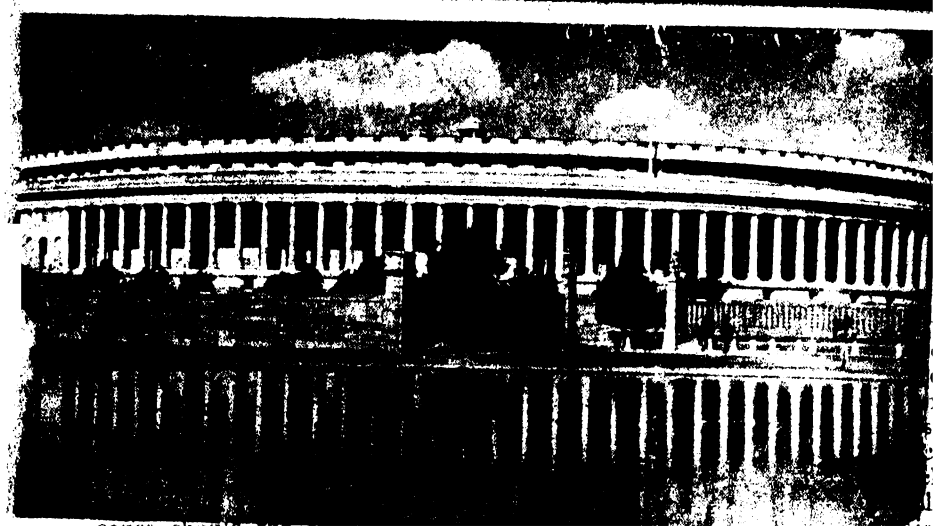


The Journal  
Of Parliamentary  
Information



# **THE JOURNAL OF PARLIAMENTARY INFORMATION**

*Editor: S. L. SHAKDHER*

The Journal of Parliamentary Information is published in April and October every year.

The views expressed in the signed articles published in the Journal are those of the authors. Original articles appearing in this Journal may be reproduced subject to the acknowledgement being made. A copy of the publication in which an article is so reproduced should be sent to the Editor.

Articles on constitutional parliamentary and legal subjects are invited for publication in the Journal. The articles should be type-written on only one side of the paper.

Books intended for review in this Journal should be sent to the Editor.

Correspondence concerning the subscription and sale should be addressed to the Sales Branch, Lok Sabha Secretariat, New Delhi-1.

*Price per copy: Rs. 2.00*

*Annual Subscription: Rs. 4.00*



# THE JOURNAL OF PARLIAMENTARY INFORMATION

Vol. XVI No. I.

April, 1970 (Chaitra-Vaisakha, 1892 (S))

## CONTENTS

PAGE

Homage to Mahatma Gandhi	1
Late Shrimati Violet Alva	4
Election of the Deputy Speaker	14
Election of the Deputy Chairman, Rajya Sabha	24
Leader of the Opposition in the Lok Sabha.	34

### Addresses and Speeches :

Speaker's Address to the Presiding Officers' Conference.	36
--	----

### Articles :

Public Sector and Parliament	—Prof. Bal Raj Madhok	50
Abolish the Party Whip	—Pitoo Mody	54
Two Decades of Parliamentary Democracy in India	—Arum Chandra Guha	55
Is India the Highest Taxed Nation	—N. K. P. Salve	61
Irrationally Taxed Nation		72
Tax Evasion and Tax Laws		83
Impact of Financial Committees' Recommendations on Administration	—L. R. I. Service, Lok Sabha Secretariat	94
Public Accounts Committee's Recommendations on—		
(i) Direct Taxes		
(ii) Defence Services		
(iii) Third Five Year Plan of the Railways		

### Short Notes :

Parliamentary Events and Activities	180
Privilege Issues	188

	<b>PAGE</b>
Procedural Matters	233
Constitutional Matters .	241
General	254
<b>Sessional Reviews :</b>	
Ninth Session of Fourth Lok Sabha—A Review	259
Question Hour during the Ninth Session of Fourth Lok Sabha	316
<b>Book Reviews :</b>	
Colin R. Coote: The Government We Deserve— <i>Hem Barua</i>	320
Reinhold Neibuhr & Paul E. Sigmund : The Democratic Experience — <i>Tenneti Vishwanatham</i>	321
Harold Macmillan: The Tides of Fortune— <i>M. Ruchmaswamy</i>	325
<b>Summaries of Books :</b>	
Pearson Lester B. : Partners in Development	328
Hanson A. H. : Planning and the Politicians	332
<b>Recent Literature of Parliamentary Interest</b>	338
<b>Appendices</b>	367

## OUR CONTRIBUTORS

### *Articles:*

**Prof. Bal Raj Madhok**, Member of Parliament (Lok Sabha).

**Shri Pilo Mody**, Member of Parliament (Lok Sabha).

**Shri N. K. P. Salve**, Member of Parliament (Lok Sabha).

**Shri Arun Chandra Guha**, Ex-Member (Lok Sabha), and  
Chairman, Estimates Committee (1963-64 to 1966-67).

### *Book Reviews:*

**Shri Hem Barua**, Member of Parliament (Lok Sabha).

**Shri Tenneti Vishwanatham**, Member of Parliament (Lok  
Sabha).

**Prof. M. Ruthnaswamy**, Member of Parliament (Rajya Sabha).



**Mahatma Gandhi**  
(October 2, 1869—January 30, 1948)

## HOMAGE TO MAHATMA GANDHI

The Gandhi Centenary Year has been celebrated in India and abroad recently with great enthusiasm. Throughout the world, people of all races and colours have taken the opportunity to remind themselves of the message of Mahatma Gandhi, the apostle of peace and non-violence and pay their respectful homage to him. Today, when World peace is threatened with atomic and nuclear weapons capable of annihilating the human race, Gandhiji's teachings of love, truth and non-violence and respect for others' rights have become even more meaningful than at any other time. Love of mankind and not merely his own countrymen was the distinguishing feature of his life. Gandhiji, indeed, represents the humanity of the future. He was a world citizen, who pleaded for the adoption of non-violence in international relations.

Not only in his words but in his own life, Mahatma Gandhi led the way towards peace where there was violence, towards forgiveness where there was hatred, towards justice and equality where there was discrimination and inequality. His message was universal and his thoughts and ideals are as valid and as relevant to the problems facing the world today as they were in relation to the goals and objectives in his day.

We in India revere Gandhiji as the Father of our Nation. Independent India is his great political monument. Gandhiji not only liberated us from foreign subjection, he also emancipated millions of our countrymen from the shackles of caste tyranny and iniquitous social stigmas. Impelled by a noble urge to wipe every tear from every eye, Gandhiji devoted all his strength to the uplifting of his people, especially the oppressed and the downtrodden. Righteous means were for him as sacred as noble ideals. Gandhiji ruled out resort to physical force and substituted in its place the use of moral values and persuasion as the only legitimate means for the attainment of all political, social or economic objectives. He reawakened in us the spiritual values which are our rich heritage. His idea of non-violence, which he applied for throwing off the foreign yoke, is undoubtedly his most important contribution to the World. He died as a martyr preaching the noble idea of universal brotherhood.

India owes an everlasting debt of gratitude to Gandhiji. To record its indebtedness, Lok Sabha, meeting for the last day of its Ninth Session, on the 24th December, 1969, adopted a resolution paying homage to him and rededicating itself to promote the high ideals for which he lived and sacrificed his life. While moving the resolution, Mr. Speaker (Dr. G. S. Dhillon), said:

“Honourable Members, in this Centenary Year of the birth of Mahatma Gandhi, the people and the Government of various countries all over the world have joined voluntarily in paying homage to the Apostle of non-violence. The East and the West, the affluent and the poor, the old and the young, stand with a sense of reverence to honour this unique man of whom Albert Einstein said:

‘Generations to come, it may be, will scarce believe that such a one as this ever in flesh and blood walked upon this earth.’

We in India revere Gandhiji as the Father of our Nation. It is but proper that this House, which in a real sense represents the fruition of Gandhiji’s epic struggle for freedom and democracy, should, in this sacred year, pay its respectful tribute to him.

I shall read out a resolution and I request you to kindly stand so that we may pass this resolution while standing.

“That this House, on the occasion of the Centenary Year of Mahatma Gandhi,

pays its respectful tribute to the memory of the Father of the Nation, who led the country to Swarajya by non-violent means, who infused a new spirit into the masses, who uplifted the teeming millions of the oppressed and the down-trodden, who awakened the national conscience of the people, and who inspired the people with a spirit of dedication and service;

places on record its deep gratitude to that apostle of *ahimsa* who crusaded for peace, justice and equality and gave to the strife-ridden world the message of universal brotherhood and humanism; and

- re-dedicates itself to promote the high ideals of truth, non-violence and service to the nation and to humanity, for which the Mahatma lived and sacrificed his life.’”

**The Resolution was unanimously adopted, all Members standing.**

*I seek the truth, whereby no man was ever harmed*  
—MARCUS AURELIUS

## LATE SHRIMATI VIOLET ALVA

Shrimati Violet Alva who till November 17, 1969 was the Deputy Chairman of Rajya Sabha, died suddenly on November 20. She had resigned from the high office of Deputy Chairmanship only two days earlier. She was elected to the Rajya Sabha in 1952, re-elected in 1960 and again in 1966. She presided over Rajya Sabha as Deputy Chairman for over seven years.

She was a valiant freedom fighter and an able parliamentarian. With her sharpness of intellect, independence and impartiality and a sense of dedication, she brought dignity to and won respect for the high office of the Deputy Chairmanship of Rajya Sabha.

Shrimati Alva's was an eventful life. She started her career as a Professor of English and then entered the field of law. She was subsequently drawn to the struggle for political freedom and courted imprisonment during the "Quit India" movement. With her rich educational, legal, journalistic and political background she became a Deputy Minister of Home Affairs in 1957 and had the opportunity of working with national leaders of the eminence of late Shri Gobind Ballabh Pant and Shri Lal Bahadur Shastri.

Shrimati Alva had travelled extensively abroad and represented the country with distinction in many International Conferences and Seminars.

Both the Houses of Parliament met on November 20, 1969 to mourn her death, and thereafter adjourned for the day as a mark of respect for the departed soul.

Speaker in the Rajya Sabha, the Chairman, Shri G. S. Pathak said:

"We have assembled this morning under the shadow of a deep tragedy. When on the 18th instant we had an occasion to pay our tributes to her, little did we think that we would have to perform the grievous duties of this day so soon. Even yesterday she attended the Rajya Sabha. There was no premonition of the approaching end. It is all so tragic.

Mrs. Alva distinguished herself in many fields from the day she stepped into public life during the Quit India Movement to the day





**Shrimati Violet Alva**  
*Deputy Chairman, Rajya Sabha*  
(April 19, 1962—November 17, 1969)

she sought relief and rest from the Deputy Chairmanship. It will be impossible to refer to all the facets of her distinguished life and work. But I might make special mention of her notable services to the cause of journalism as the first woman member elected to the Standing Committee of the All India Newspaper Editors' Conference, and of her valuable contribution to the legal profession as President of the International Federation of Women Lawyers of India. She represented this country in the United Nations and ably led several parliamentary delegations abroad. She was the Deputy Minister of Home Affairs before she became the Deputy Chairman of this House. In the latter capacity she earned the admiration, affection and respect of all sections of the House by her impartiality, fearlessness, dignity and independence. The legal profession, the world of journalism and parliamentary life are the poorer by her passing away. Her demise has created a void in this House which will be hard to fill. To Shri Joachim Alva and to the other members of the family, we offer our profound sympathy and condolences."

