, has a right to satisfy itself that public enterprises are managed efficiently in public interest and in consonance with the national objectives and value frame-work.

Distinguished participants would no doubt be giving due thought to the uses and relative merits of various modalities or procedures available for parliamentary oversight of public enterprises—such as, questions, scrutiny by committees, discussion in the House etc. I would, however, like to emphasize that there is another important aspect of the matter that needs to be given close and careful consideration. I think we ought to have a clear idea as to how far parliamentary oversight and scrutiny of public enterprises can and should go. May be, the answer to the question may differ from country to country, depending on a host of variable factors but,

perhaps, the need for clarity in the matter is equally urgent and essential. In India we have around 200 central public enterprises engaged in a variety of activities, such as, banking, insurance, trade, transport mining, power generation and, of course, a large number of industrial units manufacturing a vast range of items—from heavy machinery, ships, railway coaches and steel to wrist watches and leather goods. It would be only realistic to acknowledge that even with the best of will and effort on the part of our Parliament and its Committee on Public Undertakings, detailed parliamentary surveillance of all these undertakings is hardly a practical proposition. But quite apart from the feasibility aspect, there is also the question whether such detailed surveillance is really necessary or whether it would, indeed, be helpful.

So that is the question you have to debate. I think I should rather leave it to you, distinguished participants, to consider this and other important questions or issues pertaining to the subjects for this Seminar: I again welcome you all to the Seminar and wish your deliberations all success.

Thank you.

#### INAUGURAL ADDRESS BY SHRI M. HIDAYATULLAH, VICE-PRESIDENT OF INDIA AND CHAIRMAN OF RAJYA SABHA.

I am happy to have the opportunity to meet the distinguished parliamentary delegates from different friendly countries of the Commonwealth and also members from the Indian Parliament and Legislatures. I also feel very privileged to inaugurate this seminar which is to consider some aspects of parliamentary practice and procedure. Before I do so let me join the Speaker in welcoming you all. I welcome you on behalf of the people of India and myself, to say nothing of the members of my House. I hope that our delegates from outside Delhi whether they come from foreign countries or the Indian States, will have a pleasant stay.

As you are aware, the First Regional Seminar was held in October, 1980 and it proved so useful and successful that we have arranged another so that we may mutually profit by the precedents and experiences of democratic legislative bodies other than our own. This time the topics for discussion are only two and they will be exhaustively discussed today and for four days to follow. These two topics are: "Question Hour: How to make it more effective?" and "Public Sector Enterprises: How Parliament should oversee their functioning." Both these subjects will be shortly introduced to us respectively by the keynote address of my colleague Mr. Shyamlal Yadav and the Deputy Speaker Mr. Lakshmanan. As I am directly connected with what is called "the question hour" in my capacity as the Chairman of the Upper House I propose to come to it at the end of this address.



There may be many opinions on the second topic for discussion namely parliamentary scrutiny of public sector enterprises. The subject, please note, does not speak of 'Control' but only of the power to 'oversee'. The expression "oversee" is a word of many meanings, some of them even contradictory. It means from 'superintending' to 'disregarding'. Where exactly parliament will stop, might have been made clear by using a word with a more definite import. Public sector enterprises in India are owned by the State. Indeed the entire share capital is owned by the President of India bar a few shares which are held by Secretaries to Government. All these undertakings are corporations being companies and have their own independent personality.

With this position explained, parliamentary interference in the day to day working of public sector undertakings is obviously out of the question. What parliament can do and does, in the words of the Industrial Policy Resolution of 1956, is to see that "public enterprises" are judged by their results but in their working "must have the largest possible freedom of action". Members can bring to the notice of Government any irregularity and this is being done by discussing the affairs of an undertaking through motions of diverse kinds and questions for written and oral answers. The Committee on Public Undertakings is also there. It can be made stronger to impose a greater sense of responsibility and dedication among those who manage the affairs. Here also some restraints must be made stronger to impose a greater sense of responsibility and dedication are many. Questions like where to sell our goods and where to buy our supplies are essentially for the Management and cannot be settled in debates on the floor of the House. Similarly industrial problems will be looked at from different angles by different parties within their ideologies. Attention can only be drawn to flaws and this can be done by Motions for Calling Attention or by short time discussions. Beyond this there can be no imposition of the will of Parliament except through an Act of Parliament. This angle I leave to the delegates to consider.

I now come to the Question Hour with which the proceedings commence and which is the portion of Parliamentary time during which I preside over my House. Questions which come before the House are of two kinds: those written replies and those for oral replies. The latter are called starred questions. Replies to the starred questions are either read in the House by the Minister of the concerned department or, if too detailed, are laid on the Table of the House. The replies are not generally available before hand. In fact I see them not more than one hour before the House meets. One change to be wished for is that the replies may reach the Members and the Presiding Officers at least a few hours before

the Questions are raised in parliament. I do not see any real difficulty in this behalf if the replies be made available, say, a day earlier.

\* A starred question entitles the person asking the question to put supplementary questions in the light of the replies to the original question. Others too, if allowed by the Chair can put supplementary questions. We allow two questions to the propounder, one to another member bracketed with him on paper. Then the matter is thrown open to others if allowed by the Chairman. There is a competition for this opportunity. This may lead to disturbances and the Presiding Officer then has to steer the questions through. Though the right to ask a supplementary is circumscribed by many rules and conventions the tendency then is to stray from them.

I believe in all legislatures where there are rival parties there is an approving wing and a disapproving wing. The approving wing is the Government block. Members in this block seldom record disapproval. The disapproving wing is the Opposition. They go tooth and nail for the Government actions. The questions are sometimes off the cuff, off the mark or off the record. Looked at differently they may be informative or instructive and even vituperative, when they should seek information or be inquisitive like a cross examination. It is, of course, wrong for a member to give his own version or offer advice. It is always a pleasure when a short but crisp and to the point question is asked. That gives more worry to whom it is addressed. When members being to talk long instead of asking a question they have to be stopped. Sometimes that fails. Indeed there are members whom it is difficult to stop. To describe them I have taken the last three lines from a limerick (a favourite of Roosevelt, Osbert Sitwell and Sir John Sargent) I have added the two opening lines to make this:

“Some members are the Chairman’s bane,  
He tries to stop them, but tries in vain,  
Not once and again,  
But again and again,  
And again and again and again.”

Even this is not so disconcerting as when tempers rise and mud-slinging begins. You know the proverb: When Greek joins Greek then comes the tug of war. Then nothing can help. One remedy was suggested in such a situation by a Republican member to a Democratic member in the United States. His offer was worded thus:

“If you do not tell lies about us we shall not tell the truth about you”.

I think with this satisfactory formula before us we can leave it for panel discussion.

It seems the problems are the same everywhere. The time for interpellations is always a very lively time. In some countries only three questions are allowed as starred questions. In this way these subjects can be probed with supplementaries. We list twenty starred questions every day but what with the long answers to be read out and the equally long supplementaries, it is a wonder that we sometimes reach even seven to eight questions. Sometimes it is difficult to go beyond the third or fourth question. This aspect needs to be carefully considered.

It may be conceded that ours is probably not the only Country where Parliamentary Interpellations and other procedures are not upto the mark. I was reading a book in which it is stated that there is a chaplain in each House in the United States. A joke is often told in the States how a boy asked his father,

“Daddy does the chaplain pray for the members?”

The father replied,

“No darling. He looks at the members and prays for the Country.”

Fortunately we don't have to keep a priest, If any country decided to do this we can discuss it in some future Regional Seminar.

The progress of the Question Hour depends not on any set rules but upon the topic, the member and the reply. The effectiveness depends on how the information is elicited piece by piece through supplementaries and not by making your own statement. It is like the cross-examination of a witness. Its effectiveness is secured when the Minister is made to give all information relating to the subject. Otherwise it is a futile exercise only consuming time. I hope my colleague Shri Shyamlal Yadav will give some pointers to the regulation of the question hour and the strategy to be followed from the Chair and your deliberations will further light up this subject.

I thank you for giving me this opportunity to place these thoughts before you and I now formally declare the Seminar open.

Thank You.

**KEYNOTE ADDRESS BY SHRI SHYAM LAL YADAV, DEPUTY CHAIRMAN OF THE RAJYA SABHA AND VICE-PRESIDENT OF INDIA BRANCH OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION ON “QUESTION HOUR: HOW TO MAKE IT MORE EFFECTIVE?”**

It is indeed a privilege for me to be invited to initiate the discussion on the “Question Hour—How to make it more effective?”

I hope a brief reference to the evolution of the Question Hour may be of some relevance and interest.

The system of questioning originated in the 18th century in England. It was the Earl of Cowper who put the first ever question to the then Prime Minister of England, Earl of Sunderland on 9 February 1721 in the House of Lords. However, questions became a distinct procedure only from 1849 when a special part of the sitting known as "Question Time" was devoted to answering them. The system of printed questions in Parliament came into vogue only from 1853 in England. The practice of asking questions for written answers was introduced from 1902.

In India, the power of interpellation, though in a limited form, was first granted by the Indian Councils Act, 1892, because the Government thought the questioning was a valuable instrument for making the Government policy public.

There was, however, a debate whether the Second Chambers should also be given the right of interpellation, that is to say, the right of asking questions and if so whether such power should be the same as that enjoyed by the First Chamber. The procedure of asking questions, as is prevalent in the First Chamber, is not followed in all the Second Chambers. In some countries like Canada and Eire, questions were not permitted to be asked in the Second Chamber. Even in the British House of Lords, the practice followed has been to permit questions, to be asked only on two days in a week, namely, Tuesday and Wednesday, and to limit the number of Starred Questions to be asked on each day to three only.

The main reason for this debate seems to have stemmed from the principle of the executive's responsibility towards directly elected Chamber. This principle was first established in the U.K. and now it has become an accepted principle in every parliamentary democracy. The Constitution of India also makes the Executive responsible to the Lok Sabha, *i. e.*, the House of the People. This seems to be the reason which prompted the first Chairman of the Rajya Sabha, Dr. S. Radhakrishnan, to declare in the very first session of that House in 1952, that as the Constitution makes the cabinet responsible to the Lok Sabha only, the Members of the Rajya Sabha can neither ask questions to the Government, nor can they move an adjournment motion for raising a definite matter of urgent public importance. But that great democrat Pandit Jawaharlal Nehru voluntarily consented, on insistence from members, to answer questions asked by the Members of the Rajya Sabha, for the sake of keeping them informed.

When this right was conceded to the Members of the Rajya Sabha, the question hour began on 27 May, 1952 and Shri S. V. Krishnamoorthy Rao, who was later elected Deputy Chairman of that House, put the first question to the then Deputy Minister for Commerce and Industry.

Initially, when the provision for questions was made in the Rules of Procedure of the Rajya Sabha in 1952 only two days in a week were allotted for questions. Later, realising the great importance of the question hour, it was extended to four days in a week and finally in 1964 the Rules were so revised for providing question hour on all the five days in a week. Thus the Rajya Sabha secured complete equality with the Lok Sabha in this respect.

It may be seen that in India both the Houses of Parliament and both the Houses of State Legislatures, wherever they exist, have almost complete equality in matters of questions. So there is no denying the fact that questions put in either House of Parliament or State Legislatures not only put the executive on its toe but they act slowly and sometimes rapidly on the electorate also and expose the Executive to the people either in matters of policy, or execution, or lapses, commission, omission, whatever that be. How useful and powerful it can be depend upon the subject of the question and the skill and knowledge of the Members concerned. It also depends upon the ability of the Members to frame "penetrating and pointed" questions. Ideally, a question must be clear, precise and short, though, in the very nature of things, there can be no set pattern. Lively presentation, good language, clarity and sharpness of the question will compel the notice of the House and have an impact on the treasury benches. Question time is a testing time, both for the Minister and private member. It is both a challenge and an opportunity.

This right of legislators to ask questions, if correctly made use of, can serve six useful purposes, as far as I can see. Firstly, it can be used to seek factual information regarding policy and decisions of the Government. Secondly, by asking questions the members can press the Government officials for action in order to avoid needless delay in the implementation of the Government policy. Thirdly, it can secure a change in the Government policy by highlighting its shortcomings and sometimes its incongruities. Fourthly, it can be used to check the abuse of power by Government officials. Fifthly, the way a Minister conducts himself during the question hour may make or mar his ministerial career. By his ready wit, the courtesy he shows, his candidness and persuasive abilities he can establish rapport with the House. Lastly, it also helps to enhance the questioner's image as an effective partymen and parliamentarian. The private member for his part, by his intelligence, knowledge, alertness and

skill can make a mark in parliamentary life, not to speak of the accretion to his standing with the public by the way he raises public issues and the way he is able to get things done for his constituency through questions.

Talking of expenditure, an oral question costs heavily to the exchequer. I need not give the figures, but in India every minute of a parliamentary session is estimated to cost about Rs. 800/-. Therefore, it is necessary that the members should make the most judicious use of the parliamentary time, particularly during question hour, since it involves considerable time and energy on the part of the Government of a vast country like ours in the collection of information and data for preparing answers to questions. The cost aspect apart, a purposeless oral question asked is not merely an infructuous exercise in itself, but it may mean shutting out the opportunity for an important question lower down in the list being asked. That is why the Presiding Officer has the right to convert an oral question to that of a written one. It is desirable that Members of Parliament should not put questions relating to localised matters or personal matters for oral answer.

Coming to the task of the Presiding Officer during question hour, I think the job is most exacting and exciting. We have heard this morning the Chairman of Rajya Sabha and the Speaker of Lok Sabha telling us how they face the question hour and they have given us some very interesting examples also. Several members try to catch the eye of the Chair in order to put supplementaries. I have very little experience in this regard for having sat in the Chair during question hours hardly for 3 or 4 days. But the task of the chair in calling members for supplementaries will be facilitated if members' special interests are known and parties and groups in Parliament promote some kind of specialisation amongst its members. Usually members clamour for a privilege or protection of their right when a Minister does not give full answer or makes evasive replies. The Chair then has to intervene and see that the Minister makes a proper appraisal of the situation, makes detailed information available and does not suppress any material fact from the members. Adequate replies to supplementaries require that the Minister must have done his home work properly and be thorough with his brief. If the Minister is not possessed of full facts or well prepared to answer supplementaries it creates a piquant situation for the treasury benches. The Presiding Officer must intervene to restrict the number of supplementaries, so that more questions may be covered. Mr. Speaker, Sir, under your direction it has been laid down that answers to questions shall be complete and each part of a question shall as far as possible be answered separately. The same procedure is followed in the Rajya Sabha also and it is not often that the Chair has to compel a Minister to furnish a fuller reply

The question hour, thus, is the most outstanding and effective instrument in uncovering the administrative lapses and bringing about redressals. But the effectiveness of this instrument depends mainly upon the knowledge and study of the member who puts the question. If the information on which the questions are tabled is only available in newspapers it is better that the Members, verify the correctness of the information before tabling the questions.

Parliamentary questions are regarded as "a most valuable safeguard against bureaucratic excesses, for they ensure that, at quite short notice, an official action may have to be publicly defended by the responsible Minister". One of the most commonly criticised aspects of parliamentary questions is that there are far too many questions and that the question hour is not enough to dispose of all questions even if they are of high or equal public importance. In this connection an observation of the British Select Committee on Procedure is pertinent. The Committee observed:

The principal and widespread complaint in regard to question is that too few are answered orally within the question hour, in consequence an increasing number of members have to be content with a written answer. The root of the problem undoubtedly lies in the fact that supplementary questions are far more frequent and longer, and the answer longer than they used to be.

The Committee recommended that the number of oral questions allowed per member per day should be reduced from three to two and that supplementaries should be curtailed. In India we are now allowing per member only three oral questions in the Rajya Sabha and only one in the Lok Sabha.

The Committee further said:

We would urge the House to be prompt to support Mr. Speaker when he intervenes to curtail the number and length of supplementaries from either side of the House, or when a member endeavours to use question time for the purpose of giving information; we would also urge Ministers and back-benchers to be concise in their questions and answers.

It is further pointed out that sometimes Ministers do not answer the questions precisely and clearly despite their attention being repeatedly drawn to specific aspects.

To counteract this tendency, in our Parliament we have introduced a unique provision for Half-an-hour discussion on matters arising out of

the questions which require further elucidation and can be discussed in detail on particular evenings allotted for this purpose, which is three days per week in the Lok Sabha and at least one day per week in the Rajya Sabha. It is common knowledge that the executive rarely relishes the question hour. But it is very essential to see that the privilege of putting questions is not abused, nor the question hour used as an occasion for merely cross-examining a Minister. The question hour then does not serve its purpose of unmasking the weaknesses in the administration.

Further, with a view to keeping a watch and effectively pursue the assurances given by Ministers on the floor of the House while answering questions or replying to criticisms, both the Houses of our Parliament and the various State Legislatures have appointed a special Committee known as the "Committee on Government Assurances". This is a novel experiment, I think well conceived and fully utilised in our country. I had the privilege of heading this Committee on Government Assurances in the Rajya Sabha for four years. From my experience I can say that it has been a most potent instrument in making sure that the assurances on the floor of the House are implemented to the satisfaction of the Committee. And this Committee has now assumed enormous importance, I think, in no way less than the Financial Committees. This, I think, is the mightiest weapon that a Parliament can wield to get an assurance fulfilled and these assurances need not emanate from question hour alone. They are culled out from other debates as well. I have no hesitation in highly commending the manner in which these committees have been discharging their responsibilities.

We have another type of questions called. "Short Notice Questions" which are taken up immediately after question hour. From the very nomenclature "Short Notice Question" it is obvious that these can be put at short notice without undergoing the normal procedure of questions. It, however, suffers from one infirmity, that is the admission of these questions do not rest solely with the Presiding Officers. but depends upon the willingness of the Minister. I think to make this a really effective proposition the ultimate discretion of admitting these questions might as well be vested in the Presiding Officers, after taking into consideration the importance and urgency of the matter and difficulties of the Government. We are aware that in some parliaments, perhaps in Canada, questions are asked on the spur of the moment without any prior intimation and the Ministers do reply to such questions also.

Question hour, all will agree, is the most interesting and liveliest hour and intense and informative period of daily sittings of the legislatures. The concept of parliamentary control over the executive is most clearly manifested and effectively exercised during question hour. The searchlight of



questions serves not only to light up the obscure areas of executive policies and decisions and cases of administrative apathy and inaction, but also to draw attention to matters requiring immediate executive attention. In a way the question hour may be said to be a daily enforcement of 'the grand legislative inquest' into the affairs of the executive. It was a parliamentary question in the Lok Sabha that set the ball rolling in what came to be known as the Mundra Affair, where it led to the appointment of a commission of enquiry which ultimately also resulted in the resignation of the then Minister of Finance. Likewise, it was a question in the Rajya Sabha that unearthed the import licence scandal and ultimately led to the resignation of a Member of Parliament. The Dharam Teja case of embezzlement was yet another case which came to light through a parliamentary question.

The question hour attracts maximum number of visitors also in the galleries and coverage in the press and other media. Questions can be put in matters of vital importance, matters of execution of policies as prescribed under the rules. I need not mention those grounds of admission and rejection of questions, because they are enumerated in the rules of procedure of each House.

But one thing I would like to point out that questions lose their significance and vitality once they are politically motivated or aimed at raising unwarranted dust or allegations against persons in authority.

In the end, I would like to highlight and draw the attention of this gathering to the proposition referred to earlier whether supplementaries should be allowed to be asked by members other than those who have submitted the main question, because in our procedure we allow two supplementaries by the questioner who is expected to be prepared with his brief on the question and who has really worked for bringing that question before the House. However, other members usually get up on the spur of the moment and try to formulate questions. Secondly, by allowing supplementaries other than by the original questioners often tells heavily upon the time available for the next question. As is the practice here 20 questions are listed daily for oral answer in the Lok Sabha and also in the Rajya Sabha and it is difficult to go beyond 3 or 4 questions every day because other members take the time in putting their supplementaries. It is a moot point whether we should restrict the right to ask supplementaries to the members who have tabled the questions.

I am grateful to you, Sir, Mr. Speaker, for allowing me the indulgence to make some observations on this important topic and I must also thank the distinguished delegates for giving me a patient hearing. I am sure we shall be having thought provoking and fruitful discussion and observations by other eminent and competent delegates who happen to be here. With

these words I conclude, but once more express my gratitude and thanks to you all.

**KEYNOTE ADDRESS BY SHRI G. LAKSHMANAN, DEPUTY SPEAKER OF LOK SABHA AND VICE-PRESIDENT OF THE INDIA BRANCH OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION ON "PUBLIC SECTOR ENTERPRISES: HOW PARLIAMENT SHOULD OVERSEAS THEIR FUNCTIONING?"**

It is a great pleasure for me to have this opportunity of addressing this august Seminar on the subject of "Public Sector Enterprises: How Parliament should oversee their functioning?" The subject is an important one because of the role of public sector enterprises in development and their importance to the economy of developing countries.

As you know, no country in today's world can progress without a strong industrial base. And, such a base may be difficult to build in a newly free country without State initiative. In a number of developing countries, the public sector is regarded as an important instrument for effecting economic development. Since planning and accelerating economic development are the major concern of the State authorities in these countries, increasing use is being made of the public sector to achieve this objective.

So far as India is concerned, public sector has been a part of our approach for achieving socio-economic development. India was left very much behind in the technological race, for reasons which are part of her colonial past. Upon independence, therefore, she had to speed up development of her resources and build an industrial base. This called for considerable financial investment and a growth philosophy that inevitably meant State initiative in economic activities and State control over substantial means of production. However, Padit Jawaharlal Nehru and his colleagues in the task of building modern India were pragmatic in accepting the concept of mixed economy in which both the public and private sectors have each their own contribution to make.

The investments in the central public enterprises, which represent the real substance and corpus of public sector in India, witnessed a massive growth over the years in keeping with the industrial policy of the Government. The investments rose from a mere Rs. 29 crores at the commencement of the First Five-Year Plan on 1 April, 1951 to Rs. 18,225 crores in 186 enterprises at the end of March, 1980. In the Sixth Five-Year Plan (1980—85), again, a crucial role has been assigned to the public sector. It has an exclusive position in railways, communications and air transport; and a near exclusive position in coal mining, power generation and petroleum industry; a predominant share in banking, insurance, shipping, steel

and other metals; machine tools, fertilizers, insecticides and petro-chemicals; and a share in light engineering industries and consumer industries like drugs, textiles, etc.

Since public enterprises now constitute an important factor in the national economy in most countries, and increasingly large investments of national resources are made in them, it is only natural that the public are interested in the way they are managed. This explains why the performance of public sector enterprises needs to be closely watched. In parliamentary democracies, the accountability to people is through parliament. This establishes the *raison d'être* of parliamentary control of public enterprises. Parliament should make sure that *prima facie* public sector enterprises are operating at a reasonably high level of efficiency and in the public interest.

In some countries, the growth of public enterprises has led to the establishment of parliamentary committee specifically to oversee their activities. For example, in Sri Lanka, there is a Committee on Public Enterprises; in India, a Committee on Public Undertakings; and in Zambia, a Committee on Para-State Organisations. In the U.K., there was a Select Committee on Nationalised Industries up to May, 1979 when it gave way to the new departmentally-related committees, which look into the working of these undertakings as well.

As public enterprises are relatively new-comers, particularly in the newly-independent countries of the Commonwealth, their role and their relationship with the parliament are not often sufficiently well-defined. It may be stressed that for proper functioning of public enterprises, they must have autonomy and freedom of business management. Parliamentary control in the case of these undertakings cannot, in the nature of things, be so detailed that it leads to delay or creates a sense of timidity on the part of their managers. The public enterprises need quicker decisions and therefore a degree of flexibility of approach in their decision-making process. Therefore, the problem is to devise satisfactory arrangement by which public enterprises can be endowed with freedom in day-to-day operation, without disturbing or diluting the essentials of parliamentary control. Unfettered autonomy is out of question. Actually, accountability, secured with care and understanding, need not clash with autonomy. Each country will have to find its own golden mean in the context of its constitutional and political set-up and the realities of its parliamentary milieu.

In India, statutory corporations and government companies have been given maximum autonomy consistent with the needs of accountability. It is generally agreed that the scrutiny that parliament exercises over the

working of public enterprises should not extend to matters of day-to-day administration.

The annual budget of statutory corporations is usually required to be approved by the Government and in certain cases placed before Parliament. The Comptroller and Auditor General of India has been given the right to audit the accounts of these corporations except in a few cases. His report and the annual report on the working of the corporation are required to be presented to Parliament. In the case of government companies, Parliament's control is normally exercised—first, before the setting up of the company, when the relevant demand of the Ministry to provide funds initially comes up for discussion and through the Annual Report of the Government Company presented to Parliament along with the Statutory Auditor's Report and comments of the Comptroller and Auditor General, if any, thereon.

Opportunities for parliamentary discussion on public enterprises are afforded by debates, including debates on their annual reports and accounts, and by parliamentary questions, which, in principle, are admissible if concerned with policy rather than details of administration. Public enterprises can come in for parliamentary consideration through discussions on the motion of Thanks on "President's Address"; budget debates; adjournment motions, etc. Information in respect of any aspect of the working of public enterprises may also be obtained by Members of Parliament direct from public undertakings.

In the nature of things, during discussions on the parliamentary floor, it is not possible to devote the necessary attention to complex and important issues involved in the management of public enterprises. During such discussions, parliamentary review cannot be detailed and thorough-going for want of the necessary information-wherewithal for the purpose. This underlines the necessity for a parliamentary Committee to exclusively deal with public enterprises. With its powers to call for papers, summon witnesses, and undertake on-the-spot study of the undertakings, with all the staff support to sift and analyse the material and with the expert assistance of the Comptroller and Auditor General and his team, our Committee on Public Undertakings is in a position to undertake a meaningful evaluation of the performance of the public undertakings from all aspects. The Committee with its accumulated expertise and acquired insights is in a unique position to view the problems of the enterprises in a comparative perspective and offer constructive suggestions for improvements in the organisation or working of the enterprises. I am sure, wherever there is one, the Committee will come to be recognised as an invaluable guide to the public enterprises, making for a receptive attitude towards the Committee's recommendations.

In my view the utility of the Committee would be considerably enhanced if they could evaluate some of the leading units, particularly those which are having a surfeit of problems, so as to focus light on their shortcomings and offer constructive suggestions. Another meaningful avenue of examination could be provided by taking up certain common aspects of working of public undertakings, such as production, marketing, costing, personnel policies etc.

It is a moot point whether Government should bring out a White Paper in the case of new major projects so as to give pertinent information about the feasibility and the financial implications of the project which could be gone into on a selective basis by the Committee on Public Undertakings. This suggestion is being made to facilitate objective evaluation right at the inception of the project to obviate chances of the project proving uneconomic later on, as has happened in certain cases in the recent past.

There is need for keeping the members informed concurrently of significant developments in the public sector. An effort has been made through a monthly entitled 'Public Undertakings—Digest of News and Views', which is brought out by the LARRDI Division of the Lok Sabha Secretariate to meet this requirement. This periodical contains material drawn largely from newspapers, journals, handouts issued by the Undertakings| Governments etc.

I would conclude by saying that besides the Public Undertakings Committee the various opportunities for parliamentary discussion on these bodies, which are afforded by debates, question procedure and others should also be fully availed of to keep a vigil on the performance of the public sector.

Thank you.

## SEMINAR ON FINANCIAL ACCOUNTABILITY OF THE EXECUTIVE TO THE LEGISLATURE

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A Seminar on "Financial Accountability of the Executive to the Legislature" was held under the joint auspices of the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat and the Indian Parliamentary Group at the Parliament House Annexe, New Delhi from 4 to 6 December 1981. The Seminar was inaugurated by Dr. Bal Ram Jakhar, Speaker, Lok Sabha. We reproduce below the inaugural address by the hon'ble Speaker and the speeches of Shri R. Venkataraman, Union Finance Minister and Shri P. Venkatasubbaiah, Minister of State in the Ministry of Home Affairs and Department of Parliamentary Affairs, on the occasion.

—*Editor*

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### INAUGURAL ADDRESS BY DR. BAL RAM JAKHAR, SPEAKER OF LOK SABHA

I am very much delighted at having this opportunity of meeting distinguished Members of Parliament of the Indian Parliamentary Group and of State Legislatures assembled here for the Seminar on "Financial Accountability of the Executive to the Legislature". The Seminar is being held under the joint auspices of the Bureau of Parliamentary Studies and Training (Lok Sabha Secretariat) and the Indian Parliamentary Group. On their behalf and on my own behalf, I extend a hearty welcome to all the participants of the Seminar, particularly those from the State Legislatures who have come all the way to attend it.

We will be discussing at this Seminar an important aspect of the working of parliamentary institutions in our country. It is a very important subject that we are going to discuss today. If the country is to progress and development has to take place, we have to see that every expenditure is justifi-

ed and well laid out. And there are checks and balances. That is why, the elected representative of the people in whom people have reposed their confidence, bear the responsibility to see that the hard earned money of the people is put to prudent and proper use.

The question of financial accountability has been receiving considerable attention during all these years. Executive accountability to the Legislature, as we all know, is a basic principle and distinctive feature of the Parliamentary form of government that we have in our country, both at the Centre and in the States. In essence, accountability connotes the Government's obligation to reveal, explain and justify its policies and actions to the Legislature. And, accountability is real to the extent that Legislature is able to oversee and scrutinize governmental activities and, thereby, to satisfy itself that public policies remain opposite to the needs and aspirations of people and governmental programmes are efficiently implemented.

Parliamentary procedures for considering public expenditure are largely based on the Westminster model whereunder theoretical control over both taxation and expenditure lies with the Legislature but the right to initiate spending proposals vests in the Government. Thus, under articles 114, 204 and 265 of our Constitution levying taxes and authorising expenditure are the prerogatives of Parliament and State Legislatures, while the initiative in regard to spending proposals rests with the Executive. Parliament or a State Legislature can examine and criticise the estimates and has the power to reduce any demand for grant, but it may not increase the estimates.

Traditionally, in Commonwealth countries, the "power of the purse"—the authority to grant or withhold supply—has been regarded as the key to parliamentary supremacy or 'control' over the Executive. It is, however, a common experience of most Commonwealth countries that the claim in regard to the "power of the purse" is more of a historic nature and is no longer as effective as it used to be. An important factor contributing to the erosion of legislative control in financial matters has been the growth in power of political parties and their adversarial role *inter se* which have led, in practice, to major decisions on public expenditure or taxation being regarded as issues of confidence determining whether a Government would stand or fall. As it is, this approach has come to be applied to both general economic strategy and detailed proposals which have to be accepted or rejected as a whole and not altered. You daily see this in State Legislatures and in Parliament. This has limited the power of both Government back-benchers and the Opposition to change the Executive's financial proposals once they have been presented. Another crucial limitation on the scope and effectiveness of legislative scrutiny, let alone control, has been rapid growth in the level of public spending due largely to the transition

from the earlier *laissez fair* concept to the contemporary concept of welfare State. The increase in the range and complexity of governmental activities has heavily weighted the balance of power in favour of the Executive and made genuine accountability much more difficult to achieve.

Indeed, some have even questioned the ability of the Legislature to control the spending necessary to fulfil Government policies. One is, of course, the recurring gap between the level of expenditure planned and approved by the Legislature and the actual outcome—a feature common to many countries including our own. The other factor, which they feel is even more important is the virtual exclusion of the Legislature from the now technically sophisticated process of short and long term expenditure budgeting. The net result of the various development has been that the Government of the day is generally able to have its own way in face of restricted legislative consideration of expenditure proposals and only patchy scrutiny of their implementation.

In our Parliament, for example, although nearly two months of parliamentary sittings are devoted to examination of the Budget, the discussions are not very detailed. Certain very important Ministries are not taken up due to paucity of time. The problem remains how to scrutinise all of them? However, our three Financial Committees, namely, the Committee on Public Accounts, the Committee on Estimates, and the Committee on Public Undertakings, endeavour to undertake the task of detailed scrutiny of governmental spending and performance, thereby securing the accountability of the Executive to Parliament in financial matters.

I may also mention that besides making a significant impact in effecting economy and efficiency and plugging various loopholes by streamlining administrative procedures, our Financial Committees in Parliament have also, from time to time, made various suggestions for improvements in the financial system and the form of presentation of the estimates for better parliamentary control. The useful work done by these Committees in maintaining a vigil over governmental spending and performance, on a continuing basis, is acknowledged on all hands. The fact remains, however, that despite their best efforts, the three Committees together are not able to examine comprehensively the vast and growing expenditure and activities of the Central Government. Large areas of governmental activity—and of course, the related expenditures—escape effective parliamentary scrutiny. This is admittedly not a very satisfactory position. There is today a growing recognition that the mechanism of parliamentary scrutiny and oversight need to be strengthened to impart greater meaning and force to the whole concept of Executive accountability to the Legislature—and through it—to the real masters that is the people.



We have a centralised planning in our country but the planning machinery has not been put on a statutory basis advisedly. Plan is the instrument of development and budget is an instrument for the execution of the plan programmes both at the Central and the State level. There is a system of devolution of development finance in terms of loans and subsidies from the Centre to the States. There is combined participation of Central and State financial institutions in assisting agricultural and industrial development of the country. There are public enterprises jointly owned by the Centre and the States. In view of all this, there has to be a coordinated approach by the Parliament and State Legislatures to ensure that the national plans are translated into reality and Plan targets are adhered to. In this connection the role of unitary and independent Audit in our Federal polity assumes significance. I understand that the Comptroller and Auditor-General of India has reviewed Plan programmes such as Irrigation and Road construction in his Reports placed simultaneously before the State Legislatures and the Parliament. I am mentioning all this to press the point that a national perspective in financial accountability in the context of national plans should emerge and the Financial Committees of Parliament and the State Legislatures could bring about some coordination in their efforts. This is an area that could usefully engage the Conference of the Chairmen of the Financial Committees held periodically.

With the phenomenal growth in governmental expenditure after we embarked upon planned development of the country, it is necessary to alter our methods of ensuring financial accountability of the Executive. It is no longer enough to satisfy ourselves of the regularity and propriety of the expenditure. An efficiency-cum-performance appraisal of investments in economic and social development is what is called for. The adequacy of the performance budgeting techniques employed and the efficacy of the systems of internal control and of the built-in safeguards against waste, inefficiency or loss are to be gone into. At the time of adoption of the Constitution there was talk of "Exchequer Control" but this still seems to be a distant dream. To what extent exchequer control to regulate expenditure within the voted grants is possible at least at the Centre under the new system of departmentalised accounts and disbursement of money through banks, I do not know. This is also an area worth going into while discussing Legislature financial control.

I do hope that your deliberations at this Seminar will throw up useful suggestions. I would only like to add that the question of enabling the Legislature to have a more effective and influential role in financial management and accountability need not and should not be viewed in terms of some kind of a tussle over the relative powers of the Executive and the

Legislature. Rather, the issue has to be considered strictly from the point of view of ensuring sound management of public finance on which, after all, depends the welfare and progress of the community. Also, in a democratic policy, it is obviously important that not only the financial affairs of the State are managed well, but the common people are satisfied that this is in fact so. The overall problem has been very well summed up by the Lambert Royal Commission on Financial Management and Accountability in Canada as follows. I quote from the Commission's report:

"The process of scrutiny, surveillance, public exposure, and debate help to legitimise the activities of Government to the public. The current widespread hostility to 'big Government' can be partially explained in terms of a breakdown in the public's belief in the appropriateness of Government's spending. This, in turn, can be ascribed to the failure of existing arrangements to permit Parliament, on an informed basis to undertake an open and comprehensive review of Government expenditure and a comparison of results against stated goals. This failure on the part of Parliament to 'legitimise' Government exacts a price in public trust, which both Parliament and other Governmental institutions are called upon to pay, and which ultimately we all pay." (Unquote)

I think, it will be generally agreed that as long as the Executive's right to initiate expenditure proposals and its freedom in decision making and implementation are left untrammelled, it would be all for the better—and to the advantage of the Executive itself—if the management and administration of public finance is more fully exposed to advice, informed criticism and detailed and purposeful scrutiny by the elected representatives of the people.

I wish your deliberations all success.

Thank you.

**SPEECH BY SHRI R. VENKATARAMAN, UNION FINANCE MINISTER**

The principle of legislative supremacy in finance over the Executive Government is now very well-established in democratic countries. As the basis and instrument of legislative control, the system of preparation of Budget, indicating the estimated receipts and expenditure for the full year same in vogue. It was aimed at providing standards against which the actual receipts and expenditure could be compared in order to ensure a check on performance of the Executive Government in the matter of taxation and spending against legislative authorisation. Accountability was thus

established between two separate powers—legislative and executive—through the mechanism of Budget. In financial matters, this answerability of the Executive originates with the Budget and culminates in rendering of a report as to how moneys voted by the Parliament have been spent. It is not as if there are only these two points of accountability. In fact, beginning with the introduction of Budget for approval by the Parliament, the Executive is held answerable throughout the parliamentary session during the debate on the Budget and Demands for Grants of each Ministry. Besides, the Executive Departments come under the vigil of the Comptroller and Auditor General who is given a statutory right to inspect Government departments and report back to Parliament whether the Government has obtained goods and services worth 100 paise for every rupee spent.

