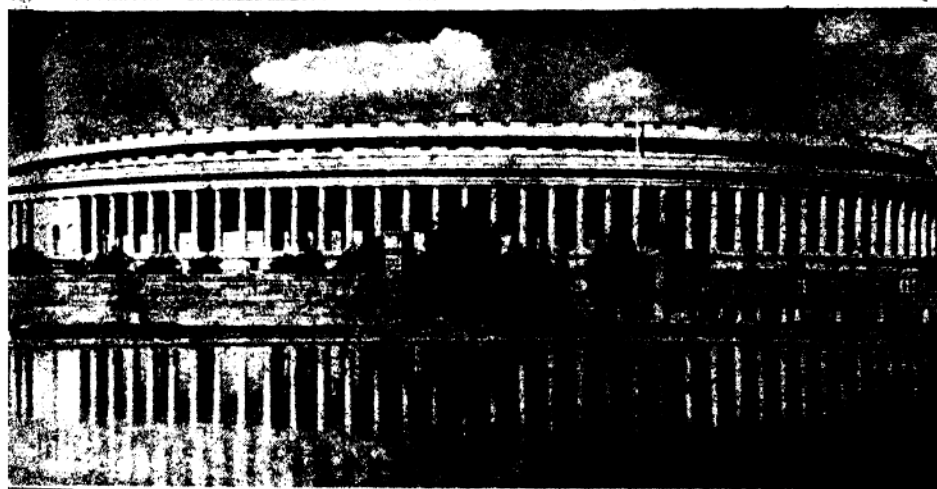


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CONTENTS

	PAGE
Mid-Term Elections to Parliament: Fifth Lok Sabha Meets	1
Addresses and Speeches	
Election of the Speaker	7
Election of the Deputy Speaker	15
President's Address to Parliament	21
Articles	
Financial Committees in State Legislatures-II by H.G. Paranjpe, formerly Secretary, Nagaland Legislative Assembly	28
Powers and Privileges of Parliamentary Committees and the Role of Committee Officials by B.K. Mukherji, Deputy Secretary, Lok Sabha Secretariat	49
Impact of Financial Committees' Recommendations on Administration: Report of the Public Accounts Committee on "Indirect Taxes"	71
Short Notes	
(a) Privileges Issue	100
(b) Procedural Matters	117
(c) Legal and Constitutional Matters	119
Sessional, Reviews	
Lok Sabha	124
Rajya Sabha	140
States	152
Political and Constitutional Developments in States	
Book Review	161
Reform of the Constitution by O. Hood Philips, Q.C., —M. Ruthnaswamy, M.P.	185

Summaries of Books

1. Chelliah, Raja J: Fiscal Policy in Underdeveloped Countries Allen & Unwin Ltd., 1969.	188
2. Gutteridge, J.A.C.: The United Nations in a Changing World; Manchester University Press; 1969	191
Recent Literature of Parliamentary Interest	194
Appendices	210

MID-TERM ELECTIONS TO PARLIAMENT THE FIFTH LOK SABHA MEETS

Following the dissolution of the Fourth Lok Sabha by the President on December 27, 1970 before the expiry of its normal term, fresh elections were ordered to be held all over the country for 518 elective seats of the Lok Sabha. Three members are nominated to the House by the President—two from the Anglo-Indian Community and one from the NEFA region. Including these three, the total strength of the House is 521.

The mid-term elections, held under the supervision of the Election Commission of India, were spread over nine days from March 1 to March 10, 1971, excluding March 8, which was a holiday. On March 10, it was only West Bengal which went to the polls. A total electorate of about 273 million, as against 250 million at the time of the Fourth General Elections held in 1967, was involved in these elections. The percentage of total votes polled was about 55.27 as against 61.32 in 1967.

The process of counting began simultaneously on March 10 throughout the country, except West Bengal where it began on March 11. By March 15 almost all the results had been announced. On March 15 itself, the Election Commission issued a notification duly constituting the Fifth Lok Sabha. A copy of the notification containing the names of 515 elected members was also formally sent to the Speaker by the Chief Election Commissioner. Three seats where the elections could not be held are those of Nagpur in Maharashtra¹ (where the poll was counter-manded due to the death of a candidate), Ladakh in Jammu and Kashmir and Mandi in Himachal Pradesh where the elections were not possible in the month of March because of their being snow-bound at that time.

Soon after the issue of the notification of the Election Commission, the President summoned the House to meet on March 19, 1971. The summons were sent telegraphically by the Secretary of Lok Sabha to the newly-elected members requesting them to attend the meeting of the House on March 19.

Analysis of Election Results

The Ruling Congress Party secured more than a two-thirds majority in the new House. It won 350 seats out of the 442 seats which

¹This has since been held.

it had contested. In the previous Lok Sabha, the party had a strength of only 221 at the time of its dissolution. The tally of the other main parties, with figures in brackets showing the number of seats held by each party in the previous House, was as follows: CPI(M)—25(19); CPI—23(24); DMK—23(24); Jana Sangh—22(33); Congress (O)—16(63); Swatantra—8(35); SSP—3(17); and PSP—2(15). The Telengana Praja Samiti was the latest regional party to emerge on the national political scene by winning 10 seats in the new Lok Sabha².

Out of the 515 members, 260 have been elected to Lok Sabha for the first time. 31 are those who were not members of the Fourth Lok Sabha but had been members earlier of the Constituent Assembly or Provisional Parliament, or First, Second or Third Lok Sabha. Only 225 members were members of the Fourth Lok Sabha and have been re-elected to the Fifth Lok Sabha as well. Out of these, 24 are those who have been members continuously of the First, Second and Third Lok Sabha. This includes two members who have the additional distinction of having served as members of the Central Legislative Assembly, Constituent Assembly and the Provisional Parliament as well, one member who had also served in the Constituent Assembly and the Provisional Parliament and two who had also been in the Provisional Parliament.³

Smt. Indira Gandhi Elected Leader

At a meeting of the Congress Parliamentary Party held on March 17, 1971, Shrimati Indira Gandhi was unanimously re-elected leader of the party. Immediately thereafter, the President invited her to form the new Government. A 36-member Council of Ministers headed by the Prime Minister, Shrimati Indira Gandhi, was sworn in by the President on March 18, 1971 at Rashtrapati Bhavan.

The following is the composition of the new Council of Ministers and the portfolios allotted to each Minister:—

Cabinet Ministers

1. Shrimati Indira Gandhi

Prime Minister, Minister of Atomic Energy, Minister of Home Affairs, Minister of Planning and Minister of Information and Broadcasting.

2. Shri Fakhruddin Ali Ahmed

Minister of Food & Agriculture.

²A statement showing the party position in the new Lok Sabha at the time of its constitution, is given in Appendix VII.

³For a detailed analysis, see Appendix VIII.

3. Shri Y. B. Chavan
Minister of Finance.
4. Shri Jagjivan Ram
Minister of Defence.
5. Sardar Swaran Singh
Minister of External Affairs.
- *6. Shri Moinul Haque Choudhury
Minister of Industrial Development.
7. Shri H. R. Gokhale
Minister of Law and Justice.
8. Shri K. Hanumanthaiya
Minister of Railways.
9. Shri S. Mohan Kumaramangalam
Minister of Steel & Heavy Engineering.
10. Shri Raj Bahadur
Minister of Parliamentary Affairs and Shipping and Transport.
- †11. Shri Siddhartha Shankar Ray.
Minister of Education and Social Welfare.
12. Shri K. K. Shah.
Minister of Health and Family Planning.
13. Dr. Karan Singh
Minister of Tourism & Civil Aviation.

Ministers of State

1. Shri D. R. Chavan
Minister of State in the Ministry of Petroleum, Chemicals and Non-Ferrous Metals.
2. Shri I. K. Gujral
Minister of Works, Housing and Urban Development.
3. Shri R. K. Khadilkar
Minister of Labour, Employment and Rehabilitation.

*Will hold temporary charge of Department of Supply.

†Will hold temporary charge of the Ministry of Culture.

4. Shri Om Mehta

Minister of State in the Department of Parliamentary Affairs.

5. Shri Ram Niwas Mirdha

Minister of State in the Ministry of Home Affairs and in the Deptt. of Personnel.

6. Shri Lalit Narayan Mishra

Minister of Foreign Trade.

7. Shri Niti Raj Singh Chaudhary

Minister of State in the Ministry of Petroleum, Chemicals and Non-Ferrous Metals.

8. Shri Krishna Chandra Pant

Minister of State in the Ministry of Home Affairs and Minister of State, Department of Electronics, Deptt. of Atomic Energy and Deptt. of Science & Technology.

9. Dr. K. L. Rao

Minister of Irrigation & Power.

10. Shri K. V. Raghunatha Reddy

Minister of Company Affairs.

11. Smt. Nandini Satpathy

Minister of State in the Ministry of Information & Broadcasting.

12. Shri Prakashchand B. Sethi

Minister of State (Defence Production) in the Ministry of Defence.

13. Shri Annasahib P. Shinde

Minister of State in the Ministry of Food & Agriculture.

14. Shri Vidya Charan Shukla

Minister of State in the Ministry of Finance.

15. Prof. Sher Singh

Minister of Communications.

Deputy Ministers.

1. Shri K. R. Ganesh

Deputy Minister in the Ministry of Finance.

2. Shri A. K. Kisku

Deputy Minister in the Ministry of Health & Family Planning.

3. Dr. (Smt.) Sarojini Mahishi

Deputy Minister in the Ministry of Tourism & Civil Aviation.

4. Shri Jagannath Pahadia

Deputy Minister in the Department of Supply.

5. Shri Mohammed Shafi Qureshi

Deputy Minister in the Ministry of Steel and Heavy Engineering.

6. Shri K. S. Ramaswamy

Deputy Minister in the Ministry of Home Affairs.

7. Shri Siddheshwar Prasad

Deputy Minister in the Ministry of Irrigation and Power.

8. Shri Surendra Pal Singh

Deputy Minister in the Ministry of External Affairs.

The Fifth Lok Sabha Meets

India's Fifth Lok Sabha met for its first session on March 19, 1971. Dr. Govind Das, who has been a member of the Lok Sabha ever since it was constituted, presided over the first sitting. He had been appointed Speaker *pro tem* by the President and administered the oath of allegiance to the Constitution and sworn in as a Member of the Fifth Lok Sabha by the President earlier at Rashtrapati Bhavan. In that capacity, he was also authorised by the President to administer the oath to other members of the House.

The Speaker, Dr. G. S. Dhillon, had laid down his office on March 18, 1971, on the eve of the first sitting of the new House, as required under the Constitution.

On March 19 and 20, the Members took the oath. On March 22, the House met for the election of the Speaker. Dr. G. S. Dhillon was unanimously re-elected Speaker of the new Lok Sabha. The President addressed Members of the two Houses of Parliament assembled together in the Central Hall of the Parliament House on March

23 to inform them about the causes of summoning the Parliament and to outline his Government's policies and programmes and the legislative business before Parliament. The House discussed the Motion of Thanks on the President's Address moved on March 30, 1971 for three days and adopted it on April 2, 1971. The Finance Minister presented the interim Budget on March 24, 1971 which was voted by the House on March 27, 1971. The election of the Deputy Speaker was also held on March 27, 1971 and Prof. G. G. Swell was re-elected to this office unanimously.

At the bottom of all the tributes paid to democracy is the little man, walking into the little booth, with a little pencil, making a little cross on a little bit of paper—no amount of rhetoric or voluminous discussion can possibly diminish the overwhelming importance of that point.....

WINSTON S. CHURCHILL



Dr. Gurdial Singh Dhillon
Speaker, Lok Sabha
[Re-elected: March 22, 1971]

ELECTION OF THE SPEAKER

Dr. G. S. Dhillon was unanimously re-elected Speaker of the Fifth Lok Sabha, when the House met on March 22, 1971 under the Chairmanship of the Speaker *pro tem*, Dr. Govind Das.

The motion proposing the name of Dr. Dhillon was moved by the Prime Minister, Shrimati Indira Gandhi, and seconded by the Minister of Parliamentary Affairs, Shipping and Transport, Shri Raj Bahadur. As there was no other candidate for this office, the motion was adopted unanimously and the Speaker *pro tem* formally announced the election of Dr. Dhillon as Speaker and invited him to occupy the Chair.

Dr. Dhillon was thereafter conducted to the Chair by the Prime Minister, Smt. Gandhi and the Leader of the CPI(M) group in Lok Sabha, Shri A. K. Gopalan.

Warm felicitations were offered to Dr. Dhillon on his re-election to the office of the Speaker, by the Prime Minister and Leader of the House, leaders of other groups and some Independent members. The Prime Minister, in her speech observed:

"It is a privilege, as Leader of the House, to offer felicitations to the Speaker, Shri Dhillon. I am sure that every fellow-Member of the new Lok Sabha, irrespective of party affiliation, will join me in assuring Shri Dhillon of the fullest co-operation in maintaining the honour and high traditions of the House.

In electing Shri Dhillon, we are not merely following the convention that the Speaker should be re-elected. We are expressing our regard for a person of great conscientiousness and courtesy.

The last two years in the House could hardly be called placid. There were storms, big and small, difficult constitutional issues, battles of procedure, some points of order threatening disorder. Shri Dhillon steered the House ably through all these troubles, always upholding the basic principles of parliamentary conduct, never losing the affability and candour, which are characteristic of him.

Students of the British constitutional history are aware that in the long conflict between Parliament and monarch, the Speaker was the spokesman of the citizenry. When the supremacy of Parliament was established, he became the symbol and repository

of the self-restraint is the basis of self-government. So, when we obey the Speaker, we are obeying a part of our own conscience. In our own national life, the Speaker has been accorded an eminent position. By his temperament and personal qualities, Shri Dhillon is worthy of his office.

Mr. Speaker, I offer you greetings and good wishes. We know that your Chair is not one of roses. It will be the endeavour of this House not to make it one of thorns."

Leaders of all opposition groups in the House and some members of the ruling Party and Independent members offered their felicitations to the Speaker and assured him of full co-operation.

Shri A. K. Gopalan, leader of the CPM group, congratulated the Speaker on his re-election and expressed the hope that he would be careful enough to ensure that the opposition got its proper share of opportunity and right to raise grievances of the people in the country.

Dr. Govind Das (Cong.) said that if Shri Dhillon had been unanimously elected Speaker, it was because of the fact that he had shown great impartiality in the discharge of his duties in his last term.

Shri K. Manoharan, leader of the DMK group, said Shri Dhillon was adorning the Chair for the second time because of his great qualities of impartiality, independence and a sense of humour. As there was no full fledged Opposition in the House now, the Speaker should show more affection and consideration towards the Opposition groups.

Shri Indrajit Gupta, leader of the CPI group, while felicitating the Speaker, expressed the hope that the voice expressed through the ballot box—the voice of the toiling people, the exploited and the suppressed—would be given the fullest opportunity by the Speaker to be heard within the four walls of the House. Though dwindled in numbers, the Opposition was quite capable of looking after itself but, nevertheless, it would look to the Speaker as the custodian of this House to provide his protecting umbrella, Shri Gupta added.

Shri Atal Bihari Vajpayee, leader of the Jan Sangh group, said that the fact that Shri Dhillon had been elected unanimously showed that he commanded the confidence of all sections of the House. He was of the view that the Speaker should not only be unanimously elected, but he should also be returned to the House unopposed. Since the number of Opposition members had been reduced and the ruling party had secured an absolute majority, Shri Vajpayee hoped that the Speaker would see that the Government did not swerve

from the right path and the opposition parties should co-operate with him in that regard.

Shri Shyamnandan Mishra, leader of the Congress (O) group, welcomed Shri Dhillon to the high office and said that although the Opposition was weaker in corps, it would not be found weaker in spirit, and what the opposition would demand of the Chair was not compassion, but justice and fairness in treatment. "We would offer our fullest cooperation in preserving the decorum and dignity of the House and do our part in fulfilling this task," he added.

Dr. G. S. Melkote, leader of the Telengana Praja Samiti group, said that during the past two or three years, the Speaker had come to be known as a man of a jovial temperament who showed at the same time firmness in dealing with turbulent elements in the House. He assured the Speaker that his group would do its best to maintain decency and decorum in the House and co-operate with him in full measure.

Shri P. K. Deo (Swatantra Party), said that in the context of the composition of the present Lok Sabha, the responsibilities on the Speaker's shoulders had become heavier. It would be a sad day for the country and for parliamentary democracy, he added, if the interests and rights of the minorities, however microscopic they might be, were not given due consideration and protection in the House. The Speaker should permit a meaningful dialogue on all important issues and the viewpoints of all sections should be properly expressed, he added.

Dr. Karni Singh (Independent), said Shri Dhillon had not only made himself most popular through his tact and patience but had shown to everybody in this House as well as outside that he was known for his fairness and impartiality. He was a man in whom the Members had complete faith, he added.

Shri Tridib Kumar Chaudhury (RSP) utilized the occasion to remind his colleagues in the Opposition that their strength did not depend only on numbers. The Opposition, he said, had also its part to play and it would be well to remind "ourselves of the fact that the House has got the presiding officer it deserved". He expressed the hope that all sides would follow the best traditions of the House and co-operate with the Speaker in maintaining the dignity of this sovereign Parliament.

Shri Shibban Lal Saxena (Independent) described Shri Dhillon as the august Speaker of the greatest democracy in the world represented in this House and hoped that he would be careful to give opportunities to present the point of view of independent and unattached members.

Shri M. Muhammad Ismail (Muslim League), said that on many occasions of strain and stress in the House in the past, Shri Dhillon had been able to maintain equanimity of mind in his judgement and had never swerved from his sense of humour or that of impartiality. He had always safeguarded the interests of the minorities in the House and it was hoped that he would continue to do so in the future in the same manner, Shri Ismail added. He also felt sure that the future would be better than the past and Shri Dhillon would add lustre to his high office.

Shri M. Dandavate, hoped that the Speaker would not give opportunity to old veterans alone to put forward their points of view but would enable the newcomers as well to use the forum of the House to reflect their views.

Shri Ram Deo Singh expressed the hope that the Speaker would successfully discharge his onerous responsibility and ensure that the rights of the opposition were well protected.

Rao Birendra Singh said that the unanimous election of the Speaker was a matter of great pleasure for him personally. He had no doubt that the Opposition in the House would receive full protection from him.

Shri B. P. Maurya said that the unanimous election of the Speaker bore testimony to the fact that not only the various sections of the House but also the people whom the House represented, had full faith in him. He expressed the hope that more and more opportunities would be provided for discussion of the real problems of the people in the House.

Shri Shamim Ahmed Shamim said that the Speaker's protection was needed most by independent Members and hoped that justice would be done to independent Members in the same manner as he would do to the parties.

Shri Shiv Kumar Shastri (BKD) also offered his felicitations to Shri Dhillon. He was of the view that for the healthy development of democracy, the Opposition should not feel unduly alarmed over the reduction in their strength. What is important is a healthy and constructive Opposition irrespective of its numerical strength.

Mr. Speaker's Reply

In his reply to the felicitations, the Speaker, Dr. Dhillon, thanked the Members for the honour bestowed on him and for the sentiments

expressed about him. He assured the House that it would be his earnest endeavour to ensure equal and just treatment to all sections of the House and expressed the hope that the House would fully co-operate with him in this endeavour. **The Speaker** said:

"I am deeply grateful to the honourable Members for the honour they have bestowed on me by electing me to this high office for another term. I am also grateful for the kind and generous sentiments expressed about me by the leader of the House, the leaders of the opposition groups and other distinguished friends.

As I take the Chair today, I am reminded of the onerous responsibilities attached to this high office, and yet, if I approach my task ahead with faith and hope, it is not because of any exaggerated notion of my own ability and experience, but because I feel reassured by the generous promises of willing co-operation which I have just received from all sections of this august House.

I take this opportunity to place on record my gratitude to the members of the Fourth Lok Sabha for the co-operation that they gave me in conducting the proceedings amid great strain and stress which the political atmosphere then prevailing caused to every one. But for the sudden dissolution of the House, I should have given expression to my feelings to them personally. I do so now and thank them all for the consideration and goodwill that they showed to me throughout my Speakership of the Fourth Lok Sabha.

Friends, the people of our ancient land have always been known for their tolerant attitude towards differing views, creeds and opinions. It is for us to see that this great national quality fully permeates and enriches the deliberations of this august body, composed as it is of eminent representatives, from all parts of our great land representing diverse shades of opinion.

I need hardly emphasise that discipline, or rather self-discipline, is a prime pre-requisite for the smooth and efficient functioning of Parliament. Parliamentary government, it is rightly said, is government by discussion. Here in this House—the symbol of the people's sovereignty and the highest forum of our Nation—every Member has the fullest liberty to express his own views remembering that the liberty of every other Member is also the same. It becomes necessary, therefore, to exercise self-restraint on the contents and the tenor of speeches. In other words, the spirit of mutual goodwill, understanding and respect should dominate the atmosphere, thus keeping it free from acrimony. This in turn calls for a disciplined mind, which will respect the rules and regulations and the well-established conventions of parliamentary conduct and debate. To the extent to which persons holding divergent views, or ideologies, exhibit the qualities of tolerance, 'give and take', and make an effort to understand the differing points of view, to that extent only, parliamentary government stands the chance of being successful.

There was a time when the Legislatures could deliberate without being too much in the public eye. Now all is different. With the growing political maturity of our people and rapid development of mass media, more and more people are closely watching our performance in the House—not only the thought-content of what we say, but the actual results we are able to achieve in terms of the people. As such, it is but proper that all of us in this House should have a live awareness of the needs and aspirations of the common man and so conduct our business that the results sustain and promote faith in parliamentary institutions.

Sitting in this Chair, I am today reminded of my illustrious predecessors like Shri Vithalbai Patel, Shri G. V. Mavalankar and other distinguished Speakers who adorned this Chair and laid high traditions of judicious and impartial conduct of parliamentary business. It shall be my earnest endeavour to live up to this exacting requirement to uphold the dignity, decorum and privileges of this House, and to ensure equal and just treatment to all sections of the House. I am sure that the House will fully co-operate with me in this endeavour.

I am sure that the high sentiments voiced here today by all sections of the House would find fulfilment in their unstinting co-operation to the Chair in conducting the business of the House from day to day in a dignified and purposive atmosphere, free from rancour, with love for all and malice towards none.

May our deliberations be marked by a sense of dedication and service to the cause of the common man, so that he sees in them an answer to his pressing problems and realises that we are marching forward triumphantly in the war against hunger and want. I thank you again in all humility for the honour you have done me in electing me as your Speaker.

The House is different in composition, with new fears and hopes. I quite visualise new problems and new situations. I am quite adaptable and I assure you that I shall get used and adjusted to the new complexion and the demands of this House very soon.

GURDIAL SINGH DHILLON—A SKETCH

Born on August 6, 1915 at Panjar in Amritsar District in Punjab, Dr. Gurdial Singh Dhillon had a brilliant academic career, with a first-class-first in law. He practised law during the period 1937—1947. Though he was a successful lawyer, the national struggle for freedom and the kisan movement were too strong urges for him to resist and he plunged whole-heartedly in these patriotic movements. He was imprisoned twice and these two spells in the British jails made him abandon his lucrative legal practice.

After Independence, Dr. Dhillon took to journalism and soon won a place for himself not only in journalistic circles but also in the hearts of the people at large, by his writings, particularly, on

communal harmony at a time when the communal forces were raising their ugly head. He started a Punjabi daily 'Virman' (1947—52). Later, he became the Chief Editor of an Urdu daily, 'Sher-e-Bharat' and the Managing Director of the National Sikhs' News-paper Ltd. and managed and edited both the dailies.

Dr. Dhillon took keen interest in the sphere of education and served its cause with great dedication. He was elected a member of the Senate of the University of Punjab for two decades and was on its Executive Body for the last ten years. He also served on various important University Committees.

A man of many parts, Dr. Dhillon has had a long association with several educational and social institutions. He is a member of the Managing Committee of Jallianwala Bagh Memorial Trust, Amritsar. He is a progressive farmer, a sportsman and a keen patron of civil aviation and gliding. He has also been President of the Rotary Club, Chandigarh.

Dr. Dhillon has widely travelled abroad.

A writer of distinction, Dr. Dhillon has many booklets to his credit. He is co-author of Dhani Ram Chatrik Abhinandan Granth and has published several brochures on current affairs.

After holding many assignments in the Congress organisation, Dr. Dhillon got elected to the Punjab Legislative Assembly in 1952. From 1952 to 1954, he was Deputy Speaker of Punjab Vidhan Sabha and from 1954 to 1962 its Speaker. He made a mark as Presiding Officer of Punjab Vidhan Sabha and won respect from all sides for the calm, composed and just manner in which he conducted the proceedings of the House.

Dr. Dhillon had the good fortune of coming into intimate contact with Shri G. V. Mavalankar, the 1st great Speaker of Lok Sabha during the period 1952—56 in the Speakers Conferences and in other forums and was greatly influenced by the latter's personality and character. The duties and responsibilities of the Chair as enunciated and discharged by Shri Mavalankar also left an indelible impression on his mind.

During the 1965 war with Pakistan, Dr. Dhillon, as Minister of Transport, was made Minister-in-charge of the three war-hit border districts. Moving from village to village and exposing himself to personal risk, Dr. Dhillon inculcated courage and inspired confidence and fearlessness among the people of the border areas. He played a significant role in organising civilian transport for rushing supplies to the Indian army units in the Amritsar and Sialkot Sectors. His undaunted courage and organising ability at the critical juncture won him many an admirer among the top leaders of the country.

In 1967, Dr. Dhillon was elected to Lok Sabha from Taran Taran constituency in the Punjab and was soon thereafter appointed Chairman of the Select Committee on the Banking Laws (Amendment) Bill. He was later appointed Chairman of the Committee on Public Undertakings for 1968-69 and was re-appointed in May 1969 for a second term. He was first elected Speaker of Lok Sabha on August 8, 1969 in the vacancy caused by the resignation of Dr. N. Sanjiva Reddy.

Dr. Dhillon has the distinction of being the youngest Speaker of the Lok Sabha. He enjoyed that distinction earlier also when he became the Speaker of the Punjab Legislative Assembly at the age of 36.

The Speaker's position is unique and though he may not appear to exercise direct authority either in the administration of the country or in the foreign policy and relations of the country, he yet exercises indirectly and remotely an amount of influence on both.

—G. V. Mavalankar.



Dr. G. G. Swell
Deputy Speaker, Lok Sabha
[Re-elected: March 27, 1971]

ELECTION OF THE DEPUTY SPEAKER

Prof. G. G. Swell, Deputy Speaker of the Fourth Lok Sabha, and a member of the Opposition, was unanimously re-elected to that office on March 27, 1971. There were six motions proposing Prof. Swell's name for the Deputy Speakership. The first motion was moved by Shri A. K. Gopalan, leader of the CPI(M) group and seconded by Shri R. K. Sinha. After the motion had been moved and adopted unanimously, the Speaker declared Prof. Swell duly re-elected as the Deputy Speaker.

Felicitating Prof. Swell on his re-election, the **Prime Minister** said:

"Mr. Speaker, may I in a very few words offer our hearty congratulations to Professor Swell on his re-election as Deputy-Speaker. We are specially glad that we find him restored to full health after a long illness and able to take up his normal schedule of work which, as you all know, is by no means a light load. A fine parliamentarian himself, he has made a mark as Deputy-Speaker in a comparatively short time through his earnestness, devotion and deep concern for upholding the privileges and responsibilities of individual Members as well as of the House as a whole. He has proved to be a fine guardian of the parliamentary process and has been able to inspire wide-spread feeling of friendship and respect in the House. I assure him of the fullest co-operation from all Members of this House."

The Prime Minister was followed by the leaders of Opposition groups and other Members who also offered their congratulations to Prof. Swell and assured him of their co-operation.

Shri A. K. Gopalan, leader of the CPI (M) group, said that the unanimous election of Prof. Swell itself showed that as a Deputy Speaker, he would have the support and good wishes of all the sections of the people in the House.

Shri K. Manoharan, leader of the DMK group, said this was the first time that the Deputy Speaker was being sponsored and proposed by the opposition and supported by the Government. Prof. Swell had established himself as a distinguished Deputy Speaker in the last Parliament and had conducted the House very ably in a way which had earned him friendship and reputation from all sections of the House.

Shri S. M. Banerjee (CPI), said Prof. Swell was an emblem of patience and impartiality in his approach.

Shri Shyamnandan Mishra, leader of the Congress (O) group, extended to Prof. Swell all the warmth and hearty co-operation that his group could give.

Shri Jagannath Rao Joshi (J.S.), said that Prof. Swell had, by his ability and efficiency, enhanced the prestige of that office.

Dr. G. S. Melkote, leader of the Telengana Praja Samiti group, said Prof. Swell had earned the goodwill of the House in a manner that brought credit not merely to himself but to the whole House. The responsibility of a Deputy Speaker was a very arduous one and he had discharged it very ably.

Shri Piloo Mody, leader of the Swatantra group, said that knowing how Shri Swell performed in the last Lok Sabha, it could be expected that he would have no difficulty in the present Lok Sabha as well.

Shri Frank Anthony (Anglo-Indian-Nominated), describing Prof. Swell's re-election as a matter of special pleasure for him, said: "Till 1967 Parliamentary standards were rather exemplary. But from 1967 there was a landslide decline in those standards, and the image of Parliament was tarnished. What has happened to day has given us a chance to restore the effectiveness of parliamentary techniques and the image of Parliament.

Shri Samar Guha (PSP), expressing his happiness over Prof. Swell's re-election as Deputy Speaker, said that during his last tenure, he had been very considerate and sympathetic to the opposition. He expected that this time he would show more sympathy and consideration to opposition in the face of large majority of the ruling party.

The Speaker, Dr. Dhillon, joined the Leader of the House and leaders of opposition groups in paying tributes to Prof. Swell and said:

"Hon. Members, while joining you in felicitations, I have very great pleasure in extending my own congratulations to my old colleague, Prof. Swell. His name is not new to us. Before his election as Deputy Speaker of the Fourth Lok Sabha, he was a very prominent parliamentarian, an excellent debator and essentially a man of scholarship and academic achievements. He is equally known for his achievements in public life.

Last time we elected him as a representative when he was representing Assam. This time he is representing the new State of Meghalaya. We are very happy that the representative of the new State of Meghalaya has been elected as our Deputy Speaker, a very honoured position in this House. As you all know, he did so much work for the uplift of the down-trodden hill people, that

he is held in so much of esteem and affection by all those people. He is very much known for his sobriety, gentlemanliness, uprightness and gentleness of manners.

I am very happy that after a brief illness he has come back to this House as hale and hearty, and much stronger in health. He stood well along with me through all the trials and tensions of the last Lok Sabha. We had to face those strains and stresses together.....

.....I can assure hon. Members that while Shri Swell was performing his duties, I had not the least worry about anything going wrong in this House.....

.....Parliament and democratic institutions are on a great trial, and they are in a great crisis. We cannot take Parliament and its deliberations and the participations made by the Members in the old conventional sense. The world is going too fast ahead of us, and we have to catch up with it. Great political, economic and social changes are going on. We shall have to see that Parliament adjusts itself to the rising aspirations of the people. The procedures and practices and conventions have also to be liberalised. We have to be a bit more generous in adapting them and also acting on them.

But, basically, I may bring it to the notice of the hon. Members that no Parliament can run unless the conventions and practices are kept up, unless the procedures and rules of business are followed, and unless the dignity and decorum of the House is maintained. I do hope that all hon. Members will co-operate with Prof. Swell and myself in this task.....

.....It shall be our endeavour, I can safely say this on Prof. Swell's behalf also, to keep up a proper balance and we shall not try to annoy hon. Members. At the same time, we do expect that they will also understand the difficulties and the awkward situations in which the presiding officers sometimes are put.

Unless hon. Members appreciate this, we cannot run the House. Respect for each other is very essential not only amongst the Members but between the presiding officers and the Members. We are simply the servants of the House to carry out its commands and to conduct this House with greater dignity and efficiency which I assure hon. Members, we would not be found lacking in.

As I said last time, Prof. Swell and I have many things identical, and we have also many things which are far away. Both of us come from the minorities, and from the border States, but his community is not so aggressive as mine, and so, I have to be very careful about it. I wish him a very very happy and peaceful time. I hope he will be liberal in giving chances to the new members so that they may show themselves and develop their talent in debating ability.....

.....I again convey my heartiest congratulations to Prof. Swell and also extend my congratulations to the whole House, to the member who proposed and the member who seconded, on electing such a good and sober gentleman as their Deputy Speaker."

Replying to the felicitations offered to him, **Prof. Swell** said in his speech:

"May I say, Sir, that I am deeply grateful to the House for this renewed confidence in me. I feel particularly gratified that the election has not only been unanimous but that my name has been sponsored and supported by every section of the House, and that it has fallen to my lot to provide one of the rare occasions when the Government Benches and the opposition can co-operate unreservedly in keeping with the best traditions of parliamentary practice.

I feel overwhelmed and humbled, but encouraged too. All I can say in return is that I shall ever endeavour to prove myself ever worthier of the confidence that the House has reposed in me.

As you know, this is the new House that the nation has called into commission. It is new, not only in the sense that it has been newly elected; it is also new in complexion, in tone and in tenor. Of the 515 members at present, as many as 290 are new members, most of them belonging to the ruling party. I am sure there will be many a hidden talent that has got to be uncovered, and also that there is many a human dynamo that has got to be handled with care and finesse. I am sure we will get to know each other better in course of time.

But many of us here also have had the opportunity of being members of the last House and we know what a convulsive time we had to pass through. Caught in the storm that lashed the House almost day after day, many of us were anguished and filled with apprehension about the survival of parliamentary democracy in this country. In retrospect, however, all those fears have proved unfounded and I am sure there are not many of such among us who will not look to those days with a certain amount of nostalgia. Those were the days when the House was not only the mirror of the nation, as indeed it is today, but also a sensitive barometer of its moods and tantrums at a period that may be considered as a "watershed" in its history. Those were the days when we witnessed democracy breaking itself loose from the precincts and confines of the elite, percolating to the grassroots and imbuing the common man of India with a new awareness of his strength and importance.

In such a situation, clashes of issues and personalities were inevitable emitting often sparks of brilliance of which any Parliament in the world could be proud. It went to the credit of the House that despite all those clashes, it never overstepped its limits, and it went to the credit of the common man of India that he also was never swept off his feet, and when he was called to renew his

Election of the Deputy Speaker

mandate to the House, he did it with a maturity and poise that took every one of us by surprise. In the context of what is happening in the rest of the world today, especially in countries neighbouring on ours, this action of the voter of India is of extraordinary significance.

From those exciting days to the present is like a journey through choppy sea to placid shores. Many of us looked to this occasion with great eagerness, but now that we have arrived, I am somewhat afraid of the prospect. I am afraid of the going being too smooth and easy, lest we sink into a sort of happy insensibility, lest we fail to resist the temptation to forget the clear and massive mandate that the people of India have given to this House. For, if we do so, it will be a disaster, and nobody can predict the direction that the nation will take thereafter. I am sure you will agree with me that we cannot afford to have that, and it must be our endeavour as Presiding Officers, as well as the endeavour of every hon. Member of this House, to measure up to the expectations of our people.

In the past our task was mainly to keep the House on an even keel. Today our task appears to be to try to look out and uncover hidden talent in the House, to devise some means by which these hidden talents will have ample scope, so that the decisions that may emerge out of the discussions will prove equal to the exigencies of the situation and provide the country with the required leadership.

What we shall lack in this House because of the absence of political clashes we shall have to make up by greater awareness, greater seriousness, greater depth and greater articulation.

May I, in conclusion, thank you and the Prime Minister and the leaders of the various parties and groups for the many kind things that they have said about me."

G. G. SWELL—A SKETCH

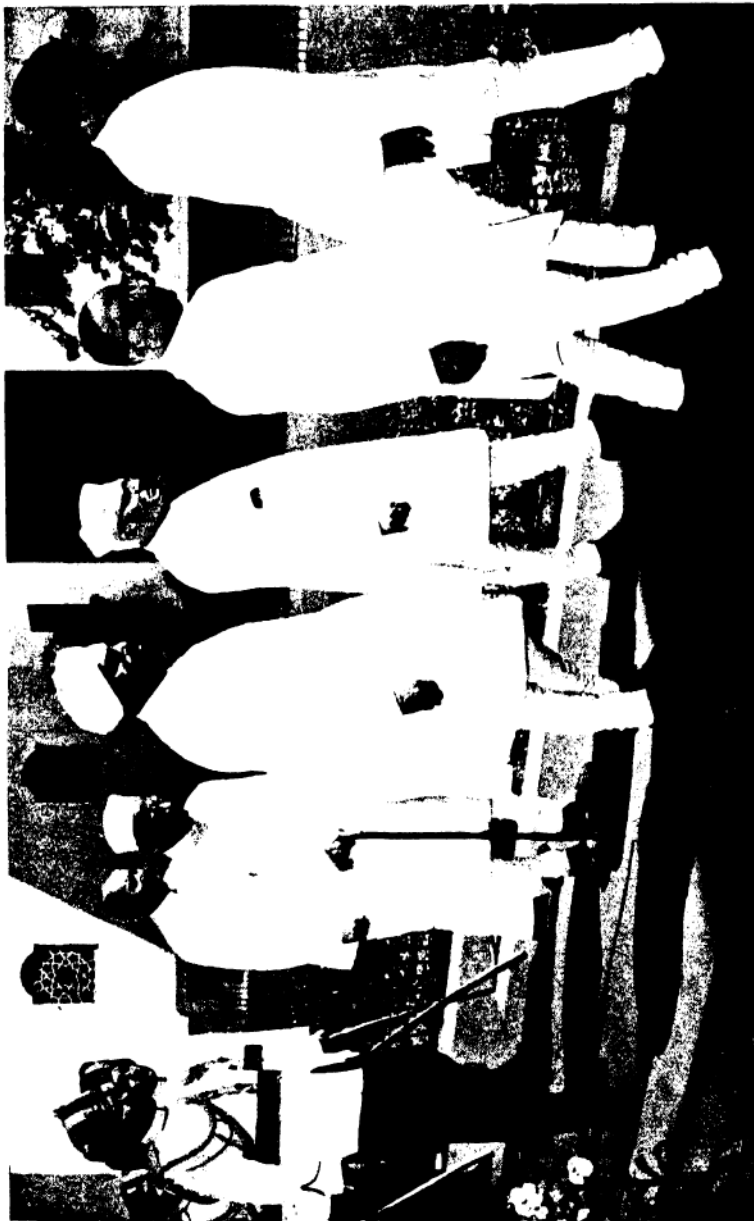
Dr. G. G. Swell, son of late Shri G. Hooroo, was born on August 5, 1924 at Khasi and Jaintia Hills in Assam. He received his early education at Ram Krishna Mission High School, Cheerapoonji. Later, he went to Calcutta for higher education and studied at Bangabasi College, Scottish Church College, and the University of Calcutta from where he obtained his Master's degree in English Literature. He started his career as Professor of English.

In politics, he associated himself with the Indian National Congress initially, but later became an active member of the All Party Hill Leaders' Conference and its chief spokesman. He successfully contested for the Lok Sabha seat in the general election of 1962 on an All Party Hill Leaders' Conference ticket and retained his seat in the general elections of 1967. When he first came to Lok Sabha in 1962, though he was a back-bencher, he made a mark in the House by his eloquence and knowledge of the subject on which he spoke. He took keen interest in debates on

foreign affairs, border disputes, education and development of the Hill areas. He was unanimously elected Deputy Speaker on December 9, 1969 in the vacancy caused by the resignation of Shri R. K. Khadilkar. He is a good conversationalist and has won many friends among his fellow parliamentarians by his suave manners and gentlemanly behaviour.

The function of general election is not simply to choose representatives but to express the approval or disapproval of the general public on the doings of the representatives assembly.

—A. D. LINDSAY.



The Presidential procession, led by the Secretaries and the Presiding Officers of the two Houses of Parliament, heading towards the Central Hall.

PRESIDENT'S ADDRESS TO PARLIAMENT

[The President of India, Shri V. V. Giri, addressed the two Houses of Parliament assembled together on March 23, 1971 in the Central Hall of Parliament House and outlined the policies of the Government of India on various issues and the legislative programme for the Session. This was the First Session of Parliament after the recent mid-term elections to Lok Sabha. Reproduced below is the text of the President's Address.—Ed.]

MEMBERS OF PARLIAMENT,

It gives me pleasure to address this Joint Session of the Fifth Parliament of our Republic and summon you to new endeavours.

The General Election has once again demonstrated that durable political power in a democracy has only one source—the people. It has proved the people's confidence in themselves and their faith in the processes of democracy.

Massive Mandate for Change

Our people have made their choice. They have asserted their sovereignty through the ballot box. And theirs is a massive mandate for change, peaceful change that must swiftly and visibly alter the picture of poverty and alienation in our land.

We have begun this work. But now we have to address ourselves afresh to evolving perspectives, policies and practices even more closely and concretely related to the needs of our people and our times.

My Government have been returned to office on the clear pledge that the central objective of our policy must be the abolition of poverty. To achieve this, my Government are firmly committed to implementing the economic and social transformation outlined in the manifesto which has received such overwhelming support of the electorate.

Mid-term Appraisal of Fourth Plan

The Government will soon frame specific policies and programmes arising out of the mandate of the electorate. A mid-term appraisal of the Fourth Plan will be made. This appraisal will enable us to review and reorient the plan in order to increase the pace and effective use of investment in the economy. As part of this exercise, Government will also identify the specific directions in which developmental programmes could be further reinforced in a determined

effort to deal with the problem of unemployment. The Crash Scheme for Rural Employment which is to be implemented from the commencement of the next financial year will form the nucleus of a comprehensive programme for the expansion of employment. This programme will be linked to schemes for raising the productivity of agriculture. The construction and renovation of minor irrigation sources and the provision of basic amenities such as drinking water supply and link roads will form part of this programme. The problem of the educated unemployed will receive special attention.

Land Reform Legislation

My Government are convinced that land reforms are vital for the promotion of an egalitarian social order and for maximising agricultural production. In recent months, various issues relating to land reforms have received special attention of my Government. A Central Land Reforms Committee under the Chairmanship of the Union Minister of Food and Agriculture has been set up. As a result of the lead provided by the Government of India, States in which intermediary tenures have not been completely abolished have taken steps to do so. Further legislation has been introduced in some States to give security of tenure, to reduce rents and ceilings and to restrict exemptions.

While recognising that land reforms come within the legislative competence of the States, my Government will continue to press the State Governments for further action in promoting a more equitable agrarian structure. Simultaneously the Government will pursue the objective of imposing a ceiling on urban property.

Credit Facilities for Productive Purposes

Extension of credit facilities for productive purposes to areas and classes hitherto neglected is one of the important objectives of my Government. A comprehensive credit guarantee scheme has been launched recently. A Credit Guarantee Corporation has been set up under the auspices of the Reserve Bank of India. As from 1st April, 1971, small loans given by commercial and cooperative bank offices will be eligible for guarantee by the Corporation to the extent of about 75 per cent of the loans advanced. The increasing attention paid by the banks to the genuine needs of productive enterprises, including those of agriculturists whose main resort earlier was to money-lenders, is one of the striking new developments which have served to concretise the benefits of nationalisation for the small man.

Rural Electrification

Government also attach high priority to the extension of electricity to rural areas and, in particular, to the utilisation of electricity for lift irrigation. The implementation of rural electrification programmes has been appreciably accelerated. 2.66 lakh pumpsets were energised in the first year of the Plan and this tempo has been stepped up in the current year. The Rural Electrification Corporation has begun well with the sanction of schemes of the value of about Rs. 70 crores. This programme will be pursued with increasing vigour.

Slum Clearance Programme

My Government are keenly aware of the intolerable living conditions of the urban poor. The clearance and improvement of slums and rehabilitation of slum dwellers will figure prominently in the agenda of economic and social reforms which my Government have in view and larger resources will be canalised for this purpose. The Housing and Urban Development Finance Corporation has been set up recently and will become an important agency for the augmentation of housing facilities in metropolitan centres and urban areas.

Rural Housing

Simultaneously, efforts to improve rural housing conditions will be given fuller consideration. The aim is to allot building sites to landless workers on a larger scale, to legislate for the conferment of homestead rights and to assist in the construction of decent, liveable houses for the rural population. This will necessarily have to be a joint programme of the State and Central Governments.

Other Programmes

My Government also propose to:—

- (a) appoint task forces to remove obstacles that come in the way of the speedy implementation of investment programmes in the public and private sectors of our industry and to step up the rate of industrial production;
- (b) extend the new technology in agriculture to dry farming, to new crops and to new areas which have not been covered so far. Research and extension programmes for a faster growth in the output of fibres and oilseeds which are articles of mass consumption will be intensified;
- (c) consult leaders of trade unions and managements in order to evolve sound industrial relations and to secure increased productivity consistent with a fair deal for labour. Improvement in industrial relations is as vital as capital and technology for increasing output;

- (d) accelerate changes in the structure and functioning of administrative apparatus, expedite decision making, ensure effective delegation of powers and responsibilities and streamline financial procedures; and
- (e) devote special attention to building up a well-equipped managerial cadre for the public and private sectors.

Economic Growth

The economy recorded growth almost at the planned rate in 1969-70, and it is likely to repeat this performance in the current year. A good harvest for the fourth year in succession is expected, raising the foodgrain output to 105 million tonnes—5.5 million tonnes more than last year. The wheat revolution is by now an accomplished fact. Our agricultural scientists have released a number of higher yielding varieties of rice. The response of farmers to the new technology is limited only by our capacity to reach them effectively.

Family Planning

However, the improvement in the food situation will at best be a reprieve. The results of the new Census will be a grave reminder that the Family Planning Programme has to be pushed forward with much greater vigour. This programme can only be fulfilled if it becomes a movement. The small family must speedily become the accepted social norm. Indeed family planning should be regarded as a vital element in the gigantic task of social transformation that lies ahead.

Price Level

While the general outlook for the economy is hopeful, my Government are aware that level of prices in recent months has caused some concern. The wholesale price index is now approximately 3.4 per cent higher than the level about a year ago. But it is important to note that amidst this pressure on prices, the foodgrain prices have declined by about 6.5 per cent. The Government have therefore sought to keep the rise in prices in check by arranging larger imports of commodities in short supply while taking steps to increase their internal production.

Plan for Application of Science and Technology

My Government intend to draw up and execute a National Plan for the application of Science and Technology to development. This plan will be intimately related to and indeed largely derived from our

socio-economic plan. An important feature of such a plan will be the preparation of detailed programmes in a few high priority areas of national endeavour in which science and technology play an important part.

The Government have set up an Electronics Commission to ensure balanced development of the electronics industry. The Commission will concern itself with research, development and industrial operations in the field of electronics.

My Government are anxious that rapid economic development should not lead to the pollution of air, water and soil. There should be rational management of our natural resources taking care not to upset the ecological balance in nature.

Elimination of the Politics of Violence

The persistence of communal tension in some parts of the country and the occasional flaring up of violence constitute a threat to our secularism and democracy and to the basic values of civilised life which we cherish. The Government are determined to overcome this danger. The problem needs to be treated as national task to ensure national survival.

In the recent past, violence has grown in West Bengal. The murder of Shri Hemanta Kumar Basu, one of our oldest and most dedicated colleagues in the freedom movement, and of other political workers has shocked us all. Nevertheless the conduct and results of the recent elections in West Bengal clearly indicate a reaffirmation by the people of their faith in democracy.

My Government reiterate their unqualified determination to root out lawlessness and to eliminate the "politics" of murder and assault. Simultaneously my Government intend to accelerate the programme for the improvement of Greater Calcutta with the help of public and private investment. The Calcutta Metropolitan Development Authority has begun its work. The Industrial Reconstruction Corporation is about to be launched. Other development works are also being undertaken in West Bengal.

The West Bengal Land Reforms (Amendment) Act was passed in July 1970 whereby the Bargadar's share of the crop was increased and his right to cultivate land made secure and heritable. A Presidential Act has been enacted recently to reduce the ceiling and fix it in terms of the family as a unit.

Abolition of Privy Purses and Privileges

You are aware that orders for the derecognition of the Rulers of former Indian States were declared inoperative by a majority judgment of the Supreme Court. However, Government's resolve to abolish by appropriate constitutional measures the Privy purses and privileges of Rulers remains unaltered.

International Scene

Hope and despair continue to co-exist in the larger world around us. There has been a relaxation of tensions between Western and Eastern Europe. We welcome the signing of the agreement between the Federal Republic of Germany and the Governments of the U.S.S.R. and Poland. But the situation in South-East Asia and West Asia has worsened.

The situation in Indo-China has deteriorated further. Ever widening areas are engulfed in war embracing Cambodia and Laos. This is inconsistent with the interests of peace. We have urged restraint and pressed our view that the only solution lies in a peaceful and negotiated settlement within the broad framework of the Geneva Accord. It is our belief that the best solution will be an international Agreement or Convention, signed by all the Great Powers and others interested in the region.

There is uneasy truce in West Asia. My Government hope that positive response would be made to the series of initiatives recently taken by the U.A.R. showing its earnest desire to implement the Resolution of the Security Council of November 22, 1967.

We are concerned at the setting up of military bases by outside powers in the Indian Ocean and the proposed sale of arms to South Africa. As mentioned in the Lusaka Declaration, we should like the Indian Ocean area to be a zone of peace, free from military confrontation and the rivalries of Great Powers.

The attitude of the Government of Pakistan during the recent hijacking of an Indian Airlines plane and its eventual destruction was deeply resented by the Government and the people of India. Friendship and understanding which we seek cannot be achieved by such provocations.

My Government will steadfastly pursue its policy of non-alignment. It will raise its voice whenever peace is threatened, wherever the independence of sovereign nations is eroded. It stands firmly against colonialism whether in its old shape or in any new guise.

Business before Parliament

Your present session will be a short one confined to the transaction of essential financial and budgetary business. You will be meeting again shortly to consider further business. A statement of the estimated receipts and expenditure of the Government of India for the financial year 1971-72 will be laid before you. Bills will also be introduced for replacing the State of Himachal Pradesh (Amendment) Ordinance, 1971 and the Labour Provident Fund Laws (Amendment) Ordinance 1971. A Bill for continuing the Imports and Exports (Control) Act, 1947 will also be introduced in the current session of Parliament.

Challenge of the Times

Honourable Members, the people of India have given their verdict in unmistakable terms. With that verdict the period of political uncertainty and of the politics of manoeuvre ends. After the din of the election battle, we must bend ourselves to the service of our people. We can take pride that political democracy and parliamentary institutions have grown and have taken deep roots in the hearts and minds of our people. We must serve the cause of democracy by respecting the will of the people.

The massive majority given to my Government is only the first step on the long and difficult road ahead. To achieve victory in the war against poverty and social injustice requires the sustained and dedicated efforts of the millions of our people. I am confident that Members of Parliament and the people of India, as a whole, will respond, in abundant measure, to the challenge of our times.

ARTICLES

FINANCIAL COMMITTEES IN STATE LEGISLATURE—II*

H. G. Paranjpe

Secretary, Nagaland Legislative Assembly

PUBLIC ACCOUNTS COMMITTEE

In England, a Public Accounts Committee was set up in 1861 on a Motion by Mr. Gladstone. The Committee has continued with some modification since then. In India, a Public Accounts Committee of the Central Legislative Assembly was set up in 1921 to examine the accounts, though there was no provision in the Government of India Act, 1919 for laying the Audit Accounts and Audit Report before the Legislature. The Committee was partly elected and partly nominated. It could only examine the Finance Secretary and not other Secretaries. In 1929 other Secretaries were permitted to be examined by the Committee. During the Second World War, in addition to the Public Accounts Committee, there was a Military Accounts Committee to examine the Defence Audit Report. But after the War, the latter Committee was abolished and the functions entrusted to the main Committee. In the States (such as were before Independence) also, Public Accounts Committees were set up in 1922-23. The Public Accounts Committee is therefore the oldest Committee in any State Assembly barring those new States which have come into being after Independence. There was no provision in the Government of India Act, 1935 requiring the Auditor General's reports to be laid before the Legislature, but in practice this used to be done. The Constitution specifically provides that the audited accounts and the audit reports should be placed before the Legislature. This is the basis for the Public Accounts Committee's work.

(a) Functions

The functions of the Public Accounts Committee are laid down in the Rules of Procedure of all the State Assemblies. These functions are generally similar in all the States. The relevant Rule Kerala) reads as follows:

"There shall be a Committee on Public Accounts for the examination of accounts showing the appropriation of sums granted by the Assembly for the expenditure of the Government of Kerala,

*The first part of this article was published in the January 1971 issue of this Journal.

the annual finance accounts of the Government of Kerala and such other accounts laid before the Assembly as the Committee may think fit.

(2) In scrutinising the Appropriation Accounts of Government of Kerala and the report of the Comptroller and Auditor General thereon, it shall be the duty of the Committee to satisfy itself :

- (a) That the money shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;
- (b) that expenditure conforms to the authority which governs it; and
- (c) that every appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.

(3) It shall also be the duty of the committee :

- (a) to examine the statement of accounts showing the income and expenditure of State Corporation, trading and manufacturing schemes, concerns and projects together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading or manufacturing scheme or concern or project and the report of the Comptroller and Auditor General thereon;
- (b) to examine 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 of India either under the directions of the Governor or by a statute of the State Legislature;
- (c) to consider the report of the Comptroller and Auditor General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks.
- (d) If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendations as it may deem fit."

The Rules of Procedure of Maharashtra Legislative Assembly also provide that the Committee will examine such other matters as the Finance Department may with the permission of the Speaker refer to

the Committee. The Gujarat P.A.C. Rules also provide that the Committee will examine such other matters as are specifically referred to it by the House or the Speaker.

The scope of the P.A.C. has often presented a difficult problem. But it is more or less admitted that the P.A.C.'s examination extends beyond the technicalities of irregularities to wisdom of spending those amounts. This generally calls for a wider enquiry into the functioning of the Departments—a method which is resented by the Secretaries of Departments. But most of the reports of State P.A.C. show that they have done it. The Himachal Pradesh Public Accounts Committee in its eleventh Report (1969-70) has made a special dent in this direction by giving a theoretical justification for its role in a big preface quoting the various pronouncements by experienced scholars and from deliberations of the P.A.C. Chairmen's Conference. The introduction of this excellent report states: "The picture that categorically emerges is that a P.A.C. would be fulfilling only a part, even if the major part, of its functions if it remained confined to the Audit Report only." The Nagaland P.A.C. also seem to have made a beginning in what might be termed as examination from performance audit angle. Many other P.A.C.s have also conducted their enquiry in this manner occasionally, without claiming to be doing so.

An unusual function assigned to the Rajasthan P.A.C. is of fixing priorities for Demands for Grants. This is provided in the Rules of Procedure of the Rajasthan Assembly, which is as follows: "The Demands for Grants shall be arranged in such order as the Leader of the House may after the advice of the Public Accounts Committee has been taken into consideration, determine." The P.A.C. Rajasthan does not present any report to the House on this matter. It merely scrutinizes the proposal submitted by the Government and approves it. The only contribution made by the P.A.C. is to increase the number of days allotted for discussion of Demands. As a matter of fact this is a function which in other States is being performed by the Business Advisory Committee.