On the suggestion of the Chairman, the Members stood in silence for one minute as a mark of respect to the memory of Shrimati Alva.

The House, thereafter, adjourned for the day. The Lok Sabha also meeting the same day paid tributes to her qualities of head and heart and her distinguished services to the country.

The Prime Minister, Shrimati Indira Gandhi said:

"Mr. Speaker, Sir, the news of Shrimati Violet Alva's sudden death this morning came to me, as I am sure it did to all of us here, as a great shock. It has caused us deep sorrow.

It was only the day before yesterday when in the other House the leaders of the different parties had occasion to felicitate her for the exemplary manner in which she had presided over the deliberations of the Rajya Sabha for over seven years. By the dignity which she brought to bear upon that high and, if I may say so, difficult office and by the fairness, firmness and conspicuous success with which she conducted its proceedings, she shed new lustre on the Chair and enhanced the dignity of the House and made a notable contribution to the growth of our parliamentary democracy.

Sir, Shrimati Alva has not been a stranger to this House either for she had the privilege to serve as a member of Government for some years. She was one of our leading parliamentarians with long

and distinguished experience. Before becoming the Deputy Chairman of the Rajya Sabha she served on its panel of Chairmen for many years. She was in the Public Accounts Committee for two years. She has represented this great Parliament abroad more than once as member of the Indian Delegations to the Commonwealth Parliamentary Conferences.

But she was also one of those outstanding figures of our public life for whom politics was by no means the sole preoccupation. She had the distinction of being one of the pioneering lady advocates and jurists of this country. She has been President of the International Federation of Women lawyers in UNESCO and the International Labour Organisation.

She was a champion of human rights and in 1959 served as India's sole representative to the UN seminar on human rights held in Ceylon and as a delegate at the UN seminar in New Zealand in 1961. She had also been a leading journalist along with her distinguished husband.

Apart from politics and the profession of law, many causes of wider cultural and social importance claimed her interest. She dealt with the entire gamut of social welfare as a Deputy Minister in the Home Ministry. She took particularly keen interest in the problem of juvenile delinquency and related aspects of social welfare.

She was not merely a prominent representative of the great Christian community of this nation and one of the best representatives of Indian womanhood but an example of a public worker interested in the wider affairs of society as a whole.

In the Rajya Sabha she was always clam, firm, impartial and just to all sections of the House. To me, apart from being a political colleague, she was a personal friend. We shall greatly miss her in our work and in many of the plans which we had in the future. Sir, may we request you to convey our sincere condolences and sympathy to Shrimati Alva's distinguished husband who happens to be our colleague in the other House."

The Prime Minister was followed by the Leader of the Opposition, Dr. Ram Subhag Singh, Sarvashri N. G. Ranga, Atal Bihari Vajpayee, H. N. Mukerjee, Era Sezhiyan, A. K. Gopalan, Surendranath

Dwivedy, Rabi Ray, N. C. Chatterjee, Prakash Vir Shastri, Yashwant Singh Kushwah and Ebrahim Sulaiman Sait, representing all groups and parties in the House.

Associating himself with the sentiments expressed in the House, the Speaker, Dr. G. S. Dhillon said:

"I fully associate myself with the sentiments expressed by the Leader of the House, the leaders of various Parties and Groups and other Members on the passing away of Shrimati Violet Alva.

It was only yesterday we saw her moving amongst us, hale and hearty. We could never imagine that death would snatch her away from us so suddenly.

She had distinguished herself in the legal profession. At the same time, she was a very prominent journalist.

Shrimati Alva was closely associated with various activities of this House in her capacity first as a member of the Public Accounts Committee during the years 1954 to 1956, then as Deputy Minister of Home Affairs during the years 1957 to 1962. In 1962, she was elected as Deputy Chairman of Rajya Sabha and had been holding that office with dignity for the last seven years. She resigned that office only a few days back. As a Presiding Officer of the other House, she acquainted herself with the procedures and practices of Parliament and had made a great mark in that field. She participated in a number of Conferences of Presiding Officers held from time to time and also in many parliamentary delegations, some of which she had the honour to lead.

We deeply mourn the loss of this great lady, and I am sure the House will join me in conveying our condolences to her husband, Shri Joachim Alva, who is also a Member of Parliament, and the other members of the bereaved family".

Tributes paid by other members are reproduced below:—

**The Leader of the Opposition, (Dr. Ram Subhag Singh):** Sir, it was a very shocking and tragic news to hear about the sudden passing away of Shrimati Violet Alva who was one of our most distinguished colleagues. As I have seen her work as a member of Rajya Sabha, as a Deputy Minister and recently as Deputy Chairman of the Rajya Sabha, I found her as an outstanding member of the Rajya Sabha, who

was dauntless in her work. No pressure could work on her. As the Deputy Minister also she was a very successful Deputy Minister. As the Deputy Chairman of the Rajya Sabha she conducted the House with great ability and everybody felt satisfied. Under her care, the Rajya Sabha conducted its business so efficiently and so effectively that it brought laurels to her. She was a journalist of great repute. As a lawyer of the High Court and the Supreme Court, she was very much respected. Over and above all, she was one of the greatest social workers of our country, and I had the privilege of working with her.

On behalf of my party and on my own behalf, I request you to convey our sincere sense of sorrow to Shri Alva and to her bereaved family.

**Shri Ranga:** Mr. Speaker, Sir, we associate ourselves with the sentiments expressed by the Prime Minister and the Leader of the Congress Party to my right.

When I went to pay my respects this morning, I found Shrimati Violet Alva asleep and in peace with herself. I could not reconcile myself with the thought that life might not be there. In the same way, she passed through life with peace and with love and affection towards everybody. She was one of the noble daughters of our country. As has been said by the Prime Minister and my friend to my right, she had achieved great distinction not only for herself, not only for her family, but also for the Parliament and the country.

I had the privilege of working with her in the other House for a number of years and also in joining those friends who were pleased with the proposal made to her that she should accept the Deputy Chairmanship of the other House when she had already been the Deputy Minister and was going to be the Minister of State. We felt that a mere State Ministership would not give her such opportunities as the Deputy Chairmanship of the other House. She did prove to one and all that she was able to contribute very much more to the development of our parliamentary traditions, conventions and decencies than what she could have done as a mere Minister of State. In other countries, wherever she had gone, she brought lustre to our country and to our womenfolk in the country.

The last testament of hers is a comment on the way in which the country is moving, not so fortunate, and yet it is a testimony to her sense of self-respect. It was that high sense of self-respect which

she had displayed in everything that she did and every institution that she served. She had set a very high example of noble service, of self-respect and of decency and decorum and, what is more, love for everybody. One could not meet her without going away with the impression, "Here is a person who has only love for everyone and no other feeling for anybody". And such a good soul has joined God. I wish her peace. I request you, Sir, to convey our condolences to her devoted husband who is also one of the good sons of our country and to her bereaved family.

**Shri Atal Bihari Vajpayee\***: Mr. Speaker, today we have assembled in the shadow of great sorrow. How short is life, how mortal is man! —we are again faced with this bitter truth in all its dreadfulness. Till yesterday Shrimati Alva was amongst us, day before yesterday our colleagues had paid compliments to her in Rajya Sabha and today we have gathered to pay homage to her. Nobody had ever thought that such a calamity would befall. When this news was received, I couldn't believe and when we went to her house and saw her it appeared as if she was going to speak. But destiny is inevitable, we have lost her.

Her whole life was devoted to the nation and humanity. In the 1942 agitation she had undergone imprisonment with a five year old child. She made a major contribution in the freedom struggle. She was the first woman advocate who had successfully pleaded a case in High Court, and then she was a Member of Bombay Corporation. She played an important role in the Bombay Vidhan Parishad and as an M.P. she made a place for herself in the history of parliamentary democracy. I had the opportunity of working with her and under her Chairmanship in Rajya Sabha. Being a lady she was very soft but if necessity arose she could be stiff also. She knew how to enforce discipline in the House. By treating everybody on equal footing she knew how to win even her opponents and that is the reason that when she decided to resign from that office, not only the House expressed regret but we sitting in this House also felt that perhaps we have not been able to do justice to Shrimati Alva. She was Christian by religion but she was out and out an Indian; her body clad in saree, suhag bindi on her forehead and bangles on her arm. This morning when we went to her residence and saw Shri Alva shedding tears it became difficult for me to control my emotions.

Let us pray for peace to her soul and also pray to God that more women like her should be born in our country who may set up new

---

\*Original speech in Hindi.

standards in public life and by keeping their personal life in harmony, they may adorn their home and the world outside.

With these words I pay homage to her on behalf of myself as well as my party.

**Shri H. N. Mukerjee:** Mr. Speaker, Sir, we meet today under the shadow of a terrible grief, and for me it came as a most extraordinary shock because I did not know till I reached this House about three-quarters of an hour ago that Shrimati Violet Alva has passed away. This kind of happening reminds us, as my friend, Shri Atal Bihari Vajpayee has already said, that in the midst of life, we are in death. There is no accounting why death overtakes a person, but when it happens in the case of an individual like Shrimati Violet Alva one feels like sensing a spirit of revolt against the dispensation of whatever Providence is behind things.

Sir, there is no need for us to detail an inventory of Shrimati Violet Alva's qualities; they were shining qualities for all to see; but she had a quality of simplicity and lack of ostentation. She had a quality which shone because it was so genuine. She had convictions which she did not hesitate to proclaim to the world in every manner that was legitimately open to her, and she had a way of dealing with people and making friends which was really remarkable. She had held some of the highest offices in the country, but there was no side about her and with everybody she would meet and talk on terms which suggested a kind of humanity which is becoming rarer and rarer in our public life. I do not wish, Sir, to amplify on this subject, but I only wish to give vent to the feeling of genuine sorrow which is overtaking us all. There are no words to console our dear friend and colleague Joachim, whom we had in this House for 15 years. Even so, sorrow shared is perhaps sorrow soothed. And I would like, Sir, on behalf of my party and myself, to say this to you that you please convey our condolences and our deepest sympathies to Joachim and to the children.

**Shri Era Sezhiyan:** Mr. Speaker, Sir, none of us who came to Parliament this morning was prepared to hear the shocking news that Mrs. Alva is no more. Though some of us may not have worked with her in the other House, we have come across her in many meetings and committees which she conducted with great gentleness. Sir, yesterday itself many of us were able to meet her but today she is no more. There is a couplet by Poet Tiruvalluvar in Tamil which says that the world is noted for its

abruptness, that a person living till yesterday is no more today. Some such sense of despair and frustration creeps into our heart when we hear such a sad and shocking news.

Sir, when she resigned from her Deputy Chairmanship in the other House, when encomiums were paid for the creditable work done by her in the House and in the Committees, it was thought by many of us that she was destined to occupy a position of higher and nobler status and importance, but alas, it was not to be.