As Basil Chubb has observed:

“Parliament’s interest in finance is in two broad distinct levels; first with the questions of policy—what shall be the amount of taxation and expenditure and to what objects public money shall be applied. The second is to ensure that the policy, which though it is of the Government in origin but it endorses and makes its own, is carried out accurately, faithfully and efficiently”.

I want to make it clear that, even though the Government proposes the Budget and the Budget embodies the policy of the Government, once the Budget is adopted, it is no longer the exclusive preserve of the Government or the Executive; it becomes really the property of the Parliament. Parliament makes it its own and it has to see that it is implemented accurately, faithfully and efficiently. The broad policies are laid down by the entire House when it votes the Appropriation Bill. At the time of laying down the policy, the debate in the House is on Party lines, but once the policy is settled, politics plays a minor role. It is then that the second stage of executing the policy accurately, faithfully and efficiently begins from then on it becomes the interest of the entire House to see that—here I am quoting again Mr. Basil-Chubb—it gets 20 shillings worth of goods for every pound it spends. The same principle was emphasised by our distinguished speaker, Shri G. V. Mavalankar, when he told the First Public Accounts Committee as follows:

“You are sitting there to go by what the Parliament thought over the matter. That is the principle of a democratic Government on Parliamentary basis. We are opposed so long as we discuss a matter and so long as finality is not reached. The moment finality is reached, it should be the effort of every one to support that.”

Financial accountability falls in three parts: (i) Policy; (ii) Merit of the expenditure; and (iii) Audit.

While a policy is framed by the Government and approved by Parliament and audit is carried out by the supreme audit institutions, namely, the Comptroller and Auditor General with a further check of the Public Accounts Committee, the merit of expenditure covering the middle ground is expected to be examined by the Estimates Committee.

In England, when the Estimates Committee was formed for this very purpose, it was recommended that the consideration of the Estimates by the House may be deferred till the Estimates Committee reported thereon. In fact, the original idea of the Estimates Committee was that, as soon as Government brought forward the budget proposals, the Estimates Committee would examine the estimates presented by the Government and its budget proposals. In India, till 1950, there was no Estimates Committee. The functions of scrutiny of proposals of votable expenditure, sanctioning allotments out of lumpsum grants, suggesting economy wherever necessary and generally assisting the Finance Department by advising on cases referred to it were entrusted to a Standing Finance Committee of which the Finance Member was *ex-officio* Chairman. I was myself a member of the Standing Finance Committee in 1950 and 1951. This Standing Finance Committee provided an opportunity for the Members of the Legislatures to familiarise themselves with the process of administration and foster intimate links between the Executive and the Legislature. This was not, however, a Committee of the House though it was a Parliamentary Committee in the sense its members were drawn from the Houses of Parliament. Its scope was restricted in that the Defence expenditure was excluded from its purview and its advice was only recommendatory. However, it was not a powerless body. Its main function was in respect of preparation of the Budget, for, no new expenditure could be incurred, except in urgent cases, without the concurrence of the Committee. As the Simon Commission observed, "The Committee exercised a greater influence on the Government's policy and administration than some Committees attached to the other Departments". Gwyer and Appadorai also pointed out that the Committee's influence was such that "the Executive has never persisted in presenting to the Assembly demands for supply against which the Committee has recorded its advice".

I have dwelt a while on the details of the Standing Finance Committee for the reason that there have been recently suggestions for revival of the Standing Finance Committee for more effective participation by the Members of the Legislature. It was somehow felt that the Estimates Committee was a more important body than the Standing Finance Committee and moves were made in 1938, 1947 and 1950 to form an Estimates Committee. Here, I may tell the hon. Members, in my experience both in the work of the Standing Finance Committee and the work of the Estimates

**Committee, the Standing Finance Committee had a greater control over expenditure than the Estimates Committee has.**

In 1950 the Estimates Committee was formed and in 1952 the Standing Finance Committee was abolished. The prescribed functions of the Estimates Committee were to report on economies, organisational improvements, administrative reforms, recommend policy changes wherever necessary, examine whether the money is laid out within the policy implied in the estimates and suggest the form in which the estimates shall be presented to the Parliament. The Estimates Committee scrutiny begins after the estimates are presented in the House. In the course of time, with the expansion of Government functions, it has not become possible for the Committee to scrutinise all the estimates every year. It is here that we find that the Estimates Committee has lost its most important function. It has therefore adopted a procedure of selecting for review certain departments as has been recently done in the case of Income-tax, Central Excise and Railways, and report on such organisational changes and economies as in its opinion are necessary. Though essentially the Estimates Committee deals with organisational matters, the underlying idea is always to achieve economy and efficiency; and, therefore, the accent is as much on the financial angle as on the organisational matters. Government witnesses appearing before the Estimates Committee have, therefore, to answer questions relating to realisation of the objectives and programmes with minimum cost and maximum efficiency. In fact, this Committee has, on the directives of the Speaker, conducted an inquiry into the losses of railway collieries and efficient working of the Dandakaranya Scheme. Such midstream inquiries even though they do not have a direct control on finance, have nevertheless an important link with the financial accountability of the Executive.

After the budget is passed and the Demands for Grants are approved, the Executive gets the legal right to draw from the Consolidated Fund of India and of the States. In fact many aspects of financial accountability and control are provided in the Constitution itself in Articles 110 to 117, 202 to 207, 265, 266, 267, 282 and 283. Under Article 114 of the Constitution, no money can be withdrawn from the Consolidated Fund of India, except under appropriation made by law passed by the Parliament. Under Article 266, no moneys out of the Consolidated Fund of India or the Consolidated Fund of a State shall be appropriated except in accordance with the law passed by the Parliament. If, however, the amount authorised is insufficient for the purpose, or a need has arisen for additional expenditure not contemplated earlier, a supplementary budget seeking excess grants shall come before the Parliament and the Executive is prevented from adjusting savings arising under one head against expenditure in another head. All savings must be surrendered and all excess amounts not covered

by grants should be approved by the Parliament after scrutiny by the Public Accounts Committee. Even though the need for accurate budgeting is widely recognised, every audit report contains almost an annual ritual of considerable excesses to be regularised and substantial surrenders to be explained. This situation could possibly be avoided if there is a proper system of exchequer control.

An important tool to enforce financial accountability is the audit report submitted by the Comptroller and Auditor-General of India who is an independent constitutional authority with a status equal to that of a Supreme Court Judge. Under Article 151, the accounts rendered to him by the various Ministries in a consolidated form are submitted by him along with the report to the Parliament which remits these reports for examination to the Public Accounts Committee. Till recently his audit was mainly on Accountancy, Regulatory and Appropriation aspects and only relatively in a smaller measure on Propriety aspect. I want to emphasise that audit really emphasised the Regulatory aspect and propriety was no very much in question. Now, the position has changed. Accountancy Audit is concerned with the correctness of the accounts. Regulatory Audit ensures that for every expenditure there is a voucher and expenditure is incurred in accordance with laws, rules and instructions. Appropriation Audit ensures that the amounts that have been sanctioned by the Legislature have been spent within the scope of the legislative sanction and not exceeded.

Propriety Audit, however, is directed to ensure that not only is the expenditure legal but that it has been incurred with wisdom, faithfulness and economy and that there has been no extravagance, infructuous expenditure and loss of public money by fraud or by embezzlement. However, even this Propriety Audit is found to be inadequate in the context of the correlations of the Plan expenditure with the regular administrative expenditure. In the context of a planned economy of a developing country, the expression "accountability" has come to acquire a broader connotation than in its original sense. It is no longer concerned with the verification of due sanction and approved purpose for expenditure incurred by relevant authorities. It extends to ensure that annual programmes and achievements are set out and implemented in terms of long-term plans and goals. Parliament today demands this larger accountability through appropriate reviews and reports from the Audit Department. Largely with a view to fulfilling this new demand for a perspective presentation of estimates and perspective report thereon the concepts of Performance Budgeting and Performance Audit have been evolved. The Comptroller and Auditor-General's audit and therefore the Executive's accountability extends not only to all expenditure from the Consolidated Fund but also to receipts,

commercial undertakings and bodies and authorities substantially financed by Government.

The Audit reports forwarded by the Comptroller and Auditor-General mainly form the subject matter of discussion by the Public Accounts Committee. Though the Audit report is the basis of the Public Accounts Committee's inquiry, the Committee is not prevented from going into connected areas and examine all the relevant issues for giving a comprehensive report. This tendency of the Public Accounts Committee to go beyond the Audit report though found to be rather inconvenient by the Executive, has lent considerable weight to its recommendations because of the perspective approach.

The functions of the Public Accounts Committee as laid down in the Rules of Procedure and Conduct of Business framed by Lok Sabha throw a direct light on the financial accountability of the Executive. The charter given to the Public Accounts Committee is that it should satisfy itself that:

- (i) the moneys shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been allocated;
- (ii) the expenditure conforms to the authority which governs it;
- (iii) every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority;
- (iv) the statement of accounts and report of the Comptroller and Auditor General thereon are examined; and
- (v) the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor-General either under the directions of the President or by an Act of Parliament, is scrutinised.

For examining the reports of the Comptroller and Auditor-General on public enterprises, a separate financial committee has been constituted in the Committee on Public Undertakings. One distinction between this Committee and the Public Accounts Committee is that this Committee can examine independently the functioning of any public undertaking without waiting for the Auditor-General's Report. This Committee, as you are aware, has been doing very useful work in scrutinising lapses in the management of public sector.

Financial accountability is a subject of wide import and in recent times several issues have been raised, some of which are of adequate importance to be taken note of. I shall now deal with the more important of these issues.

The first issue is: Is the form of budget presentation today substantially useful, giving relevant information in regard to past performance and future proposals for action? I can say that this is an area where there is considerable room for improvement because it is difficult to get a complete analysis of object-wise expenditure. For instance, no one can get the total expenditure of any particular item, say, on the Central Secretariat in one place of the budget document. Object-wise assessment is not possible in the present budget. Further, classification between capital and revenue leaves room for improvement. I can say you can easily shift the items from capital to revenue and from revenue to capital and considerably escape scrutiny.

Again many demands for grants are guillotined without discussion because Parliament devotes much of its time to current issues forgoing its right of scrutiny of Budget estimates of many Departments. A convention restricting the time for such issues during Budget Session will enable Parliament to exercise its fundamental right to scrutinise the functioning of the enormous increase in responsibilities of varied and complex nature which the Executive is called upon to cope with. By guillotining a demand you give a free hand to the Executive without any parliamentary scrutiny and this must be realised by the Legislatures as well as Parliament.

The Public Accounts Committee also can perhaps help in the process of getting a cooperative response from the Executive by not insisting too much on calling for explanations of individual officers whose acts of commission or omission are commented upon in the audit report. The Public Accounts Committee is not a Public Administration Committee. The Committee is interested in improvement of systems and procedures and lapses of individual officers, unless they are of very grave nature, should be left to be dealt with by the concerned Departments. There have been cases of Income-tax officers responsible for detection of concealment of lakhs of rupees coming to grief on directive from the Public Accounts Committee, because of an under-assessment of a few thousand rupees in stray cases.

The importance of the recommendations of the Public Accounts Committee gets diminished because the Reports relate to transactions and events which relate to distant past. To avoid this, the Committee and Audit may adopt a procedure on reporting the transactions fairly proximate in point of time.

Financial accountability today is restricted to transactions relating to the Consolidated Fund. There is a view that the accountability should also extend to foreign exchange and banking transactions. I am unable to share this view as these are highly specialised and sensitive areas. It is better that



these policy matters are examined by the Reserve Bank of India. Parliament has an adequate opportunity to elicit information and raise discussions on these matters.

Some persons advocate that the Report of the Public Accounts Committee should be discussed in Parliament. I think this is opposed to the concept that the Public Accounts Committee is the Committee of the Parliament and its recommendations may be taken as the recommendations of the Parliament itself. Discussion in Parliament would result in loss of the prestige and respectability given to the recommendations of Public Accounts Committee and well-considered conclusions may suffer in discussion by Members who have had no opportunity to examine the documents and witnesses.

While considering these problems of control and accountability, it would be worthwhile to remember the words of Govind Ballabh Pant:

“The problem of administration is not mechanical. It is essentially human. Unless, therefore, it is approached in that right spirit with sympathy, solicitude and understanding, the desired results become difficult of achievement. The administrators have to serve the people because that is the only purpose for which they can and they ought to exist.”

#### SPEECH BY

SHRI P. VENKATASUBBAIAH, MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS

I am indeed grateful to Prof. Hiren Mukerjee for inviting me to participate in the seminar today. The topic chosen for discussion assumes considerable importance in the system of Government we have adopted in this country. It is only with the advent of Independence that financial control of the Executive by the Legislative developed more teeth which was not the case during the British rule. Prior to 1921, the power of Legislature was restricted to general discussion and criticism. There was slight improvement over this in the next two decades upto 1947 inasmuch as the Legislature voted grants, but the Governor General retained the power to restore any cuts and sanction expenditure which did not have the approval of Parliament. But all this has undergone considerable change with the adoption of our Constitution.

Financial accountability of the Executive is a broad but crucial subject. When we talk of it we automatically accept the fact that the Executive has to be accountable to someone. This accountability puts some curbs on the otherwise unbridled functioning of the Executive.

Our basic commitment is towards a planned development. If there is a planned development, the accountability of the Executive must be rendered to the representatives of people according to the plan. Whatever the modalities, the basic constraint on the Executive is that it is accountable to the democratic representatives of the people. This places certain responsibilities on the Executive and also acts as an effective control on its operation and efficiency.

The basic reason for control is that the Executive cannot be allowed to run away in the fields it chooses. It must conform to the plan. Resources are scarce and investment opportunities are limited. In view of this scarcity, there has to be some rationing of these resources. This takes the form of controls.

Accountability has been interpreted as some type of curb, check or responsibility. Accountability essentially is the answerability of the Executive. Why is a particular method chosen? It is chosen because of answerability. We have to make maximum available use of resources. The question is not one of superiority but of suitability of a particular way of doing it.

It is now common knowledge that in a welfare state the Government looks after all the needs of an individual from the womb to the tomb. That is the ideal enshrined in the Directive Principles of our Constitution. We stand committed to it and are constantly working towards the attainment of this goal. The ultimate test of all financial administration in the words of the Father of the Nation, Mahatma Gandhi, is the "Removal of Daridranarayan", that is to maximise human welfare. India has been striving hard to work towards this end as a welfare state though there are constraints of resources and inadequacy of facilities as population explosion competes with endeavours for prosperity and growth specially in the context of the ever-rising prices and world wide inflation. Even so during the last three decades, various financial systems suited to the varying needs and conditions of the country have been tried for promoting people's welfare.

In the past, when expenditure and size of the administration was not very large (only a few hundred crores of rupees per year) the system of centralised financial management enabled the execution of a coordinated and unified fiscal policy and at the same time avoided inflation, wasteful expenditure extravagance and mistakes on the part of inexperienced subordinate officers. But with the ushering in of big budgets (over Rupees twenty thousand crores per year) and enormous programmes and projects to accelerate the development of the country, decentralisation of power to appropriate operating levels according to operational needs or the "law

of situation" became one more objective of the financial management particularly since it enabled the financial executive to concentrate on more important matters of organisation, planning and scrutiny of projects. Modern business experience also corroborates the doctrine that top management should not concern itself with operating decisions but only with high policy matters, planning research, technical help and general supervision. The same applies with equal force to Government specially when expenditure of vast magnitude has to be incurred and the pace of development has to be accelerated.

Parliamentary control over expenditure is exercised by the people of India by electing their representatives in Parliament periodically. The speeches in budgetary debates in open session of Parliament are by and large on party lines having political overtones. Even so, many useful and constructive suggestions sometimes emerge from these general discussions and the Finance Minister gives due consideration to them. In the history of Parliamentary democracy in the world, demands for grants are normally not rejected except when it is intended on political grounds to reject the Government's proposals to ensure the immediate fall of Government. However, it is difficult in open sessions of Parliament to examine demands for grants in detail on merits. Fortunately in India we have an excellent system of Parliamentary Financial Committees and Consultative Committee for each Ministry. Of course, the role and position of the Consultative Committee also are often subject to criticism, where all parties are represented and they examine all proposals thoroughly on merits for the time being forgetting their party labels, by majority decisions as far as possible. We could see it in our Parliamentary Committees that whenever any discussions take place or decisions are taken, they are not taken on any party basis. In India, we have also developed conventions that the recommendations of these committees—in a sense miniature Parliaments—are given consideration at the highest level and decisions of Government thereon are placed before the Parliament for acceptance or for further consideration. These are normally called "action taken reports". Reports of Public Accounts Committee are seldom discussed in the House since it is the convention that reports of financial committees—which have representatives of all parties and groups—should be implemented as if they are recommendations of the House itself. If there is a specific issue over which there is a difference of opinion between the Committee and the Government it could be brought before the House and discussed on a motion, without putting it to the vote of the House.

The Public Accounts Committee, the Committee on Public Undertakings and the Estimates Committee are the instruments through which

**Parliamentary financial control is exercised in a democratic set up. The statutory annual audit report of the Comptroller and Auditor General laid before Parliament is examined by the Public Accounts Committee which is assisted in its work by representatives of the Comptroller and Auditor General of India, who have in their possession necessary documentary evidence in support of the audit paragraphs. Expert secretarial assistance is rendered by the Lok Sabha Secretariat. The audit report draws attention to excesses of expenditure over sanctioned grants, abnormal savings not surrendered in time, particularly those after obtaining supplementary grants, instances of wastage, inefficiency, fraud, embezzlement, misappropriation and serious financial irregularities including leakages in revenue. It pinpoints whether moneys have been spent with due regard to economy, efficiency and financial propriety. Documentary evidence is examined and supplemented by oral evidence of the concerned Ministries/Departments to find out why and how the irregularities occurred and how they could have been avoided. It also examines all aspects of revenue leakages, serious lapses and non-enforcement of law and rules by delinquent officers whether the income tax, wealth tax, estate duty, customs or central excise, etc. For effective discharge of his constitutional obligations, the Comptroller and Auditor General and the authorised officers of the Indian Audit Department are entitled to call from Ministries/Departments all relevant papers. The Comptroller and Auditor General thus acts as a watchdog of the tax payers in the important task of 'Public Accountability.'**

The Committee on Public Undertakings examines in depth the working of public enterprises according to an approved programme and makes its recommendations for improvement. The Estimates Committee examines the working of Ministries and Departments and makes its recommendations in the Reports presented to Parliament.

For making parliamentary financial committees more purposeful, informative and meaningful and to give practical shape to the theory of 'Public Accountability' and correlating money expenditure with the objectives of planned development and actual physical achievements, the Government of India has, on the recommendations of the Administrative Reforms Commission and other high level committees, introduced performance budgeting as a mandatory measure in all Ministries which are required to present their annual programmes to Parliament along with achievements claimed. To facilitate this task the format and structure of accounts has been completely changed on the recommendations of experts, integrating the process of preparing the performance budgets with the normal budgeting, planning and accounting process inclusive of impact of revision of project estimates|capacity, on the economy with reference

to production cost capacity utilisation, cost benefit analysis and contribution made by the project to the regional and national economy.

With a view to introduce an effective management accounting and information system suitable to the needs of each Ministry/organisation engaged in economy and welfare activities for collecting, processing and presentation of reliable and timely accounting information to management for planning, policy formulation, control and supervision and decision making, the Government of India constituted a high level Advisory Committee presided over by Finance Minister which met in February 1977 and the recommendation of the Committee are under the consideration of the Government. The Committee set up a Sub-Group under the Chairmanship of Shri V. G. Rajadhyaksha, Member, Planning Commission to conduct detailed studies and formulate concrete proposals. Comprehensive Management Information system has been approved for the Department of Chemicals and Fertilisers. The Sub-Group has evolved an appropriate information system for C.P.W.D. and selected programme of the Ministry of Agriculture.

Based on my long experience in Parliament, I venture to suggest some of the ways to streamline the financial accountability of the Executive to the Legislature:

1. The Central Government should confine its activities to functions assigned to it under the Constitution and projects of multi-national/national importance or inter-State projects.
2. Whilst the Ministries want the Finance Ministry to transfer powers to themselves, they are reluctant to delegate some of these financial powers to Heads of Departments and similarly the field organisations have very little powers. The delegation of powers should be according to the needs and circumstances of each Department and there need be no uniformity. For example, a revenue earning/semi-commercial Department may need more power than a non-productive office. In respect of prescribing tariffs and contracts for miscellaneous receipts, Ministries and Heads of Departments should have fuller freedom on revenue earning activities rather be subjected to controls.
3. There should be internal physical appraisal/internal audit of achievements claimed by each organisation with reference to performance targets. Now that internal audit organisation has been set up in each Ministry—a part of departmentalisation of accounts—it may perform this task with the assistance of technical/engineering experts/works study units, according to

the requirements of each organisation. The results of such test-checks can be incorporated in the annual performance report/budget documents.

4. The Parliamentary Committee on Public Undertakings should probe in depth the working of losing concerns, concerns having accumulated losses but now making inadequate profits and enterprises which have earned serious adverse audit criticism.
5. The Parliamentary Committee on Public Undertakings should study the question of reversal of policy decision regarding future of holding companies in a number of heavy industries like steel, coal, etc. to effect saving in public expenditure, improve efficiency by transfer of policy formulation and coordination functions to Government. This will avoid intensive professional rivalries and ensure quick sanction of projects.
6. The objectives of each enterprise should be clearly spelt out by Government, that is financial and production targets, pricing policies, the programme for modernisation of plant and machinery, the surplus expected to be generated during the next 1, 5, 10 and 15 year periods. Without a perspective plan and clear-cut definition of financial objectives, the managements just plod on unsure of their plans and policies. It is essential that the Government remedies this deficiency. Aggregate approach to cover deficiencies of some companies by surpluses of other would not do. Let there be healthy competition between a number of companies in the same line.

The Speaker also, in his address, has made certain valid points with regard to the adequacy of the present system of Parliamentary Committees to perform the work assigned and to ensure accountability—which they are required to do. He has raised some important and relevant points with regard to accountability of the Executive to Parliament. Hon. Members will have time, scope and opportunity to discuss all these matters.

I once again thank Prof. Mukerjee and the Chairman for having given me this opportunity to place before you certain points on which I felt very intensely. As a matter of fact, I was the Chairman of the Estimates Committee for some time; I was also associated with the Public Accounts Committee. With my experience in these committees, I thought I should formulate some opinions for your consideration, so that they can be discussed in depth.

ADDRESS BY DR. BAL RAM JAKHAR, SPEAKER, LOK SABHA  
AT THE CONFERENCE OF PRESIDING OFFICERS HELD AT  
HYDERABAD ON 28 DECEMBER 1981.\*

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Friends,

I am glad to be with you at this Conference which I consider a get-together of a happy family. Such a re-union helps to remind ourselves of the fundamental unity pervading our diversely rich plural polity. It is with great pleasure that I join my colleagues, the Presiding Officers of the Andhra Pradesh Legislature, in extending to all of you a hearty welcome to our meetings in this beautiful and historic city of Hyderabad.

It is a happy thought that we are meeting here, the second time for this Conference, in this Silver Jubilee Year of the formation of Vishal Andhra, the present State of Andhra Pradesh. This State occupies an important place in the national milieu. It is a home of composite culture. Here different religions and languages happily co-exist. Primarily an agricultural state, taking fast strides in the industrial, scientific and technological fields and with a long tradition of its own in music, dance drama, literature, painting, arts, crafts and architecture, Andhra Pradesh could be aptly described as "Mini India" mirroring the national ethos and the spiritual and cultural personality of our great people. Personally speaking, I very much have my roots in Andhra Pradesh soil and I have a long association with this State. I have been here quite a number of times and have enjoyed the hospitality and the brotherhood of the friendly people of this State. Three years back I was here for a period of about 1½ months at a stretch and I knew really how friendly they were. I knew what the people of Andhra could give to you in the shape of love, affection, regard and respect. One feels here quite at home. So, all the more, my thankfulness and gratitude goes to the people of Andhra Pradesh and specially to the Presiding Officers here and to the Government of Andhra Pradesh who have hosted this Conference.

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\*Edited version of the Address.

Some very distinguished sons of India who hailed from Andhra Pradesh include Anandacharlu, who founded the Indian National Congress, Subba Rao Pantulu, Andhra Bhisma Ramachandra Rao, the celebrated journalist C. Y. Chintamani, Desabhakta Venkatappiah, Nageswara Rao, Andhra Kesari Prakasam, Pattabhi Sitaramaiah and the distinguished scholar C. R. Reddy, who would always be remembered with respect and affection. Besides two of our Speakers of Lok Sabha, Shri M. Ananthasayanam Ayyangar and Dr. Neelam Sanjiva Reddy, Andhra Pradesh has given us three of our Presidents—the philosopher statesman Dr. Sarvapalli Radhakrishnan, the labour veteran Dr. V. V. Giri and our present Rashtrapati Dr. Neelam Sanjiva Reddy, who always espouses the cause of the farmers and the down-trodden.

This State which had been in the vanguard of the freedom movement, continues to be progressive and forward looking. It was, in fact, one of the first States to introduce democratic institutions at the grass roots level and the first State to set up separate corporations to introduce economic betterment schemes not only for the benefit of the weaker sections—the Scheduled Castes and Scheduled Tribes and the backward classes—but also for women. With all its ample natural resources, an enlightened administration, and enterprising people out to succeed, there can be no doubt that the State is poised for a prosperous future of dynamic growth. I entirely agree with Shri Mukassir Shah, Chairman, Andhra Pradesh Legislative Council that the time will come when we shall be exploiting more fully the natural resources of the State which constitute the wealth of the whole nation. The future of our country lies in the exploitation of these mineral resources for the betterment of the people as a whole.

Friends, we are at a crucial stage in our democratic journey. If we look back over the years, it must be plain that as the largest democracy we have fared quite well. We can indeed be proud of our achievement. Our progress has been quite impressive in every field. What is of greater significance, to my mind, is that we have come through every vicissitude, unscathed, perhaps a little tempered and even stronger, drawing nourishment from our inner spiritual well of strength that has sustained us all along and will, it is my firm faith, continue to sustain us in the future as well. This, however, has not been a simple success story. We have had our troughs and low tides as a nation. We have had, and we continue to have, our problems, a crop of them all round. For all the progress we have made in agriculture, industry, science and other spheres, we have yet to realise a more even distribution of the benefits of development and ensure that all sections, particularly the weaker sections below the poverty line the farmers and the rural workers who constitute 80 per cent of our population have their due share of them. We have to maintain our faith in the primacy of moral



values and ethical conduct in our public life and maintain the civility and graciousness and sense of fair play in inter-personal dealings. We the people's representatives, have to set an example; we have to be the torch bearers. We must, as a people, come to recognise the value of self-discipline as a democratic virtue and necessity, and cultivate a habit of hard work and conscious striving for excellence in every sphere of our national life. We must endeavour to strengthen the national will for action and people's faith in themselves because nothing can spell greater harm to a nation than a crisis of confidence. We legislators have to be in constant touch with the electorate, with the people and the people have to have their eyes on us to keep us straight. We should not lose sight of our goal; we must know where we are going; we must know why we have been elected. That is why we take the oath to uphold the Constitution, to safeguard the integrity and sovereignty of our country and, to safeguard, at the same time, the interests of the people who have sent us here and whom we claim to represent. Above all, we must rekindle the light of self-less service and patriotism, besides arousing national consciousness. The creed of self-interest and selfishness has to be eradicated if the nation is to progress. It is the cancer eating away the very vitals of our great nation. We have to do something. We have to drive towards the goal of the enrichment of the sentiment of devotion to the motherland, lest self-seekers in the country exploit the society on the basis of caste, religion, language, or regional and local loyalties. What a pity that even after 34 years of independence, we still linger in that dark age where a man is encircled within caste, religions and other narrow loyalties. Religion is for good, religion is for brotherhood; religion is for co-existence and for all to prosper. Still, some people in this age try to foment trouble in the name of religion. They do so with malicious intention and that has to be curbed. No religion on this earth preaches anything except love and fraternity. It is only those people who are anti-national and traitors of this land and who do not consider this land to be their motherland that use the name of religion to create trouble. We have to fight against this tendency. We ought to give thought—nay—a serious thought, to these and other similar problems in order to find positive solutions to them. The participants in the democratic system at all levels, more particularly the intelligentsia and the media, bear a special responsibility in this regard. For, in order to preserve freedom, it is absolutely necessary to safeguard against the onslaught of such divisive forces and it is the intelligentsia and the media who should particularly take care of it.

I would also like to refer to a dangerous tendency in some quarters to berate ourselves and decry even the legislatures. I do not know how some take pride in this. In my view all the talk that one hears of the declining image of the legislature and the rest, stems from an insufficient appreciation of the role that belongs to the legislatures in our democratic polity. The

democratic polity is an open system where ideas, ideologies and interests are all the time competing with one another for acceptance and ascendancy. It is a question of exchange of ideas, of evolution of new ideas. That is how the whole world has progressed. We are always on the threshold of something new. We can accept new things and change. It is a must. It is law of nature. Change is for the better. But why approach anything with a negative attitude? That should not be there. God has given us power to discriminate between things and assimilate new ideas. That cross-fertilization should be for creating and developing institutions, and not for destroying institutions. That is democratic system. Any system of government in this world has its shortcomings. Nothing can be perfect. When in human life perfection is not possible, how can any system be perfect? It is only the democratic system which guarantees the best for common man. It is the best so far tried—that is what people have said. It is a system where the individual enjoys a great measure of freedom—of thought, expression and even of action. While this freedom has its own positive value for the individual and for the society, yet, there are millions hailing from the weaker sections of our society who continue to be unorganized—the farmers and artisans in rural India. Can the unorganized sector be overlooked? No. It is for us to look after their interests and put forward their views. The real India is rural India. The organized sectors have also been facing some sort of crisis—as for example, the rise in price index, but they have been tough about it and if the price level has gone up, dearness and other allowances have also gone up. But what is the fault of the people who are living in rural areas? Do we ever talk about them? We should make everyone realise that they are also equally affected. We cannot overlook them. These sections of society below poverty line are suffering exploitation at every point. This should remind us of our moral duty. As the elected representatives of the people, we have also to look after these 80 per cent of the people living in the rural areas who are still unorganized.

The representative institution performs a crucial role as the central arena where all the competing forces in the polity are brought face to face for organised inter-action. If the corporate conscience of the community is to find voice and assert itself, it can be done only in a legislature—a people's forum, by the people's representatives. Who else can espouse and uphold the cause of the poor, down-trodden and the defenceless? It is often forgotten that the very object of the privileges and immunities, the legislatures and their members enjoy, is to enable them to perform these tasks freely and fearlessly. Thus, as the guarantor of the over-all good of the community, as a people's body holding a standing brief on behalf of common man, as a guardian of the public interest against invasions by the unscrupulous, the role which the legislature performs in our democratic polity is vital and very important.

I am proud of my House of the institution to which all of us are privileged to belong. I, for one, do not understand all this talk of falling standards with reference to the Legislatures or the individual members. After all, it is the people who elect their representatives. We represent the people as they are. So, this is a joint action and a joint march. It might be that the character, complexion and style of functioning of our Legislatures have changed over the years; but then, let it not be forgotten that it is, as it should have been; for, the times have changed. Where can you find the stalwarts who fought for freedom! That phase is over. Times have changed. With time people change. Now we have a new environment. Through the very operation of the democratic process, there has been a growing politicisation of the masses resulting in the emergence of new leadership at different levels in the country. We have now an awakened alert and restive electorate. It is but natural that Parliament and the State Legislatures all over the country should mirror the contemporary society and the times and reflect the mood and temper of the nation. The Parliament or the State Legislature, cannot—and, in my view, should not—be an elitist club. Ornate debates and placid proceedings do not by themselves necessarily add up to an ideal legislature. Our legislatures should reflect faithfully the hopes and aspirations, frustrations and tensions in society. They should bring up the pressing problems of the society and actively seek solutions to them. In my opinion, a legislature has to be judged by the level of Members' awareness of their obligations towards the people, the concern and zeal shown by them in the direction of removing the inequities in society and bettering the lot of the common man. Even a cursory glance at the parliamentary agenda for a few days should convince anyone about the health of our legislature. Why should we always give vent to something which concerns only a minor percentage of people? The Parliament, as such, is not to be decried by the acts of over-zealous young people. It is a question of co-existence. It is, however, said that only the sensational part of the proceedings in our legislatures should get the headlines in the newspapers, thereby giving a somewhat strained picture of the representative institutions. Why should the negative aspects be publicised so much? A lot of solid work is being done in Legislatures, the Parliament and their Committees, which does not receive adequate publicity through the media. If we could devise ways and means for the public to have a closer view of the actual working of our Legislatures and Parliament and the tangible and pertinent contribution they are making, I am sure, that would dispel all the misunderstanding.

All this, of course, is not to suggest that no improvements are needed in the system. As a matter of fact, we have to keep under constant review the adequacy of our procedures and institutional arrangements so as to keep

them apposite to today's task and problems. At the same time, we must not forget that any change that we make must be in response to our actual needs and should preferably have an evolutionary character. While we may draw upon the experience of Legislature elsewhere, we have to remember that there is nothing like a transplantation of an institutional concept or of procedures wholesale from one legislative milieu to another. The Presiding Officers have a great role to play in making the functioning of Legislatures effective and constructive. As Presiding Officers, we have to see that all sections of the House get fair deal in projecting their view points on matters of public importance. Proceedings should be conducted in a calm, dignified and pleasant manner so as to make for best contribution by everyone and give no scope for any rancour. While objective and pertinent criticism of policies is certainly admissible, I need hardly remind that at the present juncture of our development we have to be constructive in our approach, so that people's interests are subserved. It should be our constant endeavour to see that national interest comes above everything else and that the onward march of the nation on the road of peace and progress is facilitated.

All sides of the House have to appreciate that as Presiding Officers we are bound to act in accordance with the Rules of Procedure made by the House itself and we are expected to interpret the Rules uniformly without straining them to suit exigencies of any situation. It is, however, our duty to see that not only Rules are rightly interpreted but they should seem to be so to all sections of the House and people at large. We, the Presiding Officers, are just like judges. The only difference is that the judges are permanent and we are work-charged people. They cannot change laws. Likewise, we can also only interpret Rules as they have been handed to us. Certain people sometime want us to give a ruling according to their wishes. They should realise that we are bound by certain principles. We have to be impartial. We have our conscience and we should not let it sleep. Much depends on the Speaker; he can be the maker or the destroyer of this democratic set-up. There is need for keeping the Office of the Presiding Officer above politics and controversy. Perhaps, leading political parties and groups could evolve a consensus amongst themselves which would help to preserve and enhance the dignity of the Office of the Presiding Officer in the overall interest of the institution. I have stressed this point many a time but so far it has not brought about any tangible result. The parties want our impartiality but have they ever thought of evolving any formulae by which they can ensure our safe return. There are precedents in other democratic institutions the world over. They should be studied and could be suitably incorporated.

Let me now turn to procedural and other developments in Lok Sabha since we met in Bangalore in January this year.

To begin with questions, as you all might know, in Lok Sabha we have been listing a maximum of 200 questions in the list of unstarred questions for a day. It was represented that this number was too small considering the size of membership of the House. Our Rules Committee considered this matter and, upon its recommendation, we have now raised the limit to 230 questions in the unstarred list for a day. We have also limited the number of half-an-hour discussions a member may raise to two in a session. This has been done to provide opportunities to more members to avail of the procedure.

There are moments in parliament life when party differences close and the House displays virtual unanimity. One such rare occasion was when the Lok Sabha adopted a motion by a private member expressing its "concern and anguish" over the "reported incidents of violence, destruction of property and atrocities against Scheduled Castes and Scheduled Tribes" in Gujarat and reiterating "its firm commitment to the national policy on reservations as enshrined in the Constitution". When the discussion concluded, upon suggestion from a member, the motion before the House was adopted with members standing, to reflect, so to say, the unanimity of opinion and feelings of the House in the matter.

Because of the provision in our Rules for a statement to be made in the House by a Minister who resigns, there seems to persist an impression that such a statement is obligatory. When, upon reports regarding resignation of a Union Minister, demand for such a statement was made in the House. I had to clarify that such a statement was neither obligatory nor had the Chair any authority to compel a Minister to make such a statement.

In Lok Sabha, whenever we have a problem or issue which has to be sorted out to the satisfaction of all sections of the House, I call a meeting of the Leaders of Parties and Groups for consultation. To mention an instance, a member had written to me suggesting observance of the birthday of Guru Ravi Das, which happened to fall on 18 February this year, as a holiday for the House. Availing of Rule 377, the member subsequently raised the matter in the House. His suggestion was supported by a number of other members. On 18 February, before the commencement of the House, I had the matter discussed with the Leaders of Parties and Groups and it was agreed to observe the birthday of Guru Ravi Das as a holiday for Lok Sabha on that day and in the future. When I announced the decision reached at the Leaders' meeting as soon as the House assembled, the House agreed, and accordingly adjourned for the day. I have found this arrangement of consultation with Leaders very convenient and useful in reaching understanding on many a matter in an atmosphere of friendly informality.