(b) **Tenure**

The term of the Committee is 2 years in Mysore. In other States it is only one year. Although the tenure is one year by convention, majority of the Members of PAC in most of the States are allowed to continue for over 2 years. Even though there is change in Membership, under the Rules of Procedure the material collected and the evidence taken does not become infructuous and the successor Committee

is able to use the same material and evidence for its report. This is specifically safeguarded in the Internal Working Rules of some of the State P.A.Cs.

(c) Composition

Like Estimates Committee, in most of the States the Public Accounts Committee is a Committee of the lower House. But in Andhra Pradesh, Jammu and Kashmir, Mysore, Maharashtra and Tamil Nadu, Members of the Council are also included in the Public Accounts Committee. In Tamil Nadu there is a specific provision in the Rules of Procedure that Members of the Committee from Council shall be Members of the Committee for all purposes except for voting. Members of the Committee are elected by Assembly Council from amongst its Members according to the principle of proportional representation by means of single transferable vote.

The composition of the Committee in the different States is as follows:—

<i>Name of the State</i>	<i>Strength of the Committee</i>
Andhra Pradesh	18 Assembly Members 6 Council Members
Assam	17
Bihar	
Gujarat	11
Haryana	9
Himachal Pradesh	12
Jammu & Kashmir	7
Kerala	9
Madhya Pradesh	10
Maharashtra	15 Assembly Members 4 Council Members
Mysore	12 Assembly Members 3 Council Members
Nagaland	7
Orissa	9
Punjab	9
Rajasthan	12
Tamil Nadu	16 Assembly Members 5 Council Members

(In addition, the Finance Minister and Chairman, Estimates Committee are *Ex-officio* Members.)

<i>Name of the State</i>	<i>Strength of the Committee</i>
Uttar Pradesh	26 (21 from Assembly and 5 from Council).
West Bengal	9

In most of the States, Ministers are not allowed to be elected as Members of the Committee and if a Member after election to the Committee is appointed Minister, he ceases to be a Member from the date of such appointment. However, in the Rules of Procedure of Jammu & Kashmir, Haryana and Maharashtra and West Bengal there is no specific provision prohibiting Ministers from being elected to the Committee.

In Maharashtra there is also a convention that the Chairman of the Estimates Committee and the Chairman of the Committee on Public Undertakings will be associated with the Public Accounts Committee. In Uttar Pradesh, the Chairman of P.A.C. and Chairman of Estimates Committee are members of each other's Committees.

(d) **Chairman**

In all the States, the Chairman of the Committee is appointed by the Speaker from amongst the Members of the Committee. If the Deputy Speaker is a Member of the Committee, he is appointed as Chairman of the Committee. If the Chairman is absent from any sitting, the Committee chooses another Member to act as Chairman of the Committee for that sitting. The Rules of Procedure of Punjab and Haryana provide that if the Chairman of the Committee during the preceding year has served as Chairman for not less than two years and is elected as Member of the Committee, the Speaker shall appoint him as Chairman of the Committee notwithstanding the fact that the Deputy Speaker is also a Member of the Committee.

It will be recalled that under the Montagu-Chelmsford Reforms of 1919, the Finance Member used to be the Chairman of the Public Accounts Committee at the Centre, and in the case of an equality of votes on any matter, he had a second or casting vote. This practice had continued till 1950 when the Constitution came into force. Similar was the practice in State Assemblies. In West Bengal, Gujarat and Maharashtra the practice had continued for some years even afterwards, the

only condition imposed being that he should be elected to the Committee. Now, however, in all State Assemblies the Finance Minister is excluded from being the Chairman of the Committee.

While in Lok Sabha, after the Fourth General Election, the Public Accounts Committee has taken to the practice of appointing the Opposition Leader as the Chairman of the P.A.C. in Uttar Pradesh, the Chairman of the P.A.C. has been a Member of the Opposition even before Independence by convention. In Himachal Pradesh and West Bengal also, for the last 3 years, the P.A.C. Chairman is an Opposition Member. In other States the practice is to appoint a Ruling Party Member as the Chairman.

(e) Quorum

The quorum at the meeting of the Committee varies from State to State. In Gujarat and Maharashtra the quorum is 1/4 of the membership of the Committee. In Assam, Kerala, Nagaland, Rajasthan and West Bengal the quorum is 1/3 of the membership. In Haryana and Orissa the quorum is 3; in Jammu & Kashmir and Punjab 4, in Mysore 5, Madhya Pradesh 6 and Andhra Pradesh 7.

(f) Appointment of Sub-Committees

The Public Accounts Committee in all the States are empowered to appoint one or more Sub-Committee each having the powers of the undivided Committee to examine any matters that may be referred to it and the reports of such Committees are deemed to be the report of the whole Committee if they are approved at the sitting of the whole Committee.

The most common use of the Sub-Committee system is for scrutinizing the action taken statements. While doing so the Sub-Committees also record evidence of officials. Sometimes the Sub-Committees are also appointed for specialized assignments. For instance in 1966-67, the PAC of Andhra appointed a Sub-Committee to go into the details of a specific case of audit irregularity *viz.*, those connected with Rice Mill. In West Bengal, in 1967-68 the P.A.C. appointed a Sub-Committee each on "Fertilizer" and "Audit Objection and Inspection Report". The Orissa PAC 1965-66 appointed a Sub-Committee to look into the audit paras relating to State Corporation and Panchayati Raj. Sometimes the use of Sub-Committees has also been made for on-the-spot studies as in Maharashtra. But in Himachal Pradesh the Sub-Committees have neither the power to take evidence nor to undertake tours; these functions being reserved for the main Committee. Some PACs (e.g., Gujarat) appoint Study Groups instead of

Sub-Committees. Study Groups are expected to examine in detail the materials furnished by the Departments and also frame questions for evidence.

(g) Evidence

The Public Accounts Committees in all the States have been empowered to take evidence of both officials and non-officials, although evidence from non-officials is rarely taken. It is now a well-established practice that only the Secretaries of Departments are permitted to give evidence or in case the Department is not headed by a Secretary, the Joint Secretary is permitted to appear before the Committee but under no circumstances any other subordinate officer is permitted to give evidence. In order to ensure that the Secretaries or Joint Secretaries appear before the Committee, sufficient advance notice regarding the meetings of the Committee is given to them. The Andhra PAC however specifically prescribes that the Secretaries may bring only the minimum staff required for assistance. There are cases in several State PACs where the evidence meeting of the Committee was postponed because the Secretary or at least the Head of the Department could not be present. The Finance Representative is also asked to be present in the PAC in all the States.

The Public Accounts Committees in all States have insisted that the Departmental representative i.e., Secretaries and Heads of Department appear before the Committee fully prepared. The Kerala PAC in one of the Reports recorded their displeasure that the Secretary had not come prepared and needed the assistance of Head of the Department, who was unfortunately on tour and consequently the Committee had to postpone their sitting. The Kerala PAC also censured the Department for not coming fully prepared for appearing before the Committee.

The Maharashtra PAC also recorded such displeasure in one of their reports. The Committee has emphasised that "the very purpose of oral examination is defeated, if the Committee has to go through and scrutinize detailed notes from the Department after the examination is over."

The Public Accounts Committee covers almost all Departments every year. Therefore the PAC evidence meetings are generally more prolonged than those of the Estimates Committee. Some State PACs have however held unusually large number of sittings. For instance the Assam PAC, while considering the Audit Report 1964, held nearly

40 meetings. In Andhra, the PAC evidence sittings are perhaps the largest. In Kerala, while considering the Audit Report 1967, the PAC held 26 evidence sittings. In Punjab, Jammu and Kashmir and Assam the practice appears to be to hold PAC meetings as far as possible for 3 to 4 days every month.

(h) **Written materials**

As soon as the Audit Report of the Comptroller and Auditor General along with the Appropriation Accounts and Finance Account are laid on the Table of the House, the PAC is seized of those reports and the Audit report is not required to be formally referred to the Committee. Technically, it has been held that there is nothing to prevent the P.A.C. from considering the Appropriation Accounts and the Audit Report thereon before their presentation to the House, but usually the PAC work begins only after the above Accounts and Audit Report are presented to the Assembly. When such presentation is done, the Assembly Secretariat writes to the Departments to furnish notes on Audit paras in advance of the evidence meetings. In Gujarat, the Departments are required not only to furnish explanatory notes on audit paras but detailed reasons for write-off of losses exceeding Rupees five thousand each mentioned in the audit report. Similarly it is required to submit detailed explanatory memoranda regarding cases of defalcation and misappropriation. In Kerala, the Memo of important points furnished by the A.G. used to be supplied to Departments in advance for replies. The Committee however decided in 1967-68 to discontinue the practice because it felt that the Departments were expected to come fully prepared on all the paragraphs pertaining to them. However, in most of the States the practice of obtaining written notes on each of the comments appearing in the Audit Report in advance continues. The Andhra PAC has been very critical of the delay on the part of the Departments in furnishing such written notes to them. The Gujarat PAC has also objected to delay in submitting information to the Committee. To avoid delays, the PAC Gujarat suggested that the Departments should take up preparation of their materials for PAC soon after the Audit Report is placed on the Table of the House. The Maharashtra PAC of 1968-69 went to the extent of withholding their comments on certain audit paras because the notes had not been submitted to them.

(i) **Role of Accountant General**

Although the reports are signed by the Comptroller and Auditor-General, it is not possible for the C and A.G. to attend any State PAC

meetings. Therefore, his representative, *i.e.*, the Accountant General, assists the Committee in the same way as the C and A.G. does at the Centre for the Lok Sabha Public Accounts Committee. The State Accountant General is proverbially treated as 'friend, philosopher and guide' of the Public Accounts Committee in the States. He is the 'acting hand of the Committee'. He always attends the meetings of the Public Accounts Committee when the Committee takes evidence of Departmental witnesses. In some States, even for draft report consideration or other business meetings, the Accountant General is invited to be present. In Orissa and Maharashtra, the Accountant General is associated while scrutinizing the action taken statements also. In Maharashtra, on one occasion, the A.G. was also associated with a Sub-Committee for on-the-spot study. Usually before the evidence of the Departmental witnesses is taken, the A.G. prepares a Memoranda of important points arising out of the Audit Report relating to the Appropriation Accounts and Finance Accounts for circulation to Members. This Memoranda is treated as confidential and is not made available to the Departments. In Himachal Pradesh, however, the practice is to send these points a few days before the meetings for written replies. This Memo of important points actually forms the main basis of evidence. However, the Members are entitled to ask supplementaries. The Accountant General is also, on behalf of the Committee, permitted to ask questions. The preliminary meetings of the Committee with the Accountant General are very important. It is at these meetings that the A.G. briefs the Members of the PAC and explains the background of the Audit paras. In Punjab and West Bengal, at these meetings the Members discuss the Audit paras threadbare among themselves with the assistance of the Accountant General and frame regular questionnaires for evidence. The idea behind such discussion is to reduce to the least the necessity for personal intervention by the Accountant General. It will be interesting to note that the P.A.C. Punjab devoted as many as sittings to scrutinize paras/notes appearing in the Appropriation Accounts and Audit Report during the year 1967-68. Not only the Accountant General contributes a list of points and helps in evidence but in several States it is required that the notes furnished to the Committee by Departments should be vetted by the Accountant General.

(j) Reports

As soon as the evidence is over and the information on the points promised during the evidence by the Departmental witnesses is received, the Assembly Secretariat prepares a draft report for the consideration of the Committee. Originally, in some of the States, as in the Centre,

the secretariat assistance to the Committee used to be provided by the Finance Department but after Independence this function is now being performed by the Assembly Secretariat. As stated earlier, in some of the States (*e.g.*, Punjab), the drafting of the report is entrusted to a Sub-Committee. In Punjab, the Chairman is invariably a member of the Drafting Sub-Committee. Final reports are however always considered by the main Committee. In some States like Maharashtra, the Accountant General is also present while the report is considered. The report embodies the decision of the majority of the members present and voting. But ordinarily the Reports are unanimous and no minutes of dissent are given. The report is presented to the House by the Chairman of the Committee or, in his absence, by another member of the Committee authorised on this behalf.

The reports of the Public Accounts Committee are generally more matter of fact and technical in nature than those of the Estimates Committee. They briefly refer to the irregularity or comment mentioned in the Audit para|Notes under the Appropriation Accounts and then straightaway proceed to discuss the issue in the light of explanations offered by the Secretaries orally or in writing. The pattern of reports in some of the States has however undergone considerable change. The orthodox pattern of PAC reports is to have one report on the entire Audit Report of the year, including therein one Chapter on "Appropriation Audit and control of expenditure" and then one Chapter on "Outstanding Audit Objections and Inspection Reports". The Andhra, Orissa and Gujarat PACs are still following this practice. The Kerala PAC has slightly innovated in that it presents more small-sized reports by covering a few departments in each report, as is now the practice in Lok Sabha. Assam and Himachal Pradesh are also lately following this cedure. But in Maharashtra, the pattern is altogether different ni the subject-wise reports on the same Audit Report and Appropriation. Accounts, such as one on "Excess and Savings", another on "Financial, Irregularities/Taxes etc." and still another on "Loans and Advances, Commercial Activities and Interests" are presented.

The functions mentioned earlier especially enjoin upon the PAC the duty of examining with reference to each case the circumstances leading to spending of any money in excess of the amount granted by the Assembly and to make such recommendation as it may deem fit. In all of the State Assemblies, barring Nagaland, no separate report on Excess is presented to the Assmby. Their recommendations form part of the report on the main Audit Report. But in Orissa there was one exception in 1965-66 when the Orissa PAC did present a separate

report. The advantage in presenting a separate report on Excess is that the Government can proceed with introducing a Bill for regularisation at the earliest. Excesses are a *fait accompli* and the Committee seldom denies regularization. But in Kerala the PAC has taken this function very seriously. It is revealed from one of the recent PAC reports that they have even revised the procedure of submission of notes to the Committee, so that now even before the presentation of audit report to the Assembly the draft audit para is required to be sent by A.G. to the Department and the Departments have in turn to furnish their explanations for the excess to the Committee as soon as the Audit Report is presented to the Assembly. Last year (*i.e.*, 1969-70) the Kerala P.A.C. withheld their recommendations on certain cases of excesses, because the notes had not been furnished to them by the Departments. In Maharashtra, the PAC is required to take note of any established misclassification in the accounts which attracts or avoids, the necessity of regularization. Accordingly the report contains a statement, giving excesses over grants/appropriations which really require regularization. These amounts are then recommended for regularisation.

The PACs in State Assemblies have not yet generally chosen to focus attention specially on any one Department or scheme or deal as is now common with the Lok Sabha PAC. But there are a few exceptions here and there, as for instance the Himachal Pradesh PAC report on Co-operative loans, the Assam PAC's (1969-70) reports on "Drawal of money in advance of requirements for construction of Agricultural Workshops" and "Loans given to Greenview Products Ltd., Kutheri". The Andhra PAC of 1969-70 presented a special report called "Report on Allotment and Transport of Fertilizers". The Committee during its discussion on items relating to the Food and Agriculture Department constituted a Sub-Committee to examine in detail the "allotment and transport of Fertilizers". The Sub-Committee after going through the matter presented a report which was adopted by the full Committee. The report lays bare the bogus claims, bogus transport charges and other malpractices of a serious nature. The report is an excellent testimony to the watchdog function the State Financial Committees are capable of performing.

In U.P., on the other hand, the PAC during earlier years *i.e.*, 1961 to 1965 presented a series of specialized reports called the Work-Audit Reports. These reports are actually in the nature of Estimates Committee reports but combine in them the detailed scrutiny which audit inspection parties do. It is interesting to recall the genesis of these reports. In his address delivered at the Conference of Chairman of P.A.C. in

1959, Prime Minister Jawaharlal Nehru had stated that "although audit etc. is essential to see that money is spent according to rules, yet it does not see to what extent the money spent has produced results". He suggested that "what is essential and necessary for the planning process is audit of achievement or whatever you may call it; that is much more important than pursuing a small sum of money here and there although of course sums of money should be pursued also". Later the Hon'ble Speaker of U.P. Assembly also directed the Committee to conduct such examination. Accordingly the PAC decided to undertake work audit of selected items and projects from out of those which were mentioned in the Appropriation Accounts of 1959-60 in consultation with the Accountant General. The subjects covered in these seven work-audit reports are—

- (1) Mata Tila Dam Project (1961)
- (2) Irrigation Workshops (1961)
- (3) Central Dairy Farm, Aligarh (1962)
- (4) Kans Eradication Scheme (1962)
- (5) State Tube Wells (1964)
- (6) Co-operative Tube Well Schemes (1964)
- (7) The Mechanized State Farms (1964).

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Unfortunately the U.P. PAC did not continue this practice later and have chosen to deal with such matters in their usual reports.

The U.P. PAC has also the distinction of presenting a separate report on Finance Accounts. Usually the Finance Accounts are examined along with the Appropriation Accounts. But the U.P. PAC carried out a detailed study of every item in the Finance Accounts and has even discussed small but important issues such as audit of receipts, classification of heads of accounts, regulations concerning Consolidated Fund and Public Accounts, separation of balances, rules of withdrawals, limits on borrowings and giving of guarantees and commitments and liabilities etc. The fact that such specialised reports were not subsequently presented by U.P. PAC perhaps indicates that such examination has lost its special character now and it is part of the routine of PAC's scrutiny.

The Assam PAC also had one occasion to present a special report on individual irregularities. This was regarding loss due to purchases of defective boots by IGP. The PAC had made some observations. Later the firm concerned presented a Memorandum to PAC; the PAC re-examined the Department after calling for further comments from A. G. and presented a special report. The Assam PAC in 1969 presented a report similar to U.P. Work Audit Report on wasteful expen-

diture in Supply Department referred to in a particular para in the Audit Report. The Committee made a detailed study of the Department by visiting all godowns etc.

The Maharashtra PAC presented a special report on the Civil Aviation Organisation in 1967-68. The PAC had earlier recommended that the failure to implement the orders of the Chief Minister regarding maintenance of aircrafts should be investigated and responsibility fixed for causing a large avoidable expenditure to Government. The reply was not satisfactory, and therefore the Committee appointed a Sub-Committee to look into the matter. The Sub-Committee prepared a report which was approved by the main Committee. The Accountant General was also associated with such examination.

In this connection the West Bengal PAC report 1967-68 also deserves mention. The report contains nothing else except the Advocate General's views about the audit of revenue by A. G. But it is important in the sense that the PAC did not wish to confine itself to a mere scrutiny of expenditures but also wanted to bring revenue within its fold and with that end in view suggested measures to overcome some legal lacuna which has presumably not been thought of elsewhere. The PAC has suggested that necessary orders vesting the above audit in the C & A.G. should be issued immediately.

There is a noticeable trend now towards conducting a performance audit of the Department. The Himachal Pradesh P.A.C. applies this type of scrutiny to a few schemes in each report. The Nagaland PAC in their latest report has contributed an entire chapter on this type of examination based on the figures of yearly expenditure given by the Accountant General in his Memo of Important Points.

(k) Minutes and Proceedings

Although *verbatim* proceedings of evidence meetings are recorded in the PACs, they are not everywhere printed as part of the report, except in the case of Orissa, Andhra, etc. In Andhra however the proceedings are not made 'public' and are published for official use only. In Orissa the *verbatim* proceedings are published as Volume II of the report. Andhra *verbatim* proceedings, due to the large number of evidence meetings, are so extensive that they have usually to be printed in two parts. Printing of the Minutes is however commonly done with the exception of Himachal Pradesh and Haryana. Minutes form Part II of the report. In Kerala although they form part of the report and are as such laid on the Table of the House they are not printed.

(1) Implementation of the Recommendations

All State Assembly Committees—miniature Assemblies as they are—like to see that their recommendations are implemented by the Government. But the fact is that such recommendations are not mandatory under any Rule. However the general experience in all the States is that most of the recommendations of the Public Accounts Committee are implemented by the Government. Whenever it is not possible for the Government to implement certain recommendations they give reasons for the same. The Committee review the statement showing the action taken by the Government and Departments and convey their views to the Assembly. In most of the States the 'Action Taken Reports' are presented as part of a new report (with statements of replies given as Appendix) but of late the tendency is to present separate 'Action Taken Reports' as is noticeable in Maharashtra, Assam, Goa and Himachal Pradesh.

Nagaland has presented separate 'Action Taken Reports' from the very beginning. As the number of outstanding recommendations grows large the Committee have to present correspondingly more of such reports. In Maharashtra, Kerala etc., this problem has been solved by reviewing 2 to 4 action taken statements together. In Haryana, however, the reporting to Assembly is done on a very selective basis. Only those recommendations are reported upon on which the action taken by the Department is not satisfactory. If it is found satisfactory, the matter is dropped at the Committee's level.

Some State Assemblies seem to follow an elaborate procedure for scrutinizing action taken statements. In Orissa and Andhra, it is the practice to examine Departmental representatives on action taken statements. As a matter of fact, in some States while the fresh audit report paras are being discussed, the replies received by the Committee on the previous P.A.C. reports are also discussed. In some other States the examination of action taken statement is entrusted to Sub-Committees. In Maharashtra, whenever the review is done by Sub-Committee, the A.G. is associated and so is the Finance Representative by special invitation.

Most of the State PACs receive action taken replies from the concerned Departments directly. But in Haryana, the Finance Department is entrusted with intimating action on the Report by asking concerned Departments to take action. The replies are no doubt finalised by the concerned departments after taking orders from their respective

Ministers but those are to be sent to Finance. The Finance Department thereafter forwards final replies to the P.A.C.

This is actually a legacy of the past when the Finance Minister used to be the Chairman of the Public Accounts Committee and the secretariat function used to be performed by the Finance Department instead of the Assembly Secretariat. The replies, before being sent to PAC, have to be vetted by A. G. (a procedure followed by some other States also). The Finance Department has to maintain a list of outstanding recommendations and periodically pursue these with the concerned departments. More or less similar procedure is also followed by the Punjab Finance Department with regard to the Punjab PAC.

Neither the Estimates Committee nor the PAC reports are discussed on the floor of the Assembly. Gujarat is however an exception to this. The Gujarat Rules provide that the Chairman or any other Member of the PAC who presents the report "shall move that the report be taken into consideration by the Assembly". In Maharashtra, a Member of the Assembly or Council may move in the House a motion for the discussion of any particular paragraph or subject matter arising out of the Report. In Mysore and West Bengal, earlier there was a practice of discussion on the PAC reports but this practice has since been given up. The last discussion on PAC report in Mysore was in 1964 on a motion moved by the Finance Minister. In West Bengal, in the few instances of discussion, the motion used to be that the report be taken into consideration. Consequently there used to be no voting on the motion. The reports are however frequently referred to in the Assembly in some of the States in the course of discussion on demands for grants or in the course of supplementaries over questions of irregular expenditure.

COMMITTEE ON PUBLIC UNDERTAKINGS

Committees on Public Undertakings in the State Assemblies are of recent growth. In fact such Committees have been set up only in 6 States—namely, Gujarat, Rajasthan, Kerala, Maharashtra, Orissa and Jammu & Kashmir. The terms of reference of the Committee, on the model of the Committee on Public Undertakings in the Lok Sabha, are as follows:

- "(a) to examine the reports and accounts of the public undertakings specified in the schedule;
- (b) to examine the reports, if any, of the Comptroller and Auditor General on the Public Undertakings;
- (c) to examine, in the context of the autonomy and efficiency of the Public Undertakings, whether the affairs of the Public

Undertakings are being managed in accordance with sound business principles and prudent commercial practices; and

- (d) such other functions vested in the Public Accounts Committee and the Estimates Committee in relation to the Public Undertakings specified in the Schedule by or under the Rules of Procedure and Conduct of Business of this House as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time:

Provided that the Committee shall not examine and investigate any of the following matters, namely :

- (i) matters of major Government policy as distinct from business or commercial functions of the public undertakings;
- (ii) matters of day-to-day administration;
- (iii) matters for the consideration of which machinery is established by any special statute under which a particular public undertaking is established."

In Gujarat the following undertakings come within the scope of the Public Undertakings Committee: (1) Gujarat State Electricity Board (2) Gujarat State Road Transport Corporation (3) Gujarat Housing Board (4) Gujarat State Financing Corporation (5) Gujarat State Industrial Development Corporation (6) Gujarat State Mining Development Corporation (7) Gujarat State Ware-housing Corporation (8) Gujarat State Khadi & Village Industries Board (9) Bhavnagar Public Dairy Ltd.

In Rajasthan the list includes (1) Ganganagar Sugar Mills (2) Palana Coal Mines (3) Rajasthan State Transport Corporation (4) Rajasthan Electricity Board (5) Rajasthan Hotels Corporation (6) Rajasthan Finance Corporation and (7) Rajasthan Warehousing Corporation.

In Maharashtra the undertakings listed are (1) Housing Board (2) Electricity Board (3) State Finance Corporation (4) State Transport Undertaking and (5) Farming Corporation. In Maharashtra it is possible to add any other undertakings also by a resolution passed by the House.

In Jammu & Kashmir the Housing and Electricity Boards do not come within the purview of the Committee—the pattern here is more on the lines of the Lok Sabha Committee on Public Undertakings and includes the following: (1) J & K State Financial Corporation (2) Every Government company whose annual report is required to be placed before the Houses of the State Legislatures under the provision of the Companies Act, 1956 (3) J & K Industries Ltd. (4) J & K Minerals Ltd. and (5) J & K Projects Construction Corporation.

Unlike that of the Estimates Committee and the Public Accounts Committee, the tenure of this Committee is not for one year but for the entire duration of the Assembly. This has probably been done because of the newness of the subject for examination and the need for familiarisation with the public undertakings. Rajasthan is however an exception in that the term of the Public Undertakings Committee is for only one year.

The Orissa, Gujarat and Rajasthan, Public Undertakings Committees have framed their Internal Working Rules also. The procedure prescribed in those rules is more or less similar to the one in the Estimates Committee. The Rajasthan Rules are similar to the Internal Working Rules of the Lok Sabha Committee on Public Undertakings. Since the Committee on Public Undertakings has to examine Audit paras relating to the undertakings, the Accountant General is invited to assist the Committee for the examination of the Undertakings. Generally the following information is collected as soon as an undertaking is taken up for examination:

- (i) Historical background together with copies of Statutes if possible and copies of Memorandum and Articles of Association of the Corporation, and Company Rules, Regulations issued thereunder, if any.
- (ii) Note giving briefly the object and present functions of the Corporation/Company together with copy of the Instrument of Instructions issued by Government, if any.
- (iii) (a) Broad Organisational set-up of the Corporation/Company in general including that of its various projects/offices. (This information has to be shown in the form of a chart as far as possible supported by short explanatory notes.)
(b) Organisational set-up in the Administrative Department which co-ordinates/controls the work of the Corporation/Company.
- (iv) (a) Financial Account of the working of the Corporation/Company (in the proforma sent for the purpose).
(b) A detailed account of the working (in financial as well as physical terms) of the Corporation/Company year-wise, since its inception with reference to its programme or plan. Reasons for variation between the programme and the achievements, if any, also to be furnished.
- (v) The original estimates, revised estimates and actual expenditure on the various projects or units for the previous three years together with a brief note indicating the reasons for variations, if any.

- (vi) Current programme and future plans of the Corporation/Company.
- (vii) (a) Copies of the Annual Reports and Accounts for the previous three years, together with Administrative Report and reviews of Government, if any.
(b) Copies or main features or excerpts of monthly/quarterly reports submitted by the Chairman and the Financial Controller of the Corporation/Company to Government during the past one year.
- (viii) Copies of Reports of any inquiry or investigation conducted into the working of the Corporation/Company.
- (ix) Notes giving main features of the Project Reports, if any relating to each project undertaken by the Corporation/Company, i.e., their estimated cost, scheduled dates of commissioning of the various units in each project, annual rated capacity (both in terms of quantity and value) and the year of reaching that capacity, staff required (category wise) etc., together with the latest position with reference to each aspect.
- (x) Copies of agreement, if any, entered into with Consultants/Collaborators/any others.
- (xi) Copies of directives, if any, issued by Govt.
- (xii) A brief note indicating the position of similar projects or units in other States.
- (xiii) Any other information which the Department/Undertaking would like to place before the Committee.

On receipt of the above materials, the Committee undertakes on-the-spot visit to the Undertakings and thereafter takes evidence of the representatives of the Undertakings as well as of the Secretaries of the Department under which those Undertakings fall. In Rajasthan, the Committee on Public Undertakings has appointed Study Groups for the purpose of writing reports. In Gujarat, the Committee appoints Study Groups to examine the material furnished by the Departments/Undertakings. The Study Groups are entitled to hear evidence on Undertakings.

The Rajasthan Committee on Public Undertakings has presented eleven reports including a report on the Rajasthan Hotels Corporation. The report is well done and is a creditable job. In Rajasthan the Chairman of the Committee on Public Undertakings is an Opposition member. The Committee presents two separate reports on each undertaking examined by them—one dealing with the Audit paras and the other dealing with other matters. In Maharashtra the Committee has examined general issues such as "The power cut proposed by Gov-

ernment on Industrial and domestic consumers"—a practice which has not so far been attempted even by the Lok Sabha Committee on Public Undertakings. In Gujarat, the Committee on Public Undertakings also pursues the implementation of its report. This is done in the manner as in the Estimates Committee.

The appointment of the Committee on Public Undertakings is no doubt an important event in the Assembly procedure, but it is worth recalling how the Estimates Committee and Public Accounts Committee in some of the State Assemblies have given valuable reports on the public sector. The Kerala Estimates Committee, some years ago, presented a report on "Government-owned Companies and Government majority shareholding Companies". The report is a reminder of the Lok Sabha's 16th Report of the Estimates Committee (the first report on nationalised industries). Both Gujarat Estimates Committee and West Bengal Estimates Committee examined the State Electricity Board in 1965. The West Bengal Estimates Committee also examined Durgapur Project Ltd. in 1965. The Andhra and Maharashtra Estimates Committees have presented a Report each on the State Transport Corporation. The Andhra Estimates Committee presented a report on Electricity Board in 1965 and in 1968-69 a Report on Andhra Pradesh Housing Board. In 1964-65 it had also, under the Industries Department, examined the Industrial Development Corporation, Andhra Mining Corporation, and Khadi and Village Industries Board. These instances are mentioned to prove that public sector undertakings have been and still are in some States under the scrutiny of the Estimates Committees. The Public Accounts Committee have not presented any report exclusively on Public Undertakings but they have also been examining the audit report on State Corporations and Boards whenever such Audit reports are presented by the Auditor General. The Gujarat and Maharashtra Public Accounts Committees are however exceptions in that they have presented reports exclusively on the accounts and audit reports of Statutory Boards and Corporations in the State.

Observations

The above review would have revealed that the Financial Committees in the State Assemblies, although some of them are new, have matured considerably and have been doing constructive work, notwithstanding the din on the floor of the House and the rapid political changes. If the pressures on the Government on the floor of the House have in any way affected the working of the Committees, it is for their benefit because the Committees are more serious now about their job than they were before.

The above review would have also revealed that there is no uniformity in the procedure followed by these Committees in all the States. But it cannot be expected either, because Assembly procedures differ from State to State in matters of detail and these Committees also reflect those differences notwithstanding the periodical Conference of the Chairmen of the Estimates Committees and Public Accounts Committees held at the Centre.

Another important feature which is revealed in the above survey is the manner in which these Committees have tried to firmly establish themselves. Barring the PACs of Haryana, UP and Punjab, which have not so far framed their Internal Working Rules and the J & K Committee on Public Undertakings due to its newness, all other State Financial Committees have framed their own Internal Working Rules. The Secretaries of those Committees have brought out annual reviews of their work to enable Members to recapitulate their contribution in the financial control. States which have been bringing out regular Reviews are Kerala, Mysore, Maharashtra etc. These reviews contain details of the reports presented by the Committees and the number of sittings held etc. The Assembly Secretariats of some of the States have also brought out epitomes of the Reports of the Public Accounts Committee. It is necessary in the Public Accounts Committee to bring out epitome, because sometimes similar irregularities/lapses arise and Members ought to know the recommendations the Public Accounts Committee have already made.

Often a question is asked as to what is the impact of the Financial Committees on Administration? It is difficult to make any quantitative assessment of this impact; it has to be qualitative. One cannot measure the effect of Parliamentary questions on administration, and yet everybody knows of the vital role the Parliamentary interpellations play. Similar is the case of the Financial Committees. The P.A.C., though conducting a post-mortem examination like a surgeon, has a deterrent effect on administration. The officers know that if they commit any irregularities or disobey the financial rules they will have to be answerable to the P.A.C. To quote Basil Chubb: "The fear of the Public Accounts Committee and the very searching examination that takes place there does a great deal to keep in the path of rectitude, the Members of the Civil Service". The Estimates Committee on the other hand is treated as a physician before whom nothing can be concealed, because the physician will lay bare all the present ills that the Department is suffering from. The P.A.C. has been feared more in the past because it is an old institution *vis-a-vis* Estimates Committee which came

into being only ten years ago. But at least in some of the States, the Estimates Committee is taken more seriously because whereas the PAC relates to past events with which the present officers may not be directly concerned, the Estimates Committee can haul up the present officials for any inefficiency, lack of imagination and wastage. To quote Herbert Morrison from his book "Government and Parliament—A Survey from Inside": "Whether the House of Commons is an adequate and efficient watchdog is open to question, even though it has the Public Accounts Committee and the Estimates Committee. However the Committees do excellent work and it should certainly not be assumed that they are without influence and power to frighten Government." Going through some 200 reports presented by the three Financial Committees in the States during the last 2-3 years one is struck by the contribution of ideas. Those who comprise the membership of the Committees in State Assemblies are not experts and yet when in Committees the meeting of minds of popular representatives and public servants takes place and matters are discussed on a non-party basis, ideas emerge which even the administrators and experts admit to be useful. It would be an exaggeration to say that Estimates and Public Accounts Committees of the State Assemblies have always produced marvellous Reports but most of the Reports are such which will bring credit to any Parliamentary Institution. The subtle education that the Members receive through such Committees has also enriched the democratic way of Government.

The effectiveness of this committee system would depend mainly upon three things. First, the bringing together within the committee of a sufficient number of members of all parties who would be prepared to take a real interest in the subject matters to be dealt with. . . . Second a degree of continuity of membership and attendance would be essential as this would enable the members to gain that intimate and wide knowledge of their subjects which would give them power to control. . . . Third, there must be built up an atmosphere of common endeavour in the committees based upon a desire to develop the best administration possible. . . .

—STAFFORD CRIPPS.

POWERS AND PRIVILEGES OF PARLIAMENTARY COMMITTEES AND THE ROLE OF COMMITTEE OFFICIALS

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According to Rule 2 of the Rules of Procedure and Conduct of Business in Lok Sabha, a "Parliamentary Committee" is a Committee which is appointed or elected by the House or nominated by the Speaker and which works under the direction of the Speaker and presents its Report to the House or to the Speaker and the Secretariat for which is provided by the Lok Sabha Secretariat. A joint Committee on a Bill appointed on a motion adopted by Lok Sabha and concurred in by Rajya Sabha which consists of members of both the Houses is also a Parliamentary Committee. Examples of the elected Committees of the Lok Sabha are the three Financial Committees (Estimates Committee, Public Accounts Committee and the Committee on Public Undertakings), the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, and the Joint Committee on Offices of Profit. The Business Advisory Committee, the Rules Committee, Petitions Committee, the Privileges Committee, the Committee on Government Assurances, the Committee on Private Members' Bills and Resolutions, the Committee on absence of Members from the Sitting of the house the Joint Committee on Salary and Allowances of Members of Parliament, Library Committee, House Committee, General Purposes Committee and the Committee on Subordinate Legislation are nominated by the Speaker. Select|Joint Committees on Bills are examples of Committees which are appointed by the House.

There is no separate rule for Joint Committee on Offices of Profit and the Committees on the Welfare of Scheduled Castes and Scheduled Tribes. As regards the Joint Committee on Salaries and Allowances, there is no rule but it is constituted under an Act of Parliament, namely, the Salaries and Allowances of Members of Parliament Act, 1954. The rules regarding the Library Committee, the General Purposes Committee and the House Committee are not included in the main body of the Rules of Procedure, which are made by the Rules Committee and approved by the House. The relevant rules relating to these Committees are to be found in the Appendix to the Rules of Procedure. These rules were made by the Speaker.

Parliamentary Committees may be either Standing Committees or *ad hoc* Committees. Standing Committees are those which are elected or nominated every year or time to time and are permanent Committees whereas *ad hoc* Committees are those which are constituted by the House or the Speaker to consider and report on specific matters, and become *functus officio* as soon as they have completed their work on that matter. Such Committees may be appointed by the House or the Speaker *suo motu* or on the recommendation of a Parliamentary Committee.

The functions and powers of the Standing Committees are contained in the Rules of Procedure and Directions from the Speaker.

The relevant Rules relating to the functions of the Standing Committees are given below:

(1) Estimates Committee	—	Rule 310
(2) Public Accounts Committee	—	308
(3) Committee on Public Undertakings	—	312A
(4) Committee on Privileges	—	314
(5) Committee on Subordinate Legislation	—	317
(6) Committee on Petitions	—	307(3)
(7) Business Advisory Committee	—	208
(8) Committee on Private Members' Bills and Resolutions	—	294
(9) Committee on the Absence of Members from the Sittings of the House	—	326
(10) Committee on Government Assurances	—	323
(11) Rules Committee	—	329

The examples of *ad hoc* Committees are given below:

- (1) The Committee on the Conduct of a Member (Shri H. S. Mudgal) in connection with the dealings with Bombay Bullion exchange was constituted on 8th June, 1951 in pursuance of a motion adopted by the House.
- (2) Railway Convention Committees (Committees of Members of both Houses to review the rate of dividend payable by Railway Undertakings to General Revenues)

were constituted in pursuance of resolutions adopted by Lok Sabha and concurred in by Rajya Sabha. Members of the Committee are nominated by the Speaker, Lok Sabha and Chairman of the Rajya Sabha. Such Committees were appointed in 1954, 1960, 1965 and 1968.

3. **Committee on Offices of Profit:** A committee of Members of both the Houses (Joint Committee on Offices of Profit) was constituted by the Speaker in consultation with the Chairman, Rajya Sabha on 21st August, 1954 to study the various matters connected with the disqualifications of the Members under Article 102 (1) (a) of the Constitution. The Members of the Committee were nominated by the Speaker from the Lok Sabha and the Chairman from Rajya Sabha. The Committee recommended *inter alia* formation of a standing Parliamentary Committee of Members of both the Houses for continuous scrutiny in respect of offices of profit. This recommendation was accepted and a Government motion for constitution of a Joint Committee on Offices of Profit was adopted by the Second Lok Sabha on 3rd August, 1959 and concurred in by Rajya Sabha on 31st August, 1959.
- (4) Hindi Equivalents Committee was constituted by the Speaker in consultation with the Chairman of Rajya Sabha in 1956.
- (5) **Five-Year Plan Committees:** Four *ad hoc* Committees were constituted in May, 1956 in pursuance of the recommendation of the Business Advisory Committee made in their 35th Report. Similar Committees were set up in 1960 and 1966. The Committees did not present any report to Parliament but only laid on the table of both the Houses the synopses of their proceedings.
- (6) The Committee to investigate into the conduct of 5 Members of Lok Sabha at the time of President's Address was constituted in 1963. The terms of reference of this Committee were announced by the Speaker on the 19th February, 1963.
- (7) **Committee on Punjabi Suba:** On 23rd September, 1965, Minister of Home Affairs made a statement regarding demands for a Punjabi Suba and announced the constitution of a Cabinet Committee to look into the grievances

of Sikhs. He then made a request to the Speaker, Lok Sabha and Chairman, Rajya Sabha to constitute a Parliamentary Committee of the two Houses to be presided over by the Speaker to examine the same question and assist the Cabinet Committee to arrive at a satisfactory settlement of the question.

Accordingly, Speaker nominated 14 members of Lok Sabha and Chairman, Rajya Sabha nominated 7 members of Rajya Sabha to the Committee. Speaker, Lok Sabha was the Chairman of the Committee.

- (8) Judges Enquiry Rules Committee was constituted in 1968 in pursuance of Section 7 of the Judges Enquiry Act, 1968.
- (9) Joint Committee of the Houses on amendment to Election Law: This Committee was constituted in pursuance of a motion adopted by the House on the 24th November, 1970 and concurred in by Rajya Sabha.

The Speaker nominated 14 members to the Committee belonging to Lok Sabha. With the dissolution of the Lok Sabha the Committee became *functus officio*.

The functions and powers of the Mudgal Inquiry Committee were laid down in the motion itself. The Committee were to call for papers and records and hear witnesses. As regards the Railway Convention Committees, it was stipulated in the resolutions setting up the Committees that the Rules of Procedure relating to Parliamentary Committee on Amendment to Election Law, the motion for appointment of the Committee *inter alia* stated "that in other respects the rules of procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may made."

As regards other *ad hoc* Committees, the Committees formulated their own procedure keeping in view the rules relating to the Parliamentary Committees in general.

Select/Joint Committees are also *ad hoc* Committees. They became *functus officio* after presenting their reports to the House.

K. C. Wheare in his book, *Government by Committee* has categorised the Committees forming part of the machinery of Government

(U.K.) into the following:

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

Among the Committees to legislate are various Standing Committees of the House of Commons. Under Committees to Scrutinize and Control, Mr. Wheare has categorised the three Select Committees of the House of Commons—Public Accounts, Estimates and Statutory Instruments.¹

The Committees of the Lok Sabha can also be categorised into some of the categories mentioned by Mr. Wheare:

- | | |
|--|---|
| (1) Committee to Advise .. | Business Advisory Committee; Committee on the Absence of Members from the Sittings of the House; and Rules Committee. |
| (2) Committee to Enquire .. | Committee of Privileges; and Committee on Petitions. |
| (3) Committee to Legislate .. | Select/Joint Committees on Bills. |
| (4) Committee to Scrutinise and Control .. | Estimates Committee; Public Accounts Committee; Committee on Public Undertakings; Committee on Subordinate Legislation; Committee on Government Assurances and the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. |

¹Besides the three Committees mentioned by Mr. Wheare, there are as many as four new Committees which can come under the category of Committee to Scrutinize and Control'. These are :

- (i) Select Committee on Nationalised Industries (set up in 1951) to consider the affairs of the nationalised industries.
- (ii) Select Committee on Agriculture (set up in 1966-67) to examine the organisation and working of the Ministry of Agriculture Fisheries and Food.
- (iii) Select Committee on Science and Technology (set up in 1966-67) to examine scientific and technological matters which are the concern of more than one Department.
- (iv) Select Committee on Education and Science (set up in 1967-68) to consider the activities of the Department of Education and Science and the Scottish Education Department.

Powers, Privileges and Immunities of Parliamentary Committees

Now let us examine the powers of the Parliamentary Committees in India with reference to the Rules and practices and procedures evolved over the years. It has been rightly said that the Committee of the Lok Sabha is a microcosm of the whole House. The members of the Committee enjoy the same rights and powers in regard to freedom of speech, arrest, etc. as are enjoyed by the members of the Lok Sabha|Rajya Sabha.

According to Article 105(3) of the Constitution of India, the powers, privileges and immunities of each House of Parliament and of the Members and the *Committees of each House* shall be such as from time to time be defined by Parliament by law and until so defined shall be those of the House of Commons of the Parliament of the United Kingdom and all its Members and Committees at the commencement of the Constitution. It, therefore, follows that the powers of Committees of the Lok Sabha are the same as those enjoyed by the British House of Commons at the commencement of the Constitution.

The powers of the Committees are also laid down in the *Rules of Procedure* and the *Directions* issued by the Speaker from time to time. Attention may specially be invited to the following Rules:

- Rules 263(1) — Power to appoint Sub-Committees.
- 269(1) and(2) } — Power to take evidence or call for documents.
- 270 — Power to send for persons, papers and records
- 271 — Permission to witness to be heard by a Counsel.
- 273 — Right to examine witnesses by the Chairman and the Members of the Committee.
- 275 — To treat evidence, report, proceedings as confidential.
- 276 — Right to make special reports to the House.
- 278 — Right to make available to Government of a Report before presentation.
- 281 — Power to make suggestions on procedure.
- 282 — Power to make detailed Rules.
- 302 — Power of Committee to hear expert advice.

The following *Directions* confer specific powers on the Committees:

- Direction 57(1) — Examination of the witnesses.
- 98(2) — Power given to the Committee on Estimates to examine a matter of policy.

- 99(1) — Calling of officials to give evidence by Financial Committees.
- 100 — Power to examine representations of private companies, non-government bodies, etc.
- 101(i) } Appointment of Sub-Committees by the Estimates
and (iv) } Committee in relation to defence matters and
power given to such Sub-Committees to take
evidence.
- 101A
- (i) & (iii) — Power given to the Estimates Committee to appoint a Sub-Committee in regard to statutory and Government organisations and power given to such Sub-Committee to take evidence.
- 102 — Committee on Estimates and Public Undertakings to be informed about action taken on recommendations.

Rules relating to certain Committees, instead of conferring specific powers on them, provide that the general rules applicable to Parliamentary Committees shall apply to them with such adaptations whether by way of modification, addition or omission, as the Speaker may consider necessary or convenient, as for example, Rule 3 of the G.P.C. Rules (Appendix II of the Rules of Procedure).²

Under the provisions of the Salary and Allowances of the Members of Parliament Act, 1954, the Joint Committee on the Salaries and Allowances of Members of Parliament has power to regulate its own procedure, *vide* Section 9(2) of the Salaries and Allowances of Members of Parliament Act, 1954. Besides the Act, the Rules framed under the said Act empower the Joint Committee to appoint one or more Sub-Committees.³

In the case of Joint Committees on Bills, the motion adopted in the House for reference of Bill to the Joint Committee does not specially confer any power on the Joint Committee but provides that the Rules of Procedure of Lok Sabha relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make.⁴ An example of this is given in Lok Sabha Debates dated the 24th December, 1969, concerning Commissions of Inquiry (Amendment) Bill, 1969, motion in respect of which states "that in other respects the Rules of Procedure of this House relating to Parlia-

²Kaul and Shakhder: Practice and Procedure of Parliament, p. 584.

³*Ibid.*, pp. 584-85.

⁴*Ibid.*

mentary Committees shall apply with such variations and modifications as the Speaker may make". Sometimes in the case of *ad hoc* Committees appointed by the House on a motion adopted in that behalf, a motion for appointment of such a Committee may specifically confer on the Committee some of the powers which are commonly possessed by other Committees of Lok Sabha, *vide* the motion regarding the constitution of a Committee on the conduct of a Member (Mudgal case 1951).

The powers which are generally common to all Parliamentary Committees may now be discussed.

Powers to appoint Sub-Committees

In the United Kingdom, a Select Committee, having only a delegated authority, cannot, without the leave of the House, divide itself into sub-committees and apportion its functions amongst such sub-committees or delegate to a sub-committee any of the authority delegated to it by the House. A Committee may, however, avail itself of the services of the members individually or in the form of sub-committees for purposes connected with the business of the Committee such as drafting which do not involve a delegation of authority.⁵

In special cases, however, the Committees have been empowered to divide themselves into sub-committees and to apportion the subjects referred to the Committee between such sub-committees⁶. When a Committee has been empowered to appoint a sub-committee, the House frequently makes order prescribing the quorum of such sub-committees and investing them with powers to send for persons, papers and records and such other powers as are considered necessary. Thus the Select Committee on Estimates was empowered to appoint sub-committees and to apportion the subjects referred to the Committee between the sub-committees provided that they were to have the same powers as the undivided Committee⁷. Since 1921, the Select Committee on Estimates have had power to appoint sub-committees and to refer to them any of the matters referred to the Committee. In the period from 1921 to 1939, the Select Committee on Estimates appointed a sub-committee at the beginning of two sessions (1926 and 1927) for a preliminary examination of the estimates with the Treasury Officer in attendance, but inquiries were conducted by the full

⁵May's Parliamentary Practice, 17th ed., p. 646, footnote.

⁶*Ibid.*

⁷*Ibid.*

Committee and no other use was made of the power to appoint sub-committees. In Session 1945-46 and later sessions, the Select Committee on Estimates, using the experience gained by the wartime National Expenditure Committee, have set up investigating sub-committees. There are now normally six of them. All sub-committees are given the powers given to the Committee to send for persons, papers and records; to sit notwithstanding any adjournment of the House; and to adjourn from place to place. The Reports of the committees show how extensively this last power has been used during the conduct of the inquiries. One of the sub-committees devotes itself primarily to the consideration of the supplementary estimates, the Financial Secretary's memorandum and annual variations in the estimates. An additional sub-committee consisting of the Chairman of the Committee, the Chairmen of all the investigating sub-committees and three or four other senior members of the Committee is set up to consider what estimates should be chosen for the examination and to conduct other business of general nature. In order to facilitate the work of dealing with the many inquiries made of departments, by the Committee and its sub-committees, each department concerned appoints one of its own officers to act as a liaison officer, through whom all the communications between the Committee and the department pass. It is common practice for such of those officers as represent the larger departments to attend those meetings of the Committee or its sub-committees at which official evidence from their department is being tendered.

In India Rule 263 gives power to a Parliamentary Committee to appoint one or more sub-committees having the powers of the undivided Committee to examine any matter that may be referred to them. Select|Joint Committees have appointed sub-committees for detailed study of specific matters or to assist them in the drafting of particular clauses of the Bill.⁹ In Estimates Committees, sub-committees are appointed by the Committee for examination of estimates relating to the Ministry of Defence and statutory and other Government organisations not coming within the purview of the Committee on Public Undertakings under Direction 101 and 101A respectively.

The sub-committee for examination of Statutory and Government organisations is to be appointed at the beginning of each year whereas the Defence sub-committee is appointed only when the estimates relating to the Ministry of Defence are taken up for examination.

⁸Ibid.

⁹Joint Committee on Company's Bill, 1963 appointed two sub-committees.

In actual practice, the sub-committee of the Estimates Committee on Statutory and Government organisations is constituted only when a subject relating to this is taken up by the Committee for examination. Sub-committees for examination of defence matters were constituted by the Estimates' Committee during 1956-57, 1957-58, and also in 1966-67 and 1967-68. The Public Accounts Committee have also appointed sub-committees to investigate and report on certain cases referred to in Audit reports. The Public Accounts Committee in 1959-60 appointed a sub-committee to investigate into certain aspects of working of Iron and Steel Controllers' organisation referred to in paras 36 to 39 of Audit Reports (Civil), 1958 and Paras 35 and 37 of Audit Report (Civil), 1959. In certain Committees there are standing sub-committees, namely, (i) Sub-committee of Business Advisory Committee for selection of admitted notices of 'No-Day-Yet-Named Motion' for discussion in the House, and (ii) Accommodation sub-committee of the House Committee. These sub-committees are regularly appointed every year soon after the constitution of the respective Committees.¹⁰

Power to take evidence or call for documents

In the United Kingdom a sub-committee cannot ask for attendance of the witnesses or the production of the documents without the specific authority of the House.

In the Lords, a Select Committee may call for such witnesses as it may require. Ordinarily witnesses attend and documents are produced at the request of the Committee but if necessary, an order of the House for the attendance of witnesses and the production of documents may be made. Parties are not heard by counsel or witnesses examined on oath except by the order of the House.¹¹

In the Commons, however, it is usual either at the time of its appointment or subsequently on the motion of the Chairman to give Select Committee powers to send for persons, papers or records. By virtue of this authority witnesses may be summoned by an order of the House signed by the Chairman to attend the Committee and to bring with them all such documents as they are informed, will be required for the use of the Committee. If a witness fails to appear when summoned in this manner, his conduct is reported to the House, which usually orders the offender to attend at its bar.¹²

¹⁰Kaul and Shakhder *op. cit.* p. 585.

¹¹May *op. cit.*, p. 649.

¹²*Ibid.*

A committee which has not been given powers to send for persons may not without the leave of the House, request persons to attend as witnesses or examine persons who tender themselves as witnesses¹³.

In India, a Committee may take oral and/or written evidence or call for documents in connection with a matter under its consideration, examination or investigation and has the power to send for persons, papers and records. Where the disclosure of documents is, however, likely to be prejudicial to the safety or interest of the State, the Government may decline to produce it before the Committee. If at any time any question arises whether the evidence of a person or production of a document is relevant for the purpose of the Committee, the question is referred to the Speaker whose decision is final¹⁴. Similarly, if an official of the State Government is required to be examined by the Committee or if a paper, document or record of a State Government is required to be produced before a Committee, orders of the Speaker are required to be taken in each case before the official of the State Government is asked to comply with the request¹⁵. Where the Speaker decides that it is not necessary to summon a particular State official as a witness or the State Government need not be asked to submit a paper, document or record, his decision is conveyed to the Committee through its Chairman¹⁶.

A Committee can take evidence of experts, public bodies, organisations, individuals or interested parties *suo motu* on a request made by the persons, bodies interested in or affected by the subject matter under consideration or examination of the Committee. In the case of a Select or a Joint Committee on a Bill, if the Committee decides to hear evidence, it issues generally a press communique inviting interested parties to send written memoranda containing their views on the Bill. After considering the written memoranda received from the persons or organisations, the Committee or the Chairman, when so authorised, selects the parties, who may be called to give evidence before the Committee. It is also within the discretion of the Select|Joint Committee on the Bill to hear expert evidence.

¹³*Ibid.*, p. 649-50.

¹⁴Rule 270, first proviso.

¹⁵Direction 60 (1).

¹⁶Direction 60 (2).

¹⁷Rule 302.

Where a Ministry, department or an undertaking is required to give evidence before the Committee on any matter, it is represented by the Secretary or the Head of the Department or the undertakings, as the case may be. If for any reason such an officer cannot attend the Committee on a particular occasion, the Chairman of the Committee, on a request being made to him, may permit any other senior officer to represent the Ministry, department or public undertaking before the Committee¹⁸.

If required by the Committee, the Ministry, Department or Undertaking concerned has to furnish for circulation to the Members of the Committee sufficient number of copies of any memoranda containing its views in the matter under consideration well in advance of the meeting of the Committee at which its representatives have to give evidence before Committee¹⁹. A witness includes a representative of the Ministry, Department, Public Undertaking or any organisation or any other person. A witness may be called either by a letter or by issue of formal summons to give evidence before the Committee and to produce before it any documents required by the Committee. Generally a letter is addressed and formal summons is issued to the witness only when a Committee is conducting an investigation of a judicial character.²⁰ For example, the Committee on the Conduct of a Member (Mudgal case) issued formal summons to the witnesses and these summons were served on the persons concerned through the State Government of Maharashtra. If a witness fails to appear before the Committee when summoned or called by a letter or a person refuses to produce any documents when so required by a Committee, his conduct constitutes the contempt of the House and may be reported to the House by the Committee²¹.