Sir, to all the positions that she occupied, she brought a gentleness, clarity and a purpose. She was a great patriot, an astute statesman, an enthusiastic and active politician and a sober and kind-hearted woman who moved with all parties, irrespective of the political labels and religious aspects. She was cosmopolitan in outlook and democratic in her approach.

On behalf of my party and myself, I associate myself with the sentiments expressed here. I would like you to convey our heartfelt condolences to the bereaved family and her husband.

**Shri A. K. Gopalan:** The sudden death of Mrs. Alva was a great shock to us. I do not want to repeat the noble and fine sentiments that have been expressed here by my friends. She was a selfless worker in the national movement. As the Deputy Chairman of the Rajya Sabha, she had been able to win the affection and love of all sections of people and all sections in the House.

I would only request you to send our condolences to Shri Joachim Alva who was our colleague here and to her family.

**Shri Surendranath Dwivedy:** The sudden demise of Shrimati Alva this morning is the most shocking and saddest news. It is really pathetic and tragic that she should die today which is her wedding anniversary day; they were married this day thirty-two years ago.

As regards her achievements in public life, everybody knows how creditably she worked wherever she was called upon to hold any responsible position. She was a public figure all right, well known in public life, as a social worker, as a lawyer, as an educationist, as a journalist, and as an able parliamentarian. She really brought dignity and prestige to the office of Deputy Chairmanship which she occupied for more than seven years.



I had the opportunity to know her intimately, not only while she was a Member of the Rajya Sabha, not the Deputy Chairman, but when we were together in a parliamentary delegation and spent about one and half months abroad. I know how on every occasion, wherever she was called upon to speak, she was received by the audience with great warmth and respect. In international conferences, wherever she had represented us either as an official or as a non-official, she had brought great prestige to this country.

We all mourn her death, and I hope you will convey our sympathies to Shri Joachim Alva and the other members of the bereaved family.

**Shri Rabi Ray\***: Mr. Speaker, it is difficult to believe that Shrimati Alva is no longer with us. Shrimati Alva had participated in a meeting held on 17th to welcome our guests from the U.S.S.R. and we had a talk with her after the meeting, about her experience in that country when she had gone there. This happened only three days back and it becomes difficult to believe that she is no longer with us. One year back she was Chairman of a Committee on which Members of Lok Sabha and Rajya Sabha were represented. This was the Select Committee on Monopoly Enquiry Commission. The manner in which she put in constant hard work made every body realise that she was one of the women leaders of India and she could handle any political responsibility entrusted to her. I agree with you and the leader of the House that India has lost a great woman leader and I would like you to convey condolence on behalf of our Party to Shri Alva.

**Shri N. C. Chatterjee**: The tragic demise of Mrs. Alva this morning has come as a shock to all Members of Parliament.

She was very well known as the Deputy Chairman of Rajya Sabha. The success, adroitness and competence with which she worked there was really remarkable. She played a great part in the freedom movement. But more than that, she was the first lady graduate and lady advocate in India who argued a case before a full Bench with forensic ability of the first rate, and that was a great success. I had the privilege to work with her in a big international conference, namely the Third Commonwealth Parliamentary Conference, which was held at Sydney in Australia. And I ought to tell you that the adroit manner in which she impressed her personality upon big judges and jurists and lawyers was really remarkable

---

\*Original speech in Hindi.

Our friend who was with us for many years in this House, Shri Joachim Alva, has suffered a great bereavement. On my behalf and on behalf of my group, I join the Prime Minister and all my friends who have spoken before me, in the offering of tribute and condolences to the bereaved family. It is a great loss. That loss is irreparable.

May her soul rest in peace.

**Shri Prakash Vir Shastri\***: Mr. Speaker, I offer homage on my behalf and on behalf of my colleagues to Shrimati Violet Alva who was a symbol of secularism, an efficient Deputy Chairman of Rajya Sabha, and a woman of liberal and high ideals.

**Shri Yashwant Singh Kushwah\***: Mr. Speaker, I offer my heartfelt condolences to the departed soul on behalf of my independent party and I would request you to convey condolences to the bereaved family on behalf of my colleagues.

**Shri Ebrahim Sulaiman Sait**: Mr. Speaker, I was very much shocked this morning to hear of the very sad demise of Shrimati Violet Alva.

She was a lady of great qualities of head and heart, with charm, integrity and ability. She was a great daughter of this country and her passing away is an irreparable loss.

I had the honour and privilege of working with her when I was in the Rajya Sabha. The admirable manner in which she conducted the proceedings of the House as Deputy Chairman, without any fear or favour, is on record.

I would only request you to convey to Shri Joachim Alva and the other members of the bereaved family our deep feelings of condolence. I conclude with an Urdu couplet which says:

اے باغیاں گلشن ہستی یہ کہا کیا  
 چن چمن کا گل وہی جو تو نے چن لیا

On a suggestion by the Speaker, the House stood in silence for a short while to express its sorrow.

The House, thereafter, adjourned for the rest of the day as a mark of respect to the departed soul.

---

\*Original speech in Hindi.

## ELECTION OF THE DEPUTY SPEAKER

On December 9, 1969, the Lok Sabha unanimously elected Dr. G. G. Swell, a member of the House from Assam, as its Deputy Speaker in the vacancy caused by the resignation of Shri R. K. Khadilkar on November 1, 1969. The motion\* proposing the name of Dr. G. G. Swell was moved by Shri T. Vishwanatham and seconded by Shri N. C. Chatterjee.

### *Felicitations to Mr. Deputy Speaker*

Felicitating Dr. Swell on his election to the high office, Prime Minister (Shrimati Indira Gandhi) said:

"May I, on behalf of this August House and on my personal behalf, offer our sincere congratulations to Prof. Swell on his election to the office of Deputy-Speaker which is next in importance, in this House, only to your own high office.

Prof. Swell is not a stranger to us or to this House. He has been a distinguished Member since 1962 and, many hon. Members will agree that he is amongst those effective parliamentarians who made their mark almost from the beginning of their association with Parliament. Prof. Swell is also amongst those for whom politics has not been the only field of interest and certainly not an obsession. His reputation as a professor and a man of letters is well known.

If I may say so, Sir, in spite of his relatively youthful 45 years, he carries a wise head on his shoulders. We value his gentleness, sobriety and the larger vision which he brings to bear on his observations here in this House. We are confident that Prof. Swell will bring dignity to the Chair which he will occupy and that he will conduct the not-so-easy proceedings of this House with fairness and absolute impartiality as well as the requisite degree of firmness.

We have elected Prof. Swell as an able Indian, but we do take special satisfaction from the fortunate circumstance that he is also an illustrious member of the tribal

---

\*The motion when put to the House was adopted unanimously by a Voice Vote.



**Dr. G. G. Swell**  
*Deputy Speaker, Lok Sabha*  
(Elected: December 9, 1969)

communities which are important and valuable constituents of the great Indian people.

We should like to congratulate him again and to extend to him an assurance of our full co-operation and also our best wishes for success in the arduous duties upon which he is about to embark."

The Prime Minister was followed by Sarvashri Era Sezhiyan, H. N. Mukerjee, P. Ramamurti, N. C. Chatterjee, Frank Anthony, M. Muhammad Ismail, Tenneti Vishwanatham representing different Parliamentary Groups and Independents in the House.

Mr. Speaker (Dr. Gurdial Singh Dhillon) also associated himself with the sentiments expressed by the Prime Minister and other Members of the House and congratulated Dr. G. G. Swell on his unanimous election as Deputy Speaker. The Speaker observed:

"Hon. Members, I am extremely happy to associate myself with the tributes paid to Shri Swell by Madam Prime Minister and the leaders of parties and groups on the very happy occasion of his election as Deputy Speaker of this House. I can verily say that for the coming new year and for the times to come I have received the most precious gift from this House, in the form of Prof. Swell as the Deputy Speaker.

Prof. Swell has been known to me for quite some time now. He is a perfect gentleman, very able, sobre and mature. He possesses a good amount of equanimity which is a quality very necessary for occupying the Chair.

No doubt we rejoice at his election. But I may say to him that when he comes to occupy this Chair he will find that it is not so easy as it appears to be from outside without its difficulties. Apart from the fact that it is quite tiring and taxing now-a-days it keeps you on the nerves all the time. Members keep themselves on their nerves and keep the Chair too. But I am confident with his qualities he will come up to it. He has enough guts, courage and balance to stand up to that.

We are passing through very difficult times. The country is going through a great social, political and economic transition and naturally, our young men and representatives

who come to Parliament are very keen to express themselves in the House, vying with each other. In their own way they are perfectly justified. It is the task of the Chair to find time and opportunity for them so that they may justify their election in this House to the people outside. I am very confident, with the experience and the temperament that Prof. Swell has, he will not be lacking in providing those opportunities to Members.

Many things are common between him and myself; one or two things are uncommon also. We belong to the minority community. I do not know if his minority community is as aggressive as mine. We come from the teaching profession. I had been teaching law; he had been teaching literature. Then, may I say, we both are gentlemen!

But there is some contrast also. He comes from one end of the country and I come from the other end, both extreme ends. I hope that we are sitting at very strategic points and there will be no risk to democracy from any end.

I sincerely, affectionately and very warmly congratulate Professor Swell. I wish him a great career as a presiding officer. He has been segregated from party loyalties for the first time. I had been doing this job for quite a few years. But the past does not have anything to do with what you have to do in this Parliament. I often find my experience and my career as a presiding officer in the State absolutely useless to guide me here. I have to draw upon various other faculties also to deal with the situation and the people here.

The absence of a few Members in this House has nothing personal against him. Now that he is elected Deputy Speaker of this House, he belongs to the whole House, to all Members, those who are here and others who are not here now. He belongs to the whole House and Members should also take it like that, that he belongs to them also. I am very confident, as one of the speakers said, that it should be in that spirit. I do hope, it will come about that way.

I again thank the House very much for giving such a good gift to me. If he wants to reply he may do so. Please now occupy the first Chair on my left and embellish it with your accomplishments."

Dr. Swell was then conducted to the Deputy Speaker's seat on the front bench by Shri Frank Anthony and Shri N. C. Chatterjee.

Tributes paid by other Members on the occasion are reproduced below:

**Shri Era Sezhiyan:** On behalf of my party and on behalf of my own self, I offer my felicitations to Prof. G. G. Swell on his unanimous election to this august office of Deputy Speaker.

As a professor and as a scholar he has had a very distinguished academic career, and as a keen parliamentarian he had endeared himself to those who have come in touch with him for the past seven years. I wish him well in his new office.

His election also endorses the secular character of our democracy and also the respect we pay and in which we hold all the minority communities in this country. Even apart from that, he is distinguished by himself and he is eminently suited for the post that he is going to take over.

On behalf of my party, I offer him all the confidence and co-operation that he deserves in that post.

**Shri H. N. Mukerjee:** Mr. Speaker, on behalf of my Party and of myself, I offer felicitations to our friend and colleague, Prof. Swell for the honour which has been conferred upon him by the House.

I am glad that a Member of the Opposition has now become the Deputy Speaker of this House. This is not the first occasion that a Member of the Opposition has been elevated to that position, because I remember that in the latter part of the first Lok Sabha when Sardar Hukam Singh was elected as the Deputy Speaker, he was a Member of the Opposition. I hope—as a matter of fact, I am confident—that what happened in the case of Sardar Hukam Singh, who after a while crossed over to the Government Party, would not happen in the case of Prof. Swell. I say this because we have noticed in Prof. Swell not only eloquence of an order which it is difficult not to appreciate but sophistication of a particular category, and I am sure that that quality of sophistication would stand in the way of his taking recourse to any action which would even remotely be liable to accusation as an act of political impropriety.