I may then refer to an important point of procedure raised in the House recently concerning the propriety of increasing the railway freight through an announcement by the Minister of Railways in the House. On 7 December 1981 when the Minister of Railways made a statement in Lok Sabha through which he announced increases in railway freights, some Members objected to it and wanted to know if it was correct for the Minister to make such a statement involving financial implications without submitting a supplementary budget. I looked into the matter and found that in a similar case in August 1977 the Minister of Railways had made a statement in the House and had announced levy of supplementary charge on goods and certain passenger fares; but in that case before making the announcement, the Minister had presented Supplementary Demands for Grants.

In the present case, I held that it would have been more appropriate if the Minister of Railways had presented Supplementary Demands for Grants before making the statement and hoped that the Minister would come forward with the Supplementary Demands without further delay, which would incidentally provide opportunity to Members to express their views. The Supplementary Demands for Grants (Railways) were presented on 10 December, 1981 and considered on 14 and 15 December 1981 and were passed.

Let me now turn to some of the privilege issues that arose in the Lok Sabha in recent months.

An important development in the sphere of privileges was no doubt the step taken up by Lok Sabha to rescind the Resolution following the controversial Third Report of the Committee of Privileges of Sixth Lok Sabha regarding certain charges against Smt. Indira Gandhi and two officials adopted by that House on 19 December 1978. The motion in this behalf, tabled by a private member and adopted by the House, declared that (a) the proceedings of that Committee and the House relating to this matter shall not constitute a precedent in the law of parliamentary privileges; (b) the findings of the Committee and the decision of the House were inconsistent with and violative of well accepted principles of law of parliamentary privilege and the basic safeguards assured to all and enshrined in the Constitution; and (c) Smt. Indira Gandhi, Shri R. K. Dhawan and Shri D. Sen were innocent of the charges levelled against them.

To turn to another case, I received notices of a question of privilege from several members against the Minister of Home Affairs over a direction reported to have been issued by him to his Ministry for certain briefs to be provided to some members of the ruling Party through the Party Office.

This caused me understandable concern and I took up the matter immediately with the Government. The Minister of Home Affairs wrote back to me to say that he had withdrawn those instructions. Informing the House of this, I had to caution that in matters that affected the interests of members every care should be taken to see that parliamentary conventions were duly observed.

In another case, some members gave notices of a question of privilege against the Chief Justice of India and a Judge of the Supreme Court over certain remarks alleged to have been made by them in the course of the proceedings in a case before the Court. I disallowed the notices drawing attention to article 121 of the Constitution which imposed restrictions on discussion in Parliament with respect to the conduct of any Judge of the Supreme Court or the High Court in the discharge of his duties. In this connection, I further observed that the Constitution had allotted specific duties and responsibilities to Parliament and the Courts and they had to have mutual respect for each other. It would be best if democratic norms and traditions embodied in the Constitution were meticulously observed and those connected with these institutions did not overstep their limits so that the ideal concept enshrined in the Constitution remained a living reality. There was no manner of doubt that with the strong traditions of democracy in our country these institutions would supplement and complement each other and become a source of strength to the nation.

During the last Budget Session, a Member sought to raise a question of privilege against the Minister of Petroleum, Chemicals and Fertilizers and others for causing an enquiry into how he "came into possession of photocopies of the files, notings and Reports" which the Member had "quoted and laid on the Table of the House" during a discussion in the House on the choice of technology and foreign collaboration for the urea and ammonia fertilizers plants to be built on the basis of Bombay High Complex. The Ministry concerned in their comments stated *inter alia* that the CBI probe and thorough investigation, which the Minister had referred to in the House, were not for the purpose of "intimidating the Member or for proceeding against the Member, but for the purpose of maintaining secrecy of documents and material of vital importance in the larger interests of the country." They also stated that the Member concerned had neither been contacted by the CBI nor examined by them and nor was it the intention of the investigating authorities to contact the Member or examine him in that connection.

In my ruling in Lok Sabha on 17 December, 1981, I stressed the need for every care being taken and prudence being exercised while speaking in the House on such sensitive matters so as to avoid occasions for any mis-

understanding whatsoever. I also observed that it would have been better if the proceedings in the House had not been mentioned in the FIR and affidavits filed by the investigating agencies in the manner done. I expressed the hope that in future, this would be taken note of by the authorities concerned. I also reiterated that nothing should be done by any agency which would impinge upon or detract from the right of a Member to freely function in Parliament.

However, as the Ministry concerned had categorically stated that the Member had neither been contacted by the CBI nor examined by them and that it was not their intention to contact the Member or examine him in that context, I ruled that no question of privilege was involved in the matter.

I should perhaps also refer to the increase we have made in the Additional Facilities Allowance of Members of Parliament from Rs. 500 to 1000 per mensem. As we all know the job of a Member is now getting to be full time. In a vast country like ours, a Member has often to maintain two establishments—one at the place of meeting of the Legislature and another at his constituency. He has to incur various other expenses as well, on mail, travelling etc. if he is to keep in touch with his constituency and discharge his numerous obligations satisfactorily. With all this and the sharp rise in the cost of living, Members are placed in an unenviable position. It hardly needs to be stressed that parliamentary remuneration should be kept at a realistic level to enable Members to discharge their obligations without undue personal hardship. As you are all aware, in the United Kingdom, following the recommendations of the Boyle Committee, a sizeable increase in M.Ps. salary was decided upon in the middle of 1979. I notice that in a number of our State Legislatures also salary or allowances have undergone some revision recently.

In Parliament, we have also removed an anomaly in the matter of pension to M.Ps. Earlier, only a person who had served as a Member for full five years was eligible for pension. It was noticed that even the full life of the House in the case of some Lok Sabhas, fell short of the prescribed period. By an amendment, it has now been provided that a person whose service as a Member falls short of five years by not more than 60 days would be eligible for pension.

We have had two important conferences in recent months—The Conference of Chairmen of Committees on Subordinate Legislation in July and the Conference of Chairmen of Committees on Government Assurance in August this year. The wide range of issues that are brought up and the many useful ideas that are thrown up during the discussions at these Conferences prove their usefulness as a clearing House of ideas and experiences



and a unique forum for finding viable solutions to problems, big and small, encountered by individual Committees in our Legislatures.

It is all to the health of our Legislatures that we periodically take a dispassionate look at their working and give thought to the problems germane to their effective functioning as representative institutions. As may be recalled, we had organised three seminars—one on “Legislature and Planning” in April; another on “Role and Functions of Legislators Inside and Outside the Legislature” in August; and a third on “Financial Accountability of the Executive to the Legislature” in December—under the joint auspices of the Indian Parliamentary Group (IPG) and the Bureau of Parliamentary Studies and Training. I am happy to note that the utility of these seminars as a forum for exchange of ideas on matters of interest to the legislators all over the country is coming to be increasingly appreciated, as is evident from the fact that besides Members of Parliament and associate members of the IPG a large number of legislators from the States, including some Presiding Officers, attend these seminars and take lively interest in the discussions.

In independent India there is perhaps no single individual to whom we owe so much as a democratic people as to Pandit Jawaharlal Nehru. In Parliament we have been paying our homage to the memory of this architect of modern India in a simple solemn manner. On the occasion of his 17th death anniversary in May this year a meeting to pay homage was held under the auspices of the Indian Parliamentary Group and a pictorial exhibition on Nehru was organised. More recently, in November, to mark the 92nd birth anniversary of the leader, we organised a pictorial exhibition and display of books by and on Shri Nehru in the Parliament House Annexe. A meeting, under the auspices of the Indian Parliamentary Group, was also arranged, when the Minister of External Affairs, Shri P. V. Narasimha Rao, spoke on “Jawaharlal Nehru and a Secular India”.

All of you are aware of the very useful work being done by the Bureau of Parliamentary Studies and Training. The Bureau has been steadily enlarging its field of activity. In September this year the Bureau organised a week-long Orientation Course for the members of the Arunachal Pradesh Legislative Assembly. This was the first time that such a programme was arranged specially for the members of a particular Legislature. Needless to say the Bureau would be happy to extend similar facilities to other State Legislatures who may desire to avail of them.

The Bureau has continued with its other programmes such as Seminars for legislators, Orientation Programmes for new Members of Parliament, and Training Courses of different kinds designed for the Union and State

Government officials and officers of the Parliament and State Legislature Secretariats. It may interest you to know that the Bureau has been arranging Attachment Programmes for the benefit of senior and middle level officers from foreign Parliaments as well, particularly from those of developing countries. The growing popularity of these 'attachment' programmes should be evident from the fact that during the current year alone nine parliamentary officials—two from the National Assembly of Uganda, three from the National Assembly of Zambia and two from the Rashtriya Panchayat of Nepal—came for training at the Bureau. During the 'attachment', the trainee officers were enabled to study the processes and procedures obtaining in the Indian Parliament and also, in some cases, in the State Legislatures. In addition, the Bureau arranged Training Courses and Study Visits for as many as 28 officials of different levels, sponsored by the Bihar, Himachal Pradesh, Mizoram, Manipur, Orissa, Rajasthan and Sikkim Legislature Secretariats. I hope the participants from the State Legislature Secretariats found the time spent with us worthwhile and useful.

An innovative step was taken last year in arranging a Regional Seminar on the subjects of (i) "The Executive and Parliament"; and (ii) "Role of Private Members—How to make their contribution more effective".

Next month we are organising a second Regional Seminar with wider participation. Apart from countries which participated last year, we have invited representatives of several countries from the African continent and have met with good response from them. We look forward to the pleasure of welcoming the delegates from all these countries and from our State Legislatures to the Seminar which would be held from 21 to 25 January on the subjects of (i) Question Hour—How to make it more effective; and (ii) Public Sector Enterprises—How Parliament should oversee their functioning.

Close consultation and cooperation has been a feature of relations between Parliament and the State Legislatures in our country. May I avail of this occasion to express our grateful thanks to the Presiding Officers and the able Secretaries of State Legislatures for extending every cooperation to us in the matter of looking after distinguished delegations from other countries and in the matter of Seminars arranged under the auspices of the Bureau of Parliamentary Studies and Training and the various Conferences of Chairmen of Standing Committees.

I now come to the pleasantest part of my task. Let me on behalf of all of us express our very sincere thanks to our hosts—the Presiding Officers of the Andhra Pradesh Legislature and the Government of Andhra Pradesh—for the excellent arrangements they have made and the trouble they

have taken to make our stay here pleasant and comfortable. Need I assure our hosts that we will carry home with us happy memories of the place and our meeting here.

With these words, may I now once again extend to all of you a hearty welcome and express the hope that our deliberations here would be purposive and fruitful.

ADDRESS BY DR. BAL RAM JAKHAR, SPEAKER, LOK SABHA  
AT THE SYMPOSIUM ON "LEGISLATURE AS THE MIRROR OF  
THE PEOPLES' ASPIRATIONS—AN ASSESSMENT AND TASKS  
AHEAD" HELD AT HYDERABAD ON 30 DECEMBER 1981\*

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HON'BLE CHIEF MINISTER SHRI ANJIAH, HON'BLE FRIENDS,  
SPEAKERS, MEMBERS OF PARLIAMENT AND LEGISLATORS

I wish we had some more friends from the Legislative Assembly and some of my own speakers are missing. My idea is to speak not from the text which I have prepared. There are two things—one is technical and the other from the heart. I do not believe much in technicalities. I believe in simple action which springs out of the heart and I would rather drop this prepared speech and address you as I think. Though the listeners are few today, I think, you are the chosen few and you will take with you some of the sentiments which I express and which could also be shared with others. I believe a man should say what he feels and should act on what he believes.

First of all let me thank the Chief Minister, Government and the people of Andhra for their hospitality and generosity. The Chairman, the Speaker and the staff of the Legislative Assembly have handled all the arrangements here efficiently. All the marks can be given to them. We cannot even deduct one. That speaks volumes as to how a thing should be done.

Sir, today you have opened a symposium on our duties and responsibilities to the people and we must have some sort of introspection. We must have the guts to look inside ourselves and see whether we have been able to carry out the mandate and fulfil the wishes of the Founding Fathers of our Constitution. We are part and parcel of a very highly sophisticated

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\*Edited version of the Address.

democratic polity. We have in our veins the blood and the ideas of the people who lived thousands of years ago in this land and who brought about this form of democratic functioning first to our people. Ours was the cradle of democracy at that time in the world. India was then the cradle of the sages, the "rishis", the "munis" and the highly sophisticated people who wrote Rig Veda and other Vedas. We had the City States and State Councils duly elected by the people which functioned in a responsible and democratic manner.

As a matter of fact if we believe that man is the brightest and the best creation of Lord then man naturally should do what is right because we have the intelligence to do that but still we find that man goes astray. He tries to usurp what is not his. He tries to do something irrational. That is why a system of Government had to be evolved because there is both good and evil in man. That is how we came to evolve a formula and in that formula there was one such system which was called democratic set-up and that till this day is giving us some strength to carry on the onerous duty put on our shoulders by the people who fought against the British Empire, who did something splendid of which we can be proud of.

They did not do it for themselves. They had no notion at that time that they will be sitting in the Chairs of power. They did know that some of them will be Ministers or Speakers. The only ambition was to get rid of the foreign yoke and be ourselves. Sometimes people now say there is fall in Parliamentary standards. It is because the band of dedicated men who laid down everything and who suffered everything for the Motherland so that we could be free and have this Constitution is missing. In the present times a new generation is coming up. I do not know whether it is the result of progress that man has made scientifically or otherwise that man is becoming self-centred and self interested. According to the traditions, conventions and the culture that we have inherited man should not only live for himself but for others. There should be some sort of contentment—contentment as far as his own personal desires are concerned. There should be no personal aggrandisement. Life is meant to be wholly good so that the people around you may call you a benefactor, but what we see today is the ascendancy of materialism over spiritualism. We hanker after power not for the sake of power that could be put to use to serve the people but to satisfy one's ego or to satisfy one's material needs. There is a saying that all that glitters is not gold. But there is still some gold left in this world. There are some good people still. As one has said there are 15 per cent people who are born good and with intention to do good. There are 15 per cent people who are born with evil and they try to do something wrong. There are 70 per cent of the people who follow the path that the majority follows. It is the people who lead the society, who create an atmosphere

for other to follow. That atmosphere, I fear, has been lost track of for some time and like the Western society even in this land of ours where renunciation was the creed of the day now we hanker after power for power's sake. When people ask the question as to why democratic standards are falling, I would like to ask. Is it not due to the fact that we are failing the democratic expectations? It is our failures which cause the failure of the democratic set-up. It is we who are responsible.

“गैर तो गैर अपनों से भी बचना मुश्किल,  
हम को इस दौर में हर गाम सम्भलना होगा।”

[Why talk of others? We have to wary of our own. We have to be careful at every step that we take.] That is what it is. The task of carrying out the wishes of the people is squarely on our shoulders.

We come to Parliament and take an oath that hereby in the name of God and Almighty “I take the oath to uphold the traditions, sovereignty and integrity....” But why don't we ask ourselves and go to the mosque or a Church and take a vow: “In the name of God—Oh God in the name of those people who have elected me and sent me here I take the vow to serve them wholeheartedly....” Does that happen? That is the only failure. That is where introspection is needed. Some people come and change sides. I am not talking of politics today. You will excuse me if I say something which might be unpalatable but something must be said. These have to be said to bring them home to the people at large. We have to awaken the people and the electorate. They are awake, I know. Generally, throughout the world wherever I have gone—I think as a Speaker you have given me the opportunity to travel a lot and meet a cross-section of the world society and the people—there I have seen we are much more awake, our electorate are much more awake, our general people are much more awake as far as politics are concerned. Even in the advanced countries common man may not know as to what is going on. I generally go to the rural side. I have toured Canada, Europe and several other countries. They are so immersed in their own small world, getting things for the comfort of life that they are not so much concerned with what is happening in the world outside. But my poor man in the field will know what is going on and he has proved time and again that he is awake. He is not going to forgive anybody who only puts in appearance at the time of election and forgets it. We have to have a close co-operation with the electorate, with the masses, so that the masses do not get disenchanted. We should not go to them only at election time but all the time. All the five years we should keep in close touch with them. We should have the companionship, a comradeship in arms for the furtherance of the

cause of the people. We should be asked as to what we have done. What have we performed? You and myself are just like Managers for a specified term of five years which can be reduced too. When we go to the electorate we have to give an account to them. Let them know, here is what we said to you are here is what we have done for the country or for the area or for the State and let us put across to them the positive, constructive and productive work done by us and leave it to them to judge whether we have come upto their expectations and the confidence reposed in us by them. Let them decide whether they would like to cast the vote again in our favour. Let service to people be the touchstone in these matters.

Some of us think that people living in rural areas can be taken for granted. This is a mistake, for people, whether in rural areas or in urban areas, are the same; they have the same kind of aspirations and they do not have short memories as is supposed in some quarters. Moreover, the villagers are now by and large literate. They might well say: "You have been in power for so many years; what has been done to better our lot?" We should be prepared to face up to their questioning and indicate what concrete steps have been taken for development of agriculture, rural areas and welfare of people in general. We have to remember that it is the people's trust which we carry as a sacred duty and that trust should never be betrayed. People should be able to feel that their representatives are working for their good and in the overall interest of the country.

Power is not everything in life just as acquisition of material goods is not the end of all life. Who remembers the erstwhile multi-millionaires? But people cherish memories of men of character and dedication like Swami Vivekananda.

All of us need to remind ourselves that the interest of the country and the institution should come above everything else. It matters little whether a Member sits on the side of the ruling party or opposition. It is in the interest of the institution that the Rules of Procedure and the etiquettes for decorum are willingly observed by all Members, irrespective of the party or group which they belong to. It is inherent in a democratic set-up that those who constitute the Ruling Party at one time could find themselves in opposition benches and *vice versa* depending on the votes cast by the electorate. Therefore, let us abide by the Rules and have meaningful and orderly debates which could cover, I have no doubt, all subjects of wide public importance.

It is the responsibility of all Members, irrespective of the party affiliations, to see that the debates and discussions are carried out without any disturbance or interruption. It is only then that we can ensure that

the present system would continue. We should clearly understand that if the system fails, all of us including those in the ruling as well as in the opposition would be squarely blamed by the people for that. We have thus a joint responsibility to make a success of this institution. It is incumbent on all of us to see that the system functions successfully. Thus those Hon'ble Members who disturb the proceedings and do not allow the discussion to proceed should be made answerable. We are the custodians of the freedom and rights of people and we should see that the parliamentary institution is utilised for their good. I need hardly remind that if as law makers, we cannot abide by the rules and conventions, how can we expect the lay public to abide by them?

Another aspect which is of great importance, is that 80 per cent of our people live in the rural areas. But substantial progress in bringing about development of the rural and backward areas has yet to take place. We have already done a great job to improve the conditions in our urban areas. We have to see that the rural areas do not remain neglected. No further time should be allowed to be lost and the opportunity should be seized by the forelock.

It is imperative that the basic precept of the Constitution to bring about socialistic pattern of society is given attention at all levels and this yawning gap between the 'haves' and 'have-nots', which is not a happy augury for the nation, is reduced. There should be a ceiling on the properties held by billionaires and millionaires.

It is expected that the expenditure of the Government should be overseen by the Legislature in the interest of accountability. Our financial committees, viz., Committee on Public Accounts, Committee on Public Undertakings and Committee on Estimates, do a fine job in that behalf. They come up with constructive reports containing thoughtful suggestions and recommendations. I wish greater notice of these recommendations was taken by the Press. I would also impress upon the Government to take conclusive action on these recommendations in the larger interests of public and to build up a healthy tradition of showing respect to Parliamentary Committees.

There is no denying the fact that we have great achievements to our credit particularly in the agricultural field. Our farmers have done us the honour of achieving self-reliance and self-sufficiency in foodgrains. In 1947 we had 340 million people and we were going round with a begging bowl for food, but now with 683 million people, we have achieved self-sufficiency. In fact, we are in a position to export some commodities like rice and sugar. We have achieved great advance in industry, science and technology. We have now to see that the benefits of



all these become available to common man. We are not asking for impossible objectives. All this is within our reach.

As the poet has said:

“मन्जिले मकसूद को पाना कोई मुश्किल नहीं,  
तूने कभी गौर से उस मन्जिल को ढूँढा नहीं।”

[It is not beyond you to achieve your cherished goal,  
you have, in fact, never set out for that goal with determination.]

What we need is determination and enthusiasm to do the assigned job in a sustained manner to the best of our ability. There is no reason why we cannot fulfil the aspirations of our people. This must be done at the earliest, for people will not wait indefinitely.

Virtues, like charity, must begin at home. If we really want our people to practise tolerance and other civic virtues, it is obviously of the utmost importance that inside the legislatures, Members should scrupulously observe the rules and practices of the House and carry on their dialogue with civility and mutual respect.

We, legislators, should develop in ourselves qualities of selflessness, dedication and patriotism which had distinguished our freedom fighters who won for us freedom of the country. The younger generations have to fight battle on the economic front so that the benefits may be more equitably shared by all sections of society. It is of utmost importance that the legislators should have unimpeachable character which holds a shining example to all others to emulate.

I am sure if legislators set the right standards of conduct, our people would not lag behind, for they have a time-honoured tradition,

“महाजनो येन गतः सपन्था।”

[Where the great men tread, it becomes the path for others to follow.]

## PARLIAMENTARY PROCEDURE

RADHA NANDAN JHA

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Parliamentary procedure, like judicial procedures, is based on certain principles which have been adapted from the procedures which used to be followed in the administration of the countries and boroughs and the common law courts in England. In India these principles were first applied while framing the Indian Legislative Rules under the Government of India Act of 1919 and later elaborated by the Central Legislative Assembly and the Council of State and the provincial Legislative Councils. The proper application of these principles help in finding solutions to various situations that may arise in the course of proceedings in a Legislature.

The foremost principle of Parliamentary procedure is that a democratic House of Legislature has complete autonomy to consider matter under its jurisdiction in the order in which it considers most convenient or expedient. It is well-known that the House of Commons in England asserts this right by passing a formal Out-lawries Bill before even discussing the Speech from the Throne. Article 176 of the Constitution of India in its original form provided that the Houses of Legislature shall give precedence to the discussion of the Governor's Address over other business of the House but the provision was deleted in view of the principle of autonomy of the Houses to determine their order of business. This right of the Houses to decide about their order of business is as much a question of their privileges as of their constitutional powers. As Holdsworth<sup>1</sup> says:

“...and in fact this whole question of the order of business is an much a question of procedure as of privilege. It illustrates very well both the inter-dependence of these two topics, and

1. *History of the English Law*, Vol. VI, p. 99.

the need for both an adequate procedure and adequate privileges in the contest of the House of Commons with the Crown.”

Article 208 of the Constitution of India reaffirms the above right to each House of Legislature, though Article 209 of the Constitution makes the right to make some special rules available not to a House alone but to the whole legislature. Besides diluting this principle in Article 209, the Constitution of India itself contains a number of provisions of procedural nature which the Houses of Legislatures have to comply with and the words, “Subject to the provisions of this Constitution” in Article 208(1) refer to these procedural provisions only.<sup>2</sup>

After the rules of procedure and conduct of business have been made by the House, their interpretation and application also vests in the House through its Presiding Officers. According to the Assam High Court:

“...If once it is conceded, as it has to be conceded, that the Legislative Assembly has power to take steps against a person for commitment for contempt or alleged contempt or any such breach of the privileges of the House, then the procedure to be adopted is a matter of concern to the House or the Speaker thereof and in regard to the validity of which this Court would not be entitled to embark on an enquiry....”<sup>3</sup>

The following observations of the High Courts of Orissa and Allahabad about the immunity of the House and its officers in considering matters and applying its rules are also relevant:—

“I should further point out that the function of this Court in these matters is not to re-examine the questions with reference to the Rules and to decide whether the Speaker’s construction of the Rules or his application of the rules to the questions that were placed before him were correct....”<sup>4</sup>

“As pointed out already, the limitation on the power of a Court to issue a writ or direction to a Legislature in connection with the later’s proceedings arises from the provisions of the Constitution and from the inherent powers possessed by the Legislature as discussed above....I have no doubt that we have no power to issue the writ or direction prayed for.”<sup>5</sup>

2. M.S.M. Sharma v. Shri Krishna Sinha, A.I.R. 1959 S.C. 395

3. A.I.R. 1958 Assam 160 (167)

4. A.I.R. 1953 Orissa: III, 116

5. A.I.R. 1951 Allahabad, 228 (234).

Subject to the powers of the Head of the State to prorogue a House (a power which is in the nature of Royal Prerogative in Parliamentary democracies), the House is free to meet or sit when it is convenient to it. In England, due to historical reasons, this power to adjourn vests in the House of Commons which adjourns on its own motion (except when by a motion passed at the commencement of the day's public business it declares an item of business as "exempted" after the termination of which it adjourns automatically). In India this power vests in the Speaker through rules made by the House stipulating that this power will be exercised by the Speaker keeping in view the State of business before the House. It may be pointed out that the power of the Speaker to suspend a sitting is a different power which is to be exercised only in case of grave disorder and for the shortest period necessary to restore normalcy.

The primary function of a House of Legislature is to deliberate through discussion and debate. An ancillary function is that of obtaining information to facilitate deliberation as well as of controlling the activities of the Parliamentary executive which is ultimately responsible to the representative chamber of the Legislature. The deliberative function of the House includes the critical and censorial functions also. But whatever function the House may be discharging, certain common principles permeate the procedures for performing its functions.

The primary principle is of equality among all the members in claiming opportunities in participating in the proceedings of the House and in determining a question before the House. In voting no member has more than one vote, irrespective of the position he may hold. Every member is free to initiate a proceeding, participate in it and have a say in the decision of the House.

But considerations of economy of time and speedy disposal of questions before the House have, in practice, put restraints on the equal rights of members. For instance, a large slice of the time of the House is earmarked for governmental legislation during which those members who are not among the parliamentary executive can not initiate business. Similarly, many members, even though they would like to participate in the debates or discussions, cannot do so in all such proceedings and only certain members can do so within the time allotted for their disposal. Which member will get an opportunity to speak is arranged by whips of political parties, and, if they do not do so, it depends on who catches the eye of the Speaker who ultimately decides who would speak or ask a supplementary question or will be allowed to ask explanations or clarifications. Even in the matter of initiating business during the time allotted for non-official business, the priority among members is decided by ballot. How-

ever, in all these procedures, the equality of the rights of all members to participate in proceedings is in principle guaranteed.

Another important principle is that the notice should be given of all proceedings in the House so that members intending to take part in them may prepare themselves before hand and make intelligent and informed contribution to the proceedings. That is why different periods of notice are prescribed in the rules for initiation of different kinds of proceedings.

However, in exceptional cases of urgency notice may not be necessary or may be waived. Such matters are those on which discussion is immediately necessary and which have arisen suddenly so that previous notice of intention to bring them forward for discussion could not be given. Such matters are generally those relating to the breach of the privileges of the House or grave happenings which require immediate attention of the House. One restriction which applies to such proceedings is that they must be sought to be initiated at the first available opportunity and any delay in raising such matters disqualifies a members from raising them. Another restriction on raising such matters without previous notice is that a certain minimum number of members should indicate support to allow the discussion. The number of members necessary to indicate support is generally the same as to form a quorum of the House and is technically called 'the leave of the House'. But because discussion on such matters takes the members by surprise and introduces an item of business for which they have not arrived duly prepared, permission to discuss them is given in only genuine cases. The principle of notice operates even at the time of taking decisions by the House when there is a contest about what the presiding officer thinks the decision of the House is because on such occasions division bells are rung to enable members to come and take part in voting. Even if any committee is meeting at that time, its sitting is automatically adjourned when division bells are rung.

As the main objective of all deliberations in the Houses of Legislatures is expression of their decisions on certain propositions, the matter under discussion should be definite and easily ascertainable so that there may not be any vagueness in the ultimate interpretation of the decision of the House. Therefore all debates in the Houses begin with a proposition, called a motion, couched in definite terms, incorporating only one substantive matter, and devoid of arguments, inferences and other extraneous matter. The reason is that a member may agree with the general proposition in the motion but may not agree with the arguments in its favour or inferences to be drawn from it. In such cases it will be difficult for him to vote for or against the motion. In the words of John B. Stuart:

“The motion is the essential element of most modern procedure: it initiates the discussion and provides the question to be decided”.<sup>6</sup>

It may be recalled that the practice in the House of Commons of England of the Speaker repeating the motion in the form of a question before the House (after the mover and the seconder, if it needs a seconder, have spoken) originated when members were not able to form a motion in definite and exact terms and only indicated in their opening speeches the matter which they wanted to discuss. The Speaker, after ascertaining from the speeches of the movers and the seconds what exactly they wanted to discuss, put it in definite and exact words in the form of a question before the House for discussion and decision.

Another principle of parliamentary procedure is of relevancy in its proceedings. Definiteness of motions is also meant to ensure relevancy of debates. More indefinite the motion, greater the scope for inclusion of multifarious facts and arguments during the debate. Another device for ensuring relevancy in debates is confining discussion on only one substantive motion at a time, though amendments, strictly relevant to the substantive motion or may be moved and discussed along with the main motion. In England, this rule of relevancy is so strictly enforced that each amendment is discussed separately and disposed of and the main motion, with or without amendment, is put up for decision of the House at the end of the debate. In India, however, to save time motions and their amendments are allowed to be discussed together and the amendments and the motion are put to vote one by one at the end.

The principle of relevancy therefore prohibits amendments to motions as well as bills which either increase their scope or alter it. For instance, an amendment to a motion or a bill which seeks to establish a University, say at Chapra, would be out of order if it seeks to add Nalanda to it as it increases the scope of the motion or the Bill. In the same way, it would be out of order if it seeks to substitute Nalanda for Chapra, as it would be altering the scope.

The same principle of relevancy applies to debates or discussions in the House and they must be confined to facts and arguments which are closely and not remotely connected with the subject.

The same principle of relevancy also applies to procedures regarding obtaining of information by the House. A question or a request for

6. *The Canadian House of Commons*, p. 35

statement should be in definite and exact terms so that information only relevant to the query may be given to the House. The same applies to supplementary questions which should arise out of replies to questions. That is why replies to questions also must be definite.

The leading principle of Parliamentary procedure is that almost all deliberations in Houses of Legislatures are meant to seek the ultimate decision of the House on a specific subject. That is why all motions or bills have to be put to vote of the House for its approval or rejection. All motions have also to be in a positive (not negative) form so that the decisions of the House may make a positive contribution towards the governance of the State. The time of the House is not meant for fruitless discussions without approval or disapproval of the subjects thereof. A motion, therefore, after it has been moved has to be put to vote and can be withdrawn before the decision of the House only with the consent of the House as a whole. If even one member dissents with the request for withdrawal of a motion after it has been moved, the motion will have to be put to the vote of the House for its decision. In the words of Stuart again:

“Another principle is that there is to be no pointless discussion: all discussion is to be relevant to a motion (and to be directed to a decision by the House.)”<sup>7</sup>

An exception to this rule are some motions like those for “taking note” or “be considered” which have to be moved formally but the intention behind which is to obtain the views of members on some document placed on the table of the House and not its decisions.

Though in the beginning, the House of Commons in England, from where Parliamentary procedures have been adopted, used to treat its deliberations as not open to disclosure to outsiders and though till very recently the reporting of the proceedings of the House was a technical breach of its privileges, in practice the proceedings are open for publication outside, except on rare occasions when the House resolves to meet in secret to discuss some very sensitive subject. In the U. S. A. even the meetings of the Committees of the Houses of Congress are open to the Press and the British House of Commons proceedings are now broadcast. This principle of openness of proceedings is based on the principle of accountability of the representatives of the people to those who sent them to the House to represent them. In the modern times the debates and other proceedings in the Houses of Legislatures also educate the people about the various as-

7. *Ibid.*, p. 84.

pects of a question and are therefore reported and published verbatim for the people to read. The Press is afforded all possible facilities to report the daily proceedings so that the people may know what their representatives are doing.

(A modern principle of all Parliamentary procedure is expedition in disposal of business. Several devices have been incorporated in Parliamentary procedures to achieve this end. The first is that of fixing a very low quorum by way of fixing a minimum number of members who can take decisions on behalf of the House as a whole. All members cannot always be present at the time of discussion and decision by the House on a subject and to wait for all members to be present would permit an individual member or a number of them to stall action by the House. That is why a very low percentage of total membership of the House (one-tenth in India) is prescribed as the minimum necessary to allow the House to function and take decisions.)

(A corollary to this is the provision that the House can continue to function in spite of vacancies in its membership, though this may deprive part of the population being represented during such periods.)

(Another major device is the rule that a time limit can be fixed for the disposal of an item of business by the House, even though that time limit may not permit all such members to take part in discussion who may desire to do so. Fixing of time limit of speeches of members is resorted to expedite disposal of business as also to allow as many members as possible to partake in the proceedings. The rule that only one opportunity is afforded to a member to speak on a substantive motion (except the mover who has a right of reply) is as such part of the principle of economy of time as that of prevention of repetition.)

Provision for extending the sitting beyond the usual hours of adjournment, committing certain detailed enquiries and deliberations to Committees of the House, allowing and arranging for meetings of Committees during the sittings of the House and, finally, deciding a question by the majority of members who want to take part in the decision (instead of a majority of the total membership of the House)—all these tend to enforce the principle that the Houses of Legislatures should act with as much expedition as possible.

It may, however, be noted that for disposal of certain questions of extraordinary importance, special majorities, special periods of notice and



other safeguards can and have been provided to prevent hasty decisions under the garb of expediting them. But these exceptions prove the rule.

Prohibition against anticipation and repetition of business in the same session are based on the twin principles of due notice and economy of time. As sessions of the legislatures are the units which are taken into account in commencing and terminating the business listed for the House, these two rules operate for the duration of the sessions only. The rule of anticipation prohibits bringing forward any matter which has already been listed for discussion in the House within a reasonable time during the session unless some emergency or urgency arises for the discussion of that matter or the matter is brought up in a more substantive form than in which it is to be considered by the House at a future date. For instance, if a resolution or a motion is listed for discussion at a future date, a bill (which brings the matter in a more substantive form before the House) can be introduced and discussed. Here, then, comes the operation of the rule against repetition and after the bill has been approved, withdrawn by the leave of the House or rejected by it, the motion or resolution listed for the future date becomes infructuous and out of order. The principle of prohibition of repetition operates not only in respect of items of business but also in respect of facts and arguments advanced during a discussion on an item, if these facts and arguments have already been placed before the House by an earlier Speaker during discussion on the same item.

While there is freedom of speech for all members, including the right to raise any matter within the competence of the House to discuss and determine, a convention operates in all democratic legislatures not to discuss or refer to any matter which is *sub-judice* in a competent court of law. This convention applies not only to matters pending in criminal courts but also to those pending in civil courts, specially those relating to civil libels and rights and duties of parties in contracts and other commercial relations. The reason for observing this convention has been the reluctance of the legislatures to prejudice the parties before courts. Comments on matters before the courts are, therefore, avoided as a mark of respect to the autonomy of the judicial bodies and to ensure their freedom from being influenced by such discussions. As a corollary, even matters before quasi-judicial tribunals or Commissions of enquiry are covered by this convention. As far as India is concerned, there is nothing in the Constitution prohibiting such discussions, though the conduct of judges in the discharge of their duties' cannot be discussed in the Houses of Legislatures in the States. But that is some thing very limited and narrower than what is covered by the *sub-judice* convention. In the words of a Committee of the House of Commons of Canada:

“.....The basic parliamentary freedom is to some extent limited by the *sub-judice* convention. Under the convention as it has developed over the years Members are expected to refrain from discussing matters that are before the Courts. No distinction has ever been made in Canada between criminal courts and civil courts for the purpose of applying the convention. It has also had application to certain tribunals other than courts of law. The purpose of the convention is to protect the parties in a case awaiting or undergoing trial and persons who stand to be affected by the outcome of a judicial enquiry. It exists to guarantee everyone a fair trial and to prevent any undue influence prejudicing a judicial decision or a report of a tribunal or enquiry. It is important to emphasise that it is a convention and not a rule. It is a voluntary restraint imposed by the House upon itself in the interest of justice and fair play, but which the House is free to disregard should it so resolve.”<sup>8</sup>

However, it appears that this convention is being looked at a new to allow members more latitude. In his evidence before a Committee of Procedure of the House of Commons of England the Speaker observed:

“I think it is quite clear that there ought to be a *sub-judice* rule or convention, certainly with regard to criminal cases. I think there are certain types of civil cases, like action for defamation of character, where one can see the same sort of thing applying; and I would think there that the rule or the convention ought to exist, only to be relaxed at the discretion of the Speaker. When one comes to wider issues such as those that we have been discussing, I think my present general view is that the rule ought to be invoked only at the discretion of the Speaker, that the general proposition ought to be that matters of general interest are discussable in the House of Commons unless the Speaker decides with regard to a particular issue or particular matter that he ought to invoke the rule. In other words, the presumption ought to be a different way. The presumption should be for discussion rather than against it.”<sup>9</sup>

The Committee of the House of Commons in England and the House of Commons in Canada agreed with the general view expressed by the Speaker of the House of Commons of England quoted above. A similar

8. *The Parliamentarian*, Vol. LVIII No. 4, p. 250.