If a witness to be examined by the Committee is in Jail, his attendance before the Committee, if considered necessary, is secured through the Home Ministry and the State Government concerned. Generally a witness is heard in person by a Committee. In special circumstances, however, specially in inquiries or investigations of a judicial character a witness may be permitted to be represented or accompanied by a Counsel.²² For example, in the Mudgal case, the

¹⁸Direction 59(1), proviso.

¹⁹Direction 59(2).

²⁰Kaul and Shakhder, *op. cit.*, p. 593.

²¹*Ibid*, p. 594.

²²Rule 271.

Committee was given power by the House that "Shri H. G. Mudgal has leave to be heard before the Committee by himself or by Counsel, if he thinks fit and that the Committee may hear Counsel to such extent as they think fit on behalf of any other person." The Committee on Privileges examine on oath the persons appearing before them to give evidence.

Tendering false evidence before a Parliamentary Committee constitutes contempt of the House²⁸. In India, the Committee on Privileges in their Twelfth Report²⁹ held the view that Shri S. C. Mukherjee, the then Deputy Iron and Steel Controller had committed a breach of privilege and contempt of the House and that he deserved to be censured for the contempt of the House committed by him in misleading the Public Accounts Committee in the matter of changes made in the Bank guarantee form. The Committee however felt that the requirements of the case would be fulfilled if the disapproval and displeasure of the House in respect of the contempt of the House committed by Shri S. C. Mukherjee was conveyed to him (Shri S. C. Mukherjee) and also to the Government of India for such disciplinary action against him as they deem fit.

Rules 273 (ii) and Direction 62(i) give powers to the Chairman of the Committee to ask the witness such question or questions as he may consider necessary with reference to the subject matter under consideration. After he has put the question, the Chairman may call other members of the Committee one by one to ask any other question. This practice is being followed by and large by all committees at the time of taking evidence.

Treating of Evidence, Report and Proceedings as Confidential

Rule 275 lays down that—

"(1) A Committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the Table.

(2) No part of the evidence, oral or written, report or proceedings of a Committee which has not been laid on the Table shall be open to inspection by any one, except under the authority of the Speaker.

(3) The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid on the Table :

²⁸Allighan's case, C.J. 1947-48, 22.

²⁹Committee on Privileges, Fourth Lok Sabha, Twelfth Report, pp. 42-44.

Provided that the Speaker may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table."

Direction 55 (1) lays down that—

"The proceedings of a Committee shall be treated as confidential and it shall not be permissible for a member of the Committee or any one who has access to its proceedings to communicate, directly or indirectly, to the press any information regarding its proceedings including its report or any conclusions arrived at, finally or tentatively, before the report has been presented to the House."

During the course of their examination of the estimates of the Ministry of Railways, sub-Committee 'C' of the Estimates Committee went for an on-the-spot study of certain projects on the Eastern Railway in July, 1955. On their return, the Members submitted their findings in the form of individual notes to the whole Committee.

On the 21st October, 1955, Shri Lalit Narayan Mishra, a Member of the Committee, drew the attention of the Secretariat to a news item which appeared in the *Indian Nation* dated the 16th October, 1955, containing a brief report of the visit of the sub-Committee to the Eastern Railway and mentioning some of the main observations made by the sub-Committee in their study-findings, with specific reference to the study-note submitted by one of the members of the sub-Committee.

The matter was brought to the notice of the Chairman, who desired that the attention of the newspaper should be drawn to the fact that, by established convention, the deliberations, views, and proceedings of a Parliamentary Committee or its sub-Committee were to be treated as confidential till a Report on them was presented to Parliament. A letter was, accordingly, addressed to the Editor *Indian Nation* drawing his attention to the conventions and practices to be observed by Press correspondents visiting Parliament House. The Chairman also drew the attention of the Member concerned to the correct parliamentary procedure in this respect.

In the United Kingdom, the Select Committee on Estimates is authorised to append to their report the evidence taken by the Investigating Sub-Committees. In India, the Estimates Committee, as also the PAC, has not adopted the British practice of publishing evidence along with their report.

At the sitting of the Public Accounts Committee held on the 14th December, 1957, some Members raised the question of the revival of the printing and publication of the evidence tendered before

the Committee. The suggestion of the Department of Parliamentary Affairs regarding making available to the Ministries the copies of the evidence before the Public Accounts Committee and Estimates Committee had, by then been placed before the Speaker along with the views of the Chairmen of the two Committees on the printing of the evidence. The Speaker directed on the 17th December, 1957 that no change was called for in the existing Rules and Directions.

At the sitting of Estimates Committee held on the 13th February, 1958, Shri V. P. Nayar, a member of the Committee, raised the question of publication of the evidence tendered before the Public Accounts Committee and Estimates Committee alongwith the Reports of the two Committees.

Again, on the 19th February, 1958, Shri Uma Charan Patnaik, M.P., during the course of his speech in the Lok Sabha on the Motion regarding Report of the Commission of Inquiry into the Affairs of the Life Insurance Corporation, also raised the same question and remarked as follows:

"But, as you know, unlike in England, where evidence given before the Committees is placed on the Table and published, in our country this practice was discontinued some years ago; consequently, the Secretaries who appear before the Committee and give statements before Committee and tell their Ministers something else, with the result that Government itself comes out with a statement that the whole thing has been discussed at such and such level and so no action is called for. I have requested the Hon. Speaker to place all the evidence taken before the Committee on the Table of the House so that the House and the public will be in a position to know the evidence on which the Committees have reported, and the Ministers will have an opportunity to know what statements and commitments their Secretaries had made before the Committee. Under our rules, unlike that of U.K., the evidence taken before the Committee are kept confidential. The result is that Ministers come out with statements which are contrary to the evidence tendered before the Committees which this House has appointed to exercise proper control over the Government."

On the 27th February, 1958, the Speaker, in his meeting with the Deputy Speaker and Members of the Panel of Chairmen desired that the question regarding laying on the Table of the evidence tendered before the Public Accounts Committee and Estimates Committee might be re-examined.

The matter was, accordingly considered at a meeting of the Chairmen of the Public Accounts Committee and Estimates Committee on the 21st March, 1958 and it was decided that the existing practice

of printing the *verbatim* proceedings whenever the Committees deemed it necessary, should be continued. It was also decided that the proceedings of the Committee which had not been laid on the Table of the House should not be made available to any persons other than the Members of the Committee concerned.

All documents, representations or memoranda addressed to a Committee and received in the Secretariat, form part of the records of the Committee and can neither be withdrawn nor altered without the knowledge and approval of the Committee²⁵. No person can, without the permission of the Speaker, quote from, or send to anyone else, copies of any document submitted to a Committee unless and until the same has been presented to the House either alongwith the Report of the Committee or separately²⁶. When copies of the relevant portions of the *verbatim* proceedings of the sitting of a Committee, at which evidence has been given, are forwarded to a witness or a member for correction and return, he is informed that it is neither permissible to take out copies of the proceedings nor can the proceedings be quoted anywhere or made use of in any manner without the permission of the Committee²⁷.

It is breach of privilege for any person to publish any part of the evidence given before or any document submitted to a Committee before such evidence or document has been reported to the House. In this connection, an incident that occurred during the evidence of the Mudgal Inquiry Case (1951) may be cited. The writer of this article had accompanied the Committee to Bombay in July, 1951 alongwith Shri Seshadri (at present Private Secretary to Speaker). One of the witnesses was found reading out his evidence (from proceedings) to other witnesses. The matter was at once brought to the notice of the Secretary who reported the matter to the Chairman of the Committee. The Chairman called Shri Seshadri in and took his evidence. The following extracts from the proceedings of the 3rd July, 1951 may be reproduced:

Chairman (To Shri Seshadri): Will you tell us what you saw?

—Shri Tiwari was reading out the proceedings that were given to him and he was explaining them to the people there. The proceedings are still lying open there.

How many people were there?—Some 7 or 8 witnesses.

(Shri Seshadri withdrew)

(Shri Tiwari was called in)

²⁵Rule 269(3); Kaul and Shakhder, *op. cit.*, p. 596.

²⁶Direction 74.

²⁷Kaul & Shakhder, *op. cit.*, p. 597.

(To Shri Tiwari) I put it to you that you are coaching witnesses.—I never coached any witness.

Chairman: You have done a very serious thing. You are tampering with the witnesses before a Parliamentary Committee. I am afraid we have to report to Parliament and you will have to take the consequences. You can go.—(Shri Tiwari) I can assure you that I have not done that.

Chairman: There is no question of assurance. There is evidence here and we are prepared to rely on that. You have come here without being called. You are coaching the witnesses appearing before this Committee today. I could see that from the evidence of some witnesses. We want no further evidence. We shall make our report to Parliament and you will have to take the consequences of your action. You can withdraw now.

(Shri Tiwari withdrew)

(Shri Seshadri was again called to the chamber and asked to take the oath. Shri Seshadri took the oath)

Evidence of Shri Seshadri

Chairman: What is your full name?—S. Seshadri.

Now tell me what you saw there?—While I was proceeding to call Shri Mukherjee from the Reporters' Room, I saw Shri Tiwari reading out the proceedings that have been given to him for correction and explaining to the members assembled there.

You mean his deposition?—The proceedings.

The evidence that he gave us?—Yes.

When he came here they were lying on the table?—Yes.

All members were witnesses assembled?—Yes²⁸.

The Committee submitted a Special Report to the Speaker on this issue.

Circulation of Secret Material

According to Direction No. 55(2) whenever a paper or document marked 'Secret' or 'confidential' is circulated to the Members of the Committee, the contents of such paper or document shall not be divulged by any member either in the minute of dissent or on the floor of the House, or otherwise, without the permission of the Speaker; and where such permission has been obtained, any restriction imposed by the Speaker in regard to the manner in which, or the extent to which, the information contained in the document may be divulged, shall be strictly observed.

On the Estimates Committee side, in regard to the circulation of material regarding defence matters, members are specially requested

²⁸Report of the Committee on the Conduct of a Member (The Mudgal Case), p. 87.

to treat the material as secret. Copies of material circulated to members are duly numbered and a record is kept of each copy of material.

After the examination of the subject is over, the secret material circulated to the members is taken back from them. A separate procedure has been laid down under Direction No. 101 in regard to the examination of estimates relating to the Defence matters.

The discretion whether to reveal the contents of the top secret documents to the members is vested in the Chairman of the Committee who shall consider any submission that may be made in this regard by the Ministry of Defence. In case the Chairman is unable to comply with submission of the Ministry, the matter is referred to the Speaker for his guidance.

The Chairman determines whether in certain cases copies of secret documents may not be distributed to the members and only such copies may be made available for reference by members at a specified place in the Lok Sabha Secretariat.

It has already been stated earlier that the Estimates Committee appoint a Sub-Committee for examination of defence matters. Such portions of the report of the Sub-Committee as are considered by the Chairman to deal with confidential matters, which it is not feasible to make public in the interest of security, are not placed before the whole Committee but are forwarded by the Chairman to the Speaker.

During 1965-66, the Sub-Committee of the Estimates Committee considered a Defence Research Laboratory. The report of the Sub-Committee on the subject contained information of top secret nature. After approval by the Sub-Committee and factual clarification by the Ministry, the report was not circulated to the main Committee but was submitted to the Speaker on the 25th March, 1966, by the Chairman of the Committee. The Speaker sent the Report with a forwarding letter to the Minister of Defence requesting that the action taken on the recommendations contained in the report might be communicated for the consideration of the Chairman of the Committee. The Ministry furnished replies showing action taken on the recommendations and they were accepted by the Sub-Committee.

Power to make Special Reports

Rule 276 gives power to a Committee to make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the

Speaker or the House, notwithstanding that such matter is not directly connected with or does not fall within or is not incidental to its terms of reference.

It may be mentioned that the Committee on the Conduct of a Member (the Mudgal case) submitted two special reports to the Speaker which were appended to the main report.

In U.K., in the Allighan case, the Editor and the Political Correspondent of the *Evening News*, who appeared as witnesses before the Committee of Privileges, refused to answer certain questions put to them by the Committee. The Committee thereupon made a special report to the House regarding the matter in order that the House might take such step as might seem to the House to be proper and necessary.²⁹

Availability of Report to Government before presentation

Rules 278 empowers the Committee to make available to Government any completed part of its report before presentation to the House. Such reports are treated as confidential until presented to the House. In the case of the Estimates Committee, the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, and the Public Undertakings Committee, advance copies of approved report marked 'secret' are sent to the concerned Ministry/Department/Undertaking for verification of factual details. It is enjoined on them to treat the contents of the report as secret until the report is finalised and presented to the House. Advance copies of the reports of P.A.C. are not usually forwarded to the Government. There have been, however, some exceptions. Advance copies of the 6th Report and 8th Report of the P.A.C. (First Lok Sabha) on the Hirakund Dam Project and Purchase of Tyres and Tubes, respectively, were forwarded to the Ministry concerned a day before their actual presentation to the House.

In the case of the Select/Joint Committees, draft report of the Committee which is prepared by the Secretariat, is sent to the Draftsman and the officers of the concerned Ministry who attended the sittings of the Committee for factual verification and returned to the Secretariat. The draft report is treated as confidential.

Power to make suggestions on procedure

According to Rule 281, a Committee has power to pass resolutions on matters of procedure relating to that Committee for the consideration of the Speaker who make such variations in the procedure as he may consider necessary.

²⁹H. C. 137 (1946-47).

At its first sitting held on 9th June, 1951, the Committee on the Conduct of a Member decided upon the procedure to be followed at its subsequent sittings. The recommendations of the Committee on the subject of procedure were placed before the Speaker who approved of the same and also gave some further directions to the Committee.

The Public Undertakings Committee at a sitting held on 26th March, 1970, decided to make changes in the Rules of Procedure so as to give more power to that Committee, to change the tenure and to increase the membership of the Committee. The Chairman of the Committee sent the decisions of the Public Undertakings Committee to the Speaker who thereupon referred the matter to the Rules Committee.

Power to make detailed Rules

In terms of Rule 282 of the Rules of Procedure, a Committee may with the approval of the Speaker make detailed rules of procedure to supplement the provisions contained in Chapter XXVI of Rules of Procedure. In pursuance of this rule all the Standing Committees, including the Committee on the Welfare of Scheduled Castes and Scheduled Tribes have, with the approval of the Speaker, made rules for their internal working³⁰.

Role of the Committee Official

The Secretariat of the Parliamentary Committees has a very important role to play. The Chairman together with the Secretariat is the pivot round which the work of the whole Committee revolves. Right from the constitution of the Committee upto the completion of the report, the Secretariat official has to maintain a constant liaison and rapport with the Chairman of the Committee. The Secretariat official functions under the guidance and directions of the Chairman, but he has also an advisory role to play. He, in fact, advises the Chairman on all matters of procedure.

The Secretariat official has to be conversant with the Rules of Procedure, the Directions by the Speaker and practices and procedures that have been evolved over the years in the British and in the Indian Parliaments. Precedents are of considerable importance to

³⁰Details of the Internal Rules of Working can be seen in Appendix VIII of *Practice and Procedure of Parliament* by M. N. Kaul and S. L. Shakhder. The Internal Rules of Working of the Committee on the Welfare of Scheduled Castes and Schedule Tribes have been printed separately.

the Committee in arriving at correct decisions and the Secretariat official should always refer to the entries in the Manual on Rules and Directions as well as the Select Documents of the respective Committees before advising the Chairman in regard to any matter of procedural importance.

The work of the Committee begins with the collection of material for examination by the Committee. The Secretariat official has to see that the Ministry has sent all the information required by the Committee and has not made any attempt to suppress any information which the Committee should have before them for examination of the subject.

The next stage is the evidence stage and the Secretariat official must find out the names of the persons or organisations who could furnish constructive suggestions to the Committee in connection with their work. Notes and memoranda to be obtained from persons/organisations as also the Ministries|Departments which have been examined should be preserved carefully marked 'confidential'. The official should ensure that no secret or confidential material leaks out to any outsider or to a person who is not connected with the work of the Committee. Special care has to be taken in regard to the maintenance of information or material received in connection with defence matters. There is a special procedure laid down on the Estimates Committee side for treatment of material in connection with the examination of defence estimates.

The Committee official should ensure that no stranger is admitted to the Committee Room because the Committee sits in private and admission of unauthorised persons constitutes a contempt of the Committee. The evidence tendered by the witnesses should be treated as secret and the *verbatim* proceedings should be sent to the witnesses in confidential covers. It should be ensured that *verbatim* proceedings duly corrected are returned by the witnesses as also by the members who participated in the discussions. Bound volumes of proceedings should be kept in the personal custody of the Section Officer.

The Secretariat official should also ensure that there is no premature publication of the Report of the Committee and that there is no leakage of any information concerning the recommendations of the Committee to the Press prior to the presentation of the report in the House.

Giving false evidence before the Committee constitutes a breach of privilege and contempt of the Committee. The Secretariat

official should see that the evidence given by the witness is factually correct and that no attempt has been made by him to mislead the Committee or suppress the truth. Cases of prevarication or false statement should be reported to the Chairman.

The Secretariat official functions as the 'eyes and ears' of the Committee and it is his responsibility to ensure that the Committee functions strictly within the ambit of the Rules of Procedure and also the Directions laid down by the Speaker.

K. C. Wheare in his essay on the *British Constitution*³¹ makes the following observations about the Select Committee on Estimates of the British House of Commons. What applies to the Estimate Committee also applies to other Parliamentary Committees:

"Wherever opinion may be expressed about its work, no suggestion has been made that its inadequacies are due to not having an expert examiner of the estimates. It is clear, indeed, that with its staff of House-trained clerks, it succeeds in getting the information it wants, and it has organised itself effectively to produce reports and to exercise an influence... Though this staff is non-expert, it is perhaps misleading to think that it is completely lay. Its members approach, surely, the class of general practitioners, who by experience and study have a more than lay knowledge but a less than specialised knowledge of the problems of the estimates."

The first essential for achieving Political freedom as well as for guarding it when attained is a juster social order.

—S. RADHAKRISHNAN

³¹Wheare K. C. : *Government by Committee*, p. 227.

IMPACT OF FINANCIAL COMMITTEES' RECOMMENDATIONS ON ADMINISTRATION

REPORTS OF PUBLIC ACCOUNTS COMMITTEE (FOURTH LOK SABHA) ON INDIRECT TAXES (CUSTOMS AND UNION EXCISE DUTIES)

1. CUSTOMS

(1) Refunds and Drawback

In their Seventy-second Report, the Public Accounts Committee (1968-69) dealt with the question of refunds and drawback of duty out of the total receipts from customs revenue. The Committee learnt that such refunds and drawback amounted to Rs. 21.65 crores in 1966-67 as against Rs. 15.76 crores in 1965-66. The Committee observed that, in the interests of export promotion, Government should give continuous attention to the question of extending the scope of drawback. According to the Committee, "it would also help the cause of export promotion if Government could ensure that the procedures for payments are so streamlined as to make payment of drawback amounts to exporters possible within two weeks of the delivery of export manifests, as suggested by the Drawback Enquiry Committee".

In a reply to these observations, the Ministry of Finance stated that in regard to extension of the scope of drawback, Government had accepted the recommendation contained in the Drawback Enquiry Committee's Report to the effect that the normal policy should be to allow drawback on all commodities, while reserving the right to notify any goods which would not be entitled to drawback. The Ministry added that the guidelines suggested by the Drawback Enquiry Committee for denial of drawback had also been agreed to. Accordingly to these guidelines the drawback could be denied in cases (i) where it appeared that the goods were likely to be smuggled back into India; (ii) where the amount of drawback was negligible; and (iii) where it would not otherwise be in the public interest to allow drawback in respect of a particular commodity.

As regards the Public Accounts Committee's recommendation for the settlement of claims for drawback of duty within two weeks, the recommendations of the Drawback Enquiry Committee in this regard had been considered by Government and it was decided that drawback

¹P.A.C., 72nd Report (1968-69), paras 1.2 and 1.9.

claims should be finalised within one month from the date of submission of the relevant export manifest. Instructions had been issued to the field formations impressing upon them the need to settle drawback claims expeditiously. The Ministry added that the procedures in the Customs Houses for scrutiny of claims and payment of drawback were constantly under review in consultation with the Collectors with a view to "streamlining the same so as to remove the bottlenecks that create hold-ups and result in delays." The relevant recommendation of the Public Accounts Committee has also been brought to their notice. The Ministry further stated that since the number of drawback claims were increasing day by day with the present emphasis on export, a constant watch was being kept on staffing position for periodical review.

In reply to a question from the Committee whether any programme for extension of scope of drawback to other commodities had been drawn up in view of Government's acceptance of the relevant recommendation, the Ministry of Finance stated as follows:

"Under the existing provision of the Customs Act, 1962, the Government may by a notification in the official gazette direct that drawback shall be allowed in respect of goods of any class or description manufactured in India using duty paid materials. A large number of manufactured goods eligible, to such drawback of duty on the use of duty paid materials are already covered under the existing notifications. New products and appropriate rates of drawback are notified after due enquiry on receipt of applications from exporters and manufacturing concerns interested in the exports of the products".

The Public Accounts Committee while appreciating the fact that Government had accepted in principle that drawback should normally be allowed on all commodities, expressed the hope that the latter would draw up a programme for speedy extension of the scope of drawback to commodities not then eligible for it. In their Ninety-fifth Report, the Public Accounts Committee (1969-70) observed that in view of the fact that the country was embarking on a massive export programme during the Fourth Plan period, which envisaged the growth of exports at a compound rate of 7 per cent annually, it was essential that maximum inducements be provided to the exporters expeditiously.

Noting that Government had decided that claims for drawback should be paid within one month, the Public Accounts Committee desired the Government to "ensure that vexatious delays to exporters are eliminated and that all drawback claims are settled expeditiously."

²P.A.C., 95th Report (1969-70), paras 1.4 to 1.8.

(2) Confiscated and Landed Goods

Pilferage of Landed Goods from Docks

During scrutiny of the records of a major Customs House by Audit, it was observed that there was no proper coordination between the Port Trust and the Customs House in the matter of landed goods. As a result, duty was not recovered on certain packages landed but subsequently found missing. The Customs House could not intimate the value of the missing goods.

The Public Accounts Committee (1967-68) felt that it was a most anomalous position that the goods lost after landing at a port were not liable to duty. The customs law did not provide for the recovery of duty from the Port Trusts from whose custody the goods were lost. The responsibility of the Port Trusts extended to that of a bailee for a period of seven days after the goods were landed at the port. They were expected to take reasonable care for the safe custody of the property. The Port Trusts also charged demurrage on goods which were not taken delivery of within seven days. The Committee in their Second Report expressed the view that Port Trusts could not be completely absolved of the responsibility for the loss of goods held by them, and it was reasonable that the Port Trust were held responsible, at least partly, for the loss of customs duty on packages pilfered from their custody.

The Public Accounts Committee suggested that proper account of goods received and lost during and after the seven days period should be maintained by the Port Trusts and also by customs authorities. They also urged the need to devise measures to ensure that ports did not become warehouses for the importers.³

A Study Team appointed by Government to look into the matter expressed the view that the agency which had custody of the goods and which alone was responsible for their security should itself have a stake in the matter and not be immune from the consequences of a failure to ensure their safety. The Study Team recommended that the port administration should accept liability for payment of duty on goods landed in its custody and pilfered or lost therefrom.

The Empowered Committee after considering the above recommendations of the Study Team decided that in respect of pilferages taking place beyond the 'prescribed period' of seven days the liability

³P.A.C., 2nd Report (1967-68), paras 2.83 to 2.86.

of duty could not be put on the port organisation and that if the customs authority felt that somebody should be liable, amendment of the existing law making the importer liable, might be considered.

Subsequently, this question was referred by the Government to the Major Ports Commission, which was set up to look into all aspects of the working of the major ports.⁴

Remedial Measures for Preventing Loss of Confiscated Goods while in Custody of Port Trusts

The Public Accounts Committee (1967-68) had taken up the question of losses of confiscated goods while in the custody of the Port Trusts while examining Audit Reports (Civil) on Revenue Receipts, 1966 and 1967.

The Committee were apprised by the Ministry of Transport and Shipping of the steps taken to prevent such losses at the various ports. Such steps included:

- (i) watch on confiscated cargoes stored in the open by the Customs' Flying Squad;
- (ii) guarding by the Port Police Force of the transit sheds and yards as also the warehouses where confiscated goods are stored;
- (iii) special watch by police on consignments of value, in addition to normal arrangements for watching by the Port Trusts' Watch and Ward.

The Committee were informed that the total amount of losses of confiscated goods at various ports while in the custody of the Port Trusts since 1955-56 came to Rs. 1,83,843. They noted with concern that in spite of Watch and Ward arrangements at the Ports by different authorities, *i.e.*, the Port Trust, the Customs Department and the State Government, pilferages should continue to occur. The Committee felt that with closer coordination between the authorities concerned in the interest of tightening the security measures, it should be possible to eliminate the pilferage of confiscated goods while in the custody of Port Trusts.⁵

In their reply, the Ministry of Finance stated that in pursuance of the Committee's recommendations, suitable instructions had been issued to the officers concerned to take up with the Port Trust authorities the question of safe custody of the goods lying in their sheds and

⁴P.A.C., 36th Report (1968-69), pages 127-130.

⁵P.A.C., 24th Report (1967-68), paras 1.81 and 1.85.

to evolve a suitable procedure to eliminate the pilferage of confiscated goods while in the custody of Port Trusts.

Following the Ministry's reply, the Public Accounts Committee (1968-69) desired, *vide* their Seventy-seventh Report, that Government should take follow-up action to ensure safe custody of goods and eliminate chances of pilferage.⁶

Loss of Confiscated Goods in Customs Houses

In their Twenty-fourth Report, the Public Accounts Committee (1967-68) commented on the losses of confiscated goods in the custody of the Port Trusts. The articles lost included vital parts of valuable goods like refrigerators and transistors. While expressing their concern at the theft of confiscated goods from the Customs Houses, the Committee desired that the Customs Houses should review their security arrangements in consultation with the Central Bureau of Investigation and the State police authorities, so as to ensure that such thefts did not recur. They desired the Government to take suitable remedial measures to prevent such pilferage so that "these valuable goods which have a ready market can be disposed of expeditiously to fetch the maximum price".⁷

The Ministry of Finance informed the Committee in reply that the security arrangements for guarding seized as well as confiscated goods were being reviewed in consultation with the C.B.I. and the State police authorities.

With reference to the Committee's observations regarding the need for taking remedial measures to prevent such pilferages, the Ministry stated that suitable instructions in this regard had been issued to all Collectors of Customs and Central Excise. The latter had been advised, the Ministry added, that whenever any case of theft or pilferage was noticed, disciplinary action against those responsible for safe custody of the goods should be considered.⁸

Clearance of Abandoned and Confiscated Goods from Premises of Port Trusts

The Public Accounts Committee had repeatedly expressed their concern over the delay in the settlement of the dispute which arose in 1950 between the Customs Department and the Bombay Port Trust over the dues payable to Government out of the sale proceeds of abandoned and unclaimed goods auctioned by the Port Trust authorities. The Ministry of Finance informed the Committee that the dispute between the Bombay Port Trust and the Customs House, Bombay

⁶P.A.C., 77th Report (1968-69), paras 1.15 and 1.16.

⁷P.A.C., 24th Report (1967-68), paras 1.104 and 1.105.

⁸P.A.C., 77th Report (1969-70), pages 21 & 22.

for the allocation of the proceeds of sale of abandoned and confiscated goods had been finally settled at an inter-departmental meeting. The Committee were informed that it was also agreed (i) that Customs authorities should take steps to remove confiscated goods to special warehouses as soon as possible and in any case within a week of confiscation, especially in the case of goods confiscated absolutely, and (ii) that steps should be taken to speed up adjudication proceedings to ensure that, as far as possible, confiscation, if indicated, was ordered within four months of the landing of the goods.

The Public Accounts Committee (1967-68) desired that as space in port areas was limited, Government should keep the matter under constant review and evolve a business-like method for disposal of imported goods which were left either unclaimed by the parties or were confiscated by the Customs.⁹

The Public Accounts Committee noted that in the instructions issued to the Collectors of Customs in pursuance of the recommendations of the Committee, the Central Board of Excise and Customs stated that "the existing arrangements may be reviewed so as to ascertain in particular the need for additional storage space, the measures necessary to protect goods in transit or awaiting removal to regular places of storage or disposal at site and the procedural re-arrangements required for reviewing cases pending for adjudication so as to expedite the proceedings."

In their Seventy-seventh Report, the Public Accounts Committee (1968-69) asked the Central Board of Excise and Customs to adopt necessary follow-up measures to ensure business-like disposal of unclaimed confiscated imported goods.¹⁰

Delays in Disposal of confiscated Goods Resulting in Avoidable Loss

The Public Accounts Committee (1967-68) in their Twenty-fourth Report expressed their concern that goods valued at Rs. 5.17 crores confiscated upto 31st March, 1966 were lying undisposed of as on 1st April, 1967. The disposal of goods in the past had been slow, resulting in deterioration and pilferage.¹¹

Referring to a special case of confiscated pencils, the Committee observed that they were not happy over the leisurely manner in which

⁹P.A.C., 24th Report (1967-68), paras 1.67 to 1.72.

¹⁰P.A.C., 77th Report (1968-69), paras 1.6 to 1.8.

¹¹P.A.C., 24th Report (1967-68), para 1.34.

the Customs Department took eight to twelve years to dispose of the confiscated pencils. The cumulative effect of this delay was that 1,050 gross pencils valued at Rs. 12,000 were damaged and Government underwent this avoidable loss.¹²

The Ministry of Finance informed the Committee that steps were continuously being taken by Collectors of Customs to dispose of confiscated goods as expeditiously as possible. They also intimated to the Committee that the total value of all confiscated goods disposed of during the period from 1st August, 1967 to 30th June, 1968 was Rs. 5.24 crores.¹³

The Committee felt that it would be helpful to Government in arriving at a decision in regard to the various alternative procedures for the disposal of confiscated goods, if a small committee consisting of persons having knowledge of excise and customs and two or three businessmen were appointed to advise the Government on evolving suitable procedures.¹⁴ This recommendation was accepted by the Government.¹⁵

Payment of Heavy Bond Rent Charges

According to an agreement between the Madras Customs House and the local Port Trust, goods confiscated by the Customs Department were removed to a separate warehouse belonging to the Port Trust on which only the bond rent at the rates prescribed by the Port Trust were recoverable. The Port Trust recovered the rent from the date of confiscation upto the date of removal of the goods by the Customs Department. In four cases, there was delay ranging from one and a half to seven years in clearing the confiscated goods and the bond rent of claims amounting to Rs. 1,55,328 were pending settlement. In two of these cases, where the claims amounted to Rs. 1,29,451, the Port Trust had filed suits against the Customs Department. In two other cases involving a sum of Rs. 25,877, the amount realised by the sale of the confiscated goods was not sufficient to meet the Port Trust charges.

In reply to a question as to the reasons for the inordinate delay in removing the goods from the custody of the Port Trust authorities in the four cases referred to above, the Public Accounts Committee were

¹²*Ibid.*, paras 1.16 to 1.19.

¹³P.A.C., 77th Report (1968-69), page 11.

¹⁴P.A.C., 24th Report (1967-68), para 1.35.

¹⁵P.A.C., 77th Report (1968-69), page 12.

informed that the system prevalent in 1950 was to let the goods remain in the custody of the Port Trust authorities, if the confiscation became a subject matter of appeal or revision petition. In this connection, the Committee learnt that in one of the cases, 1,080 drums of High Speed Diesel oil valued at Rs. 83,160 landed at Madras Port on 19-6-1950 were confiscated on 24th February, 1951. The goods were ripe for disposal on 20th August, 1954 after the writ petition filed by the party in the High Court was ultimately dismissed on that day. However, the goods were sold in two lots and removed from the Port Trust premises as late as 26th October, 1957 and 17th January, 1958. The bond rent paid to the Madras Port Trust as a result of a settlement out of court was Rs. 1,00,000. The Committee learnt that during the period of confiscation there was loss due to deterioration in the quality of diesel oil and leakage from as many as 537 out of 1,080 drums. The Customs Department had to pay a heavy bond rent of Rs. 1 lakh against the sale proceeds of a mere Rs. 16,385. The Committee observed that they were unable to appreciate why it should have taken the Department as long as three years to arrange for the final disposal of diesel oil after the decision for confiscation was upheld by the High Court in August, 1954. The Committee felt that if more business-like methods had been adopted by the Customs authorities, it should have been possible to dispose of the diesel oil soon after it became ready for disposal in August, 1954, and thereby save payment of heavy bond rent to the Port Trust. They stressed that suitable measures be taken to ensure that such cases did not recur.¹⁶

In reply, the Committee were informed that their observations had been brought to the notice of all the Collectors of Customs and Central Excise by the Central Board of Excise and Customs asking them that all pending cases of goods confiscated but not yet disposed of be reviewed urgently from the point of view of safe storage and proper upkeep arrangements thereby avoiding payment of excessive rent.¹⁷

In another case, eight bundles of steel sheet cuttings stored in the open dump during 1961—64 deteriorated in value due to exposure and the goods were sold in March, 1965, as the case file had been recorded by mistake in March 1962. As against the sale proceeds of Rs. 2,750 the bond rent claimed by the Madras Port Trust was Rs. 7,720.¹⁸

¹⁶P.A.C., 24th Report (1967-68), paras 1.48 to 1.53.

¹⁷P.A.C., 77th Report (1968-69), paras 1.15 & 1.16.

¹⁸P.A.C., 24th Report (1967-68), para 1.54.

In yet another case, 925 bags of cement landed in January 1962 were confiscated in August 1962 for misdeclaration. The goods were abandoned by the party and finally sold in March 1965, *i.e.* three years after confiscation, for a paltry Rs. 710. As against this, the Port Trust claimed bond rent charges of Rs. 18,156 for the period from August 1962 to March 1965.¹⁹

The Committee, therefore, suggested that, in the light of experience gained in the working of the agreement between the Port Trust and the Madras Customs House, a suitable procedure be evolved to dispose of confiscated goods expeditiously to obviate payment of heavy bond rent.²⁰

The Ministry of Finance stated in reply that a suitable procedure had since been evolved by the Madras Customs House to ensure expeditious disposal of confiscated goods with a view to avoiding payment of large amounts of rent to the Madras Port Trust.²¹

(3) Internal Audit Department of Customs House

Under-assessments of customs duty arising out of wrong classification of goods, mistakes in calculation and other defects in procedure were reported in the Audit Report on Revenue Receipts, 1966. In their Twenty-first and Twenty-seventh Reports, the Public Accounts Committee (Third Lok Sabha) had recommended that both the Appraising Department and the Internal Audit Department of the Customs House should be strengthened and intensive training given to the staff. In 1968, the Committee were informed that a scheme had been drawn up for this purpose. The Public Accounts Committee (1967-68) were informed that the creation of the Directorate of Audit directly under the Central Board of Excise and Customs had been deferred on account of financial stringency. The Internal Audit Department was, however, being strengthened.

The Committee observed with regret that despite their observations in their Twenty-first and Twenty-seventh Reports, no improvement was visible in the working of the Internal Audit Organisation. They expressed the hope that the question of reorganisation would be given immediate consideration and all necessary steps taken to improve the working of the Internal Audit Organisation.²²

¹⁹P.A.C., *Ibid.*, para 1.56.

²⁰P.A.C., *Ibid.*, para 1.59.

²¹P.A.C., 77th Report (1968-69), page 19.

²²P.A.C., 2nd Report (1967-68), para 2.17.

In reply to this recommendation, the Ministry of Finance informed the Public Accounts Committee that a Study Team was set up in 1966 to go into the working of the Customs Department and in the light of the recommendations made by the Study Team, which covered aspects relating to improvements in the working of the Internal Audit Department, the matter was being re-examined and further pursued.²³

II UNION EXCISE DUTIES

(1) Exemption, Remission and Refund

Exemption of Excise Duty

The Public Accounts Committee (1967-68) found that the excise duty foregone as a result of the issue of exemption notifications amounted to Rs. 54.04 crores in 1963-64, Rs. 63.73 crores in 1964-65 and Rs. 62.28 crores in 1965-66. The Committee pointed out that although a sizeable amount of duty leviable under the Excise Law was being foregone year after year, the existing system did not provide for obtaining approval of Parliament in the matter, as there was no provision in the Central Excises Act and the Rules made thereunder for laying the exemption notifications before Parliament.

Recalling their earlier recommendations [*vide* their Forty-fourth Report (Third Lok Sabha)] for rectifying the relevant procedure by making it obligatory to lay a copy of each such notification before Parliament, the Public Accounts Committee (1967-68) expressed the hope in their Twenty-fourth Report that, as assured by the Secretary, Revenue and Expenditure, during evidence, pending the finalisation of a new Central Excises Bill, suitable amendments would be made in the Central Excises Rules requiring such exemption notifications to be laid before Parliament. The Committee also desired that the exemption notifications should be accompanied by explanatory memorandum giving the reasons for varying the standard rates of duty.

The Committee expressed their concern that, out of under-assessments of Rs. 571 lakhs pointed out in Audit Report, 1967, most of the amount of Rs. 327 lakhs that had been admitted by the Department related to irregular and unauthorised refunds, rebates and set offs because certain reliefs were given under executive instructions which did not have proper legal backing in the matter of exemption. According to the Ministry, however, in some cases, exemptions were

²³P.A.C., 36th Report (1968-69), page 138.

given under such executive instructions pending further examination of the matter, after which exemption notifications were issued retrospectively.

The Committee had earlier observed [*vide* their Forty-fourth Report (Third Lok Sabha)] that if, for administrative flexibility, Government desired some latitude in such matters, they should obtain authority to do so from Parliament by introducing amendment to the Excise Law. The Public Accounts Committee (1967-68), in their Twenty-fourth Report, asked the Government to suitably rectify the position in the new Central Excises Bill.

As regards the issue of exemption notifications retrospectively, the Public Accounts Committee had discussed the legal position in their Forty-fourth Report (Third Lok Sabha) thus: "A legislature could give retrospective effect to a piece of legislation passed by it but the Government exercising subordinate and delegated powers cannot make an order with retrospective effect unless that power was expressly conferred by the statute". The Committee had desired that the question of the extent of authority required and of amending the law for the purpose should be thoroughly examined in consultation with the Ministry of Law. In their Seventh Report, the Public Accounts Committee (1967-68) had desired that a Bill containing enabling powers for the Central Government to give retrospective effect to excise duty exemption under the Excise Law should be brought before Parliament as early as possible.

The Committee suggested in their Twenty-fourth Report that, pending the preparation of a new Central Excises Bill, the whole question of granting exemptions of duty through three different means, *viz.*, notifications, executive instructions and retrospective notifications, might be examined in consultation with the Attorney General of India.²⁴

As desired by the Committee, the matter was placed by the Government before the Attorney General. According to the opinion expressed by the Attorney General, Government was empowered to grant exemptions through notification under Rule 8 of the Central Excises Rules, 1944. The said Rule empowers the Central Government "by notification in the Official Gazette to exempt subject to such conditions as may be specified in the notification any excisable goods from the whole or any part of duty, leviable on such goods".

²⁴P.A.C., 2nd Report (1967-68), paras 3.15 to 3.19.

As regards the question whether Government could also grant exemptions through executive instructions, the Attorney General's reply was: "On the face of the Rule, the Central Government is not empowered to grant exemption by means of executive instructions".

Regarding the third question, namely, as to whether, under the Central Excises Act and Rules as framed now, Government, through notifications, could grant exemptions with retrospective effect, the Attorney General's opinion was that they (Government) could not do so. According to him, the Excise Act empowered the Central Government to make Rules, including Rules providing for exemption of any goods from the payment of duty under the Act, but does not empower them to make any such Rule with retrospective effect. The Attorney General remarked: "Thus no notification can be issued by the Central Government under Rule 8(1) with retrospective effect".

Forwarding the Attorney General's opinion, the Ministry of Finance stated that they were now invariably issuing a notification in the Official Gazette for grant of any exemption under Rule 8(1) of the Central Excises Rules, 1944. "The practice of granting exemption, however small, through executive instructions is being avoided", the Ministry added. According to the Ministry, a large number of cases in which exemptions had been granted in the past through executive instructions had since been regularised by issue of formal notifications. It was not proposed, the Ministry informed the Public Accounts Committee, to seek power in the new Central Excises legislation for granting exemptions through executive instructions.

As regards granting of exemption with retrospective effect, it was proposed by the Ministry to make the necessary provision in the new Central Excises Bill²⁵ to confer such power on the Central Government in specific terms. The Ministry informed the Committee that during the intervening period, "a few cases might arise where retrospective exemption is merited and grave hardship will arise if such exemption is denied". They proposed to grant retrospective exemption in such cases with the approval of the Minister during the short intervening period. The Ministry also recalled that it had been decided to lay all exemption notifications on the Table of the two Houses of Parliament alongwith an explanatory memorandum giving brief reasons for varying the standard rates of duty.²⁶

²⁵Vide Central Excises Bill, 1969, Cl. 29(4).

²⁶Note furnished by Government pursuant to recommendations by the Committee contained in their 24th Report (1967-68).

Loss of Revenue due to Allowing Discount on Excise Duty Included in All-inclusive Prices.

In their Seventy-second Report, the Public Accounts Committee (1968-69) examined the question of determination of assessable value of commodities where a question of trade discount was involved. Audit had reported that, in case of patent and proprietary medicines, where the assessment of value was being done with reference to the manufacturers' price-lists, the value had been determined after allowing the discount on *cum-duty* prices, without first deducting the duty element from the prices. As a result, there was loss of revenue, as assessable values got depressed. The Committee observed that although Audit had, in September, 1963, pointed out to the Department of Revenue that the procedure of working out discount on *cum-duty* prices was defective, yet it was not till March, 1966 that Government suitably amended the notification which prescribed the defective procedure. In the meantime, the Committee pointed out, the Government had lost revenue to the tune of Rs. 3.03 lakhs in one Central Excise Collectorate alone.

The Committee made the following observations in this context:

"A more important point arising out of this case relates to the rationalisation of procedure for determining the assessable value of commodities, where such value is worked out backward from market prices, which include the duty element. It would obviously be necessary to ensure that in such cases the element of discount is applied only after deducting from the market prices the element of duty".

According to the principle embodied in the explanation inserted under the new notification of March, 1966, in case of 'medicines', where the price was inclusive of excise duty, the element of excise duty was to be deducted first before allowing the discount. The Committee desired to know the views of Government regarding the extension of the principle to other commodities where the price was inclusive of excise duty. They were informed that according to the views expressed by the Ministry of Law, an extension of the principle to other commodities was not legally feasible.

The Committee were informed during evidence that Government proposed to bring forward a comprehensive Bill to amend the existing Central Excises Law in which provisions relating to valuation were likely to undergo a material change. They desired the Ministry of Finance to examine, in consultation with the Ministry of Law,

whether, at the time of bringing forward the proposed Bill, the relevant section could be so framed as to allow for the extension of the principle to other commodities.²⁷

In their reply the Ministry of Finance stated that the principle having already been extended to patent or proprietary medicines, the only other commodity in respect of which similar *ad hoc* discount procedure was obtaining was plastics. The Ministry informed the Public Accounts Committee that it had been decided to extend to plastics also the principle of deducting duty element from all-inclusive prices before allowing discounts. The Ministry added that the relevant notification of 1962 relating to plastics was being amended accordingly.

The Central Excises Bill seeking to consolidate and amend the law relating to Central duties of excise has since been introduced in Lok Sabha and is at present under the consideration of a Select Committee of the House. Provisions relating to valuation of excisable goods for purposes of *ad valorem* duties are contained in clause 10 of the said Bill. The clause provides for valuation on the basis of the 'normal price', namely, the price which the article would fetch on a sale in the open market between the buyer and the seller independent of each other. The Ministry of Finance informed the Committee that, as desired by the latter, "the Ministry of Law is being consulted and the Committee would be informed of the outcome of this consultation".

The Public Accounts Committee (1969-70) expressed the hope in their Ninety-fifth Report that Government would, on the basis of legal advice, ensure that clause 10 of the Central Excises Bill was suitably amended, if necessary, so that the procedure for determination of assessable value was put on a satisfactory footing.²⁸

Refund of Excise Duty Erroneously Collected

In their Seventy-second Report, the Public Accounts Committee (1968-69) examined a case where excise duty erroneously collected on patent and proprietary medicines was refunded to the manufacturers, but the benefit of refund was not passed on by the manufacturers, in a large number of cases, to the consumers, from whom the duty had been collected. The Committee, therefore, stressed that every effort should be made by Government to assess excise duty

²⁷P.A.C., 72nd Report (1968-69), paras 2.68 to 2.73.

²⁸P.A.C., 95th Report (1969-70), paras 1.19 to 1.21.

accurately *ab initio*. They pointed out that the incidence of the duty ultimately devolved on the consumer and it might not always be possible to locate the consumer, if following an over-assessment, Government decided to refund the amounts recovered in excess. "In such cases", the Committee observed, "a third party gets a fortuitous benefit out of the refund made".

The Public Accounts Committee learnt that the Ministry of Finance were then examining, in consultation with the Ministry of Law, the question whether excess collection of this nature should more appropriately form part of the Government revenues. The Committee suggested that if it was legally permissible to retain such excess collections, Government could with advantage consider making the funds available in this regard to a Government research organisation working for the benefit of the industry and the public.²⁹

In their reply the Ministry of Finance stated that pursuant to the Committee's observation action had been taken to make suitable administrative arrangements to ensure accurate assessments *ab initio*. The Ministry pointed out that the work of initially determining the tariff classification and rate of duty, which was earlier done by officers of the rank of Inspectors and Sub-inspectors of Central Excise, had since been entrusted to gazetted officers of the rank of Superintendent of Central Excise.

Agreeing in principle with the Committee's observation that it was inequitable that while the burden of excise duty should have been borne by customers the benefit of refund should accrue to manufacturers, the Ministry of Finance informed the Committee that the matter had been examined by them in consultation with the Ministry of Law. The advice of Ministry of Law in the matter was:

- (i) that it was legally open to Parliament to make a provision, somewhat on the lines of the provisions contained in the Orissa and Rajasthan Sales Tax Acts, to the effect that refund of the excess collection could be claimed only by the person from whom the manufacturer/importer had actually realised it; and
- (ii) that it was not legally feasible to deny the refund of any amount collected in excess of what had been prescribed by law, for any provision denying such refund on ground of established practice was liable to be struck down as not only arbitrary but unreasonable.

²⁹P.A.C., 72nd Report (1968-69), paras 2.91 and 2.92.

The Ministry of Finance were, however, of the view that a provision on the lines of Section 14-A of the Orissa Sales Tax Act or Section 23-B of the Rajasthan Sales Tax Act would hardly meet the point which the Public Accounts Committee had in view, for a provision like the one contained in the aforesaid Acts would enable the selling agents, wholesalers or retailers to get the refund instead of the manufacturer getting it. "It would be no consolation to the Government or to the common man if instead of the manufacturer the distributive trade makes a fortuitous profit", the Ministry added.

As regards the Committees' suggestion that the excess collection should be retained by Government and made over to research organisations, the Ministry stated:

"Assuming that we may make a provision in the law that the excess collection should be retained by the Government and made over to the research organisations, the amounts that could be so made available would gradually dwindle as no manufacturer would have any incentive for making and establishing a claim for refund. Where the research work is necessary, a better course would be that the Government should continue to provide for it from out of the Consolidated Fund of India".

The Ministry of Finance, while appreciating, and in principle agreeing with, the Public Accounts Committee's observation that a third party should not get a fortuitous benefit out of the refunds made, came to "tentative conclusion" that it was administratively impracticable to insist on refunds of excise duty being passed on to the actual consumers and, in default thereof, to appropriate the refunds and spend it for industrial research. The Ministry stated that they would like to place the Public Accounts Committee's suggestion before the Select Committee of Lok Sabha on the Central Excises Bill, so that the latter could go into the matter further in consultation with the trade and industry and, if necessary, suggest a suitable provision for inclusion in the Bill.

The Public Accounts Committee pointed out that on the issues raised in the Ministry's reply, Audit had expressed the view that Sections 14-A and 23-B of the Orissa and Rajasthan Sales Tax Acts, respectively, did not appear to be relevant in the context of the recommendations of the Committee as these Sections "provide for the refund of tax to those persons from whom dealers recovered the tax". Audit had suggested that "it would be better if Government could consider the provisions contained in Section 37(1) of the Bombay Sales Act, 1959, as according to this Section, Government would forfeit the tax collected in excess by a dealer in contravention of the provisions of the Sales Tax

Act." Audit further pointed out that "there is no provision in this law for the refund of the tax so collected in excess and forfeited to Government and consequently there would be no risk of the manufacturer or the distributive trade getting gratuitous benefit".

In their Ninety-fifth Report, the Public Accounts Committee (1969-70) desired Government to consider whether, as suggested by Audit, it would be possible to incorporate a suitable provision in the Central Excises Bill on the lines of Section 37(1) of the Bombay Sales Tax Act, so that the trade did not get fortuitous benefit of excess collections of tax realised from the consumers.⁸⁰

(2) Offences and Prosecutions

Prosecutions for Frauds and Evasions

The Public Accounts Committee had observed in their Forty-fourth Report (Third Lok Sabha) that the figures of values of goods seized and confiscated and amount of penalties/fines imposed indicated that the magnitude of offences committed under the Central Excises law for fraud and evasion was fairly large. The Committee were surprised that only in 10 cases prosecutions were launched, out of which four cases had resulted in convictions, three were pending and in the remaining three, the persons concerned were acquitted. The Committee had desired that in glaring cases of frauds and large scale evasions prosecution of delinquents should be preferred to imposing penalties, as the former course would be more deterrent to check offences.⁸¹

The Public Accounts Committee (1967-68) were furnished with the following figures relating to the number of cases where prosecutions were launched for offences under the Central Excises law for fraud and evasion, together with the amount of penalties imposed and the value of goods confiscated:

(1) Total number of offences under the Central Excises law prosecuted in courts	10
(2) Total number of cases resulting in convictions	6
(3) Total amount of penalties imposed	Rs. 5,67,301

⁸⁰P.A.C., 95th Report (1969-70), paras 1.23 to 1.25.

⁸¹P.A.C., 77th Report (1968-69), page 38.

(4) Total amount of duty assessed to be paid in respect of cases where levy of duty was adjudged	Rs. 32,61,165
(5) Total amount of fine adjudged in lieu of confiscations	Rs. 4,40,052
(6) Total amount settled in composition	Rs. 1,75,096
(7) Total value of goods destroyed after confiscation	Rs. 60,364
(8) Total value of goods sold after confiscation	Rs. 82,558

The Ministry of Finance informed the Committee that according to the latest information, out of the total number of 10 cases of offences prosecuted in courts, nine had resulted in conviction and one case was pending in court.

The Public Accounts Committee reiterated their earlier recommendation, namely, that in glaring cases of fraud and large scale evasion, the prosecution of delinquents should be preferred to imposing penalties as the former course would be a more effective deterrent.³²

In reply, the Ministry of Finance stated that the observations of the Committee contained in their Forty-fourth Report (Third Lok Sabha) had been brought to the notice of all Collectors of Central Excise Customs for guidance. The same had again been brought to their notice by the Ministry.³³

(3) Separation of Executive and Judicial Functions of Excise Collectors

The question of separating the executive and judicial functions in the Central Excise Department had been raised by the Public Accounts Committee from time to time. In their Forty-fourth Report (Third Lok Sabha), the Committee suggested that as in the case of Income-tax and Customs Department "the question of separating the executive and judicial functions of the Collectors of Excise Department should be seriously examined so that the parties do not have to go in appeal to the very same persons who had already passed executive orders in the same case".

The Ministry of Finance in their reply stated that similar suggestions had been considered by Government in the past but were not found

³²P.A.C., 24th Report (1967-68), paras 3.90 to 3.92.

³³P.A.C., 77th Report (1968-69), pages 37 to 39.

feasible. The matter could, however, be considered afresh, the Ministry added, when the Central Excises Bill was taken up for discussion by Parliament.⁸⁴

In their Second Report the matter was again raised by the Public Accounts Committee (1967-68) in the following terms:

"The Committee note that the Board propose to take powers to review the orders of the Collector passed in appeal. The Committee also suggest that the question regarding referring appeals in cases involving amounts above a certain limit to an independent authority other than the Collector should also be seriously considered. This would create more confidence in the appellate authority, as under the present system the Collectors who hear the appeals are also the administrative heads of the Collectorates.⁸⁵

In their reply to the foregoing recommendation, the Ministry of Finance stated that a comprehensive revision of the Central Excises law had been undertaken and in the draft Central Excises Bill suitable provision had been made for review of orders passed by Central Excise Officers on the lines contained in the Customs Act, 1962. The Ministry added: "For orders not being orders passed-in-appeal, the Board will be the reviewing authority and for orders passed-in-appeal by the Collectors and the Board, the Central Government will be the reviewing authority."

As regards the suggestion to refer appeals in cases involving amount above a certain limit to an independent authority other than the Collector, the Ministry reiterated their earlier stand that the suggestion had not been found feasible but the matter could be considered afresh when the new Central Excises Bill was taken up for discussion in Parliament.

Subsequently, the Committee enquired as to why it was not feasible to separate the executive and judicial functions of the Collector. The Committee also wanted to know whether their recommendations had been kept in view while drafting the new Central Excises Bill.

The Ministry in their reply stated that even under the existing practice, appeals did not have to go to the very same persons who passed the executive orders in the case. The Ministry added that the question of setting up an appellate tribunal, as in the case of Income-tax, was considered in the past and it was felt that a purely judicial authority like

⁸⁴P.A.C., 36th Report (1968-69), paras 1.20 & 1.22.

⁸⁵P.A.C., 2nd Report (1967-68), para 3.30.

the Income-tax tribunal might place undue emphasis on technical requirements which might be difficult of accomplishment.

According to the Ministry, the proposal for constituting Appellate Collectors as in Customs was also considered. In Customs, such Appellate Collectors started functioning only in April, 1963 and they heard appeals against decisions of all officers other than those of the Collector of Customs. The appeals against the decision of the Collector of Customs still lay to the Board. No change was made in the procedure for dealing with revision applications. The Ministry added:

"The experiment with Appellate Collectors was new and its working was to be watched for sometime before any firm conclusions could be drawn. In view of this, the draft Central Excises Bill contains provisions only to continue the existing procedure under the Central Excises and Salt Act, 1944 and the rules made thereunder".⁸⁶

The Public Accounts Committee after considering the Ministry's reply reiterated their earlier observations contained in their Forty-fourth Report (Third Lok Sabha) desiring that the question of setting up separate authorities for the exercise of judicial and executive functions in the Department of Central Excise should be examined seriously in all its aspects and an early decision taken.⁸⁷

In their reply to the above observations the Government stated that the matter would be given full consideration in the light of the decision on the Report of the Customs Study Team and on receipt of the recommendations of the Administrative Reforms Commission in this behalf. The Government added that they would also like to profit by the views of Parliament as expressed in the Select Committee and the two Houses during the discussion on the Central Excises Bill.⁸⁸

The Central Excises Bill, as introduced, *inter alia* provides that appeals against orders passed by Central Excise Officers lower in rank than the Collector of Central Excise would lie, as in Customs, to separate Appellate Collectors. Appeals against orders passed by such Collectors would, however, continue to lie to the Central Board of Excise and Customs.⁸⁹

⁸⁶P.A.C., 36th Report (1968-69), pages 132-134.