He has been elected as the Deputy Speaker of this House as a Member of the Opposition and it is on that account in particular that we on this side of the House would have our expectations geared to a particular level.

It has already been said by the Prime Minister and my hon. friend, Shri Sezhiyan, that there is a special significance in the fact that Prof. Swell hails from a particular part of our country and from a particular segment of our people. Assam is a lovely land and the hill areas thereof are an element in our multi-faceted India which we wish to cherish. But we know how the hill people have never I do hope that on this occasion the election of Prof. Swell, who comes from the Khasi area of Assam, would contribute to the task of national integration at least in so far as the tribal population of our country is concerned.

I would not amplify on the many virtues of Prof. Swell. We have come to look upon him as a friend and colleague whom we have always cherished and it is a great pleasure to us that he is now to function from the high office to which he has been elected.

I repeat my felicitations and the felicitations of my Party for Prof. Swell.

**Shri P. Ramamurti:** Mr. Speaker, I wish to add my own felicitations and those of my Party to Prof. Swell for this unanimous election.

I have had occasion to move with Prof. Swell rather intimately during the last two and a half years of my life in this Lok Sabha. I do not know much about his professorship and all that kind of things, but I know that on problems which I had occasion to discuss with him, particularly tribal problems, I have found in him a very broad vision, an outlook which wants to integrate the tribal population with the rest of the country, and at the same time tries to acquaint the other people, the other Members of this House, as well as people who do not belong to the tribal areas, with the problems from which they are suffering and the difficulties which they are facing and also ask them to appreciate how exactly this thing has got to be done. I have found a large amount of unanimity of views as far as this question is concerned, with him. I offer my co-operation to him, the co-operation of my party, and I am sure that he will be able to discharge his responsibilities.

**Shri N. C. Chatterjee:** Mr. Speaker, Sir, it is a great joy both for my Independent Parliamentary Group and myself to offer my felici-



tations to Mr. Swell on his unanimous election to the post of Deputy Speaker in the Lok Sabha. Sir, it is a historic occasion; I deliberately say it is a historic occasion, because Mr. Swell has made history. Just look at his age and you know for the first time an Opposition Member has been unanimously elected as Deputy Speaker of this House. Secondly, he belongs to an important minority community; that is very important, and he has won a seat without any opposition. Thirdly, he comes from one corner of this great country, a neglected corner it may be; but still that will help us in the integration of India. Therefore, I offer my felicitations and congratulations to him. I have no doubt that Mr. Swell as Deputy Speaker will carry on his duties with objectivity and with complete impartiality.

It is a great day and a historic occasion; when you are going to pass an amendment of the Constitution, for the benefit of the minorities, it is very desirable that we have elected Mr. Swell, who is an Independent Member, to the post of Deputy Speaker.

I am quite sure, whenever Mr. Swell sits in the Chair, he will make no difference between any Member of the Opposition and the Prime Minister, and everybody will have the satisfaction of knowing that justice is being done without any demur and without any trouble.

I offer my heartiest felicitations to Mr. Swell.

**Shri Frank Anthony:** Mr. Speaker Sir, Mr. Chatterjee has already expressed the gratification of the members of the United Independent Parliament Group on the unanimous election of Mr. Swell.

Some of us have known Prof. Swell for many years. He has been an increasingly valued member of our group. I am sorry that we should be losing him, because he was one of the few members of the group who could make themselves felt, because he had a certain natural lung capacity. Now that will be an invaluable qualification as Deputy Speaker. But as the Prime Minister has pointed out, Dr. Swell has never been merely a narrow politician. He has certain other accomplishments, academic and other. I hope, what Mr. Ramamurti said is not too true that apart from his academic qualifications, which do not seem to count too much among some people here, he has also got what is a disqualification—he is inclined to be a gentleman. Dr. Swell is very much a gentleman. I am sure, given our good wishes which he has and the co-operation of every section of the House which I hope he will have, he will prove a very competent and respected Deputy Speaker.

We congratulate him and I wish him well.

May God bless him!

**Shri M. Muhammad Ismail:** Mr. Speaker, Sir, I have to thank you for enabling me to add my felicitations also to those that have been offered to Dr. Swell, who has been elected to the high post of Deputy Speaker of this august House. In every respect he is well-suited for the high office which he has been called upon to occupy. As has already been pointed out, he is a man of letters, of good temper, sanity and sobriety and also a man endowed with ample intelligence and understanding of the matters which come before the House. So, he is in a very fortunate position. It has also been pointed out, and I agree with that opinion, that he is a gentleman *par excellence*. With all these qualifications I am sure he will add lustre to the position which he would occupy and he will help you, Sir, to maintain the dignity of the House.

I am sure I need not stress the point that anyone who knows Shri Swell knows that he is a man who will hold the balance between every party, no matter whether he is in favour of that view or opposed to that view. So far as justice is concerned, it would be very safe in his hands. Therefore, he would be an effective and able assistant to you, Sir, in keeping the impartiality and dignity of the Chair which you are occupying and which he is going to occupy.

I wish him every success. I wish the House also every success under him. It is a matter of great satisfaction to me that a member belonging to the minority community has been elected to this post. Once more I wish him every success and I offer him every felicitation and congratulation.

**Shri Tenneti Vishwanatham:** I add my congratulations to Professor Swell. All that has got to be said has been said. I want to add only this. Several members said that he will certainly act with independence; I endorse it. Many members said that he will act in fairness; I endorse it. They also said that he will act with impartiality. I endorse it. But I add: when in doubt he will stretch a point in favour of the Opposition.

Although he is young, as has been said by many members, he has a wise head on young shoulders. More than that, Sir, he has got before him your able guidance and I have no doubt that with you as his guide he will conduct the deliberations of the House to the satisfaction of everybody. I wish him again success in the Chair.

Replying to the felicitations, Mr. Deputy Speaker said:

"Mr. Speaker, Sir, I do not know really what to say and how to say in gratitude over this flood of affection, trust and confidence that has come from you, Sir, from the Prime Minister, from the leaders of all parties and groups and, I am sure, from the hearts of my colleagues here inside and also from the hearts of those, for reasons of their own, who find it inconvenient to be present in the House.

Sir, this affection has come to me unsolicited and, therefore, it is all the more precious and cherished by me. My own prayer and hope at this moment is that I may not falter or fumble and that I may live up to the expectations of my colleagues.

Many a time I have watched you and other colleagues of mine who have had an opportunity to sit in that Chair in your absence, Sir, and I have had always said to myself that if there was one man who deserved to be sympathised and pitied more than the others it was the man sitting in that Chair. Little did I realise that the same fate awaited me. I am confident, with the affection that I have received and the hope that I shall continue to receive the same affection and even indulgence from my colleagues, I shall be able to discharge my duties impartially, and may be, as the Prime Minister said, sometimes firmly but to the satisfaction of the House.

To the older Members of this House, I would say, "Please continue to give me your affection, your consideration and sometimes your indulgence". But to the younger Members of this House to which group I am proud to belong, I would say, "This is the challenge to youth. Please give me your cooperation. Let not the hopes of youth perish in that Chair."

Sir, I have always held the view that this Parliament is the most potent instrument for a peaceful, orderly, social, economic and political change and that as long as the people of this great country of ours whom we represent continue to have their faith, trust and confidence in this Parliament,

the parliamentary democracy is safe in this country. It is, therefore, the bounden duty of each one of us not to do anything, even when we are seized by, what I would say, righteous indignation, to denigrate the House or to bring it into contempt. Sir, in all your efforts to maintain and promote the sovereignty, the dignity and the effectiveness of this House, I shall assist you and give you of my best.

I will end on a slightly personal note, the note which has been struck by the Prime Minister and many of my elderly and very valued colleagues. It is true that I come from a group in this great country of ours, a small group and also from Assam, a few lakhs strong as against nearly 6000 lakhs of population in this country and that group is tucked in a small though exquisite corner in the north-east of our country. Yet, it has not been a handicap to me. The offer of this office to me by my colleagues in this House should serve as a testimony to the wide world that the heart of India is great and good despite the trials, tribulations and sometimes aberrations and that every one of her children however small numerically, however remote geographically, has a place of honour in this country and is loved and cherished as such. It should also serve as a testimony that under the new dispensation the gate is wide open for the youth to come to its own and precious years should not be cast away in anger.

Sir, I approach my new task in this spirit. If my approach is right, I cannot fail.

Thank you, Sir.

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 is a good conversationalist and has won many friends among his fellow parliamentarians by his suave manners and gentlemanly behaviour.

*The Speaker has to abstain from active participation in all controversial topics or politics. The essence of the matter is that a Speaker has to place himself in the position of a Judge. He has not to become a partisan so as to avoid unconscious bias for or against a particular view and thus inspire confidence in all the sections of the House about his integrity and impartiality ..*

.....  
—G. V. MAVALANKAR

## **ELECTION OF DEPUTY CHAIRMAN, RAJYA SABHA**

On December 17, 1969, the Rajya Sabha elected Shri B. D. Khobragade, an independent member of the House from Maharashtra, as its new Deputy Chairman in the vacancy caused by the resignation of late Shrimati Violet Alva on November 17, 1969. It was for the first time that the office of Deputy Chairmanship of the House was contested, the other candidate being Shri Godey Murahari, a S.S.P. member of the House from Uttar Pradesh. There were four motions each moved in favour of Shri Khobragade and Shri Godey Murahari. The first motion moved by Shri A. D. Mani proposing the name of Shri Khobragade and seconded by Shrimati Shakuntala Paranjpaye was adopted by 128 votes to 60. Shri B. D. Khobragade was thus declared elected.

### *Felicitations to Deputy Chairman*

Felicitating Shri Khobragade on his election to the high office, the Leader of the House, Shri K. K. Shah said:

“Mr. Chairman, Sir, I have great pleasure and I would deem it a privilege that I have to felicitate Shri Khobragade on behalf of the House, specially so because an independent Member has been elected to the Chair as the Deputy Chairman. In the times through which we are passing, sometimes tempers get the upper hand over our reasoning. On such an occasion to have a man of experience, ability, and a man who has a grounding in legal practice, will be an asset to this House. I have no doubt whatsoever of that. We have come into contact with Shri Khobragade. Temperamentally he is a man eminently suited for this important post in this House. Though mild in temperament, he has a very good understanding of the issues involved. He knows what is in the interests of this country and how to keep up the traditions and the august position that this House enjoys not only here but all over the country and, in these difficult days, I have no doubt that Shri Khobragade will be a party to precedents which will redound to the credit of this House. I wish to assure him that everyone of us will cooperate with him, so



**Shri B. D. Khobragade**  
*Deputy Chairman, Rajya Sabha*  
(Elected: December 17, 1969)

that very high precedents are laid down in this House. With these words, I have great pleasure in felicitating Shri Khobragade.