9. H.C. Paper No. 298, (1971-72), Evidence, p. 38.

recommendation was made by a Committee of the Parliament of the State of Queensland in Australia.<sup>10</sup>

A matter is considered as *sub-judice* in criminal cases (or cases pending in courts martial) from the time a charge-sheet is filed until a decision of the court is pronounced. It again begins to be *sub-judice* from the time an appeal against a judgement is filed and continues till the appeal is decided. In civil cases it begins to be considered as such from the time that the case has been brought before the court and continues as such till a decision is made by the court. The same considerations apply to appeals in civil cases also.

The *sub-judice* rule does not, however, apply to discussions on bills or amendments to bills and bills can be introduced and passed even on matters which are pending judicial decisions.

Parliamentary procedure is based on the principle that there are certain important propositions before the Houses of Legislatures which though part of one single proposition, need to be considered thoroughly from different aspects at different stages. Bills, which confer rights and impose duties on a vast number of citizens and are subject to be construed by outside bodies like courts of law, form one category of such matters and are considered in more than one stage; from different points of view. In the same way, the annual financial statement or other supplementary financial measures are also considered in more than one stage. Generally, the first stage is of general consideration and the next ones are of detailed considerations either of the various clauses in the bills or of demands for grants in financial statements. In bills there is a third stage when the bill is considered finally before being passed, this stage assuming more importance if amendments have been made in the body of the bill during its detailed consideration.

Certain matters, specially financial, require the recommendation of the Head of the State, if he is also the Head of the Executive, before they can be initiated in the House. The principle which operates behind the requirement of such recommendation is that the purse strings should be in the hands of the Executive which has ultimately the responsibility for administering the State and it is for the Executive to determine how much money will be needed and from which sources such money is to be obtained and in what proportion or amounts. However, such recommendation is required only for placing financial proposals before the House. The House is free to reject them or reduce the imposition of levies or

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10. See *The Parliamentarian* Vol. LIX No. 3, pp. 195—200.

amounts and items of expenditure. But such recommendation is required only for imposition of taxes, as such, and not for imposition of fees or other charges for services rendered by the Government. It is also important to note that such recommendation is only procedural and if a bill or financial measure receives the assent of the Governor, it would become law, even though it might have been necessary to obtain his recommendation before introducing or moving it. An exception to the principle is contained in Article 207(3) of the Constitution according to which the recommendation of the Governor is necessary before the passing of the bill (and not at the time of its introduction) if the bill involves expenditure from the Consolidated Fund of the State.

Though it is not a principle of parliamentary procedure to obtain the previous sanction of any authority before the introduction of a bill, there is an important subject which is of concern to more than one State in India in respect of which a bill cannot be introduced or moved in any of the Houses of a State Legislature without the previous sanction of the President of India. Such sanction is required for bills which seek to put any restrictions on inter-State trade and commerce.

A pervasive principle which operates about all kinds of proceedings of a House of Legislature is the maintenance of parliamentary decorum in its proceedings and conducting them strictly in accordance with the rules made by the House for itself. The aspect of decorum is so important that while there is a provision for suspension of various rules by the vote of the House in respect of any extraordinary piece of business, never has any attempt been made by any member of the House to suspend the rules regarding orderly conduct of business and maintenance of decorum. As such, a number of provisions in the rules, conventions and practices exist for ensuring the observance of the principles regarding decorum and dignity of the House. In the words of Rt. Hon. George Thomas, on his election as Speaker of the House of Commons on 9, May 1979:

“Within this House, free speech is our undoubted right and privilege, and this means that Right Hon. and Hon. Members must be prepared to listen to point of view with which they may disagree profoundly. However strongly Hon. Members may dislike a point of view that is being advanced, no one must be prevented from being heard, or our parliamentary democracy will be in peril. Every new Parliament has a personality of its own, but there are traditions, courtesies, and customs that are common to each Parliament. It is our responsibility, as transient trustees in the history of this

ancient House, to guard the customs and traditions that have served our country well for centuries past".<sup>11</sup>

Some of these traditions, courtesies and customs may be mentioned briefly.

*Authority of the Speaker.*—As has been stated earlier, the House has the sole authority to interpret its rules and determine the legality of its proceedings. This onus and the onus of conducting the proceedings of the House is conferred by the House itself on the Speaker or any other person performing his duties in the House for the time being. As the Speaker is the members' own choice, his interpretation of the rules and practice of the House has to be obeyed, howsoever dissatisfied a member may be or howsoever prejudicial to the individual inclinations of a member the interpretation may be. Addressing the speeches to the Chair, instead of directly to individual members or groups of them, bowing to the Chair while entering or leaving the House, not leaving the House when the Chair is 'on its legs', speaking only when called upon by the Chair except for interrupting and that, too, only when the member speaking gives way and resumes his seat to allow the interruption), resuming one's seat when the Speaker stands up to address the House, these and other customs preserve the dignity and authority of the Speaker and through him of the House, as the Speaker represents the House to all outside bodies and authorities.

*Presumption of good faith.*—In all proceedings of the House members should have good faith in one another and presume equal desire of the rest of the members to serve the State. He has to show to the other members the same courtesy, consideration, respect and tolerance which he expects for himself. Reflections and imputations of improper motives, therefore, are not only out of order but against the prestige of the House itself, because the House is itself brought into disrepute if any of its members is defamed. It may be recalled that the House treats any reflections by outsiders on the members in connection with their actions in the course of proceedings of the House as the contempt of the whole House. The same consideration should apply to the remarks of each member in respect of other members in the course of the proceedings of the House. A certain amount of detachment from personalities and faith in the goodwill of other members is a leading principle of Parliamentary proceedings.

*Orderly Deliberation.*—A leading principle of parliamentary proceeding is that at any one time only one member can speak or ask questions and the Chair is given the power to call upon members one by one. To keep up this principle, other members have to listen with attention and

11. See *The Parliamentarian*. Vol. LX, No. 3, p. 180

make no attempt to interrupt the member speaking, though witty or relevant comments in a respectful manner, are often overlooked. But frequent interruptions not only break or disturb the line of argument of the member speaking, but also introduce disorderliness in the proceedings. That is why, even the member who wants to speak after another member has finished, is not allowed to catch the attention of the Chair by expressing his desire in words but has only to stand in his seat to catch the Chair's eye (and not its ear). A member making his maiden speech is not disturbed at all till the end, and as a matter of courtesy, is congratulated for his fine speech by the member speaking next, howsoever he may disagree with the arguments or facts included in the maiden speech.

Just as in the field of law, procedure is as important as the substantive provisions thereof, in the working of the Houses of Legislatures also procedure is as important in coming to decisions as the decisions themselves and the parliamentary procedure which has been evolved after centuries of experience plays a very important role in the decisions taken, or information obtained, in the Legislatures.

## PARLIAMENTARY EVENTS AND ACTIVITIES

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### CONFERENCES AND SYMPOSIA

*Conference of Presiding Officers:* The forty-sixth Conference Presiding Officers of Legislative Bodies in India was held in Hyderabad (Andhra Pradesh) on 28 and 29 December, 1981. Dr. Bal Ram Jakhar, Speaker of Lok Sabha and Chairman of the Conference, presided. Almost all the Presiding Officers of the Legislative Bodies in India as also the Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha attended the Conference.

The Conference discussed the following points on the Agenda:

- (1) *Questions:* Should there be any guiding principles for the Government to refuse to supply information asked for in a question, which has been admitted by the Speaker, on the ground that it would not be in public interest to disclose the required information; whether the Speaker should interfere in case the privilege is misused?
- (2) *Bills:* Whether a Bill containing proposals for imposition of Sales Tax (in respect of which a reference has been made in the Budget speech) can be passed before passing of the Budget itself?
- (3) When a repeal and saving clause of a Bill, replacing an ordinance, mentions the repeal of previous ordinance and not the latest one promulgated subsequently:
  - (a) whether the Bill in question can be said to be out of order on that ground?

(b) whether the said lacunae of the Bill can be removed by the Council Secretariat under the authority of the Chairman, after the Bill being passed, as consequential amendment under Rule 145 of the Rules of Procedure & Conduct of Business in the Bihar Legislative Council which reads as follows:

“Authentication of Bills—when a Bill is passed by the Council, the Secretary shall, if necessary, revise and complete the marginal notes and renumber the clauses thereof and make such purely formal and consequential amendments therein as may be required and correct the typographical errors, if any, and shall submit a copy thereof to the Chairman for his approval and signature.”

(4) *Privileges*: Can a motion of privilege referred by the House or the Speaker to the Committee of Privileges be sustained after the dissolution of the House even if the new House has not specifically directed or authorised the Committee of Privileges to examine and report on the motion?

(5) *Committees*: What should be the procedure to deal with the unfinished work of a Committee on the dissolution of House?

(6) What positive steps should be taken in the event of non-implementation of recommendations contained in the Reports of different Parliamentary Committees, which remain pending for years?

(7) What effective procedure a Parliamentary Committee should adopt in case of unresolved differences between the Committee and the Government in respect of implementation of certain recommendations contained in the Report.

(8) Desirability of constituting a Standing Committee to examine the legislative measures before these are introduced in the House.

(9) *Members*: Need of voluntary code of conduct to ensure proper functioning of Parliament and State Legislatures.

*Debates*: What are the norms to be followed by the Presiding Officers in regard to expunction from the proceedings of the House?



(11) *Adjournment of House*: Whether the Assembly which was adjourned *sine die* and subsequently put in animated suspension by a Proclamation of the President under article 356 of the Constitution shall be treated as prorogued or to have the effect of having been prorogued?

*Conference of Secretaries*: The twenty-seventh Conference of Secretaries of Legislative Bodies in India was held on 27 December, 1981 in Hyderabad. Shri Avtar Singh Rikhy, Secretary, Lok Sabha presided. Shri Sudarshan Agarwal, Secretary-General, Rajya Sabha and Secretaries of State Legislatures attended the Conference.

After the welcome speech by Shri E. Sadasiva Reddy, Secretary, Andhra Pradesh Legislature, Shri Avtar Singh Rikhy, Secretary, Lok Sabha and Chairman of the Conference addressed the Conference.

The Conference discussed subjects of parliamentary and administrative interest.

*Symposium on "Legislature as the mirror of the people's aspirations— an assessment and tasks ahead: A Symposium on the subject of "Legislature as the mirror of the people's aspirations—as assesment and tasks ahead" was held in the Assembly Hall of Andhra Pradesh Legislative Assembly, Hyderabad on 30 December, 1981.*

The Speaker of Lok Sabha, Dr. Bal Ram Jakhar, who is the Chairman of the Conference of Presiding Officers, presided and delivered the opening address. The Inaugural address was delivered by Shri T. Anjiah, Chief Minister of Andhra Pradesh. The Deputy Speaker, Lok Sabha, Deputy Chairman, Rajya Sabha, the Presiding Officers of State Legislature, M.Ps. and M.L.As. from Andhra Pradesh participated in the Symposium.

*Second Regional Seminar on Parliamentary Practice and Procedure for Asia, South East Asia and Africa Regions of the Commonwealth Parliamentary Association*: The Second Seminar on Parliamentary Practice and Procedure for the Commonwealth Parliamentary Association Branches in Asia, South East Asia and Africa Regions was held in New Delhi from 21—25 January, 1982 under the auspices of the Indian Parliamentary Group, which functions also as the India Branch of the Commonwealth Parliamentary Associations.

Shri M. Hidayatullah, Vice-President of India and Chairman, Rajya Sabha, inaugurated the Seminar on 21 January, 1982. Dr. Bal Ram Jakhar, Speaker, Lok Sabha delivered the Welcome Address.

The following subjects were discussed at the Seminar:—

1. Question Hour—How to make it more effective?
2. Public Sector Enterprises—How Parliament should oversee their functioning?

Shri Shyam Lal Yadav, Deputy Chairman, Rajya Sabha delivered the keynote address on “Question Hour—How to make it more effective?” while Shri G. Lakshmanan, Deputy Speaker, Lok Sabha delivered the keynote address on “Public Sector Enterprises—How Parliament should oversee their functioning?”

Twelve delegates from CPA Branches overseas viz., Bangladesh, Sri Lanka, Nigeria, Tanzania, Zambia and Zimbabwe and forty-eight delegates from the Parliament and State Legislatures in India, including a number of Presiding Officers participated in the Seminar. Shri Palitha Weerasinghe, Assistant Secretary-General of the Commonwealth Parliamentary Association also attended the Seminar.

After the Seminar, the delegates from overseas visited some places of historical, cultural and industrial interest in Delhi, Agra, Jaipur, Ajmer, Chandigarh, Ludhiana, Bombay, Calcutta and Madras.

#### BUREAU OF PARLIAMENTARY STUDIES & TRAINING

During the period 1 November to 31 December, 1981, the following Programmes/Courses were organised by the Bureau of Parliamentary Studies and Training:

*Seminar on “Financial Accountability of the Executive to the Legislature”*: A Seminar on “Financial Accountability of the Executive to the Legislature” was held under the joint auspices of the Bureau of Parliamentary Studies and Training and the Indian Parliamentary Group on December 4, 5 & 6, 1981, in Committee Room (Main), Parliament House Annexe.

Besides Members of Parliament and of the Indian Parliamentary Group (IPG), representatives from the State Legislatures also attended and participated in the Seminar.

The Seminar, inaugurated by Dr. Bal Ram Jakhar, Speaker, Lok Sabha on 4 December, 1981, was attended by 57 Members of Parliament, 12 Associate Members of the IPG and 38 Members from the State Legislatures, including the Speakers of Assam and Himachal Pradesh Legislative Assemblies.

The following were the Panel Speakers:

- (i) Shri Satish Agarwal, M.P.
- (ii) Shri Ram Niwas Mirdha, M.P.
- (iii) Prof. Rupchand Pal, M.P.
- (iv) Shri N. K. P. Salve, M.P.
- (v) Shri Era Sezhiyan, M.P.
- (vi) Shri Venkataraman, Minister of Finance.
- (vii) Shri P. Venkatasubbaiah, Minister of State for Parliamentary Affairs and Home Affairs.
- (viii) Shri Chandrajit Yadav, M.P.

Besides the eight Panel Speakers, 14 Members of Parliament and 26 Members from the State Legislatures took part in the discussions.

*Orientation Programme for New Members of Parliament:* A Discussion Session on "Committees at Work: The Committee on Government Assurances" was held as part of the Orientation Programme for New Members of Parliament, on 11 December, 1981, in Parliament House Annexe. The key-lectures on the subject were delivered by Shri Jagannath Rao, M.P. and Chairman, Committee on Government Assurances of Lok Sabha and Smt. Hamida Habibullah, M.P. and member of the Committee on Government Assurances of Rajya Sabha. The key-lectures were followed by a general discussion on the subject. Shri Jagannath Rao conducted the proceedings of the Discussion Session.

*Attachment Programme for foreign Parliamentary Officials:* A seventeen-week Attachment Programme (5 October, 1981 to 30 January, 1982) was organised under the Colombo Plan for Shri Rabindra Man Joshi and Shri Krishna Prasad Pandey, both Section Officers in the Secretariat of the Rashtriya Panchayat of Nepal, to enable them to study the working of the Parliament and State Legislatures in India. The two trainee-officers were attached to various Branches/Sections of Lok Sabha/Rajya Sabha Secretariats for studying the various parliamentary processes and procedures; and they also visited the Andhra Pradesh and Punjab Legislature Secretariats to study the procedures obtaining there.

**Attachment Programmes for State Legislature Secretariat Officials:** The Bureau arranged the following Attachment Programmes for the officers coming from the various State Legislature Secretariats:

| <i>Period</i>        | <i>Trainee(s)</i>   | <i>Fields of Study</i>  |
|----------------------|---|---|
| December 14—18, 1981 | Sergeant-at-Arms (Shri Kushaljung Bahadur) of the Rajasthan Vidhan Sabha  | Watch & Ward Service of Lok Sabha Secretariat   |
| December 24, 1981    | Under Secretary (Shri D.D. Bhardwaj) from the Himachal Pradesh Vidhan Sabha Secretariat   | Verbatim recording and editing and printing of Debates  |
| December 26—30, 1981 | Two Research/Reference Assistants (Shri K. M. Srivastava and Km. Bharati Chandra) from the Uttar Pradesh Vidhan Sabha Secretariat | Library and Reference, Research, Documentation and Information Service of Lok Sabha Secretariat |

**Study Visits:** The Bureau also organised one-day Study visits for the following:—

- (i) A group of All-India and Central Services Group 'A' Officers participating in the Executive Development Programme conducted by the Postal Staff College, India, New Delhi.

[18 November, 1981]

- (ii) A group of foreign participants in an International Course on 'Development Administration' conducted by the Institute of Secretariat Training and Management, Department of Personnel & Administrative Reforms, Ministry of Home Affairs, New Delhi.

[30 November, 1981]

- (iii) Participants in the 58th Assistants (Refreshers) Course conducted by the Institute of Secretariat Training and Management, Department of Personnel and Administrative Reforms, Ministry of Home Affairs, New Delhi.

[2 December, 1981]

- (iv) A batch of trainees undergoing a Refresher Course in Communication conducted by the Indian Institute of Mass Communication, New Delhi.

[16 December, 1981]

- (v) Probationers of the Indian Telecommunication Service undergoing training at the Advanced Level Telecommunication Training Centre (Posts & Telegraphs Department), New Delhi.

[22 December, 1981]

- (vi) Participants in the 59th Section Officers (Refreshers) Course conducted by the Institute of Secretariat Training and Management, Department of Personnel & Administrative Reforms, Ministry of Home Affairs, New Delhi.

[23 December, 1981]

- (vii) Participants in the 39th Training Course for Lower Division Clerks conducted by the AFHQ Training Institute, New Delhi.

[24 December, 1981]

#### EXHIBITION—'GLIMPSES OF NEHRU'

To mark the 92nd Birth Anniversary of Jawaharlal Nehru, a pictorial exhibition on the theme "Glimpses of Nehru" was organised by the Lok Sabha Secretariat with the assistance of Directorate of Advertising and Visual Publicity, Ministry of Information and Broadcasting in the Parliament House Annex from 16 November to 6 December, 1981. The Exhibition was inaugurated by Dr. Bal Ram Jakhar, Speaker of Lok Sabha.

In the Exhibition, books by and on Nehru were displayed. The pictorial side of the exhibition contained several photographs of Nehru with other leading Indian & foreign leaders, eminent statement scholars, scientists and social reformers and in the company of children and masses. This section also included various press clippings on Nehru and selected messages from his speeches and writings highlighting Nehru's multidimensional personality—as a Patriot, Parliamentarian and Nation Builder and his splendid achievements and service to India and the world at large.

Another interesting feature of the exhibition was the display of coloured photographs of various multi-purpose irrigation projects, steel plants, mighty dams, industrial undertakings, and factories (described by Nehru as the 'biggest temples') set up for the development of the country and welfare of the people in pre-Independence years.

## PRIVILEGE ISSUES

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### LOK SABHA

*Alleged causing of an enquiry against a member for quoting from and laying on the Table of the House photo copies of certain files, notings and Reports of certain Ministries:* On 23 December, 1980, in the course of a discussion under Rule 193 on the subject of 'Choice of Technology and Foreign Collaboration for Urea and Ammonia Fertilizer Plants to be built on the basis of Bombay High Complex', Shri K. P. Unnikrishnan, a member, quoted extensively from photo copies of certain files, notings and Reports of certain Ministries of Government of India and subsequently laid the same on the Table of the House with the permission of the Speaker.

Later, in the course of his reply to the discussion, the Minister of Petroleum, Chemicals and Fertilizers (Shri P. C. Sethi), stated<sup>1</sup>, *inter alia*, as follows:—

“Therefore, this very fact—how did he get copies—requires a CBI probe and requires a thorough investigation and enquiry into the matter. It is not only the business deal which is important. The main thing is, if the secret files and documents of the Government of India are made available to people who are interested in raising such questions, then it will be very difficult to save this country, from the defence point of view.”

On 27 March, 1981, Shri Unnikrishnan gave notice of a question of privilege against the Minister of Petroleum, Chemicals and Fertilizers, Minister of Home Affairs and others for causing an enquiry into how he “came into possession of photo copies of the files, notings and Reports” which had been laid by him on the Table of the House on 23 December, 1980.

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1. L.S. Deb., 23 December, 1980, c. 230.

Shri Unnikrishnan also enclosed with his notice a copy of the First Information Report lodged by the Superintendent of Police, CBI, regarding leakage of certain classified documents of Ministry of Petroleum, Chemicals and Fertilizers wherein a mention of the Member and his speech in the House on 23 December, 1980 had been made.

On 17 December, 1981, the Speaker informed the House that the Ministries concerned had, in their factual note in connection with the notices *inter alia* stated references to the MP and his speech in the Lok Sabha in the FIR and the affidavits filed in the courts were only statements of facts and did not form the basis of any action by CBI in the matter. The investigations and proceedings of the CBI did not rely on the debate or the proceedings of the Lok Sabha held on 23 December, 1980 nor had the CBI made, or proposed to make, any enquiries from the Member or any other Member of Parliament in this matter. Some time in September, 1980, the concerned agencies of the Government made discreet inquiries regarding the alleged leakage of certain classified documents from the file of the Ministry of Petroleum, Chemicals and Fertilizers, but these inquiries and investigations were prior to the disclosure made by the Member on the floor of the Lok Sabha on 23 December, 1980. The CBI probe and through investigation, which the Minister spoke of in the House 'was not for the purpose of intimidating the Member or for proceeding against the member, but for the purpose of maintaining secrecy of documents and material of vital importance in the larger interests of the country'.

The Speaker further stated that he had gone through the texts of the First Information Report filed by the CBI on 6 March, 1981 and the affidavits filed by the Superintendent of Police, CBI, in the case and found that though these documents contained references to the disclosures made by the member and the documents laid by him on the Table of the House on 23 December, 1980, on reading these documents as a whole, it appeared that these references were not intended to form the basis of any action by the CBI, against the member for what he stated in the House.

In view of the position stated by the concerned Ministries, specially their categorical statement that "Shri Unnikrishnan has neither been contacted by the CBI nor examined by them" and "nor is it the intention of the investigating authorities to contact Shri Unnikrishnan or examine him in this context", the Speaker said he was withholding his consent to the matter being raised under Rule 222 and proceeded *inter alia* to observe as follows:

"I cannot but stress the need for every care being taken, and prudence being exercised, while speaking in the House on such

sensitive matters, so as to avoid occasions for any misunderstanding whatsoever.”

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“It would have been better if the proceedings in the House had not been mentioned in the FIR and Affidavits filed by the Investigating Agencies in the manner done. I am sure this will be taken note of by the concerned for the future purposes.”

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“I would, however, reiterate that nothing should be done by any agency which would impinge upon or detract from the right of a Member to freely function in Parliament.”

The matter was, thereafter, closed.

### RAJYA SABHA

**Alleged casting of reflections on members by a newspaper:** On 22 December, 1981, the Chairman (Shri M. Hidayatullah) informed the House that Shri A. G. Kulkarni had given a notice of breach of privilege against Shri Prem Shankar Jha in respect of an article entitled ‘Black Money and Crime, which was published in the *Time of India* on 7 December, 1981. The article commenced with the following sentence: “Dacoits, smugglers and bootleggers are now honoured Members of the Legislatures.”

When, in response to the Chairman’s directions, the Editor of the *Time of India* was address in the matter, in his reply, Editor stated that as there was no reference in the article to Rajya Sabha, the matter could not be raised in that House.

The Chairman stated that such a statement, purposely made generally to afford shelter to the writer against action from a member of a House of Legislature and also from individual Houses of Legislatures was disingenuous in the extreme. He examined the questions whether the custom and usage of Parliaments allowed notice to be taken of such scurrility and said that such writings were beneath notice and had to be treated with contempt.

While deciding to take no action in the matter, the Chairman observed: “It is only when a point is reached and the writing ceases to be journalistic vapouring and becomes an improper obstruction to the functioning of Parliament and its members by patent falsehood or otherwise, that action to the extent of punishment is called for. Then the House will never hesitate to do its duty towards itself.”



## STATE LEGISLATURES

## HIMACHAL PRADESH VIDHAN SABHA

**Alleged misbehaviour with and obstruction to a member by a Government employee:** On 28 March, 1978, Shri Narain Chand Parashar, a member, in a letter addressed to the Speaker, complained of misbehaviour of a conductor of the Himachal Road Transport Corporation, Chandigarh, who refused to provide him a seat in the bus while the member was on his way to Simla to attend meeting of a Legislative Committee.

On 7 October, 1978, the Speaker referred the matter to the Committee of Privileges for examination, investigation and report. The Committee of Privileges, after examining Shri Harminder Paul Singh, Conductor of the Road Transport Corporation, in their Second Report, presented to the House on 12 April, 1979, reported that the bus conductor had admitted *in toto* the allegations made against him by the member. He had pleaded guilty, tendered his unconditional apologies and had prayed that he be pardoned. The Committee had no hesitation in concluding that the bus conductor had attempted to obstruct the member by not providing a seat in the bus when the latter had made it clear to him that his journey was towards his duty as a legislator. The conductor was, therefore, guilty of having committed breach of privilege and contempt of the House. In view, however, of the unconditional apologies tendered by the conductor, the Committee recommended that no further action be taken.

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

## UTTAR PRADESH VIDHAN SABHA

**Presence of a Government Officer in the Governor's gallery without proper pass:** On 17 September, 1980, during discussion on Aligarh riots, arrest of a journalist at Aligarh and alleged misbehaviour by the Commissioner of Agra Division with journalists, Shri Mohan Singh, a member, raised a point of order regarding the presence of a stranger in the Governor's Gallery without a proper pass. The Deputy Speaker (Shri Yaduvendra Singh) directed the Marshal to investigate the matter and report.

On 18 September, 1980, the Deputy Speaker informed the House that enquiries made in this regard revealed that Shri Deshraj Singh, Commissioner, Agra Division was sitting at that time (2.15 PM) in the Gallery

beside the Special Secretary (Home) and he left the place as soon as the member raised the point of order. No pass had been issued by the Vidhan Sabha Secretariat for the Official Gallery in the name of Shri Deshraj Singh. According to the information received, Governor's Secretariat had issued at 2.00 PM a pass for Governor's Gallery in the name of Shri Deshraj Singh for 17 September, 1980.

After listening to all the points of view, the Deputy Speaker observed, *inter alia*, as follows:

“...I am unable to understand one thing: even if it is correct that Shri Deshraj Singh had the pass which could have been issued by the office of the hon. Governor, was it proper for him to be present when this matter was being discussed here? Secondly, it seems that he himself felt that he should not keep sitting here and so he went out. If he possessed the pass at that time he could have informed about it through his Parliamentary Affairs Minister or through any other person. When the point was raised he could have replied to it immediately. In view of the above facts, it was not at all proper on his part to cause interruption in the proceedings of the House while a discussion was going on about him. It is a general rule that whenever there is some discussion in any Committee about a particular person and he is also a member of that Committee, he does not take part in the proceedings of that Committee. So it was improper on his part to have remained sitting here and this improper conduct cannot be altogether overlooked because I know that he was very much here. Whatever time may be mentioned in his pass, hon. members are of the opinion that he was already sitting here beforehand. Therefore, I hope that Government will definitely take action against such officer.”

The matter was, therefore, closed.

#### HOUSE OF COMMONS

**Summary of proceedings of the House regarding a motion proposing to do away with the existing practice of presenting petitions for leave of the House to refer to parliamentary papers in Court proceedings:** On 10 November, 1978, Mr. Christopher Price, a member stated in the House as follows:

“I wish to call attention to the production of, and reference being made to, Hansard, without the leave of the House having been obtained, at the Central Criminal Court in the case of *Regina v. Aubrey, Berry and Campbell*, and I beg to move,—

That the matter be referred to the Committee of Privileges.”

1. H. C. Deb., 10 November, 1978. cc. 1355—59.

The above motion was adopted by the House and the matter was referred to the Committee of Privileges.

The Committee of Privileges, in their First Report<sup>2</sup> presented to the House on 7 December, 1978, stated, *inter alia* that they were "satisfied that neither the judge nor Counsel for the Crown made use of the Official Report in a manner which could affect the privileges of the House" and had recommended that "the practice of presenting petitions for leave to make reference to the Official Report in Court proceedings be not followed in the future and that such reference be not regarded as a breach of privilege of the House."

On 3 December, 1979, the following motion was moved<sup>3</sup> by the Leader of the House (Mr. Norman St. John-Stevas):—

"That this House gives leave for reference to be made in future Court proceedings to the Official Report of Debates and to the published Reports and evidence of Committees in any case in which, under the practice of the House, it is required that a petition for leave should be presented; and that the practice of presenting petitions for leave to refer to Parliamentary papers be discontinued."

Commending the motion to the House, Mr. St. John-Stevas stated<sup>4</sup> *inter alia*, as follows:—

"The motion differs slightly from the original recommendation made by the Privileges Committee. That recommendation proposed the discontinuance of the present petitioning procedure only in respect of references to the Official Report. There appears to me to be no good reason, however, why the need for petitions should continue in respect of references to Reports and evidence of Committees if the need for petitions in the case of references to Hansard is to be brought to an end. The motion makes provision accordingly and extends the discontinuance of the present petitioning procedure to cover references to published reports and evidence of the Committee of this House."

The following amendment to the above motion was then moved<sup>5</sup> by Mr. Christopher Price, a member:—

"I beg to move, in line 1 of the Question, after 'House', to insert 'while re-affirming the status of proceedings in Parliament confirmed by Article 9 of the Bill of Rights'."

<sup>2</sup> H.C. (U.K.) (1978-79), 102.

<sup>3</sup> H. C. Deb., 3 December 1979, c. 168.

<sup>4</sup> *Ibid.*, cc. 170-71.

<sup>5</sup> *Ibid.*, c. 171.

Speaking on his amendment, Mr. Price stated<sup>6</sup>, *inter alia* as follows:—

“It is simply to remind judges, if it behoves them to read our resolution, that it is passed only while emphasising that the Bill of Rights has total priority. The resolution may not ask the judges to consult us every time, but any material from this House that might call into question our proceedings must not be admitted into court at any time.”

Referring to the Joint Committee on the Publication of Proceedings in Parliament (Donovan Committee), set up to review the changes desirable in the law of Parliamentary Privileges, Mr. Michael English, a member stated that it would have been better, had the Second Report of that Committee been considered first, in which the Committee had, *inter alia*, recommended as follows:—

“The Committee agree that proceedings in Parliament should continue to be protected by absolute privilege. They consider, however, that the time has come when ‘proceedings in Parliament’ for this purpose should be defined by statute.”

Discussion on the motion could not be concluded on that day and the debate was adjourned without any question being put.

On 31 October, 1980, resuming the debate, Mr. Michael English stated<sup>7</sup> *inter alia*, as follows:—

“I should be happy if the Leader of the House in reply to the debate, were to say that he would try to arrange a day, half a day or whatever period is necessary in the forthcoming session to discuss the outstanding reports on the law of privilege.”

Drawing the attention of the House to the tape-recordings of the proceedings of the House, produced by Tannoy, a private company, Mr. English stated<sup>8</sup>, *inter alia*, as follows:—

“At present the courts can consider the tape of our proceedings. Under this motion they would be able to refer to the Official Report of our proceedings which is the subject that we are discussing. I was pointing out that the two may differ and that the Committee of Privileges do not seem to have discussed what should then happen, because the passage of the resolution would allow that comparison to take place in a court of law, which at the moment it cannot do without our permission.”

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“Presumably an officer of Tannoy would have to bring the tape to a Court. It may be that the Clerk of the House or the Editor

<sup>6</sup>. *Ibid.* c. 175.

<sup>7</sup>. *Ibid.*, 31 October, 1980. c. 890.

<sup>8</sup>. *Ibid.*, cc. 894—906.

of Hansard would have to come with the Official Report. We should then have the extra-ordinary sight of both of them attempting to justify the contents of their respective records."

Winding up the debate, Mr. St. John-Stevas stated,<sup>9</sup> *inter alia*, as follows:—

"The question of privilege is very complex and the Government have not reached a view on the matter. The Government have not got propositions to put before the House. The House itself, I think, is not ready at this point to make a final decision. The upshot is that I cannot promise an early debate on the subject, but I shall bear the matter in mind."

The motion, as amended was then agreed to and the House resolved as follows:—

"That this House, while re-affirming the status of proceedings in Parliament confirmed by Article 9 of the Bill of Rights, gives leave for reference to be made in future Court proceedings to the Official Report of Debate and to the published Reports and evidence of Committees in any case in which, under the practice of the House, it is required that a petition for leave should be presented and that the practice of presenting petitions for leave to refer to parliamentary papers be discontinued."

*Alleged threat by the Chairman of British Steel Corporation to a member personally to bring to an end further investments by the Corporation in the member's constituency if the member persisted in making criticism and attacks on the Corporation in Parliament:* On 13 January, 1981, the Speaker (Mr. George Thomas) informed<sup>10</sup> the House that he had received a letter from the member for Workington (Mr. D. N. Campbell-Savours) wherein he alleged that at a meeting that he had with the Chairman of the British Steel Corporation on 18 December, 1980, Mr. MacGregor had informed him that if he persisted in making criticisms and attacks on the Corporation in Parliament, further investment in workington would be ended.

On 14 January, 1981, Mr. D. N. Campbell-Savours, while raising the matter in the House moved that the matter of the complaint be referred to the Committee of Privileges. The motion was adopted by the House.

The Committee considered the letter dated 26 December, 1980, by Mr. D. N. Campbell Savours to Speaker and letter dated 14 January, 1981, from Mr. MacGregor and decided to provide Mr. MacGregor and Mr. Campbell-Savours with copies of each other's statements and to ask them to submit any comments they cared to make upon them. The Committee

<sup>9</sup> *Ibid.*, s. 913.

<sup>10</sup> *H.C. Deb.*, 13 January, 1981, cc. 1241-42.

of Privileges also heard Mr. D. N. Campbell Savours and Mr. Ian MacGregor and presented their report to the House on 3 April, 1981.

In its report, the Committee stated that the documents submitted by Mr. Campbell-Savours described in different ways the remarks alleged to have been made by Mr. MacGregor at various stages of their conversation on the subject of the member's conduct and speeches and their relationship to the Corporation's activities in the Workington area. Those submitted by Mr. MacGregor denied the explicit threats which were alleged by Mr. Campbell-Savours to have been made against him.

It appeared to the Committee that there were two main areas of doubt in the various accounts of the conversation which were presented to them. The first was whether Mr. MacGregor in fact indicated that the reduction or termination of the Corporation's investment in Workington would result from his deliberate action in relation for Mr. Campbell-Savours' conduct or would merely be an inevitable consequence of it. The second was whether any alleged threat by Mr. MacGregor was made in relation specifically to what Mr. Campbell-Savours might have said, or be likely in future to say, on the floor of the House of Commons.

Mr. MacGregor maintained that, in spite of his very strong feelings that much of the effort he had personally put into improving the prospects for Workington would be undermined by Mr. Campbell-Savours, activities in or out of Parliament, he had had no intention of making any threats of personal intervention such as had been alleged by the member, and had not done so. Still less had he said anything which was intended to limit in any way Mr. Campbell-Savours' freedom to say whatever he chose in the House of Commons.

Mr. Campbell-Savours whilst agreeing that there were differences of phraseology in his descriptions of the matter, contended that this arose from Mr. MacGregor's varying phraseology at different stages of the discussion and from the fact that he himself had spoken or written of it on more than one occasion and in different contexts. But he expressed his conviction that he had been not only threatened, but threatened in respect of what he might say in the House of Commons.

The Committee felt unable to resolve this conflict of evidence and considered that there was nothing further they could do to this end. The Committee realised that the meeting between Mr. Campbell-Savours and Mr. MacGregor was an occasion when, not surprisingly, deep feelings and possible irreconcilable differences of opinion were held and expressed by two men bearing heavy and diverse responsibilities for the welfare of many people. Whatever was said was likely to have been subject to the stresses

of the moment. Mr. MacGregor might have spoken in terms that he would not have used if he had been reading a prepared statement, and indeed he had conceded that he might have over-reacted to Mr. Campbell-Savours observations. Mr. Campbell-Savours also might have understood and, in the heat of the moment, interpreted what Mr. MacGregor said in a way that he would not have done if he had been reading a formal submission in his own office.

The Committee noted that in his letters and in his oral evidence before the Committee, Mr. MacGregor stated and repeated that he regretted if he had inadvertently given the member an impression that he was challenging the rights or independence of a member of Parliament. Mr. Campbell-Savours acknowledged these expressions, though without withdrawing his assertion that at the time he had heard words which he considered were an affront to the privileges of Parliament. The Committee felt that it was likely that Mr. MacGregor did not make absolutely clear at the time of the interview his recognition of Mr. Campbell-Savours' privilege of freedom of speech in Parliament which he affirmed in his subsequent statements. While holding that there had been no breach of privilege or contempt of the House, the Committee emphasized that it was of the utmost importance that members should be able to say what they wish in the House without fear of the consequences, whilst at the same time recognising their responsibility for the substance of what they said.

No further action appears to have been taken by the House in the matter.