⁸⁷P.A.C., 7th Report (1967-68), para 2.8.

⁸⁸P.A.C., 36th Report (1968-69), para 1.25.

⁸⁹Vide Central Excises Bill, 1969, cl. 94.

(4) Levy and Collection of Duty*Arrears of Excise Duty*

The total amount of demands outstanding as on 31st March, 1967 in respect of Union excise duties was Rs. 1606.68 lakhs as indicated below:

(In Lakhs of Rupees)		
Pending for more than one year	Pending for more than a month but not more than a year	Total
920.31	686.37	1606.68

The position of arrears of Union excise duties, as at the end of each of the six years ending March 1967, was as follows:

	(In Lakhs of Rupees) Amount
31.3.1962	499.64
31.3.1963	565.16
31.3.1964	801.03
31.3.1965	1109.84
31.3.1966	1180.69
31.3.1967	1606.68

The Public Accounts Committee (1968-69) desired to know the reasons for the heavy increase in the rate of arrears and measures being taken or proposed to be taken to bring down the same. The Ministry of Finance stated in reply that the main reasons for the heavy increase in arrears of central excise revenue were as under.

- (i) expansion in the coverage of excise duties and growing complexity in the excise tariff;
- (ii) time-consuming appellate processes;
- (iii) amount locked up in assessment disputes and court cases;
- (iv) substantial arrears due from a large number of growers/curers of unmanufactured tobacco;
- (v) tardiness of the State revenue authorities; and
- (vi) arrears on account of glass wool/fibre.

The Ministry listed the following steps which had been taken or were proposed to be taken to speed up liquidation of arrears:

- (i) close watch on the progress of liquidation of arrears by Government;
- (ii) instructions to Central excise officers for vigorous action;
- (iii) prompt 'certificate action';
- (iv) prompt write-off of irrecoverable petty arrears;
- (v) provision in the new Central Excises Bill to have Central Excise Department's own Tax Recovery Officers;
- (vi) discontinuance of the practice of issuing supplementary demands in respect of pending assessments of unmanufactured tobacco;
- (vii) determination of initial classification of the goods by a gazetted officer; and
- (viii) expeditious disposal of appeals and revision applications.

The Public Accounts Committee (1968-69) observed in their Seventy-second Report that concerted steps should be taken to improve the position in regard to collection of arrears of Union excise duties. The Committee pointed out that arrears which amounted to Rs. 409.64 lakhs as on 31st March, 1962 had increased to Rs. 1606.68 lakhs as on 31st March, 1967. Viewed in relation to the total realisation from excise duties, the arrears amounted to 0.84 per cent of the realisation in 1961-62 and 1.5 per cent in 1966-67.

Pointing out that old arrears (i.e. arrears pending for more than one year) constituted as much as 57 per cent of the aggregate, the Public Accounts Committee stressed the need for the early liquidation of arrears.⁴⁰

The Ministry of Finance admitted in reply that arrears of Union excise duties had been on the increase and informed the Public Accounts Committee that all possible steps towards expeditious liquidation of arrears were being taken. The Ministry stated that besides the steps already intimated to the Committee, the Collectorate-wise position was being reviewed by the Director of Inspection, Customs and Central Excise and the Central Board of Excise and Customs every month. Also, Chief Secretaries to all the State Governments had been asked to issue suitable instruction to the District Collectors to take immediate and effective steps to realise the arrears, recovery certificates whereof had already been issued.⁴¹

⁴⁰P.A.C., 72nd Report (1968-69), paras 2.151 to 2.158.

⁴¹P.A.C., 95th Report (1969-70), page 88.

Impact of Financial Committees' Recommendations

Wrong Classification of Goods and consequences under Assessment

In their Second Report the Public Accounts Committee (1968-69) referred to an instance which illustrated the divergent practices obtaining in respect of classification of the same article in different Collectorate and frequent change of classification by the Central Board of Excise and Customs through executive instructions. The Committee stressed that the budget instructions should give the necessary details to ensure uniformity in the levy of duty.

The Public Accounts Committee understood from Audit that there had been considerable flexibility in issuing executive instructions. In some cases, the Board had chosen to term certain instructions as "tariff rulings", while in others, the same types of instructions had been taken as "guide-lines". Also, the Committee were informed, there was no statutory authority for the Central Board of Excise and Customs to issue any ruling and it was only by way of established practice borrowed from Customs that tariff rulings were issued. The Committee desired that this aspect should be carefully examined and, if necessary, suitable provision be made in the Act, authorising the Board, under specified circumstances, to issue tariff rulings.⁴²

The Government, while noting the Committee's observations for compliance, stated that "every effort will be made to ensure that the budget instructions are as clear and comprehensive as possible". The Government added: "The 'rulings' are nothing but executive instructions. These are administrative instructions for the guidance of the Central Excise Officers." According to them, these instructions were not in the nature of statutory rules, regulations or notifications requiring statutory authority for their issue.⁴³

In another case, Audit had pointed out that offset paper weighing 85 grammes and above per square metre cleared by a factory during the period August, 1963 to April, 1965 was assessed at a lower rate of duty instead of at the higher rate applicable. The incorrect classification resulted in a short levy of Rs. 1,49,409.

The Ministry, while admitting the Audit objection, had replied that the initial misclassification had arisen because the local Central Excise Officers had misinterpreted the Central Board of Excise and Customs' ruling. The representatives of the Board had informed the

⁴²P.A.C., 2nd Report (1967-68), paras 3.65 and 3.66.

⁴³P.A.C., 36th Report (1968-69), p. 40.

Public Accounts Committee (1967-68) that these instructions were "a bit confusing" and had since been amended. The duty short levied had since been recovered, but the matter had come up in appeal to the Board.

The Public Accounts Committee expressed their regret to note that, due to confusion in the Board's instructions, there was an under-assessment of duty to the extent of Rs. 1,49,409 in one case which had, however, subsequently been recovered. They desired the Board to take adequate steps to ensure that such confusing instructions were not issued by it in future.⁴⁴

The Committee's observations were noted by Government "for future guidance."⁴⁵

Provisional Assessment . .

The Public Accounts Committee (1967-68) in their Second Report expressed their displeasure over the inordinate delay, noticed in a case, in fixing the assessable value of the goods for the purpose of payment of excise duty, which was attributed to "frequent transfers of the Superintendents in charge of the Circles." The Committee desired it to be ensured in future that transfers of staff did not interfere with the disposal of the assessment work.

In the context of a case, in which the assessable value of certain goods were fixed at amounts higher than those declared by the manufacturer, who, while selling the goods to his dealers, recovered from them the excise duty applicable to the higher assessable values and retained with him the differential duty, the Public Accounts Committee were informed that "this was inherent in the system of provisional assessment of duty that the party in order to safeguard itself might collect higher duty from the customers". The Committee considered it as a "very unsatisfactory position which needs rectification". They desired this aspect to be seriously considered, so that, pending the finalisation of the provisional assessment, the tax realised from the consumers was deposited with Government.

All the same, the Committee were doubtful whether in a case where different rates of duty were not involved, it was proper to allow provisional assessment under the Central Excises Rules.⁴⁶

⁴⁴P.A.C., 2nd Report (1967-68), paras 3.67 to 3.70.

⁴⁵P.A.C., 36th Report (1968-69), page 40.

⁴⁶P.A.C., 2nd Report (1967-68), paras 3.31 to 3.37.

Pursuant to the Committees' observations, the Government issued instructions to ensure that in the event of transfer of staff assessment work was not interfered with. The Central Excises Rules were also amended, so as to provide for provisional assessment in specified circumstances.⁴⁷

Uniform Administration of Levy in Different Collectorates

In their Twenty-fourth Report, the Public Accounts Committee (1967-68) dealt with the need for uniformity of administration of the levy of excise duty in different Collectorates.

The Committee were informed that as a first step to ensure uniformity of administration of the levy in different Collectorates, all instructions/clarifications issued by the Central Board of Excise and Customs, Ministry of Finance to the Collectors were transmitted, immediately on receipt, by the Collector concerned to the lower formations in the form of Instructions. Copies of such instructions/clarifications were forwarded to all other Collectors of Central Excise as well as to the Board and the Collectors in the form of Trade Notices, copies of which were similarly endorsed by the issuing Collector to all other Collectors of Central Excise, the Board and the Directorate of Inspection. Again, to ensure uniformity of administration of the levy, irregularities noticed in any formation, during Audit, were brought to the notice of other units and quarterly Bulletins incorporating the more important points were issued by the Collectors. In cases, where there were some doubts about the efficacy of certain procedures, references were made by the Collector/Assistant Collector to their counterparts in other Collectorates so that a uniform mode of assessment was evolved on inter-Collectorate basis. In cases of difference of opinion, the question was referred to the Board for a ruling. In this way a liaison was maintained between different field formations. Besides, the Committee were informed, meetings of Study Circles were held periodically at Divisional and Collectorate Headquarters Offices. Under the scheme, current problems were discussed by group of officers.

Noting the steps taken by the Central Board of Excise and Customs to ensure uniformity of administration in the levy of duty in different Collectorates, the Committee expressed the hope that the Board would keep this matter under constant review so as to ensure uniformity in the levy of excise duties.⁴⁸

⁴⁷P.A.C., 36th Report (1968-69), paras 38-39.

⁴⁸P.A.C., 24th Report (1967-68), paras 3.29 & 3.30.

In their reply the Ministry of Finance mentioned two "broad aspects which had to be kept in view while considering the efficiency of the system for ensuring uniformity of assessment practices", viz.:—

- (i) The very nature of excise levy necessitated delegation of the assessment functions to a large number of field officers as the levy had to be collected from thousands of factories scattered all over the country. There were inherent difficulties in ensuring that initial tariff classification of similar groups would be correctly and uniformly decided in all the formations. The machinery for ensuring uniformity had been created and was being strengthened, within the practical limitations, but there was bound to be some time lag between coming into existence of a wrong assessment practice and its detection and rectification.
- (ii) Any wrong assessment practice which came into existence as a result of quasi-judicial orders passed in appeal could not be corrected as there was no power to review such orders in the existing Central Excises and Salt Act, 1944. This deficiency was, however, proposed to be made good in the new Central Excises Bill.

It was added that besides the measures already intimated to the Public Accounts Committee the Ministry had brought to the notice of all Collectors of Central Excise the Committee's concern over lack of uniformity in the administration of tax laws. The Collectors had been advised that effective watch at all supervisory levels and proper training of the assessing officers would go a long way towards avoiding the executive discrimination pointed out by the Committee. They had been directed to take necessary action in the matter. Further the system of self-assessment, which would also help to achieve uniformity of assessment practices in the Collectorate, had been extended to 60 commodities under excise with effect from 1st June, 1968.

The Committee further noted that Government had accepted the recommendations of the Study team on Customs Department regarding setting up of "Central Exchange for Assessment data" for achieving systematic control over assessments, for ensuring uniformity and for equipping the Department with the useful data.

The Committee expressed the desire that the possibility of having "Common Central Exchange for Assessment Data" for both Customs and Central Excise Department should be examined early.⁴⁹

⁴⁹P.A.C., 77th Report (1968-69), para 1.20.

Conversion of an ad valorem Duty into Specific Duty

In their Seventy-second Report, the Public Accounts Committee (1968-69) raised the question of competence of the Executive to convert an *ad valorem* duty fixed by Parliament into a specific duty by notification. Polyester polymer chips were assessable to Central excise duty at 20 per cent *ad valorem* upto 26th May, 1967, and 30 per cent *ad valorem* thereafter. Although the assessment of this commodity was on the basis of value, the Government of India by a notification fixed a specific rate of duty at Rs. 1.50 per kg. When the rate of *ad valorem* duty was enhanced by Parliament from 20 per cent to 30 per cent, the specific rate of duty fixed earlier by Government remained unchanged. In this context, the Committee were informed that the case in question was one of exemption from duty. They were referred to the relevant notification (dated the 1st June, 1965, issued by Government under Rule 8 (1) of the Central Excises and Salt Rules), which laid down that polyester polymer chips would be exempt "from so much of the duty of excise leviable thereon as was in excess of Rs. 1.50 per kg."

The Public Accounts Committee thereupon desired to know whether Government could, in exercise of their executive powers, convert an *ad valorem* rate of duty fixed by Parliament by statute into a specific rate of duty. They were informed in reply that the matter was being referred to the Attorney General for opinion. As this issue involved an "important question of principle", the Committee desired to be apprised of the opinion of the Attorney General thereon.

During his evidence before the Committee, the Finance Secretary also agreed to obtain legal opinion on the question whether a fresh notification would be necessary to maintain a specific duty at the same level when the *ad valorem* duty, with reference to which the specific duty was fixed, was enhanced. The Committee were informed that the matter had been referred to the Ministry of law for opinion.⁵⁰

In their reply, the Ministry of Finance stated that "observations of the Public Accounts Committee have been noted and necessary action has been initiated to refer the matter to the Attorney General for his opinion".

Commenting on the Ministry's reply, the Public Accounts Committee (1969-70) observed in their Ninety-fifth Report that this case involved an important question, namely, whether the Executive had

⁵⁰P.A.C., 72nd Report (1968-69) paras 2.99 to 2.101, 2.108 and 2.109.
140(C) LS—7.

power to correct an *ad valorem* duty fixed under a statute into a specific duty. The Committee further observed that more than a year had elapsed since they were informed that the matter was being referred to the Attorney General for opinion. The Committee expressed their regret to note this "tardiness in the Department" and desired that "it should be referred to the Attorney General without any further delay."⁵¹

(5) Internal Audit Organisation

The Public Accounts Committee had been repeatedly drawing attention to the inadequacy of the Internal Audit Organisation for the Central Excise Department. The Public Accounts Committee (1967-68) were informed that a scheme for strengthening the Internal Audit Organisation by constituting a separate cadre of the Audit and Accounts staff under the guidance and control of an independent Directorate, which was estimated to cost about Rs. 30 lakhs per year, was deferred due to reasons of economy in December, 1965, and the position continued to be the same. There was also a suggestion regarding the setting up of a separate Directorate of Internal Audit which would be common to all Revenue Departments.

The Committee learnt that meanwhile certain organisational changes had been made by the Department to improve the functioning of the Internal Audit Parties. The number of the Internal Audit Parties had also been increased from 31 to 57. The Committee were, however, not satisfied with the performance of the Internal Audit Organisation. During 1966-67, the Chief Accounts Officer/Assistant Chief Accounts Officers raised 2,143 objections involving Rs. 87,100 and Internal Audit Parties raised 8,932 objections involving Rs. 6,12,170. On the other hand, test audit by the Revenue Audit Department disclosed an under-assessment of Rs. 571 lakhs in Audit Report, 1967. In the Committee's view in order to make the Internal Audit Parties more effective, it was desirable to put them under an independent Directorate. The Committee wanted the Government to take an early decision on the question of setting up an independent Directorate of Internal Audit which would be common to all Revenue Departments or alternatively a separate Directorate for Central Excise.⁵²

In reply the Ministry stated that the scheme formulated in 1965 for setting up an independent Directorate of Audit had to be deferred.

⁵¹P.A.C., 95th Report (1969-70), paras 1.27 and 1.28.

⁵²P.A.C., 24th Report, (1967-68), paras 3.27 & 3.28.

on grounds of economy. "Self Removal Procedure" scheme had been made applicable to several commodities liable to Central Excise Duty with effect from 1st June, 1968. As a result of this "major reform in the system of excise control", the scope and functions of the Internal Audit Organisation might have to be redefined and could be finalised after the "Self-Removal Procedure" scheme had functioned for some-time.

Of the under-assessment of Rs. 571 lakhs detected by Revenue Audit Department referred to in Audit Report, 1967, the Ministry stated that only a small portion there was attributable to errors, miscalculations, etc. The bulk of the under-assessment reported related to lack of proper statutory cover by notifications of Government to relaxations or reliefs given by Government by executive instructions. According to the Ministry, so far it has not been the practice of the Internal Audit to question the legal validity of such executive instructions.⁵⁸

The most certain test which we judge whether a Country is really free is the amount of security enjoyed by minorities.

—LORD ACTION

⁵⁸Note furnished by Government pursuant to recommendations by the Committee contained in their 24th Report (1967-68).

A. PRIVILEGE ISSUES

Institution of a suit for damages in High Court against certain Members for their speeches in the House.

In Lok Sabha

On July 22, 1969, the then Deputy Speaker (Shri R. K. Khadilkar) informed the House that on June 22, 1969 the former Speaker, Shri N. Sanjiva Reddy, had received a notice from the Assistant Registrar of the High Court of Delhi in the matter of Suit No. 228 of 1969; Shri Tej Kiran Jain and others, Plaintiffs *versus* Shri N. Sanjiva Reddy, Speaker Lok Sabha, and Sarvashri Narendra Kumar Salve, B. Shankranand and S. M. Banerjee, Members of Lok Sabha, and Shri Y. B. Chavan, Minister of Home Affairs, Defendants, requiring Shri N. Sanjiva Reddy to appear in the High Court of Delhi in person or by a pleader duly instructed and able to answer all material questions relating to the suit, on August 4, 1969¹. With the notice, a copy of the plaint was also enclosed claiming a sum of Rs. 26,000/- as damages in favour of the plaintiffs and against the defendants in respect of certain observations made by the former Speaker, Shri N. Sanjiva Reddy, and other members of Parliament named above, in Lok Sabha on April 2, 1969, during the proceedings on the Calling Attention Notice regarding the reported statement of Shri Shankracharya of Puri on untouchability and his reported insult to the National Anthem.

Shri N. K. P. Salve, a Member, then sought leave of the House to raise a question of breach of privilege against the plaintiffs who had filed the suit in the High Court of Delhi, and the Judge of the High Court who had admitted it and issued notices to the concerned Members of Lok Sabha for appearance in the Court.² While raising the question of privilege, Shri N. K. P. Salve stated *inter alia* as follows:—

"In the history of this Parliament at least there has never been a case where there has been such a frontal attack and such contempt has been brought on the Speaker himself. Nor have the Members been so attacked, maligned, dishonoured and disrespected in this manner. The irony of the fate is that the Judge, on whose authority the notice has been issued has the authority to dismiss

¹L.S. Deb., 22.7.1969, c. 230.

²*Ibid.*, cc. 231-33.

the suit *in limine* but he did not do so. Because Article 105(2) in terms says that the immunity granted to us from all proceedings in a court of law is absolute; it is not subject either to the provisions of the Rules of Procedure or to the Constitution.....I therefore, submit that the matter be referred to the Privileges Committee."

Speaking on the question, the then Minister of Law and Social Welfare (Shri P. Govinda Menon) stated *inter alia* as follows³:—

"The provisions of Article 105(2) are absolute in their terms, and I am, therefore, in complete agreement with Shri N. K. P. Salve that this is a suit which ought to be dismissed *in limine*. I have also no doubt that the plaintiffs in this matter, by the very fact of having made these allegations and made a complaint to the court are guilty of a breach of privilege.

So far as the court is concerned, the provisions of the Code are as follows. If a plaint is filed in a court with proper court fee, then summons issues as a matter of course and it is not necessary and it is not usual for the judge to read the plaints before summons is issued.... it is the duty of the defendants in this case to point out to the court that under Article 105(2), this is a matter which should be dismissed *in limine*.....After that I have no doubt in my mind that the Privileges Committee of the House or the House itself should call the plaintiffs to order under the rules regarding privilege, and if the court also persists in that matter, we may have to consider it. I, therefore, submit that this may be kept pending."

Thereupon, the Deputy Speaker observed that, as suggested by the Minister of Law, the matter would be kept pending at that stage.

On August 1, 1969 Shri Madhu Limaye⁴ again sought to raise the matter in the House on the ground that Mr. Justice Prakash Narain of the High Court of Delhi, before whom the matter had come up for hearing on July 31, 1969, had, instead of dismissing the suit *in limine*, suggested reference of the matter to a larger Bench. Thereafter, on August 4, 1969, Shri P. Govinda Menon informed the House that when the matter came up for hearing before a larger Bench of the High Court of Delhi earlier on that day, the Attorney-General pointed out to the High Court that under Article 105(2), no such suit could be entertained, and that the High Court had dismissed the suit *in limine*.⁵

Reference to the Committee of Privileges

On August 18, 1969 when this matter came up for further consideration before the House, Shri P. Govinda Menon agreed that the matter

³*Ibid.*, cc. 240—42.

⁴L.S. Deb., 1-8-69, cc. 243-44.

⁵*Ibid.*, 4-8-1969, c. 253.

might be referred to the Committee of Privileges. The matter was, thereupon, referred to the Committee of Privileges by the Speaker (Dr. G. S. Dhillon) with the consent of the House.⁶

Findings and Recommendations of the Committee

The Committee of Privileges, in their Eleventh Report, presented to the House on August 12, 1970 reported *inter alia* as follows:—

- (i) The High Court of Delhi, while dismissing the suit filed by Shri Tej Kiran Jain and others, in its judgment dated the 4th August, 1969 stated *inter alia* as follows:—

“That the plaint is liable to be rejected under Order 7, Rule 11, clause (d) of the Code of Civil Procedure according to which the plaint shall be rejected where the suit appears from the statement in the plaint to be barred by any law. Perusal of the plaint goes to show that the defendants are being proceeded against by the plaintiffs because of what was stated by them in Lok Sabha on April 2, 1969. According to clause (2) of Article 105 of the Constitution “no Member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any Committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings. Plain reading of the above provision goes to show that as regards anything said by a member of Parliament in the Parliament or any Committee thereof, the Constitution has guaranteed full protection and provided complete immunity against any proceedings in a court of law. The protection given by the above clause is to anything said in Parliament. The words ‘anything said’ are of the widest amplitude and it is not permissible to read any limitation therein.....The object of the provision obviously was to secure absolute freedom of discussion in Parliament and to allay any apprehension of a legal proceeding in a court of law in respect of anything said in Parliament by a member thereof.....the present suit is barred by the provisions of clause (2) of Article 105 of the Constitution. We, therefore, reject the plaint.”

- (ii) Subsequently, the High Court of Delhi, in its order, dated the 19th September, 1969, on the application filed by Shri Tej Kiran Jain and others, while granting to the plaintiffs a certificate of fitness for appeal to the Supreme Court against their judgment, stated *inter alia* as follows:

“We are of the view that the petitioners are entitled to a certificate of fitness for appeal to the Supreme Court under Sub-Clause (a) of Clause (1) of Article 133 of the Constitution....

⁶Ibid., 18-8-1969, cc. 259-60.

the suit, which was filed by the petitioners, was for the recovery of an amount of Rs. 26,000. By the impugned order we rejected the plaint under Order 7, Rule 11 of the Code of Civil Procedure on the ground that the suit was barred by Article 105 of the Constitution. According to the definition of the word 'decree' as given in clause (2) of Section 2 of the Code of Civil Procedure, decree shall be deemed to include the rejection of a plaint. It would, therefore, follow that the impugned order would fall within the definition of decree as given in the Code of Civil Procedure. In any case, the impugned order is a final order in a civil proceeding. In either view of the matter, the petitioners are entitled to a certificate of fitness for appeal to the Supreme Court. We, accordingly, order that the requisite certificate may issue in favour of the petitioners'.

- (iii) In view of the certificate of fitness for appeal to the Supreme Court in the matter granted by the High Court of Delhi to the plaintiffs, the Committee at their sitting held on the 14th November, 1969 decided to defer further consideration of the matter till the disposal of the appeal of the plaintiffs by the Supreme Court.
- (iv) The Supreme Court, in its judgment dated the 8th May, 1970, while dismissing the appeal preferred by Shri Tej Kiran Jain and others against the judgment of the High Court of Delhi, stated *inter alia* as follows :

"The Article [Article 105(2)] means what it says in language which could not be plainer. The Article confers immunity *inter alia* in respect of 'anything said... in Parliament'. The word 'anything' is of the widest import and is equivalent to 'everything'. The only limitation arises from the words 'in Parliament' which means during the sitting of Parliament and in the course of the business of Parliament. We are concerned only with speeches in Lok Sabha. Once it was proved that Parliament was sitting and its business was being transacted, anything said during the course of that business was immune from proceedings in any court. This immunity is not only complete but is as it should be. It is of the essence of parliamentary system of Government that people's representatives should be free to express themselves without fear of legal consequences. What they say is only subject to the discipline of the rules of Parliament, the good sense of the Members and the control of proceedings by the Speaker. The Courts have no say in the matter and should really have none.

.....In view of the clear provisions of our Constitution we are not required to act on analogies of other legislative bodies. The decision under appeal was thus correct. The appeal fails and is dismissed."

- (v) The Committee observe that under Article 105(2) of the Constitution, a Member of Parliament enjoys absolute immunity from 'any proceedings in any court in respect of anything said or any vote given by him in Parliament or any Committee thereof.' The language of this Article could not be plainer and it leaves no scope for any ambiguity. It plainly and clearly says that the Courts of law have no jurisdiction in respect of anything said or any vote given by a Member in Parliament. As observed by the Supreme Court, while dismissing the appeal of Shri Tej Kiran Jain and others, 'It is of the essence of parliamentary system of Government that people's representatives should be free to express themselves without fear of legal consequences. What they say is only subject to the discipline of the rules of Parliament, the good sense of the Members and the control of proceedings by the Speaker. The Courts have no say in the matter and should really have none.'
- (vi) The absolute privilege of statements made in Parliament and their immunity from any action outside Parliament is thus well established. As stated by May: 'a Member may state whatever he thinks fit in debate, however, offensive it may be to the feelings or injurious to the character of individuals; and he is protected by his privilege from any action for libel, as well as from any other question or molestation.'
- (vii) The Committee are of the opinion that to commence proceedings in a court of law against any Member of Parliament on account of anything said or any vote given by him in Parliament or any Committee thereof, constitutes a breach of privilege and contempt of the House.
- (viii) The Committee are of the view that the action of Shri Tej Kiran Jain and others in instituting a suit for damages in the High Court of Delhi, against the former Speaker, Shri N. Sanjiva Reddy, and four other Members in respect of their statements in Lok Sabha on the 2nd April, 1969, constitutes a breach of privilege and contempt of the House.
- (ix) The Committee, however, feel that, as this is the first case of its kind and, as the position regarding the absolute immunity enjoyed by Members of Parliament, under Article 105(2) of the Constitution, from any proceedings in any court of law in respect of anything said or any vote given by them in Parliament or a Committee thereof, has been stated in clear and unambiguous terms both by the High Court of Delhi and the Supreme Court while dismissing the petitions of Shri Tej Kiran Jain and others, it is not necessary to pursue the matter any further. Now that the legal and constitutional position in this respect has been made clear by the proceedings in this case, the Committee hope that such cases will not recur in future."

In view of the Committee's recommendation, no further action was taken by the House in the matter.

Circulation of an incorrect report of sitting of House by a news agency**In Lok Sabha**

On March 10, 1970, the Speaker (Dr. G. S. Dhillon) informed the House about the receipt of a notice of question of privilege against the *Samachar Bharti*, a news agency, for circulating a news report, as published in the *Nav Bharat Times* and the *Hindustan* dated March 6, 1970, wrongly stating that a sitting of the House had been fixed on March 7 and 8, 1970.⁷

The Speaker added that he had subsequently received a letter of apology, dated March 9, 1970, from the Chief Editor, *Samachar Barati*, which read as follows:—

"I write this to express my deep regret for the release of a wrong news item by our News Agency about the sitting of the Lok Sabha last week.

Our Correspondent reported that the House would observe holiday on Friday, the 6th March, 1970, on account of *Shivratri* festival, but wrongly said that the House would meet on Saturday to dispose of the business originally fixed for Friday. There was no intention to misreport the proceedings; it was a mistake in hearing the announcement.

It may kindly be noted that some time after the release of the earlier item, the mistake was detected by our Correspondent and action was immediately taken to kill the story. Unfortunately, the newspaper which used the original item did not notice the later message sent out to kill the story. In fact the newspaper concerned made another mistake and said that the House would meet on Sunday whereas our story did not say any such thing.

In any case, I express my unqualified apology to the members of the Lok Sabha for the mistake committed by us. Our Correspondents covering Parliament have been asked to be more vigilant so that such a thing does not happen again."

The Speaker then observed that in view of the unqualified apology tendered by the Chief Editor of the *Samachar Bharti*, if the House agreed, the matter might be closed.

The House agreed and the matter was closed.

⁷L.S. Deb., 10-3-1970, cc.....

Alleged rude behaviour by an office towards a member

In Andhra Pradesh Assembly

On September 18, 1967, Shri R. Rajagopala Reddy, a Member, raised a question of privilege against one Shri M. V. Rajagopal, the then Director of Public Instruction, for his alleged rude behaviour towards the former.⁸ The member alleged that when he called on Shri M. V. Rajagopal in connection with a representation and was having conversation with him, the latter suddenly remarked in a provoking and irritating tone: "I do not want these M.L.As. to come and interfere with my work." Shri Reddy stated that the remarks made by Shri Rajagopal constituted *prima facie* a breach of privilege of the members and contempt of the House.

After some discussion, the matter was referred to the Committee of Privileges on a motion adopted by the House.

The Committee of Privileges, in their second Report, presented to the House on February 20, 1968, reported *inter alia* as follows:—

"Shri M. V. Rajagopal in his explanation submitted to the Committee *inter alia* stated as follows in his concluding para :

'In conclusion as well as in explanation I wish to submit that it was farthest from my thought or intention to show any disrespect either to the House or to the Hon. Member concerned and, to the best of my recollection, I did not do so. If, however, any of my words in the actual conversation or the manner of saying them has been construed in a contrary light, I not only hasten to clear any such impression but also express my deepest and most unqualified regrets and seek the pardon of the House.'

The Committee are of the opinion that, in view of the above explanation of Shri M. V. Rajagopal, the matter be dropped."

The House adopted the Report of the Committee on February 24, 1968.⁹

Alleged arrest of Members and preventing them for attending the House

In Lok Sabha

On December 24, 1969 Sarvashri Rabi Ray and Madhu Limaye, Members, sought to raise a question of privilege against the Minister of Home Affairs regarding the arrest of Sarvashri Madhu Limaye, Arjun

⁸A. P. Vidhan Sabha Deb., 18-9-1967, pp. 238—241 (Original in Telugu).

⁹Ibid., 24-2-1968, p. 181.

Singh Bhadoria, J. H. Patel and Janeshwar Misra, Members of the House on December 22, 1969 when they were allegedly on their way to attend the House.¹⁰

The then Minister of Home Affairs, Shri Y. B. Chavan, stated *inter alia* as follows:

"Members have a right to come here and exercise their rights as a Member of Parliament by attending Parliament. But whether he has the privilege to commit a crime on the way.....

Unfortunately or fortunately, what Shri Limaye did on the way may be justified in his own eyes from the political point of view, but in the eyes of law what he did and what he admitted he did amounts to an offence under the Act and for that matter the magistrate has very legally convicted him."

The Deputy Speaker, Shri G. G. Swell, who was then in the Chair, reserved his ruling.¹¹

On February 23, 1970 the question of privilege was disallowed by the Deputy Speaker who ruled as follows:¹²

Sarvashri Rabi Ray and Madhu Limaye sought to raise a question of privilege on the 24th December, 1969 regarding the arrest of Sarvashri Madhu Limaye, Arjun Singh Bhadoria, J. H. Patel and Janeshwar Misra under Section 188 of the Indian Penal Code on the 22nd December, 1969 and intimation thereof to the House. I heard the members and the Minister of Home Affairs on the matter. From the facts and information placed before me, I find that these Members were arrested on a charge under Section 188, Indian Penal Code. Further, the House was informed that they pleaded guilty to the charge and as such were convicted by the Court. The intimation regarding their arrest and conviction by the Court had been received and communicated to the House. The Sub-Divisional Magistrate had also expressed his regret for the earlier incorrect information given by him.

I find, therefore, there is no question of privilege involved in this matter and I do not give my consent to raise this matter as a question of privilege.

Alleged reflections on members by a newspaper

In Lok Sabha

On April 24, 1970 Shri Bhogendra Jha, a Member, raised a question of privilege against the *Aryavarta*, a Hindi daily of Panna, in respect

¹⁰L. S. Deb., 24-12-1969, cc. 370—380.

¹¹*Ibid.*, c. 376.

¹²*Ibid.*, 23-2-1970. cc. 269-70.

of the following passage (original in Hindi) contained in an editorial article published under the caption *Sanskrit Granthoḥ Ki Bikri* in its issue, dated April 19, 1970 allegedly casting reflections on certain members of the House:—

“The Communist Members of Parliament took exception to the disclosure made by a Jan Sangh Member, Shri Ram Gopal Shalwale, in the Lok Sabha, that Sheikh Abdullah, while he was the Prime Minister of Jammu and Kashmir, had sold many Sanskrit works to foreigners. We are not surprised at this, because communists, though born in India, consider some other country as their fatherland and they love the culture of that country only. They do not, therefore, want such precious things to be preserved in India which can secure India's ancient thought, traditions, culture, civilization, etc. Therefore, if Sheikh Abdullah was criticised for selling the priceless Sanskrit works, it was natural for the communists to take exception to it.”

The Deputy Speaker (Shri G. G. Swell), who was in the Chair, informed the House that the editor of the newspaper had been asked by a letter to state what he had to say in the matter and that the reply of the editor was awaited.¹³

On May 14, 1970, the Speaker (Dr. G. S. Dhillon) informed the House that the Editor of the *Aryavarta*, in his reply (original in Hindi), had stated *inter alia* as follows:—

“In the article on the basis of which Shri Bhogendra Jha has made the allegation against us of breach of privilege, we have not expressed any criticism against any particular Member of Parliament but we have expressed our concern that the valuable treasures of India are being destroyed.

It is clear from the article that no insinuation has been made against Parliament or the Members and we cannot ever dare do so. We have every respect for Lok Sabha and Vidhan Sabhas as they are the symbols of democracy and it is only by safeguarding their dignity that the dignity of the country can be upheld.”

The Speaker suggested that in view of the explanation received from the Editor of the *Aryavarta*, if the House agreed, the matter might be closed. The House agreed and no further action was taken in the matter.¹⁴

¹³L. S. Deb., 24-4-1970, cc. 200-01.

¹⁴Ibid., 14-5-1970, cc. 229-30.

Alleged misreporting of proceedings of the House by a newspaper

In Lok Sabha

On April 28, 1970 Shri Jyotirmoy Basu, a member, raised a question of privilege against the Editor of the *Northern India Patrika*, Allahabad, for allegedly misreporting his speech in the House on March 30, 1970 during the discussion on the West Bengal Budget, in its issue of April 1, 1970.¹⁵

"Marxist member Jyotirmoy Bosu was heard making repeated comments as Mrs. Kripalani was narrating the Marxist atrocities in West Bengal."

The Member's complaint was that his own speech was not properly reported by the newspaper but it had, on the contrary, depicted him as merely interrupting the speech of another member.

In this connection, the Speaker (Dr. G. S. Dhillon) observed¹⁶ as follows:

"As is the practice of this House, I may inform you that we have written to the Editor. When his reply comes, we will take it up then."

On May 13, the Speaker informed¹⁷ the House he had received a letter, dated April 29, 1970, from the Resident Editor of the *Northern India Patrika*, Allahabad, which read *inter alia*, as follows:—

"We beg to assure the Hon'ble Member of Parliament that we had absolutely no intention or desire to mislead our readers and/or damage the image of the party to which the Hon'ble Member belongs or in any way to cast aspersions, whatsoever, on the Hon'ble Member.

In the usual course of publication of the newspaper we get reports from the agencies, namely, P.T.I. and U.N.I. Our attempt is to give the publicity to the report of the proceedings of the Parliament as far as possible. However, we have our limitations in regard to the space available to us on a particular day. The news item in question printed in the paper, was received through the news agency and we had also sent to the press a summary of the speech delivered by Shri Jyotirmoy Bosu.

However, before the final make up of the page it was found necessary to shorten the matter as the space available was not sufficient to accommodate the report sent to the press. Consequently, in the final make up of the page some portions had to

¹⁵L. S. Deb, 28-4-1970 c. 189.

¹⁶*Ibid.*

¹⁷*Ibid.*, 13-5-1970, cc. 194-95.

be hurriedly taken out which included the portion of the speech of Shri Jyotirmoy Bosu. This was done unintentionally and without any motive and we sincerely regret if this has given offence to the Hon'ble Member."

On the suggestion of the Speaker and in view of the explanation and regret expressed by the Resident Editor of the paper, the House agreed to treat the matter as closed.

Alleged making of enquiries by the Police from a Member

in Lok Sabha

On May 11, 1970, Shri Janeshwar Misra, a Member, raised a question of privilege against Shri Ramanand, a Sub-Inspector of Police, for entering his house on May 8, 1970 at about 9.30 A.M., without ringing the door-bell, and making enquiries from him in connection with the incidents which took place on April 6, 1970 at Patel Chowk, New Delhi during the Samyukta Socialist Party demonstration. The member contended that as the matter was under investigation by a Judicial Commission of Inquiry, the question of making enquiries about the same matter by a Sub-Inspector of Police amounted to a breach of privilege of the House. He was also of the view that Members of Parliament should not be disturbed one or one and a half hours before the commencement of the sitting of the House so as to enable them to concentrate on the business of the House.

When the Speaker (Dr. G. S. Dhillon) observed that the matter would be considered by him on receipt of a reply from the Minister of Home Affairs to whom the matter had been referred, Shri Y. B. Chavan, the then Minister of Home Affairs, made a statement in which he, *inter alia*, stated as follows:¹⁸

"The Hon. Member has raised the question whether in view of the judicial inquiry that has been ordered, any investigation can take place or not. My information about this is that an officer did go to the hon. Member's House. But he merely went there in the course of his duties, as he was ordered to make investigation to get some information. If the hon. Member had refused to give him information, he could not have forced the hon. Member to give that.

If the hon. Member had asked him to get out, then he would have gone away. How could he stay there in that case?

If there is any complaint about any threat etc., I am prepared to look into the matter. If there is any complaint about any threat.

¹⁸L. S. Deb., 11-5-1970, cc. 243-248.

not only to a Member of Parliament but even to any other citizen of India, I am prepared to look into it. But now the question has been reduced to this, namely whether the field of privilege of a Member of the House can extend to that position where normal investigation also cannot be undertaken.

If hon Members want me to take that position, then I do not want to stand in their way."

The matter was, thereafter, closed.

Raising of slogans from the Visitors' Gallery of the House

In Lok Sabha

On August 31, 1970 at 12.45 hours, two persons namely, Swami Yogeshwaranand Giri and Shri Raj Kumar Jain, raised some slogans from the Visitors' Gallery of the House. They were immediately taken into custody and removed from the Gallery by the Watch and Ward Staff. After some time, on the same day, the Minister of Parliamentary Affairs (Shri K. Raghuramaiah) moved the following motion which was adopted by the House:—

"This House resolves that the persons calling themselves (1) Swami Yogeshwaranand Giri and (2) Shri Raj Kumar Jain who raised slogans from the Visitors' Gallery at 12.45 P.M. today and whom the Watch and Ward Officer took into custody immediately have committed a grave offence and are guilty of the contempt of this House.

This House further resolves that they be sentenced to simple imprisonment till 6 P.M. on Tuesday, the 1st September, 1970 and sent to Tihar Jail, Delhi."

In pursuance of the above motion adopted by the House, a Warrant of Commitment addressed to the Superintendent, Central Jail, Tihar, Delhi, was issued by the Speaker.

Swami Yogeshwaranand Giri and Shri Raj Kumar Jain were, accordingly, taken by the Watch and Ward Staff to the Central Jail, Tihar, Delhi, and were lodged there to serve out their sentence of imprisonment.

Alleged distortion of a Member's speech in the House by a newspaper

In Lok Sabha

On September 1, 1970 the Speaker (Dr. G. S. Dhillon) informed the House that he had received notice of a question of privilege from Shri Shiva Chandra Jha, a member, against the *Indian Nation*, Patna,

for allegedly publishing in its issue dated August 13, 1970, a distorted version of his speech in the House on August 12, 1970.

The impugned news report read *inter alia* as follows:

"The Members of the Jan Sangh and another of the S.S.P.,..... voiced their strong resentment in the Lok Sabha today against Indian's action to issue a certificate of identification to former Nepal Prime Minister B. P. Koirala enabling him to go abroad after he had failed to obtain a passport from his own country."

Shri Shiva Chandra Jha had, in his notice (original in Hindi) complained that the *Indian Nation* had distorted his speech and what he had actually said was as follows:—

"It is a matter of regret that even the Members of Parliament of India consider Nepal as a foreign country and regard a Nepalese as a foreigner. There is a long story of the sacrifices made by Shri B. P. Koirala. It is a matter of regret that he is also viewed differently."

The Speaker observed¹⁹ that in reply to a letter which he had addressed to the Editor, *Indian Nation*, Patna, asking him to state what he had to say in the matter, he had received a letter dated August 21, 1970, from the Editor which read *inter alia* as follows:—

"The distortion in the report is obvious and we regret it. But it will be realised that the report was sent by a responsible news agency, namely, the U.N.I. and so at the time of editing, the sub-editor incharge could not doubt its accuracy. We have no hesitation in admitting that such distortions cause a great deal of misunderstanding and should not take place. We shall be glad to publish such contradiction or clarification as is desired."

The Speaker added that the Editor of the newspaper had been asked to publish his regret and clarification in his newspaper and that the matter was being treated as closed.²⁰

Alleged making of a policy statement outside the House while the House was in Session

In Rajya Sabha

On August 10, 1970 when the Deputy Minister in the Ministry of Industrial Development and Internal Trade (Shri M. R. Krishna) rose

¹⁹L. S. Deb., 1-9-1970. cc. 237-38.

²⁰The regret and clarification was published by the *Indian Nation* in its issue dated the 4th September, 1970.

to make a statement regarding the manufacture of cars in the public sector, Shri Raj Narain, a Member, interrupted saying that the statement had already appeared in the newspapers and thus a breach of privilege of the House had been committed.²¹ He requested the Deputy Chairman (Shri B. D. Khobaragade), who was in the Chair, to refer the matter to the Committee of Privileges.

The Deputy Chairman asked the Deputy Minister as to how his statement had been published in the Press before it was made in the House. The Leader of the House (Shri K. K. Shah) stated that it was only an intelligent guess work by the Press and was not due to any fault on the part of the Government.

After some discussion, the Deputy Chairman, disallowing the question of privilege, ruled ²²*inter alia* as follows:—

"Now the question has been raised in this House that whatever statement that the hon. Minister has made and is making today in this House has already appeared in the Press..... Normally, it is the practice that when the Houses are in session, the hon. Ministers or the Government should make all policy statements in the House.

It is highly improper that such statements should be made outside the House. But the main question is whether the hon. Minister has really made such an official statement outside the House..... There is nothing to show that the statement was officially issued to the Press by the Minister or the Ministry.

If it can be shown that it was deliberately and officially published by the Minister or by the officials of the Ministry, then it is really a serious question. Of course when the Press people give such information it is really a compliment to their intelligence and ingenuity that they are in a position to get such information. But howsoever ingenious and intelligent the Press people might be, it is the responsibility of the Government also to maintain secrecy of such important decisions. The Government cannot be absolved of its responsibility to maintain secrecy in all such important matters. This is not the first time that the question has been raised in this House. I do not want to cast any aspersion or I do not want to suggest that some responsible persons might have leaked out the information but I can only say this much that it is really the responsibility of the Government to see that such important decisions do not appear in the Press and I hope the Government would take every precaution to maintain the secrecy of such important documents and decisions...

²¹R. S. Deb., 10-8-1970.

²²Ibid.

So far as parliamentary practice is concerned if any information regarding important policy matters or policy decisions appears in the press, it is decided that this does not amount to any breach of privilege of the House.....

.....Therefore, if any information has leaked out to the Press before coming to the House, according to the procedure, of course, it can never be a breach of privilege but it is a highly improper thing. It may amount to breach of courtesy but not breach of privilege. Therefore, no question of breach of privilege is involved."

Alleged ill-treatment of Members of Parliament in jail

In Rajya Sabha

On August 18, 1970 when the Deputy Chairman (Shri B. D. Khoragade) informed the House of the arrest of Shri Bhupesh Gupta, a Member of the House, another Member, Dr. Z. A. Ahmed, sought to protest against the manner in which Shri Gupta was arrested and treated in the jail.²³ He suggested that some rules should be framed so that Members of Parliament were not arrested during the session of Parliament. Shri Mulka Govinda Reddy, another Member, suggested that Members of Parliament when arrested during a session of Parliament, should be brought to Parliament and allowed to participate in the deliberations of the House.

The Leader of the Opposition (Shri Shyamnandan Mishra) stated that Members, while in prison, should be lodged under proper conditions. While Shri Akbar Ali Khan supported the point of view expressed by the Leader of the Opposition, Shri Loknath Mishra, another Member, opposed any such privilege being given to the Members.

The Deputy Chairman, thereupon, observed *inter alia* as follows:²⁴

".....So far as these questions that have been raised are concerned, of course, I agree that hon. Members of Parliament have got their privileges and these privileges should be protected and safeguarded and I will also be along with you to see that the privileges of hon. Members are protected. As pointed out by Mr. Akbar Ali Khan, if a Member of Parliament is arrested it is also essential and necessary that proper medical care and attention should be provided to hon. Members of Parliament."

²³R. S. Deb., 18-8-1970 (Original in Hindi).

²⁴*Ibid.*

Jumping and throwing papers on the floor of the House from the Visitors' Gallery

In Gujarat Vidhan Sabha

On June 15, 1970, a person, calling himself Shri Kirtikumar Ganpatram Joshi, jumped on the floor of the House from the Visitors' Gallery, flung some papers at the Members of the House and then tried to escape. He was, however, caught hold of by the security staff. During the discussion on the incident, the Speaker (Shri Raghavji Leuva) observed as follows²⁶ :—

"Whenever such incidents take place, the well established precedent is that since the matter relates to contempt of the House, a proper motion suggesting action to be taken against the offender should first come before the House and thereafter if it is considered necessary, the matter is either referred to the Privileges Committee or it is decided by the House itself. While deciding the issue, any Member of the House who wants to produce any proof either before the House or before its Committee, gets an opportunity to do so."

On a suggestion by certain Members that the matter might be investigated further, the Speaker observed as follows:—

"Whenever the House is a witness to any incidents taking place in the House, the House never seeks explanation of the person guilty of the offence because the House proceeds on the basis that it has witnessed the offence—the House is the punishing authority and it is itself the witness to the incident and hence no other evidence is taken. Many such instances which may concern the privileges have occurred in the House of Commons. The newspaper editors have also been punished without being heard. This means that the House always acts as a supreme authority. Therefore, in the present case, whatever may be the intention of this young man, *bona fide* or *mala fide*, the act itself is punishable. Since the act itself is punishable, the intention behind it is not considered. The House may say that the fact of his jumping does not matter and that it is all right, he may be pardoned—we do not wish to inflict any punishment on him; this the House can certainly say. Another limitation of the House in inflicting any punishment is that the period of punishment cannot normally extend beyond the prorogation of the House. Once the session is prorogued, the warrant automatically ceases to operate."

Thereafter, Shri Chimanbhai J. Patel (Minister for Parliamentary Affairs) moved the following motion:—

"This House resolves that the person calling himself Shri Kirtikumar Ganpatram Joshi, who has jumped from the Visitors'

²⁶Gujarat Vidhan Sabha Deb., 15-6-1970.

Gallery today at about 1.10 P.M. and flung some papers at the Members of the House and tried to escape, but who was immediately caught hold of by the members of the security staff, has committed a grave offence and is guilty of contempt of the House.

This House further resolves that the said person may be sentenced to imprisonment upto 1.00 P.M. on 18th June, 1970 and that he should be sent to the Sabarmati Central Jail, Ahmedabad."

Shri Manubhai H. Palkhiwala, a Member, then moved an amendment that the person concerned might be sentenced to imprisonment till the rising of the House that day, *i.e.* June 15, 1970.

The House, however, rejected the amendment by a voice vote and adopted the original motion.

In pursuance of the motion adopted by the House, the Speaker issued a Warrant of Commitment²⁰ addressed to the Superintendent, Sabarmati Central Prison, Ahmedabad, requiring him to take the guilty person into custody and to keep him safely till June 18, 1970.

²⁰The Warrant of Commitment ran as under :—

WARRANT OF COMMITMENT

Whereas the Gujarat Legislative Assembly adopted the following motion today, the 15th June, 1970 :—

"This House resolves that the person calling himself Shri Kirtikumar Ganpatram Joshi, who has jumped from the Visitors' Gallery today at about 1.10 P.M. and flung some papers at the Members of the House and tried to escape but who was immediately caught hold of by the members of the security staff, has committed a grave offence and is guilty of contempt of the House.

This House further resolves that the said person may be sentenced to imprisonment upto 1.00 P.M. on 18th June, 1970 and that he should be sent to the Sabarmati Central Jail, Ahmedabad.

Now, therefore, I, Raghavji Leuva, Speaker, Gujarat Legislative Assembly in pursuance of the above decision of the Gujarat Legislative Assembly by this Warrant of Commitment require the Superintendent, Sabarmati Central Prison, Ahmedabad, to take into custody the said Shri Kirtikumar Ganpatram Joshi and keep him safely in the Sabarmati Central Prison, Ahmedabad, till 1.00 P.M. on Thursday, the 18th June, 1970.

Herein fail not.

Given under my hand and seal at Ahmedabad this the 15th day of June, 1970.

Sd/-
(RAGHAVJI LEUVA)
Speaker,
Gujarat Legislative Assembly.

To

The Superintendent,
Sabarmati Central Prison,
Ahmedabad."

Shouting of slogans and throwing of handbills from Visitors' Gallery on the Floor of the House

In M.P. Vidhan Sabha

On September 21, 1970, at 11.15 hours, some persons shouted slogans and threw handbills from the Visitors' Gallery on the floor of the House. They were immediately taken into custody by the security staff. After some time, Shri Chandra Pratap Tiwari, a member, moved the following motion which was adopted by the House:²⁷

"This House resolves that the two persons calling themselves Narsingh Lal and Sadashiv Tailor, who, at 11.15 A.M. today, shouted slogans and threw handbills from the Visitors' Gallery on the floor of the House, and who were immediately taken into custody by the Security Officer, have confessed their guilt, and are, therefore, guilty of committing contempt of this House.

This House further resolves that they be sentenced to simple imprisonment till the end of the current session."

In pursuance of the aforesaid motion adopted by the House, a Warrant of Commitment addressed to the Superintendent, Central Jail, Bhopal, was issued by the Speaker in respect of each individual separately, requiring him to take the two guilty persons into custody and to keep them safely in the Central Jail till the end of the Vidhan Sabha session.

B. PROCEDURAL MATTERS**Chief Minister can function as Leader of the House even if he is not a Member of the House**

In U.P. Vidhan Sabha

On December 7, 1970, Shri Narain Dutta Tewari, rising on a point of order, said that only that person could function as the Leader of the

²⁷M.P. Vidhan Sabha Deb., 21-9-1970. (Original in Hindi).

House who was a member of the House. According to him, the present Chief Minister, Shri Tribhuvan Narain Singh, who was not a member of the Vidhan Sabha, could not as such, function as the Leader of the House.

The Speaker (Shri A. G. Kher) observed that in the Lok Sabha, rules have been framed in this connection and according to those rules, if the Prime Minister was not a member of the House, he could not be the Leader of the House.

On the following day, dealing with the question at length, the Speaker ruled that there was no statutory provision for the Leader of the House and it was rather a question of convention. If the House desired to follow the practice of the Lok Sabha, there was no bar, he added. But as far as the U.P. Vidhan Sabha was concerned, he went on to say, it was provided in the Constitution that a person could become the Chief Minister even if he were not a member of the House. Moreover, it was not binding upon any Legislature to follow the practice of the Lok Sabha. He declared that the convention followed by the U.P. Vidhan Sabha should continue and the Chief Minister remain the Leader of the House.

An adjournment motion cannot be allowed on anything which would be the subject of a judicial decision or the subject matter of a petition before the election tribunal: In matters relating to elections, Parliament is not over and above the Election Commission.

In Lok Sabha

On March 25, 1971 a Member (Shri Atal Behari Vajpayee) gave notice of an adjournment motion regarding the alleged recovery of ballot papers from a godown in Chandigarh. The Speaker disallowed the adjournment motion and informed the Member accordingly in his Chamber. Shri Vajpayee, however, raised the matter in the House

and urged upon the Speaker to reconsider his decision. The Speaker then, observed as follows¹:

".....I had a discussion with him in my Chamber. Let him please be sure that I have all respect for him. He is an old colleague and leader of a party. I do not think it is proper to suspect that I have any further doubts about it. But there are two sides to this. I do not think an adjournment motion can be allowed on anything which would be the subject of a judicial decision or the subject matter of a petition before an election tribunal. So far as the factual information is concerned, I have thought over it too. It would have been better if these facts had been brought to the notice of the Chief Election Commissioner. This House is not the proper forum to discuss this.....This matter has to be ultimately considered by the Election Commission.....This Parliament is not over and above the Election Commission, so far as the elections are concerned."

Members allowed to put questions after the Minister's Statement, as an exceptional case

In Lok Sabha

On March 27, 1971 the Minister of External Affairs, Sardar Swaran Singh, was to make a statement in the House regarding recent developments in East Pakistan. Before the statement was made, some Members submitted that they might be allowed to seek clarifications. The Speaker observed that the rules did not permit a *suo motu* statement to be followed by questions by the Members. The Prime Minister suggested that in view of the importance of the matter, an exception might be made and Members allowed to express their opinions. The Speaker agreed with the suggestion of the Prime Minister and allowed Members to make brief submissions after the Minister had made the statement.²

C. LEGAL AND CONSTITUTIONAL MATTERS

A Session adjourned sine die but not prorogued cannot be regarded as a new session in order to attract the provisions of Article 176: Mysore High Court judgment—Speaker disallows privilege question

By virtue of the powers vested in him under Article 174(1) of the

¹L.S. Deb., 25-3-1971.

²L. S. Deb., 27-3-1971.

Constitution, the Governor of Mysore summoned the two Houses of the Mysore Legislature to meet on December 23, 1970. Accordingly, the Legislative Assembly met for its Ninth Session and the Legislative Council for its Thirtieth Session on the scheduled date.

The two Houses of the Legislature had been summoned urgently to consider the situation arising out of the placing of the Mahajan Commission Report on the Mysore-Maharashtra Boundary Dispute on the Table of the two Houses of Parliament. The Assembly considered the matter on December 23, 24 and 26, 1970. As there was no other business to be considered by the House, the Speaker adjourned the Assembly *sine die* on December 26. The Session was, however, not prorogued. The Legislative Council also adjourned *sine die* on December 28.