The Leader of the House was followed by the Leader of the Opposition, Shri S. N. Mishra, Sarvashri Lokanath Misra, Pitambar Das, Godey Murahari, Bhupesh Gupta, Venkatraman, Mulka Govinda Reddy, Thillai Villalan, B. V. Abdullah Koya, A. D. Mani and M. P. Bhargava, representing all shades of opinion in the House.

The Chairman, Shri G. S. Pathak, who shared the sentiments expressed by the Members congratulating Shri Khobragade on his election, said:

I join you all, hon. Members, in the felicitations offered to Shri Khobragade from all sections of the House. Shri Khobragade has considerable experience of this House and its conventions. I am sure that he will fill this office with great dignity and uphold the traditions of parliamentary life in the fullest measure. I am sure also that he will receive consideration and goodwill at the hands of all the hon. Members here. Shri Khobragade is young and has a great future before him for service which he can render to the country. I extend to him my warmest and best wishes on his election as Deputy Chairman."

Reproduced below are the felicitations offered by other Members to Shri Khobragade:

**The Leader of the Opposition (Shri S. N. Mishra):** Mr. Chairman I would like to congratulate the honourable Member who is now the honourable Deputy Chairman, Shri Khobragade, very sincerely and warmly, on behalf of the entire Opposition, on his election to this high office. And it is a matter of personal pride and satisfaction for me that the honourable Deputy Chairman would be sitting by my side.

Some honourable Members voiced a feeling whether he is going to favour the Opposition. Though he is going to sit amidst the Members of the Opposition he is now wedded to a neutral entity. I must say that although there has been a contest, there has not been the slightest trace of bitterness or malice in the election, and that is writ large on the faces of all those who had opposed.



Now, Mr. Chairman, I have no doubt that Shri Khobragade fills the bill admirably. Those of us who have known him personally also have had every confidence that a candidate who has been put up by the other side is a candidate who fills the bill. About his personal merits there was no doubt at all in our minds. I am also confident that the smile which he wears—I have always found that smile—does not flicker or fade, that he has a voice that does not fumble or falter, that he has views that are not swayed by ulterior considerations. When he goes to occupy the Chair, he will have all the loyalty that we can show him. And as I stressed on earlier occasions also, the real test of it would lie when certain stresses and strains and storms appear in the House. It is not going to be as merry as the marriage peal as they say, although a kind of marriage, as I had told you, has been proposed. And yet probably that is in the game, and the honourable Deputy Chairman would not like a monotonous House without any stresses and strains. So, with these words I would like to pledge my loyalty on behalf of my party, and, I should say, on behalf of the whole Opposition, that he can rest assured that he would get our cooperation for the smooth conduct of business in this House.

**Shri Lokanath Misra:** Sir, I do not have to say that the office of the Deputy Chairman, which is definitely a very dignified office, is a Chair of thorns now. Sir, I want to give my personal congratulations and those on behalf of my party on the success of Shri Khobragade in the election and the way he will be going and occupying that Chair of thorns. I wish him all success in his office of the Deputy Chairmanship and I would always expect and look forward to his impartiality all through his tenure of office and I can be very sure about his sense of impartiality once he occupies that Chair.

**Shri Pitambar Das\*:** Mr. Chairman, I congratulate Shri Khobragade on his election to the post of Deputy Chairman and offer him the good wishes of my party.

The job of the person occupying the Chair is not an easy one and even a very capable Chairman cannot control the House, unless he has the cooperation of Members and various parties. I assure Shri Khobragade that he will have my cooperation and that of my party.

I don't want to say anything more about his capabilities, but this much I must say that his popularity can be ascertained from this very fact that the persons who have voted against him had in the first

---

\*Original speech in Hindi.

instance thought of putting him up as a candidate and I think there is no greater proof of the popularity of a person than the fact that even the persons voting against him wanted to have him as their Chairman. As far as elections are concerned, it is a democratic procedure. In this system, elections would continue to be held, but these elections serve one good purpose that no bitter feelings are left among ourselves. This election was held and it ended. In this context I would read a couplet:

है वह बेजायका शरबत न तुरशी जिसमें हो शामिल  
बिसाले यार में भी चाहिए तकरार षोड़ी सी

[*Even a sweet drink is tasteless without a tingle of sourness; a little argument is a must in a lovers meeting.*]

**Shri Godey Murahari\***: Mr. Chairman, in the first instance, I would like to congratulate Shri Khobragade on his election as Deputy Chairman. Unfortunately I was a candidate against him. But in the present politics there will be such conflicts and persons placed together may also have to oppose each other. It is my submission that even after becoming Deputy Chairman he may have to face such things. In this House, on the one side is Government and on the other side are a few opposition parties. It would have been better if we had proposed his name. It was our endeavour that Shri Khobragade should be our representative, but because of certain political developments he had to stand separately. Anyway, he should bear in mind that in case he wants to conduct the proceedings in peace, he must win the cooperation of all the parties. Anybody occupying the Chair is faced with a hard task as, Sir, you must be feeling it and from tomorrow he will also have the same experience. That is why attempt should be made to have, as far as possible, the good wishes and co-operation of each party and each Member, and Shri Khobragade is quite adept in it. He will try to carry everybody with him and I hope that in future he will make such efforts in the House so that no Member should have a cause to complain that he has been discriminated against. That is why while congratulating him, I would sound a note of warning that while in future we will cooperate with him, he should also cooperate with us, and no situation should arise in the House which would be against the dignity of the House and parliamentary procedure. This is my submission and I again congratulate him.

---

\*Original speech in Hindi.

**Shri Bhupesh Gupta:** Mr. Chairman, we have solved an important domestic problem of the House with stately grace and great generosity and naturally we all share the victory of Shri Khobragade; it is a victory which is shared by all of us, irrespective of how we viewed the matter before the election. I am glad that these sentiments have been broadly and sincerely expressed by my friend, Shri S. N. Mishra.

Sir, in electing him we have put somebody in the Chair who symbolises some of the important principles which we cherish. That is number one. Then we have from among the Opposition found a man, young—perhaps looking younger in age—for the chairmanship of the House. Then, Sir, in the Centenary Year of Mahatma Gandhi we have put in this high position a man belonging to the Harijan community. This is also a noteworthy contribution of the House to the deepest sentiments in the minds of our people not only in Parliament but outside. Then, Sir, Shri Khobragade has come not from any big party but from among the back-benchers, independent back-benchers. That again is an acknowledgement of his talent. Therefore, Shri Khobragade's election today means the promotion of his talent which has attracted the admiration and attention of the House, and that is why he will now be occupying this high office. My friend, Shri Mishra, said that Shri Khobragade will be sitting by him. This is a very interesting company. May goodness bless this company, and I am sure both will be helping each other in order to overcome their weaknesses. Mr. Chairman, we can only give him our best wishes and guarantee of our sincere co-operation. The election has been conducted in the highest traditions of democracy and parliamentary decorum, and you must have noticed that, although we had divergent points of view with regard to the procedures and so on, there was no acrimony, no bitterness, no attempt to attack each other, and this is a tribute to the House itself, to the collective wisdom that we have brought to bear upon the subject. Therefore, the credit goes to the House as a whole, to all its Members, irrespective of the views they may be holding over this or that matter. Now, Shri Khobragade will naturally be belonging to the House as a whole. He is the possession of all of us, and, naturally, it will be his function, if I may say so, to see that his office generates confidence in democratic traditions, in parliamentary traditions, in fairness, in justice. There will be, of course, confrontation of view points; it is part of life. There will be, of course, sharp differences and contests in this House over ideas, views, policies and so on. It will be the task of the Deputy Chairman to ensure that the confrontation takes place in the conditions of fairness to all the contestants, to all viewpoints, so that there is no charge or accusation that Shri Khobragade is favouring some and dis-

favouring others. I am sure Shri Khobragade is a young man with a robust mind, looking forward to the future with confidence and courage and he will certainly function as a worthy Deputy Chairman and as a worthy leader of the House sitting as the presiding officer, and that in his functioning and discharging of his duties, the traditions of the House will be upheld further, and that we shall be happy that we have made the right choice for the right place.

**Shri M. R. Venkataraman:** Mr. Chairman, Sir, I rise to congratulate Shri Khobragade on behalf of the members of the Communist Party of India (Marxist) who are Members of the Rajya Sabha. In doing so, Mr. Chairman, Sir, I feel the utmost happiness. Shri Khobragade comes to occupy the office at a time when, in all probability, he will have to handle difficult situations and will have to discharge difficult responsibilities. Though I personally do not know about Shri Khobragade so much as members of my own party as well as my other esteemed friends here know, from what they have told me I am very clear that he is endowed with all the attributes and all the capacity which one should have in managing affairs occupying the office to which we have all elected him. I assure him on behalf of my group the fullest co-operation in the difficult discharge of duties of his responsible office. Sir, may I wish Shri Khobragade a very bright and a very successful tenure of office as Deputy Chairman of the Rajya Sabha? We have left behind us now the controversy over the voting. We are all unanimous now in the supreme single fact that in Shri Khobragade we have got an eminent and fit Deputy Chairman, who will be presiding over us, guiding the proceedings of this House and who will be helping our esteemed Chairman by doing so when he is not in the Chair. I wish Shri Khobragade once again all success and I congratulate him most heartily.

**Shri Mulka Govinda Reddy:** Sir, on behalf of the Praja Socialist Party and on my own behalf I have great pleasure in congratulating Shri Khobragade on his election to the high office of Deputy Chairmanship. I have known Shri Khobragade for a long time in this House. He has been an active Member. He has widely travelled, is highly educated and is eminently fitted to fill this office with dignity, with prestige and with distinction. I have no doubt, Sir, as Deputy Chairman of this august House Shri Khobragade will discharge his functions and duties and responsibilities befitting the dignity of this House and will enhance the prestige of this House. I have also no doubt that he will safeguard the interests, the rights and privileges of Members of this House and he will do everything possible to see that the prestige

of this House is enhanced. It is a great pleasure, Sir, that Shri Khobragade, a representative of the Republican Party of India, which is striving for the welfare of the teeming millions of this country, who belong to the most oppressed and suppressed community in our land, is representing them here as their symbol and is now going to occupy the Chair in this House as Deputy Chairman. We are very happy that such a representative has been elected as Deputy Chairman by this House. We will extend all co-operation to him in the discharge of the responsibilities of the Deputy Chairman. I once again congratulate him on his success and I wish him well in his office as Deputy Chairman.

**Shri Thillai Villalan:** Mr. Chairman, Sir, I congratulate Shri Khobragade on his election as Deputy Chairman of this House on behalf of my party and on behalf of myself also. Mr. Chairman, Sir, you might have heaved a sigh of relief at the very moment his election was over. Shri Khobragade hailing from Maharashtra belongs to the oppressed and depressed class living there. He may have experienced the oppression socially, but he knows very well the political oppression in parliamentary democracy, that too in the conduct of business in Assemblies and Councils. The main and the most important virtue to be possessed by the presiding officers of the Councils and the Assemblies is strict impartiality. I hope he will follow that virtue in the conduct of the business of this House during his period of office as Deputy Chairman of this House. Further, Sir, he is also an advocate and he has a judicial mind and a legal brain in him. So I expect that his judicial mind will determine all his actions and decisions in this House. I once again congratulate Shri Khobragade on his election and I assure our sincere co-operation in the conduct of the business during his period.