*Distribution of a memorandum among members making unauthorised use of the Westminster badge and the name of the House.*—On 29 April, 1981, the Speaker (Mr. George Thomas) observed<sup>11</sup> in the House that he had received a written complaint from the member for Rutland and Stamford (Mr. Lewis) about the form of a memorandum widely distributed among members by the League Against Cruel Sports in connection with the Wildlife and Countryside Bill. The cover of the memorandum was headed with the name of the Bill, the Westminster portcullis badge and the words 'House of Commons'. There were no words describing the derivation of the memorandum on the title page. The Speaker stated that Members could be misled by the format into believing that they had received a communication that had official standing.

The Speaker felt that what had been done constituted a serious abuse of the badge and of the name of the House of Commons. He informed

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<sup>11</sup> *H.C. Deb.*, 29 April, 1981, c. 789.

**the House that he had received a letter of apology from the League Against Cruel Sports.**

While deciding to take no further action in the matter, the Speaker stated: "I wish to make it clear to people outside the House, as well as to hon. Members, that the unauthorised use of the badge and name of the House of Commons is a serious matter. Having given that public warning, I shall not be disposed to take as lenient a view of any future case brought to my notice."



PROCEDURAL MATTERS

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LOK SABHA

*Consent given for adjournment motion but discussion held under Rule 193 after the House agreed to do so.*—On 7 December, 1981, several Members had given notices of adjournment Motions regarding failure of the Government to make adequate arrangements to regulate the entry and exit of visitors to Qutab Minar, resulting in the tragic death, on 4 December, 1981, of 45 persons and injuries to many others. Giving his consent to the adjournment motion, the Speaker called upon Shri Atal Behari Vajpayee, whose notice had secured the first place in the ballot, to ask for leave of the House to move the motion.

Shri Vajpayee did not press the notice of adjournment motion but requested for discussion on the subject under Rule 184 or Rule 193 on the same day. The Speaker observed that it might be decided by the Business Advisory Committee.

Several Members, however, pressed that the matter could be decided by the House itself. On the Minister of Parliamentary Affairs and Works and Housing agreeing for a discussion, the Speaker gave his consent to take up discussion on the subject at 16.00 hours on that very day.

*Statement by a Minister involving financial implications without submitting a supplementary budget held inappropriate.*—On 7 December, 1981, when the Minister of Railways made a statement in the House through which he announced increases in railway freights, some Members (Shri Atal Behari Vajpayee and Shri Chandrajit Yadav) objected to it and wanted to know if it was correct for the Minister to make such a statement involving financial implications without submitting a supplementary budget. The Speaker informed the House on the next day that he had looked into the matter and found that in a similar case in August, 1974 the Minister

of Railways had made a statement in the House and had announced levy of supplementary charge on goods and certain passenger fares, but before making the announcement, the Minister had presented Supplementary Demands for Grants. The Speaker, in his ruling, observed that in the present case also, it would have been more appropriate if the Minister of Railways had presented Supplementary Demands for Grants before making the statement and expressed the hope that the Minister would come forward with the Supplementary Demands without further delay, which would, incidentally, provide opportunity to Members to express their views. The Supplementary Demands for Grants (Railways) were presented on 10 December, considered on 14 and 15 December, 1981, and passed.

*Delay in laying a statutory notification on the Table of the House.*—On 18 December, 1981, a Member (Prof. Madhu Dandavate) rising on a point of order, drew the attention of the Chair to the delay on the part of Government to lay on the Table a Notification issued under the Essential Services Maintenance (Assam) Act, 1980. The Notification issued on 17 November, 1981, which should have been laid on the Table of the House on 23 November, the first day of the commencement of the session as required under the provisions of the said Act, was actually laid on the Table on 30 November. Though the Minister of State for Home Affairs (Shri Yogendra Makwana) clarified that the Notification could not be laid on the Table due to certain circumstances beyond the control of the Government, the Member sought Chair's ruling that there was a breach of a statutory provision. The Deputy Speaker then pointed out that the Notification had already been laid on the Table on 30 November; he was, however, referring the matter regarding the delay in laying the notification to the Committee on Papers Laid on the Table of the House under rule 305-B.

*Making allegations, relying on Press reports—held inadmissible.*—On 21 December, a Member (Shri Bapusaheb Parulekar), in the course of an Half-an-hour Discussion regarding issue of permanent railway card passes to Members of railway committees and issue of cheque passes by the Minister in his discretion, made references to certain allegations against the Railway Minister as published in the 'Sunday' Magazine. Thereupon, another Member (Shri Janardhan Poojary) on a point of order enquired whether the Member could make allegations merely relying on press reports and without giving prior notice to the Speaker and without obtaining his consent as provided for under Rule 353. The Deputy Speaker, upholding the point of order, observed that while making allegations in the House, a Member should not merely rely on press reports but should also

satisfy himself after making enquiries and be prepared to accept responsibility for the allegation and substantiate it. The allegations were accordingly expunged from the official proceedings of that day.

*Withholding of consent to discussion on the conduct of the Chief Election Commissioner through an adjournment motion.*—On 24 November, 1981 several Members gave notices of adjournment motions regarding postponement of bye-election in the Garhwal Parliamentary Constituency. Withholding his consent to the adjournment motion, the Speaker observed that the motion basically raised the question of a decision given by the Chief Election Commissioner who was a constitutional authority and whose conduct could only be discussed by way of a substantive motion as provided for in Article 324 of the Constitution.

He also recalled the observation made in this connection in Lok Sabha on 25 March, 1971 by the then Speaker that Parliament was not above the Election Commission so far as elections were concerned.

#### RAJASTHAN LEGISLATIVE ASSEMBLY\*

**Revival of a repealed law without framing a new legislation on the subject:** On 22 September, 1981, when a member (Shri Lalit Kishore Chaturvedi) moved a motion seeking rejection of the Rajasthan Prohibition Act Repealing Ordinance, 1981, some members (Shri Raj Bahadur and Shri Bhairon Singh Shekhawat) opposed of the motion submitted that—

- (i) through the Prohibition Act Repealing Ordinance, 1981, a provision to re-enforce the provisions of the Old Rajasthan Excise Act, 1950 was being made and the procedure for enacting a new law was not being followed.
- (ii) the Bill was a Finance Bill and as such recommendations of the Governor have not been obtained.
- (iii) once prohibition was imposed in the State, no law to abolish the same could be enacted on moral grounds in accordance with the Directive Principles enshrined in the Constitution.

In view of the importance of the points raised, the Advocate-General was summoned in the Assembly to give his opinion and clarify the points. He appeared before the House on 23 September, 1981 and expressed his views on the points raised.

After hearing the opinion of the Advocate-General in the matter the Speaker agreed that as per the established practice of the House, copies of the provisions of the Bill sought to be amended or revived should have

\* Contributed by the Rajasthan Legislative Assembly Secretariat (original in Hindi).

been made available to all the members. He however stated that in the past, when a Bill was brought up to repeal the Excise Act, 1950, neither the Excise Act was repealed in toto nor any mention was made as to the sections which would stand repealed but the provision made was that there would be prohibition in Rajasthan. Now the prohibition was being removed. Therefore, clauses contained in the present Bill relating to the repeal of prohibition and revival of the Excise Act, 1950 were proper and practicable. According to the procedure contained in section 8 of the Rajasthan General Clauses Act, if a repealing law itself was subsequently repealed, the provisions of the old Act automatically get revived. He therefore ruled that simply because the provisions have not been specifically placed before the members according to the procedure, it could not be said that the very procedure of legislation was wrong.

As regards the second objection, the Chair ruled that no new source of income was being created or fresh tax imposed through the Bill under consideration but with the present sources there would be an increase in the income. Therefore this Bill was not a money Bill and there was therefore no need to obtain the recommendations of the Governor.

Regarding the third objection, the Speaker observed that if there was a breach of law or of the Constitution, the ruling could be given by the Chair. The question of morality was open for discussion in the House and only House would consider it.

## PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 October to 31 December, 1981)

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### INDIA

#### DEVELOPMENT OF THE CENTRE

*By-elections:* In the by-elections held on 29 November for one Lok Sabha and 16 Assembly seats in seven States, the Congress (I) won the Lok Sabha seat from the Nandurbur Scheduled Tribes constituency in Maharashtra and 8 Assembly seats in various states (viz., Andhra Pradesh—3, Bihar—2 and Maharashtra, Gujarat and Tamil Nadu, one seat each). The seats won by other parties were C.P.I.(M)—3 (all from Tripura); B.J.P.—2 (one each from Gujarat and Bihar) and Independents—3 (one each from Bihar, Gujarat and Manipur).

By-elections were also held in Madhya Pradesh on 27 December for a seat in Lok Sabha and one in the Madhya Pradesh Legislative Assembly. While the B.J.P. candidate was declared elected from the Sagar parliamentary constituency the Assembly seat from Konta (Bastar District) was won by the Congress(I).<sup>1</sup>

*Death of Minister:* The Minister of State for Communications, Shri Kartik Oraon died on 8 December following a massive heart attack.<sup>2</sup>

### AROUND THE STATES

#### ANDHRA PRADESH

*Election to the Legislative Council:* In the election held on 28 December for 29 seats in the Legislative Council from the local bodies constituency, the Congress (I) won 20 seats, losing 9 seats to candidates of the Opposition parties.<sup>3</sup>

<sup>1</sup>. *Hindustan Times*, 1 and 2 December, 1981; *Times of India*, 3 December, 1981, and *Indian Express* 30 December, 1981.

<sup>2</sup>. *Asian Recorder*, 1981, p. 16412.

<sup>3</sup>. *Deccan Herald*, 30 December, 1981.

## ASSAM

*Extension of President's rule:* On 24 December, Parliament approved the extension of President's rule in the State, promulgated on 30 June, 1981, for a further period of six months, with the Rajya Sabha adopting a statutory resolution in this behalf moved by the Home Minister.<sup>4</sup>

## JAMMU &amp; KASHMIR

*Resignation by Minister:* On 22 October, Dr. Harbhajan Singh, Minister of State for Health, tendered his resignation from the Council of Ministers, following his defeat on 21 October in the biennial election to the Legislative Council.<sup>5</sup>

*Victory for ruling party in the Council poll:* In the elections to fill four vacant seats in the Legislative Council (three from Jammu and one from Kashmir Valley), the candidates of the ruling National Conference Party were declared elected for all the four seats on 22 November.<sup>6</sup>

## ✓ KERALA

*Resignation by the United Front Ministry and formation of new Government by Democratic Front:* Consequent on the withdrawal of support by two of its constituents viz., the Congress(S) and the Kerala Congress (Mani Group) to the 21-month old United Front Ministry headed by the Marxist leader Shri E. K. Nayanar, the ruling Front was reduced to a minority on 20 October, with only 62 members in the 141-member Assembly. On the same day the State Governor, Smt. Jyothi Venkatachalam accepted the resignation tendered by the Chief Minister Shri Nayanar.

On 21 October, President Sanjiva Reddy signed a proclamation under Article 356 of the Constitution, placing the State under President's rule, while keeping the Legislative Assembly in suspended animation.<sup>7</sup>

After a brief spell of President's rule, a new Democratic Front Coalition Ministry headed by Shri K. Karunakaran of the Congress (I) assumed office on 28 December when eight of its members were sworn in.<sup>8</sup>

<sup>4</sup>. *Hindustan Times*, 25 December, 1981.

<sup>5</sup>. *Times of India*, 23 October, 1981.

<sup>6</sup>. *Hindustan Times*, 23 November, 1981.

<sup>7</sup>. *Times of India*, 21 October and *Hindustan Times*, 22 October, 1981.

<sup>8</sup>. *Times of India*, 29 December, 1981.

## MANIPUR

*Merger of Congress (S) with Congress (I):* The Congress (S) Party formally merged with the Congress (I) on 11 December, raising the strength of the Congress (I) to 39 in the 60-member Legislative Assembly.<sup>9</sup>

## ORISSA

*Resignation by Minister:* On 22 December, Shri Lalit Mohan Gandhi, Minister of State for Planning and Coordination, tendered his resignation from the Council of Ministers following his conviction in a criminal case.<sup>10</sup>

## PUNJAB

*Expansion of Ministry:* The State Ministry was expanded on 10 December with the induction of two Cabinet Ministers (Shri Jogendra Pal Pande and Shri Gurudarshan Singh) five Ministers of State (Smt. Rajendra Kaur Bhathal and Sarvashri Avtar Singh Gatwali, Darshan Singh Kaypee, Bir Pal Singh and Bhagwan Dass) and one Deputy Minister (Shri Ujagar Singh).<sup>11</sup>

## UTTAR PRADESH

*Expansion of Ministry:* On 1 October, five Deputy Ministers were appointed Ministers of State and two new Deputy Ministers were inducted in the Government, raising the strength of the Council of Ministers to 49—17 of Cabinet rank (including the Chief Minister), 26 Ministers of State and 6 Deputy Ministers.<sup>12</sup>

## DEVELOPMENTS ABROAD

## ALBANIA

*Suicide by Prime Minister:* On 19 December, Mr. Mehmet Shehu, Prime Minister of Albania for the last 27 years committed suicide.<sup>13</sup>

## ARGENTINA

*New President:* On 22 December, Lt. Gen. Leopoldo Galtieri was sworn in as the fifth Head of State since 1976.<sup>14</sup>

<sup>9</sup>. *Indian Express*, 12 November, 1981.

<sup>10</sup>. *Times of India*, 23 December, 1981.

<sup>11</sup>. *Hindustan Times*, 11 December, 1981.

<sup>12</sup>. *Times of India*, 2 October, 1981.

<sup>13</sup>. *Hindustan Times*, 20 December, 1981.

<sup>14</sup>. *Statesman* 23 December 1981.

BANGLADESH

*Election of new President:* The Acting President, Mr. Abdus Sattar, who belonged to the ruling Bangladesh Nationalist Party, won a massive victory in the Presidential election held on 15 November, defeating his nearest rival Dr. Kamal Hussain of the Awami League by a margin of over 85,00,000 votes.

On 20 November, Mr. Sattar was sworn in as the eighth President of the People's Republic of Bangladesh, in succession to Mr. Ziaur Rehman, whose assassination on 3 May necessitated the election.

President Sattar appointed his new Council of Ministers on 27 November, comprising 23 Cabinet Ministers, 14 Ministers of State and 4 Deputy Ministers.<sup>15</sup>

BELGIUM

*Swearing in of new Prime Minister:* On 18 December, K. Baudovin was sworn in as Prime Minister of a new Centre-right Coalition Government.<sup>16</sup>

BURMA

*New President:* On 9 November, Parliament elected Mr. U San Yu as President to succeed General Ne Win, who had decided in August 1981 not to seek re-election as President.<sup>17</sup>

CUBA

*Re-election of President Castro:* Mr. Fidel Castro was re-elected as Head of State by the country's National Assembly of People's Power (Parliament) on 28 December.<sup>18</sup>

DENMARK

*Resignation by Prime Minister:* On December 9, Prime Minister Mr. Anker Joergensen tendered the resignation of his minority Government to Queen Margrethe, following the defeat in the general elections of his Social Democratic Party which resulted in 9 fewer seats to the Party as against 68 in the outgoing 179-seat Parliament.<sup>19</sup>

<sup>15</sup>. *Asian Recorder*, 1981, p. 16355, *Statesman*, 21 November and *Hindustan Times*, 28 November, 1981.

<sup>16</sup>. *National Herald*, 19 December, 1981.

<sup>17</sup>. *Hindustan Times*, 10 November, 1981.

<sup>18</sup>. *National Herald* 30 December, 1981.

<sup>19</sup>. *Statesman*, 10 December, 1981.



## DJIBOUTI

**Ban on Opposition parties:** On 2 November, the Government announced the banning of all Opposition parties and permitted only the ruling Popular Rally for Progress (RPP) Party to function in the country, thereby paving the way for a one-party rule.<sup>20</sup>

## EGYPT

**Assassination of President Sadat:** President Anwar Sadat was assassinated by a group of Egyptian soldiers in an attack during a military parade in Cairo on 6 October he was attending on the occasion of the anniversary of his military triumph over Israel eight years ago on this day.

On 7 October, Parliament nominated Vice-President Hosni Mubarak to succeed the assassinated President. His nomination was endorsed in a national referendum on 13 October and he was formally sworn in as President on 14 October.<sup>21</sup>

## FINLAND

**Retirement of President:** On 27 October, the Government announced the retirement of the 81-year old President Mr. Urho Kekkonen on grounds of health.<sup>22</sup>

## GHANA

**Army Coup:** On 31 December, the civilian Government of President Hilla Limann was toppled in a military coup, led by Mr. Jerry J. Rawlings<sup>23</sup>

## GREECE

**New Prime Minister:** Following the defeat of his New Democracy Party in the general elections held on 18 October, Prime Minister George Rallis tendered the resignation of his Government to President Constantine Karamanlis.

On 21 October, Mr. Andreas Papandreou, whose Panhellenic Socialist Movement (PASOK) had won 174 of the 300 seats in Parliament, was sworn in as the new Prime Minister of the country.<sup>24</sup>

<sup>20</sup>. *Hindustan Times*, 3 November, 1981.

<sup>21</sup>. *Hindustan Times*, 8 October and *Statesman*, 7 and 15 October, 1981.

<sup>22</sup>. *Statesman*, 28 October, 1981.

<sup>23</sup>. *Hindustan Times*, 1 January, 1982.

<sup>24</sup>. *Statesman*, 19 October and *Times of India*, 20 October, 1981.

## IRAN

*New President and Prime Minister:* Mr. Hajatoleslam Ali Khamenei elected on 2 October by a big majority, was sworn in on 13 October as the third President of the country in less than four months, replacing Mr. Mohammad, 'Ali Rajai, who died on 29 August, 1981 in a bomb explosion,

On 27 October President Khamenei named Foreign Minister Mr. Mir Hossein Musavi as the new Prime Minister. Mr. Musavi's name for this post was approved by Parliament on 29 October by 115 votes to 39 with 48 absententions.<sup>25</sup>

## NORWAY

*New Prime Minister:* Following the defeat of the Socialist Government in the elections held in September, 1981, Mr. Kaare Willoch, a Conservative became the country's new Prime Minister on 13 October.<sup>26</sup>

## POLAND

*Declaration of emergency:* On 13 December, the Communist rulers blamed the Solidarity free trade union for "pushing the country to the brink of civil war", declared a state of emergency and called in the military to run the country. A number of Solidarity leaders were detained, night curfew throughout the country was clamped and all trade union activity was prohibited.<sup>27</sup>

## SINGAPORE

*Election of new President:* On 23 October, Parliament elected Mr. Devan Nair as the third President of Singapore in place of Mr. Benjamin Henry Sheares, who died in May 1981.<sup>28</sup>

## TRINIDAD AND TOBAGO

*Majority for ruling Party:* The ruling People's National Movement was returned to power for the sixth successive term by a big majority in the general elections held on 9 November.<sup>29</sup>

## TUNISIA

*Victory for Socialist Party:* On 3 November the Destourian (Constitutional) Socialist Party, which had monopolised country's political

<sup>25</sup>. *Hindustan Times*, 14 and 29 October, 1981.

<sup>26</sup>. *Hindustan Times*, 15 October, 1981.

<sup>27</sup>. *Statesman*, 14 December, 1981.

<sup>28</sup>. *Times of India*, 24 October, 1981.

<sup>29</sup>. *Statesman*, 11 November, 1981.

life since the end of French Colonial rule in 1956, won all the 136 parliamentary seats in the first ever elections held in the country on 1 November.<sup>30</sup>

#### TURKEY

*Dissolution of Political Party:* On 16 October, the National Security Council, which had been running the country since the military *coup* of 12 September, 1980, dissolved all political parties and decreed that their assets be transferred to the Treasury.

The ruling Council of five top Generals also announced the formation of a Constituent Assembly consisting of 160 members (40 of whom were elected directly and another 120 picked up from a list of 360 candidates sent by provincial Governors), which will draft a new Constitution to restore democracy in the country.<sup>31</sup>

#### UNITED ARAB EMIRATES

*Re-election of President:* The Supreme Council of the United Arab Emirates re-elected on 7 November President Sheikh Zaid Bin Sultan al-Nahayan and Vice-President Sheikh Rashid Bin Said al-Maktoum, to their third consecutive five-year terms in office.<sup>32</sup>

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<sup>30</sup>. *Hindustan Times*, 4 November, 1981.

<sup>31</sup>. *Statesman*, 17 October, 1981.

## SESSIONAL REVIEW

## SEVENTH LOK SABHA

## SEVENTH SESSION

The Seventh Session of the Seventh Lok Sabha was held from 23 November to 24 December, 1981. A brief resume of some of the important discussions held and other business transacted during the Session is given below.

## A. DISCUSSIONS

*Killings in Deholi village in Mainpuri District, Uttar Pradesh:* Making a statement in response to a Calling Attention Notice by Shri Satyasadhan Chakraborty on 23 November, 1981, the Minister of Home Affairs Giani Zail Singh informed the House that a ghastly incident had taken place on 18 November, 1981 in Deholi Village, Mainpuri district, Uttar Pradesh, in which 8 desperadoes and their associates had raided the houses of Jatavas, killing 24 persons and injuring another 6 persons belonging to the same caste. On receipt of information, the police had registered a criminal case and vigorous efforts to arrest the culprits were being made. He has also had discussions with the Chief Minister and the officials of the State Government about the administrative measures to be taken in this regard to bring the offenders to book without delay.

Answering questions, Giani Zail Singh felt that such massacres were due to the seeds of hatred sown in the society. In order to provide security to Harijans, he felt that Government should give them every assistance so as to be able to defend themselves against such attacks. Besides, the State Governments were being asked to induct more Harijans in the police force.

The matter came up for discussion again in the House on 24 December, 1981. Initiating the discussion, Shri Suraj Bhan demanded that culprits of Deholi carnage should be punished and their properties confiscated. He also wanted the Government to take some drastic steps so that confidence among Harijans was restored.

Replying to the discussion lasting for more than six hours in which 19 Members participated\*, the Home Minister observed that the incident could be the result of caste war, class war or personal enmity. It was wrong to charge the Chief Minister with having given protection to his own men.

The Home Minister did not agree that lack of land reforms or economic disparity was the cause of such happenings. According to him the provision for reservation for Harijans and demand of the educated Harijan youths for their due under the law had also led to adoption of an hostile attitude by non-SC/ST people towards them. He solicited the co-operation of all political parties and others to overcome the evil of casteism.

Dealing with the demand for judicial inquiry into the incident, Giani Zail Singh said that personally he was in favour of it, but he had an apprehension that since a judicial inquiry entailed a long process it might give an opportunity to the culprits to destroy evidence against them. He however, promised to consult the State Government in the matter.

As regards supply of arms to Harijans, the Minister said that the two alternatives before the Government were either to equip Harijans with arms or withdraw arms from all those who possessed them. The Government, he added, would bring forward a comprehensive legislation on the subject during the ensuing Budget Session of Parliament after due consultation with all concerned.

*India's extended arrangement with the International Monetary Fund.*— Making a statement on 23 November, 1981, the Minister of Finance, Shri R. Venkataraman informed the House that the Government had successfully concluded negotiations with the International Monetary Fund for drawing an amount of SDR 5 billion under the Extended Fund Facility. The International Monetary Fund had approved an extended arrangement for the full amount requested which would be made available in accordance with the established policies in respect of the Fund's ordinary and borrowed

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\* The Members participated in the discussion were: Sarvashri Arif Mohammad Khan, Jharkhande Rai, Arvind Netam, Rana Vir Singh, Satyashadhan Chakravorty Krishna Prakash Tewari, Sunder Singh, D.P. Yadav, Raghunath Singh Verma, Ram Pyare Panika, Jagjivan Ram, Chandra Pal Shailani, Subramaniam Swamy, Mahavir Prasad, Ram Svarup Ram, R.H. Rakesh, A. K. Roy, Hiralal R. Parmar and Chhan-gur Ram.

resources. The adjustment programme outlined in the documents submitted to the International Monetary Fund was an integral part of the Sixth Plan and reflected faithfully the strategies, programmes and the investment priorities of the Plan. There was no departure from the policy of self-reliance, he added.

Shri Venkataraman said that the need for the loan had arisen from the adverse balance of payment situation due to doubling of oil prices in the last two years, sharp decline in the foreign reserves, fall in the demand for Indian export goods and rising protectionism in the industrial countries.

The Finance Minister maintained that the Government was not contemplating devaluation of the rupee and the arrangement with the I.M.F. would in no way affect India's rupee payments agreements with the number of countries.

Defending the I.M.F. arrangement, Shri Venkataraman said that the Government had fully safeguarded the vital interests of the country. He assured the House that the Government would not do anything which would be derogatory to the country's self-respect or to the national interests. It had been clearly indicated to the I.M.F. that the arrangements worked out with it would be fully in line with India's declared policies accepted by Parliament.

The matter came up for discussion again in Lok Sabha on 21 December, 1981. Moving a motion on the subject for consideration of the House, Shri Venkataraman denied the allegation that some other agreement had been signed between the I.M.F. and the Government of India. There was only one document *i.e.* letter of sanction which was all binding. He said that in a letter of intent accompanying the application for loan, it had been stated that the Government of India would consult the I.M.F. on all matters relating to economic policy etc., but would adopt only those policies and programmes, which were national policies approved by Parliament.

Shri Venkataraman reiterated that in order to tide over the deteriorating balance of payment position, the Government had taken recourse to raising of loan from the I.M.F. It took action in time otherwise after wiping out foreign reserves it would have had to approach the I.M.F. as a beggar instead of a borrower. The cutting down of imports of oil and other raw materials, if resorted to for meeting the situation, would have affected the industrial production and led to unemployment and closure

Concluding, the Finance Minister explained that one of the conditions which restricted Government's borrowing from outside market to Rs. 1400

crores did not apply to the I.D.A. loans and bilateral agreements with socialist countries.

Opposing the motion, Prof. Madhu Dandavate said that there could have been some alternative to having such a big loan from the I.M.F. under humiliating conditions. He suggested that import bill on fertilizers, chemicals and metals should be toned down by encouraging indigenous technology. Shri Indrajit Gupta wanted to know how the proposed loan was going to be utilized. He cautioned that India should not be reduced to the position of bonded labour of the IMF. Shri A. Neelalohithadasan Nadar said that the liberalisation of imports in collaboration with the multi-national powers would harm the economy and the national interest. He called for development of public sector and evaluation of a system of socialistic economy.

Supporting the motion, Shri C. T. Dhandapani said that the IMF had not stipulated any strict conditions on the loans being given to India and appealed to the Opposition not to politicalise the matter.

In a brief intervention in the debate, the Prime Minister, Smt. Indira Gandhi said that the I.M.F. loan or the agreement for the loan was a line of credit and the Government would borrow only when it was in the national interest.

Smt. Gandhi affirmed that there was absolutely no question of India accepting any programme which was incompatible with policies declared and accepted by Parliament. It was inconceivable, she observed, that the Government would accept assistance from an external agency which dictated terms not in consonance with such policies.

The debate lasted for more than nine hours in which 17 other Members\* took part.

Winding up the discussion, Shri Venkataraman said that although at the present moment it appeared that India might require all the Rs. 5000 crores, there were possibilities of the country not needing the whole amount under certain circumstances. It would also be possible to reduce dependence on imported oil or to become more or less self-sufficient if the prospects of oil exploration in the Bombay High, Godawari Basin and the Cauvery Basin proved successful in the course of the next seven or eight years.

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\* The other Members who took part in the discussion were: Sarvashri Mohan Lal Sukhadia, Sunil Maitra, Jagannath Rao, Biju Patnaik, Chandra Shekhar Singh, Kamal Nath, B. R. Bhagat, H.K.L. Bhagat, Satish Chandra Aggarwal, Eduardo Faleira, Y.S. Mahajan, K.P. Unnikrishnan, A.K. Roy Chitta Basu, Gulam Rasool Kochack, Chandrajit Yadav and Shrimati Jayanti Patnaik

Shri Venkataraman rejected the suggestion made by Members to meet the exchange requirements of the country by sale of reserve gold, since, in his opinion, by adopting such a course India would lose her credibility which she commanded in the international market.

Allaying the fears expressed by Members regarding liberalisation of imports working against efforts to achieve self-reliance, the Minister said that imports would be restricted to essential sectors like expending exports, increasing production and enlarging the industrial base. At the same time the Government, he added, would not stand in the way of Public Sector going in for import of certain technology, raw material and equipment if they considered them necessary for efficient working.

Rejecting the opposition plea that by taking loan, India would become a bonded labour of the I.M.F., Shri Venkataraman maintained that with the economic strength and political will of the country, it would not be possible for anybody to dictate terms derogatory to India's national interest and national self-respect. The Government, he reiterated, had told I.M.F. that they would only be bound by policies which were sponsored by Parliament.

Offer of "No War" Pact by Pakistan: Making a statement on 25 November, 1981, the Minister of External Affairs, Shri P. V. Narasimha Rao recalled that as early as on 22 December, 1949, the late Prime Minister Nehru had proposed to Prime Minister Liaquat Ali Khan of Pakistan that the two Governments signed a joint non-war declaration. The same offer was thereafter repeated on numerous occasions by Prime Ministers Nehru, Lal Bahadur Shastri (in 1965), Shrimati Indira Gandhi (in 1968), and Shri Morarji Desai (in 1977). When our Foreign Secretary visited Pakistan in February, 1980, he had also renewed the offer to sign a no-war pact with Pakistan so that no apprehensions remained in that country about any threat from India. The repeated offers by India, the Minister pointed out, had invariably and all along drawn a negative response from Pakistan. It had been stated by Pakistan on a number of occasions that the Simla Agreement itself was a kind of no-war pact and, therefore, there was no further need for thinking of any such pact.

Giving details of the stand now taken by Pakistan, Shri Rao said that Pakistan's offer which had been officially conveyed on 22 November, 1981, was initially contained cryptically in a public statement released to the media on an entirely different subject, ironically enough, justifying the acquisition of arms which were more likely to regenerate confrontation and to promote arms race in the sub-continent.

Shri Rao re-affirmed India's commitment to the normalisation of relations with Pakistan as laid down in the Simla Agreement, which envisaged



settlement of all problems by direct bilateral discussions, without the intervention of third parties. It was on the same basis that India had originally offered the no-war pact. India, he added, stood by it, as such, with no exceptions, no conditions and no variations. India's attitude towards Pakistan's offer of no-war pact would be positive on the basis that it constituted an acceptance of India's offer of no-war pact which had stood intact since 1949 and also as a further amplification of the Simla Agreement.

**Rise in prices of essential commodities:** Making a statement in response to a Calling Attention Notice by Shri P. K. Kodiyan on 26 November, 1981, the Deputy Minister in the Ministry of Civil Supplies, Shri Brajamohan Mohanty expressed Government's concern about the rising trend in prices of some of the essential commodities since March 1979. The Government, he added, attached considerable importance to the availability of essential commodities at reasonable prices and had taken appropriate monetary and fiscal measures. The other steps taken in this behalf included increase in production, strengthening of the public distribution system and import of essential commodities in short supply. The State Governments were enforcing the provisions of the Essential Commodities Act and similar other legislations to curb the malpractices indulged in by anti-social elements. As a result of those measures, the rate of inflation had come down and wholesale price index declined. Besides, the prices of some essential commodities like sugar, gur potatoes had also shown a declining trend.

Answering questions, the Minister of Agriculture and Rural Reconstruction and Irrigation and Civil Supplies, Shri Rao Birendra Singh ruled out the taking over of the foodgrain trade.

**Situation arising out of conspiracy by separatist elements against the integrity of the country:** Raising a discussion on the subject on 23 April, 1981, Shri Mani Ram Bagri urged that separatist elements should not be permitted to engineer further disintegration of the country. He pleaded with the Government to refrain from interfering in the religious affairs of Sikhs and pay attention to their grievances. Shri C. T. Dhandapani asserted that separatist movements developing in the border States in North-Eastern region, Jammu and Kashmir and Punjab should be ripped in the bud.

Participating in the resumed discussion on 1 December, 1981, Shri Samar Mukherjee demanded that the grievances of all nationalities, sub-nationalities and ethnic groups should be attended to and they should be helped in all possible ways. Democratic consciousness of secularism must be inculcated throughout the country. He also wanted more autonomy to be given to the States.

Shri Jaipal Singh Kashyap said that Khalistan movement was handiwork of certain separatist anti-national elements and should be suppressed with a heavy hand.

Intervening in the discussion, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana said that Government had taken the Opposition into confidence on the Assam problem and it was on their suggestion that the Government had begun talks with the leaders of agitation. The situation prevailing in Punjab was a national issue and it could not be taken in isolation. The Government, he said, was prepared to take the help of the Opposition in the Punjab and other matters.

As regards the situation in the North-eastern region, Shri Makwana said the excepting Mizoram where there was some insurgency, there were at present very few problems in other areas of the region.

Replying to a discussion lasting for more than five hours in which 18 Members\* participated, the Minister of Home Affairs, Giani Zail Singh declared that on movements such as the one for Khalistan, the Government would not talk to their protagonists unless they declared themselves to be under the discipline of India's laws.

As regards the entry of police in places of worship, Giani Zail Singh said that opinion should be built against a blanket ban on police entering those places, as also against the use of such premises for non-religious purposes. If the Government was asked not to allow the police to enter holy places, there ought to be a code of conduct preventing the shrines from being used by miscreants.

Referring to the Khalistan movement, the Minister observed that it had little support among the sikh masses, but it had to be dealt with firmly. The Centre was also in touch with other State Governments to keep a tab on such recessionist elements. In the absence of undisputed evidence it was not possible for him either to confirm or deny the allegation that the Khalistan demand was backed by some foreign countries.

Ruling out a plea by certain members for granting more autonomy to the States, Giani Zail Singh held that a strong centre was absolutely essential to preserve the unity and integrity of the country.

*Tragedy at Qutab Minar:* Making a statement on 4 December, 1981, the Minister of Home Affairs, Giani Zail Singh informed the House that a large number of people, majority of them being students from different

\* The Members Sarvashri Zainul Basher, Rashid Masood, Amarendra Singh R.S. Sparrow, G.L. Dogra, Suraj Bhan Bapusaheb Parulekar, P.T. Bhatia, Bhogendra Jha, H.K.L. Bhagat, Nathu Ram Mirdha, Rajesh Pilot Chitta Basu Chiranjii Lal Sharma Farooq Abdullah, Chandrajit Yadav, Ram Vilas Paswan and Smt. Gurbrinder Kaur Brar.

parts of the country were inside the Qutab Minar when, between 11.30 A.M. and 12 Noon, due to sudden power breakdown inside the Qutab Minar there was confusion and stampade resulting in the death of 45 persons and injuries to 21 others.

Expressing his sorrow and sympathy for the bereaved families, the Speaker, Dr. Bal Ram Jakhar observed that "it is a tragic day. . . . it is a thing on which even a stone will melt. . . ."

After standing in silence for a short while, the House adjourned as a mark of respect to the memory of the deceased.

The above statement by the Minister of Home Affairs was the subject matter of debate in the House on 7 December, 1981.

Initiating the discussion, Shri Atal Bihari Vajpayee said that the tragic incident could have been prevented had there been proper lighting and other arrangements. He suggested posting of additional police force and officers of the Archeological Department for checking the anti-social elements indulging in eve-teasing.

Participating in the discussion, Professor Madhu Dandavate demanded a provision of emergency lights in Qutab and payment of higher compensation to the bereaved families.

Intervening in the discussion, the Minister of State of the Ministry of Education and Social Welfare, Shrimati Sheila Kaul said that no credence should be given to the rumours. The discussion, she added, had brought out a fact that Archaeological Department lacked funds.

Replying to the discussion in which 15 other Members\* participated, the Minister of Home Affairs, Giani Zail Singh said that it would be difficult to blame anybody in an incident like this. In spite of that, a judicial enquiry was being held so that if there was any lapse or human failure in it, it could be found out and measures devised to avoid recurrence of such incidents in future. He hoped that the District Judge who was holding the judicial enquiry would throw proper light on the incident so that the Government could discharge its responsibility properly.

\* Those who participated in the discussion were Sarvashri H.K.L. Bhagat, Sajjan Kumar, Mani Ram Bagri, Jagdish Tytler, Somnath Chatterjee, Nawal Kishore Shrama, Rashid Masood, Bhiku Ram Jain, Sontosh Mohan Dev, Ramavatar Shastri, Chandrajit Yadav, Dharam Dass Shastri, A.K. Roy, B.D. Singh and Smt. Krishna Sahi.

*Launching of Bhaskara II:* Making a statement on 10 December, 1981, the Minister of State in the Departments of Science and Technology, Electronics and Environment, Shri C. P. N. Singh informed the House that Bhaskara II, the second experimental earth resources survey satellite launched on 20 November, 1981, was being continuously monitored from ground stations at Sriharikota, Ahmedabad, Bangalore and from Bears Lake near Moscow in the USSR. The satellite as well as all the spacecraft systems were functioning well. After Aryabhata and Bhaskara-I, Bhaskara-II marked another important milestone in the continuing Indo-Soviet cooperation in Space Research. The entire nation was proud of the contributions and achievements of Indian scientists, technologists, engineers and the workers who had made the project a success.

Bhaskara-II, the Minister added, would mark the close of the first phase of the experimental system. It would lead to the semi-operational system of generation and utilising satellite-based remotely-sensed data; one vital component in this phase would be the Indian Remote Sensing Satellite Project for which considerable user coordination and design activity had been done during the past three years.