On February 20, 1971, the Speaker was requested by the Government to convene the Assembly to meet at 1.00 P.M. on Monday, the 15th March, 1971. The Speaker having agreed to the convening of the meeting, the Secretary informed the Members about the date of the meeting and issued a provisional programme of business, which included presentation and discussion of the Budget for 1971-72. The Members of the Legislative Council were also similarly summoned to meet on March 15, 1971.

Five Members of the Assembly—Sarvashri H. Siddaveerappa, R. M. Patil, D. Devaraj Urs, H. M. Channabasappa, K. H. Ranganath, and one Member of the Mysore Legislative Council—Shri K. S. Channappa filed a writ petition under Article 226 of the Constitution in the Mysore High Court on March 10, 1971.

*Article 176 of the Constitution reads as under :

"176(1). At the commencement of the First Session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly or in the case of a State having a Legislative Council, both Houses, assembled together and inform the Legislature of the causes of its summons.

(2) Provision shall be made by the rules regulating the procedure of the House or either House for the allotment of time for discussion of the matters referred to in such address.

The plea of the petitioners was that the session summoned to be held on March 15, 1971 was the first session to be held in the year 1971 and in accordance with the provisions of Article 176³ of the Constitution, the session should commence with an Address by the Governor to the two Houses assembled together, informing the Legislature of the causes of its summons. They contended that there was a clear breach of the provisions of the Constitution insofar as the procedure adopted in summoning the Legislature and the wording used in the communications sent to Members in this connection did not indicate that there had been an order by the Governor under Article 174 summoning the Legislature.

The petitioners prayed for the issue of a *writ of certiorari* quashing the notices and programmes issued to the Members of the Assembly and the Council⁴ intimating that the two Houses will meet on the 15th of March and requesting them to attend the same, a *writ of prohibition* directing the respondents to forbear from commencing the business so intimated and a *writ of mandamus* directing the respondents to summon a joint session of the two Houses of the State Legislature in accordance with the provisions of Article 176 of the Constitution and to prepare programmes in accordance with the rules of procedure and conduct of business in the Mysore Legislative Assembly.

After hearing arguments of the petitioners and the State Advocate-General on March 11, 1971, the Court by its judgment dated March 12, 1971, dismissed the writ petition. The Court agreed with the Advocate-General that the meeting of March 15, 1971 was not a new session at all, but an adjourned meeting of the Ninth Session which had commenced on December 23, 1970. The Court held that it could not, therefore, be regarded as a new session and the First Session of the year 1971 attracting the provisions of Article 176 of the Constitution. In the course of the judgment, the Court also held that there was a clear difference between prorogation of the Legislature and an adjournment of a meeting of the Legislature. The power of the proroguing a session of the Legislature was exclusively that of the Governor in whom rested the power to summon the same. Between the summoning of a session and its prorogation, however, the Legislature itself had the power to adjourn from time to time.

⁴No. 10958/L.A. dated 22-2-1971 to Members of the Legislative Assembly and No. 10959/L.C. dated 22-2-1971 to Members of the Legislative Council.

Question of Privilege

On March 15, 1971, when the Legislative Assembly met, Shri H. N. Nanje Gowda, a Member, raised a question of privilege on the failure of the Government to advise the Governor to address the Legislative Assembly before introducing the Budget for the year 1971-72, which deprived them of the privilege of knowing the policies and programmes of the Government.

Shri Nanje Gowda contended that the meeting of the Assembly on March 15, 1971 was the first meeting in the year 1971 and, therefore, it should have commenced with an Address from the Governor as required under Article 176 of the Constitution. He pleaded that the Governor's Address would have indicated to the Members the policies of the Government and therefore it was not proper for the Government to present the Budget without having a Governor's Address. He explained that the normal procedure in the House was to have the Governor's Address before the Budget and the deviation from the normal procedure had affected the Member's rights and therefore a breach of privilege was involved.

After hearing some other Members, the Speaker, withholding his consent, observed as follows:

Hon'ble Members are aware that the word 'Session' is not defined in the Constitution or in the Rules of Procedure. May has defined 'Session' as follows :

"A Session is the period of time between the meeting of a Parliament whether after prorogation or a dissolution and its prorogation."

A Session which is called a meeting or meetings is continued upto the date of prorogation. In England to which the Hon'ble Member, Shri Siddaveerappa made reference, the Session lasts the entire year. It commences round about the first week of October and ends in September. There are yearly sittings in the Parliament. For the purpose of convenience, the Session adjourns from time to time. They adjourn for Christmas and adjourn for other Holidays also. The Budget Session comes in the month of March or April. There is one point here to be mentioned, and that is there is no connection between the Budget and the First Session.

During the Third Session of the Provisional Parliament which commenced on September 14, 1950, the House was adjourned on December 20, 1950 to meet again on February 5, 1951. Since Parliament was not prorogued, the President did not address the Parliament, though it met for the Budget on February 5, 1951. Therefore, there is no connection between a Budget Session and the First Session. The Budget Session may not be the First Session. It may be a continuation of a Session called earlier.

The other question raised by the Hon'ble Member Shri K. H. Patil was that it was an emergent Session. Whatever might be the intention in summoning the Session, whether as an emergent Session or a non-emergent Session or as an ordinary Session, Hon'ble Members will find that a Session is always called in the following term :

"I, Dharma Vira, Governor of Mysore, do hereby summon the Mysore Legislative Assembly to meet at Bangalore at such and such a time on such and such a date."

It will thus be seen that the summons of the Governor is always in general terms and no programme is included in the summons. In the course of a session if a particular item of business is over, it is open for the Government or the Hon'ble Members to indicate further work and to continue the Session. Therefore, there is no distinction between emergent session and the non-emergent session, so far as the Constitutional position is concerned. This being an adjourned meeting, I think, according to the Constitution, it need not commence with the Governor's Address.

I do not find there is any breach of privilege and I cannot give my consent. I withhold my consent.

The corner-stone of a free society is the concept of limited Government. The government of a free people is of necessity, A government of limited jurisdiction.

—ALAN BARTH

LOK SABHA—FIRST SESSION—FIFTH LOK SABHA

The First Session of Fifth Lok Sabha commenced on March 19, 1971. The President addressed both Houses of Parliament assembled together on March 23, 1971¹ the House adjourned *sine die* on April 2, 1971. During the Session, 12 sittings were held, aggregating 63 hours and 53 minutes.

A review of some of the major events and important debates that took place in the Session is given below:

Motion of Thanks on President's Address

A Motion of Thanks on the President's Address to both the Houses of Parliament assembled together on March 23, 1971 was moved in Lok Sabha on March 30, 1971. The motion was moved by Shri Bali Ram Bhagat (Cong.) and seconded by Shri A. C. George (Cong.)

The debate continued for three days in which as many as 60 Members took part.² Replying to the debate on April 2, 1971, the Prime

¹Prepared by the Library, Reference and Information Service of the Lok Sabha Secretariat.

²For text of the President's Address, see pp. — *infra*.

²Those who participated in the discussion were Sarvashri B. R. Bhagat, A. C. George, A. K. Gopalan, Fatesingh Gaekwad, Nathoo Ram, Erasmo de Sequera, Nimbalkar, K. Manoharan, Inderjit Gupta, Henry Austin, Atal Bihari Vijpayee, P. R. Das Munshi, Ramsahai Pandey, N. K. Sharnva, H. R. Gokhale, Rao Birendra Singh, R. Balakrishna Pillai, Mool Chand Daga, Shivanth Singh, Dinesh Chandra Goswami, Vijay Pal Singh, Chandulal Chandrakar, Achal Singh, Abdul Kadar, Bhagirath Bhanwar, P. Ganga Reddy, Indulal Yajnik, Syed Ahmed Aga, K. Balakrishnan, Sat Pal, Chintamani Panigrahi, Madhu Dandavate, Narendra Singh Bist, Kunwer Rudra Pratap Singh, Narsingh Narain, Ramnath Goenka, Ramachandran Kadannapalli, K. P. Unnikrishnan, M. Rama Gopa Reddy, V. K. Krishna Menon, Sudhakar Pandey, Badlu Ram Shukla, Shyamaprasanna Bhattacharyya, Anantrao Patil, Purshottam Kakodkar, M. Satyanarayan Rao, Kartik Orson, Lalji Bhai, G. T. Gokhinde, Mulki Raj, Chhatrapati Ambesh, Ibrahim Sulaiman Sait, Shamim Ahmed Shamim and M. M. Joseph and Dr. Govind Das, D. V. K. R. V. Rao and Dr. G. S. Melkote and Rajmata Gayatri Devi, Shrimati T. Lakshmi Kanthamma, and Shrimati Savitri Shyam.

Minister, Shrimati Indira Gandhi said that the "President's Address had indicated some of the steps which the Government proposed to take. These steps and many others have to be translated into operational programmes".

Dealing with the problem of poverty in the country, she observed:

"Our poverty is of long standing.....Much has been achieved since Independence. There is no doubt that today a large number of people are better dressed and better fed than before.....Yet the fact of poverty remains and vast number do lack their basic requirements and the needs of our people are increasing and will continue to increase as our development plans go ahead."

Ruling out the charge about discrimination shown in the matter of establishing Central Projects in the State of Kerala, she remarked:

"It is true that the Precision Instruments Plant and the Photo Chemicals Plant, which we had proposed to set up there were not taken up for implementation. But this is because, on re-assessment, demands for the products of these plants were not found to be good.....Government have to make a constant reappraisal of industrial and other programmes, and have to adapt them to the needs of the situation."

Referring to the complaint about the issue of new licences to big Business Houses, the Prime Minister pointed out:

"Neither the Monopolies and the Restrictive Trade Practices Act nor the Industrial Licensing Policy rules out the grant of new licences to Business Houses. What they do is to define the limits and conditions, subject to which these Houses would be allowed to expand further.....The decision taken in individual cases do not involve any deviation from the policies which have been clearly spelt out.

Welcoming the suggestion made by a Member with regard to Housing in urban areas, she observed:—

"We have, as the House knows, made a beginning in this direction with the setting up of the Housing and Urban Development Finance Corporation. We shall endeavour to expand the role of the Corporation in the next two or three years. There is also need for a new look at rural housing.....It would be very useful if our architects should give thought to new and inexpensive designs for rural housing, which would make the best use of locally available materials."

On price rise, she said:

"Government are deeply aware of the consequences which would follow if price stabilisation is seriously impaired. Much of

the increase in prices during the past year is because of the failure to raise the production of commercial crops".

Justifying the increase in the price of farm produce, the Prime Minister said:

"...Members will appreciate that a part of the price increase in recent years was due to our anxiety to ensure for the farmers a reasonable price for their products. However, it is important that in this process, the interests of the small farmers, the landless labourers and the other poor people who live on the land and who do not have surplus products to sell, are not harmed. It is for the Government to conciliate the interests of consumers and those of the producers. Only in this way can price policy be successful. We must work for the welfare of the farmers and we must also ensure that certain sections do not unreasonably exploit the rest of the community. The welfare of the nation as a whole must at all times take precedence over that of an individual segment."

On the demand for nationalizing General Insurance and other areas of economy, she stated:

"Government are not afraid of nationalisation, at the same time, they do not consider nationalisation to be an objective by itself. Decisions on nationalisation must fit into the general scheme of priorities of our economic programme. The direction in which Government want to proceed is quite clear. We visualise a growing position for the public sector, a dominating role for it. We want the public sector to be able to influence and control the pace and direction of investment and our available resources to be deployed in the best possible manner. Any proposal for the nationalisation of an industry or activity must be subjected to two tests. Firstly, is it necessary from the point of view of enabling the public sector to attain a dominant role and to occupy a key position in the economy and secondly, does it further our social objectives? The nationalisation of banks satisfied both these tests.

"Similarly, when we find any industry or unit operating in a manner which is detrimental to our national interests, we shall certainly not hesitate to take it over."

Sharing the concern expressed by Members about the problem of unemployment in the country, she observed:

"...To keep human beings idle is to waste rich national resources, and I am particularly conscious of the serious hardship which our educated young people are suffering.... In India the most serious part of the problem is not open and whole-time unemployment, but under-employment, and this is why it is difficult to quantify the problem.... In the absence of reliable figures, we should not allow ourselves to be intimidated by uncertain statistics".

Pointing out the causes of unemployment in the country, she said that "slow growth of the economy particularly in the industrial sector was responsible for the sharp decline in employment opportunities".

Rejecting a demand made by certain Members for payment of dole to the unemployed, she said:

"I do not think that subsistence allowance to the unemployed is an answer to their trouble. Let us not make these young people into pensioners. Let us not accustom them to doles or subsidies. Let us try to provide them with opportunities in which they can find fulfilment".

Spelling out measures for creating more employment opportunities in the country, she said:

"For this we should mobilize all the resources we can and raise the level of investment in the public as well as the private sector. The re-appraisal of the Plan should give our development programme an employment bias... Programmes with high employment potential have to be identified and given a special push. Quite a few schemes of this nature have been incorporated in the Fourth Plan as recast and presented to this House in last May... A provision of Rs. 235 crores is envisaged for the special programmes during the Plan period. Additionally the projects for small farmers and agricultural labour will receive support from financial institutions to the extent of Rs. 300 crores. Similarly the total financial support for dryland farming is expected to be about Rs. 150/- crores. In the Budget presented last week, the Finance Minister had indicated a provision of Rs. 50 crores.

Dealing with the question of higher levels of investment in the public and the private sectors, she felt that "this could only come about as a result of an all-round improvement in efficiency and productivity".

Referring to the law and order problem in West Bengal, she declared that the "Government are determined to curb violence whoever is responsible and whatever the motive behind it. We have been taking all appropriate steps to stop this menace and will continue to do so".

Recounting the steps already taken by the Government in this behalf, she stated:

"During President's rule (in West Bengal), immediate steps were taken to bring land reform legislation more in tune with the aspirations of the people and the requirements of social justice. We are urging other State Governments to adopt similar legislation".

Dealing with the question of Centre-State relations, she stated:

"I think our Constitution has visualized fruitful roles for the Centre and the States in a scheme for distribution of powers. It embodies financial and other provisions to deal with problems as they arise. In particular, the Constitution provides for a periodical review of the financial relations between the States and the Centre through the Finance Commission, which is an autonomous statutory body. Under the awards of the Commission, substantial resources are being transferred from the Centre to the States".

...A successful federation cannot exist merely on rules, but it can only be if there is full cooperation".

After the Prime Minister's reply, the Motion was adopted by a voice vote.

The General Budget

The Union Finance Minister, Shri Y. B. Chavan, presented the interim General Budget to Lok Sabha on March 24, 1971 and the House commenced the general discussion thereon on the following day. On the revenue account, the receipts for 1971-72 are estimated at Rs. 3,543.42 crores and the expenditure at Rs. 3,429.22 crores with the expected surplus of Rs. 114.2 crores. On the capital account, the estimated receipts are Rs. 1949.59 crores as against the estimated expenditure of Rs. 2304.09 crores. The deficit on this account would be of the order of Rs. 354.50 crores. The overall deficit in the interim Budget would thus be Rs. 240 crores.

So far as the Revised Estimates for 1970-71 are concerned, the interim Budget placed the receipts at Rs. 3,391.43 crores and the expenditure at Rs. 3,193.29 crores under the Revenue Account. Under the Capital Account, the receipts have been placed at Rs. 2104.87 crores and the expenditure at Rs. 2532.58 crores. The overall deficit for 1970-71 would, therefore, be of the order of Rs. 229.57 crores.

Replying to a three-day debate on the Budget on March 27, 1971, the Minister of Finance, outlined the Government's manifold efforts

to arrest inflationary trends and check rising prices through increased production, curb on speculation and selective credit control.

Referring to the public sector, the Finance Minister said that there were some weaknesses and limitations and that certain important Public Sector Units were sustaining losses. The Government were making efforts to remove these defects. With the base of modern agriculture, the public sector and newly oriented personnel, the country was "poised to fight the war against poverty," he said.

Agreeing that a sum of Rs. 50 crores provided in the Budget for solving the unemployment problem was insufficient, he said that only a beginning had been made in this direction from which experience could be gained.

He re-affirmed the Government's resolve to have growth so oriented as to help tackle the acute problem of un-employment.

Regarding the problem of regional imbalances in the country, he informed the House that the Planning Commission had tried to look at the question as a result of which a new approach was being tried. Certain districts from each State had been selected and named as backward areas and further efforts were being made for their industrialisation. The problem was so great that it would take a decade before the impact of these measures could be felt.

In regard to the charge that minor irrigation was being neglected, the Finance Minister stated that the State Governments, the Central Government and Planning Commission had consistently laid emphasis on medium and minor irrigation schemes, more particularly on minor irrigation schemes. Pumping stations and tube wells were some of the illustrations of minor irrigation. Huge amounts were invested on this particular programme in practically all the States, he said.

After the general discussion⁸ was over, all the Demands for Grant on account in respect of the General Budget were voted in full and the Appropriation (Vote on Account) Bill was passed by the House.

⁸The Members who participated in the discussion were: Sarvashri, K. N. Tewari, Saroj Mukherjee, M. B. Rana, Surendra Mohanty, Shivnath Singh, Sarjoo Pandey, Hari Singh, Chandrika Prasad, C. C. Desai, M. S. Sivasamy, Narain Chand, Virendra Agarwal, K. G. Deshmukh, Madhu Dandavate, C. M. Stephen, Dasaratha Deb, Chapalendu Bhattacharyya, Pilleo Mody, Tarkeshwar Pandey, Shamin Ahmed Shamim, Krishna Chandra Pandey, C. Chittibabu, P. K. Ghosh, S. B. Thakre and Smt. Sahodrabai Rai.

Later, while winding up the discussion⁴ on the Finance Bill, 1971, which had been moved for consideration earlier on March 27 itself, the Finance Minister, Shri Y. B. Chavan, assured the House that Government would go thoroughly into the question of large accumulation of income-tax arrears. The Government would not hesitate to take any drastic measures, if needed, for the recovery at least of some of the arrears shown as irrecoverable. He re-affirmed that Government would go into the question of unemployment and poverty and would find out specific solutions to these problems.

The Finance Bill was later adopted by the House.

The Railway Budget

The Minister of Railways, Shri K. Hanumanthaiya presented the provisional Railways Budget for 1971-72 in Lok Sabha on March 23, 1971.

The provisional Budget estimated the revenue receipts of the Railways at Rs. 1,044 crores—Rs. 40 crores higher than in the current year. The working expenses have been estimated at Rs. 895 crores. Together with miscellaneous expenditure and dividend to the general revenues at Rs. 173.77 crores, the deficit at the current level of rates and fares would be Rs. 33.12 crores.

Replying to the debate⁵ on the Railway Budget on March 25, 1971, the Minister for Railways, pleaded for ushering in a new era of relationship between labour and management. He underscored the emphasis placed by the President in his Address on Industrial relations with a view to securing increased productivity consistent with a fair deal for labour.

⁴The following Members took part in the debate—Sarvashri Samar Mukerjee, S. M. Banerjee, Badlu Ram, Jyotirmoy Bosu and Dr. G. S. Melkote.

For discussion in Rajya Sabha see p. 144 *infra*.

⁵The following Members took part in the discussion: Sarvashri Mohammed Ismail, Liladhar Kotoki, M. Kalyanasundaram, Sardar Swaran Singh, Shamin Ahmad Shamim, P. K. Ghosh, C. Chittibabu, S. V. Dhamankar, Jagannath Rao Joshi, Jagdish Chandra Dixit, P. V. Solanki, Smt. Sahodrabai Bai, M. M. Joseph, N. K. Sanghi, Ram Deo Singh, Deonandan Prasad Yadav, M. Satyanarayan Rao, Rajendra Prasad Yadav, Damodar Pandey, Renbahadur Singh, Chandra Bhai Mani Tewari, Shri Govinda Das, Ramavatar Shastri, Tula Ram, Ram Chandra Vikal, N. Sreekantan Nair, Anant Prasad Sharma, P. K. Deo, Biren Dutta and F. H. Mohsin.

For discussion in Rajya Sabha, see p. 143 *infra*.

Dealing at length with the question of management, labour relations, he remarked that "any one-sided emphasis on the rights or responsibilities would lead to imbalances" and felt that "it was not the intention of any Member to drive the country to a position of such imbalance."

"Many of the labour management laws and practices were out of tune with the times and were not in harmony with the socialist society the country has undertaken to build... If joint management was envisaged, strikes and agitations automatically have to wither away", he said.

Referring to the recommendations of the Administrative Reforms Commission on Railways, the Minister informed the House that out of 49 recommendations, six had been accepted by Government and others were under examination. He hoped that the new Cabinet would find time to examine the recommendations of the Commission not only in regard to the Railways, but also in regard to the various branches of Administration, with which the Commission had dealt with in its various Reports.

As regards the pending claims on railways which amounted to a very large sum, he assured the House that efforts would be made to expedite the disposal of claims. He stressed that causes that gave rise to claims must themselves be minimized and urged that the staff and personnel connected with the transportation must be more vigilant so that thefts and damages did not take place on the present scale.

The Railway Minister said that the impression in some quarters that Railways were not contributing anything to the Plan finance nor were they giving any return on the huge investments was wrong. The deficit of Rs. 33.12 crores in the budget estimates for next year, he said, was the result after meeting the depreciation charges and other liabilities and after paying dividend to the general revenues (Rs. 165.81 crores in the current year and Rs. 173.77 crores in the next year).

He was in complete agreement with Members on the question of having for the entire country one broad gauge line. But conversion would take time and involve huge sum. He promised to examine the demands made by certain Members relating to new lines, over and underbridges and doubling of tracks and would make efforts to meet them consistent with the availability of resources.

The Lok Sabha then passed the Appropriation (Railways) Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1970-71 for the purposes of Railways.

Declaration of lock-out by I.A.C.

A Calling Attention Notice on the "situation arising out of work-to-rule policy adopted by the employees of the Indian Airlines Corporation and consequent lock-out declared by the Management of the Corporation" was tabled by Sarvashri Shashi Bhushan, A. K. Gopalan, S. M. Banerjee, Era Sezhiyan and Phool Chand Verma. The matter was raised in the House on March 24, 1971 by Shri Shashi Bhushan (Cong.)⁶

Replying, the Minister of Tourism and Civil Aviation, Dr. Karan Singh said that the extreme step *viz.* lock-out had been resorted to "after careful consideration of all factors involved and when the Management was convinced that there was no other feasible alternative." He added that for some years now the labour situation in Indian Airlines had been very unsatisfactory and sections of employees had launched or threatened to launch agitations and strikes to pressurise the Management to concede their demands. These actions, he said, had caused serious dislocation in domestic air services and substantial loss of revenue to the Corporation.

Giving a brief resume of the events which had a "crucial bearing" on the present lock-out, the Minister stated that the previous wage agreements with the Union expired in December, 1968. Settlement on a new agreement could not be reached and the situation was further complicated by inter-union rivalry between the Air Corporations Employees Union (ACEU) and the Indian Aircraft Technicians Association (IATA). In March, 1970 the ACEU workmen embarked on a country-wide agitation and it was later joined by the IATA workmen. The management had made *ad hoc* payments with retrospective effect from April, 1969. But the IATA, however, again launched an agitation in August on the question of differential in wages between aircraft technicians and non-technical categories of workmen represented by the ACEU in the two Air Corporations.

The Minister added that the negotiations on this question were also unsuccessful and the agitation cost the Airlines Rs. 65 lakhs besides disruption of the services. After prolonged discussions, the agitation was called off on September 6, 1970 on the condition that arbitration should be arranged on a four party basis. But the proposed arbitration did not materialize due to inter-union rivalry.

⁶For discussion in Rajya Sabha see p. 141 *infra*.

From February 22, 1971, yet another crisis was precipitated by the IATA by resorting to work-to-rule and AECU joined from March 4. The two unions covered about 11,000 of the 14,000 IA employees and this agitation was bringing the service to a gradual halt.

The Minister expressed concern over the acute inconvenience that was being caused to the travelling public by the virtual absence of domestic air services. This, he added, was particularly unfortunate when the Corporation had recently acquired a brand new fleet of jet planes which would have greatly improved and extended the services.

He assured the House that the Indian Airlines management was anxious to lift the lock-out if the employees resumed and agreed to do overtime. He hoped that with the good offices of the Chief Labour Commissioner, a settlement could be reached and peace restored in the airlines on a long-term basis.

Reported shortage of small coins in the country

A Calling Attention Notice on the "reported shortage of small coins in the country" was tabled by Sarvashri S. M. Krishna, Atal Bihari Vajpayee, Kamla Misra 'Madhukar', Bedabrata Barua and Dr. Karni Singh. The matter was raised in the House on March 25, 1971 by Shri S. M. Krishna (Cong.)

Replying, the Minister of State in the Ministry of Finance. Shri Vidya Charan Shukla said that some complaints of shortage of coins in a few centres of the country were being received from time to time and that such complaints had increased of late. The Reserve Bank of India was making additional supplies to its small coins depots in centres from which complaints were being received, and also issuing large quantities of small coins through its counters.

Referring to the steps taken by augmenting production of small coins, the Minister stated that the mints at Hyderabad and Alipore had started working for 60 hours a week as against 48 hours earlier from October 19 and November 19, 1970, respectively. The Bombay Mint had been put to two-shifts working of nine hours each, with an incentive scheme for the workmen, and steps were being taken to introduce two-shift working in the Alipore Mint also. As a result of these measures, the Minister added, the daily production in the Mint had increased from about 12 lakh pieces to about 35 lakhs pieces. The production

¹The lock out was lifted by the Management from 1.00 P.M. on 28-3-1971.

of coins in the Mints was likely to rise from 5,500 lakh pieces in 1970-71 to about 18,500 lakh pieces in the next year. He hoped that with this increased production, the supply position of coins would improve considerably and the temporary shortage, felt in certain localities, would ease gradually.

Answering questions, the Minister said that because of the devaluation of the rupee in early 1966, the face value of the small coins became less than the metallic value. Therefore, there was a tendency amongst the people not only to hoard these coins but also melt them and take alloy out of it and use it for other purposes. The Government, he added, had taken measures to change the alloy composition of these small coins and make them from aluminium magnesium so that the face value would always remain more than the metallic value of the coins.

In reply to a question, he said that the Government have no legal power to prevent hoarding of small denomination coins or conduct raids on those who melted the coins for profitable use of the alloys.

Atrocities inflicted on Harijans in Choti Khatu (Rajasthan)

A Calling Attention Notice on the "reported atrocities inflicted on Harijans of Choti Khatu in Nagaur District (Rajasthan) resulting in the death of two persons and demolition of houses" was tabled by Sarvashri Atal Bihari Vajpayee, Pilo Mody, P. K. Deo, H. M. Patel and Dr. Karni Singh. The matter was raised in the House on March 26, 1971 by Shri Atal Bihari Vajpayee (J.S.).

Replying, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant informed the House that according to information received from the Government of Rajasthan, three cases had been registered relating to the alleged incidents of assault, robbery, unlawful restraint etc. The cases were being investigated according to law by the State C.I.D. and according to investigations held so far, the infant, alleged to have been killed in the incidents, was alive.

The Minister stated that the Chief Minister accompanied by some other Ministers and Members of the Rajasthan Legislative Assembly belonging to opposition parties visited the village on March 23, 1971 to restore confidence among the weaker sections of the community.

Answering questions, the Minister informed the House that six houses had been found destroyed, and observed that the incidents in question were most reprehensible and whoever was found guilty would be punished.

So far as the general question of intimidation of voters was concerned, he said, it had received the attention of the Chief Election Commissioner, even before the election, who had suggested certain legislative measures. A Committee was subsequently formed which included representatives of the Opposition. Meanwhile the Lok Sabha was dissolved and this Committee could not consider the matter. With a view to guarding against the possibility of intimidation, the number of polling booths was increased particularly in areas inhabited by Scheduled Castes where intimidation could be apprehended, the Minister added.

Enquiry regarding surplus Ballot Papers found at Chandigarh

A Calling Attention Notice on the "outcome of Deputy Chief Election Commissioner's enquiry in Chandigarh about finding of surplus ballot papers" was tabled by Sarvashri Jyotirmoy Bosu, N. K. Sanghi, Laxminarain Pandey, S. M. Krishna and Rajmata Gayatri Devi. The matter was raised in the House on March 29, 1971 by Shri Jyotirmoy Bosu (CPI—M).⁸

Replying, the Minister of Law and Justice, Shri H. R. Gokhale informed the House that the Deputy Election Commissioner who had inquired into the complaints, found that as against 1,18,61,800 ballot papers required for 23 Parliamentary constituencies (13 in Punjab, 9 in Haryana and 1 in Chandigarh), 1,21,14,431 ballot papers were actually got printed. There was thus a surplus of 2,52,631 ballot papers for all the constituencies put together. Usually the wastage allowed in the printing of ballot papers was 5 per cent, whereas in the present case, the actual wastage amounted to 2 per cent only.

The Controller of Printing, Chandigarh had issued a written direction on February 15, 1971 that after the completion of the printing of ballot papers, waste papers should be destroyed in the presence of the Assistant Controller of Printing. Unfortunately this direction was not carried out resulting in removal of some ballot papers in good condition alongwith waste paper by the contractor on March 15 and 17, 1971. But this had happened only after March 15, when the voting in the Fifth General Election, the counting of the votes and the declaration of the results were over and that these surplus ballot papers did not in any way affect or influence the poll.

Answering questions, the Minister stated that in regard to the irregularity which had been there in the matter of destruction of surplus

⁸For discussion in Rajya Sabha, see p. 140 *infra*.

ballot papers, the Election Commission was taking appropriate steps to conduct an inquiry as to how this lapse had taken place and would take appropriate steps if anyone was found guilty.

Rejecting a demand for judicial probe, he said that the Election Commission was not an ordinary body. It was set up under the Constitution with almost the powers of the judges of the Supreme Court. If that body was *seized of the matter*, he was sure that it would institute a fair and impartial inquiry which would be to the satisfaction of all concerned.

Developments in East Pakistan

The Minister of External Affairs, Sardar Swaran Singh told the House on March 27, 1971 that when on November 28, 1969, the President of Pakistan announced his plan for evolving a democratic Constitution and for the transfer of power to the elected representatives of the people, the Government had hoped that a democratic evolution in that country would follow its natural course and that the elected representatives would evolve a Constitution reflecting the urges of the vast majority of the people expressed through the elections held in December last year.

He regretted that events had taken a different and tragic turn and instead of peaceful evolution there was now a bloody conflict. "Our hearts go out in sympathy to the people who are undergoing great suffering", he said.

Giving a brief account of happenings in Pakistan, the Minister of External Affairs informed the House that according to the reports received, the Pakistan Army started taking action on the midnight of March 25 and 26 against units of the East Pakistan Rifles, the provincial police and the people. The reports were that casualties had been very heavy. On the morning of March 26, 1971 the Radio Station at Dacca was seized by the Army. Thereafter the Radio Station made an announcement of 15 new Martial Law Regulations banning, among other things, all political activities, processions, meetings, speeches and slogans. Complete censorship of all news, Radio and Television programmes was imposed. More than two regular Divisions of the Pakistan Army were deployed in suppressing the people of East Pakistan.

Government wished and hoped that even at this late stage it would be possible to resume democratic processes leading to the fulfilment of aspirations of the vast majority of the people there.

He assured the House that the Government was prepared to make its contribution, in concert with the members of the international community or international humanitarian organisations concerned with bringing relief to innocent victims of conflict.⁹

Intervening in the discussion, the Prime Minister, Shrimati Indira Gandhi said:

"...It is not merely the suppression of movement, but it is meeting an unarmed people with tanks. We are in close touch, as close touch with the events as is possible in such a situation. I am sure hon. Members will understand that it is not possible for the Government to say very much more on this occasion here.

"...I would like to assure the hon. Members who asked whether decisions would be taken on time, that obviously that is the most important thing to do. There is no point in taking decision when the time for it is over. We are fully alive to the situation and we shall keep constantly in touch with what is happening and what we need to do.... At the same time we do have to follow proper international norms."

Sharing the grave concern with the Members she observed:

"I think at this moment I can only say that we do fully share the agony, the emotions of the House and their deep concern over these developments because we have always believed that freedom is indivisible".

Moving a Resolution on East Bengal in Lok Sabha on March 31, 1971, the Prime Minister, Shrimati Indira Gandhi, said:¹⁰

"The tragedy which has overtaken our vallant neighbours in East Bengal so soon after their rejoicing over their electoral victory has united us in grief for their suffering, concern for the wanton

⁹After the Minister of External Affairs made a statement, Sarvashri A. K. Gopalan, H. N. Mukerjee, Chintamani Panigrahi, Krishna Menon, Samar Guha, A. K. Sen, K. Manoharan, Jagannathrao Joshi, Hari Prasad, Shyamnandan Mishra, S. A. Shamim and Dr. V. K. R. Varedaraja Rao and Dr. Melkote made brief speeches.

¹⁰Soon after the House disposed of the Calling Attention Notice on March 29, 1971, Shri Atal Behari Vajpayee (J.S.) had urged that the supreme representative body of the country should "go on record" expressing its solidarity with Bangla Desh. It would be better if such a resolution was moved by the Government. The Prime Minister immediately responded to this suggestion and promised to bring forth the resolution during the current session of Parliament.

For the discussion in Rajya Sabha, see p. 148 *infra*.

destruction of their beautiful land and anxiety for their future. I wish to move a resolution which has been discussed with the leaders of the Opposition and, I am glad to say, approved unanimously."

Text of Resolution

"This House expresses its deep anguish and grave concern at the recent developments in East Bengal. A massive attack by armed forces, despatched from West Pakistan has been unleashed against the entire people of East Bengal with a view to suppressing their urges and aspirations.

Instead of respecting the will of the people so unmistakably expressed through the election in Pakistan in December 1970, the Government of Pakistan has chosen to flout the mandate of the people.

The Government of Pakistan has not only refused to transfer power to legally elected representatives but has arbitrarily prevented the National Assembly from assuming its rightful and sovereign role. The people of East Bengal are being sought to be suppressed by the naked use of force, by bayonets, machine guns, tanks, artillery and aircraft.

The Government and people of India have always desired and worked for peaceful, normal and fraternal relations with Pakistan. However, situated as India is and bound as the peoples of the sub-continent are by centuries old ties of history, culture and tradition, This House cannot remain indifferent to the macabre tragedy being enacted so close to our border. Throughout the length and breadth of our land, our people have condemned, in unmistakable terms, the atrocities now being perpetrated on an unprecedented scale upon an unarmed and innocent people.

This House expresses its profound sympathy for and solidarity with the people of East Bengal in their struggle for a democratic way of life.

Bearing in mind the permanent interests which India has in peace, and committed as we are to uphold and defend human rights, this House demands immediate cessation of the use of force and the massacre of defenceless people. This House calls upon all peoples and Governments of the World to take urgent and constructive steps to prevail upon the Government of Pakistan to put an end immediately to the systematic decimation of people which amounts to genocide.

This House records its profound conviction that the historic upsurge of the 75 million people of East Bengal will triumph. The House wishes to assure them that their struggle and sacrifices will receive the wholehearted sympathy and support of the people of India."

The resolution was later adopted by the House unanimously.

Sale of Arms by Britain to South Africa

A Starred Question (S.Q. No.1) regarding "Britain's decision to sell arms to South Africa even before the Study Group set up by the Conference of Commonwealth Countries could examine the issue and the steps Government propose to take against this unilateral decision" was asked in the House by Sarvashri Ajit Singh and Shashi Bhushan on March 29, 1971."

In reply, the Minister of External Affairs, Sardar Swaran Singh stated that Britain's decision to sell arms to South Africa, announced even before a meeting of the Study Group could take place, has in his opinion, rendered the work of the Study Group infructuous and Government of India had, therefore, withdrawn from the Study Group. The Government were in touch with other Commonwealth Countries to concert further steps, both within and outside the Commonwealth, to oppose the supply of arms to South Africa.

Rejecting the suggestion made by a Member that India should quit the Commonwealth, he said: "We do not feel that at the present moment it will be in our interest or in the interest of the Afro-Asian and Caribbean Members of the Commonwealth that we take a decision to this effect, without further consultation with them."

The Question Hour

Receipt of Notices of Questions

The Fifth Lok Sabha was constituted with effect from March 15, 1971 and Summons for the commencement of the First Session from March 19, 1971 were also issued to the Members same day. Since the period of notice for questions for the sittings of the Lok Sabha from March 24 to 27, 1971 fell short of 10 clear days, the Question Hour was allotted for five sittings of the Lok Sabha from March 29, 1971 upto the April 2, 1971 when the Session was terminated.

The following is the break-up of the total number of notices of questions received for the above said days:—

Starred.....	472
Unstarred.....	49
Short Notice.....	86

607

¹¹For discussion in Rajya Sabha, see p. 147 *infra*.

Admission of Questions

Out of the 521 notices of Starred and Unstarred Questions, 118 were admitted as Starred and 219 as Unstarred, the number of admitted questions representing about 64.68 per cent of the total number of notices received.

Short Notice Questions

Out of a total of 86 notices of Short Notice Questions received, 3 were admitted and put on the Order Paper. All the three were orally answered on the floor of the House. The admitted Short Notice Questions covered the Ministries of Finance, Petroleum, Chemicals and non-Ferrous Metals, and Railways.

Daily average of Questions

The daily average of questions in the Starred and Unstarred Lists came to about 24 and 44 questions as against the maximum limit of 30 and 200 questions respectively. Out of an average of 24 questions included in the Starred List for a day, 10 questions on an average were orally answered on the floor of the House daily. The minimum number of questions orally answered was 8 on March 31, 1971 and the maximum was 12 on March 30, 1971.

Half-an-Hour Discussions

Two notices for raising Half-an-hour Discussions were tabled by Members. However, in view of more urgent business to be disposed of by the House, no notice was considered for admission during the Session.

RAJYA SABHA

Seventy-Fifth Session*

The Seventy-fifth Session of the Rajya Sabha which commenced on March 23, 1971 adjourned *sine die* on April 7, 1971. During the Session, the House held 13 sittings aggregating to 68 hours and 29 minutes. Some of the important discussions held and other business transacted by the House during the Session are briefly mentioned below:—

*Prepared by the Research Unit, Rajya Sabha Secretariat.

Lock-out in the Indian Airlines

On March 24, Shri A. G. Kulkarni called the attention of the Minister of Tourism and Civil Aviation to the lock-out in the Indian Airlines.¹

The Deputy Minister in the Ministry of Tourism and Civil Aviation. (Dr. (Smt.) Sarojini Mahishi, who made a statement, said *inter alia*, that the extreme step was taken after a careful consideration of all factors involved and when the Management was fully convinced that there was no other course left open to them. For some years past, the labour situation in the Indian Airlines had been very unsatisfactory, and some sections of employees had launched or threatened to launch agitations and strikes to pressurize the Management to concede to their demands. It had never been the desire of the Management or the Government, to resort to a permanent lock-out as the main objective of the Airlines had been to serve the people in the best possible manner.

Motion of Thanks on the President's Address

On March 24, 1971, Shrimati Purabi Mukhopadhyay moved that an Address be presented to the President in the following terms:—

"That the Members of the Rajya Sabha assembled in this Session are deeply grateful to the President for the Address² which he has been pleased to deliver to both Houses of Parliament assembled together on the 23rd March, 1971."

¹For discussion in Lok Sabha, see p. 132 *supra*.

²A copy of the Address was laid on the Table of the Rajya Sabha on 23rd March, 1971. The discussion on the motion continued for 3 days viz. 24th March, 1st April and 5th April, 1971.

The members who took part in the debate were: Dr. Z. A. Ahmad, Sarvashri S. R. Vasavada, Sundar Singh Bhandari, A. G. Kulkarni, A. P. Jain, Raj Narain, Niren Ghosh, Dahyabhai Patel, Sriman Prafulla Goswami, Banka Behary Das, M. S. Gurupadaswamy, P. C. Mitra, A. K. A. Abdul Samad, Mohamod Usman, Dwijendralal Sen Gupta, Shrimati Pratibha Singh, Sarvashri A. D. Mani, Sheel Bhadra Yajee, Jagdish Prasad Mathur, Shyam Lal Yadav, H. R. Gokhale, Ganga Sharan Sinha, Mahavir Tyagi, Krishan Kant, Thillai Villa'an, V. B. Raju, Shrimati Yasoda Reddy, Shri Bipinpal Das, Sardar Narinder Singh Brar, Shri Nawal Kishore, Dr. (Smt.) Mangla Devi Talwar, Sarvashri M. N. Kaul, K. S. Malle Gowda, Sukhdev Prasad and Hamid Ali Schamnad.

For discussion in Lok Sabha, see p. 124 *supra*.

The Member, initiating the discussion, said that Shrimati Indira Gandhi, the architect of democratic India, had triumphed over all the vilification, all the mudslinging and all the manipulations of the "Grand Alliance". The period of uncertainty in India was over. A resolution was passed by the "Syndicate Working Committee" expelling Shrimati Indira Gandhi from the party, but the people had given their verdict. The people who tried to expel her from the Congress had themselves been expelled from the political scene of India. The people had stood by the great leader, the unquestioned leader of the nation, Shrimati Indira Gandhi, and had extended their support to all her programmes and policies to ameliorate the distress of the poor people. The Government should try to save the country from the clutches of the dark forces, from the clutches of the right reactionaries, from the clutches of the left adventurist . . . The Member also requested the Prime Minister to introduce the Bill for the abolition of the Privy Purses.

The Prime Minister, Shrimati Indira Gandhi, replying to the debate, said that as a result of the General Election, a new picture of the country had emerged. The people had clearly voted for those programmes which would bring about their welfare. The President, in his Address, had reminded them about the fulfilment of the people's hopes and had given a brief outline of the programmes which would be taken up as there was neither sufficient time, nor proper occasion for it. The President had said that his Government was firmly committed to the implementation of the economic and social transformation outlined in the manifesto of the ruling party. For implementing its programmes, the Government needed the co-operation of the people and other political parties. The Government had always endeavoured to hold talks with the Leaders of the Opposition thrice to discuss various issues which had cropped up during the short time. The Prime Minister praised them for their understanding of the East Bengal issue and for their full co-operation in the matter. There were economic disparities and concentration of wealth in the country. Therefore, the Government had to see which thing was more important and which was less important. Planning consisted of fixation of priorities . . . The question was not of changing the direction; the question was not also of changing the priorities; the question was how speedily the programmes were implemented.

The Railway Budget (1971-72)¹ General Discussion

On March 25, 1971, Shri T. V. Anandan, raising a general discussion on the Railway Budget said that undue expansion of railways would ultimately ruin the economy of the country. He suggested that the Government must nationalise roadways so that there might be better co-ordination between the road transport and the railways. He urged that the Government should have uniform fare all over India. He also pleaded that the electrification between Vijaywada and Madras should be given immediate attention as the scheme had been sanctioned and included in the Fourth Plan.

The Minister of Railways, Shri K. Hanumanthaiya, replying to the discussion, said that one of the reasons why the Railway had incurred a loss was the competition between the roadways and the Railways. It was expected that the nationalised roadways and the State-owned railways would come to some understanding so that they could supplement each other's efforts without giving room or occasion for incurring a loss. . . . The State Government had nationalised the roadways but they had given route licences to compete with the Railways. No serious attempt had been made to see that those two public undertakings, one at the Centre and the other in the States, so co-ordinated their efforts as to make both earn profits. The railway transport had not been satisfactory. The pilferage and the damage were such that more and more people who wanted to transport their goods, transferred their patronage to roadways.

The new Government was very particular to see that a new policy of labour relations was evolved. The labour laws that had been made and the practices and procedures that had been evolved, were out of date as they were made under the presumption that workers were being exploited. The laws held good in the olden days. But, where exploitation was not the aim, as was the case of the public undertakings in India, if the labour unions adopted the age-old 19th century methods of demonstration and agitation, it would not work. Certain labour unions adopted courses which were highly detrimental to the interests of the workers themselves.

¹Laid on the Table of the Rajya Sabha on 23rd March 1971. Other Members who participated in the discussion were: Sarvashri Arjun Arora, Man Singh Varma, Golap Barbora, Baharual Islam, Monoranjan Roy, G. A. Appan and Dr. Salig Ram.

For discussion in Lok Sabha, see p. 130 *supra*.

The Budget (General), 1971-72⁴

Shri N. R. Muniswamy, initiating the discussion, said that it was a bald Budget and Members were at a loss to see what suggestions they could make. The basic approach of the Budget was that there should be economic growth with social justice. These were the two pillars on which the entire Budget Speech was framed, but the directions to achieve the economic growth with social justice were nowhere to be found. The problem of unemployment and eradication of poverty were not peculiar to India alone. The unemployment problem existed all over the World. It was impossible to eradicate poverty altogether, the population explosion being so enormous. So far as production was concerned, it was no use creating so many things without causing adequate circumstances to produce.

The Minister of Finance, Shri Y. B. Chavan, replying to the debate, said that the Government was committed to certain major directions as a result of the mandate received from the people. Though the word socialism was not exactly mentioned in the President's Address, mainly, there were two things to be done. One was the removal of the disparity of incomes in the economy and the other was the question of tackling the problem of unemployment. That was exactly what they meant by the slogan of abolition of poverty. In doing so, the Government would have to review the whole economic situation and the measures which had been taken till then, besides making the necessary reappraisal of the Plan. . . .

The whole country was concerned about the problem of unemployment and the Government was more particularly concerned about it. The mandate given by the electorate particularly reflected the urge of the young for progressive economic policies and progressive social policies. Naturally, that would be the first priority. So far as the price rise was concerned, some important things would have to be done. The right investment policy, the right credit policy and the right fiscal policy would have to be framed. It would have to be seen that the country's agricultural and industrial production picked up

⁴Laid on the Table of the Rajya Sabha on 24th March, 1971. The discussion took place on March 27 and 29, 1971. The following members took part in discussion: Sarvashri N. R. Muniswami, Gulam Nabi Untoo, Dr. Bhai Mahavir, Sarvashri S. G. Sardesai, Mahabir Das, Babubhai M. Chinal, Golap Barborra, Sallil Kumar Ganguli, Shyam Lal Yadav and Shri V. B. Raju.

For discussion in Lok Sabha, see p. 128 *supra*.

very quickly. A normal increase in price every year was not a very serious thing to complain about. But this sort of uncontrolled, unchecked and unrestrained rise in prices should not be there.

The Appropriation (Railways) Vote on Account Bill, 1971 and the Appropriation (Railways) Bill, 1971

On March 27, 1971, the Minister of Railways, Shri K. Hanumanthaiya moved the following motions⁵:—

“That the Bill to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1971-72 for the purposes of Railways, as passed by the Lok Sabha, be taken into consideration.”

“That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1970-71 for the purposes of Railways, as passed by the Lok Sabha, be taken into consideration.”

Replying to the debate, the Minister said that many Members had spoken of losses in the Railways. It was true that the Railways were running at a loss but certain aspects had to be taken into account before blaming the Railways for deficits. It should be kept in mind that the Railways were assisting, by way of subsidised rates, the transport of food-grains, coal, salt, etc. and also the suburban passengers. These subsidised rates involved an amount of Rs. 80 crores or so. If these sectors of the economy paid the rate which the other sectors did, the Railways would easily get an additional income of Rs. 80 crores.

The motions for consideration of the Bills were adopted on March 27, 1971 and the Bills were returned on the same day.

The Appropriation Bill, 1971

On March 27, 1971, the Deputy Minister in the Ministry of Finance, Shri K. R. Ganesh, moved the following motion:—

“That the Bill⁶ to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1970-71, as passed by the Lok Sabha, be taken into consideration”.

⁵These Bills, having been passed by the Lok Sabha, were transmitted to the Rajya Sabha and were laid on the Table of the Rajya Sabha, on March 25, 1971.

⁶The Bill, having been passed by the Lok Sabha, was transmitted to the Rajya Sabha and laid on the Table on 23th March, 1971.

Replying to the debate, the Minister said that the entire working of the Indian Airlines Corporation had been mentioned during the debate. The House had also the opportunity to discuss the lock-out and the tragic incident that took place at Palam. The Deputy Minister assured the House that all efforts were being made by the Government to bring about an amicable settlement in order to lift the lock-out and relieve the harassed travelling public in pursuance of the policy of having cordial relations with the employees, enunciated by the President in his Address. The Labour Minister and the Minister of Civil Aviation were engaged in tripartite discussion with the help of the Chief Labour Commissioner and it was hoped that in the shortest possible time, a settlement would be reached.

The Government meant to keep its pledges given to the nation. This massive support that had been given to the ruling party was for implementing the programme which it had placed before the people. The Government wanted to carry forward that programme and keep its pledges to the people.

The motion for the consideration of the Bill was adopted on March 27, 1971, and the Bill was returned the same day.

The Finance Bill, 1971

The Minister of Finance, Shri Y. B. Chavan, moving the motion for consideration of the Bill⁷ on March 31, 1971, said that the Bill merely sought to continue the existing tax structure for the financial year 1971-72, subject to certain modifications in relation to income-tax. The incomes of the financial year 1971-72 would fall due for assessment in the assessment year 1971-72. Accordingly, the same rates were being prescribed for the purpose of assessment during the year 1971-72. The Minister expressed the hope that the proposals in the short Bill would receive the unanimous approval of the House.

Replying to the debate, the Minister said that he generally agreed with the basic perspective that all their efforts would have to be concentrated on the twin problems of poverty and unemployment. For that purpose it would be desirable to ensure that legislative, administrative and financial policies were formulated and implemented in a co-ordinated manner. Under the conditions obtaining in India, the only course left open to solve the economic problems was through the

⁷The Bill, having been passed by the Lok Sabha, was transmitted to the Rajya Sabha and laid on the Table on 29th March, 1971.

policy of democratic socialism. Referring to Defence expenditure, the Minister added that it depended upon the actual defence requirements of the country from time to time.

The motion for the consideration of the Bill was adopted on March 31, 1971 and the Bill was returned on the same day.

Decision of the British Government to sell Helicopters and Weapons to South Africa

On March 25, 1971, Shri M. K. Mohta called the attention of the Minister of External Affairs to the reported decision of the U.K. Government to sell helicopters and other weapons to South Africa even before the Eight-Member Study Group, appointed by the Commonwealth Prime Ministers' Conference held in January, 1971 at Singapore, had undertaken any study on the subject.⁸

The Minister of External Affairs, Sardar Swaran Singh who made a statement, said that all aspects of the situation arising out of the proposed supply of arms by Britain to South Africa were considered at great length at the Commonwealth Prime Ministers' Conference held in Singapore in January, 1971. The debate, at one stage, threatened to break up the Commonwealth and it was in that context that a decision was taken to set up a Study Group of 8 members including India. India accepted membership of the Study Group on the understanding that the question would be considered in relation to its impact on the Commonwealth. The British Government took a decision to sell certain quantities of arms to South Africa and announced that it had conveyed the decision to the South African Government even before the Study Group could meet. In view of the unilateral action of the British Government, the Government of India informed the Commonwealth Secretariat of its inability to participate in the Study Group.

Replying to the points raised by hon. Members, the Minister said that there was a U.N. resolution which called upon all member-countries of the United Nations not supply arms to South Africa. That matter could also be raised in the United Nations although the previous record of South Africa was that they had paid scant attention to the resolutions of the United Nations. The matter had been before the U.N. General Assembly who had already expressed their view in very clear and categorical terms, disapproving of the supply of arms

⁸For discussion in Lok Sabha, see p. 139 *supra*.

to South Africa by any member-country. The matter was expected to come up again in the General Assembly session but there was no prospect of holding a special session of the U.N. for that purpose. Excepting Australia and, to a certain extent, New Zealand, almost all the other member-countries of the Commonwealth were opposed to the British proposal of supply of arms to South Africa.

Statement by Minister regarding Latest Developments in Pakistan

On March 27, 1971, the Minister of External Affairs, Sardar Swaran Singh, made a statement regarding the latest developments in Pakistan. He said that the Government and the people of India had always entertained the friendliest of feelings for the people of Pakistan. The Government had, therefore, hoped that a democratic evolution in Pakistan would follow in natural course and that the elected representatives would evolve a Constitution reflecting the urges of the vast majority of the people expressed through the elections held in December, 1970. Instead of peaceful evolution, there was a bloody conflict. According to reports received by the Government, the Pakistan Army had started taking action on the midnight of March 25 and 26 against the units of the East Pakistan Rifles, the provincial police and the people. The reports were that casualties had been heavy. Complete censorship of all news, Radio and Television programmes was imposed.

Replying to the points raised by hon. Members, the Prime Minister, Shrimati Indira Gandhi, said that the House was aware that the Government had to act within certain international norms. It was good to see that the various Parties in Parliament had expressed certain views. The Government was not unaware of what was taking place in East Pakistan and of what it meant not only to the people there but the danger that it held for India, not for any one part of this country, but for the entire country. So the Government were interested in the matter for many reasons. Sheikh Mujibur Rahman had stood for the values which the people of India cherished,—the values of democracy, the values of secularism and the values of socialism. The Government were no less full of sorrow and grave concern and, even agony, at what was happening there but whatever the Government might or might not be able to do, it would not be wise if it became a matter for public debate. The purpose of the discussion was that the Government should know the Members' minds and hear their suggestions.

tions. The Government was as closely in touch with the happenings in East Bengal as was possible in that situation and hoped to keep closely in touch with the Leaders of the Opposition as well as other Members

On March 31, 1971, the Prime Minister, Shrimati Indira Gandhi, moved a Resolution on developments in East Bengal, identical to that moved in Lok Sabha⁹ and adopted by that House. The Resolution was adopted unanimously by the House.

Surplus Ballot Papers Found in Chandigarh

On March 31, 1971, Shri N. R. Muniswamy called the attention of the Minister of Law and Justice to the results of the enquiry conducted by the Deputy Chief Election Commissioner on the surplus Ballot Papers found in Chandigarh.

The Minister of Law and Justice, Shri H. R. Gokhale, who made a statement on the subject, said that the total number of ballot papers required to be printed for all the 23 constituencies together was 1,18,61,800 while the actual number of ballot papers printed was 1,21,14,431. There was thus a surplus of 2,52,631 ballot papers for all the constituencies put together which worked out to 2 per cent in excess of the actual number required. The Controller of Printing, Chandigarh, had issued a written direction on February 15, 1971 that after the completion of the printing of ballot papers, waste papers should be destroyed in the presence of the Assistant Controller of Printing. Unfortunately, this direction was not carried out. Some of the surplus ballot papers, which were treated as waste were left in the waste paper shed attached to the Press. It was clear from the above that about 2.5 lakhs of surplus ballot papers were printed for the 23 parliamentary constituencies in Punjab, Chandigarh and Haryana in accordance with the usual procedure adopted in the States for the printing of ballot papers. Some of the surplus ballot papers, which were treated as waste, were allowed to be removed by the waste paper contractor after 15th March, 1971 when the voting in the Fifth General Election, the counting of the votes and the declaration of the results were over. But, these surplus ballot papers did not in any way affect or influence the poll. The Minister had no doubt that the Election Commission would hold proper enquiry and punish those who were found guilty.¹⁰

⁹For discussion in Lok Sabha and text of the Resolution, see pp.38 supra

¹⁰For discussion in Lok Sabha, see p. 138 supra.