**Shri B. V. Abdullah Koya:** Mr. Chairman, Sir, on behalf of my party and as a member of the minority community I wish to congratulate Shri Khobragade on his unique election as Deputy Chairman of this august House. On behalf of my party I assure him full cooperation in discharging the duties of this august House most impartially and successfully and wish him every success.

**Shri A. D. Mani:** Mr. Chairman, may I associate myself with the Leader of the House and my hon. colleagues on this side of the House also in the warm tributes they have paid to my good friend, Shri Khobragade, who has been elected to the high office of Deputy Chairman. If I may strike a personal note, I have known him since the days when he was a student in Morris College, Nagpur. He is very well

known in Maharashtra for having been associated for a long time in a spirit of dedication with the movement for the welfare of the backward and depressed classes of the country and it is only fitting, as my friend Shri Bhupesh Gupta pointed out, that in this Gandhi Centenary Year we have shown our sincerity of professions by electing a backward class person to this high office. Shri Khobragade is only technically backward, because he is a very competent person and has been known to be a well-known criminal lawyer in the Vidarbha region, and I am sure with this experience, his background, his independent outlook and his booming voice he will be able to conduct the proceedings of this House. I am very happy, Sir, that he has been elected and I want to thank all Members of the House for the manner in which they have responded to this election. The cordiality that pervades the felicitations that have been offered to him is in the highest traditions of this august House; we have no bitterness and after the contest and the election we look upon Shri Khobragade as the Deputy Chairman of all sections of the House.

**Shri M. P. Bhargava:** Mr. Chairman, just one sentence. I also want to associate myself in congratulating Shri Khobragade. Let him have no misgiving about the fact of abstention. He is as much the Deputy Chairman of one who has abstained as of the Ayes and Noes.

Shri Khobragade reciprocating the sentiments said: Mr. Chairman, Sir, I express my deep gratitude to the Honourable Members for having been elected to the high office of Deputy Chairman of this august House and for the House having thus reposed confidence and faith in me. I am thankful to the Leader of the House, to you Sir, to the Leader of the Opposition, to the Leaders of other opposition political groups and to the independent Members for the great affection, love and praise they have showered off me today. I am profoundly overwhelmed by the sentiments that they have expressed.

Sir, I have full faith in parliamentary democracy. However, I feel that it is not an end in itself. It is a means to achieve other ends which is to bring about a social and economic revolution in the country and to establish a social order based on the principles of equality, liberty and justice. For achieving this purpose there are two courses open. One course is the revolutionary course which will spill the blood of many persons; the other alternative is a democratic, peaceful, bloodless revolution. We have to adopt the second course. We can bring about a social and economic revolution through parliamentary democracy. The country is passing through turbulent times raising doubts in the minds of thinking people in the country whether

democracy can survive in our land. Therefore, it should be the responsibility of all of us to foster and build up parliamentary democracy in this country. Parliamentary democracy means that the issues are to be decided by discussion and deliberations. One has to convince the others by logic, reasoning and arguments and make them accept our point of view. It requires that every Member should have respect and regard for others even though they might have differences and strong opposite views. Sir, it will be my endeavour—and I hope Members will extend their full co-operation—to maintain the dignity and decorum of this House.

There has been a contest in this election. As pointed out by many Opposition leaders it was an unfortunate development. But now that the contest is over, as pointed out by many Members I belong to the House as a whole. I do not belong to any group or to any individual and I shall always endeavour to be fair and impartial.

Sir, I would also always endeavour to uphold the high traditions that have been established by my esteemed predecessors in this House. I would also always try to uphold the rights and privileges of hon. Members—it will be my continuous and incessant endeavour. But I may also point out that the rights and privileges are accompanied by duties and responsibilities also. Therefore when I would uphold the rights and privileges of the Members I shall expect that the Honourable Members will extend their full co-operation by trying to be dutiful and responsible. I once again thank you for having elected me to this high office of this august House.

#### B. D. KHOBRAGADE—A Sketch

[Shri Bhaurao Dewaji Khobragade was born on September 25, 1925 at Chanda in Maharashtra. He had his early education at Government Jubilee High School, Chanda. He went for higher studies to Nagpur and studied at Science College and Morris College, Nagpur and passed his B. A. Examination from Nagpur University in 1945. He went to England for studying law and was called to the bar from Lincoln's Inn, London, in November, 1949.

Shri Khobragade was elected to Rajya Sabha in 1958 and again in 1966.

He started his career as an advocate and rose to be an eminent lawyer. He evinced keen interest in social and political activities. He is an untiring champion of the rights of the downtrodden and

the backward classes and has consistently fought for the abolition of caste in society. His crusading zeal and enthusiasm for the upliftment of the down-trodden masses of this country led him to organize many organisations and associations since his student days. He himself held important posts in these organisations. He was Secretary, Scheduled Castes Students' Federation, M. P. in 1943-44, President of Nagpur Pradesh Scheduled Castes' Federation from 1953 to 1955, General Secretary, All India Scheduled Castes Federation in 1955-56 and its President in 1956-57. He participated in land satyagraha in 1959 in Nasik District, Maharashtra and led a batch of 2,000 satyagrahis. He was arrested and sentenced for a day. As the General Secretary of the Republican Party of India he was one of the organisers of nation-wide satyagraha in 1964, when 3 lakhs of people offered satyagraha and courted arrest. He is the founder President of the Presidium, the organisation which controls the various political, social, labour, religious and educational institutions started and organised by the late Dr. B. R. Ambedkar. He is also the founder General Secretary, Republican Party of India, founded in October 1957. He is again founder President of the Siddharth Shikshan Sahayyak Sanstha, Dr. Babasaheb Ambedkar Education Society and Dr. Ambedkar Memorial Society.

Shri Khobragade has travelled widely. He has been to U. K., Ireland, France, Switzerland, Italy, U.S.A., Japan, etc. He attended the Buddhist Conference at Bangkok in 1958.]

*The consideration which tells most in favour of two Chambers, is the evil effect produced upon the mind of any holder of power, whether an individual or an assembly by the consciousness of having only themselves to consult. . . . . A majority in a single assembly, when it has assumed a permanent character—when composed of the same persons habitually acting together, and always assured of victory in their own House—easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituted authority.*

J. S. MILL



## LEADER OF THE OPPOSITION IN THE LOK SABHA

Since Independence till recently, the Congress Party had been the only recognized party in the Lok Sabha, as it alone could satisfy all the requirements laid down for such recognition.

In terms of Directions\* issued by the Speaker under the Rules of the House, the Speaker in recognizing a parliamentary party or group shall take into consideration the following principles:—

- (1) An association of members who propose to form a Parliamentary Party.
  - (a) shall have announced at the time of the general elections a distinct ideology and programme of parliamentary work on which they have been returned to the House;
  - (b) shall have an organization both inside and outside the House; and
  - (c) shall have at least a strength equal to the quorum fixed to constitute a sitting of the House, that is, one tenth of the total number of members of the House.

The recognition of an association of members as a Parliamentary Party or Group for the purpose of functioning in the House is accorded only by the Speaker\*\* and his decision in this regard is final. This is the position in the United Kingdom as well where the Speaker's decision in the House of Commons on the identity of the Leader of the Opposition is final(a).

The Speaker, on his own initiative, does not accord this recognition. A formal request has to be made to him in this regard by the Members concerned.

Following the Bangalore Session of the Indian National Congress, serious differences arose within this organisation over the issue of the Party's nomination for the Presidential election. It affected the rank and file and the Parliamentary wing of the Party was also split into two. On November 16, 1969, on the eve of the commencement of the Ninth Session of Lok Sabha, some Members of the Congress Party in Parliament, at a meeting in New Delhi under the chairmanship of

---

\*Directions by the Speaker, 121 (i).

\*\**ibid* 120.

- (a) In the U.K., according to the Ministers of the Crown Act, 1937, if any doubt arises as to which is or was at any material time the Party in Opposition to his Majesty's Government having the greatest numerical strength in the House of Commons, or who is or was at any material time the Leader in that House of Such a Party the question shall be decided for the purposes of this Act by the Speaker of the House of Commons, and his decision, certified in writing under his hand, shall be final and conclusive.

Shri S. Nijalingappa, President of Indian National Congress, dissociated themselves from the ruling party and elected Dr. Ram Subhag Singh as the Leader of their Group. Shri Morarji Desai was elected Chairman of the Group for both the Houses.

On November 17, 1969, the first day of the Ninth Session of the Lok Sabha, Dr. Ram Subhag Singh forwarded to the Speaker, a list of 60 members belonging to his party (duly signed by them) and subsequently, in his letter dated the 25th November, 1969 addressed to the Speaker, requested that as his party fulfilled the conditions laid down in Direction 12<sup>1</sup> for the recognition of Parties, his party might be accorded recognition as Congress Party (Organisation). He also enclosed a copy of the 'Statement of Policy' and the grounds on which he sought recognition. The Minister of Parliamentary Affairs, Shri K. Raghuramaiah in a letter addressed to the Speaker objected to the name "Congress Party in Parliament (Organization)" being given to the party led by Dr. Ram Subhag Singh and suggested that the party might be called by some other name.

On December 17, 1969 Shri N. G. Ranga, Shri Rabi Ray and a few other members raised the question of recognition of Dr. Ram Subhag Singh as the Leader of the Opposition. The Speaker, thereupon, announced:

".....I have no objection if Dr. Ram Subhag Singh is accepted as the Leader of the Opposition."

He also announced that Dr. Singh's party in Parliament would be called Congress Party (Opposition).

With this announcement, for the first time since Independence the Lok Sabha has a recognised Opposition Party and a Leader of the Opposition.

Prime Minister Shrimati Indira Gandhi congratulated Dr. Ram Subhag Singh in his new role and said:

".....I look forward to cooperation from him and from the leaders of all other parties....."

The Leader of the Praja Socialist Party in Lok Sabha, Shri Surendranath Dwivedy, said:

"We are happy, Sir, that in our Parliament we have now a recognized Leader of Opposition."

Shri Bal Raj Madhok said:

"All these years we did not have a Leader of Opposition. Now we have one. This is a happy day for this Parliament."

## ADDRESSES & SPEECHES

### PRESIDING OFFICERS' CONFERENCE

#### Speaker's Address

*[The Thirty-fifth Conference of the Presiding Officers of Legislative Bodies in India was held at Panaji (Goa) on December 30 and 31, 1969, with Dr. G. S. Dhillon, Speaker of Lok Sabha in the Chair. We give below excerpts of the more important portions from the Speaker's address on the opening day of the Conference—Editor.]*

FRIENDS,

I deem it a privilege to join our host, the Speaker of the Goa, Daman and Diu Legislative Assembly, in extending to you all a very cordial welcome today to this Conference of Presiding Officers, being held for the first time in this picturesque city of Panaji, the capital of Goa. Famed all over the World for its beautiful sunny beaches and eye-catching scenic beauty, Goa is rightly known as the Queen of the East. This part of the country presents a unique blend of the East and the West which is very well reflected in the folklore, the music, the customs and the culinary habits of its charming and hospitable people. With its varied and colourful history, Goa is a rare spectacle of national integration. The way in which the Hindus, the Christians and the Muslims live here and the enthusiasm with which they celebrate each other's festivals is a matter of pride. The whole of Goa abounds in ancient temples, churches and mosques, many of them representing rare architecture. The remains of the patron saint of Goa, St. Francis Xavier the Apostle of the East who came here in 1542, are enshrined in the Basilica of Bom Jesus in old Goa. He was one of the notable Portuguese missionaries who came to Goa and made significant contribution to her culture. It is a happy coincidence that only a fortnight ago, Goa celebrated the eighth anniversary of her freedom from the Portuguese rule after a long and sustained struggle entailing a good deal of suffering and sacrifice by her brave people.