*International Situation:* On 18 September, 1981, the Minister of External Affairs, Shri P. V. Narasimha Rao moved the following motion for the consideration of the House:

“That this House do consider the present international situation and the policy of Government of India in relation thereto”.

Initiating the discussion, Shri Satyasadhan Chakraborty said that poverty in the world could be overcome if USA could share their wealth with the developing and under-developed countries.

Continuing his speech during the resumed debate on 10 December, 1981, Shri Chakraborty called upon the Government to realise the situation created by U.S. decision to arm Pakistan and follow a policy of self-reliance so as to stand on its own legs.

Shri Indrajit Gupta agreeing that the so-called offer of no-war pact by Pakistan was a ploy, asked the Government to take steps to educate the people about India's stand on the said offer. Shri Jaipal Singh Kashyap on the other hand wanted the Government to take a positive attitude towards Pakistan's offer and condemn unequivocally the presence of Soviet troops in Afghanistan.

Replying to an eight-hour discussion in which as many as 12 other Members\* participated, Shri Rao reaffirming that India stood for total disarmament; for, it considered nuclear weapons of mass destruction as a crime against humanity.

Dealing with Indian Ocean, Shri Rao observed that 5 to 6 countries had some kind of presence there and India wanted all of them to be out of the area.

As regards Afghanistan, the Minister pointed out that India had been taking a consistent line that it did not want foreign troops in that country as it did not want foreign troops in any other country. India's entire effort during 1980 was to seek a non-aligned formula by which a political solution could be found.

Referring to India's relations with Nepal, Shri Rao said that there were much brighter possibilities of cooperation with her now than about a couple of years ago. There had been a realisation on both the sides that the two countries were so inter-linked in various spheres and their cultural ties were so strong that it was not possible for them to go their own separate ways.

As regards Bangladesh, India had some problem with regard to the New Moore Island. With goodwill on both sides and determination not to allow the situation to get out of hand, it had been possible to defuse the situation on both the Island and border issues.

Dealing with the "No war Pact" offer by Pakistan, Shri Rao made it clear that "India's response will be positive on the basis that the offer now made by Pakistan constituted an acceptance of our offer which had been there for the last 30 years". It would be unfair, he added, to expect of India to wash away the history of 30 years, the period during which there had been persistent refusal by Pakistan to accept India's offer on several grounds.

The House adopted the following substitute motion moved by Shri B. V. Desai:

"This House having considered the present international situation and the policy of Government of India in relation thereto, wholeheartedly supports the Government of India's firm determination to pursue the policy of non-alignment in dealing with present international situation".

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\*The Members who participated in the discussion were: Sarvashri Madhav-Rao Scindia, Chandrajit Yadav, Eduardo Faleiro, Ram Jethmalant, Zainul Basher, P. Namgyal Ram Singh Yadav, Ratan Singh Rajda, Narain Chand Parashar, G. L. Dogra, Shivkumar Singh and Ajit Singh Dabhi.

*Inadequacies in the Electoral Law:* Raising a discussion on 14 December, 1981 under Rule 193, Shri Chitta Basu pointed out that there were inadequacies in the existing electoral laws particularly in matters relating to specifying particular dates before which a bye-election to the Parliament was to be completed. An instance in point was the indefinite postponement of Garhwal bye-election where the electorate had been denied their inalienable right to represent themselves in the Parliament and this, he said, had shaken the faith of the people in the system itself.

Replying to a four-hour discussion in which 11 other Members\* took part, the Minister of Law, Justice and Company Affairs, Shri Shiv Shankar agreed that a particular constituency should not remain unrepresented for a long time. It was, however, difficult to fix a time-limit for the bye-election.

On the general question of electoral reforms, the Minister reiterated that the whole gamut of the Election Law was being considered and in fact the Ministry of Law had come to certain provisional conclusions. The matter was now before the Cabinet Sub-Committee, which was expected to arrive at provisional decisions in three to four weeks time. Thereafter, as decided by the Prime Minister, the leaders of Opposition would be invited for a discussion, after which the matter would be finalised.

About the Garhwal poll, Shri Shiv Shankar said that election held there on 14 June, 1981 had been set aside by the Election Commission on the sole ground of the presence of Haryana police in the constituency. Right from 1952 when the first Election was held, outside forces had been deployed at the behest of the Central Government and at no point of time either the Election Commission was informed or its permission to deploy outside forces sought. In his view the question that would have ultimately to be resolved was whether presence of the police would vitiate the elections.

Dealing with the indefinite postponement of elections in Garhwal constituency fixed for 22 November, 1981, the Minister said that the State Government had brought some facts to the notice of the Election Commission for its direction and guidance. It had never asked for postponement of elections. The Election Commission, however, gave credence to the grounds assigned by the State Government and in its wisdom postponed the elections. It would have been much better if the Election Commission, having regard to the situation, had requested the Central Government for deployment of forces.

\*The Members who took part in the discussion were: Sarvashri K. Lakkappa, Harish Chandra Singh Rawat, Satyasadhan Chakraborty, Janardhana Poojary, Ram Vilas Paswan, Nawal Kishore Sharma, Ram Jethmalani, Acharya Bhagwan Dev, Ratan Singh Rajda, Bhogendra Jha. and Harikesh Bahadur.

Referring to the suggestion that there should be a three-member of Election Commission or that there should be some checks and balances, Shri Shankar said that these issues were engaging the attention of the Government.

Shri Shiv Shankar said that he shared the agony and anguish expressed by Members about the election having not taken place in Garhwal constituency, but, he said, the Government had to respect the democratic institution of the Chief Election Commission. If there were defects in a particular institution, it would be in the large interest of the nation to set it right.

*Official Sino-Indian talks, annexation of Golan Heights by Israel situation in Poland:* A statement on these matters was read out in the House on 17 December, 1981 by the Minister of Parliamentary Affairs, Works and Housing, Shri Bhishma Narain Singh. Giving details of the outcome of the official level talks with China held in Beijing from 10 to 14 December, 1981, the statement said that the two sides had a fairly detailed exchange of views. Although fairly wide differences persisted, there was hope that the talks could result in a better understanding of each other's position. India on her part regarded the meeting, the first on this subject in 20 years, as a positive step.

Expressing grave alarm at the Israeli decision to apply her law to the occupied Syrian-Arab Golan Heights, the statement reaffirmed that acquisition of a territory by force was inadmissible under the U.N. Charter, principles of the International Law and the relevant U.N. Resolutions. The act was highly provocative and aggressive and would further aggravate the already tense and violate situation in West Asia. India, in a co-sponsored draft Resolution, had asked the U.N. General Assembly to declare the Israeli action null and void.

Referring to the situation in Poland, the statement said that India viewed such developments from the stand point of her commitment to the principles of non-interference. The happening in Poland was primarily the concern of its Government and the people.

*Statutory Resolution re: approval of Presidential Proclamation in relation to the State of Kerala and Supplementary Demands for Grants (Kerala) 1981-82:* Moving the Statutory Resolution for approval of the Proclamation on 17 December, 1981, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana said that in the wake of sudden political developments during October, 1981, the coalition Government of Left Democratic Front headed by Shri E. K. Nayanar was reduced to a minority and accordingly on 20 October, 1981, the Chief Minister of Kerala submitted the resignation of his Ministry to the State Governor. In her report to the President, the Governor had recommended issue of Proclamation under

Article 356 of the Constitution and keeping of the State Assembly under suspended animation.

Commending the Resolution to the House, Shri Makwana said that the political situation in Kerala was still fluid and as such no Ministry would be able to assume office by 21 December, 1981, by which time present Proclamation would expire.

Opposing the Statutory Resolution, Sarvashri Indrajit Gupta, Atal Bihar Vajpayee and Jai Pal Singh Kashyap demanded the dissolution of Kerala Assembly and holding of fresh elections in the State.

15 other Members\* participated in the brief combined discussion which ensued. Replying to the statutory Resolution, Shri Makwana denied the allegation that keeping of Kerala Assembly in suspended animation was politically motivated. He claimed that the Government in the State fell of its own burden. He assured the House that the Government would consider the suggestion regarding scrapping of Commission appointed by the State Government to look into the alleged spirit scandal.

The Minister of Finance, Shri R. Venkataraman replied to the debate relating to Supplementary Demands for Grants.

The Statutory Resolution was adopted.

All the Supplementary Demands for Grants (Kerala) 1981-82 were voted in full.

*Reform in the Sales Tax System:* Making a statement on 21 December, 1981, the Minister of Finance, Shri R. Venkataraman said that there had been a widespread and long-standing demand by various Chambers of Commerce, Associations of Industry and Trade and the general public for basic reforms in the sales tax system obtaining in the country. The problem in all its aspects was discussed in September, 1980, and again in February, 1981 at a conference of Chief Ministers and Ministers-in-charge of Sales Tax. It had adopted a Resolution recommending appointment by the Central Government of an Expert Committee to study the financial implications of the proposal for inclusion in the list of declared goods and for levy of additional excise duty in lieu of sales tax on vanaspati, drugs and medicines, cement, paper and paperboard and petroleum products as also the

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\*Members who took part in the discussion were: Sarvashri M. M. Lawrence, B. K. Nair, Xavier Arakal, Jagpal Singh Sontosh, Mohan Dev, K. Mayathevar, Zainul Basher, Subramaniam Swamy, P.M. Syeed, K.T. Kosalram, Chitta Basu, G.M. Banatwalla, Chandrajit Yadav, Girdhari Lal Vyas and E.K. Imbichibava.



manner in which the financial interests of the States could be safeguarded. In pursuance of the aforesaid Resolution, the Government had decided to appoint an Expert Committee under the Chairmanship of Shri Mohan Lal Sukhadia, M.P. with Dr. P.H. Prasad and Shri N. S. Krishnan as Members;

*Statutory resolution re: approval of Presidential Proclamation in respect of Assam:* On 21 December, 1981, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana moved the following motion:

“that this House approves the continuance in force of the Proclamation, dated the 30th June, 1981 in respect of Assam, issued under article 356 of the Constitution by the President, for a further period of six months with effect from 30 December, 1981”.

The House took up combined discussion on the above Resolution and the Statutory Resolution re: approval of Notification of Government of Assam declaring certain services essential and Supplementary Demands for Grants (Assam) 1981-82.

Opposing the Resolution regarding extension of the Essential Services Maintenance Act, Shri Somnath Chatterjee said that the solution could never be achieved by repressive measures against the working class. He wanted the problem of Assam to be tackled with care and by taking into account the urges and aspirations of the people of the entire north-eastern region. The Government, he added, should give protection to the people who had been the subject of attacks.

Shri Atal Bihari Vajpayee contended that the agitation by Assamese was for the integration of the country and was not recessionist in Character. He wanted the Government to find out an amicable solution to the problem.

Replying to the discussion in which 12 other Members\* participated, Shri Makwana informed the House that 14 rounds of talks had already been held with the leaders of agitation at several points of time. In their latest proposals the leaders of the agitation demanded amendments of the Constitution, the Foreigners' Act and the Citizenship Act, which could not be accepted by the Government.

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\*The Members who took part in the discussion were: Sarvashri Sontosh Mohan Dev, B. D. Singh, Zainul Basher, K. Mayathevar, Harish Chandra Singh Rawat, Saminuddin, Acharya Bhagwan Dev, Ravindra Varma, Krishnan Datt Sultanpuri, Ngangom Mohendra, Chitta Basu and G. M. Banatwalla.

Shri Makwana denied that Government was adopting an attitude of confrontation and assured that all steps would be taken to protect the lives and properties of minorities not only in Assam but all over the country.

The Minister of Finance in his brief reply relating to the Supplementary Demands for Grants (Assam) contended that the plan assistance given to Assam was very much higher than the All-India average.

Statutory Resolutions regarding approval of Notification by the Government of Assam declaring certain services essential and approval of Presidential Proclamation in respect of that State were adopted and all the Supplementary Demands for Grants (Assam) 1981-82 were voted in full.

## B. LEGISLATIVE BUSINESS

*National Bank for Agriculture and Rural Development Bill, 1981\**: On 26 November, 1981, moving that the Bill be taken into consideration, the Minister of Finance, Shri R. Venkataraman said that the National Bank for Agricultural and Rural Development was being set up as a statutory corporation to be owned jointly by the Government and the Reserve Bank of India. The entire undertaking of the Agricultural Refinance and Development Corporation would be transferred and vest in the new Bank. It would be a single integrated agency for meeting the credit needs of all types of agricultural and rural development schemes and would also help in the implementation of policies and programmes included in the Sixth Five Year Plan document.

Shri Venkataraman maintained that the rate of interest would not go up on account of setting up of the proposed Bank. As the Bank would be performing its functions through the primary institutions of the States, it would in no way encroach upon the jurisdiction of the cooperative societies or the State Governments.

On 27 November, 1981 replying to the two-day discussion in which 16 other Members\*\* participated, Shri Venkataraman reiterated that the proposed bank would meet the long standing demand of over 40 years for a separate institution to take care of the credit needs of agriculture and centralisation of the activities in respect of rural development.

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\*The Bill was introduced by the Minister of Finance Shri R. Venkataraman on 18-9-1981.

\*\*The Members who took part in the discussion were: Sarvashri Zainal Abedin, Y. S. Mahajan, Chandrajit Yadav, Uma Kant Mishra, Rajnath Sonkar Shastri, Pratap Bhanu Sharma, T. R. Shamanna, Chakradhari Singh, K. M. Madhukar, Xavier Arakal, Chitta Basu, N. G. Ranga, D. P. Yadav, P. Rajogopal Naidu, Ashfaq Hussain and G. L. Dogra.

Shri Venkataraman ruled out the suggestion of appointment, on the Board of Directors of the Bank, of Members of Parliament. He, however, agreed to examine the suggestion of associating Members of Parliament with the Advisory Council of the proposed Bank.

The motion for consideration of the Bill was adopted and the Bill, as amended, was passed on 30 November, 1981.

*Sugar Undertakings (Taking-over of management) Amendment Bill:* On 30 November, 1981, moving that the Bill as passed by Rajya Sabha be taken into consideration, the Minister of Agriculture & Rural reconstruction and Irrigation and Civil Supplies, Shri Rao Birendra Singh said that the original Act had been passed in 1978, after which Government had taken over for a period of three years certain Sugar Mills in the interest of workers, sugarcane growers and for increased production of sugar. The Government now felt that the period of three years was not sufficient for their full recovery and therefore proposed to extend the period for at least three more years.

In the brief discussion ensued, 12 other Members\* participated. Winding up the debate, Shri Rao Birendra Singh did not agree with the suggestion that instead of extending the period temporarily the Government should take over the concerned sugar mills. In his opinion, since more than 50 per cent of the Sugar Mills in the country were in the cooperative sector, the sugar industry was as good as nationalised. The Government, he added, had taken a policy decision to grant licences for new mills to cooperatives as far as possible. The Government had even put restrictions on the expansion capacity of private mills and now they would have to satisfy certain conditions, such as, development of the rural area around the mills, before they were allowed to expand.

The Minister agreed with the suggestion that the Sugar mills should not be allowed to become sick and the Government should take upon itself the **responsibility of their modernisation.**

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

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\*The Members who took part in the discussion were: Sarvashri Zainal Abedin, Chandrabhan Athare Patil, Jharkhande Rai, Harish Chandra Singh Rawat, Harikesh Bahadur, N. Selvaraju, Chitta Basu, Mool Chand Daga, R. L. P. Verma, Balasaheb Vikhe Patil, Dr. Subramaniam Swamy and Shrimati Krishna Sahi.

*The Aligarh Muslim University (Third Amendment) Bill, 1980:* Moving a motion for consideration of the Bill\* on 22 December, 1981, the Minister of State in the Ministry of Education and Social Welfare, Shrimati Sheila Kaul said that the Bill sought to restore the historical character to the Aligarh Muslim University. The proposed amendment of the Title and Preamble to the Act reflected the historical reality that the University was established by Muslims of India and not by the Government. The Bill empowered the University to promote the educational and cultural advancement of Muslims of the country.

Supporting the Bill, Shri Indrajit Gupta suggested that in order to maintain the minority character of the University, its Court should be given the status of the supreme administrative body. Shri Ebrahim Sulaiman Sait pleaded for the restoration of the minority character of the Aligarh Muslim University and bringing it under the purview of Article 30(1) of the Constitution.

Winding up the discussion in which 17 other Members\*\* participated, Shrimati Sheila Kaul said that the Bill had been introduced in the fulfilment of our pledge and had been formulated on the basis of the consensus in the welfare of that great institution.

Dispelling the misgivings expressed by some Members that the University would lose its secular and democratic character, the Minister pointed out that the Bill unequivocally provided that the University would be open to all persons of whatever race, religion, creed, caste or class. To maintain the democratic character, the University had a management structure consisting largely of elected representatives and would function within the framework of the Act. The Court was the supreme body in the University. The Bill, she reiterated, had emerged after a good deal of discussion and after prolonged consultation with all shades of opinion. Imperfection if any in the Bill could be improved after seeing how it worked.

The Bill, as amended was Passed

### C. THE QUESTION HOUR

In all, 16612 notices of questions (12083 Starred, 4485 Unstarred and 44 Short Notice Questions) were received during the Session. Out of these

\*The Bill was introduced by the Minister of Education and Social Welfare, Shri S. B. Chavan on 23-12-1980.

\*\*The other Members who took part in the discussion were: Sarvashri Somnath Chatterjee, H. K. L. Bhagat, Gulsher Ahmed, Ram Jethmalani, Arif Mohammad Khan, Rashid Masood, V. N. Gadgil, Subramaniam Swamy, Zainul Basher, Chitta Basu, Jamilur Rahman, Ashfaq Hussain, Chandrajit Yadav, Zailil Abbasi, Qazi Saleem, Narain Chand Parashar and Smt. Mohsina Kidwai.

502 Starred and 5613 Unstarred Questions were admitted. No Short Notice Question was admitted during the Session. 22 Starred and 93 Unstarred Questions were postponed/withdrawn/transferred from one Ministry to another.

*Daily average of questions:* Each of the List of Starred Questions contained 20 questions except those of 11 December which contained 21 questions and those of 4, 7, 9, 10 and 21 December which contained 22 questions each and those of 15 and 23 December which contained 23 questions each and those of 14, 18 and 24 December which contained 24 questions each. On an average, 6.26 questions were orally answered daily on the floor of the House. The maximum number of Starred Questions orally answered was 9 on 11 and 15 December, 1981 and the minimum number of question answered was one on 23 November 1981.

*Half-an-Hour Discussions:* In all 69 notices of Half-an-Hour Discussions were received during the Session. Out of these 25 notices were admitted, and six Half-an-Hour Discussions were held during the Session.

#### D. OBITUARY REFERENCES

During the Session, obituary references were made to the passing away of Shrimati Sheoraj Vati Nehru and Sarvashri Sadashiv Daji Patil, Suresh Chandra Deb, Chowdhuri Lahri Singh, Rajaram Dadasaheb Nimbalgar, Ganeshi Lal Chaudhary, Chhotubhai Makanbhai Patel, Gokul Lal Asawa, Birbal Singh and Professor Mahanth Shyam Sunder Das—all ex-Members, and Shri Kartik Oraon, Minister of State in the Ministry of Communications and Shri Mubarak Shah, both sitting Members. The House stood in silence for a short while as a mark of respect to the memory of the deceased.

### RAJYA SABHA

#### HUNDRED AND TWENTIETH SESSION\*

The Rajya Sabha met for its hundred and twentieth session on 23 November, 1981 and adjourned since die on 24 December, 1981. Resume of some of the important discussions and business transacted during the session is briefly given below.

#### A. DISCUSSIONS

*Reported massacre of 24 Harijans in Deoli:* On 24 November, 1981, Shri Satya Pal Malik called the attention of the Minister of Home Affairs

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

to the reported massacre of 24 Harijans in Deoli Village, Mainpuri District, Uttar Pradesh on 18 November, 1981.

Making a statement on the subject, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana said that on 23 November, 1981, he had already made a *suo moto* statement in the House regarding the tragic incident. Replying to the points raised by members, the Minister said that, on enquiry, the Government had come to know that dangerous firearms like carbines were given to the Thakurs during the last two and a half years. It had to be ascertained as to who gave them these firearms. Referring to the Kafalta incident case, in which all the persons involved had been released by the court, the Minister said that the Government had filed an appeal against the said judgement.

The Minister observed that while the Government was well aware of its duty to protect Harijans, there was no plan to arm them for self-defence. A special Peace-keeping Force would, however, be created in the Central Reserve Police (CRP) Force. Three battalions of CRP specially trained for controlling communal riots and communal tension had already been created. CRP were to help the State Government to control the communal tension in any area.

*Agitation for "Khalistan"*: On 26 November, 1981, Shri Jagdish Prasad Mathur called the attention of the Minister of Home Affairs to the agitation for "Khalistan" and wanted to know the steps taken by the Government in this regard.

Making a statement on the subject the Minister of Home Affairs, Giani Zail Singh said that the Government were aware that a very small section of Sikhs, most of them residing abroad, had raised slogans for a Sikh homeland "Khalistan" since the beginning of 1980. One of its main protagonists was abroad and was reportedly trying to seek support from the Sikh settlers in the United Kingdom, the United States of America, Canada and West Germany. The agitation, the Minister said, was confined only to a few disgruntled politicians and extremist elements and lacked popular support among the Sikhs. It was unfortunate that a few stray incidents of violence and acts of terrorism had taken place in Punjab recently. Except for a case of hijacking there was nothing specific to indicate that the incidents of violence were directly connected with the agitation for "Khalistan".

Government were determined to put down such secessionist and anti-national moves with a firm hand. The Government of India were in constant touch with the State Government of Punjab and were rendering all assistance. The State Government had taken administrative action to further strengthen the intelligence system and a number of criminal cases had been

registered against persons suspected to be indulging in activities prejudicial to the integrity of the country. Steps had also been initiated to explain to the people how the misleading propaganda of the 'Khalistan' protagonists was encouraging divisive forces. The Minister was confident that all sections of the House would condemn with one voice such fissiparous and secessionist tendencies.

Replying to some further points, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana said that the Government was not at all complacent about the issue. The Government was strengthening its intelligence agencies inside and outside the country to identify the elements which were helping this movement. Necessary steps were being taken to curb all such secessionist activities.

*India's extended arrangement with the International Monetary Fund:*  
On 3 December, 1981, the Minister of Finance, Shri R. Venkataraman, moved the following motion:

"That India's extended arrangement with the International Monetary Fund be taken into consideration".

Speaking on the motion, the Minister said that all documents connected with the loan application had been placed in the Parliament Library and were available to the members. A confidential document containing an assessment made by the staff of the IMF, circulated to the members of the IMF, could not, out of propriety, be placed in the Parliament Library. The Minister, however, had no objection to anybody perusing that document.

The Minister informed that certain clarifications had been given in the letter of intent, which the Finance Minister had sent to the IMF. In paragraph 5 of the letter of intent, it had been stated that in accordance with the usual practice of the IMF and in accordance with article 4 of the Articles of Agreement between the number and the IMF, India would have consultation with the IMF in respect of all matters relating to the programmes which the Government intended to follow. But India would adopt only such of the measures and policies and programmes as were consistent with its own policies approved by Parliament.

Replying to the debate, the Minister recalled that he had definitely stated earlier that the Government would consult the Fund on the adoption of appropriate measures consistent with national policies accepted by Parliament, and there had been no deviation from that. If, in spite of the consultation, the IMF authorities said that certain things must be done, then it was open to us either to accept them or not and it was open to the IMF either to give us further loans or not. There was nothing like somebody

being bound to follow their advice. Mere consultation did not mean acceptance of whatever the IMF said.

In order to increase economic efficiency and production and update technology in the country, certain import liberalisation would take place. With reference to the import policy, the Minister said that the Government had done nothing which was contrary to our national interest. The import of foreign technology needed for the economy was being permitted liberally. The emphasis was on what was 'needed for the economy'.

The Minister stated that Government's policy had been consistent, not only with the national Plan but also with the national approach and therefore to say that India had bartered away, or humiliated the country's prestige or done anything of the kind in order to get the loan was totally unsustainable.

*Tragedy at Qutab Minar\**: On 7 December, 1981, Shri Jagdish Prasad Mathur called the attention of the Minister of Education and Social Welfare to the grim tragedy which occurred in Qutab Minar, Delhi on 4 December, 1981, resulting in the death of several persons and injury to many others.

Making a statement on the subject, the Minister for Education and Social Welfare, Shrimati Sheila Kaul said that as soon as she came to know about the tragic incident, she rushed to the site and also to the hospitals.

Narrating the facts, she said that on 4 December, 1981 at 11.30 A.M., there were about 300 visitors—constituting students and other members of the general public—inside the Qutab Minar, when all of a sudden there was a power failure in the Minar. There were three attendants on duty at the Minar, (two of whom were posted at the entrance gate and the third was posted at the balcony. The attendants on duty were persons with adequate experience of regulating entry and movement in the monument. At this time, about 60 students from M.D. College, Nuh, Faridabad District, came to the gate. The monument attendants stopped them and requested them to wait since there was no electricity inside the monument. But the students forced their way into the Minar and started running up the stairs. The subsequent sequence of events was not quite clear. Apparently, there was panic resulting in a stampede in the dark staircase. The Minister stated that the treatment meted out to a foreign woman, or for that matter any woman, was a matter of sorrow and that she condemned it. Such a sad thing had happened only for the first time during the 750 years of existence of the Qutab Minar. It should be a matter of concern for all to create a sense of social respect for women in the country.

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\*On 4 December, 1981, the House adjourned as a mark of respect to the memory of the victims of the Qutab tragedy.



Since a judicial inquiry in the incident had been ordered, the effort should be not to prejudice the same in any way, the Minister said.

On the same day, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana replying to further points stated that the terms of reference of the Commission were as under:

1. to inquire into the circumstances leading to the tragedy;
2. the extent of the tragedy;
3. to fix responsibility for the mishap; and
4. to suggest remedial measures for prevention of such incidents in future.

The Minister stated that the police took the shortest time to reach the spot. Within 23 minutes, three police parties had reached there and immediately started the rescue operation with the help of the drivers of the tourist bus and the people there.

The Delhi Administration had formed a committee consisting of the Chief Engineer and others to investigate whether there was a failure of light. That report would be before the Inquiry Commission. The Commission had notified through the press that whosoever intended to give evidence in regard to the incident could do so.

The Chairman, Shri M. Hidaytullah, associated himself with all that had been said in the House with regard to the Qutab tragedy.

*Present International Situation:* On 17 December, 1981, the Minister of External Affairs, Shri P. V. Narasimha Rao moved the following motion:

“That the present international situation and the policy of the Government of India in relation thereto be taken into consideration”.

Speaking on the motion, the Minister said that during the visit of the Chinese Foreign Minister to India, it had been agreed that official level talks would be held in Beijing to discuss both bilateral problems and bilateral exchanges. Talks had accordingly been held in Beijing for five days from 10 to 14 December, 1981. There had been three sessions of plenary discussions, and several meetings of sub-groups on matters concerning the boundary, trade and economic cooperation, cultural exchanges and science and technology. Various members of the Indian delegation had met senior officials of the concerned Ministries and had visited a number of institutions in China. The delegation had a meeting with vice-Premier and Foreign Minister Huang Hua. All the meetings and discussions were held in a friendly and cordial atmosphere.

The delegation had reviewed the level of exchanges in various fields such as culture, trade, economic cooperation and science and technology, and tentative programmes for the future were now being considered by the various Ministries and agencies. It was the desire of the Government to normalise fully India's relations with China.

Referring to the happenings in Poland, the Minister said that they were primarily the concern of that Government and the people of that country. It was earnestly hoped that the present crisis in Poland would be overcome by them soon. India viewed such developments from the stand-point of its commitment to the principle of non-interference.

Regarding the foreign presence in the Indian Ocean, the Minister stated that while the United Nations Resolution confined itself to the context of rivalry between nations, India was prepared to go a step further and say that it did not like any foreign presence in the Indian Ocean even if it were to be there by mutual consent.

As regards the proposal to have a South-South summit in New Delhi, certain countries had agreed to participate in it and others were being contacted. The summit was likely to be held on 22 February, 1982.

India had always favoured multilateral international institutions like the IMF. These institutions were a part of the North-South dialogue and the new international economic order which India supported. Referring to the non-aligned movement, the Minister said that India was one of its founders and was playing her role well in making the movement become increasingly important with every passing day.

Regarding the 'No War Pact' offer by Pakistan, the Minister did not agree with a suggestion by some members that Pakistan had done so as a propoganda stunt or as a ploy. He had to take it as a responsible offer from a responsible Government. If the offer was the same as India had made 30 years ago, the Minister was prepared to accept it at the same very moment and it did not matter whether it was India's offer or Pakisan's offer.

The motion, as amended, was adopted on the same day in the following form:

"That the present international situation and the policy of the Government of India in relation thereto be taken into consideration, and having considered the same, this House approves of the said policy".

*Assam problem:* On 22 December, 1981, raising a discussion on certain points arising out of the answer to Starred Question No. 69 dated

26 November, 1981, Shri Ajit Kumar Sharma said that he had asked the Government to explain its reactions to each of the demands put forth by the leaders of the Assam movement.

He desired that the Government should tell the House as to what were the exact points of its difference with the leaders of the Assam movement in finding a solution of this problem and what exactly the Government meant by 'international obligations' and 'national commitments'.

Making a statement on the subject, the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana said that the Government had taken both the Houses of Parliament into confidence. The agitation leaders had taken an extreme position in their proposals. They had been called upon to elucidate their stand and continue discussions with the Government in a constructive spirit so as to arrive at a solution which was satisfactory to all sections of the people. The definition of 'foreigners' given in the Act could not be read in isolation. There were certain things which had to be done on humanitarian grounds. It was not correct that the Government was not doing anything to deport the infiltrators. In order to check infiltration of foreigners the Government had increased the police personnel.

Replying to some other points raised by the members, the Minister said that the suggestion about amending the Citizenship Act, 1958 could not be agreed to. The Government had never said that the year 1971 was the cut-off year. The Government had agreed for a tripartite conference with the Opposition leaders and the leaders of the Assam agitation. The Assam border had been strengthened recently. Some out-posts had been created on the border.

## B. LEGISLATIVE BUSINESS

*The Pensions (Amendment) Bill, 1981:* On 23 November, 1981, the Minister of State in the Ministry of Home Affairs and Department of Parliamentary Affairs, Shri P. Venkatasubbaiah, moving the motion for consideration of the Bill said that the Government had taken the opportunity to remedy the defects in the Pensions Act, 1871 and to effect improvements in the working of the Act.

The Government had decided to insert in the Act a new section—section 12 A—to enable pensioners to make nomination so that moneys outstanding on account of pension could be received by their nominees. Now the nominee would be entitled, on the death of the pensioner, to receive to the exclusion of all other persons, all such moneys which had remained unpaid. It was also proposed to confer powers on the Central Government

to make rules regarding the manner and form in which nominations might be made.

Replying to the debate\* Shri P. Venkatasubbaiah, said that the original Act was not applicable to the erstwhile Part 'B' States. By the present amending Bill those States were also sought to be covered. The Government, he said, was contemplating to make certain rules so that the pension could be paid to the person nominated as expeditiously as possible.

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

*The Anti-Apartheid (United Nations Convention) Bill, 1981*—On 2nd December, 1981, the Minister of External Affairs, Shri P. V. Narasimha Rao, moving the motion for consideration of the Bill, said that the purpose of the Bill was to give effect to the provision of the International Convention on the Suppression and Punishment of the Crime of Apartheid of 1973, to which India had acceded with effect from 22 October, 1977. Articles II and III of the Convention defined the crime of apartheid and applied international criminal responsibility irrespective of the motive, involved, to individuals, members of organisations, institutions, etc., who committed the said crime.

Replying to the debate\*\* on 7th December, 1981, Shri Narasimha Rao said that it was not really necessary that every country should pass a corresponding legislation in order to make this Convention the law of the land. It would depend on the Constitution of a country. More than seventy countries had already accepted the Convention.

This Bill concerned race discrimination and not discrimination on any other ground. This was a very special kind of legislation which it was not just the criminal liability but the international criminal liability which was being attached. So there was nothing wrong in the Central Government being given the authority in this regard, the Minister said. The Bill was passed on 1 December, 1981.

*The Aligarh Muslim University (Amendment) Bill, 1981*.—On 24th December, 1981, the Minister of State in the Ministry of Education and

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\*Other members who took part in the discussion were: Sarvashri Narasimha Prasad Nanda, Dipendrabhushan Ghosh, and M. Kalyanasundaram.

\*\*Other members who took part in the discussion were: Sarvashri Narasimha Prasad Nanda, Mulka Govinda Reddy, Ghanshyambhai Oza, M.R. Krishna, Jaedish Prasad Mathur, Dr. Rudra Pratap Singh, Dr. (Smt.) Sathiyavani Muthu, Shri Ravendra Singh Ishwar Singh, Prof. Saurendra Bhattacharjee, Sarvashri B. Satyanarayan Reddy and Santosh Mitra.

Social Welfare, Shrimati Sheila Kaul, moving the motion for consideration of the Bill, said that the ruling party in its election manifesto of 1980, had given a pledge that the minority character of the Aligarh Muslim University would be assured. That pledge was sought to be redeemed by the present Bill. The Aligarh Muslim University Act, 1920 was an important landmark in the development of modern education of the Muslims of India. The Act was the realisation of the longcherished ideals of the Muslims of India and it was their dream that found expression in the establishment of this University.

The acknowledgement of the historical reality that the initial establishment of the University was not by the Government but by the Muslims of India, was reflected in the amendment proposed to the Title and the Preamble of the Act.

Replying to the debate\*, the Minister said that the observations made by members in the course of the debate were useful. The audited accounts of all the seven Central Universities were placed before Parliament and no exception had been made with regard to the Aligarh Muslim University in this connection.

She said that the Bill reflected a consensus and the Government's endeavour was to respect that consensus which was so painstakingly worked out after consultations with various shades of opinion. The motion for reference of the Bill to a Select Committee was negatived. The motion for consideration of the Bill was adopted and the Bill was passed on the same day.

### C. THE QUESTION HOUR

During the session, 6876 notices of questions (6387 Starred and 489 Unstarred) and 5 Short Notice Questions were received. Out of these, 469 were admitted as Starred Questions and 2938 as Unstarred Questions. No Short Notice Question was admitted.

*Daily average of Questions.*—Each of the lists of Starred Questions contained 20 questions. On an average 4 questions were orally answered on the floor of the House per sitting. The maximum number of questions answered orally was 7 on 11 December, 1981, and the minimum number of questions orally answered was 2 on 2 December and 18 December, 1981.

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\*Other members who took part in the discussion were: Smt. Aziza Imam, Sarvashri N.K.P. Salve, Syed Shahabuddin, Dr. Rafiq Zakari, Sarvashri Ramlakhan Prasad Gupta, Asad Madni, Pilo Mody, Bishambhar Nath Pande, Syed Shahedullah, Khursheed Alam Khan, Dr. Sarup Singh, Shrimati Hamida Habibullah, Shri Yogendra Sharma, Prof. Rasheeduddin Khan, Sarvashri Syed Sibte Razi, Mohi-ud-din Shawl, Molana Arrarul Haq, Syed Ahmed Hashmi and S. W. Dhabe.

The maximum and minimum number of questions included in the Unstarred list were 166 on 18 December, 1981 and 73 on 16 December, 1981, respectively and the average number of questions in the Unstarred list came to 122.

*Half-an-Hour Discussions.*—In all, 27 notices of Half-an-Hour Discussion were received during the session. Out of these only 3 notices were admitted and discussed in the House and one Half-an-Hour Discussion, though listed for discussion on 23 December, 1981, was not taken up.

*Statement by a Minister correcting Answer to a Question.*—In all 12 statements were made by different Ministers correcting the replies given in the Rajya Sabha to Starred/Unstarred Questions. Three such statements were made on 21 December, 1981. A Statement was also made by a Minister clarifying his answer to a question.

*Special features during the Question Hour.*—The whole list of questions for oral answers for 11 December, 1981 was covered due to the absence of a number of members who had tabled questions for that day. On 18 December, 1981, the Chairman ruled that if a Minister or any of his deputies in the Ministry to whom a question has been addressed is present in the House, then only he should answer the question and the supplementaries pertaining to his Ministry and no other Minister, holding some other portfolio, should reply to that question.

#### D. OBITUARY REFERENCES

During the Session, the Chairman made references to the passing away of Shri Bhagwati Charan Verma, sitting member, Shri Suresh Chandra Deb, Shri Ganeshi Lal Chaudhary, Shri Khawaja Mubarak Shah, all ex-members and Shri Kartik Oraon, Minister of State in the Ministry of Communications.

### STATE LEGISLATURES

#### BIHAR LEGISLATIVE COUNCIL\*

The 80th session of the Bihar Legislative Council commenced on 1st July 1981 and adjourned *sine die* on 28th July, 1981.

#### A. DISCUSSIONS

*Financial business.*—A major portion of this four weeks Session was occupied in financial business. The budget for the year 1981-82 was discussed in the House for as many as 13 days. Several members participated in the

\*Contributed by the Bihar Legislative Council Secretariat.

discussion. The Bihar Appropriation Bill was introduced on 27 July 1981 and passed by the House on the same day.