U.K Immigration Bill

On April 1, 1971, Shri V. B. Raju called the attention of the Minister of External Affairs to the U.K. Immigration Bill and its objectionable features, particularly those affecting persons of Indian origin.

Making a statement thereon, the Minister of External Affairs, Sardar Swaran Singh, said that the proposed British legislation on immigration had been carefully examined by the Government. Some of its features caused concern. The Bill had racial overtones. It introduced the concept of "Patrials" as a privileged category for purposes of immigration. Its effect would be to discourage the flow of coloured immigrants into Britain. Its enactment would make conditions more difficult for coloured immigrants. The Bill took away certain rights enjoyed by Commonwealth citizens in Britain. It contained a number of new restrictive provisions such as compulsory registration with the police, deportation without trial or appeal and work vouchers tying the prospective immigrant to a specific job at a particular place and for a specified period only.

Replying to the points raised by hon. Members, the Minister said that there was a risk of persons already settled in U.K. also being harrassed because in each individual case it would have to be found out if he had the right of abode or not. The Government of India had taken up the matter with the British Government precisely to find out suitable methods by which undue harrassment could be avoided. A suggestion has been made that a conference of Commonwealth countries should be convened. The things were moving so fast that the problem might be outstripped by events, and by the time that Commonwealth Conference was convened, the Bill might become an Act. The Government had, therefore, taken up the matter with the British Government. The best that it could do was to keep the other interests in the Commonwealth countries also informed so that they may exercise some influence on the British Government.

Other Legislative Business

The legislative business of the Rajya Sabha during the Session consisted, *inter alia*, of the following important measures:

1. **The Imports and Exports (Control) Amendment Bill, 1971**

On March 25, 1971, the Minister of Foreign Trade, Shri L. N. Mishra, moving the motion for consideration of the Bill¹¹, said that

¹¹The Bill was introduced on March 24, 1971, in the Rajya Sabha.

the Bill sought to continue the powers to prohibit or control imports and exports. The need for the Central Government to have legislative powers to control the foreign trade of the country was as great as it had been in 1947 when the measures had first been enacted. The country had embarked on an ambitious Fourth Five Year Plan. The country was progressing towards industrialisation rapidly. The defence requirements also were much more than in the past. The need to conserve foreign exchange was, therefore, imperative and the position had to be watched closely and continuously to ensure optimum utilisation of the available foreign exchange resources for the purchase of goods required to sustain industrialisation, to protect the indigenous industry and to meet essential requirements of defence and export-oriented industries. On the export side, it was necessary to ensure healthy practices in the country's foreign trade and to safeguard the interest of the country in respect of items primarily required for home consumption. The Imports and Exports (Control) Act would cease to have effect after March 31, 1971, from which date there would be no legislative sanction for the continuance of the import and export control. The Government, therefore, proposed to extend the life of the Act on a permanent basis.

Replying to the debate, the Minister said that he was in agreement with most of the Members when they suggested that the Government should progressively take over the foreign trade of the country in the public sector. So far as import was concerned, the Government intended taking it over progressively and by the time the financial year was out, about 70 per cent of the imports would be in the State Sector. So far as exports were concerned, the Government wanted to encourage the private sector also but there would be no restraint on the role to be played by the public sector organisations. On the other hand, the Government intended to give all possible encouragement to the public sector organisations to expand their activities in export trade also.

The motion for consideration of the Bill was adopted on March 25, 1971, and the Bill was passed on the same day.

The State of Himachal Pradesh (Amendment) Bill, 1971

The Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, moving the motion for consideration of the Bill,¹² said that it

¹²The Bill having been passed by the Lok Sabha, and transmitted to the Rajya Sabha, was laid on the Table on 2nd April, 1971.

was a small Bill which had been passed by the Lok Sabha on April 2, 1971. The Bill sought to replace the State of Himachal Pradesh (Amendment) Ordinance, 1971 which was promulgated on January 5, 1971. When the House passed the State of Himachal Pradesh Bill in December, 1970, it was assumed that the Fourth Lok Sabha would be dissolved after the new State of Himachal Pradesh had come into existence. Subsequent developments, however, belied that assumption and the country had to go in for a General Election to the Lok Sabha immediately after the passing of the Bill. The Parliamentary constituencies had to be delimited before the election. The law had therefore, to be changed to provide for the six persons who were Members of the dissolved Lok Sabha being associated with the Election Commission for delimiting the Parliamentary constituencies.

Replying to the debate, the Minister said that the House had earlier discussed the question relating to the grant of Statehood to Delhi, Telengana and other parts of the country. The question of granting full Statehood to Delhi had been discussed at length in the House and the Government had given reasons very elaborately as to why full Statehood could not be granted to Delhi. While deciding whether other parts of the country should be given full Statehood, the Government took into consideration three things—revenue, area and population.

The motion for consideration of the Bill was adopted on April 6, and the Bill was passed the same day.

STATES

[Period: 1st November, 1970 to 31st January, 1971]

Andhra Pradesh

During the Winter Session of the Andhra Pradesh Legislative Assembly held from November 26 to December 18, 1970, there were actually 19 sittings of the House.

The House discussed and passed 8 Government Bills. Out of 1007 notices of Questions received, 171 were admitted as starred, 161 as unstarred and 45 as Short Notice Questions. 99 Short Notice Questions were admitted as ordinary Questions—48 starred and 51 unstarred.

The Estimates Committee, Committee on Subordinate Legislation, Committee on Government Assurances and the Committee of Privileges held 17, 8, 4 and 3 sittings respectively during the period under review. Only the Committee on Subordinate Legislation presented one Report to the House.

Bihar

The Bihar Vidhan Sabha met from November 27 to December 18, 1970 and the number of sittings was 11. Five Government Bills were passed during the Session. Notices of 689 starred, 535 unstarred and 615 Short Notice Questions had been received out of which 474, 458 and 336, respectively were admitted. All the Committees of the House, except the House Committee and the Rules Committee, met during the period. The number of reports presented by these Committees were—5 by the Business Advisory Committee, 11 by the Estimates Committee, 2 by the Subordinate Legislation Committee and 1 by the Privileges Committee.

The 45th Session of the Bihar Legislative Council which met from December 3 to 21, 1970, consisted of 11 sittings. The House passed 2 Bills during the Session. Out of 767 notices of Starred Questions and 73 of Short Notice Questions, 479 Starred and 27 Short Notice Questions were admitted. 50 Starred Questions were admitted as Unstarred Questions. During the period under review, the Business Advisory Committee and the Petitions Committee presented 3 and 1 report respectively.

Gujarat

The Ninth Session of the Gujarat Legislative Assembly was held from November 16 to December 3, 1970 and the number of sittings was 13 aggregating to 65 hrs. and 40 minutes.

Legislative Business

15 Government Bills were pending before the House at the beginning of the Session and 10 fresh Bills were introduced. Only 10 Bills were discussed and passed by the House during the Session. With 23 Private Members' Bills pending before the House and one more introduced during the Session, the number of these Bills rose to 24. While one Bill was negatived, one was withdrawn by the mover. 22 Bills were still pending when the Session concluded.

Call Attention Notices

During the Session, 72 notices Calling Attention to matters of urgent Public importance were tabled. 23 of these were admitted. By clubbing together notices on similar subjects, the number was reduced to 9 on which the Ministers concerned made statements.

Questions

Out of 1133 notices of Starred Questions received, 667 were admitted and answers given to 625 Questions. The number of unstarred Questions received was 802, out of which 411 were admitted and 350 replied to. So far as the Short Notice Questions were concerned, the number received, admitted and replied was 56, 17 and 9 respectively.

Committees at work

Almost all the Committees of the Vidhan Sabha remained active during the period under review. The Business Advisory Committee had 3 sittings in all and presented 3 reports. The Private Member's Business Committee met for 2 days and submitted 2 reports. The Public Accounts Committee held 2 sittings and presented its Fifth Report to the House. The Estimates Committee presented 7 Reports, viz., 10th to 13th and 15th to 17th. The Privileges Committee presented 6 Reports—7th to 12th Report to the House during this period. The Public Undertakings Committee presented the Fourth and the Fifth Reports. The Committees on Subordinate Legislation, Rules and the Assurances presented one report each.

Financial Business

A Supplementary Statement of Expenditure amounting to Rs. 43,31,36,236 and a Statement of Excess Expenditure amounting to Rs. 2,48,65,656 were presented to the House on November 16, 1970. The Demands pertaining to the former were discussed on November 23 and 24, 1970 and those pertaining to the latter on November 25, 1970.

Kerala

The First Session of the Fourth Kerala Legislative Assembly began on October 22, 1970 and was prorogued by the Governor on November 14, 1970. There were in all 14 sittings of the House during the Session.

Oath or Affirmation

Being the first session of the House after the elections to the State Assembly, all the members made oath or affirmation under Article 188 of the Constitution before Shri T. A. Majid who had been appointed Speaker *pro tem* by the Governor.

Election of Presiding Officers

Shri K. Moideenkutty Haji was elected as the Speaker of the State Assembly on October 22, 1970, having secured 70 votes as against his opponent, Shri A. C. Chacko who got 64. Shri R. S. Unni was elected as the Deputy Speaker on October 30, 1970 in a contest in which his rival, Shri V. K. Gopinathan lost. The voting figures were the same as in the case of the Speaker's election.

Governor's Address

The Governor addressed the members of the Legislative Assembly on October 22 at 5 p.m. The discussion on the Governor's Address commenced on October 27 and continued on October 28 and 30, 1970. The Motion of Thanks was adopted on October 30.

Questions

Out of 1347 questions received from the Members, 1055 were admitted. Answers were orally given or laid on the Table for 664 questions. Besides, 27 Short Notice Questions were received during the Session of which five were admitted and answered.

Legislation

The legislative business was transacted by the Assembly for eight days. During this period, 10 Bills were passed and one Bill was referred to a Select Committee.

Private Member's Business

One Private Member's Bill—the Kerala Granthasala Bill, 1970—was introduced during the Session. Four non-official resolutions were discussed during the session, of which one was adopted without amendment, two were adopted with amendments and one was put to vote and declared lost.

Reports of Committees

During the Session, the Business Advisory Committee and the Committee on Private Members' Bills and Resolutions presented two Reports each to the House which were adopted.

Madhya Pradesh

The Madhya Pradesh Vidhan Sabha commenced its session on December 23, 1970. Four sittings aggregating to 20 hours were held during the period before it was prorogued on the 29th December, 1970.

Legislative Business

Six Government Bills were introduced during the session out of which 5 Bills sought replacement of the Ordinances promulgated during the inter-session period.

Questions

Out of 1050 notices received, a total of 406 Questions were admitted. This included 261 Starred and 145 Unstarred Questions. 42 Questions were answered orally on the floor of the House.

Financial Business

The Minister of State for Finance, presented the second Statement of supplementary demands for 1970-71 on December 24, 1970 which were voted by the Vidhan Sabha on December 28, 1970.

Reports of the Committees

The First Report of the Business Advisory Committee was adopted by the House on December 23, 1970. The Fourteenth Report of the Committee on Private Members Bills and Resolutions was adopted by the House on December 28, 1970. During the period under review, the Committee on Assurances and the Committee on Privileges also presented the Fifth and the Fourteenth Reports, respectively.

Discussion on the Reports of State Vigilance Commission

On December 29, 1970, the House discussed the Second and Third Reports of the Madhya Pradesh State Vigilance Commission relating to the period from 1st April, 1965 to 31st March, 1966 and from 1st April, 1966 to 31st March, 1967 respectively.

Discussion on the Statement of Food and Agriculture Minister

On December 29, 1970, a Jana Sangh member, initiated dis- by the Minister for Food and Agriculture on December 26, 1970 regarding the purchase of paddy.

Discussion on the Nationalisation of Forest Produce

On December 29, 1970, a Jana Sangh member initiated discussion on the nationalisation of Forest Produce.

Maharashtra

Both Houses of the Maharashtra Legislature met for their Winter Session from December 7 to 31, 1970. While the Legislative Assembly held 18 sittings in all, the number of sittings of the Legislative Council was 14.

Legislative Work

During the Session, 20 Government Bills (including 5 Bills passed by the Legislative Council and transmitted to the Assembly) were passed by the Legislative Assembly. The Legislative Council passed 15 Government Bills which included 13 Bills passed in the Assembly and transmitted to the Council.

Questions

In the Legislative Assembly, the number of Starred, Unstarred and Short Notice Questions received was 4416, 53 and 205 while

the number admitted was 2459, 38 and 71, respectively. In the Legislative Council, the number of Starred Questions received was 505, out of which 295 were admitted and 3 Starred Questions were admitted as Unstarred. Out of 20 Short Notice Questions received, 7 were admitted.

Committees at work

The two Financial Committees, viz., The Estimates Committee and the Public Accounts Committee, presented 2 reports each during the period under review. The Estimates Committee also held 5 sittings during the period. The Committees on Government Assurances of both Houses held 3 sittings each but only the Assembly Committee presented one report to the House. Though the Committee on Public Undertakings held one sitting, no report was presented. The Committee on Subordinate Legislation held 3 sittings and presented one report. The Rules Committee of both the Houses presented one Report each.

Mysore

The Ninth Session of the Mysore Legislative Assembly and the Thirtieth Session of the Mysore Legislative Council began on December 23, 1970. While the Assembly adjourned *sine die* on December 26, the Council adjourned two days later, on December 28. The actual number of sittings of the Assembly was three and that of the Council four.

This Session of the Legislative had been called specially to consider "the situation arising out of placing of the report of the commission on Maharashtra-Mysore-Kerala boundary dispute before the two Houses of Parliament." A motion on this issue under Rule 146 of the Rules of Procedure and Conduct of Business was moved in the Mysore Legislative Assembly on December 24, 1970 by the Chief Minister, Shri Veerendra Patil. Substitute motions were also moved by 8 members of the Assembly.

A substitute motion was also moved by the Chief Minister on December 26 in the following words:

"This House notes with deep regret that in spite of the continued efforts of the State Government and the successive delegations of the Members of the Mysore Legislature and of the public of this State, the Union Government has failed to take steps for implementation of the Mahajan Commission Report

And views with great anxiety the action of the Union Government in laying the Report on the table of the two Houses of Parliament unaccompanied by any substantive resolution or Bill incorporating the recommendations of the said Report.

And in order that justice may not be denied to the Mysore State;

Hereby earnestly urges the Union Government even now to introduce in, and secure its adoption by, the two Houses of Parliament, of a Bill for implementing all the recommendations of the said Report.

And recognising that Parliament is the sovereign authority to take any decision in the matter.

Earnestly requests Parliament to secure implementation of the recommendations contained in the said Report in view of the fact that an eminent jurist and illustrious Chief Justice of the highest Court of our land has reached his conclusions after taking all the facts into consideration.

And appeals to the people of the State and particularly the youth to have faith and trust in the Parliament to desist from any agitational approach which would not only result in breach of peace endangering life and property but also harm the very cause for which we are striving."

The House discussed the original as well as the substitute motions for two days, i.e., on December 24 and 26. 35 members participated in the debate. The Chief Minister's substitute motion was adopted when put to vote on December 26 after he had replied to the debate. Earlier, the substitute motions moved by 8 members were put to vote and lost.

When the Legislative Council met on December 23, it made an obituary reference to the demise of Shri R. B. Naik, Chairman of the Council. On December 26, the Council elected Shri G. V. Hallikeri unanimously as Chairman.

On December 24, 1970, Shri Ramakrishna Hegde, Minister for Finance, moved a motion identical to that moved in the Legislative Assembly by the Chief Minister on the Maharashtra-Mysore-Kerala boundary dispute. On December 26, he moved a substitute motion identical to that moved in the Assembly by the Chief Minister. On the same day, three other members also moved substitute motions on the subject. The House discussed the original as well as the substitute motions for two days, i.e., on December 26 and 28, 1970 and 15 members participated in the discussion. On December 28, 1970, the Minister for Education replied to the debate.

The substitute motion moved by the Minister for Finance was adopted when put to vote.

Punjab

The Punjab Vidhan Sabha met from January 15 to 29, 1971 for its Winter Session. The Governor, Dr. D. C. Pavate, addressed the Members of the Vidhan Sabha on January 15. The actual number of sittings held was 11.

Legislative Business

During the Session, 9 Government Bills were introduced in the House and passed. No Private Members Bill was either introduced or passed.

Questions

The number of notices of Starred, Unstarred and Short Notice Questions received was 644, 198 and 6 respectively while the number of Questions admitted was 413 starred and 94 unstarred. No Short Notice Question was admitted.

Committees at work

All important Committees of the House held their sittings during the Session. The number of sittings held by Public Accounts Committee was 13, Estimates Committee—16, Committee on Government Assurances—10, Committee on Subordinate Legislation—4, Committee on Privileges—9, Business Advisory Committee—2, Rules Committee—4 and Library Committee—8. The Estimates Committee presented a Report on the Supplementary Estimates for the year 1970-71. The Privileges Committee presented 3 preliminary reports, while the Business Advisory Committee presented 2 reports and the Rules Committee one report.

Tamil Nadu

The Ninth Session of the Fourth Tamil Nadu Assembly was held from November 25 to December 2, 1970. The number of sittings held was 6. The 37th Session of the Tamil Nadu Legislative Council began on November 26 and concluded on December 3, 1970. The number of sittings held by the Council was also 6. The Session was prorogued by the Governor on January 2, 1971.

Legislative Business

During the Session, 9 Government Bills were introduced in the Assembly and passed. The Council received the 9 Bills passed by the Assembly for concurrence or recommendation, as the case might be, and they were accordingly considered by the Council. Seven of these Bills were passed without any amendment, and two were returned to the Assembly without any recommendation. On November 27, the Legislative Council concurred with the Legislative Assembly in setting up a Joint Select Committee of both Houses of the Legislature to consider the Tamil Nadu Town and Country Planning Bill, 1970 (L.A. Bill No. 23 of 1970) and selected 10 Members to serve on the Committee.

One Private Members' Bill, the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1970 moved by Shri G. Swaminathan was considered on November 28 and withdrawn by leave of the House.

Questions

1945 Starred and 32 Short Notice Questions were received. Out of which 1412 Starred and 11 Short Notices Questions were admitted. 118 Starred Questions were admitted as Unstarred Questions.

In the Legislative Council, 470 Starred, one private notice, one short notice and ten unstarred questions were received. 36 starred questions were answered on the floor of the House and answer to one unstarred question was laid on the table of the House.

Committees at Work

Four Committees of the Legislative Assembly, viz., Committee on Estimates, Committee on Public Accounts, Committee on Subordinate Legislation and Committee on Government Assurances held 11, 9, 5 and 3 sittings respectively. Only the Public Accounts Committee presented 2 Reports to the House.

In the Legislative Council, two committees viz., the Business Advisory Committee and the Committee on Government Assurances held 2 and 3 sittings each. Neither of them submitted any Report to the House.

Uttar Pradesh

During the period under review, the U. P. Vidhan Sabha held one Session from December 7 to December 31, 1970. The actual number 140 (C) LS—11.

of days on which the House sat was 13. The Vidhan Parishad met for 14 days during the same period.

Legislative Business

19 Government Bills were passed by the Vidhan Sabha during the period under review. The Vidhan Parishad discussed and passed 18 Government Bills.

Questions

In the Vidhan Sabha, Notices of 1234 Short Notice Questions were received. Out of 412 Questions admitted, 94 were admitted as Short Notice Questions, 313 as Starred and 5 as Unstarred Questions.

In addition to this, 268 Starred Questions were admitted out of 859 for which notices were received. 256 were admitted as Starred and 12 as Unstarred Questions.

In the Vidhan Parishad, notices of 142 Starred, 25 Unstarred and 36 Short Notice Questions were received. The number of questions admitted was 105, 25 and 4 respectively.

Committees at Work

During the period, ten meetings of the Committee on Delegated Legislation, eleven of the Estimates Committee, 5 of the Privileges Committee, 2 of the Petitions Committee and 23 of the Public Accounts Committee, all of the Vidhan Sabha, were held. Out of these, the Privileges Committee presented 5 reports and the Petitions Committee 1.

In the Vidhan Parishad, the following standing committees met for the number of days shown against each: Compilation of Rulings Committee—13, Assurances Committee—8, Privileges Committee—1 and Public Undertakings Committee—1.

POLITICAL AND CONSTITUTIONAL DEVELOPMENTS IN STATES¹

(January 1—March 31, 1971)

Andhra Pradesh

Assembly Votes against its Dissolution

Amidst persistent talk of the imminent dissolution of the Andhra Pradesh Assembly and fresh elections within two months, the House, on March 22, 1971, voted against its dissolution. The issue came before the House in the form of a cut-motion, tabled by an Independent Member, to one of the demands for grants. The motion called for the immediate dissolution of the Assembly on the plea that the Government was "exploiting" the peasants and workers. On a division, the motion was rejected by the House by an overwhelming majority—78 votes against and 11 in its favour.²

Earlier, in response to demands for confirmation or contradiction of the press reports to the effect that the Assembly was to be dissolved, the Chief Minister, Shri K. Brahmananda Reddy, said that the State Government had not till then taken any decision in the matter. Subsequently, on March 27, the Chief Minister announced that there would be no mid-term elections to the Andhra Pradesh Assembly.³

Rival Telengana Praja Samiti Formed

A rival Telengana Praja Samiti was formed at a Convention of the SSP, Congress (O), Swatantra Party and the Republican Party of India in Hyderabad on January 10, 1971. The Convention repudiated the leadership of Dr. M. Chenna Reddy in the movement for a separate State of Telengana. A resolution adopted by the Convention charged Dr. Chenna Reddy with joining hands with the ruling Congress and "betraying the cause of Telengana", and appealed to the people of Telengana not to be misled by the Samiti led by Dr. Reddy.⁴

¹For State-wise performance of the various political parties in the mid-term elections to the Lok Sabha, held in March 1971, see Appendix VII

²*Hindustan Times*, March 23, 1971.

³*Ibid.*, and *The Statesman Weekly*, April, 1971, p. 3.

⁴*Hindustan Times*, January 11, 1971.

Assam**Governor's Right to Vote Questioned: Walk-out by Opposition**

The entire Opposition walked out of the Assam Legislative Assembly on March 9, 1971 boycotting the inaugural address of the Governor Shri B. K. Nehru, who, the Opposition alleged, had "acted as a party man" during the Lok Sabha poll in the State.

As soon as the Assembly met on the opening day of the Budget Session, the Leader of the United Legislature (Opposition) Party, Shri Dulal Barua, charged that the Governor by exercising his vote in the mid-term Lok Sabha poll "in favour of a particular party candidate had proved that he was a party man". Several Opposition members, including the leader of the Communist Group in the House, Shri Phani Bora, supported Shri Barua. Shri Bora also criticised the Governor on the score that just before the polling in Assam, he had written two signed articles with "a slant that favoured a particular party". The Governor, Shri Bora said, had flouted the convention by acting partially, though he was supposed to be an impartial Head of the State. Intervening, the Chief Minister, Shri M. M. Choudhury, said that as a citizen of India the Governor had the constitutional right to vote in favour of any candidate and could also express his views in his individual capacity. The Speaker ruled that the Governor's action in exercising his right to vote was not contrary to the provisions of the Constitution. As regards the second point he held that the articles in question were not before the House and the matter could be discussed under a separate motion. These explanations, however, did not satisfy the Opposition and as soon as the Governor, who had in the meanwhile entered the House, stood up to read the Address, the Opposition members started shouting slogans and walked out of the House en bloc. Later, they returned and resumed their seats after the Governor had left the House.⁵

Bihar**New Governor sworn-in**

Shri Dev Kant Barooah was sworn-in as the new Governor of Bihar on February 1, 1971. Shri Barooah succeeded Shri Nityanand Kanungo who demitted the office on January 20.⁶

⁵Hindu, March 10 and April 11, 1971.

⁶Hindustan Times, February 1, 1971.

Expansion of Ministry

Five more Ministers of Cabinet rank and ten Ministers of State were sworn-in at Patna on January 10, raising the strength of the SVD-Ministry, headed by Shri Karpoori Thakur (SSP), to 26. In February, the Ministry was further expanded on three consecutive days: four new Cabinet Ministers and one Minister of State were sworn-in on February 9; eight new Ministers—four of Cabinet rank and four Ministers of State—were inducted on February 10 and two more Ministers of State on February 11. With these additions, the total strength of the SVD-Ministry rose to 41, of whom 23 were of Cabinet rank and the rest Ministers of State.⁷

Casting Vote Saves Government

The Bihar Government, on March 19, escaped defeat by the casting vote of the Presiding Officer in the Vidhan Parishad on a non-official motion, tabled by Shri J. Mishra [Congress R]⁸ recommending the appointment of an Employment Commission. The voting in the division was 13 for and 13 against. The Government was however saved from discomfiture as the Presiding Officer, Shri Indra Kumar (SSP), cast his vote in Government's favour.⁹

Motion of Thanks to Governor's Address

On March 23, the Assembly adopted by voice vote the Motion of Thanks of the Legislature to the Governor's Address. Before the Motion was put to vote, all amendments moved by the Opposition were rejected by the House in the same manner and the Opposition did not press for a division at any stage.¹⁰

Gujarat

Education Minister Resigns

The Gujarat Education Minister, Shri Gordhandas Chokhawala, resigned from the State Cabinet on January 11, 1971. Shri Chokhawala

⁷*Ibid.*, January 11, February 10, 11 and 12, 1971 and *Asian Recorder*, 1971, p. 10041.

⁸In this review, the expression "Congress(R)" has been used throughout to refer to the Indian National Congress presently led by Shri D. Sanjivayya, which is also the party in power at the Centre since the Congress split.

⁹*Times of India* and *Indian Express*, March 20, 1971.

¹⁰*Hindustan Times*, March 24, 1971.

was reported to have resigned on the issue of the Congress (O)'s election adjustments with the Swatantra Party and the Jan Sangh. Soon after his resignation Shri Chokhawala confirmed that he had joined the Congress (R).¹¹

Shri Chokhawala was the third Minister to quit the Congress (O) Ministry, headed by Shri Hitendra Desai, and the Congress (O) Party on the alliance issue, the Industries Minister, Shri Jashvant Mehta, and the Parliamentary Affairs Minister, Shri Chimanbhai Patel, having left the Cabinet and joined the Congress (R) in December 1970.¹²

Ministry Expanded

Eight Ministers and seven Deputy Ministers were sworn-in on March 8, raising the strength of the Hitendra Desai Ministry to 25, including one Parliamentary Secretary. The eight new Ministers of Cabinet rank included three who were till then Deputy Ministers.¹³

Defections from Congress (O) and Resignation of Hitendra Desai Ministry

The result of the mid-term elections to the Lok Sabha caused cracks in the ruling Congress (O) Party in the State. Two MLAs left the Congress (O) on March 21 and joined the Congress (R), another MLA followed suit on March 25. Then, on March 29, the Cooperation Minister Shri Madhavlal Shah, and 16 other Congress (O) MLAs crossed over to the Congress (R) reducing the strength of the ruling party to 78—five short of a majority—in a House with an effective strength of 164, four seats being vacant. With these changes in affiliations, the party position in the Gujarat Assembly, as on March 29, 1971, was Congress (O) 78; Congress (R) 53; Swatantra 21; PSP 3; Jana Sangh 1; Independents 8.¹⁴

On March 31, the Chief Minister, Shri Hitendra Desai tendered his resignation to the Governor. The Chief Minister's resignation came in the wake of dramatic events on the previous day when four of his Cabinet colleagues along with several of his party members declared

¹¹*Ibid.*, January 12, 1971.

¹²*Ibid.*

¹³*Ibid.*, March 9, 1971.

¹⁴*Hindu*, March 21, 1971; *Hindustan Times*, March 22, 26 and 30, 1971; and *The Statesman Weekly*, April 3, 1971, p. 3.

their intention to join the Congress (R). On the same day (*i.e.*, March 30), 11 of the 21 Swatantra MLAs openly declared their intention to make "all attempts" to bring about the fall of the Hitendra Desai Ministry whenever they got a chance, and the Congress (R) Leader of the Opposition, Shri Kantilal Ghia, gave notice of a no-confidence motion against the Ministry.¹⁵

Soon after the resignation of the Hitendra Desai Ministry, the State Assembly was adjourned *sine die*. However, on April 7, 1971, Shri Hitendra Desai was again sworn in as Chief Minister of a new Government. According to press reports, the Gujarat Governor decided to invite Shri Desai to form a new Government after he was satisfied that Shri Desai enjoyed the support of 93 members—81 of Congress (O), 10 Swatantra, 1 Jana Sangh and 1 independent in the House of 164.¹⁶

Haryana

Expansion of Ministry

The Haryana Ministry, headed by Shri Bansi Lal, was expanded on January 1, 1971, with the promotion of all the four Parliamentary Secretaries to the rank of Deputy Minister and the appointment of a new Chief Parliamentary Secretary. With 15 Ministers of Cabinet rank, 4 Deputy Ministers and a Chief Parliamentary Secretary, the Bansi Lal Ministry now has a strength of 20. The allocation of portfolios to the newly appointed Deputy Ministers was announced on January 3.¹⁷

Speaker Concedes Opposition Point

The Speaker of the Haryana Vidhan Sabha, on February 16, upheld the objection of an Opposition member that no member could give any personal explanation while speaking on the demands for grants. Rising to take part in the discussion on the demands, Shri Chand Ram, who had earlier resigned from the deputy leadership of the Opposition SVD, said at the outset that he wanted to clear his political position which had been questioned by several members from both sides of the House. This was objected to by an Opposition member who maintained that Shri Chand Ram could not speak about his political career while speaking on the demands. After some discussion, the Speaker upheld the objection.¹⁸

¹⁵Hindustan Times, March 31 and April 1, 1971.

¹⁶Ibid., April 1, 7 & 8, 1971.

¹⁷Ibid., January 2 and 4, 1971.

¹⁸The Statesman Weekly, February 20, 1971, p. 3.

Himachal Pradesh

Statehood for Himachal Pradesh

Himachal Pradesh, which had hitherto been a Union Territory, was formally inaugurated as a full-fledged State—the 18th State of the Indian Union—by the Prime Minister, Shrimati Indira Gandhi, on January 25. Shri S. Chakravarti was sworn in as the Governor of the new State. On the attainment of Statehood, the Chief Minister, Dr. Y. S. Parmar and other Ministers of Himachal Pradesh were sworn-in afresh.¹⁹

Jammu and Kashmir

Ban on Plebiscite Front

The Government of India banned the Plebiscite Front in Kashmir on January 12, 1971, and declared it as an “unlawful association” within the meaning of the Unlawful Activities (Prevention) Act. The Union Government was stated to have taken this action following reports from the Jammu and Kashmir Government and intelligence agencies about marked increase in secessionist activities in the Kashmir Valley. Earlier, on January 8 and 9, the State Government had served Sheikh Abdullah and two top leaders of the Plebiscite Front, Mirza Afzal Beg and Shri G. M. Shah, with externment orders prohibiting them from entering Jammu and Kashmir for three months. The Chief Secretary to the Jammu and Kashmir Government said on January 9 that the action against Sheikh Abdullah, Mirza Afzal Beg and other leaders and workers of the Plebiscite Front had been taken for “reasons of the security of the State”.²⁰

On February 5, Mr. Justice Murtaza Fazl Ali, Chief Justice of the Jammu and Kashmir High Court was appointed a one-man Tribunal to consider the justifiability of the order banning the Plebiscite Front. The Tribunal was appointed in accordance with the existing legislation which while enabling the Government to ban organisations indulging in anti-national activities, requires the setting up of a judicial tribunal to determine within six months whether the action was justified. During its preliminary 6-day sitting in New Delhi, which ended on February 17, the Tribunal heard the Counsel for the Union Government

¹⁹*Hindustan Times*, January 26, 1971 and *Statesman Weekly*, January 30, 1971, p. 8.

²⁰*Hindustan Times*, *Statesman* and *Times of India*, January 9, 10 and 13, 1971.

about the circumstances leading to the Government action. At its second sitting, held in the last week of March, the President of the Plebiscite Front, Mirza Afzal Beg, deposed before the Tribunal and the Tribunal framed the issues in the case.²¹

New Party Formed

A new party, called the State Peoples' Party, was formed in Kashmir on February 11 to strive for a "just, democratic rule" in the State. Announcing the formation of the new party, Shri Shamim Ahmed Shamim, an Independent member of the State Assembly, said that the party accepted Kashmir's accession to India as a "healthy reality". On the special status conferred on the State by Article 370 of the Constitution of India, Shri Shamim said that it should be retained, but should not be "misused" to keep the people of the State out of the mainstream of national life.²²

Expansion of Ministry

The Jammu and Kashmir Ministry was expanded on February 15 with the addition of one Cabinet Minister and one Deputy Minister, raising the strength of the Ministry to 10—five Cabinet Ministers, two Ministers of State and three Deputy Ministers. A reallocation of portfolios was announced on February 17.²³

Kerala

Enquiry Commission's Findings on Corruption Charges against ex-Ministers

The S. Velu Pillai Enquiry Commission, which probed into corruption charges against some former Ministers of Kerala, has in its report, published on January 11, 1971, found the former Marxist Minister, Shri E. K. Imbichi Bava, guilty of "corruption" in the appointment of wholesale and retail ration distributors and of provisional employees in the State Transport Corporation. In both cases, the Commission could not find that either the Minister or his party had received bribes. All

²¹*Indian Express*, February 6 and *Hindustan Times*, Feb. 17 add March 27 & 30, 1971.

²²*Hindustan Times*, February 12, 1971 and *Asian Recorder* 1971, p. 10042.

²³*Hindustan Times*, February 16 and 18, 1971.

other charges against Shri Bava and two other former Marxist Ministers, Shrimati K. R. Gouri and Shri M. K. Krishnan, were found by the Commission to be either unsubstantiated or baseless.²⁴

Ordinance on Non-Plantation Lands stayed.

On February 19, the Supreme Court stayed the operation of an Ordinance taking over non-plantation lands in the British-owned Kannan Devan Tea Estate area in Kerala, which was promulgated by the Kerala Government on January 20, 1971. The Order was handed down by the Court *ex parte*, while admitting a writ petition by the aggrieved Company challenging the constitutional validity of the Ordinance on the ground that it was violative of the constitutional right to equality before law, right to property and the freedom of trade, commerce and intercourse throughout the country.²⁵

Assembly Adopts Motion of Thanks

The Motion of Thanks to the Governor's Address was passed by the Kerala Assembly on March 16 by 78 votes to 43. It may be recalled that when the CPI-led Coalition Government, headed by Shri Achutha Menon, was formed in September 1970, it had a bare majority of two. The Kerala Congress, which has a strength of 14 in the 134-member House, came out for the first time in support of the present Government.²⁶

Madhya Pradesh

New Governor

Shri Satyanarayan Sinha was sworn-in as the Governor of Madhya Pradesh on March 8, 1971. He succeeded Shri K. C. Reddy. Earlier, on March 7, Shri Sinha resigned from the Union Council of Ministers where he held the portfolios of Information and Broadcasting and Communications as a Minister of Cabinet rank.²⁷

Mysore

Mysore Assembly By-election

Congress (O), ruling party in Mysore, won the by-election to the State Assembly from the Jamkhandi constituency in Bijapur district on

²⁴Asian Recorder 1971, p. 9990 and Indian Recorder and Digest, February 1971, p. 23.

²⁵Asian Recorder, 1971, p. 10042.

²⁶The Statesman Weekly, March 20, 1971, p. 8.

²⁷Ibir., March 13, 1971, p. 8.

January 25. Its candidate, Shri Shylappa Athani, defeated his nearest Congress (R) rival, Shri P. M. Bhangi, by about 1,500 votes in a triangular contest."

Ministers Resign over Congress (O)'s Poll Alliance

The Congress (O)'s poll alliance with the Swatantra Party and the Jana Sangh for the mid-term elections to the Lok Sabha reportedly led to serious differences within the Mysore Congress (O) Ministry led by Shri Veerendra Patil. On January 29, the Transport Minister, Shri Mohammed Ali, resigned in protest against his party's alliance with what he called "right reactionary" parties, and later joined the Congress (R). On the same day, four other Congress (O) legislators of the State—three from the Assembly and one from the Council—announced their resignation from the party to join the Congress (R).²⁹

Immediately after Shri Mohammed Ali, the Law Minister Shri K. Puttaswamy resigned from the State Cabinet on January 31 and joined the Congress (R). He was followed by Shri V. L. Patil, Minister for Social Welfare, who tendered his resignation from the Ministry on February 23. In his letter of resignation Shri Patil said that he could not continue to be a Minister "of a Government in which some persons are coming in the way of the country's march towards democratic socialism". A day after his resignation Shri Patil formally joined the Congress (R) along with two other Congress (O) legislators—one MLC and one MLA.³⁰

More Defections from Congress (O) and Exit of Veerendra Patil Ministry

After the Congress (R)'s success by winning all the 27 Lok Sabha seats from Mysore, the strength of the ruling Congress (O) in the State Assembly was further depleted by defections. On March 17, a number of MLAs, including one Minister of State and two Deputy Ministers, were reported to have crossed over to the Congress (R), reducing the ruling party's strength in the 214-member Assembly to 96—12 short of an absolute majority.³¹

²⁸Asian Recorder, 1971, p. 10016.

²⁹Hindustan Times, January 30, 1971 Conparlist, March 1971, p. 8.

³⁰Ibid., February 1, 24 & 26, 1971.

³¹Hindustan Times, March 18 and 19, 1971 and Free Press Journal March 18, 1971.

Next day, that is on March 18, Shri Veerendra Patil submitted the resignation of his Ministry. The Governor, Shri Dharma Vira, requested Shri Patil to continue till alternative arrangements were made. Meanwhile, both the Houses of the State Legislature were adjourned *sine die*.³²

Soon after the resignation of the Patil Ministry, the Governor invited Shri H. Siddaveerappa, Leader of the Congress (R) Legislature Party, for a discussion on the formation of an alternative Government. Speaking to newsmen, the Governor said that the Congress (R) leader, who would call on him again in a day or two, would have to satisfy him that he enjoyed a majority in the House.³³ However, there were reported to be sharp differences of opinion in the Congress (R) Party in Mysore on the question of forming an alternative Government, with the help of the defectors from the Congress (O).³⁴

President's Rule Imposed

However, on March 26, the Governor sent a report to the President recommending Central take-over of the State and suspension of the State Assembly for a short period. The report explained that in view of the failure of the political parties in the State to form a popular Government, Presidential rule was being suggested so that Parliament could pass a Vote on Account before the end of March to run the administration of the State in the new financial year beginning on April 1, 1971. The Governor's report also referred to the controversy within the Mysore Congress (R) on the question of forming an alternative Ministry and explained that dissolution of the State Assembly was not being recommended as the formation of a suitable Government "in the not too distant future cannot be ruled out."³⁵

Following acceptance of the Governor's report by the Union Cabinet, President's rule was imposed in Mysore on March 27, for the first time in the history of the State. The Presidential Proclamation suspended the State Assembly.³⁶

³²*The Statesman Weekly*, March 20, 1971, p. 1 and *Hindustan Times*, March 19, 1971.

³³*Hindustan Times*, March 19, 1971.

³⁴*Ibid.*, March 22, and 28, 1971.

³⁵*Ibid.*, March 27 and 28, 1971.

³⁶*Ibid.*, March 28, 1971 and *The Statesman Weekly*, April 3, 1971, p.d.

Orissa

Fall of Swatantra-Jana Congress Coalition Ministry

The Swatantra-led two-party Coalition in Orissa, which had a strength of 72—Swatantra Party 50 and Jana Congress 22—in the 140-member State Assembly, broke up on January 5, 1971, when the Jana Congress formally withdrew from the Coalition Government.³⁷ The Chief Minister, Shri R. N. Singhdeo handed over the resignations of the Jana Congress Ministers to the Governor on the same day, recommending their acceptance. He assured the Governor that notwithstanding the withdrawal of the Jana Congress from the Coalition, he continued to enjoy majority support in the Assembly and offered to face the House "any time before January 15."³⁸

However, on January 9, Shri Singhdeo submitted his resignation to the Governor and advised him to dissolve the State Assembly so that elections to the Assembly may be synchronised with the mid-term Lok Sabha poll. The Governor accepted the resignation. Later, speaking to newsmen, Shri Singhdeo said that his decision was influenced by the overwhelming opinion in the Opposition circles in favour of the dissolution of the Assembly and synchronisation of elections to the Lok Sabha and the State Assembly. He ruled out the question of his heading a caretaker Government until a new Government was formed.³⁹

The Swatantra-led Ministry of Orissa had the distinction of being the longest surviving of the coalition governments formed in the States after the Fourth General Election. The Ministry lasted for more than 46 months.⁴⁰

Imposition of President's Rule and Suspension of State Assembly

Following the resignation of the Singhdeo Ministry, the Orissa Governor sent a telegraphic report to the President on January 10, recommending immediate imposition of President's Rule in Orissa to remove the "administrative vacuum" created by the exit of the Ministry. The Governor also recommended the suspension of the State Assembly on the ground that the position regarding the formation of an alternative

³⁷*Hindustan Times*, January 6, 1971. The Jana Congress had announced on December 31, 1970, that it would quit the Coalition Government. However, a formal decision in the matter by the State level Committee and the legislative wing of the party was awaited — *Ibid.*, January 1, 1971.

³⁸*Ibid.*, January 6, 1971.

³⁹*Ibid.*, January 10, 1971.

⁴⁰*Ibid.*

Government was not quite clear at that moment. Explaining to newsmen that the situation prevailing in Orissa was "unprecedented", the Secretary to the Governor said that the Constitution had provision either for a popular Government or for President's rule—there was neither of it since 8.30 p.m. on January 9 when the Governor accepted the resignation of Shri Singhdeo. In the circumstances, the first imperative step was the immediate imposition of President's Rule and keeping the State Assembly in animated suspension, he said.⁴¹

Acting on the Governor's report, the President, on January 11, took over the administration of Orissa and suspended the State Assembly by a Proclamation issued under Article 356 of the Constitution.⁴²

Assembly Dissolved

After completing the "final" round of talks with the leaders of various political parties on the possibility of forming a new Ministry in the State, the Orissa Governor sent a further report to the President on January 20, wherein he recommended immediate dissolution of the State Assembly and early elections on the ground that there was no possibility of an alternative Government being formed in the State.⁴³

On the basis of the Governor's report and the Union Cabinet's advice, the President issued two Proclamations on January 23—one revoking the January 11 Proclamation, under which the Orissa Assembly had been suspended; and the other dissolving the Assembly and providing for a fresh take-over of the State administration by the Centre. Shortly after the State Assembly was dissolved, the Chief Election Commissioner announced that Orissa would elect a new Assembly on March 5, when it was already scheduled to choose its representatives for the Lok Sabha. Orissa, thus, became the third State to have the Assembly election along with the mid-term Lok Sabha poll.⁴⁴

Party Position in the Assembly after Mid-term Elections

The final party position in the 140-member Orissa Assembly after the mid-term election was as follows:⁴⁵

Congress (R)	.	.	51
Swatantra Party	.	.	36

⁴¹*Ibid.*, January 11 and 12, 1971.

⁴²*Ibid.*, January 12, 1971.

⁴³*Ibid.*, January 21, 1971 and *Indian Express*, January 21, 1971.

⁴⁴*Hindustan Times*, January 24, 1971 and *The Statesman Weekly*, January 30, 1971, p. 3.

⁴⁵*Indian Express*, March 18, 1971.

Utkal Congress	32
PSP	4
CPI	4
Jharkhand	4
CPI (Marxist)	2
Congress (O)	1
Jana Congress	1
Others	4

The poll in one of the constituencies was countermanded.

Thus, once again no party was able to gain an absolute majority. Soon after the election results were declared, the Governor invited Dr. H. K. Mahatab, the newly-elected leader of the Congress (R) Legislature Party, which had emerged as the largest single party in the Assembly, but was not satisfied that Dr. Mahatab had the support of "a minimum of 70 members" in the Assembly which had an effective strength of 139. The Governor also found that talks for a coalition between the two other major groups in the Assembly—the Utkal Congress and the Swatantra Party—had not made any headway.⁴⁶

President's Rule Extended

In the prevailing circumstances, the Governor felt that there was no possibility of forming a popular government in the State before the expiry of the current term of President's Rule (the Proclamation of January 23 imposing President's Rule in the State was due to expire at mid-night on March 22).⁴⁷ Accordingly, on March 22, the Governor sent a fresh report to the President appraising him of the situation in the State and recommending reimposition of President's Rule and sus-

⁴⁶*The Statesman Weekly*, March 27, 1971, p. 3 and *Hindustan Times*, March 24, 1971.

⁴⁷Under Article 356(3) of the Constitution, a Presidential Proclamation providing for Central take-over in a State ceases to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament subject to the proviso made in that Article.

pension of the newly elected Orissa Assembly.⁴⁸ in order to enable him to "explore the possibility of forming a government."⁴⁹

In the light of the Governor's report, the President issued another Proclamation on March 23, providing for Central take-over of the Orissa administration and suspension of the new Orissa Assembly which was formally constituted on that very day. Though the President issued a fresh Proclamation taking over the administration of the State, this, in effect, meant extension of the Central rule imposed two months ago. The State Assembly, it was explained, was kept in a state of suspended animation to enable the political parties to form a Government.⁵⁰

New Coalition Ministry in Offing

On March 24, Shri Biswanath Das, a former Chief Minister of Orissa, informed the Governor that as leader of the newly formed Orissa United Front Assembly Party, consisting of the Swatantra Party, the Utkal Congress, the Jharkhand, and two Independents, he had the support of an absolute majority in the State Assembly and was in a position to form a stable Government in the State. Five days later, Shri Das again met the Governor and submitted a list of 73 names with 71 signatures to substantiate his claim of majority support in the 139-member House. Shri Das was accompanied by the leaders of the Assembly groups of the three constituent parties of the United Front—Shri R. N. Singhdeo of the Swatantra Party, Shri Nilmoni Routray of the Utkal Congress and Shri Sidhalal Murmu of the Jharkhand Party. According to the leaders of the United Front, the signatures of one Swatantra member and one Jharkhand member could not be obtained as they were "out of station".⁵¹

A Swatantra-Utkal Congress-Jharkhand Ministry in Orissa, headed by Shri Biswanath Das, appeared certain on March 30 when the Governor assured Shri Das that he would "act expeditiously" for the formation of the Coalition Ministry on receiving a word from the Union Gov-

⁴⁸The new Orissa Assembly was duly constituted on March 23 after the Election Commission had issued a notification in that behalf under the Representation of the People Act.

⁴⁹*The Statesman Weekly*, March 27, 1971, p. 3 and *Hindustan Times*, March 23 and 24, 1971.

⁵⁰*The Statesman Weekly*, March 27, 1971, p.3 and *Hindustan Times*, March 24, 1971.

⁵¹*Hindustan Times*, March 25, 1971 and *The Statesman Weekly*, April 3, 1971, p. 6.

ernment that formalities in connection with the passage of the Orissa budget by Parliament were over. Subsequently, on April 3, a coalition cabinet, headed by Shri Biswanath Das, was sworn-in at Bhubaneswar.⁵²

Punjab

Abrupt Adjournment of the House

The Punjab Assembly, which began its Budget Session on January 15, 1971, was suddenly adjourned *sine die* on January 29.⁵³ The House was scheduled to discuss on the following day two important topics, namely, the recent strike of the low-paid Government Employees and the situation created by the "power famine" in the State. However, immediately after the House passed the resolution thanking the Governor for his Address to the House, the Chief Minister, Shri Parkash Singh Badal, moved a motion for *sine die* adjournment of the House.⁵⁴

The Congress (R) Chief Whip, Shri Umrao Singh, took exception to the Chief Minister's motion and described it as 'illegal'. He pleaded that the motion could not override the adopted report of the Business Advisory Committee. Shri Satyapal Dang (CPI) also said that the motion violated the Rules of Procedure and Conduct of Business in the House and that the abrupt adjournment would give the people the impression that the Government had "run away" because it could not face the House on the two "burning problems" which were scheduled for discussion on the following day. The Speaker, however, ruled that the Chief Minister's motion was in order and that it was for the House to take a decision on it. The motion was then carried by a voice vote and the House adjourned *sine die*.⁵⁵

Tamil Nadu

Dissolution of Assembly

On January 4, 1971, the Governor of Tamil Nadu dissolved the State Assembly with effect from January 5. According to a Raj Bhavan communique, the dissolution was ordered on the advice of

⁵²The Statesman Weekly, April 3, 1971, p. 3 and April 10, 1971, p. 3.

⁵³Earlier on January 28, the House had passed the Vote on Account for three months, i.e., April—June 1971.

⁵⁴The Hindustan Times, January 30, 1971.

⁵⁵Ibid and The Tribune, January 30, 1971.

the State Cabinet which wanted to seek a fresh mandate from the people for implementing its "socialist and secular programmes and policies." At the time of the dissolution, the ruling party, the DMK, commanded an absolute majority in the State Assembly.⁵⁶

After the announcement of the mid-term poll for the Lok Sabha, the Tamil Nadu Assembly was the first State Assembly to be dissolved. Soon after the dissolution was announced, the Chief Election Commissioner said in New Delhi that elections to the Tamil Nadu Assembly would be held simultaneously with the Lok Sabha poll.⁵⁷

Mid-term elections

In the mid-term elections to the Tamil Nadu Assembly, the DMK again emerged as the largest party improving its strength from 137 in the dissolved Assembly to 184 in the new 235-member House. The D.M.K.'s allies in the Progressive Front won another 25 seats—CPI 8, Forward Block 7, Muslim League 6 and P.S.P. 4. The Congress (R) did not contest any Assembly seat in pursuance of its poll agreement with the D.M.K. Among the parties opposed to the DMK—led Progressive Front, the Congress (O) could secure only 15 seats and its poll ally, the Swatantra Party, 6 seats against their respective strength of 41 and 11 in the dissolved House; while the CPI (M), which had a strength of 10 in the old House, could not secure any seat. The remaining five seats went to Independents and others.⁵⁸

New DMK cabinet sworn-in

A new 14-member DMK cabinet, headed by Shri M. Karunanidhi, was sworn-in at Madras on March 15. Earlier, on March 14, Shri Karunanidhi was unanimously elected as the leader of the DMK Legislature Party by the newly-elected DMK members of the State Assembly.⁵⁹

New Speaker Elected

The former State Finance Minister Shri K. A. Mathialagan (DMK) was unanimously elected Speaker of the Tamil Nadu Assembly on March 24. His name was proposed by the Chief Minister,

⁵⁶*Hindu and Indian Express*, January 5, 1971.

⁵⁷*Asian Recorder*, 1971, p. 9985.

⁵⁸*Hindustan Times*, January 31 and March 13, 1971 and *The Journal of Parliamentary Information*, January 1971, pp. 272-78.

⁵⁹*Hindustan Times*, March 15 and 16, 1971.

Shri M. Karunanidhi, and seconded by the Education Minister and Leader of the House, Shri V. R. Nedunchezhian. Shri P. Srinivasan also of the DMK, was unanimously elected Deputy Speaker.⁶⁰

Uttar Pradesh

Chief Minister defeated in Assembly By-election

In a seven-cornered contest, Shri Ramakrishna Dwivedy, Congress (R) defeated the Uttar Pradesh Chief Minister, Shri T. N. Singh, Congress (O), in the Maniram by-election to the State Assembly on January 25, 1971 by a margin of over 16,000 votes.⁶¹

Appointment of Shri T. N. Singh Upheld:

On March 16, 1971, the Constitution Bench of the Supreme Court upheld the validity of the appointment of Shri T. N. Singh as Chief Minister. The Court dismissed an appeal by Shri Har Saran Varma, a social worker of Lucknow, challenging the appointment on the ground that a non-member could not be appointed a Minister and held that Article 164(4) of the Constitution provided complete protection for anybody to continue as a Minister for six months.⁶²

Exit of T. N. Singh Ministry:

Immediately after his defeat in the Maniram by-election, Shri T. N. Singh wrote to the S.V.D. leaders that though constitutionally he was not bound to resign, he considered it better to respect the verdict of the ballot box. He added that since he had been jointly elected leader by the S.V.D. constituents, he would await their decision. However, all S.V.D. leaders, except B.K.D. Chairman Shri Charan Singh, favoured Shri T. N. Singh's continuance as Chief Minister till the S.V.D. partners decided on the next step. Later, on February 14, 1971, Shri Charan Singh announced that his party had agreed that the "status quo may continue" in order to avoid any uncertainty or misunderstanding, while the Lok Sabha election was on.⁶³

On March 25, however, five Ministers—two Cabinet Ministers and three Deputy Ministers—all belonging to the Congress (O) resigned from the Government and joined the Congress (R). Earlier

⁶⁰Hindu, March 25, 1971.

⁶¹Hindustan Times, January 26, 1971.

⁶²Ibid., March 17, 1971.

⁶³Hindustan Times, January 26, 28, February 11 & 15, 1971 and The Statesman Weekly, January 30, p. 7 and February 13, 1971, p. 7.

on March 17, Shri D. P. Bora and 14 other former B.K.D. members had joined Congress (R). With these changes, by March 25, the strength of Congress (R) had risen to 208 with 13 other Opposition members supporting it, while that of the S.V.D. Government came down to 187 in an effective House of 417 members.⁶⁴

The five-and-a-half month old S.V.D. Ministry fell on March 30, after an Opposition amendment to the official motion of thanks for the Governor's Address was carried by 229 votes to 184. Soon after, Shri T. N. Singh sent his resignation to the Governor. The Governor, accepting the resignation, asked him to continue till he made alternative arrangements. Later in the night, the Governor invited the Congress (R) leader, Shri Kamlapati Tripathi, who, however, told the Governor that he wanted some time to form the Government. The Governor, therefore, adjourned the Assembly *sine die*.⁶⁵ Later, on April 4, a seven-man Congress (R) Cabinet, headed by Shri Kamlapati Tripathi, was sworn-in at Lucknow.

West Bengal

Mid-term Elections

West Bengal had been under President's rule since March 19, 1970. Following the dissolution of the Fourth Lok Sabha, the Union Government announced on January 7, 1971, that elections to the West Bengal Legislative Assembly would be held simultaneously with the mid-term poll for the Lok Sabha. The State went to the poll on March 10, as scheduled. This was the second Assembly election in West Bengal since the 1967 General election, the previous mid-term Assembly election having taken place in February 1969.

Party Position in the New Assembly

The Party position in the 280-Member State Assembly after the March 1971 elections was as follows:—

ULF (United Left Front)	..	123
C.P.I. (Marxist)	..	111

⁶⁴Statesman, March 18, 1971 and Indian Express, March 26, 1971.

⁶⁵Hindustan Times, March 31 and April 5, 1971 and The Statesman Weekly, April 3, 1971 p. 3.

⁶⁶Hindustan Times, January 8, March 5 and 11, 1971 Statesman, March 6, 1971 and The Statesman Weekly January 30, 1971, p. 4 and March 13, 1971, p. 1.