I consider it a rare privilege to address this august assembly of Presiding Officers of Legislative Bodies of our country and, if I may say so, I have a feeling of coming back to a forum which I have always greatly cherished and which I regularly attended every year from 1952 to 1962 as Speaker of the Punjab Vidhan Sabha. The important role which this Conference has played in discussing freely and frankly various problems which concern the Presiding Officers of democratic

*institutions in our country has come to be well recognised and widely acknowledged. There is free exchange of ideas and we evolve, where possible, guidelines for action for ourselves.*

At the outset, I might refer to the great set-back suffered by our country this year in the passing away of Dr. Zakir Husain, the President of India, who had filled the highest office of the land with great dignity and distinction. A noble person with a dedicated Gandhian outlook, loved and respected by one and all, Dr. Zakir Husain was an eminent educationist, an erudite scholar, a patriot of the highest order and a great humanist. His profound wisdom was a beacon-light to all those in need of guidance and his quest of knowledge and wider horizons was a source of inspiration to others.

Before he was elected President, Dr. Zakir Husain had distinguished himself as Chairman of Rajya Sabha with rare dignity and managed to hold the scales scrupulously even between the Government and the Opposition. He had earned a great reputation for his impartiality, objectivity and sound judgment as a Presiding Officer, from all sections of the House.

Let us pay our respectful homage to this great son of India by dedicating ourselves to the task of advancing the causes which he held dear to his heart—the uplift of the poor and downtrodden, educational advancement of our country and promotion of brotherhood amongst all communities living in this land.

Since this Conference met at Trivandrum last year, the cruel hands of destiny have also snatched from our midst some of our other distinguished friends and colleagues. Very recently, Shrimati Violet Alva, former Deputy Chairman of Rajya Sabha, passed away suddenly after a heart attack. She had been attending this Conference regularly and had made rich contribution to its deliberations. For eight long years, she had conducted the proceedings of Rajya Sabha in an exemplary manner and brought grace and lustre to the office. Impartiality, fearlessness, dignity and independence were the distinct characteristics of her role as a Presiding Officer and these undoubtedly earned her eloquent praise and appreciation from all sides of the House. Apart from Parliament, she had distinguished herself in many other fields like journalism and law.

A number of changes have taken place at the Centre and in some of the States since the last conference so far as the Presiding Officers are concerned. Beginning with myself, I came to occupy the

Chair in Lok Sabha following the resignation in July this year of my esteemed friend, Dr. N. Sanjiva Reddy, who, during his short tenure of a little less than two and a half years, had made a mark as one of the most distinguished Presiding Officers of Lok Sabha. Watching him conduct the deliberations of the House, I was deeply impressed by the great tact and resilience which he displayed in maintaining dignity and decorum in the House. Like my predecessors, I also considered it right and proper, soon after my election as Speaker, to resign from the membership of the party to which I had the honour to belong. This is necessary for assuring all sections of the House of the impartiality of the Presiding Officer and demonstrating his freedom from all political strings.

Shri R. K. Khadilkar, who had been attending these Conferences as Deputy Speaker of Lok Sabha for the past few years, resigned his office and has joined the Union Council of Ministers as a Minister of State. We wish him well in his new assignment. We are very glad to welcome in our midst Prof. G. G. Swell as the new Deputy Speaker in succession to Shri Khadilkar. Shri B. D. Khobragade who has succeeded the late Shrimati Violet Alva as the Deputy Chairman of Rajya Sabha, is also with us today and we extend to him a very hearty welcome. Both of these eminent gentlemen belong to the Opposition and their election has symbolised certain basic principles we hold dear. While Prof. Swell represents one of our enlightened minority communities, Shri Khobragade represents the Scheduled Castes and his election to the high office, particularly in the Gandhi Centenary Year, is most befitting.

It is a matter of pleasure to us all that Pulavar K. Govindan, who was the Deputy Speaker of the Tamil Nadu Legislative Assembly, has been elected as the Speaker of that Assembly. Likewise, Shri Virendra Swaroop, who was previously Deputy Chairman, U.P. Vidhan Parishad, has been elevated to the Chairmanship of that House. We have in our midst to-day some new-comers to this Conference. They are Sarvashri Erram Satyanarayana, Deputy Chairman, Andhra Pradesh Legislative Council; Ram Narayan Mandal, Speaker, Bihar Vidhan Sabha; K. Vitsore Kreditsu, Deputy Speaker, Nagaland Legislative Assembly; S. Perumal and Marie Lourdes Selvaradjou, Speaker and Deputy Speaker, Pondicherry Legislative Assembly, respectively; Sardar Darbara Singh and Brig. Bikaramajit Singh Bajwa, Speaker and Deputy Speaker, Punjab Vidhan Sabha, respectively; Shri A. G. Kher—though I do not count him new to the office—and Shri Vasudeo Singh, Speaker and Deputy Speaker, Uttar

Pradesh Vidhan Sabha, respectively; Kunwar Devendra Pratap Singh, Deputy Chairman, Uttar Pradesh Vidhan Parishad; Sarvashri G. Krishnamurthy, Deputy Chairman, Tamil Nadu Legislative Council and G. R. Edmund, Deputy Speaker, Tamil Nadu Legislative Assembly; Shri B. K. Banerjee—who also is not new to the office—and Shri Apurba Lal Mazumdar, Speaker and Deputy Speaker, West Bengal Legislative Assembly, respectively. I extend to them all our hearty welcome. I am sure they will find the deliberations fruitful and constructive and go back with happy memories.

### *Lack of Decorum in Legislatures*

I am constrained to observe with a sense of deep anguish that despite our abiding faith in democratic institutions and our commitment to do everything to nurse and strengthen them, we have not been able to maintain the required standards of decency and decorum in our Legislatures. Scenes of disorder in Parliament and the State Legislatures have engaged in the past the attention of this Conference on a number of occasions. In their addresses to this Conference, on several occasions, my predecessors were at pains to sound notes of warning that if the prevailing scenes of disorder, indiscipline and defiance of the Chair in the legislative bodies did not come to an end, the very existence of our democratic system would be threatened.

The recent unfortunate happenings in some of the State Legislatures, where Members did not obey the rulings of the Speaker, do not augur well for the future of democracy in this country and the parliamentary system which we have adopted. It is not possible for any Presiding Officer to discharge his responsibilities in the House, if his rulings are challenged and defied. Occasional interruptions, heated exchanges or display of disagreement between the Opposition and the Government are understandable, but disorderly conduct and display of temper undermine the authority and prestige of the House.

It is true that we are passing through a very hard and difficult time. Under the Constitution, Parliament and the State Legislatures are supreme and Members have the privilege to discuss, deliberate upon and to deal with various matters pertaining to the governance of the country and the welfare of the people. This task has to be discharged by the House and the Members in a regulated manner in accordance with the settled rules, procedures and conventions.

As is well-known, there are numerous ways which are open to a Member to bring to notice any matter of public importance and,

therefore, any recourse to obstructive tactics or an abrupt and aggressive trespass on business spelt out in the Order Paper without permission of the Chair can hardly serve any useful purpose. On the other hand, it queers the pitch of discussion and leads to a loss of valuable parliamentary time. I would, therefore, appeal to all Members to study thoroughly the numerous opportunities which are already open to them under the existing Rules of Procedure so as to bring, in an appropriate constitutional and effective manner, their points of view to the notice of the House. It is equally incumbent on us as Presiding Officers to be most sympathetic to the role and the duties that the people's representatives have to perform and to inspire in them a sense of confidence by even-handed justice to one and all irrespective of their party labels.

I am sure that given a proper understanding between the Members and the Chair, as well as between the various party leaders, proper decorum can be preserved in the House.

While I do not consider it necessary to go into the details of what actually happened in the Legislatures of Assam, Kerala, Orissa, West Bengal and Uttar Pradesh, there is one particular aspect which I wish to touch upon briefly, so far as the events in Uttar Pradesh are concerned. The manner in which a section of the legislators in that State behaved and the consequences of that behaviour which, it is said, left the Speaker there with no alternative but to order their expulsion by the police, do not reflect well on the system of parliamentary democracy itself. It is not only the Government and its supporters who have to behave in a responsible fashion in a responsible parliamentary system of government, but the Opposition too has its share of responsibilities which it certainly cannot give up except at great peril to the democratic system.

A persistent demand was made in Lok Sabha that the events in Uttar Pradesh should be discussed there but, after careful consideration of the issues involved, I came to the conclusion that it would in no way be helpful to discuss in Lok Sabha the happenings in a particular State Legislature, even if the West Bengal incidents had earlier been debated there. I held the view that this would lead to a chain reaction, and nobody could then stop a State Legislature from discussing what happened in Lok Sabha. I met the leaders of all Parties in the House and explained to them my view-point and I am happy to say that we reached a consensus at that meeting that the events in Uttar Pradesh should not be debated but should be discussed at

the Presiding Officers' Conference which was the proper forum for discussing such issues. I am confident that all of you will have an opportunity to express your views here on these unfortunate events and other allied issues, and we can arrive at some definite conclusions.

May I express my personal conviction that if the Chair and the Members remain united in their resolve to conduct all parliamentary proceedings in a constitutional and orderly manner, there should be no occasion for a Presiding Officer to have recourse to intervention by any law and order authority.

### *Abolition of Upper Houses*

Another development of far-reaching importance, that has taken place this year and to which a mention appears necessary, is the question of the abolition of the Upper Houses in West Bengal and Punjab. While the Legislative Assemblies have the power under the Constitution to suggest the abolition of Upper Houses by passing a resolution to that effect, the Centre has no option but to bring forward the necessary legislation in Parliament. This is exactly what has been done in the case of the two States. During the discussion that took place in Lok Sabha on the relevant Bills, one was struck by the more or less near-unanimity amongst Members belonging to various parties that the Upper Houses were an avoidable luxury and that they served no useful purpose. May be that some criticize the role of these Chambers for political or psychological reasons alone and want to do away with these institutions. Others may have valid objections to the manner in which the Upper Chambers are composed and function today. It would perhaps be worthwhile to examine the causes underlying this growing apathy towards the Upper Chambers when the founding fathers of our Constitution had after a good deal of deliberation, decided to have them as a part of our legislative machinery. The Upper Houses were conceived as a necessary check to any impulsive action of a body fresh from its contact with the electorate. They were conceived as salutary safeguards against hasty legislation. It may be worthwhile to have a debate at all appropriate levels on the usefulness or otherwise of the Upper Houses before other States decide to do away with them on merely political considerations. It might still be possible to reorientate the Upper Houses to fulfil the purpose for which they were conceived. Several suggestions that are currently being thrown up for reforming the Upper Houses both at the Centre and in the States deserve serious consideration. The powers that be and the political parties must also take note of the current trends of



opinion and see that truly deserving and competent persons are nominated to contest elections to Upper Houses, so that the prestige of these exalted Chambers is not only kept up but is also enhanced.