*Shershah's Maqabara.*—A non-official resolution, recommending to the State Government to request the Government of India to undertake the repair and other steps necessary for the safety of Shershah's Maqabara at Sasaram was moved in the House on 3 July 1981 by Shri Arjun Kumar. The resolution was adopted on the same day.

*Tragic death of a school boy.*—On 7 July 1981, Shri Devendra Yadav, through a Calling Attention Motion, drew the attention of the Government to the tragic death of a school boy in mysterious circumstances. The member alleged that the door of a class-room of the school was closed leaving the boy inside the room for the whole of summer-vacation and the boy died consequently. At the end of the debate, the Minister, Shri N. H. Khan assured the House that proper enquiry would be held into the tragic incident.

*Wastage of Forest Wealth.*—A Government resolution which related to wastage of forest wealth was moved in the Council on 16 July, 1981 by Shri T. M. Rai Munda, Minister, and was adopted on the same day.

*Banning of obscene films.*—A resolution to ban obscene films which give rise to crime was moved by Shri Kamal Nath Singh Thakur in the Council on 17 July 1981 and adopted on the same day.

*Launching of "APPLE".*—On 20 July 1981, Shri Indra Kumar moved a Special Motion thanking the Indian scientists for the successful launching of the Indian Satellite "APPLE" in the earth's orbit. The motion was passed by the House on the same day.

#### B. OBITUARY REFERENCE

The 13 July 1981, the House adjourned without transacting its business due to the sad demise of Shri Shakoor Ahmed, Ex-Deputy Speaker of Bihar Vidhan Sabha.

#### MADHYA PRADESH VIDHAN SABHA\*

The fifth session of the seventh Vidhan Sabha commenced on 16 December 1981 and adjourned *sine die* on 18 December 1981.

*Silver Jubilee celebrations.*—On completion of its 25 years, the Vidhan Sabha adopted, during the session, the following two resolutions†:—

"This House resolves that the current session of this Vidhan Sabha has been summoned on the occasion of the Silver Jubilee of the Vidhan Sabha. Hence only official business and the suggestions received from the hon'ble members of Vidhan Sabha

\*Contributed by the Madhya Pradesh Vidhan Sabha Secretariat.

†Original in Hindi.

may be taken into consideration. Other items such as questions, call attention and other motions put forward by the private members should not be brought and transacted in the House in the current session. In this regard, all the related rules of the Rules of Procedure and Conduct of Business of the Vidhan Sabha will hereby remain suspended.

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“While complying with democratic traditions, the Madhya Pradesh Vidhan Sabha has completed its 25 glorious years, as a consequence of which Silver Jubilee celebrations have been organised. Therefore, on this sacred occasion, this House expresses its commitment to all those democratic values in the light of which the House has reflected the aspirations and determinations of the citizens of the State during the last 25 years”.

#### PONDICHERRY LEGISLATIVE ASSEMBLY\*

The fifth session of the Assembly commenced on 9 October 1981 and adjourned *sine die* on 15 October 1981.

#### A. DISCUSSIONS

*Financial Business.*—On 12 October, 1981, Shri D. Ramachandran, Chief Minister, presented the Supplementary Estimates for the years 1978-79 and 1981-82 which were voted by the House on 15 October 1981. The relative Appropriation Bills were also passed on the same day.

*Attack by racists on Tamils.*—The following resolution moved by Shri D. Ramachandran, Chief Minister, on October 1981 was discussed and adopted by the Legislative Assembly:—

“This House expresses, on human consideration, its shock and concern over the attack by racists on Sri Lanka Tamils and Tamils of Indian origin endangering their lives, property and rights.

This House requests the Government of India to take all necessary steps on the basis of foreign relations to ensure that justice is rendered to Tamils and give adequate protection to them.

This House conveys its deep sympathies to the families that suffered on account of arson, looting or assault”.

#### B. OBITUARY REFERENCES

During the session, the Speaker made references to the passing away of Sarvashri Thiruvargal S. Perumal. S. Susairaj, K. M. Gurusamy Pillai, Si. Pa. Aditanar, Bhupesh Gupta and P. K. Raman, Reference were also made to the passing away of Sarvashri Thiruvargari Balasubramanian and S. L. Silam. The members stood in silence for a minute as mark of respect to the departed souls.

\*Contributed by the Pondicherry Legislative Assembly Secretariat.



## BOOK REVIEWS

**SUPREME COURT: FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES.** By Shariful Hasan. Published by Deep and Deep Publications, New Delhi, 1981, pp. 120, Rs. 60/-

Shri Shariful Hasan has written this treatise and dealt with the historical perspective of Fundamental Rights and Directive Principles alongwith the views of founding fathers of the Indian Constitution pressed in the Constituent Assembly. He has also recited freely the views of Pandit Jawaharlal Nehru and some jurists on the subject of the Preamble to the Constitution and what it aims at with the help of the Fundamental Rights and Directive Principles. Then again, he has dealt, in the context of *Champakam Dorairajan v. State of Madras*<sup>1</sup>, *Golaknath v. State of Punjab*<sup>2</sup>, *Kesavananda Bharti v. State of Kerala*,<sup>3</sup> *Minerva Ltd. v. Union of India* and other cases, the Supreme Court's changing attitude towards Fundamental Rights and Directive Principles.

It is now well known to lawyers and jurists that soon after the commencement of the Constitution, the Supreme Court first held that article 368 is perfectly general and empowers Parliament to amend the Constitution without any exception whatsoever and thereafter in the *Champakam Dorairajan*, case, it ruled that the Directive Principles must conform to and run as subsidiary to the Fundamental Rights. A fresh look was later given to the importance of the Directive Principles by the Supreme Court in the *Kerala Education Bill*,<sup>5</sup> *VTEG and Mohd. Hanif Qureshi v. State of Bihar*<sup>6</sup>

1. AIR 1951 SC 226.
2. AIR 1967 SC 1643.
3. AIR 1973 SC 1461.
4. AIR 1980 SC 1789.
5. AIR 1958 SC 956.
6. AIR 1958 SC 731.

cases by invoking the doctrine of harmonious interpretation of all articles of the Constitution. Then followed the *Golaknath* case making the Fundamental Rights immune from any amendments by Parliament thereby taking away the Parliament's powers of amendment contained in article 368. The Fundamental Rights are contained, amongst other articles, in articles 13, 14, 15, 16, 19, 21, 31 and the later amendments to article 31. Under Part III of the Constitution the laws inconsistent with or in derogation of the Fundamental Rights were to the extent of such inconsistency to be declared void and, therefore, these rights were justiciable. All the Fundamental Rights were declared by the Supreme Court in *Golaknath's* case as unassailable. On the other hand, the Directive Principles of the State Policy, as enshrined in Part IV of the Constitution, were decided to be subsidiary to the Fundamental Rights because they were not justiciable.

Under the Constitution, the Directive Principles are declared to be fundamental in the governance of the country and it is the duty of the State to apply these principles while making laws. The directives are with reference to securing a social order and a socialistic pattern of society. There is also a reference to the promotion of educational and economic interests of the Scheduled Castes and the Scheduled Tribes and other weaker sections. Besides, the State shall, as of duty also take steps to separate the Judiciary from the Executive. In other words, it is the duty of the State to create a Welfare State and give the people social and economic freedom by passing good laws. We have also the Preamble to our Constitution which declares India as a Sovereign Socialist Secular Democratic Republic and it secures to all its citizens: Justice-social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity; and promotes among them all Fraternity assuring the dignity of the individual and the unity and integrity of the nation. Therefore, the Preamble is like the charter of liberty and of the unity and integrity of the nation and the Directive Principles embody the promise given to the present and future generations as to the future social and economic set-up and development of the country. The Directive Principles, in a way, amplify the expectations of the Preamble.

We all know that our country consists of a large population divided in a number of sections of society and there are very few who are affluent and are conscious of their Fundamental Rights under the Constitution. A large majority of our people do not know what their rights are and are, therefore, not interested in them. They are working ceaselessly on the land in the villages and towns or as manual labourers and somehow take out their existence. Most of them have neither a shelter to live nor any education to progress. There are hardly any facilities for their health and they are born and they die unsung and unknown. What will happen to this vast majority in the country who are even today as ignorant and as poverty-stricken as

they were when the Britishers left India, if the Directive Principles are made subservient to the Fundamental Rights? The Fundamental Rights are today only for the rich and influential and the poor are left in the slums and ashes. With the decision in the Golaknath case, therefore, a controversy was generated and it was more or less treated as a confrontation between the Parliament and the Supreme Court and between the Fundamental Rights and the Directive Principles and between the haves and the have-nots. Individual rights were treated as supreme and society's rights subservient. The Fundamental Rights could not be suitably modified to safeguard the public interest and thus fulfil the goal of Indian democracy. It appears, as a result of this controversy, the Supreme Court reviewed its previous decision in the *Kesavanand Bharti's* case. The Golaknath case was specifically overruled. The court now refused to accept the primacy of Fundamental Rights over the Directive Principles. In the *Kesvanand Bharti's* case, the petitioner challenged the validity of Kerala Land Reforms Amendment Acts 1969 and 1971 for the reason that some of the provisions thereof violated articles 14, 19(1)(f), 25, 26 and 31 of the Constitution. During the pendency of the writ petition, the Parliament enacted 24th and 25th Constitutional Amendment Act. The 25th Constitutional Amendment Act inserted article 31(C) which sought to give effect to laws passed for securing the Directive Principles. The majority of the Supreme Court in *Kesvanand Bharti's* case upheld the first part of article 31(C) and declared the second part as unconstitutional. This case accorded judicial recognition to the primacy of the Directive Principles in extent over Fundamental Rights. The judges, in this case, said that Fundamental Rights have a pride of place in the Constitution but it cannot be overstressed that Directive Principles are also fundamental for the governance of the country. But can the freedom of the few abridge and jeopardize the freedom of all the have-nots to whom the Fundamental Rights have no meaning. It was also said in this case that the Directive Principles constitute the stairs to climb the high edifice of a socialistic State and the Fundamental Rights are the means through which one can reach the top of the edifice.

The latest *Minerva Mills* case has altered and reversed the process of mutual adjustment of the Fundamental Rights and the Directive Principles. The main controversy in this case centres round the question whether the Directive Principles of the State Policy contained in part IV can have primacy over the Fundamental Rights conferred by part III of the Constitution and, according to the Justice Chandrachud, who delivered the majority opinion in this case, the answer must necessarily depend upon whether the rights under articles 14 and 19 are or are not a part of basic structure of the Constitution that they can be allowed to be abrogated by laws passed to effectuate the State Policy.

The Supreme Court in the *Minerva Mills* case appears to have taken a complete judicial U-turn in the constitutional law as reflected in its earlier

decisions. The Indian Constitution today is back to square one of the *Golaknath* decision as a result of this decision. It appears to be needlessly full of great constitutional mischief. The Union Government has rightly filed a petition in the Supreme Court seeking its review by a larger Bench of the Supreme Court.

As mentioned earlier, Justice Patanjli Shastri, in *Sankari Prasad's*<sup>7</sup> case and Justice Gajendragadkar in *Sajjan Singh's case*<sup>8</sup> held that amendment powers conferred by article 368 extended to all the provisions of the Constitution, but the *Golaknath's* case, by a slender majority of one, held that the Fundamental Rights are transcendental and beyond the reach of the Parliament. The Court, however, consoled themselves by saying that their decision would put a bar on any future abrogation of the Fundamental Rights after the pattern of American Judicial Doctrine of Prospective overruling as evidenced in *Linkletter v. Walker*<sup>9</sup>. This decision evidently, therefore, shows that the majority of one distrusted the popular will as manifested in Parliament and it assumed to itself a role of the sentinel of rights more of the affluent people than of the poor people. This trend of thought persisted in the *Bank Nationalisation*<sup>10</sup> case and the *Privy Purses case*<sup>11</sup>. This decision incidently also showed that when the Government proceeded to legislate or to pass an executive order on the basis of existing decisions of the court, the Supreme Court set aside the Act or the Order by reversing its own previous decisions.

However, in *Kesvanand's* case although there were 6 dissenting Judges out of 13, all the 13 Judges unanimously held that the 24th and 25th Amendments to the Constitution covering article 368 and adding the new article 31(C) are valid. But even here there was a backdoor entry of certain new ideas regarding the basic structure and essential features remaining beyond the reach of Parliament. These structures, however, were never defined and the law was allowed to remain uncertain and indefinite. Then the present law, according to the latest decision as mentioned earlier, nullified all the constitutional evolution in socio-economic justice upto the stage of 25th Amendment. It is, therefore, very sad that the present state of law on the relations between the Directive Principles, Fundamental Rights, basic structure of the Constitution and the Parliament's power to amend it is more or less in a confusion and constitutional uncertainty.

The learned author, Shri Shariful Hasan, took lot of pains in giving the reader an idea about this perspective on Fundamental Rights and

7. *Sankari Prasad v. Union of India*, AIR 1951 SC 458.

8. *Sujan Singh v. State of Rajasthan* AIR 1965 SC 845.

9. (1965) 381 U.S. 618.

10. *R.C. Cooper v. Union of India* AIR 1970 SC 564.

11. *Madhav Rao Scindia v. Union of India* AIR 1971 SC 530.

**Directive Principles**, but the reader is still not able to find what exactly is the author's opinion on the continued change in the views of the Supreme Court and also on its latest decision. He appears to be of the opinion that the problem is to harmonise the individual and his personality with the collective good and social justice. I think there is more to it than meets the eye in this long course of the changing pattern of judgments. In our country, there are landlords and tenants, high castes and low castes, affluent and poverty-stricken and haves and have-nots. Many of the persons born in one sector or the other bear the views according to their traditional environment and unfortunately in our country the higher sector of the bureaucrats as well as the judiciary come more or less from the higher and affluent sections of society. Therefore, such persons who man the administration and the judiciary unwillingly, carry such views as their environment taught them and cannot get rid of them. In these circumstances, according to me, there is failure to get collective good and social justice by the implementation of laws enacted in Parliament or by the interpretation of such laws by the Judges.

I commend the book to the reader for getting to know the important decisions of the Supreme Court on the subject of Fundamental Rights and the Directive Principles. The author has given in the book many important parts of various judgments.

—Justice R. R. Bhole, M.P.

**WOMEN IN THE HOUSE.** By Elizabeth Vallance. Published by the Athlone Press, London, 1979, pp. 212.

It was as a mark of recognition of the contribution made by women to the freedom struggle under the leadership of Mahatma Gandhi, that the framers of India's Constitution, without any hesitation, conferred the right of franchise on women. Their access to this political right was so smooth and natural, that the Indian woman has yet to realise the significance of this recognition; which implies acceptance of woman as a independent human entity and for which suffragettes in Britain had to wage a valiant and relentless fight for decades.

However, the suffrage movement in U.K. has always inspired Indian women in politics. They have looked up to their sisters from U.K. with admiration and watched their performance with keen interest.

The number of women in State Legislatures as well as in Parliament in India has been dwindling since independence. The picture of British Parliament is not much different or better.

Elizabeth Vallance in her book, "Women in the House" has brought to light a number of interesting facts. The most revealing one is that, even after sixty years since the first woman set her foot in the House of Commons, the number of women M.P.s is negligible. Though women constitute more than 50 per cent of the electorate and enjoy equal opportunity, 96 per cent of the membership of the House of Commons consists of male members. Such is the position of mothers in the "Mother of Parliaments"!

The book is an elaborate study of women members of the British Parliament and it seeks to trace the historical background of their small number.

Though the number of women members of British Parliament never exceeded twenty nine, it has never gone down below twenty four. However, despite the increase in the number of contestants (maximum in the year 1974 was 161) the number of women members elected has remained almost static. It has never crossed 4.6 per cent of the total strength of the House. While commenting on the House with so small a number of women, Dr. Edith Summerskill (now Baroness) observed, "Parliament with its conventions and protocol, (seems) a little like a boys' school which has decided to take a few girls."

The first chapter of the book is devoted to explain the reasons behind such a meagre representation of women in the House. Though the reader can come to grips with the entire theme of the book in the very first chapter, the later chapters are also very interesting and informative.

The basic reason for woman's non-participation and non-involvement in politics, even in Britain, is her commitments in domestic life and responsibilities towards her family. The reasons for woman's indifference to trade union activity and apathy to politics are identical. She cannot neglect her domestic duty and mother's role, and as such is not willing to remain out of her house beyond working hours. Moreover, the diffusion of her mental and physical energies in multifarious activities in managing the house leaves very little scope for participation in politics.

Politics is a full-time job and especially for an M.P. who is expected to devote single-minded attention to the job, it is very difficult.

The wives of successful M.P.'s. has always been a great asset to them. They not only relieve their husbands of family responsibility but also share with them their parliamentary work-load. In this context an observation made by a woman M.P. that, "wife is men's most valuable asset in politics which woman just does not have", is quite pertinent.

By and large it is easier for an unmarried woman or a widow to

pursue her ambition in politics as compared to a woman who has small children. Even in modern times it is easier for a woman to pursue her career in the field of medicine, education or some other profession which is socially acceptable. Pursuit of political ambition is very difficult for a woman as "her duty towards her family and offsprings is considered to have priority over at least her political career". It is not only the attitude of the society but her own concept of woman's role in the family which has been impressed upon her through formal and informal education. Her strong belief that children's upbringing is much too important to be left to others, leaves a large sections of women of requisite age and background totally excluded from politics.

Politics has invariably been a man's world. Suffragettes who were trying to force their way into the political field were not looked upon by the society, including women themselves, with any degree of appreciation. They had created a kind of scare and alienation in the minds of voters. No wonder, that the first woman, Lady Astor, who occupied her seat in the Parliament was not connected with women's movement.

Though women who contested elections to the Parliament were political activists, the first three who made their way to the British Parliament by 1923 were there by sheer accident. Lady Astor, Mrs. Wintingham and Mrs. Hilton Philipson, who were elected to the Parliament, had taken over the seats earlier held by their husbands. This cannot be coincidental. Suffragettes were considered to be oddities. Most people considered them to be too radical, brash, eministic and iconoclastic. They were not willing to be represented by such women. They elected those ladies who never pushed themselves up politically. The elected women had won the acclaim of the people by loyally helping their husbands. In the case of Lady Astor and Mrs. Hilton Philipson, their candidature was an extension of their acceptable role as wives and mothers.

Election of Lady Astor marked the culmination of women's fight for political representation and the beginning of the battle for equality in the sphere of national politics. Though the trend set by Lady Astor was never reversed, the number of women in the House of Commons is not yet impressive.

The account of the march of women, from Lady Astor to Margeret Thatcher, now occupying the office of Prime Minister of U.K., has only some resemblance with the political picture in India.

Unlike U.K., the franchise for women was a smooth event in India and acceptance of a woman as a Prime Minister was without much resistance. There were cynical voices that described her as a "dumb doll". However the "dumb doll" ultimately proved to be a shrewd politician.

The author of the book has suggested that the remedy for the present impasse lies in the reform of the present electoral system through introduction of multi-member constituencies in place of the existing single-member constituencies. She has quoted in her support the emergence of higher percentage of women in Parliaments of Sweden, Denmark and Norway as a result of this system. It would be worthwhile to ponder over this constructive suggestion and assess whether it may help the process of wider involvement of women in the parliamentary institutions.

—PRAMILA DANDAVATE, M.P.



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## APPENDIX—I

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE 7TH SESSION OF THE SEVENTH LOK SABHA.

|   |     |
|---|-----|
| 1. PERIOD OF THE SESSION—23-11-1981—24-12-81. . . . .   | 24  |
| 2. NUMBER OF MEETINGS HELD . . . . .  | 24  |
| 3. TOTAL NO. OF SITTING HOURS—154 HOURS AND 40 MINUTES . . . . .                                  | 24  |
| 4. NUMBER OF DIVISIONS HELD—7 . . . . .   | 24  |
| 5. GOVERNMENT BILLS :—  |     |
| (i) Pending at the commencement of the Session . . . . .  | 24  |
| (ii) Introduced . . . . .   | 15  |
| (iii) Laid on the Table as passed by Rajya Sabha . . . . .  | 5   |
| (iv) Returned by Rajya Sabha with any amendment/recommendations and<br>laid on the Table. . . . . | 5   |
| (v) Referred to Select Committee . . . . .  | 5   |
| (vi) Referred to Joint Committee . . . . .  | 5   |
| (vii) Reported by Select Committee . . . . .  | 5   |
| (viii) Reported by Joint Committee . . . . .  | 5   |
| (ix) Discussed . . . . .  | 19  |
| (x) Passed . . . . .  | 19  |
| (xi) Withdrawn . . . . .  | ..  |
| (xii) Negatived . . . . .   | ..  |
| (xiii) Part-discussed . . . . .   | Nil |
| (xiv) Discussion postponed . . . . .  | Nil |
| (xv) Returned by Rajya Sabha without any recommendation . . . . .                                 | 8   |
| (xvi) Motion for concurrence to refer the Bill to Joint Committee adopted . . . . .               | ..  |
| (xvii) Pending at the Session . . . . .   | 27  |
| 6. PRIVATE MEMBERS BILLS—   |     |
| (i) Pending at the commencement of the Session . . . . .  | 173 |
| (ii) Introduced . . . . .   | 22  |
| (iii) Laid on the Table as passed by Rajya Sabha . . . . .  | ..  |
| (iv) Returned by Rajya Sabha with any amendment and laid on the Table . . . . .                   | ..  |

|   |     |
|---|-----|
| (v) Reported by Select Committee . . . . .                | ..  |
| (vi) Discussed . . . . .                                  | 1   |
| (vii) Passed . . . . .                                    | ..  |
| (viii) Withdrawn . . . . .                                | ..  |
| (ix) Negatived . . . . .                                  | ..  |
| (x) Circulated for eliciting opinion . . . . .            | ..  |
| (xi) Part-discussed . . . . .                             | 1   |
| (xii) Discussion postponed . . . . .                      | ..  |
| (xiii) Motion for circulation of Bill negatived . . . . . | ..  |
| (xiv) Referred to Select Committee . . . . .              | ..  |
| (xv) Removed from the Register of Pending Bills . . . . . | ..  |
| (xvi) Pending at the end of the Session . . . . .         | 195 |

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 :

(Matters of Urgent Public importance)

|                                 |    |
|---------------------------------|----|
| (i) Notices received . . . . .  | 69 |
| (ii) Admitted . . . . .         | 7  |
| (iii) Discussion held . . . . . | 4  |

8. NUMBER OF STATEMENTS MADE UNDER RULE 197:

(Calling-attention to matters of Urgent Public Importance)

|  |    |
|--|----|
| Statements made by Ministers . . . . . | 15 |
|--|----|

9. MOTION OF NO-CONFIDENCE IN COUNCIL OF MINISTERS

|                                      |     |
|--------------------------------------|-----|
| (i) Notices Received . . . . .       | ..  |
| (ii) Admitted and Discussed. . . . . | Nil |
| (iii) Barred . . . . .               | Nil |

10. HALF-AN HOUR DISCUSSIONS HELD . . . . . 6

11. STATUTORY RESOLUTIONS

|                                |    |
|--------------------------------|----|
| (i) Notices received . . . . . | 6  |
| (ii) Admitted . . . . .        | 3  |
| (iii) Moved . . . . .          | 3  |
| (iv) Adopted . . . . .         | 3  |
| (v) Negatived . . . . .        | .. |
| (vi) Withdrawn . . . . .       | .. |

## 12. GOVERNMENT RESOLUTIONS:

|                                |       |   |     |
|--------------------------------|-------|---|-----|
| (i) Notices received . . . . . | ..    | } | Nil |
| (ii) Admitted . . . . .        | .. .. |   |     |
| (iii) Moved . . . . .          | ..    |   |     |
| (iv) Adopted . . . . .         | ..    |   |     |

## 13. PRIVATE MEMBERS' RESOLUTIONS: .

|  |       |    |
|--|-------|----|
| (i) Received . . . . .                 | .. .. | 6  |
| (ii) Admitted . . . . .                | ..    | 6  |
| (iii) Discussed . . . . .              | .. .. | 2  |
| (iv) Withdrawn. . . . .                | ..    | .. |
| (v) Negatived . . . . .                | .. .. | 1  |
| (iv) Adopted . . . . .                 | .. .. | .. |
| (vii) Part-discussed . . . . .         |       | 1  |
| (viii) Discussions postponed . . . . . |       |    |

## 14. GOVERNMENT MOTIONS :

|                                |    |   |
|--------------------------------|----|---|
| (i) Notices received . . . . . | .. | 4 |
| (ii) Admitted . . . . .        |    | 4 |
| (iii) Moved . . . . .          |    | 1 |
| (iv) Adopted . . . . .         |    | 1 |
| (v) Discussed . . . . .        |    | 2 |

## 15. PRIVATE MEMBERS' MOTIONS:

|                                |  |     |
|--------------------------------|--|-----|
| (i) Notices received . . . . . |  | 466 |
| (ii) Admitted . . . . .        |  | 280 |
| (iii) Moved . . . . .          |  | ..  |
| (iv) Adopted . . . . .         |  | .   |
| (v) Discussed . . . . .        |  |     |
| (vi) Negatived . . . . .       |  |     |
| (vii) Part-discussed . . . . . |  |     |
| (viii) Withdrawn . . . . .     |  |     |

## 16. MOTIONS RE : MODIFICATION OF STATUTORY RULE:

|                         |  |   |
|-------------------------|--|---|
| (i) Received . . . . .  |  | 7 |
| (ii) Admitted . . . . . |  | 4 |
| (iii) Moved . . . . .   |  | 2 |

|   |                          |
|---|--------------------------|
| (iv) Adopted . . . . .  | ..                       |
| (v) Negatived . . . . .   | 1                        |
| (vi) Withdrawn . . . . .  | 1                        |
| (vii) Part-discussed . . . . .  | ..                       |
| 17. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY, DURING THE SESSION  | Nil                      |
| 18. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION . . .        | 27530                    |
| 19. MAXIMUM NUMBER OF VISITOR' PASSES ISSUED ON ANY SINGLE DAY, AND DATE    | 1766<br>on<br>30-11-1981 |
| 20. NUMBER OF ADJOURNMENT MOTIONS:—   |                          |
| (i) Brought before the House . . . . .                                      | 16                       |
| (ii) Admitted and discussed . . . . .                                       | ..                       |
| (iii) Barred in view of adjournment motion admitted on the subject . . .    | ..                       |
| (iv) Consent withheld by Speaker outside the House . . . . .                | Nil                      |
| (v) Consent given by Speaker but leave not sought from the House . . .      | 1                        |
| (vi) Barred in view of consent given by H. S. to adjournment on the subject | 15                       |
| 21. TOTAL NUMBER OF QUESTIONS ADMITTED:—                                    |                          |
| (i) Starred . . . . .   | 502                      |
| (ii) Unstarred (including Starred Questions) . . . . .                      | 5605                     |
| (iii) Short-notice Questions . . . . .                                      | Nil                      |

22. WORKING OF PARLIAMENTARY COMMITTEES :

| Sl. No. | Name of the Committee                      | No. of sittings held during the period 1 October to 31 December, 1981 | No. of Reports presented during the Session |
|---------|--|---|---|
| (1)     | (2)  | (3)   | (4)   |
| (i)     | Business Advisory Committee . . . . .      | 4   | 4   |
| (ii)    | Committee on Absence of Members . . . . .  | 1   | 1   |
| (iii)   | Committee on Public Undertakings . . . . . | 34  | 5   |



| (1)                           | (2)  | (3) | (4) |
|-------------------------------|--|-----|-----|
| (iv)                          | Committee on Papers Laid on the Table . . . . .  | 5   | 1   |
| (v)                           | Committee on Petitions . . . . .   | 5   | 2   |
| (vi)                          | Committee on Private Member's Bills and Resolutions . . . . .  | 5   | 5   |
| (vii)                         | Committee on the Welfare of Scheduled Castes & Scheduled Tribes . . . . .                                    | 8   | 7   |
| (viii)                        | Committee on Privileges . . . . .  | ..  | ..  |
| (ix)                          | Committee on Government Assurances . . . . .   | 4   | 1   |
| (x)                           | Committee on Subordinate Legislation . . . . .   | 6   | 2   |
| (xi)                          | Estimates Committee . . . . .  | ..  | ..  |
| (xii)                         | General Purposes Committee . . . . .   | ..  | ..  |
| (xiii)                        | House Committee . . . . .  | 2   | ..  |
| (xiv)                         | Ad hoc Sub Committee of House Committee . . . . .  | 1   | ..  |
| (xv)                          | Public Accounts Committee . . . . .  | 23  | 8   |
| (xvi)                         | Railway Convention Committee . . . . .   | ..  | ..  |
| (xvii)                        | Rules Committee . . . . .  | ..  | ..  |
| <i>Joint/Select Committee</i> |  |     |     |
| (i)                           | Joint Committee on Offices of Profit . . . . .   | 5   | 1   |
| (ii)                          | Joint Committee on Criminal Law Amendment Bill, 1980 . . . . .   | 13  | ..  |
| (iii)                         | Joint Committee of the House to Examine the question of working of the Dowry Prohibition Act, 1961 . . . . . | 3   | ..  |
| (iv)                          | Joint Committee on Salaries and Allowances of Members of Parliament . . . . .                                | 2   | ..  |
| (v)                           | Select Committee on the Chit Funds Bill, 1980 . . . . .  | 4   | 1   |
| (vi)                          | Joint Committee of Chairmen, House Committees of both the House of Parliament . . . . .                      | ..  | ..  |
| (vii)                         | Joint Committee on the Marriage Laws (Amendment) Bill, 1981 . . . . .  | 2   | 1   |
| 23                            | NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE . . . . .   | ..  | 5   |
| 24                            | PETITIONS PRESENTED . . . . .  | ..  | 3   |
| 25                            | NO. OF NEW MEMBERS SWORN WITH DATES :  |     |     |

No. of Member(s) Sworn

Date on which Sworn

## APPENDIX II

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE HUNDRED AND TWENTIETH SESSION OF RAJYA SABHA

|  |  |
|--|--|
| 1. PERIOD OF THE SESSION                                 | 23-11-81<br>to<br>24-12-81                           |
| 2. NUMBER OF MEETINGS HELD                               | 24   |
| 3. TOTAL NUMBER OF SITTING HOURS                         | 142 Hrs<br>& 15 mts<br>(excluding<br>lunch<br>break) |
| 4. NUMBER OF DIVISIONS HELD                              | Nil  |
| <b>5. GOVERNMENT BILLS</b>                               |  |
| (i) Pending at the commencement of the Session           | 7  |
| (ii) Introduced  | 4  |
| (iii) Laid on the Table as passed by Lok Sabha           | 5  |
| (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                       | Nil  |
| (ix) Discussed   | 20   |
| (x) Passed   | 12   |
| (xi) Withdrawn   | Nil  |
| (xii) Negatived  | Nil  |
| (xiii) Part-Discussed                                    | Nil  |
| (xiv) Returned by Rajya Sabha without any recommendation | 8  |
| (xv) Discussion postponed                                | Nil  |
| (xvi) Pending at the end of the Session                  | 8  |
| <b>6. PRIVATE MEMBERS BILLS</b>                          |  |
| (i) Pending at the commencement of the Session           | 47   |
| (ii) Introduced  | 10   |
| (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 . . . . .  | 1   |
| (vii) Withdrawn . . . . .   | Nil |
| (viii) Passed . . . . .   | Nil |
| (ix) Negatived . . . . .  | Nil |
| (x) Circulated for eliciting opinion . . . . .                      | 1   |
| (xi) Part-discussed . . . . .                                       | Nil |
| (xii) Discussion and postponed . . . . .                            | Nil |
| (xiii) Motion for circulation of Bill negatived . . . . .           | Nil |
| (xiv) Referred to Select Committee . . . . .                        | 57  |
| (xv) Pending at the end of the Session . . . . .                    | Nil |

**7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176.  
(MATTERS OF URGENT PUBLIC IMPORTANCE)**

|                                 |     |
|---------------------------------|-----|
| (i) Notice received . . . . .   | 8   |
| (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 . . . . . | 19 |
|--|----|

|  |          |
|--|----------|
| <b>9. HALF-AN-HOUR DEBATE HELD . . . . .</b> | <b>3</b> |
|--|----------|

**10. STATUTORY RESOLUTIONS**

|                                |     |
|--------------------------------|-----|
| (i) Notices received . . . . . | 3   |
| (ii) Admitted . . . . .        | 3   |
| (iii) Moved . . . . .          | 3   |
| (iv) Adopted . . . . .         | Nil |
| (v) Negatived . . . . .        | 3   |
| (vi) Withdrawn . . . . .       | Nil |

**11. GOVERNMENT RESOLUTIONS**

|                                |   |
|--------------------------------|---|
| (i) Notices received . . . . . | 3 |
| (ii) Admitted . . . . .        | 3 |
| ii) Moved . . . . .            | 3 |
| (iv) Adopted . . . . .         | 3 |

**12. PRIVATE MEMBERS' RESOLUTIONS**

|                                       |     |
|---------------------------------------|-----|
| (i) Received . . . . .                | 7   |
| (ii) Admitted . . . . .               | 7   |
| (iii) Discussed . . . . .             | 1   |
| (iv) Withdrawn . . . . .              | Nil |
| (v) Negatived . . . . .               | Nil |
| (vi) Adopted . . . . .                | 1   |
| (vii) Part discussed . . . . .        | Nil |
| (viii) Discussion postponed . . . . . | Nil |

**13. GOVERNMENT MOTIONS**

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

**14. PRIVATE MEMBERS' MOTIONS**

|                              |     |
|------------------------------|-----|
| (i) Received . . . . .       | 84  |
| (ii) Admitted . . . . .      | 77  |
| (iii) Moved . . . . .        | Nil |
| (iv) Adopted . . . . .       | Nil |
| (v) Part-discussed . . . . . | Nil |
| (vi) Negatived . . . . .     | 7   |
| (vii) Withdrawn . . . . .    | Nil |

**15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE**

|                                |     |
|--------------------------------|-----|
| (i) Received . . . . .         | 11  |
| (ii) Admitted . . . . .        | 11  |
| (iii) Moved . . . . .          | 7   |
| (iv) Adopted . . . . .         | Nil |
| (v) Negatived . . . . .        | 6   |
| (vi) Withdrawn . . . . .       | 1   |
| (vii) Part-discussed . . . . . |     |

|  |                         |
|--|-------------------------|
| 16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED IF ANY DURING THE SECTION . . . . .                 | Nil                     |
| 17. TOTAL NUMBER OF VISITORS PASSES . . . . .  | 4113                    |
| 18. MAXIMUM NUMBER OF VISITORS PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED . . . . . | 413,<br>24th<br>Dec. 81 |
| 19. NUMBER OF MOTIONS FOR PAPERS UNDER RULE 175  |                         |
| (i) Brought before the House . . . . .   | I                       |
| (ii) Admitted and discussed . . . . .  | Nil                     |
| 20. TOTAL NUMBER OF QUESTIONS ADMITTED   |                         |
| (i) Started . . . . .  | 469                     |
| (ii) Unstarred (including Starred Questions) . . . . .   | 2938                    |
| (iii) Short-Notice Questions . . . . .   | Nil                     |
| 21. DISCUSSION ON THE WORKING OF THE MINISTRIES  | Nil                     |
| 22. WORKING OF PARLIAMENTARY COMMITTEES  |                         |

| Name of Committee  | No. of meetings held during the period 1 October to 31 December, 1981 | No. of Reports presented during the session |
|--|---|---|
| (i) Public Accounts Committee . . . . .  | ..  | ..  |
| (ii) Committee on Public Undertakings . . . . .                                  | ..  | ..  |
| (iii) Business Advisory Committee . . . . .                                      | ..  | Nil   |
| (iv) Committee on Subordinate Legislation . . . . .                              | 11  |   |
| (v) Committee on Petitions . . . . .   | -   |   |
| (vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . . | ..  |   |
| (vii) Committee of Privileges . . . . .  | -   | ..  |
| (viii) Committee on Rules . . . . .  | I   | I   |
| (ix) Joint Committee on Offices of Profit . . . . .                              | ..  | ..  |
| (x) Committee on Government Assurances . . . . .                                 | 12  | I   |
| (xi) Joint Committee on Vishwa Bharati Amendment Bill, 1978 . . . . .            |   | ..  |
| 23. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE . . . . .                         |   | 4   |
| 24. PETITION PRESENTED . . . . .   |   | I   |

25. NUMBER OF NEW MEMBERS SWORN WITH DATES

| Sl. No. | Name of Members Sworn                 | Date on which sworn |
|---------|---------------------------------------|---------------------|
| 1.      | Shri Leonard Soloman Saring . . . . . | 23-11-81            |
| 2.      | Shri Nepaldev Bhattacharjee. . . . .  | 23-11-81            |
| 3.      | Dr. V. H. Salaskar . . . . .          | 1-12-81             |

26. OBITUARY REFERENCES

| Sl. No. | Name                                  | Sitting Member/<br>Ex-Member |
|---------|---------------------------------------|------------------------------|
| 1.      | Shri Suresh Chandra Dev . . . . .     | Ex-member                    |
| 2.      | Shri Bhagawati Charan Varma . . . . . | Sitting member               |
| 3.      | Shri Ganeshi Lal Chaudhary . . . . .  | Ex-member                    |
| 4.      | Shri Kartik Oraon . . . . .           | Lok Sabha member             |
| 5.      | Khawaja Mubarak Shah . . . . .        | Ex-member                    |

## APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER, 1981

| Legislature           | Duration             | Sittings | Govt. Bills | Private Bills | Started Questions  | Unstarted Questions | Short Notice Questions |
|-----------------------|----------------------|----------|-------------|---------------|--------------------|---------------------|------------------------|
| 1                     | 2                    | 3        | 4           | 5             | 6                  | 7                   | 8                      |
| Andhra Pradesh L.C.   | 4-11-81 to 20-11-81  | 13       | 8(17)       |               | 219(110)(a)        | (15)                | 133(71)(b)             |
| Andhra Pradesh L.A.   | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Assam L.A.            | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Bihar L.C.            | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Bihar L.A.            | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Gujarat L.A.          | ..                   | ..       | ..          | ..            | ..                 | 485(276)<br>10(7)   | ..                     |
| Haryana L.A.          | ..                   | ..       | ..          | ..            | ..                 | 27(23)              | ..                     |
| Himachal Pradesh L.A. | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Jammu & Kashmir L.C.  | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Jammu & Kashmir L.A.  | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Karnataka L.C.        | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Karnataka L.A.        | ..                   | ..       | ..          | ..            | 78(68)<br>240(176) | 3(3)<br>2(2)        | ..                     |
| Kerala L.A.           | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Madhya Pradesh L.A.   | 16.12.81 to 18-12-81 | 2        | ..          | ..            | ..                 | ..                  | ..                     |
| Maharashtra L.C.      | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Maharashtra L.A.      | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Manipur L.A.          | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Meghalaya L.A.        | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Nagaland L.A.         | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |
| Orissa L.A.           | ..                   | ..       | ..          | ..            | ..                 | ..                  | ..                     |

|                            |    |                     |    |      |             |          |           |
|----------------------------|----|---------------------|----|------|-------------|----------|-----------|
| Punjab L.A.                | .. | ..                  | .. | ..   | 56(15)      | 5(4)     | ..        |
| Rajaasthan L.A.            | .. | ..                  | .. | ..   | ..          | ..       | ..        |
| Sikkim L.A.                | .. | ..                  | .. | ..   | ..          | ..       | ..        |
| Tamil Nadu L.C.            | .. | ..                  | .. | ..   | 127 (65)    | 2(2)     | ..        |
| Tamil Nadu L.A.            | .. | ..                  | .. | ..   | ..          | ..       | ..        |
| Tripura L.A.               | .. | ..                  | .. | ..   | ..          | ..       | ..        |
| Uttar Pradesh L.C.         | .. | ..                  | .. | ..   | 973(686)(c) | 25(25)   | 48(41)(d) |
| Uttar Pradesh L.A.         | .. | ..                  | .. | ..   | ..          | ..       | ..        |
| West Bengal L.A.           | .. | ..                  | .. | ..   | ..          | ..       | ..        |
| <i>Union Territories</i>   |    |                     |    |      |             |          |           |
| Arunachal Pradesh L.A.     | .. | ..                  | .. | ..   | ..          | ..       | ..        |
| Delhi Metropolitan Council | .. | ..                  | .. | ..   | ..          | ..       | ..        |
| Goa, Daman and Diu L.A.    | .. | ..                  | .. | ..   | ..          | ..       | ..        |
| Mizoram L.A.               | .. | ..                  | .. | ..   | ..          | ..       | ..        |
| Pondicherry L.A.           | .. | 9-10-81 to 15-10-81 | 4  | 5(5) | 152(116)    | 149(149) | 6(4)      |

*Notes:*

- (i) Figures in cols. 4 and 5 indicate the number respectively of Government and Private Bills introduced with the number of Bills passed in brackets.
- (ii) Figures in cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.
  - (a) Out of 110, 15 Notices were treated as Unstarred.
  - (b) Out of 71, 39 Notices were treated as Ordinary Starred.
  - (c) Including 65 Notices received as Unstarred.
  - (d) Including 30 Notices received as Starred and 5 as Unstarred.