⁶⁷The Statesman Weekly, March 20, 1971, p. 4, and Hindustan Times, March 15, 1971.

RCPI (Revolutionary Communist Party of India)	3
Forward Block (Marxist)	.. 2
Workers Party	.. 2
Biplabi Bangla Congress	.. 1
Independents	.. 4
<i>Congress (R)</i>	.. 105
<i>ULDF (United Left Democratic Front)</i>	.. 25
CPI	.. 13
SUC (Socialist Unity Centre)	.. 7
Forward Block	.. 3
Gorkha League	.. 2
<i>Others</i>	
Muslim League	.. 7
Bangla Congress	.. 5
PSP	.. 3
RSP	.. 3
Congress (O)	.. 2
Jharkhand	.. 2
S.S.P.	.. 1
Jana Sangh	.. 1
Total Seats	.. 277

Polling in three constituencies had been countermanded due to the death of the candidates.

Efforts at Ministry-Making:

No party or Front was able to secure an absolute majority in the Assembly. On March 15, on being unanimously elected the Leader of the ULF in the Assembly, Shri Jyoti Basu wrote to the Governor requesting that as the leader of the largest single party in the new Assembly, he be called to form a Government.⁶⁸

Meanwhile, State Congress (R) President, Shri Bijoy Singh Nahar, had also let it be known on March 14 that he would try to

⁶⁸*Hindustan Times*, March 15 and 16, 1971.

form a non-Marxist Government, but that a final decision would be known only on the next day."

On March 14 itself, two constituent parties of the United Left Democratic Front (ULDF), viz., the CPI and the Forward Bloc, which respectively held 13 and 3 seats in the new House, made it clear that they would not be willing to join with the CPI (M) under any circumstances. During the next few days, some other small parties also took up a similar position.⁷⁰

Meanwhile, replying to the ULF leader, Shri Jyoti Basu, on March 15, the Governor, Shri S. S. Dhavan, maintained that "the largest single party" factor had no relevance when a State was under President's rule. In such a case, he said, the Governor had to consider whether he should make a report to the President that the proclamation under Article 356 should be withdrawn. He added that the Governor—and the Governor alone—must be satisfied before making this report that the party concerned commanded an absolute majority in the Legislature and the matter could not be left to be decided on the floor of the House. The Governor also pointed out that he had received letters from the leaders of the two Congresses and other parties asserting that the ULF did not command a majority in the Legislature and declaring their opposition to the formation of a Ministry by the ULF. In another letter to Shri Basu, dated March 16, the Governor pointed out further that the combined strength of the parties opposing the claim of the ULF to form a Government was greater than that of the ULF. He added: "In this situation I cannot accept without further proof your assertion that there is a reasonable probability of your being able to form a Ministry which will command a majority in the Assembly."⁷¹

A significant step towards the formation of a non-Marxist Ministry in West Bengal was taken on March 21 when, after a round of talks between the Bangla Congress leader, Shri Ajoy Mukherjee, Congress (R) leaders from West Bengal and Central Congress (R) leaders, the Congress (R) President, Shri Jagjivan Ram, offered Shri Mukherjee the leadership of a popular Ministry in West Bengal and

⁷⁰*Ibid.*, March 15.

⁷⁰*Ibid.*, March 15 and 19, 1971 and *The Statesman Weekly*, March 20, 1971, p. 4.

⁷¹*Hindustan Times*, March 16, 1971 and *Hindusthan Standard*, March 17, 1971.

Shri Mukherjee accepted the offer, subject to endorsement by his party. The idea of Shri Mukherjee heading a non-CPI (M) Government was formally approved by the State Congress (R) Legislature Party on March 23 and by the Provincial Committee of the Bangla Congress on March 25⁷²

On March 26, at a meeting of the representatives of non-Marxist parties, six parties with a combined strength of 123 in the Assembly—the Congress (R)—(105), Bangla Congress (5), Muslim League (7), Gorkha League (2), PSP (3) and SSP (1)—decided to form a 'Democratic Coalition' and unanimously elected Shri Mukherjee as the Leader of the new coalition, while four other parties with a total strength of 20—CPI (13), Forward Bloc (3), Jharkhand (2) and Congress (O) (2)—pledged to lend their support in the formation of a Ministry led by Shri Mukherjee. The meeting also set up a programme Committee, with Shri Biswanath Mukherjee (CPI) as Convener, to shape a common minimum programme for the guidance of the Government of the Democratic Coalition.⁷³

Democratic Coalition Ministry in Offing

On March 30, the West Bengal Governor asked the Bangla Congress President and Leader of the Democratic Coalition in the State Assembly, Shri Ajoy Mukherjee, to form a Ministry in the State. Talking to reporters after a meeting with the Governor, Shri Mukherjee said that he had submitted to the Governor letters from the constituent parties of the Democratic Coalition signifying their support to a Government led by him. However, there was no formal invitation from the Governor to Shri Mukherjee as certain formalities had to be completed for the withdrawal of President's rule in the State before the Governor could issue such invitation. Explaining the position, a spokesman of the State Government said that President's rule in West Bengal could not be withdrawn before the Vote on Account Budget for the State was passed by Parliament. Later, on April 2, a Democratic Coalition Ministry, headed by Shri Ajoy Mukherjee, assumed office in West Bengal⁷⁴

⁷²*The Statesman Weekly*, March 27, 1971, p. 1 and *Hindustan Times*, March 22 and 26, 1971.

⁷³*Hindustan Times*, March 27, 1971.

⁷⁴*Hindustan Times*, March 31 and April 3, 1971 and *The Statesman Weekly*, April 3, 1971, p. 4.

UNION TERRITORIES

Goa

Assembly demands Statehood

A resolution urging the Centre to immediately grant statehood to Goa, Daman and Diu was passed by the Goa Legislative Assembly on March 26 by 17 votes to 4 after a debate lasting more than 10 hours. An amendment that Goa should be merged in Maharashtra and Daman and Diu in Gujarat was rejected by 18 votes to 4⁷⁶

Democracy is the healthful life-blood which circulates through the veins and articles, which supports the system, but which ought never to appear externally and as the mere blood itself.

—S. T. COLERIDGE

⁷⁶National Herald, March 28, 1971.

BOOK REVIEW

A WRITTEN CONSTITUTION FOR ENGLAND!

Reform of the Constitution by O. Hood Phillips, Q.C.—Chatto and Windus—42sh.

It is for the first time within my knowledge that a demand is being made in England for a written Constitution. And that, by a lawyer, a Queen's Counsel. It has been the boast of Englishmen as it has been the criticism of foreigners that England has lived and laboured and got on through good fortune and misfortune under an unwritten Constitution. It is so flexible, bending and bowing but never breaking under the strains and stresses of even war and revolution. But here a plea is being made for England to have a written Constitution with the usual arguments for such a Constitution supported by the recent attempts of Canada and New Zealand to have such a Constitution, especially with a Bill of Rights, Fundamental Rights. And the transition to a written Constitution is all the easier in England as the English Constitution is not so unwritten after all. As Mr. Hood Phillips reminds us "there is quite a considerable body of relevant statute law parts of which would find a place in a written Constitution." The history starts with Magna Carta (1215) and revived versions of it in 1235 and 1297 and continues with a Bill of Rights (1689), the Making of Parliament Act (1696), the Act of Settlement (1700) laying down rules in regard to the succession to the throne, the Act of Union of England and Scotland 1707, the Franchise Acts of 1832, 1867, 1918, the Acts of 1911 and 1949 curtailing the powers of the House of Lords, the Crown Proceedings Act of 1947 allowing civil action to be brought against Government departments, the Judicature Acts of 1873, 1875 and the Appellant Jurisdiction Act of 1876 which reconstituted the courts of law and the Parliamentary Commissioner Act of 1967 which introduced into England the new and alien institution of the Ombudsman. With so much written Constitution it would be difficult to resist the demand for a written Constitution. But Englishmen's chronic habit of jogging along in political life, meeting each problem as it arises with suitable solutions, will stand in the way of a written Constitution coming into practical politics.

Meanwhile small practical reforms are possible and the bulk of Mr. Hood Phillip's book is concerned with such piece-meal practical reforms. First among the reforms suggested is in regard to number

and composition of the Cabinet. He discusses the suggestions of two experienced ministers, L. S. Amery and Lord Samuel, that the number of the Cabinet should be limited to 15 or 18, the other Ministers being excluded from the Cabinet which is the policy-making body in the Ministry. The problem of numbers in the Ministry which has become such a repulsive feature in Indian Ministry-making in recent years, may be met by the English practice of getting legislative sanction for new ministries beyond the usual orthodox number. Within the British Cabinet there has been a tendency to form an inner Cabinet composed of the most authoritative members of a Ministry—even in peace time. Another 20th-century development is the setting up of Standing or *Ad hoc* Committees of the Cabinet dealing with special services or particular problems. Another recent development is the supreme power of the Prime Minister bringing him into the position and prestige of the President of the USA. His right to advise and get dissolution of the House of Commons from the Sovereign gives him the whiphand over his Ministers, his party, and over Parliament—added to his power of hiring and firing his colleagues in the Ministry.

In Parliament the most notable development in recent times during the late Labour Ministry was the appointment and working of Specialist Committees of Parliament composed of members of the several parties according to their political strength and dealing with matters of administration. More than the question hour and motions for adjournment of the House, these specialist committees given members of Parliament time and opportunity to probe into the day-to-day administration of the departments of Government. The control of Parliament over the executive is thus made real and effective. Another defect of Parliament was that it tended to become a legislative rather than a deliberative body. The original notice of Parliament was that it was a parley, namely, a place for talking on the affairs of the country. But more and more, parliament has become a factory of legislation. The author's fear that specialist committees in Parliament will reduce the prestige and power of the legislature are groundless as this has not happened with Congress in the USA nor with the Parliament in England. It still has the opportunity to have full-dress debates on the questions of the day, provided legislation gives Parliament the necessary time. This device of specialist committees may well be introduced into the Indian Parliament, replacing the Consultative Committees which are called from time to time according to the pleasure of the Minister and without the members having the right or opportunity to cross examine civil servants on the administration of their departments as is done in the specialist committees of the English Parliament and in the famous Committees of the US Congress.

Another question which agitates legislatures in India is that of parliamentary privilege. The author hints that this is a delicate question and warns legislatures against being too sensitive on this matter as the Press and the public also have privileges of their own. The chief consideration that ought to influence legislatures in this matter of privilege is that nothing should be done or said inside or outside Parliament that would tend to interfere with the freedom of legislatures and their members to do their work as representatives of the people. The rest is sheer sensitiveness or snobbery.

Although this book is intended for an English public, people in India inside and outside Parliament would greatly benefit from the views of the author on the reform of Parliament.

—M. RUTHNASWAMY M.P.

SUMMARIES OF BOOKS:

FISCAL POLICY IN UNDERDEVELOPED COUNTRIES by Raja J. Chelliah: George Allen and Unwin Ltd., London; 1969

This book by a specialist in public finance, makes a systematic attempt to discuss the problems of fiscal policy in underdeveloped countries from the point of view of promoting economic growth. It deals mainly with the problems of tax policy and outlines the economic principles by which the structure of taxation in developing economies can be constructed and evaluated.

The book attempts to fulfil the following three main tasks:

- (a) analysis of the fundamental problems of fiscal policy in underdeveloped countries;
- (b) delineation of the basic structure of public finance (with emphasis on tax structure) which is most appropriate for a country like India; and
- (c) evaluation of the basic features of the Indian tax system and fiscal policies, against the background of planned economic development.

The book is divided into four parts. The first part introduces the subject and discusses in broad outline some of the basic problems of economic development in a country like India, with special emphasis on capital formation. This latter problem is isolated and treated as the main key to economic development. The second part discusses the proper role of fiscal policy in an underdeveloped but developing economy. The third part contains a discussion of the most appropriate structure of public finance for such an economy. In the fourth part, a critical evaluation of the Indian fiscal system is attempted. Only the basic features of the system and certain current fiscal policies are selected for treatment.

After covering the theoretical background to the problems of public finance and reviewing recent developments in this field in India, the author makes a number of comments and suggestions:

Trends in Government Expenditure:

Any realistic approach to tax and fiscal policy in our mixed enterprise system should be based on a recognition of the crucial need to foster private savings along with the generation of government savings. It would be fair to say that this need is by now well-recognised by policy makers in the country and that hence attempts have been made to build a number of incentive provisions into the tax structure.

As the marginal propensity to save of the private sector as a whole is fairly low—lower than what is warranted by the volume of intended investments in the successive Plans—there is undoubtedly need for the public sector to contribute significantly to total domestic savings, and there is no denying the crucial role of taxation in the mobilization of resources for development.

What could be mentioned as legitimate criticism of government policy is that possible long-run economic effects have often not been taken into account in enacting tax measures and that having obtained increases in tax revenue the Government has not taken steps to check the fast rise in current expenditure.

While economy in administrative and defence expenditure is extremely important, a major problem in Indian public finance today is to secure the proper allocation of, and ensure economy in, development expenditure. This problem has so far hardly received the attention it deserves.

Problems of Tax Policy:

The basic problems are—

- (a) to fashion a tax structure which would promote savings and socially desirable investments and which at the same time would enable the government to direct a growing proportion of the national income to the public sector;
- (b) to build up economic and social overheads and basic industries largely through public expenditure; and
- (c) to evolve a fiscal policy, by harmoniously combining the instruments of taxation, borrowing from the public and credit creation, which would be conducive to the attainment of the goals of rapid growth, equitable distribution and stability.

The Government must be said to have met with a good measure of success in increasing the proportion of resources diverted to the public sector through taxation, though for this purpose there was greater reliance on additional tax measures than on automatic growth in revenue. Only a few of the large number of tax measures undertaken during this period seem to have been designed to make the tax system more income-elastic. Although the revenue motive was dominant, promotion of savings and investment in the private sector has been clearly recognized to be one of the important objectives of tax policy. In diverting resources to the public sector, attempts have been made to employ means which would at the same time check economic inequalities, but would not bear too heavily on economic incentives. However, the conflict between what were considered to be unavoidable short-term revenue requirements and those of a long-term growth-oriented tax system led to frequent changes and has resulted in a structure of direct taxation which stands in need of further modification.

Rationalization of Tax Structure:

The large increases which have taken place in government revenue and expenditure have brought to the fore the 'classical' problems of taxation as well as considerations of benefit from, and economy in, public expenditure. With the progress already made, the stage is now set for further rationalization of the tax structure, for taking concrete steps to promote efficiency in public expenditure and for evolving, on the basis of experience gained so far, a fiscal policy which would help prevent the instability of the preceding few years.

The experience of the last decade has vindicated the practical validity of the proposition that while one of the primary purposes of taxation in the context of development is to restrain increases in consumption, the over-all objective should be to raise the rate of total saving and not merely to ensure collective savings through the government.

Recommendations:

Changes in the Indian tax system could be brought about gradually, so that there is no reduction in tax revenues even in the short run. Some of the recommendations in this direction are:

- (a) the administrative possibility of granting a partial exemption of savings should be examined.

- (b) If the above is feasible, capital gains should be made subject to regular income taxation and, simultaneously, the scheme of exemption for saving should be introduced.
- (c) The expenditure tax could then be abolished. The rates of income tax in the middle and upper middle income ranges should be raised and, in the top ranges, the 1956 rates should be restored (in view of the abolition of the expenditure tax).
- (d) A new method should be devised to tackle the cases of moneylenders, small traders and middlemen in rural areas.
- (e) The income and super taxes on companies should be amalgamated into one corporation tax.
- (f) 'Tax holidays' should be abolished. The development rebates should be confined to industries of national importance.
- (g) The possibility of levying excise duties on an *ad valorem* basis should be examined.
- (h) Consumption taxes on bare necessities should be either abolished or kept at a very low level.

THE UNITED NATIONS IN A CHANGING WORLD by J. A. C. Gutteridge [Manchester University Press; 1969]

This book by a former legal adviser to the U. K. Permanent Delegation to the UN sums up in broad lines the author's views on the present state of the U. N., its development and some of the practical requisites of its working. The purpose of the book is to assess how far the U. N. Charter has met the needs of the greatly expanded international community today and to consider some of the new procedures which have been devised to meet them.

Internal Problems:

The author discusses three main problems. The first concerns situations within the boundaries of States, which because of their international implications are potentially explosive or in other words, maintenance of international peace and security. In this connection the author refers to Chapter VI and VII of the U. N. Charter, which deal

respectively with the powers and functions of the Security Council in relation to the pacific settlement of disputes 'likely to endanger the maintenance of international peace and security; and in relation to the threats to the peace, breaches of the peace and acts of aggression.' Maintaining that the Uniting for Peace resolution passed by the General Assembly in 1950 is fully consistent with the purposes and principles of the U.N. as set out in article 1(1) of the Charter, the author observes:

It does not purport in any way to supersede Chapter VII of the Charter, nor to confer on the General Assembly any power to take the mandatory decisions that are reserved for the Security Council under that Chapter. Above all, it recognises, as it is stated in one of its preambular paragraphs, that the failure of the Security Council to discharge its responsibilities on behalf of all the member States does not relieve those States of their obligations, or the United Nations of its responsibility under the Charter to maintain international peace and security.

Independence from Colonial Rule

The second problem discussed by the author is the desire of States, which have themselves recently emerged from a colonial or dependent status to bring colonialism in all its forms to an end, and to envisage independence as the objective for all dependent territories. The author refers to the debates of the Special Committee appointed by the General Assembly on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and People and observes:

The Special Committee could not agree upon the nature of the rights involved in the principle of self-determination. Some representatives stated that self-determination 'was no longer to be considered a mere moral or political postulate, it was rather a settled principle of modern international law.'

What emerged from the debate was that many of those who were most insistent in claiming the principle of self-determination as a right—an inalienable right—had doubts as to the scope of the right. It is interesting to note that some representatives on the Special Committee feared that the universal application of the principle would encourage secessionist movements in sovereign, independent States. The reference to self-determination in article 1(2) of the Charter was not meant to imply the existence of a right of secession, and at the present time a number of States, particularly newer ones, appear to consider that the principle (or, as they usually express it, the right) of self-determination

should apply only to peoples under colonial rule. Others have considered that it should, at least, apply 'to peoples occupying a geographical area which, but for foreign domination, could have formed an independent and sovereign States. The situation to which the principle applied immediately after the first World War—territorial adjustments involving the transfer of peoples to a different sovereignty—appear to have been largely lost sight of in recent years, probably because the problem facing the world today is the emergence of a number of new States and not, in general, the readjustment of boundaries between existing States.

Economic Independence:

The third problem specifically dealt with by the author is economic: the concern of the new States for the use and development of their natural resources and for the existing imbalance among themselves and the developed countries. The author describes the establishment and functioning of three organisations, namely, the United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organisation (UNIDO) and the United Nations Commission on International Trade Law (UNCITRAL) and considers in each case on what provisions of the Charter they are based.

[The author observes:

The developments in the economic field summarised are all of great importance to the evolution of the law of the United Nations. None of them would seem to be contrary to the charter; unless an extremely restrictive view is taken of the interpretation of the Charter, and it is considered that the Organisation can do only what is specifically provided for therein, none of them would seem to be open to question on legal grounds. Indeed, it would seem to be difficult to raise any objection in view of the intention, clearly expressed at San Francisco, that the Charter should state objectives, rather than provide specific solutions, in the economic field. So far as the United Nations Commission on International Trade Law is concerned, it is not simply the establishment of the Commission which is a stage in the evolution of international law. The Commission itself will have an important part to play in the progressive development of international law and its codification in the field of international trade, as well as of its unification.

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APPENDIX I

Statement showing the work transacted during the first session of the Fifth Lok Sabha

1. PERIOD OF THE SESSION	19th March to 2nd April, 1977	
2. NUMBER OF MEETINGS HELD		12
3. TOTAL NUMBER OF SITTINGS HOURS	63 hours 53 minutes	
4. NUMBER OF DIVISIONS HELD		NIL
5. GOVERNMENT BILLS:		
(i) Pending at the commencement of the session		NIL
(ii) Introduced		15
(iii) Laid on the Table as passed by Rajya Sabha		1
(iv) Returned by Rajya Sabha with any amendment recommendation and laid on the Table		NIL
(v) Referred to Select Committee		NIL
(vi) Referred to Joint Committee		NIL
(vii) Reported by Select Committee		NIL
(viii) Reported by Joint Committee		NIL
(ix) Discussed		17
(x) Passed		16
(xi) Withdrawn		NIL
(xii) Negatived		NIL
(xiii) Part-discussed		NIL
(xiv) Discussion postponed		NIL
(xv) Returned by Rajya Sabha without any recommendation		13
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted		1
(xvii) Pending at the end of the session		NIL
6. PRIVATE MEMBERS' BILLS:		
(i) Pending at the commencement of the session		NIL
(ii) Introduced		17
(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		
(vii) Passed		
(viii) Withdrawn		
(ix) Negatived		
(x) Circulated for eliciting opinion		
(xi) Part-discussed		
(xii) Discussion postponed		
	}	NIL

(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		17

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193:

(Matters of Urgent Public Importance)

(i) Notices received	19
(ii) Admitted	1
(iii) Discussion held	1

8. NUMBER OF STATEMENTS MADE UNDER RULE 197:

(Calling attention to matters of urgent public importance)

Statements made by Ministers	6
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9. HALF-AN-HOUR DISCUSSIONS HELD NIL

10. STATUTORY RESOLUTIONS:

(i) Notices received	6
(ii) Admitted	2
(iii) Moved	2
(iv) Adopted	2
(v) Negatived	NIL
(vi) Withdrawn	NIL

11. GOVERNMENT RESOLUTIONS:

(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1

12. PRIVATE MEMBERS' RESOLUTIONS:

(i) Received	4
(ii) Admitted	4
(iii) Discussed	2
(iv) Withdrawn	NIL
(v) Negatived	1
(vi) Adopted	NIL
(vii) Part-discussed	1
(viii) Discussion postponed	NIL

13. GOVERNMENT MOTIONS:

(i) Notices received	} 1
(ii) Admitted	
(iii) Moved	
(iv) Adopted	
(v) Discussed	

NIL

14. PRIVATE MEMBER'S MOTIONS:

(i) Received	25
(ii) Admitted	9
(iii) Moved	1
(iv) Adopted	1
(v) Discussed	} NIL
(vi) Negatived	
(vii) Part-discussed	
(viii) Withdrawn	

15. MOTIONS RE: MODIFICATION OF STATUTORY RULE:

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

16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY, DURING THE SESSION NIL

17. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION 9723

18. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED 12980 on 2-4-1971

19. NUMBER OF ADJOURNMENT MOTIONS :

(i) Brought before the House	NIL
(ii) Admitted and discussed	NIL
(iii) Barred in view of adjournment Motion admitted on the subject	NIL
(iv) Consent withheld by Speaker outside the House	20
(v) Consent given by Speaker but leave not granted by House	NIL

20. TOTAL NUMBER OF QUESTIONS ADMITTED :

(i) Starred	118
(ii) Unstarred (including Starred questions converted as Unstarred questions)	219
(iii) Short-notice Questions	3

21. NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY COMMITTEES PRESENTED TO THE LOK SABHA:

(i) Estimates Committee	2
(ii) Public Accounts Committee	NIL
(iii) Committee on Public Undertakings	NIL
(iv) Business Advisory Committee	NIL
(v) Committee on Absence of Members from the sittings of the House	NIL
(vi) Committee on Subordinate Legislation	NIL
(vii) Committee on Petitions	NIL
(viii) Committee of Privileges	NIL

(ix) Committee on Private Members Bills and Resolutions	NIL
(x) Committee on Government Assurances	NIL
(xi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	NIL
(xii) Joint Committee on Offices of Profit	NIL
(xiii) Rules Committee	NIL
22. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	NIL
23. PETITIONS PRESENTED	NIL
24. NUMBER OF NEW MEMBERS SWORN	513

APPENDIX II

*Statement showing the work transacted during the 75th Session of
Rajya Sabha*

1.	PERIOD OF THE SESSION	23-3-71 to 7-4-71
2.	NUMBER OF MEETINGS HELD	13
3.	TOTAL NUMBER OF SITTING HOURS	68 HOUR; 29 MINUTES
4.	NUMBER OF DIVISIONS HELD	4 DIVISIONS
5.	GOVERNMENT BILL	
	(i) Pending at the commencement of the session	9
	(ii) Introduced	1
	(iii) Laid on the Table as passed by Lok Sabha	15
	(iv) Returned by Lok Sabha with any amendment and laid on the Table	Nil
	(v) Referred to Select Committee	Nil
	(vi) Referred to Joint Committee	1
	(vii) Reported by Select Committee	Nil
	(viii) Reported by Joint Committee	Nil
	(ix) Discussed	17
	(x) Passed/Returned	16
	(xi) Withdrawn	Nil
	(xii) Negated	Nil
	(xiii) Part-discussed	Nil
	(xiv) Returned by Rajya Sabha without any recommendation	13
	(xv) Discussion postponed	Nil
	(xvi) Pending at the end of the session	9
6.	PRIVATE MEMBERS' BILLS :	
	(i) Pending at the commencement of the session	58
	(ii) Introduced	6
	(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) Referred by Joint Committee	Nil
	(vi) Discussed	1
	(vii) Passed	Nil
	(viii) Withdrawn	Nil
	(ix) Negated	1
	(x) Circulated for eliciting opinion	Nil
	(xi) Part-discussed	Nil
	(xii) Discussion postponed	Nil
	(xiii) Motion for circulation of Bill negated	Nil
	(xiv) Referred to Select Committee	Nil
	(xv) Pending at the end of the session	63

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176:

(Matters of Urgent Public Importance)

(i) Notices received	4
(ii) Admitted	Nil
(iii) Discussion held	Nil

8. NUMBER OF STATEMENTS MADE UNDER RULE 180:

(Calling attention to matters of urgent public importance)

Statements made by Ministers	10
--	----

9. HALF-AN-HOUR DISCUSSIONS HELD I

STATUTORY RESOLUTIONS:

(i) Notices received	5
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1
(v) Negatived	x
(vi) Withdrawn	x

11. GOVERNMENT RESOLUTIONS:

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

12. PRIVATE MEMBERS' RESOLUTIONS:

(i) Received	5
(ii) Admitted	5
(iii) Discussed	1
	(Discussion not concluded)
(iv) Withdrawn	x
(v) Negatived	x
(vi) Adopted	x
(vii) Part-discussed	x
(viii) Discussion postponed	x

13. GOVERNMENT MOTIONS:

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

14. PRIVATE MEMBERS' MOTIONS:

(i) Received	15
(ii) Admitted	8
(iii) Moved	1
	(Discussion postponed to next Session.)

(iv) Adopted	Nil
(v) Part-discussed	1
(vi) Negatived	x
(vii) Withdrawn	x
15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE:	
(i) Received	One (Motion for amendment of the Conduct of Election Rules (2nd Amendment 1971). 1
(ii) Admitted	One
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	Nil
16. NUMBER OF PARLIAMENTARY COMMITTEES CREATED, IF ANY, DURING THE SESSION	
	The Joint Committee on the Code of Criminal Procedure Bill, 1970.
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION	2148
18. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND ON WHICH ISSUED	314 (7th April, 1971)
19. NUMBER OF MOTIONS FOR PAPERS UNDER RULE 175:	
(i) Brought before the House	Nil
(ii) Admitted and discussed	Nil
20. TOTAL NUMBER OF QUESTIONS ADMITTED:	
(i) Starred	233
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	366
(iii) Short-notice Questions	1
21. NUMBER OF REPORTS OF VARIOUS PARLIAMENTARY COMMITTEES PRESENTED TO/LAID ON THE TABLE ON THE RAJYA SABHA.	
(i) Public Accounts Committee	2
(ii) Committee on Public Undertakings	Nil
(iii) Business Advisory Committee	Nil
(iv) Committee on Subordinate Legislation	1
(v) Committee on Petitions	2
(vi) Committee of Privileges	x
(vii) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	x
(viii) Joint Committee on Offices of Profit . . . . .	..
(ix) Rules Committee . . . . .	..

Appendices

217

22 NUMBES OF MEMBERS GRANTED LEAVE OF ABSENCE

3

23 PETITIONS PRESENTED

One

24 NUMBER OF NEW MEMBERS SWORN WITH DATES

S. NO	Name of Members sworn	Date on which sworn
(1)	Smt. Pratibha Singh	23-3-1971
(2)	Shri Shiv Swaroop Singh	23-3-1971

APPENDIX II

Statement showing the activities of the State Legislatures* during the period 1st November, 1970 to 31st January, 1971
Committees at work

Sessions held	No. of Questions										Name of the Committee	Sittings held	No. of reports presented
	Bills Passed		Starred		Unstarred		Short Notice		Name of the Committee				
	Govt. Members	Private Members	Recd.	Admtd.	Recd.	Admtd.	Recd.	Admtd.	Recd.	Admtd.			
1	2	3	4	5	6	7	8	9	10	11	12		
Andhra Pradesh Legislative Assembly													
One: 19 sittings (26th Nov. to 18th December, 1970).	8	..	523	171	161**	323	45	99†	Estimates Committee	17			
									Committee on Government Assurances	4			
									Committee on Privileges	3			
									Committee on Subordinate Legislation	8			
Bihar Legislative Council													
One: 45th Session (3rd Dec. to 21st December, 1970)	2	767	479	..	50	73	27		Committee on Public Undertakings	6			
									Business Advisory Committee	3			3
									Committee on Government Assurances	6			
									Committee on Petitions	16			

Committee on Private Member's Bills and Resolutions	4
Committee on Privileges	7
Committee on Subordinate Legislation	12
House Committee / Members Accommodation Committee	4
Library Committee	8
Rules Committee	1

Bihar Legislative Assembly

Public Accounts Committee	35
Estimates Committee	78
Committee on Public Undertakings	4
Business Advisory Committee	5
Committee on Government Assurances	22

One:11 sittings (27th November to 18th December, 1970)

*During the period under review, the Legislatures of Meghalaya and Pondicherry were not in session. No information was received from the Legislature Secretariats of Andhra Pradesh (Council), Assam, Himachal Pradesh, Jammu & Kashmir, Nagaland and Rajasthan and the Union Territories of Goa, Daman & Diu and Tripura. The statement does not include any statistics pertaining to the State of West Bengal and the Union Territory of Manipur which continued to be under President's rule during the period under review.

**Starred notices admitted as unstarred questions.

† Short notice questions admitted as ordinary questions. (48 starred and 51 unstarred).

House Committee/Mem- bers Accommodation Committee	2	1
Library Committee	1	.. .
Rules Committee	2	1
Committee on Members Allowances Rules.	1	
Committee on Absence of Members.	1	1
Public Accounts Commi- ttee	12	

Haryana Vidhan Sabha

..
Committee on Government Assurances	..	..	..	..	25
Committee on Subordi- nate Legislation	..	..	..	..	14
Library Committee	..	..	..	..	10
Public Accounts Commi- ttee	..	..	..	..	14

Kerala Legislative Assembly

One : 9 Sitings	10	1347	484	..	571	22	5	11	17	..	1	1
							Estimates Committee	Committee on Public Understandings	Business Committee	Advisory Committee		

the Maharashtra elum area (clearance and Redevelopment of Bill, 1970)	1	..
Committee on Leave of absence of members from sittings of the House	2	2
Public Accounts Com- mittee	6	
Committee on Public Undertakings	3	
Business Advisory Committee	1	
Committee on Govern- ment Assurances	2	
Committee on Subordi- nate Legislation	6	..
House Committee/Mem- bers Accommodation Committee	2	
Committee on the Wel- fare of Scheduled Castes & Scheduled Tribes	20	..

Muzone Legislative Council

One : 4 sittings
(23rd December to 28th
December, 1970).

74

70

*This includes 5 Bills passed in Legislative Council and transmitted to Assembly.

Punjab Vidhan Sabha

One : Sittings 9
(15th January, 1971
to 29th January, 1971).

9	644	413	198	94	6	Public Accounts Committee	13	..
						Estimates Committee	16	1
						Business Advisory Committee	2	2
						Committee on Government Assurances	10	

Appendices

Committee on Privileges	9	3
Committee on Subordinate Legislation	4	..

(Parliamentary)

Library Committee	8
Rules Committee	4

Tamil Nadu Legislative Council

One : 37th Session
(6 sittings)
(26th November to 3rd
December 1970).

9	..	644	516	9	9	1	Business Advisory Committee	2	..
							Committee on Government Assurances	3	..

Tamil Nadu Legislative Assembly

	1	2	3	4	5	6	7	8	9	10	11	12
Ninth Session : 6 days (25th November to 2nd December, 1970).		9	1945	1412	118	32	11	Estimates Committee	11	..		
								Committee on Govern- ment Assurances	3	..		
								Committee on Subordi- nate Legislation	5	..		
								Public Accounts Commi- ttee	9	2		

Uttar Pradesh Vidhan Parishad

	1	2	3	4	5	6	7	8	9	10	11	12
One : 14 Days		18	..	142	105	25	25	36	4	Committee on Public Undertakings	19	..
										Committee on Govern- ment Assurances	8	..
										Committee on Privileges	1	..
										Library Committee Compilation of the Rules Committee	13	..
										Committee on Prevention of unfair means adopted by students in High School and Intermediate Board's Examination in 1970	13	
										Committee on With- holding of results of the Board of High School and Intermediate ex- amination, U.P., 1970	1	

Uttar Pradesh Vidhan Sabha

One : 13 Sittings (7th December to 31st December 1970)	19	859	268*	..	1234	412**	Public Accounts Com- mittee	23	..
							Estimates Committee	11	..
							Committee on Petitions	2	1
							Committee on Privileges	5	5
							Committee on Delegated Legislation	10	..

*Out of these 12 were admitted as unstarred questions.

**Out of these 94 were admitted as short notice questions 313 as starred questions and 5 as unstarred questions.

APPENDIX IV

List of Bills passed by the houses of Parliament and assented to by the President during the period 19th December, 1970 to 7th April, 1971

S. No.	Title of Bill	Date of Assent by the President
1	2	3
1	The Appropriation (No. 4) Bill, 1970	19-12-1970
2	The Appropriation (No. 5) Bill, 1970	19-12-1970
3	The Appropriation (Railways) No. 4 Bill, 1970	19-12-1970
4	The Appropriation (Railways) No. 5 Bill, 1970	19-12-1970
5	The Indian Medicine Central Council Bill, 1970	21-12-1970
6	The Salaries and Allowances of Officers of Parliament (Amendment) Bill, 1970	24-12-1970
7	The Tea Districts Emigrant Labour (Repeal) Bill, 1970	24-12-1970
8	The Central Labour Laws (Extension to Jammu and Kashmir) Bill, 1970	24-12-1970
9	The Coal Mines (Conservation and Safety) Amendment Bill, 1970	24-12-1970
10	The State of Himachal Pradesh Bill, 1970	25-12-1970
11	The Appropriation (Railways) Vote on Account Bill, 1971	30-3-1971
12	The Appropriation (Railways) Bill, 1971	30-3-1971
13	The Manipur Appropriation (Vote on Account) Bill, 1971	30-3-1971
14	The Manipur Appropriation Bill, 1971	30-3-1971
15	The Appropriation Bill, 1971	30-3-1971
16	The Appropriation (Vote on Account) Bill, 1971	30-3-1971
17	The Imports and Exports (Control) Amendment Bill, 1971	30-3-1971
18	The Orissa Appropriation (Vote on Account) Bill, 1971	30-3-1971

1	2	3
19	The Orissa Appropriation Bill, 1971	30-3-1971
20	The Mysore Appropriation (Vote on Account) Bill, 1971	30-3-1971
21	The Mysore Appropriation Bill, 1971	30-3-1971
22	The West Bengal Appropriation (Vote on Account) Bill, 1971	31-3-1971
23	The West Bengal Appropriation Bill, 1971	31-3-1971
24	The Finance Bill, 1971	7-4-1971
25	The State of Himachal Pradesh (Amendment) Bill, 1971	19-4-1971
26	The Labour Provident Fund Laws (Amendment) Bill, 1971	23-4-1971

APPENDIX V

*List of Bills passed by the State Legislatures during the period
1st November to 31st January, 1971.*

Andhra Pradesh

1. The Andhra Pradesh Animals and Birds Sacrifices Prohibition (Amendment) Bill, 1970.
2. The Andhra Pradesh (Andhra Area) Tenancy (Amendment) Bill, 1970.
3. The Andhra Pradesh Minor Forest Produce (Regulation of Trade) Bill, 1970.
4. The Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1970.
5. The Andhra Pradesh Agricultural Produce and Livestock Markets (Amendment and Validation) Bill, 1970.
6. The Andhra Pradesh Chit Funds Bill, 1970.
7. The Andhra Pradesh Intermediate Education Bill, 1970.
8. The Andhra Pradesh Municipalities (Amendment) Bill, 1970.

Bihar

1. The Bihar Co-operative Societies (Amendment) Bill, 1970.
2. The Bihar Legislature (Prevention of Disqualifications) (Amendment) Bill, 1970.
3. The Rajendra Agricultural University (Amendment) Bill, 1970.
4. The Restoration of Agricultural Land belonging to Tana Bhagat Ryots, Distt. Ranchi (Amendment) Bill, 1970.
5. The Bihar Appropriation (No. 3) Bill, 1970.

Gujarat

1. The Gujarat University (Amendment) Bill, 1969 (L.A. Bill, No. 50 of 1969).
2. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Bill, 1970 (L.A. Bill No. 5 of 1970).
3. The Bombay Motor Vehicles Tax (Gujarat Amendment) Bill, 1970 (L.A. Bill No. 7 of 1970).
4. The Sardar Patel University (Amendment) Bill, 1970 (L.A. Bill No. 9 of 1970).
5. The Bombay Land Requisition (Gujarat Extension of Duration) Bill, 1970 (L.A. Bill No. 35 of 1970).

6. The Gujarat Contingency Fund (Amendment) Bill, 1970 (L.A. Bill No. 36 of 1970).
7. The Pharmacy (Gujarat Amendment) Bill, 1970 (L.A. Bill No. 37 of 1970).
8. The Bombay Provincial Municipal Corporations (Gujarat Second Amendment) Bill, 1970 (L.A. Bill No. 38 of 1970).
9. The Gujarat (Second Supplementary) Appropriation Bill, 1970. (L.A. Bill No. 41 of 1970).
10. The Gujarat Appropriation (Excess Expenditure) Bill, 1970 (L.A. Bill No. 42 of 1970).

Kerala

1. The Calicut University (Amendment) Bill, 1970.
2. The Kerala Essential Articles Control (Temporary Powers) Continuance Bill, 1970.
3. The Kerala General Sales Tax (Amendment) Bill, 1970.
4. The Kerala Appropriation (No. 4) Bill, 1970.
5. The Kerala Appropriation (No. 5) Bill, 1970.
6. The Kerala Appropriation (No. 6) Bill, 1970.
7. The Agricultural Income Tax (Amendment) Bill, 1970.
8. The Kerala Surecharge on Taxes (Amendment) Bill, 1970.
9. The Kerala Cultivators and Tenants (Temporary Protection) Bill, 1970.
10. The Kerala Public Service Commission (Additional Functions as respects certain Corporation and Companies) Bill, 1970.

Madhya Pradesh

1. Code of Criminal Procedure (Madhya Pradesh Amendment) Bill, 1968 (No. 3 of 1968).
2. The Madhya Pradesh Land Revenue Code (Amendment) Bill 1970 (No. 24 of 1970).
3. The Madhya Pradesh Co-operative Societies (Amendment) Bill, 1970 (No. 29 of 1970).
4. The Madhya Pradesh Ayurvedic, Unani and Naturopathic Practitioners Bill, 1970 (No. 26 of 1970).
5. The Madhya Pradesh Urban Immovable Property Tax (Amendment) Bill, 1970 (No. 28 of 1970).
6. The Madhya Pradesh Appropriation (No. 6) Bill, 1970 (No. 29 of 1970).

Maharashtra

1. The Bombay Municipal Corporation (Amendment) Bill, 1970.
2. The Maharashtra Regional and Town Planning (Amendment) Bill, 1970.
3. The Maharashtra Municipal Corporation (Amendment) Bill, 1970.

4. The Maharashtra Zilla Parishad and Panchayat Samitis (Second Amendment) Bill, 1970.
5. The Maharashtra Public Security Measures Bill, 1970.
6. The Maharashtra Essential Services Maintenance Bill, 1970.
7. The Maharashtra (Third Supplementary) Appropriation Bill, 1970.
8. The Maharashtra Appropriation (Excess Expenditure) Bill, 1970.
9. The Bombay Sales Tax (Amendment and Validating Provisions) Bill, 1970.
10. The Bombay Sales of Motor Spirit Taxation (Amendment) Bill, 1970.
11. The Hyderabad Cinema Shows Tax (Maharashtra Repeal) Bill, 1970.
12. The Bombay Labour Welfare Fund (Amendment) Bill, 1970.
13. The Bombay Public Trusts (Amendment) Bill, 1970.
14. The Nagpur University (Amendment) Bill, 1970.
15. The Poona University (Amendment) Bill, 1970.
16. The Maharashtra Co-operative Societies (Amendment) Bill, 1970.
17. The Bombay Buildings Repairs and Reconstruction Board (Second Amendment) Bill, 1970.
18. The Maharashtra Apartment Ownership Bill, 1970.
19. The Maharashtra National and State Parks Bill, 1970.
20. The Bombay Land Requisition (Extension of Duration) Bill, 1970.

Punjab

1. The Punjab Gram Panchayat (Amendment) Bill, 1971.
2. The Punjab Prevention of Beggary Bill, 1971.
3. The Punjab Entertainments Duty (Amendment) Bill, 1971.
4. The Punjab Urban Immovable Property Tax (Amendment) Bill, 1971.
5. The Punjab Entertainment Tax (Cinematograph) Shows Amendment Bill, 1971.
6. The Punjab Motor Vehicles Taxation (Amendment) Bill, 1971.
7. The Punjab Contingency Fund (Amendment) Bill, 1971.
8. The Punjab Appropriation Bill, 1971.
9. The Punjab Appropriation (Vote-on-Account) Bill, 1971.

Tamil Nadu

1. The Tamil Nadu Panchayat Courts (Validation of Proceedings) Bill, 1970.
2. The Tamil Nadu Co-operative Societies (Amendment) Bill, 1970.
3. The Tamil Nadu Co-operative Societies (Second Amendment) Bill, 1970.

4. The Tamil Nadu Prohibition (Amendment) Bill, 1970.
5. The Tamil Nadu Co-operative Societies (Third Amendment) Bill, 1970.
6. The Tamil Nadu District Municipalities (Amendment) Bill, 1970.
7. The Tamil Nadu Occupants of Kudiyruppu (Protection from Eviction) Amendment Bill, 1970.
8. The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Bill, 1970.
9. The Tamil Nadu Water Supply and Drainage Board Bill, 1970.

Uttar Pradesh

1. The Uttar Pradesh Ganna Kraya Kar (Sansodhan) Vidheyak, 1970.
2. The Bist Industrial Corporation (Upkram Ka Arjan) Vidheyak, 1970.
3. The Uttar Pradesh (Temporary) Control of Rent and Eviction (Jari Rakhne Ka) Vidheyak, 1970.
4. The Uttar Pradesh Bhumi Vidhi (Sansodhan) Vidheyak, 1970.
5. The Court Fees (Uttar Pradesh Sansodhan) Vidheyak, 1970.
6. The Uttar Pradesh Entertainment and Betting Tax (Sansodhan) Vidheyak, 1970.
7. Indian Stamp (Uttar Pradesh Sansodhan) Vidheyak, 1970.
8. The Uttar Pradesh Electricity Duty (Sansodhan) Vidheyak, 1970.
9. The Uttar Pradesh Hindu Sarvajanic Dharmik Santha (Sampatti Apyvyay Nivaran) (Asthayee Adhikar) (Jari Rakhne Ka) Vidheyak, 1970.
10. The Uttar Pradesh Rajya Vidhan Mandal Adhikarion (Ke Vetan Tatha Bhatte) (Sansodhan) Vidheyak, 1970.
11. The Uttar Pradesh Excise (Triteeya Sansodhan) Vidheyak, 1970.
12. The Uttar Pradesh Vriti Vyapar, Ajevika Aur Sewa Yojan Ka Nivaran Vidheyak, 1970.
13. The Uttar Pradesh Rashtra Virodhi Tattva Nivaran Vidheyak, 1970.
14. The Uttar Pradesh Bikrikar (Sansodhan) Vidheyak, 1970.
15. The Uttar Pradesh Ganna (Porti Tatha Kharid Viniyaman) (Sansodhan) Vidheyak, 1970.
16. The Registrykaran (Uttar Pradesh Sansodhan) Vidheyak, 1970.
17. The Uttar Pradesh Viniyog (1970-71) Vidheyak, 1970.
18. The Uttar Pradesh Gundha Niyantaran Vidheyak, 1970.
19. The Uttar Pradesh Vishwa Vidhyalaya Tatha Degree College (Chhatra Sangh) Vidheyak, 1970.

APPENDIX VI

*Ordinances issued during the period 1st November to
31st January, 1971*

Sl. No.	Subject	Date of Promulgation	Date on which laid before the Houses	Date of Cessation	Remarks
1	2	3	4	5	6
Centre					
1.	The State of Himachal Pradesh (Amendment) Ordinance, 1971.	4-1-71	23-3-71		Replaced by Legislation.
2.	The West Bengal Security (Tripura Re-enacting) Amendment Ordinance, 1971.	24-1-71	23-3-71	4-5-71	
3.	The Labour Provident Fund Laws (Amendment) Ordinance, 1971.	13-2-71	23-3-71		Replaced by Legislation.
Andhra Pradesh					
1.	The Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) (Amendment) Ordinance, 1970.	6-11-70	27-11-70	9-1-71	Replaced by the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) amendment Bill, 1970.
Bihar					
1.	Bihar Panchayat Raj (Amendment and Validation) Ordinance, 1970.	14-8-70	27-11-70	7-1-71	Could not be replaced by a Bill.
2.	Bihar District Board and Local Board (Control and Administration) (Amendment) Ordinance, 1970.	31-8-70	27-11-70	7-1-71	Could not be replaced by a Bill.
3.	Bihar Hindu Religious Trust (Amendment) Ordinance, 1970.	5-9-70	27-11-70	7-1-71	Could not be replaced by a Bill.

1	2	3	4	5	6
4.	Bihar Primary Education(Amendment) Ordinance, 1970.	5-9-70	27-11-70	7-1-71	Could not be replaced by a Bill.
5.	Bihar Land Reforms (Fixation of Ceiling and Acquisition of Surplus land) (Amendment) Ordinance, 1970.	9-9-70	27-11-70	7-1-71	Could not be replaced by a Bill.
6.	Bihar Industries State Subsidy (Amendment) Ordinance, 1970.	10-9-70	27-11-70	7-1-71	Could not be replaced by a Bill.
7.	Bihar Khadi & Village Industries (Amendment) Ordinance, 1970.	17-9-70	27-11-70	7-1-71	Could not be passed as a Bill.
8.	Bihar Municipalities (Amendment) Ordinance, 1970.	3-10-70	27-11-70	7-1-71	Could not be passed as a Bill.
9.	Bihar Sales Tax (Amendment) Ordinance, 1970.	27-10-70	27-11-70	7-1-71	Could not be passed as a Bill.
10.	Bihar Contingency Fund (Amendment) 1970.	25-9-70	27-11-70	7-1-71	Could not be passed as a Bill.
11.	Bihar Contingency Fund (Second / Third Amendment Ordinance, 1970.	2-11-70	27-11-70	7-1-71	Could not passed as a Bill.
12.	Rajendra Agriculture University (Amendment) Ordinance, 1970	7-11-70	27-11-70	7-1-71	Replaced by a Bill.
13.	Bihar Legislature (Prevention of Disqualification) Ordinance, 1970.	12-11-70	27-11-70	7-1-71	Replaced by a Bill.
Gujarat					
1.	Ordinance No. 1 of 1970—The Gujarat Contingency Fund (Amendment) Ordinance, 1970.	23-9-70	16-11-70		Replaced by L.A. Bill No. 36 of 1970. The Gujarat Contingency Fund (Amendment) Bill, 1970.
2.	Ordinance No. 2 of 1970—The Pharma-	7-10-70	16-11-70		Replaced by L.A. Bill No. 37 of

1	2	3	4	5	6
	cy (Gujarat Amendment) Ordinance, 1970.				1970— The Pharmacy (Gujarat Amendment) Bill, 1970.
Haryana					
1.	The Punjab Entertainment Duties (Haryana Amendment) Ordinance, 1970.	19-12-70	..		
2.	The Northern India Canal and Drainage (Haryana Amendment) Ordinance 1970.			..	..
Kerala					
1.	The Kerala Drugs (Unlawful Possession) Ordinance, 1970.	2-12-70	..	..	..
2.	The Kerala Panchayats (Amendment) Ordinance 1970.	17-12-70		..	..
3.	The Kerala University (Fourth Amendment) Ordinance, 1970.	9-12-70	..	..	..
4.	The Madras Prevention of Private Forests (Second Amendment) Ordinance, 1970.	23-12-70	..	..
5.	The Madras Prevention of Private Forests (Amendment) Ordinance, 1971.	12-1-71			
6.	The Kerala Land Conservancy (Amendment) Ordinance, 1971.	5-1-70 ^a	..	..
Madhya Pradesh					
1.	The Madhya Pradesh Co-operative Societies (Amendment) Ordinance, 1970 (No. 11 of 1970).	21-11-70	23-12-70		Madhya Pradesh Co-operative Societies (Amendment) Bill, 1970 (No. 25 of 1970).

1	2	3	4	5	6]
2. The Madhya Pradesh Co-operative Societies (Amendment) Ordinance, 1970 (No. 12 of 1970).	22-11-70	23-12-70			Madhya Pradesh Co-operative Societies (Amendment) Bill, 1970 (No. 25 of 1970).
3. The Madhya Pradesh Urban Immovable Property Tax (Amendment) Ordinance, 1970 (No. 13 of 1970).	24-11-70	23-12-70			Madhya Pradesh Urban Immovable Property Tax (Amendment) Bill, 1970 (No. 28 of 1970).
4. The Madhya Pradesh Ayurvedic Unani and Naturopathic Practitioners Ordinance, 1970 (No. 14 of 1970).	24-11-70	23-12-70			Madhya Pradesh Ayurvedic, Unani and Naturopathic Practitioners Bill, 1970 (No. 26 of 1970).
5. The Members of Madhya Pradesh Legislature (Prevention of Disqualification) (Amendment) Ordinance, 1971 (No. 1 of 1971).	18-1-71	18-3-71			Members of Madhya Pradesh Legislature (Prevention of Disqualification) (Amendment) Bill, 1971 (No. 5 of 1971).
6. The Madhya Pradesh University Laws (Amendment) Ordinance, 1971 (No. 2 of 1971).	30-1-71	18-3-71			Madhya Pradesh University Law (Amendment) Bill, 1971 (No. 2 of 1971).
Maharashtra					
1. Maharashtra Ordinance No. V of 1970—The Bombay Building Repairs and Reconstruction Board (Second Amendment) Ordinance, 1970.	2-11-70	8-12-70	30-12-70		L.A. Bill 30. XLII of 1970—The Bombay Buildings Repairs and Reconstruction Board (Second Amendment) Bill, 1970.
2. Maharashtra Ordinance No. VI of 1970—The Maharashtra Essential Services Maintenance (Amendment) Ordinance, 1970.	10-11-70	8-12-70	14-12-70		L.A. Bill No. XLV of 1970—The Maharashtra Essential Services Maintenance Bill, 1970.
3. Maharashtra Ordinance No. VII of 1970—The Bombay Sales Tax (Amendment and Validating Provisions) Ordinance, 1970.	17-11-70	8-12-70	31-12-70		L.A. Bill No. LVE of 1970—The Bombay Sales Tax (Amendment and Validating Provisions) Bill, 1970.

1	2	3	4	5	6
Mysore					
1	The Mysore Co-operative Societies (Amendment) Ordinance 1970.	10-11-70	23-12-70		
Orissa					
1.	The Bihar and Orissa Excise (Second Amendment) Ordinance, 1970.	23-12-70			
2.	The Orissa Irrigation (Amendment) Ordinance. 1971.	7-1-70			
Tamil Nadu					
1.	The Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Ordinance, 1970 (Tamil Nadu Ordinance 7 of 1970).	23-11-70	26-11-70	4-1-71	The Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Bill, 1970 (L.A. Bill No. 43 of 1970)
2.	The Tamil Nadu Slum Areas (Improvement and Clearance) Ordinance, 1971 (Tamil Nadu Ordinance 1 of 1971).	15-1-71			
Uttar Pradesh					
1.	U.P. Vishwavidyalaya (Sansodhan) Adhyadesh, 1970.	11-7-70	..		Withdrawn
2.	Kanpur Tatha Meerut Vishwavidyalaya (Sankaram Kalin Upbandh) Adhyadesh, 1970.	13-7-70	8-12-70	18-1-71	..
3.	U.P. Excise (Sansodhan) Adhyadesh, 1970.	14-7-70	8-12-70	18-1-71	Replaced by a Bill
4.	U.P. Ganna (Poorti Tatha Khatid (Viniyaman) (Sansodhan) Adhyadesh, 1970.	5-8-70	8-12-70		Replaced by a Bill
5.	U. P. Nivarak Nirodh Adhyadesh, 1970.	5-8-70	8-12-70		Withdrawn

1	2	3	4	5
6. U. P. Kar Tatha Shulka Vidhi (Sansodhan) Adhyadesh, 1970.	5-8-70	8-12-70	..	Replaced by a Bill
7. U. P. Gunda Niyantaran Adhyadesh, 1970.	7-9-70	8-12-70	..	Replaced by a Bill
8. Bisht Industrial Corporation Limited (Upkaram Ka Arjan) Adhyadesh, 1970.	12-9-70	8-12-70	..	Replaced by a Bill
9. U. P. Panchayat Raj (Sansodhan) Adyadesh, 1970.	25-9-70	8-12-70	..	Withdrawn
10. U. P. Bhumi Vidhi (Sansodhan) Adhyadesh, 1970.	28-9-70	8-12-70	..	Replaced by a Bill
11. U. P. (Temporary) Control of Rent and Eviction (Jari Rakhne Ka) Adhyadesh, 1970.	28-9-70	8-12-70	..	Replaced by a Bill
12. U. P. Bikri Kar (Sansodhan) Adhyadesh, 1970.	30-9-70	8-12-70	..	Replaced by a Bill

APPENDIX VII
Party Position in Parliaments and State Legislatures Assemblies
I LOK SABHA
 As on March 15, 1971
 (State-wise)

Name of the State	Seats	Cong.	CPI(M)	CPI	DMK	JS	Cong (O)	UFIG	Other Parties.	Unattached	Total
I	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh	.	28	1	1	..	..	..	..	10a	1	41
Assam	.	14	13	..	..	..	..	..	..	1	14
Bihar	.	53	39	..	5	2	3	1	2b	1	53
Gujarat	.	24	11	..	..	..	11	..	2c	..	24
Haryana	.	9	7	..	..	1	..	..	..	1	9
Himachal Pradesh	.	4	3	..	..	..	..	..	..	..	3 (1 vacant)
Jammu & Kashmir	.	6	4	..	..	..	..	..	..	1	5 (1 vacant)
Kerala	.	19	6	2	3	..	..	..	7d	1	19
Madhya Pradesh	.	37	21	..	..	10	..	4	1e	1	37
Maharashtra	.	45	42	..	..	..	..	..	1f	1	44 (1 vacant)
Mysore	.	27	27	..	..	..	..	..	..	..	27
Nagaland	.	1	..	..	..	..	..	..	..	1	1
Orissa	.	20	15	..	1	..	..	..	3g	..	20
Punjab	.	13	10	..	2	..	..	..	..	1	12*

Rajasthan	23	14	..	..	..	5	..	2	2h	..	23
Tamil Nadu	39	9	..	4	23	..	1	..	1i	1	39
Uttar Pradesh	85	73	..	5	..	4	1	1	..	1	85
West Bengal	40	13	20	3	..	..	..	1	3j	8..	40
<i>Union Territories</i>											
Andaman & Nicobar Islands	1	1							..	..	1
Chandigarh	1	1							..	..	1
Dadra & Nagar Haveli	1	1							..	..	1
Delhi	7	7							..	..	7
Goa, Daman & Diu	2	1							..	1	2
Laccadive, Minicoy & Amindivi Islands	1	1	..	..	..	..	..	..	..	..	1
Manipur	2	2	..	..	..	..	..	..	..	..	2
Pondicherry	1	1	..	..	..	..	..	..	..	..	1
Tripura	2	..	2	..	..	..	..	..	..	..	2
<i>Nominated</i>											
North-East Frontier Tract	1	..	..	..	..	..	..	..	..	..	Vacant
Anglo Indian	2	..	..	..	..	..	..	1	..	..	1
	521	350	24	24	23	22	16	11	32	13	13
											(1 vacant)
											(5 vacancies)

*Excludes the Speaker.
 (a) Telangana Praja Samiti—10.
 (b) Sanayukta Socialist Party—2.
 (c) Swatantra—2
 (d) Muslim League—2. Revolutionary Socialist Party—2, Kamla Congress—3.
 (e) Sanayukta Socialist Party—1.
 (f) Praja Socialist Party—1.
 (g) Swatantra Party —3.
 (h) Swatantra—2.
 (i) Muslim League—1.
 (j) Muslim League—1, Revolutionary Socialist Party—1, Praja Socialist Party—1.