**APPENDIX- III (Contd.)**  
**COMMITTEES AT WORK/ NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED**

|   | 9    | 10    | 11 | 12 | 13 | 14 | 15 | 16   | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24    |
|---|------|-------|----|----|----|----|----|------|----|----|----|----|----|----|----|-------|
| Business Advisory Committee                         |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Committee on Govt. Assurance                        |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Committee on Petitions                              |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Committee on Private Members' Bills and Resolutions |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Committee on Privileges                             |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Committee on Public Undertakings                    |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Committee on Subordinate Legislation                |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Committee on the Welfare of SC & ST.                |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Estimates Committee                                 |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| General Purposes Committee                          |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| House/Accommodation Committee                       |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Library Committee                                   |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Public Accounts Committee                           |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Rules Committee                                     |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Joint/Select Committee                              |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Other Committees                                    |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Andhra Pradesh L.C.                                 | 4(4) | 10(1) | 7  |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Andhra Pradesh L.A.                                 |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Assam L.A.  |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Bihar L.C.  |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Bihar L.A.  |      |       |    |    |    |    |    |      |    |    |    |    |    |    |    |       |
| Gujarat L.A.  |      | 2     |    |    | 4  | 8  | 3  | 7(a) | 5  |    |    | 1  | 14 |    |    | 7 (b) |
| Haryana L.A.  |      | 15    | 4  |    |    | 30 |    | 12   | 19 |    | 6  | 13 | 22 |    |    |       |
| Himachal Pradesh L.A.                               |      | 9     | 8  |    | 3  | 8  | 11 | 11   | 11 |    | 3  | 3  | 10 | 3  |    | 3(c)  |



|                            | 9    | 10 | 11   | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20   | 21    | 22 | 23   | 24 |
|----------------------------|------|----|------|----|----|----|----|----|----|----|----|------|-------|----|------|----|
| Uttar Pradesh L.A.         | ..   | .. | ..   | .. | .. | .. | .. | .. | .. | .. | .. | ..   | ..    | .. | ..   | .. |
| West Bengal L.A.           | ..   | 5  | 8    | .. | 3  | 6  | 3  | 3  | 8  | 2  | .. | ..   | 10    | .. | 1(k) | .. |
| <i>Union Territories</i>   |      |    |      |    |    |    |    |    |    |    |    |      |       |    |      |    |
| Arunachal Pradesh L.A.     | ..   | .. | ..   | .. | .. | .. | .. | .. | .. | .. | .. | ..   | 8     | .. | ..   | .. |
| Delhi Metropolitan Council | ..   | .. | ..   | .. | .. | .. | .. | .. | .. | .. | .. | ..   | ..    | .. | ..   | .. |
| Goa, Daman & Diu L.A.      | ..   | .. | ..   | .. | .. | .. | .. | .. | .. | .. | .. | ..   | ..    | .. | ..   | .. |
| Mizoram L.A.               | ..   | 1  | ..   | .. | .. | .. | 2  | .. | .. | .. | 1  | ..   | 5     | .. | ..   | .. |
| Pondicherry L.A.           | 1(1) | 4  | 8(1) | .. | .. | .. | 2  | .. | 20 | .. | .. | 2(1) | 21(4) | .. | ..   | .. |

## Notes :

Figures in brackets indicate the number of Reports presented to the House.

- (a) Committee on the Welfare of Scheduled Castes—4 sittings; and Committee on the Welfare of Scheduled Tribes—3 sittings.
- (b) Members Allowances Rules Committee—2 sittings; Panchayati Raj Committee—4 sittings; and Committee on the Welfare of Socially and Educationally Backward Classes, Nomadic Tribes and Denotified Tribes—1 sitting.
- (c) Committee on Papers Laid on the Table—3 sittings.
- (d) Select Committee on the Karnataka Agricultural Income-tax (Amendment) Bill, 1981—2 sittings.
- (e) Select Committee on the Kerala Public Service Commission (Obligation to furnish Returns, Records and Information) Bill, 1980—2 sittings; Select Committee on the Apartment Ownership Bill, 1980—1 sitting; and Select Committee on the Kerala Recognition of Trade Unions Bill, 1981—3 sittings.
- (f) Subject Committee No. IX—1 sitting.
- (g) Committee on Papers Laid on the Table of the House.
- (h) Committee on the Absence of Members from the Sittings of the House.
- (i) Committee on Roorkee Vishwavidyalaya Vidheyak, 1980—3 sittings; Committee on Bhoomi Vidhi (Sanshodhan) Vidheyak, 1981—4 sittings; U.P. Sarvajamik Bhoo Grahadi (Apradikrit Adhivasyon Ki Bedakhali (Sanahodhan) Vidheyak, 1980—2 sittings and The King Georges Medical College and the Gandhi Memorial and Associated Hospitals (Taking over) Bill, 1981—7 sittings.
- (j) Committee on Kanpur Jansewak Housing—14 sittings; Parliamentary Studies Committee—20 sittings; Committee on Compilation of Ruling—6 sittings; and Sandily Sadabhava Committee—14 sittings.
- (k) Select Committee on the West Bengal Cooperative Societies Bill, 1981—1 Sitting.

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT  
DURING THE PERIOD 1ST OCTOBER TO 31ST DECEMBER, 1981

| S.<br>No. | Title of the Bill   | Date of<br>assent by<br>the<br>President |
|-----------|---|--|
| 1         | The Sugar Undertakings (Taking over of Management) Amendment Bill, 1981           | 30-11-81                                 |
| 2         | The Oil Industry (Development) Amendment Bill, 1981                               | 10-12-81                                 |
| 3         | The Economic Offences (Inapplicability of Limitation) Amendment Bill, 1981        | 15-12-81                                 |
| 4         | The Beedi Workers Welfare Cess (Amendment) Bill, 1981                             | 15-12-81                                 |
| 5         | The Anti-Apartheid (United Nations Convention) Bill, 1981                         | 18-12-81                                 |
| 6         | The Cinematograph (Amendment) Bill, 1981  | 18-12-81                                 |
| 7         | The Cine-workers and Cinema Theatre Workers (Regulation of Employment) Bill, 1981 | 24-12-81                                 |
| 8         | The Khuda Bakhsh Oriental Public Library (Amendment) Bill, 1981                   | 24-12-81                                 |
| 9         | The Rampur Raza Library (Amendment) Bill, 1981                                    | 24-12-81                                 |
| 10        | The Kerala Appropriation (No. 4) Bill, 1981                                       | 24-12-81                                 |
| 11        | The Appropriation (Railways) No. 6 Bill 1981                                      | 24-12-81                                 |
| 12        | The Appropriation (Railways) No. 7 Bill, 1981                                     | 24-12-81                                 |
| 13        | The Appropriation (No. 6) Bill, 1981  | 28-12-81                                 |
| 14        | The Appropriation (No. 7) Bill, 1981  | 28-12-81                                 |
| 15        | The Plantations Labour (Amendment) Bill, 1981                                     | 29-12-81                                 |
| 16        | The Indian Iron and Steel Company (Acquisition of Shares) Amendment Bill, 1981    | 29-12-81                                 |
| 17        | The Assam Appropriation (No. 2) Bill, 1981  | 29-12-81                                 |
| 18        | The National Bank for Agriculture and Rural Development Bill, 1981                | 30-12-81                                 |
| 19        | The Aligarh Muslim University (Amendment) Bill, 1981                              | 31-12-81                                 |

## APPENDIX—V

BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD 1 OCTOBER TO  
31 DECEMBER, 1981

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### ANDHRA PRADESH LEGISLATIVE COUNCIL

1. The Vijayawada Municipal Corporation Bill, 1981.
2. The Andhra Pradesh Housing Board (Amendment) Bill, 1981.
3. Sri Krishnadevaraya University Bill, 1981.
4. The Andhra Pradesh Municipal Laws (Amendment) Bill, 1981.
5. The Andhra Pradesh Khadi & Village Industries Board (Amendment) Bill, 1981.
6. The Andhra Pradesh Slum Improvement (Acquisition of Lands) Amendment Bill, 1981.
7. The Andhra Pradesh Town Planning (Extension and Amendment) Bill, 1981.
- \*8. The Andhra Pradesh Municipal Laws (Second Amendment) Bill, 1981.
9. The Andhra Pradesh Excise (Amendment) Bill, 1981.
10. The Andhra Pradesh Payment of Salaries and Pension and Removal of Disqualifications (Second Amendment) Bill, 1981.
11. The Andhra Pradesh General Sales Tax (Second Amendment) Bill, 1981.
12. The Andhra Pradesh (Telengana Area) Horse Racing and Betting Tax (Amendment) Bill, 1981.
13. The Andhra Pradesh Gram Panchayats and Panchayat Samithis and Zilla Parishads Acts (Third Amendment) Bill, 1981.
14. The Andhra Pradesh (Telengana Area) Money Lenders (Amendment) Bill, 1981.
15. The Andhra Pradesh Appropriation (No. 3) Bill, 1981.
16. The Andhra Pradesh Appropriation (No. 4) Bill, 1981.
17. The Andhra Pradesh Sugar-cane (Regulation of Supply and Purchase) Amendment Bill, 1981.

### PONDICHERRY LEGISLATIVE ASSEMBLY

- \*\*1. The Pondicherry Municipalities (Amendment) Bill, 1981.
2. The Pondicherry Village and Commune Panchayats (Amendment) Bill, 1981.
3. The Women's and Children's Institutions (Licensing) Act (Extension to Pondicherry) Bill, 1981.
4. The Appropriation (No. IV) Bill, 1981.
5. The Appropriation (No. V) Bill, 1981.

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\*The Bill is yet to be passed by the Legislative Assembly.

\*\*Awaiting assent.

APPENDIX—VI

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT AND BY THE STATE GOVERNMENTS DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER, 1981

| Sl. No.           | Subject  | Date of promulgation | Date on which laid before the House | Date of Cessation | Remarks                  |
|-------------------|--|----------------------|-------------------------------------|-------------------|--------------------------|
| -NIL-             |  |                      |                                     |                   |                          |
| STATE GOVERNMENTS |  |                      |                                     |                   |                          |
| ANDHRA PRADESH    |  |                      |                                     |                   |                          |
| 1                 | The Andhra Pradesh (Telengana Area) Money Lenders (Amendment) Ordinance, 1981.               | 15-10-1981           | 5-11-1981                           | 15-12-1981        | Replaced by Legislation. |
| 2                 | The Andhra Pradesh Panchayat Samithies & Zilla Parishads (Eighth Amendment) Ordinance, 1981. | 16-10-1981           | Do.                                 | Do.               | Do.                      |
| 3                 | The Andhra Pradesh Excise (Amendment) Ordinance, 1981.                                       | 21-10-1981           | Do.                                 | Do.               | Do.                      |
| 4                 | The Public Works (Extension of Limitation—Andhra Pradesh Amendment) Ordinance, 1981.         | 30-12-1981           | Do.                                 | Do.               | Do.                      |
| GUJARAT           |  |                      |                                     |                   |                          |
| 1                 | The Gujarat Physically Handicapped Persons (Employment Factories) Ordinance, 1981.           | 7-10-81              |                                     |                   |                          |
| 2                 | The Gujarat Municipalities (Amendments) Ordinance, 1981.                                     | 22-10-81             |                                     |                   |                          |

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
|---|---|---|---|---|---|

- |   |   |          |  |  |  |
|---|---|----------|--|--|--|
| 3 | The Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Ordinance 1981. | 8-12-81  |  |  |  |
| 4 | The Gujarat Affiliated Colleges, Services Tribunal Ordinance, 1981                              | 9-12-81  |  |  |  |
| 5 | The Gujarat University Laws (Amendment) Ordinance, 1981.  | 9-12-81  |  |  |  |
| 6 | The Registration (Gujarat Amendment) Ordinance, 1981.   | 18-12-81 |  |  |  |
| 7 | The Gujarat Sales Tax (Second Amendment) Ordinance, 1981  | 22-11-81 |  |  |  |
| 8 | The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance, 1981.                  | 23-12-81 |  |  |  |
| 9 | The Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Ordinance, 1981.                    | 23-12-81 |  |  |  |

#### HIMACHAL PRADESH

- |   |  |         |  |         |  |
|---|--|---------|--|---------|--|
| 1 | The Himachal Pradesh Forest Produce (Regulation of Trade ) Ordinance, 1981 | 1-10-80 |  | 31-3-81 |  |
|---|--|---------|--|---------|--|

#### KARNATAKA

- |   |   |          |  |  |  |
|---|---|----------|--|--|--|
| 1 | Karnataka Prohibition of Beggary (Amendment) Ordinance, 1981.]                            | 1-10-81  |  |  |  |
| 2 | Karnataka Agriculture Produce Marketing (Regulation) (Amendment) Ordinance, 1981.         | 4-11-81  |  |  |  |
| 3 | Karnataka Municipal Corporation (Amendment) Ordinance, 1981.                              | 9-11-81  |  |  |  |
| 4 | Karnataka Agricultural Produce Marketing (Regulation) (Second Amendment) Ordinance, 1981. | 17-12-81 |  |  |  |

Action being taken to  
Replace the Ordinance  
by an Act of the  
Legislature.

**KERALA**

1 The Kerala Municipalities (Amendment) Ordinance, 1981. . . . . 31-12-81

**MADHYA PRADESH**

- 1 The Madhya Pradesh Municipal Corporation (Amendment) Ordinance, 1981. . . . . 28-12-81
- 2 The Madhya Pradesh Adhivakta Kalyan Nidhi Adhyadesh, 1981. . . . . 28-12-81
- 3 The Madhya Pradesh Vidhan Sabha Sachivalaya Seva (Sanahodhan) Adhyadesh, 1981. . . . . 29-12-81

**PUNJAB**

1 The Punjab Agricultural Produce Market (Second Amendment) Ordinance, 1981. . . . . 6-11-81

**RAJASTHAN**

- 1 The Rajasthan Municipalities (Amendment) Ordinance, 1981. . . . . 15-10-81
- 2 The Rajasthan Panchayat Laws (Amendment) Ordinance, 1981. . . . . 15-10-81
- 3 The Rajasthan Panchayat (Extension of Term) Ordinance, 1981. . . . . 10-11-81
- 4 The Rajasthan Universities Laws (Amendment) Ordinance, 1981. . . . . 23-11-81
- 5 The Rajasthan Panchayat (Amendment) Ordinance, 1981. . . . . 1-12-81
- 6 The Rajasthan Co-operative Societies (Amendment) Ordinance, 1981. . . . . 2-12-81



6

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3

2

1

## TAMIL NADU

- 1 The Tamil Nadu Panchayats (Fourth Amendment) Ordinance, 1981 . . . 24-11-1981
- 2 The Tamil Nadu Panchayats (Appointment of Special Officers) Third Amendment Ordinance, 1981. . . . . 9-12-1981
- 3 The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) Third Amendment Ordinance, 1981. . . . . 9-12-81
- 4 The Tamil Nadu Panchayats (Fifth Amendment) Ordinance 1981 . . . 9-12-1981
- 5 The Tamil Nadu Debt Relief (Third Amendment) Ordinance, 1981. . . 9-12-81
- 6 The Madras University, Annamalai University and Perarignar Anna University of Technology (Amendment) Ordinance, 1981. . . . . 21-12-1981
- 7 The Tamil Nadu Contingency Fund (Second Amendment) Ordinance, 1981. . . . . 21-12-1981

## UTTAR PRADESH

- 1 The U.P. Dacoity Affected Areas Ordinance, 1981 . . . . . 22-10-81
- 2 The U.P. Nagar Mahapalika (Amendment) Ordinance, 1981 . . . . . 24-10-81
- 3 The Entertainments and Betting Tax (Second Amendment) Ordinance, 1981 22-10-81
- 4 The U.P. Public Services (Tribunals) (Second Amendment) Ordinance, 1981 22-10-81
- 5 The U.P. Kriahi Evam Prodyogik Vishwavidyalaya (Dwitiya Sanhodhan) Adhyadesh, 1981. . . . . 26-10-81

|             |  |          |
|-------------|--|----------|
| 6           | The U.P. Secondary Education Services Commission and Selection Boards (Second) Ordinance, 1981. . . . .                            | 27-10-81 |
| 7           | The U.P. Sales Tax (Second Amendment and Validation) Ordinance, 1981.  | 26-10-81 |
| 8           | The U.P. State Universities (Second Amendment) Ordinance, 1981. . . . .  | 26-10-81 |
| 9           | The King George's Medical College and the Gandhi Memorial and Associated Hospitals (Taking Over) (Second) Ordinance, 1981. . . . . | 26-10-81 |
| 10          | The U.P. Land Laws (Second Amendment) Ordinance, 1981. . . . .   | 26-10-81 |
| 11          | The U.P. Higher Education Service Commission (Amendment) Ordinance, 1981. . . . .  | 4-12-81  |
| 12          | The U.P. Essential Services Maintenance (Second Amendment) Ordinance, 1981. . . . .  | 1-12-81  |
| 13          | The U.P. Kshettra Samitis and Zila Parishad (Sanshodhan) Adhyadesh, 1981. . . . .  | 16-12-81 |
| 14          | The U.P. Dacoity Affected Areas (Sanshodhan) Ordinance, 1981. . . . .  | 16-12-81 |
| 15          | The U.P. Muslim Waqf (Sanshodhan) Adhyadesh, 1981. . . . .   | 18-12-81 |
| 16          | The U.P. Sahakari Samitis (Sanshodhan) Adhyadesh, 1981. . . . .  | 26-12-81 |
| 17          | The U.P. Nagar Swayayat Shasan Vidhi (Sanshodhan) Adhyadesh, 1981.   | 28-12-81 |
| WEST BENGAL |  |          |
|             | The Calcutta University (Amendment) Ordinance, 1981. . . . .   | 23-11-81 |
|             | The Great Eastern Hotel (Acquisition of Undertaking) (Second Amendment) Ordinance, 1981. . . . .                                   | 15-12-81 |
|             | The West Bengal Panchayat (Amendment) Ordinance, 1981. . . . .   | 17-12-81 |

**APPENDIX VII**  
**A. PARTY POSITION IN LOK SABHA**  
**(As on 10 February, 1982)**

| Sl. No.           | Name of State/<br>Union Territory | Seats | Cong.<br>(f) | CPI<br>(M) | Lok<br>Dal | DMK | BJP | Other<br>Parties | Un-<br>attached | Total | Vacancies |
|-------------------|-----------------------------------|-------|--------------|------------|------------|-----|-----|------------------|-----------------|-------|-----------|
| 1                 | 2                                 | 3     | 4            | 5          | 6          | 7   | 8   | 9                | 10              | 11    | 12        |
| <b>(i) STATES</b> |                                   |       |              |            |            |     |     |                  |                 |       |           |
| 1                 | Andhra Pradesh . . . . .          | 42    | 41           | ..         | ..         | ..  | ..  | 1(a)             | ..              | 42    | ..        |
| 2                 | Assam . . . . .                   | 14    | 2            | —          | ..         | ..  | ..  | ..               | ..              | 2     | 12        |
| 3                 | Bihar . . . . .                   | 54    | 31           | ..         | 5          | ..  | 2   | 10(b)            | 5               | 53    | 1         |
| 4                 | Gujarat . . . . .                 | 26    | 25           | ..         | ..         | ..  | ..  | 1(c)             | ..              | 26    | ..        |
| 5                 | Haryana . . . . .                 | 10    | 5            | ..         | 3          | ..  | 1   | 1(d)             | ..              | 10    | ..        |
| 6                 | Himachal Pradesh . . . . .        | 4     | 4            | ..         | ..         | ..  | ..  | ..               | ..              | 4     | ..        |
| 7                 | Jammu & Kashmir . . . . .         | 6     | 2            | ..         | —          | ..  | ..  | 2(e)             | 1               | 5     | 1         |
| 8                 | Karnataka . . . . .               | 28    | 27           | ..         | ..         | ..  | ..  | 1(f)             | ..              | 28    | ..        |
| 9                 | Kerala . . . . .                  | 20    | 4            | 6          | ..         | ..  | ..  | 8(g)             | 2               | 20    | ..        |
| 10                | Madhya Pradesh . . . . .          | 40    | 33           | ..         | ..         | ..  | 5   | ..               | 1               | 39    | 1         |
| 11                | Maharashtra . . . . .             | 48    | 40           | ..         | ..         | ..  | 2   | 6(h)             | ..              | 48    | ..        |
| 12                | Manipur . . . . .                 | 2     | 1            | —          | ..         | ..  | ..  | 1(i)             | ..              | 2     | ..        |
| 13                | Meghalaya . . . . .               | 2     | 1            | —          | —          | ..  | ..  | ..               | —               | 1     | 1         |
| 14                | Nagaland . . . . .                | 1     | 1            | —          | —          | ..  | ..  | ..               | ..              | 1     | ..        |
| 15                | Orissa . . . . .                  | 21    | 20           | —          | 1          | ..  | ..  | ..               | ..              | 21    | ..        |
| 16                | Punjab . . . . .                  | 13    | 11           | ..         | ..         | ..  | ..  | ..               | 1               | *12   | ..        |

|  |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
|--|--------------------------|---|---|---|-----|-----|----|----|----|----|----|-------|------|----|----|
| 17   | Rajasthan                | . | . | . | 25  | .   | 16 | .. | 2  | .. | 3  | 2(j)  | ..   | 23 | 2  |
| 18   | Sikkim                   | . | . | . | 1   | 1   | 1  | .. | .. | .. | .. | ..    | ..   | 1  | .. |
| 19   | Tamil Nadu               | . | . | . | 39  | 20  | .. | .. | .. | 16 | .. | 3(k)  | ..   | 39 | .. |
| 20   | Tripura                  | . | . | . | 2   | ..  | 2  | .. | .. | .. | .. | ..    | ..   | 2  | .. |
| 21   | Uttar Pradesh            | . | . | . | 85  | 47  | .. | .. | 22 | .. | 1  | 13(l) | 1    | 84 | 1  |
| 22   | West Bengal              | . | . | . | 42  | 4   | 27 | .. | .. | .. | .. | 10(m) | ..   | 41 | 1  |
| (ii) Union Territory                                       |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| 23   | Andaman & Nicobar        | . | . | . | 1   | 1   | .. | .. | .. | .. | .. | ..    | ..   | 1  | .. |
| 24   | Arunachal Pradesh        | . | . | . | 2   | 2   | .. | .. | .. | .. | .. | ..    | ..   | 2  | .. |
| 25   | Chandigarh               | . | . | . | 1   | 1   | .. | .. | .. | .. | .. | ..    | ..   | 1  | .. |
| 26   | Dadra & Nagar Haveli     | . | . | . | 1   | 1   | .. | .. | .. | .. | .. | ..    | ..   | 1  | .. |
| 27   | Delhi                    | . | . | . | 7   | 6   | .. | .. | .. | .. | 1  | ..    | ..   | 7  | .. |
| 28   | Goa, Daman and Diu       | . | . | . | 2   | 2   | .. | .. | .. | .. | .. | ..    | ..   | 2  | .. |
| 29   | Lakshdweep               | . | . | . | 1   | 1   | .. | .. | .. | .. | .. | ..    | ..   | 1  | .. |
| 30   | Mizoram                  | . | . | . | 1   | ..  | .. | .. | .. | .. | .. | ..    | 1    | 1  | .. |
| 31   | Pondicherry              | . | . | . | 1   | 1   | .. | .. | .. | .. | .. | ..    | ..   | 1  | .. |
| 32   | Nominated (Anglo-Indian) | . | . | . | 2   | ..  | .. | .. | .. | .. | .. | ..    | 2    | 2  | .. |
|  |                          |   |   |   | 544 | 351 | 35 | 33 | 16 | 15 | 59 | 14    | 523* | 20 |    |
| *Excluding the Speaker.                                    |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (a) Congress (S) — 1.                                      |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (b) Congress (S) — 3, CPI — 2, Muslim League — 2, DSP — 1. |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (c) Janata — 1.  |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (d) National Conference — 2.                               |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (e) Congress (S) — 3, CPI — 2, Muslim League — 2, DSP — 1. |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (f) CPI — 1.   |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (g) AIADMK — 2, Muslim League — 1.                         |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (h) RSP — 4, Forward Block — 3, CPI — 3.                   |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (i) Congress (S) — 3, CPI — 5, Janata — 2.                 |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (j) D.S.P. — 1.  |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (k) Janata — 1.  |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (l) Janata — 6.  |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (m) Congress (S) — 1, Janata — 1.                          |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |
| (n) CPI — 1, DSP — 9, Janata — 1, DLD — 3.                 |                          |   |   |   |     |     |    |    |    |    |    |       |      |    |    |



|                   |            |            |           |           |            |           |           |           |             |           |              |            |
|-------------------|------------|------------|-----------|-----------|------------|-----------|-----------|-----------|-------------|-----------|--------------|------------|
| Uttar Pradesh     | 34         | 19         | 2         | 2         | 8          | 1         | 4         | 2         | 4           | 1         |              |            |
| West Bengal       | 16         | 2          | 1         | 2         | 8          | 2         | 1         | 1         | 1           | 1         |              |            |
| Arunachal Pradesh | 1          | 1          | 1         | 1         | 1          | 1         | 1         | 1         | 1           | 1         |              |            |
| Delhi             | 3          | 1          | 1         | 1         | 1          | 1         | 1         | 1         | 1           | 1         |              |            |
| Mizoram           | 1          | 1          | 1         | 1         | 1          | 1         | 1         | 1         | 1           | 1         |              |            |
| Pondicherry       | 1          | 1          | 1         | 1         | 1          | 1         | 1         | 1         | 1           | 1         |              |            |
| Nominated         | 12         | 4          | 1         | 1         | 1          | 1         | 1         | 1         | 1           | 1         |              |            |
| <b>TOTAL</b>      | <b>244</b> | <b>133</b> | <b>15</b> | <b>29</b> | <b>141</b> | <b>14</b> | <b>11</b> | <b>41</b> | <b>1513</b> | <b>31</b> | <b>12814</b> | <b>631</b> |

## C. PARTY POSITION IN STATE LEGISLATURES

| State/Union Territory                     | Seats         | Cong. (I)     | Janasena      | Lok Dal       | BJP           | Cong. (U)     | CPI (M)       | CPI           | Other Parties | Ind.          | Total         | Vacancies     |
|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| 1   | 2             | 3             | 4             | 5             | 6             | 7             | 8             | 9             | 10            | 11            | 12            | 13            |
| Andhra Pradesh L.C.<br>(As on 1-1-1982)   | . . . . . 90  | 47            | 1             | 2             | 5             | 1             | 1             | 2             | 6(a)          | 24            | 89            | 1             |
| Andhra Pradesh L.A.<br>(As on 1-7-1981)   | . . . . . 295 | 256           | 5             | 7             | 3             | 2             | 8             | 6             | 3(b)          | 4             | 294           | 1             |
| Assam L.A.                                | . . . . . . . | . . . . . . . | . . . . . . . | . . . . . . . | . . . . . . . | . . . . . . . | . . . . . . . | . . . . . . . | . . . . . . . | . . . . . . . | . . . . . . . | . . . . . . . |
| Bihar L.C.<br>(As on 1-1-1982)            | . . . . . 96  | 44            | 6             | 7             | 2             | 2             | . . . . .     | 7             | 1(c)          | 3             | 72            | 24            |
| Bihar L.A.<br>(As on 30-7-1981)           | . . . . . 325 | 188           | 11            | 43            | 19            | 11            | 6             | 23            | 16(d)         | 8             | 323*          | 1             |
| Gujarat L.A.<br>(As on 1-1-1982)          | . . . . . 182 | 145           | 18            | 1             | 11            | . . . . .     | . . . . .     | . . . . .     | . . . . .     | 7             | 182           | . . . . .     |
| Haryana L.A.<br>(As on 31-12-1981)        | . . . . . 90  | 50            | 4             | 22            | 11            | . . . . .     | . . . . .     | . . . . .     | 2(c)          | . . . . .     | 89*           | . . . . .     |
| Himachal Pradesh L.A.<br>(As on 1-1-1982) | . . . . . 68  | 36            | 1             | 1             | 24            | . . . . .     | . . . . .     | . . . . .     | 1(f)          | 2             | 65*           | 2             |
| Jammu & Kashmir L.C.<br>(As on 1-5-1981)  | . . . . . 36  | 3             | 1             | . . . . .     | . . . . .     | . . . . .     | . . . . .     | . . . . .     | 26(g)         | . . . . .     | 30            | 6             |
| Jammu & Kashmir L.A.<br>(As on 1-5-1981)  | . . . . . 78  | 11            | 11            | 1             | 1             | 1             | . . . . .     | . . . . .     | 52(h)         | 1             | 78            | . . . . .     |





| State/Union Territory                      | Seats | Cong. (I) | Janta | Lok Dal BJP | Cong. (U) | CPI (M) | CPI    | Other Parties | Ind.   | Total | Vacancies |    |
|--|-------|-----------|-------|-------------|-----------|---------|--------|---------------|--------|-------|-----------|----|
| 1  | 2     | 3         | 4     | 5           | 6         | 7       | 8      | 9             | 10     | 11    | 12        | 13 |
| Uttar Pradesh L.C.<br>(As on 1-1-1982)     | 108   | 31        | 4     | 11          | 5         | 1       | 3      | 21(t)         | 2      | 78    | 30        |    |
| Uttar Pradesh L.A.<br>(As on 1-10-1981)    | 426   | 316       | 6     | 52          | 10        | 11      | 7      | 12(u)         | 11     | 425   | 1         |    |
| West Bengal L.A.<br>(As on 1-1-1982)       | 295   | 24        | 20    | 4           | 2         | 1       | 178(v) | 3             | 60(w)  | 3     | 295       | .. |
| <b>UNION TERRITORIES</b>                   |       |           |       |             |           |         |        |               |        |       |           |    |
| Arunachal Pradesh L.A.<br>(As on 1-1-1982) | 33    | 26        | ..    | ..          | ..        | ..      | ..     | 4(x)          | 3      | 33    | ..        |    |
| Delhi Metropolitan Council (Y)             | ..    | ..        | ..    | ..          | ..        | ..      | ..     | ..            | ..     | ..    | ..        |    |
| Goa, Daman & Diu L.A.<br>(As on 1-10-1981) | 30    | 27        | ..    | ..          | ..        | ..      | ..     | 2(z)          | 1      | 30    | ..        |    |
| Mizoram L.A.<br>(As on 1-12-1981)          | 33    | 7         | ..    | ..          | ..        | ..      | ..     | 22(aa)        | 29     | 4     | ..        |    |
| Pondicherry L.A.<br>(As on 1-10-1981)      | 30    | 10        | 3     | ..          | ..        | ..      | ..     | 1             | 16(bb) | ..    | 30        | .. |

\*Excluding the Speaker/Chairman who is not a Member of either Party.

(a) Progressive Democratic Front—4; National Democratic Front—2.

(b) Majlis-Ittehad UI Muslimren

(c) Teacher

- (d) Jharkhand Mukti Morcha—14; Forward Block—1; Nominated—1.
- (e) Socialist Party—1; Congress(I)—1.
- (f) C.P.I. (ML)—1.
- (g) National Conference—25; Others—1.
- (h) National Conference—48; Inquilabi National Conference—2; Jamait-Islami—1; and People's Conference—1.
- (i) R.P.I.—1; Muslim League—1.
- (j) Muslim League—14; Kerala Congress—9; Revolutionary Socialist Party—6; Kerala Congress (I)—6; All India Muslim League—5; National Democratic Party—3.
- (k) R.P.I.—1; Nominated—1.
- (l) M.P.P.—5; P.L.P.—8.
- (m) U.M.P.D.F.—45; A.P.H.L.C.—9; and P.D.I.C.—4.
- (n) Shiromani Akali Dal (L) 32; Shiromani Akali Dal (T)—3; All India Communist Party—1; Unattached—1.
- (o) Pragatishheel Dal.
- (p) Sikkim Congress (Revolutionary)—7; Sikkim Prajatantra Congress—1.
- (q) AIADMK—15; DMK—5; Teachers Graduate Progressive Front—4; Indian Union Muslim League—1; United Party—1; Gandhi-Kamraj National Congress—1.
- (r) AIADMK—130; DMK—35; Gandhi-Kamraj National Congress—6; All India Forward Block—3; Tamil Nadu—Kamraj Congress—3 Nominated—1.
- (s) R.S.P.—2; Forward Block—1; Tripura Upajati Juba Samiti—4.
- (t) Lok Tantrik Samajwadi Dal—7; Shikshak Dal—8; Nirdaliya Vidhayak Paksh—3; Rashtrawadi Dal—2; Janawadi Party—1.
- (u) Democratic Socialist Party—10; Shoshit Samaj Dal—1; Nominated—1.
- (v) Including one Independent Member supported by GPI(M).
- (w) Forward Block—27; R.S.P.—20; R.C.P.I.—3; Forward Block (Marxist)—2; Biplabi Bangla Congress—1; S.U.C.I.—4; C.P.I.(ML)—1; Muslim League—1; Nominated under Article 333 of the Constitution—1.
- (x) People's Party of Arunachal Pradesh—4.
- (y) Under dissolution w.e.f. 21-3-1980.
- (z) Maharashtra Gomantak Party—2.
- (aa) People's Conference.
- (bb) D.M.K.—15; Indian Union Muslim League—1.

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