LOK SABHA*(Party wise)*

Sl. No.	Name of Party /Group	Strength
1	Congress Party	350
2	C. P. I. (M) Group	25
3	C. P. I. Group	24
4	D. M. K. Group	23
5	Jan Sangh Group	22
6	Congress Opposition Group	16
7	United Independent Parliamentary Group	11
8	Other Parties	32
9	Unattached	13
	TOTAL	515
	(excluding the Speaker	5 vacancies)

RAJYA SABHA
(As on 12th April, 1971)
(State wise)

States	No. Cong of seats	Cong. (O)	J.S.	SWA	CPI	SSP	CPI (M)	DMK	PSP	ML	BKD	Akali Dal	RP	FB	FB (M)	Bangle Cong.	RSP	SMS	TPS	ISP	Ind. & Vacan- Others cires	24		
I	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
A.P.	18	9	3		1	1	..	..			..	..	..	..	..	..	..	..	..	..	1	..	3	..
Assam	7	6	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Bihar	22	9	1	1	..	2	4	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	2	2
Gujarat	11	2	4	1	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
Haryana	5	4	1			..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Himachal Pradesh	3	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Jammu & Kashmir	4	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Kerala	9	..	..	..	..	3	..	2	..	..	2	..	..	..	..	..	..	1	..	..	1	..	..	..
Madhya Pradesh	16	9	1	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..
Maharashtra	19	11	1	..	..	1	..	..	..	1	..	..	..	2	..	..	..	..	1	..	..	1	1	1
Mysore	12	1	7	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..
Nagaland	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Orissa	10	3	2	..	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1
Punjab	7	3	..	1	..	..	..	..	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..
Rajasthan	10	5	1	2	1	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..
Tamil Nadu	18	1	3	..	3	..	..	1	6	2	2	..	..	..	..	..	..	..	..	..	..	..	2	..
U. P.	34	13	8	4	1	1	3	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	1	..
West Bengal	16	3	1	..	..	2	..	5	..	..	..	..	..	1	1	1	..	..	..	..	..	..	2	..
Delhi	3	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..
Manipur	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Pondicherry	1	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tripura	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Nominated	12	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	9	..
	240	92	33	15	12	10	8	8	7	4	4	4	3	2	1	1	1	1	1	1	1	1	26	5

RAJYA SABHA

(Party wise)

Sl. No.	Name of the Party, Group	Strength
1	Congress Party	92*
2	Congress Party (Opposition)	33
3	Jan Sangh	15
4	Swatantra	12
5	C. P. I.	10
6	C. P. I. (M)	8
7	S. S. P.	8
8	D. M. K.	7
9	P. S. P.	4
10	Muslim League	4
11	B. K. D.	4
12	Other parties	12†
13	Independents and others	26
	Vacancies	5
	TOTAL	240††

* Includes 3 Nominated members.

† Akali Dal—3, Republican Party—2, Forward Block—1, Forward Block (M)—1, Bangla Congress—1, Revolutionary Socialist Party—1, Sumyukta Maharashtra Samiti—1, Telengana Parja Samiti—1, Indian Socialist Party—1.

†† Includes 9 Nominated members.

III State Legislative Assemblies

States	No. of Seats (R)	Cong. (O)	Cong. (O)	Swat. (O)	J.S. (M)	C.P.I. (M)	SSP (M)	PSP (M)	Rep.	Other parties	12	13	14	15	16	17	18	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
Andhra Pradesh (as on 31-1-971)	288	184	14	19	3	10	8	1	..	2	31 (a)	14	1	..	..	..	287 (b)
Bihar (as on 5-3-71)	319	83	34	2	33	25	2	53	17	..	35 (c)	32	1	..	..	..	317 (d)
Gujarat (as on 13-4-71)	168	54	82	15	1	..	..	3	..	3	..	8	..	..	..	..	163 (e)
Haryana (as on 19-3-1971)	81	54	6	..	6	..	..	..	..	..	13 (f)	1	..	..	..	..	80 (g)
Kerala (As on 13-4-71)	134	33	4	..	16	32	7	3	27*	..	..	..	..	11	..	..	133 (h)
Madhya Pradesh (as on 9-4-71)	297	191	..	..	64	1	..	7	3	..	19 (h)	3	1	..	..	..	289 (i)
Maharashtra (as on 6-4-71)	271	191	13	..	6	8	2	6	7	2	23 (k)	10	1	1	1	..	271	
Mysore (as on 31-1-71)	217	43	122	7	3	2	1	3	15	1	2	17	..	..	..	..	216 (l)
Orissa (as on 23-1-71)	140	8	2	48	..	7	1	1	21	..	45	5	..	..	..	..	381 (m)
Punjab (as on 1-3-71)	104	29	..	7	4	2	2	2	1	..	58 (o)	1	..	..	..	..	104

Tamil Nadu (as on 23-3-71)	235	8	41	11	..	3	10	1	4	1	4	3	2	3	7	137	119
											(a)				(r)	(e)	
Uttar Pradesh	426	153	82	4	43	4	1	28	3	1	79	24	..	..	..	..	422
											(c)						(u)

- (a) Telengana United Front—25; Peoples Democratic Group-3; Jana Congress—3.
- (b) Excluding the Speaker.
- (c) Jana—12, Lok Tantik Congress Dal—4, Bhartiya Kranti Dal—6, Shoshit Dal—6, Hul Jharkhand—7.
- (d) Excluding the Speaker; 1 seat is vacant.
- (e) Excluding the Speaker; 4 seats are vacant.
- (f) Haryana United Front—13.
- (g) 1 seat is vacant.
- (h) Lok Sevak Dal—15, Pragatishheel Vidhyak Dal—4.
- (i) 8 seats are vacant.
- (j) Includes 1 independent.
- (k) Peasants and Workers—21, Hindu Sabha—1, Shiv Sena—1.
- (l) Excluding the Speaker.
- (m) Excluding the speaker, 1 seat is vacant.
- (n) One member, Shri Rup Lal Sathi, originally belonged to the SSP but his name has been included in the List of Akali Members sent by the Leader of the Akali Party to the Punjab Vidhan Sabha Secretary. Further the member was allotted a seat alongwith the Akali members on Treasury Benches in the House during the session of the Punjab Vidhan Sabha held in January, 1971. No intimation has, however, been received from Shri Sathi that he has joined the Akali Dal.
- (o) Akali Party-57 Shiromani Akali Dal (Panj-Kaunali)—1.
- (p) Hon'ble speaker
- (q) Tamil Arasu Kazhagam.
- (r) Including 1 affiliated member.
- (s) Excluding the speaker; 5 seats are vacant.
- (t) Bhartiya Kranti Dal—76, Kisan Mazdoor Party—1, Muslim Majlis—2.
- (u) Excluding the Hon'ble Speaker and Hon'ble Deputy Speaker; 2 seats are vacant.
- (v) Kerala Congress—14, Revolutionary Socialist Party—6, Indian Socialist Party—3, Kerala Socialist Party—2, Kerhika Thorzhi Iai Party—2.

** Excluding the Speaker.

N.B.—

- (I) No Information was received from the States of Assam, Himachal Pradesh, Jammu and Kashmir, Nagaland and Rajasthan and the Union Territories of Goa, Daman and Diu and Tripura.
- (II) In this statement Cong (R) stands for the Congress presided over by Shri D. Sanjivayya and Cong (O) for the Congress presided over by Shri S. Nijalingappa.

APPENDIX VIII

List of Members of the fifth Lok Sabha showing their Constituencies Party Affiliations and Membership of previous House or Houses if any
(As on April 1971)

S. No.	Constituency	Name of the Member	Party*	Membership of the previous House or Houses, if any†.
1	2	3	4	5
ANDHRA PRADESH (41)				
1	Adilabad	P. Ganga Reddy	Con.	4th L. S.
2	Amalapuram (R)	B. S. Murthy	Con.	1st, 2nd, 3rd & 4th L.S.
*The abbreviations used are : Congress Party (Con.) Communist Party of India (Marxist) C.P.I. (M) Communist Party of India (C.P.I.) Dravida Munnetra Kazhagam (D.M.K.) Jan Sangh (J.S.) Congress (Opposition) Party [Con. (O)] Telengana Praja Samiti (T.P.S.) Samyukta Socialist Party (S.S.P.) Praja Socialist Party (P.S.P.)				
Swatantra Party (Swa.) Muslim League (M.L.). Revolutionary Socialist Party (R.S.P.) Kerala Congress (K. C.). United Independent Parliamentary Group (U.I.P.G.). Bhartiya Kranti Dal (B.K.D.) Unattached (U.A.) (R) indicates Reserved Seats. †L.A. stands for Central Legislative Assembly, C.A. for Constituent Assembly, P. P. for Provisional Parliament and L.S. for Lok Sabha.				

3	Anaparthi	. . . . .	S.R.A.S. Appalaaidu	. . . . .	Con.	
4	Anantapur	. . . . .	Ponnampati Antony Reddi	. . . . .	Con.	4th L.S.
5	Bhadrachalam (R)	. . . . .	Smt. B. Radhabai Ananda Rao	. . . . .	Con.	4th L.S.
6	Bobbili	. . . . .	Karri Narayana Rao	. . . . .	Con.	4th L.S.
7	Chittoor	. . . . .	P. Narasimha Reddy	. . . . .	Con.	
8	Cuddapah	. . . . .	Y. Eswara Reddy	. . . . .	C.P.I.	1st, 3rd & 4th L.S.
9	Eluru	. . . . .	Komsareddi Suryanarayana	. . . . .	Con.	4th L.S.
10	Gudivada	. . . . .	Ankineedu Maganti	. . . . .	Con.	3rd & 4th L.S.
11	Guntur	. . . . .	K. Raghuramaiah	. . . . .	Con.	1st, 2nd, 3rd & 4th L.S.
12	Hindupur	. . . . .	P. Bayapa Reddy	. . . . .	Con.	
13	Hyderabad	. . . . .	G.S. Melkote	. . . . .	T.P.S.	2nd, 3rd & 4th L.S.
14	Kakinada	. . . . .	M. S. Sanjeevi Rao	. . . . .	Con.	
15	Karimnagar	. . . . .	M. Satyanarayan Rao	. . . . .	T.P.S.	
16	Kavali	. . . . .	Puli Venkata Reddy	. . . . .	Con.	
17	Khammam	. . . . .	Smt. T. Lakshmitanthamma	. . . . .	Con.	3rd & 4th L.S.
18	Kurnool	. . . . .	Kodanda Rami Reddy	. . . . .	Con.	
19	Machilipatnam	. . . . .	Meduri Nageswararo	. . . . .	Con.	
20	Mahabubnagar	. . . . .	J. Rameshwar Rao	. . . . .	T.P.S.	2nd, 3rd & 4th L.S.
21	Medak	. . . . .	Malikarjuna	. . . . .	T.P.S.	
22	Miryalguda	. . . . .	Bhimreddy Narsimha Reddy	. . . . .	C.P.I.(M)	

1	2	3	4	5
23	Nagarkurnool (R)	M. Bheethumadev	.	T.P.S.
24	Nalgonda	Kancharla Rama Krishna Reddy	.	T.P.S.
25	Nandyal	P. Venkatasubbaiah	.	Con.
26	Narasapur	M. T. Raju	.	Con.
27	Narasaraopet	Maddi Sudarsanam	*	Con.
28	Nellore (R)	Doddavarapu Kamakshiah	.	Con.
29	Nizamabad	M. Rama Gopal Reddy	.	Con.
30	Ongole	P. Ankincedu Pressada Rao	.	Con.
31	Peddapalli (R)	V. Tulasiram	.	T.P.S.
32	Parvathipuram (R)	Biddika Satyamasayana	.	Con.
33	Rajahmundry	S.B.P. Pattabi Rama Rao	.	Con.
34	Rajampet	Pothuraju Parthasarthy	.	Con.
35	Secunderabad	M. M. Hashim	.	T.P.S.
36	Siddipet (R)	G. Venkatswamy	.	T.P.S.
37	Srikakulam	Boddepalli Rajagopalawo	.	Con.
38	Tirupathi (R)	Balakrishnaiah Thamuru	.	Con.
39	Visakhapatnam	P.V.G. Raju	.	U.A.
40	Vijayawada	K. L. Rao	.	Con.

2nd, 3rd & 4th L.S.

4th L.S.

2nd & 3rd L.S.

4th L.S.

4th L.S.

1st, 2nd & 3rd L.S.

2nd L.S.

3rd & 4th L.S.

41	Warangal	S. B. Giri	ASSAM (14)	T. P. S.
42	Autonomous Districts (R)	G. G. Swell		U. A.
43	Barpeta	Fakhruddin Ali Ahmed		Con.
44	Cachar	Smt. Jyotsna Chanda		Con.
45	Dhubri	Moinul Haque Choudhury		Con.
46	Dibrugarh	Robindranath Kokoty		Con.
47	Gauhati	Dinesh Chandra Goswami		Con.
48	Jorhat	Tarun Gogoi		Con.
49	Kaliabor	Bedabrata Barua		Con.
50	Ka-tingenj (R)	Nihar Ranjan Laskar		Con.
51	Kokrajhar (R)	D. Basumatari		Con.
52	Lakhimpur	Biswa Narayan Shastri		Con.
53	Mangaldai	Dharmidhar Des		Con.
54	Nowgong	Liladhar Kotoki		Con.
55	Tezpur	Kamla Prasad Agarwala		Con.
BIHAR (53)				
56	Araria (R)	Tulmohan Ram		Con.
57	Aurangabad	Satyendra Narayan Sinha		Con. (O)
58	Bagaha (R)	Bhola Raut		Con.

3rd & 4th L.S.

4th L.S.

3rd & 4th L.S.

4th L.S.

3rd & 4th L. S.

2nd, 3rd & 4th L. S.

4th L. S.

2nd, 3rd & 4th L. S.

3rd & 4th L.S.

P.P., 1st & 2nd L.S.

1st, 2nd, 3rd & 4th L. S.

1	2	3	4	5
59	Banika	. . . . . Shiva Chandika Prasad	. . . . . Con.	4th L. S.
60	Barh	. . . . . Dharmavir Singh	. . . . . Con.	
61	Begusari	. . . . . Shyamnandan Mishra	. . . . . Con. (O)	P.P., 1st & 2nd L. S.
62	Bettiah	. . . . . Kamal Nath Tewari	. . . . . Con.	3rd & 4th L. S.
63	Bhagalpur	. . . . . Bhagwat Jha Azad	. . . . . Con.	1st, 3rd & 4th L.S.
64	Bikramganj	. . . . . Sheopujan Singh Shastri	. . . . . Con.	4th L. S.
65	Buxar	. . . . . Anant Prasad Sharma	. . . . . Con.	3rd L. S.
66	Chapra	. . . . . Ramshekhar Prasad Singh	. . . . . Con.	3rd & 4th L. S.
67	Chitra	. . . . . Shankar Dayal Singh	. . . . . Con.	
68	Darbhanga	. . . . . Binodanand Jha	. . . . . Con.	
69	Dhambad	. . . . . Ram Narain Sharma	. . . . . Con.	
70	Dumka (R)	. . . . . Satya Charan Beara	. . . . . Con.	3rd & 4th L. S.
71	Gaya (R)	. . . . . Ishwar Chaudhry	. . . . . J. S.	
72	Giridih	. . . . . Chapalendu Bhattacharyya	. . . . . Con.	
73	Godda	. . . . . Jagdish N. Mandal	. . . . . Con.	
74	Gopalganj	. . . . . Dwarika Nath Tiwary	. . . . . Con.	1st, 2nd, 3rd & 4th L. S.
75	Hajipur	. . . . . Digvijay Narain Singh	. . . . . Con. (O)	1st, 2nd, 3rd & 4th L. S.
76	Hazaribagh	. . . . . Damodar Pandey	. . . . . Con.	

77	Jainagar	.	.	.	.	Bhogendra Jha	.	C.P.I.	.	4th L. S.
78	Jamshedpur	.	.	.	.	Sardar Swaran Singh	.	Con.	.	
79	Jamui (R)	.	.	.	.	Bhoja Manjhi	.	C.P.I.	.	
80	Jehanabad	.	.	.	.	Chandra Shekhar Singh	.	C.P.I.	.	4th L. S.
81	Katihar	.	.	.	.	Gyaneshwar Prasad Yadav	.	J. S.	.	
82	Kesaria	.	.	.	.	Kamla Mishra 'Madhukar'	.	C.P.I.	.	4th L. S.
83	Khagaria	.	.	.	.	Shiv Shankar Prasad Yadav	.	S.S.P.	.	
84	Khunti (R)	.	.	.	.	Nirel Erem Horo	.	U.I.P.G.	.	4th L. S.
85	Kishanganj	.	.	.	.	Jamilur Rahman	.	Con.	.	
86	Lohardaga (R)	.	.	.	.	Kartik Orson	.	Con.	.	4th L. S.
87	Madhipura	.	.	.	.	Rajendra Prasad Yadav	.	Con.	.	
88	Madhubani	.	.	.	.	Jagannath Mishra	.	Con.	.	
89	Maharajganj	.	.	.	.	Ram Deo Singh	.	S.S.P.	.	
90	Monghyr	.	.	.	.	Deonandan Prasad Yadav	.	Con.	.	
91	Motihari	.	.	.	.	Bibhuti Mishra	.	Con.	.	1st, 2nd, 3rd & 4th
92	Muzaffarpur	.	.	.	.	Nawal Kishore Singh	.	Con.	.	
93	Nalanda	.	.	.	.	Siddeshwar Prasad	.	Con.	.	3rd & 4th L. S.
94	Nawada	.	.	.	.	Sukhdeo Prasad Verma	.	Con.	.	
95	Palamou (R)	.	.	.	.	Kumari Kamla Kumari	.	Con.	.	4th L. S.

1	2	3	4	5		
96	Patna	.	Ramavtar Shastri	.	C.P.I.	4th L. S.
97	Puri	.	Hari Kishore Singh	.	Con.	
98	Purnea	.	Mohammad Tahir	.	Con.	C.A., 2nd & 3rd L.S.
99	Rajmahal (R)	.	Ishwar Magandi	.	Con.	3rd & 4th L.S.
100	Ranchi	.	Prashant Kumar Ghosh	.	Con.	3rd & 4th L.S.
101	Roorah (R)	.	Ram Bhagat Paswan	.	Con.	
102	Saharan	.	Chirenjib Jha	.	Con.	
103	Sasusitpur	.	Yamuna Prasad Mandal	.	Con.	3rd & 4th L. S.
104	Sasaram (R)	.	Jagjivan Ram	.	Con.	L.A., C.A., P.P., 1st, 2nd, 3rd & 4th L. S.
105	Shahbed	.	Baliram Bhagat	.	Con.	P.P., 1st 2nd, 3rd & 4th L.S.
106	Singhbhum (R)	.	Mohan Singh Purty	.	U.A.	
107	Sitamarhi	.	Nagendra Prasad Yadav	.	Con.	
108	Siwan	.	Mohammad Yusuf	.	Con.	3rd & 4th L. S.
GUJARAT (24)						
109	Ahmedabad	.	Indulal Kanaiyaslal Yajnik	.	Con.	2nd, 3rd & 4th L.S.
110	Amreli	.	Jivraj Narayan Mehta	.	Con.	
111	Anand	.	Pravinsinhji Natvar sinbji Solanki	.	Con. (O)	3rd & 4th L.S.

112	Benarkantha	. . . . .	Popatlal M. Joshi	Con.	
113	Barods	. . . . .	Fatesinghro Pratapsinghro Gaekwad	. . . . .	Con (O)
114	Bhavnagar	. . . . .	Prasam Vadan Manilal Melhta	. . . . .	Con. (O)
115	Broach	. . . . .	T.S. Mansinghji Bhassabhai Rana	. . . . .	Con.
116	Bulsar (R)	. . . . .	Nanubhai Nijhahabhai Patel	. . . . .	Con. (O)
117	Dabhoi	. . . . .	Prabhudas Khushalabhai Patel	. . . . .	Con.
118	Dhanduka	. . . . .	H. M. Patel	. . . . .	Swa.
119	Dohad (R)	. . . . .	Bhajibhai Ravjibhai Parmar	. . . . .	Con. (O)
120	Gandhinagar (R)	. . . . .	Somchandbhai Manubhai Solanki	. . . . .	Con. (O)
121	Godhra	. . . . .	Pilboo Homi Mody	. . . . .	Swa.
122	Jamnagar	. . . . .	Daulatsinghji Pratapsinghji Jedsja	. . . . .	Con.
123	Junagadh	. . . . .	Nanibhai Ravjibhai Vikaria	. . . . .	Con.
124	Kaira	. . . . .	Dharmasingh Dadubhai Desai	. . . . .	Con. (O)
125	Kutch	. . . . .	Mahipatray M. Melhta	. . . . .	Con.
126	Mandvi (R)	. . . . .	Amarsinghbhai Zinaabhai Chaudhari	. . . . .	Con.
127	Mehsana	. . . . .	Nisarwal Amrutlal Patel	. . . . .	Con. (O)
128	Patan (R)	. . . . .	Khemchandbhai Somabhai Chavde	. . . . .	Con. (O)
129	Rajkot	. . . . .	Ghanshyambhai Oza	. . . . .	Con.
130	Sebarantha	. . . . .	Chandulal Chunilal Desai	. . . . .	Con. (O)
131	Surat	. . . . .	Morarji Ranchhodji Desai	. . . . .	Con. (O)
132	Surendranagar	. . . . .	Rasiklal Parikh	. . . . .	Con.

2nd & 3rd L.S.

4th L. S.

4th L. S.

2nd, 3rd & 4th L. S.

4th L. S.

4th L. S.

4th L. S.

2nd & 3rd L. S.

4th L.S.

2nd, 3rd & 4th L.S.

1	2	3	4	5
		HARYANA (9)		
133	Ambala (R)	Ram Prakash	.	Con.
134	Gurgaon	Tayyab Hussein	.	Con.
135	Hissar	Mani Ram Godara	.	Con.
136	Jhajjar	Sher Singh	.	Con. 4th L. S.
137	Kaithal	Gulzarilal Nanda	.	Con. 1st, 2nd, 3rd & 4th L.S.
138	Karnal	Madho Ram	.	Con. 4th L. S.
139	Mahendragarh	Birender Singh	.	U.A.
140	Rohtak	Mukhtiar Singh	.	J. S.
141	Sirsa (R)	Dalbir Singh	.	Con. 4th L. S.
		HIMACHAL PRADESH (4)		
142	Hamirpur	Narain Chand	.	Con.
143	Kangra	Vikram Chand Mahajan	.	Con. 4th L.S.
144	Mandi	Vacant	.	.
145	Simla (R)	Pratap Singh	.	Con.
		JAMMU & KASHMIR (6)		
146	Anantnag	Mohammad Shafi Qureshi	.	Con. 4th L. S.

147	Baramulla	Syed Ahmed Aga	Con.	4th L. S.
148	Janamu	Inderjit Malhotra	Con.	2nd, 3rd & 4th L. S.
149	Ladakh	Vacant		
150	Srinagar	Shamim Ahmed Shamim	U.A.	
151	Udhampur	Karen Singh	Con.	4th L.S.

KERALA (19)

152	Adoor (R)	Smt. K. Bhargavi	C.P.I.	
153	Ambalapuzha	K. Balakrishnan	R.S.P.	
154	Badagara	K. P. Unnikrishnan	Con.	
155	Cherayinkil	Vayalar Ravi	Con.	
156	Ernakulam	Henry Austin	Con.	
157	Kasaragod	Ramachandran Kadansapalli	Con.	
158	Kottayam	Varkey George	K. C.	
159	Kozhikode	Ebrahim Sulaiman Sait	M.L.	4th L.S.
160	Manjeri	M. Mabd. Ismail Sahib	M. L.	C.A., 3rd & 4th L.S.
161	Mavelikara	R. Balakrishna Pillai	K. C.	
162	Mukundapuram	A. C. George	Con.	4th L. S.
163	Mavattupuzha	C. M. Stephen	Con.	
164	Palghat	A. K. Gopalan	C.P.I. (M)	1st, 2nd, 3rd & 4th L.S.
165	Peermade	M. M. Joseph	K. C.	

1	2	3	4	5
166	Ponassi (R)	M. K. Krishnan	C.P.I. (M)	
167	Quilon	N. Sreedharam Nair	R.S.P.	1st, 3rd & 4th L.S.
168	Trichur	C. Jambardhanan	C.P.I.	4th L. S.
169	Tellicherry	C. K. Chandrasekhar	C.P.I.	
170	Trivandrum	V. K. Krishna Menon	U.A.	2nd, 3rd, & 4th L.S.
MADHYA PRADESH (37)				
171	Balaghat	Chintaman Rao Gausam	Con.	1st, 2nd & 4th L.S.
172	Basar (R)	Lamodar Baliyar	U.A.	
173	Betul	N. K. P. Salve	Con.	4th L.S.
174	Bhind	Rajmata Vijaya Raje Scindia	J.S.	2nd & 3rd L. S.
175	Bhopal	Shankar Deyal Sharma	Con.	
176	Bilaspur	Ramgopal Tiwari	Con.	
177	Chhindwara	Gargi Shankar Ramkrishna Mishra	Con.	4th L. S.
178	Durg	Chandulal Chandrabar	Con.	4th L. S.
179	Damoh	Varahgiri Shankergiri	Con.	
180	Dhar (R)	Bharat Singh Chauhan	J. S.	4th L. S.
181	Guna	Maharaja Medavrao Jiwajirao Scindia	J. S.	
	walior	Atal Behari Vajpayee	J.S.	2nd & 4th L.S.

183	Hoshangabad	Chaudhary Nitiraj Singh Daulat Singh	Con.	4th L.S.
184	Indore	Prakash Chandra Sethi	Con.	4th L. S.
185	Jabalpur	Govind Das	Con.	L.A., C.A., P.P., 1st, 2nd, 3rd & 4th L.S.
186	Janjgir (R)	Smt. Minimata Agamdas Guru	Con.	1st, 2nd, 3rd & 4th L.S.
187	Jhabua (R)	Bhagirath Bhanwar	S.S.P.	
188	Kanker (R)	Arvind Vishram Singh	Con.	
189	Khandwa	Gangacharan Dikshit	Con.	
190	Khargone	Rameshchandra Vithal Bade	J.S.	3rd L. S.
191	Mohasansund	Krishna Agarwal	Con.	
192	Mandla (R)	Mangru G. Uikay	Con.	1st, 2nd, 3rd & 4th L. S.
193	Mansur	Laxmibharain Pandey	J.S.	
194	Morena (R)	Hukam Chand Kachhwsky	J.S.	3rd & 4th L. S.
195	Raigarh (R)	Umed Singh	Con.	
196	Raipur	Vidyacharan Shukla	Con.	2nd, 3rd & 4th L. S.
197	Rejnandgaon	Ram Sahai Pandey	Con.	3rd L.S.
198	Rewa	Maharaja Martand Singh	U.I.P.G.	
199	Sagar (R)	Smt. Sahodrabai Rai	Con.	3rd L. S.
200	Satus	Narendra Singh	J. S.	
201	Shahdol (R)	Dhan Shah	U.I.P.G.	
202	Shajapur	Jaganathrao Joshi	J. S.	4th L. S.

1	2	3	4	5
203	Siddhi	Rambhadur Singh	U.I.P.C.	
204	Surguja (R)	Babunath Singh	Con.	1st, 2nd, 3rd & 4th L. S.
205	Tikamgarh (R)	Nathu Ram Ahirwar	Con.	4th L.S.
206	Ujjain (R)	Phool Chand Verma	J.S.	
207	Vidisha	R. N. Goenka	U.I.P.G.	P.P.
Maharashtra (45)				
208	Ahmadnagar	Annasahab Pendurang Shinde	Con.	3rd & 4th L.S.
209	Akola	Khan Mohd. Asghar Hussain	Con.	4th L.S.
210	Amravati	Krishna Gulab Deshmukh	Con.	1st, 2nd, & 4th L. S.
211	Aurangabad	Manikrao Palodkar	Con.	
212	Baramati	Raghunath Keshav Khasdikar	Con.	
213	Bhandara	Jwala Prasadji Vishambhardas Dube	Con.	2nd, 3rd & 4th L. S.
214	Bhir	Seyarao Trimbakhrao Pandit	Con.	
215	Bhiwandi	Shri Krishna Vajjanath Dhamakar	Con.	
216	Bombay Central	R. D. Bhandare	Con.	4th L. S.
217	Bombay Central South	Salehbhoy Abdul Kadar	Con.	
218	Bombay North East	Rajaram Gopal Alias Raja Kulkarni	Con.	
219	Bombay North West	Hari Ramchandra Gokhale	Con.	
220	Bombay South	Kailash Narain Narula Sheonarain	Con.	

221	Buldana	Yadav Shivram Mahajan	.	.	.	.	.	4th L.S.
222	Chanda	Abdul Shafi	.	.	.	.	.	Con.
223	Chimur	Thakur Krishnarao Dagoji	.	.	.	.	.	Con.
224	Dahanu (R)	Laxman Kakadya Dumada	.	.	.	.	.	Con.
225	Dhulia	Chudaman Ananda Patil	.	.	.	.	.	Con.
226	Hatkangale	Dattajirao Baburao Kadam	.	.	.	.	.	Con.
227	Jaigson	Krishnarao Madhavrao Patil	.	.	.	.	.	Con.
228	Jalna	Baburao Jangu Kale	.	.	.	.	.	Con.
229	Karad	Dejisabeb Ramrao Chavan	.	.	.	.	.	Con.
230	Khed	Anantao Vithalrao Patil	.	.	.	.	.	Con.
231	Khemgaon (R)]	Arjun Shiripat Kasture	.	.	.	.	.	Con.
232	Koliaba	Sawant Shankar Babaji	.	.	.	.	.	Con.
233	Kolhapur	Rajaram Dadasabeb	.	.	.	.	.	Con.
234	Kopergaon	Vikhe Eknath Vithalrao	.	.	.	.	.	Con.
235	Latur (R)	Tulahiram Dashrath Kamble	.	.	.	.	.	Con.
236	Malegaon (R)	Zamru Mangjue Kabandole	.	.	.	.	.	Con.
237	Nagpur	Vacant	.	.	.	.	.	3rd & 4th L. S.
238	Nanded	Venkatarao Babroo Tarodekar	.	.	.	.	.	4th L. S.
239	Nanderbar (R)	Tukaram Hurji Gavit	.	.	.	.	.	4th L. S.
240	Nasik	Bhanudas Ramchandra Karde	.	.	.	.	.	4th L. S.
241	Osmanabad	Tulshiram Abaji Patil	.	.	.	.	.	3rd & 4th L.S.

1	2	3	4	5
242	Pondherpur (R)	Nivrutti Satvaji Kamble	U.A.	
243	Parabhani	Shivaji Rao Shankar Rao Deshmukh	Con.	3rd & 4th L. S.
244	Poona	Mohan Dharis	Con.	
245	Rajapur	Madhu Dandavate	P.S.P.	
246	Rantek	Sonar Amrut Ganpat	Con.	4th L. S.
247	Ratnagiri	Shantaram Laxman Peje	Con.	
248	Sangli	Ganapati Tukaram	Con.	
249	Satara	Y. B. Chevun	Con.	3rd & 4th L. S.
250	Sholapur	Sursjiratin Fotechand Damani	Con.	2nd & 4th L.S.
251	Wardha	Jagjiwanrao Ganpatrao Kadam	Con.	
252	Yeotmal	Sadashiorao Bapuji Thakre	Con.	
<i>Mysoore (37)</i>				
253	Begalokot	Sanganagouda Basanagouda Patil	Con.	3rd & 4th L. S.
254	Bangalore	K. Hanumanthaiya	Con.	C.A., P.P. 3rd & 4th L. S.
255	Belgaum	Kotreshetti Appya Karevirappa	Con.	
256	Bellary	V. K. R. V. Rao	Con.	4th L. S.
257	Bidar (R)	Shankar Dev Balhaji Rao	Con.	
258	Bijapur	Choudhari Bhimappa Ellappa	Con.	
259	Chamarajanagar (R)	S. M. Siddayya	Con.	2nd, 3rd, & 4th L. S.

260	Chikmagalur	. . . . .	B. D. Chandre Gowda	. . . . .	Con.	
261	Chikodi (R)	. . . . .	B. Shankaranand	. . . . .	Con.	4th L. S.
262	Chitradurga	. . . . .	Kondiji Basappa	. . . . .	Con.	
263	Dharwar North	. . . . .	Smt. Sazjini Bendurso Mahishi	. . . . .	Con.	3rd & 4th L. S.
264	Dharwar South	. . . . .	Fekhruddin Hussainab Mohasin	. . . . .	Con.	2nd, 3rd & 4th L. S.
265	Gulbarga	. . . . .	Dharamarao Shivanappa Agzalpurkar	. . . . .	Con.	
266	Hassan	. . . . .	Naggehalli Shisappa	. . . . .	Con.	4th L. S.
267	Haskoti	. . . . .	M. V. Krishnappa	. . . . .	Con.	3rd & 4th L. S.
268	Kanakapura	. . . . .	C. K. Jaffer Shariff	. . . . .	Con.	
269	Kanara	. . . . .	Belakrishna Venkanna Naik	. . . . .	Con.	
270	Kolar (R)	. . . . .	G. Y. Krishnan	. . . . .	Con.	4th L. S.
271	Koppal	. . . . .	Sidrameshwar Swamy Basappa	. . . . .	Con.	
272	Mandya	. . . . .	S. M. Krishnan	. . . . .	Con.	4th L. S.
273	Madhugiri	. . . . .	K. Malanna	. . . . .	Con.	
274	Mangalore	. . . . .	K. K. Sheety	. . . . .	Con.	
275	My e	. . . . .	Tulidas Desappa	. . . . .	Con.	4th L. S.
276	Reichur	. . . . .	Purappagowd Gowda Attoor	. . . . .	Con.	
277	Shimoga	. . . . .	T. V. Chandrashekharappa Veerabassappa	. . . . .	Con.	
278	Tumkur	. . . . .	K. Lakappa	. . . . .	Con.	4th L. S.
279	Udipi	. . . . .	P. Ranganath Shenoy	. . . . .	Con.	

1	2	3	4	5
		Nagaland (1)		
280	Nagaland	A. Kevichusa	U.A.	
281	Angul	Pratap Ganga Deb Badkumar	Con.	2nd L.S.
282	Balsore	Shyam Sunder Mohapatra	Con.	
283	Bhadrak (R)	Ajrun Sethi	Con.	
284	Bhanjanagar	Duti Krishna Panda	C.P.I.	
285	Bhubaneswar	Chintamani Panigrahi	Con.	2nd & 4th L. S.
286	Bolangir	R. R. Singh Deo	Swa.	4th L. S.
287	Chatrapur	R. Jagannath Rao	Con.	2nd, 3rd & 4th L.S.
288	Cuttack	Janaki Bellav Patnaik	Con.	
289	Dhenkanal	Devindra Satpathy	Con.	
290	Jajpur (R)]	Anandi Charan Das	Con.	
291	Kalahandi	Pratap Kesari Deo	Swa.	2nd, 3rd & 4th L.S.
292	Kendrapara	Surendra Mohanty	U.I.P.G.	2nd L.S.
293	Konjhar (R)	Kumar Msjhi	Con.	
294	Korapur (R)	Vacant		
295	Masurbhanj (R)	Mannohan Tudu	Con.	
296	Nowrangpur (R)	Khagapathi Pradhanji	Con.	4th L.S.

1	2	3	4	5
316	Banswara (R)	. . . . .	Hira Lal	. . . . .
317	Barmer	. . . . .	Amrit Nahata	. . . . .
318	Bharatpur	. . . . .	Rej Bahadur	. . . . .
319	Bhilwara	. . . . .	Hemendra Singh	. . . . .
320	Bikaner . . . . .	. . . . .	Karni Singh	. . . . .
321	Chitorgarh	. . . . .	Bishwanath Jhunjhunwala	. . . . .
322	Deuss	. . . . .	Neval Kisore Sharma	. . . . .
323	Ganganagar (R)	. . . . .	Pennalal Berupal	. . . . .
324	Hindistan (R)	. . . . .	Jaganmohi Pabodia	. . . . .
325	Jaipur	. . . . .	Rajmata Gayatri Devi	. . . . .
326	Jalore	. . . . .	Narendra Kumar Senghi	. . . . .
327	Jhalawar	. . . . .	Brijraj Singh	. . . . .
328	Jhunjhunu	. . . . .	Shivanath Singh	. . . . .
329	Jodhpur	. . . . .	Smt. Krishna Kumari	. . . . .
330	Kota (R)	. . . . .	Onkar Lal Berwa	. . . . .
331	Nagpur	. . . . .	Nathoo Ram	. . . . .
332	Pali	. . . . .	Mool Chand Daga	. . . . .
333	Sawai Madhopur (R)	. . . . .	Chhawan Lal	. . . . .
334	Sikar	. . . . .	Shelkshar	. . . . .
335	Tonk (R)	. . . . .	Ramkanwar	. . . . .
336	Udaipur (R)	. . . . .	Lalji Bhai	. . . . .
				Con.
				4th L. S.
				C.A., P.P., 1st, 2nd & 3th L.S.
				J.S.
				U.I.P.G.
				J.S.
				Con.
				Con.
				Con.
				Con.
				Swa
				Con.
				J. S.
				Con.
				U.I.P.G.
				J.S.
				Con.
				Con.
				Con.
				Con.
				Surp.
				J.S.

Tamil Nads (39)

337	Chidambaram (R)	V. Mayyasan	.	.	.	D. M. K.	4th L. S.
338	Chingleput	C. Chittibabu	.	.	.	D. M. K.	4th L.S
339	Coimbatore	K. Balasubandayyaiah	.	.	.	C. P. I.	
340	Cuddalore	S. Radhakrishnan	.	.	.	Con.	
341	Dharampura (R)	C. T. Dhandapani	.	.	.	D. M. K.	4th L. S.
342	Dindigul	M. Rajangan	.	.	.	D. M. K.	
343	Gobichittipalayam	P. A. Saminathan	.	.	.	D. M. K.	4th L. S.
344	Kallakurichi	M. Deiveedan	.	.	.	D. M. K.	4th L. S.
345	Karur	Gopal	.	.	.	Con.	
346	Krishnagiri	T. Thirthagiri Gowder	.	.	.	Con.	
347	Kumbakonam	Era Sezhayan	.	.	.	D. M. K.	3rd & 4th L. S.
348	Madras North	K. Manoharan	.	.	.	D. M. K.	3rd & 4th L. S.
349	Madras South	Muresoli Maran	.	.	.	D. M. K.	4th L. S.
350	Madurai	R. V. Swaminathan	.	.	.	Con.	
351	Mayuram (E)	K. Subbavali	.	.	.	D. M. K.	4th L. S.
352	Mettur	G. Bhuvayaban	.	.	.	Con.	
353	Nagapattinam	M. Kathumithu	.	.	.	C. P. I.	
354	Nagercoil	K. Kamaraj Nadar	.	.	.	Con. (O)	C.A., P.P. 1st & 4th L. S.
355	Nilgiris	J. Metha Gowder	.	.	.	D. M. K.	
356	Berambalur (R)	A. Dursirasu	.	.	.	D. M. K.	4th L. S.

	2	3	4	5
357	Pariakulam	S. M. Mohammed Shariff	. . . . . M. L.	4th L. S.
358	Pollachi	B. Narayanan	. . . . . D. M. K.	4th L. S.
359	Pudukkottai	K. Veeriah	. . . . . D. M. K.	
360	Ramanathapuram	P. K. Mottiah Thevar	. . . . . U.A.	
361	Salem	E. R. Krishnan	. . . . . D. M. K.	4th L. S.
362	Sivagunja	T. Kiruttinan	. . . . . D. M. K.	
363	Siva-Kasi	Shrimati V. Jayalakshi	. . . . . Con.	
364	Sriparumbudur (R)	T. S. Latchumanan	. . . . . D. M. K.	
365	Tenkasi (R)	A. M. Chelluchami	. . . . . Con.	
366	Thanjavur	S. D. Somasundaram	. . . . . D. M. K.	4th L. S.
367	Tindivanam	M. R. Lakshminarasayan	. . . . . Con.	
368	Truchendur	M. S. Sivasamy	. . . . . D.M.K.	
369	Truchengode	M. Muthusami	. . . . . D.M.K.	
370	Truchirappalli	M. Kalyanasundaram	. . . . . C.P.I.	
371	Trunelveli	S. A. Nurganantham	. . . . . C.P.I.	
372	Truppattur	C. K. Chinnaragi	. . . . . D.M.K.	
373	Truttani	O. V. Alagean Mudaliar.	. . . . . Con.	C.A., P.P., 1st & 3rd L.S.
374	Vellore (R)	R. P. Ulaganambi	. . . . . D.M.K.	
375	Wandiwash	G. Viswanathan	. . . . . Con.	4th L. S.

UTTAR PRADESH (85)

376	Agra	Achal Singh	Con.	1st, 2nd, 3rd & 4th L.S.
377	Akbarpur (R)	Ramji Ram	Con.	4th L.S.
378	Aligarh	Shiv Kumar Shastri	B.K.D.	4th L. S.
379	Allahabad	Hemwati Nandan Bahuguna	Con.	
380	Almora	Narendra Singh Bisht	Con.	
381	Amethi	Vidya Dhar Bisjpati	Con.	4th L. S.
382	Amroha	Ishaque Sambhali	C.P.I.	4th L. S.
383	Aonla	Smt. Sevitri Sbyam	Con.	4th L. S.
384	Azamgarh	Chandraseet Yadav	Con.	4th L. S.
385	Baghpat.	Ram Chandra Vikal	Con.	
386	Bahraich	Baliu Ram	Con.	
387	Ballia	Chandrika Prasad	Con.	4th L. S.
388	Balrampur	Chandra Bhal Mani Tewari	Con.	
389	Banda	Ram Retan Sharma	J. S.	
390	Benagout (R)	Ram Surat	Con.	
391	BaraBanki	Kunwar Rudre Pratap Singh	Con.]	
392	Barilly	Satiab Chandra.	Con.	C.A., P.P., 1st & 2nd L. S.
393	Basti (R)	Anant Prasad Dhusia	Con.	
394	Bijnor (R)	Swami Romanand Shastri	Con.	1st, 2nd, 3rd & 4th L.S.
395	Bithaur	Smt. Sushila Rohatagi	Con.	4th L. S.

1	2	3	4	5
396	Badaun	Karan Singh Yadav	Con.	
397	Bulandshahr	Surendra Pal Singh	Con.	3rd & 4th L. S.
398	Chail (R)	Chhotelal	Con.	
399	Chandauli	Sudhakar Pandey	Con.	
400	Dehra Dun	Mulki Raj	Con.	
401	Deoria	Bihwa Nath Roy	Con.	1st, 2nd, 3rd & 4th L. S.
402	Domarganj	Keshav Deo Malviya	Con.	1st, 2nd & 3rd L.S.
403	Etah	Rohan Lal Chaturvedi	Con.	1st, 2nd & 4th L. S.
404	Bawah	Shankar Tewari	Con.	
405	Faizabad	Ram Krishna Sinha	Con.	4th L. S.
406	Farrukhabad	Awadhesh Chandra Singh	Con.	4th L. S.
407	Fatehpur	Sant Bux Singh	Con.	4th L. S.
408	Firozabad (R)	Chhetra Pati Ambesh	Con.	
409	Gariahs	Pratap Singh	Con.	3rd & 4th L.S.
410	Ghastampur (R)	Tula Ram	Con.	2nd, 3rd & 4th L. S.
411	Ghazipur	Sarjoo Pandey	C.P.I.	2nd, 3rd & 4th L.S.
412	Ghosi	Jharthande Rai	C.P.I.	4th L. S.
413	Gonda	Anand Singh Alias Annu Bhaiya	Con (O)	

414	Gorakhpur	Narsingh Narain	Con.
415	Hamirpur	Swami Brahmaand Ji	Con.
416	Hapur	B. P. Maurya	Con.
417	Hardoi (R)	Kinder Lal	Con.
418	Hathras (R)	Chandra Pal Shastri	Con.
419	Jalaun (R)	Chowdhary Ram Sewak	Con.
420	Jaunpur	Rajdeo Singh	Con.
421	Jhansi	Govinddas Richharia	Con.
422	Kairua	Shafiqut Jung	Con.
423	Kaiberganj	Smt. Shakuntla Nayar	J. S.
424	Kannauj	S. N. Mishra	Con.
425	Kanpur	S. M. Banerjee	C.P.I.
426	Kasganj	Matha Deepak Singh	J. S.
427	Khalilabad	Krishna Chandra Pandey	Con.
428	Kheri	Balgovind Verma	Con.
429	Khurja (R)	Hari Singh	Con.
430	Lalgaonj (R)	Ram Dhan	Con.
431	Lucknow	Smt. Sheela Kaul	Con.
432	Machhlishahar	Nageshwar Dwivedi	Con.
433	Maharajganj	Sibban Lal Saxena	U.I.P.G.
			4th L. S.
			3rd L. S.
			3rd & 4th L. S.
			3rd & 4th L. S.
			3rd & 4th L. S.
			1st & 4th L. S.
			4th L. S.
			2nd, 3rd & 4th L. S.
			4th L. S.
			4th L. S.
			C.A., P.P., 1st & 2nd L. S.

453	Saidpur (R) .	Shambhu Nath .	.	.	.	4th L. S.
453	Sakampur .	Tarkeshwar Pandey .	.	.	.	Con.
454	Shahabad .	Dharamganj Singh .	.	.	.	Con.
455	Shehjahanpur .	Kunwar Jitendra Prasad .	.	.	.	Con.
456	Sitapur .	Jagdish Chandra Dixit .	.	.	.	Con.
457	Sultanpur .	Kedar Nath Singh .	.	.	.	Con.
458	Tehri Garchwal .	Paripoornanand Painuli .	.	.	.	Con.
459	Unnao .	Ziaur Rehman .	.	.	.	Con.
460	Varanasi .	Rajaram Shastri .	.	.	.	Con.
WEST BENGAL (40)						
461	Alipore .	Indrajit Gupta .	.	.	.	C.P.I. 2nd, 3rd & 4th L. S.
462	Arambegh .	Manoranjan Hazra .	.	.	.	C.P.I. (M)
463	Asansol .	Robin Sen .	.	.	.	C.P.I. (M)
464	Ausgram (R) .	Krishna Chandra Halder .	.	.	.	C.P.I. (M)
465	Balurghat (R)	Rasendra Nath Barman .	.	.	.	Con.
466	Bankura .	Shanker Narsyan Singh Deo .	.	.	.	Con.
467	Barasat .	Ranendra Nath Sen .	.	.	.	C.P.I. 3rd & 4th L. S.
468	Barrackpore .	Mahammad Ismail .	.	.	.	C.P.I. (M) 4th L. S.
469	Basirhat .	A. K. M. Ishaque .	.	.	.	Con.
470	Berhampore .	Tridib Choudhuri .	.	.	.	R.S.P.

1	2	3	4	5
471	Birbhum (R).	. . . . .	Gadadhar Saha	C.P.I.(M)
472	Bolpur . . . . .	. . . . .	Saradish Roy	C.P.I. (M)
473	Burdwan . . . . .	. . . . .	Somnath Chatterjee	C.P.I.(M)
474	Calcutta North East . . . . .	. . . . .	Hiren Mukherjee	C.P.I.
475	Calcutta North West . . . . .	. . . . .	A. K. Sen	Con.
476	Calcutta South . . . . .	. . . . .	Priya Ranjan Das Munsi	Con.
477	Contai . . . . .	. . . . .	Samar Guha	P.S.P.
478	Cooch Behar (R) . . . . .	. . . . .	B. K. Daschowdhury	Con.
479	Darjeeling . . . . .	. . . . .	Ratanlal Brahman	C.P.I. (M)
480	Diamond Harbour . . . . .	. . . . .	Jyotirmoy Bose	C.P.I.(M)
481	Ghatal . . . . .	. . . . .	Jageshish Bhattacharyya	C.P.I.(M)
482	Hooghly . . . . .	. . . . .	Bijoy Krishna Modak	C.P.I.(M)
483	Howrah . . . . .	. . . . .	Samar Mukherjee	C.P.I. (M)
484	Jalpaiguri (R). . . . .	. . . . .	Tuna Orson	Con.
485	Jangipur . . . . .	. . . . .	Lutful Haque	Con.
486	Jhargram (R) . . . . .	. . . . .	A. K. Kisku	Con.
487	Jaynagar (R) . . . . .	. . . . .	Sakti Kumar Sarkar	Con.
488	Karwa . . . . .	. . . . .	Saroj Mukherjee	C.P.I. (M)
489	Krishnagar . . . . .	. . . . .	Renupada Das	C.P.I. (M)

3rd L. S.

1st, 2nd, 3rd & 4th L. S.

2nd, 3rd & 4th L. S.

4th L. S.

4th L. S.

4th L. S.

4th L. S.

4th L. S.

4th L. S.

490	Malda	. . . . .	Dinesh Chandra Joardar	. . . . .	C.P.I. (M)	
491	Mathurapur (R)	. . . . .	Madhuriyya Halder	. . . . .	C.P.I. (M)	
492	Midnapore	. . . . .	Subodh Chandra Haneeda	. . . . .	Con.	1st, 2nd & 3rd L.S.
493	Murshidabad	. . . . .	Chowdhury Abu Taleb	. . . . .	M. L.	
494	Nabadwip (R)	. . . . .	Smt. Bibha Ghosh Goswami	. . . . .	C.P.I. (M)	
495	Purulia	. . . . .	Debendra Nath Mahata	. . . . .	Con.	
496	Raiganj	. . . . .	Siddhartha Shankar Ray	. . . . .	Con.	
497	Serampore	. . . . .	Dinendra Nath Bhattacharyya	. . . . .	C.P.I. (M)	3rd L. S.
498	Tamluk	. . . . .	S. C. Samanta	. . . . .	U.I.P.G.	1st, 2nd, 3rd & 4th L.S.
499	Uluberia	. . . . .	Shyamsprassanna Bhattacharyya	. . . . .	C.P.I. (M)	
500	Viahnupur (R)	. . . . .	Ajit Kumar Saha	. . . . .	C.P.I. (M)	
DELHI (7)						
501	Chandni Chowk	. . . . .	Smt. Subhadra Joshi	. . . . .	Con.	1st, 2nd & 3rd L. S.
502	Delhi Sadar	. . . . .	Amar Nath Chawla	. . . . .	Con.	
503	East Delhi	. . . . .	H. K. L. Bhagat	. . . . .	Con.	
504	Karol Bagh (R)	. . . . .	Sohan Lal	. . . . .	Con.	
505	New Delhi	. . . . .	Smt. Mukul Benerji	. . . . .	Con.	
506	Outer Delhi	. . . . .	Dalip Singh	. . . . .	Con.	
507	South Delhi	Shashi B . . . an	Con.	4th L. S.
GOA, DAMAN & DIU (2)						
508	Panjin	Kakotkar Purshottam	Con.	

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509	Marangas	. . . Erasmo de Jesus Jack Sequira	. . . U. A.	
		MANIPUR (2)		
510	Inner Manipur	. . . N. Tombi Singh	. . . Con.	
511	Outer Manipur (R)	. . . Paokai Haokip	. . . Con.	4th L. S.
		TRIPURA (2)		
512	Tripura East (R)	. . . Dasratha Deb	. . . C.P.I. (M)	1st, 2nd & 3rd L. S.
513	Tripura West	. . . Biren Dutta	. . . C.P.I. (M)	1st L. S.
		OTHER TERRITORIES (3)		
514	Andaman & Nicobar Islands	. . . K. R. Ganesh	. . . Con.	4th L. S.
515	Chandigarh	. . . Amar Nath Vidyalsenkar	. . . Con.	1st & 3rd L. S.
516	Dadra & Nagar Haveli (R)	. . . Ramubhai Ravjibhai Patel	. . . Con.	
517	Laccadive, Minicoy & Amin Divi Islands (R)	. . . P. M. Sayeed	. . . Con.	4th L. S.
518	Pondicherry	. . . S. Mohan Kumarangalan	. . . Con.	
		NORTH-EAST FRONTIER AGENCY (1)*		
519	Vacant	. . . Vacant	. . .	
		ANGLO-INDIAN (3)*		
520	Vacant	. . . Frank Anthony	. . . U.I.P.G.	L.A., C.A., P. P., 1st, 2nd, 3rd & 4th L. S.
521	Vacant	. . . Vacant	. . .	

*Nominated by President.