### *Developments in Procedure and Practice*

As has been the practice in the past, I shall now proceed to apprise you of some important new developments that have taken place, rulings given by the Speaker and new experiments that we have made at the Centre, so far as parliamentary procedure and practice is concerned.

### *Calling of Attorney-General to the House*

During the last Budget Session of Lok Sabha, a Member requested the Speaker to call the Attorney-General to the House so as to clarify some points in connection with a Calling Attention Notice on the reported decision of the Congress Party to consult the Attorney-General about the legal implications of orders passed by the Madhya Pradesh High Court in respect of the election of Shri D. P. Mishra. My predecessor had then observed that there were four ways of calling the Attorney-General to the House:—

- (i) He can come to the House himself, if he wants;
- (ii) The Government can call him to give advice to the House on any matter;
- (iii) The House can call him by adopting a motion to that effect; and
- (iv) The Speaker can also call him to the House to give his advice on any legal issue where the Speaker has to give some ruling and where he is in doubt on some point.

Since there was no legal issue on which the Speaker was to give the ruling, my predecessor declined to call the Attorney-General to the House.

### *Finance Bill cannot be opposed at the Introduction stage*

Last February, at the time of introduction of the Finance Bill, a Member sought to oppose the introduction of the Bill. Another Member pointed out that copies of the Bill had not been circulated to

Members and as such the Member did not know about the contents thereof. On this, it was held that the rule regarding opposing of Bills at the introduction stage could not apply to the Finance Bill.

#### *Statutory Resolution seeking Disapproval of an Ordinance*

In November last year, a Member raised a point that Statutory Resolution for the disapproval of Essential Services Maintenance Ordinance could not be discussed, as the Ordinance had been challenged in several courts of law, and thus the matter was *sub judice*. The Chair ruled that a Statutory Resolution for disapproval of an ordinance was in the nature of legislation, because all it sought to do was to disapprove the Ordinance, that is, to repeal the existing legislation. The rule of *sub judice* did not apply to legislation and the House could not be paralysed and prevented from discussing a Statutory Resolution seeking disapproval of an Ordinance, merely on the ground that the Ordinance had been challenged in a court of law and that the matter was *sub judice*.

#### *Personal Explanation by a Member*

The question whether a Member can make a personal explanation in respect of allegations made against him which were not in his capacity as a Member of the House, has arisen in Lok Sabha more than once. In November 1968, when a Member rose to make a personal explanation regarding certain allegations made against him during the Question Hour a few days earlier, a point of order was raised that the allegations were made against him not in his capacity as a Member of the House but as the Chairman of a Company. On this, the Speaker had ruled that since allegations were made on the floor of the House, the Member was entitled to make personal explanation.

#### *Appointment of a Commission of Inquiry in pursuance of the recommendation of Committee on Public Undertakings*

Public sector in India had a spectacular growth. With only 5 public undertakings having a total investment of Rs. 29 crores in 1951, the number of enterprises in the public sector has gone up to 89 involving total investment of Rs. 3,500 crores. Our Fourth Plan envisages a further investment of Rs. 2,910 crores for the public sector. Some of the major industries developed in the public sector are Steel, Machine Tools, Heavy Engineering, Fertilizers, Petroleum & Oil, Drugs and Pharmaceuticals, etc. Parliament exercises control

over the public sector enterprises through one of its financial Committees, namely, the Committee on Public Undertakings. This Committee in their Report (1968-69) on the Trombay Unit of the Fertilizer Corporation of India had pointed out a case in which claims worth Rs. 57.50 lakhs against one of the suppliers of plant and machinery for Trombay Unit were dropped by the Fertilizer Corporation of India. The Committee felt that the Management did not act in the best interests of the Corporation. They, therefore, recommended that a more detailed enquiry ought to be conducted to find out whether the dropping of claims worth Rs. 57.50 lakhs against the concerned firm was justified and whether the terms of agreements entered into with this firm were in the best interests of the Corporation. The Committee also noticed that the contract for the supply of Nitrophosphate plant was awarded to a foreign firm which had not put up any plant of the size proposed at Trombay. The firm failed to demonstrate successful operation of the plant. The Committee desired that the reasons for awarding the contract to this firm should also be investigated by an Enquiry Committee. In pursuance of the recommendations of the Committee the Government has set up a single member Commission under the Chairmanship of a retired judge of a High Court.

Effectiveness of a Parliamentary Committee depends primarily on the manner they cross-examine the witnesses. Evidence of the witnesses has, therefore, to be conducted in such a way that it should inspire the confidence of the witnesses and leave an indelible impact on the minds of those who tender evidence. Real utility of the evidence in producing a good report is dependent on the active participation and involvement of the members in the Committee's deliberations.

#### *Action-taken Reports by P.A.C.*

Last year, my predecessor had referred to the evaluation made by the Public Accounts Committee on the performance of the Railways during the Third Five-Year Plan period. This year the Committee were able to turn their attention to other key sectors of the economy, notably Defence and Posts & Telegraphs. Further, the 'Action-taken Sub-Committee' constituted by the Committee took up the work in real earnest. The Committee were, therefore, able to present as many as 34 Action-taken Reports this year thereby leaving no arrears to their successor.

I would also like to refer in this connection to a useful expedient adopted by the Committee to speed up their 'action-taken' work

and give it further meaning. The Convener of the Action Taken Sub-Committee started the practice of asking representatives of the Ministries|Departments to meet him informally, not only in cases where replies were not received, but also for obtaining elucidation on various points arising out of Government's replies to the Committee's observations. This, apart from bringing home to Government the importance to be attached to the Committee's work, also helped the Committee to get full and complete replies to their observations, thus facilitating a better appreciation of issues involved.

#### *Procedural Developments relating to P.A.C.*

I may also refer to certain procedural developments relating to the Public Accounts Committee. Last year, my predecessor had referred to a significant achievement of the Public Accounts Committee in the preparation of the Report on "New Services|New Instrument of Service". I am glad that Government have substantially accepted the suggestions of the Committee with regard to the investments, loans and grants-in-aid that should be reported to Parliament as New Service|New Instruments of Service or with batches of Supplementary Demands.

#### *Excesses over Voted Grants*

Concern has also been expressed in Parliament every now and then about the delay on the part of the Executive in obtaining requisite Parliamentary approval for excesses over voted grants and charged appropriations. The matter was raised during certain discussions that took place in Lok Sabha in August, 1968. The Committee have been quick to take notice of the sentiments expressed in the House and evolve a modified procedure for reporting on excesses. This modified procedure has helped the Committee to bring up their Report on excesses before Parliament well in time.

The Internal Rules of the Public Accounts Committee were framed in July, 1952. With the passage of time, these rules have naturally become obsolete in certain respects. In certain directions, there have also been significant development in procedure, as—for instance in the matter of systematisation of 'action-taken' work. The Public Accounts Committee have now brought out a revised edition of these Rules which takes note of all these changes.

#### *Work of Estimates Committee*

The Estimates Committee I am glad to observe, has also assumed considerable importance, as more and more special issues and

subjects are referred to it for examination. Under Rule 310 of the Rules of Procedure of Lok Sabha, my predecessor had referred to the Estimates Committee (1967-68) for examination the question of import of wool, nylon etc., and its allocation to various units of the Woollen Textile Industry. Later on, the question of recognition of additional capacity in barrel industry in spite of its being in the banned list was referred to the Estimates Committee (1968-69). In September, 1968, yet another subject, viz., the purchase of oil barrels by the Indian Oil Corporation Limited during 1966-67, was referred to the Committee for examination. All these cases had been the subject matter of debate in the House on repeated occasions and it was considered desirable to place the matter before the Estimates Committee for close scrutiny.

*Procedure for obtaining information from a Member re: any Criminal Case*

Last year, the Committee of Privileges of Rajya Sabha, in their Twelfth Report, adopted by that House on the 20th December, 1968, reported *inter alia* that—

“.....it would be impeding a Member of Parliament in the discharge of his duties as such Member if he is to be questioned in any place outside Parliament for a disclosure that he may make in Parliament. The right of a Member of Parliament to function freely and without fear or favour is in India, as in the U.K., a constitutional guarantee. This guarantee is subject only to the rules of the House and ultimately to the disciplinary jurisdiction of the House itself.....any investigation outside Parliament of anything that a Member says or does in the discharge of his duties as a Member of Parliament would amount to a serious interference with the Member's right to carry out his duties as such Member.”

The Committee also recommended :

“If in a case a Member states something on the floor of the House which may be directly relevant to a criminal investigation and is, in the opinion of the investigating authorities, of vital importance to them as positive evidence, the investigating authority may make a report to the Minister of Home Affairs accordingly. If the

Minister is satisfied that the matter requires seeking the assistance of the Member concerned, he would request the Member through the Chairman to meet him. If the Member agrees to meet the Home Minister and also agrees to give the required information, the Home Minister will use it in a manner which will not conflict with any parliamentary right of the Member. If, however, the Member refuses to respond to the Home Minister's request, the matter should be allowed to rest there."

In pursuance of the above recommendations, the Ministry of Home Affairs have issued the following instructions in circular letters, addressed to all the State Governments and Union Territory Administrations:—

"When it is found from disclosures made by a Member on the Floor of the Rajya Sabha/Lok Sabha that he is in possession of a vital information in a criminal case which is under investigation, the matter should be referred by the concerned Superintendent of Police to the State Government/Union Territory Administration. If the State Government/Union Territory Administration is also of the opinion that the information in the possession of a Member is of such vital importance that his assistance should be sought, a detailed report may be sent to this Ministry enclosing a list of points on which information is sought, from the Member. The matter will then be taken up by the Minister of Home Affairs with the Member concerned through the Chairman of the Rajya Sabha/Speaker, Lok Sabha. The information that might be made available by the Member will be communicated to the State Government/Union Territory Administration and the extent to which it might be used in the investigation of the case, will also be indicated."

*Committee on the Welfare of Scheduled Castes & Scheduled Tribes*

You will be glad to know that a new Parliamentary Committee called the Committee on the Welfare of Scheduled Castes and Scheduled Tribes was constituted at the Centre last year. The functions of the Committee are to consider *inter alia* the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes and to report to both the Houses as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government including the Administrations of the Union Territories.

The Committee are also required to consider generally and to report to both the Houses on all matters concerning the welfare of Scheduled Castes and Scheduled Tribes.

The Committee have so far presented three Reports to Lok Sabha.

The Minister of Law and Social Welfare had stated in Lok Sabha during the last Budget Session that he would write to the Chief Ministers of States suggesting appointment of similar Committees in their respective State Legislatures, of the welfare of Scheduled Castes and Scheduled Tribes who constitute more than one-fifth of the population of our country. I hope steps have been initiated in this direction. These Committees, I am sure, can be very helpful towards ameliorating the lot of the Scheduled Castes and Scheduled Tribes in this country.

#### *Changes in Questions Procedure*

With regard to the question procedure, we have recently made some changes of importance. Most of you might have observed from a look at our printed Question Lists that a large number of names of Members used to be shown against a single admitted question and thus considerable time of the House was taken away in allowing all those members to raise supplementaries. In order to ensure that a large number of questions are covered for oral answer during the Question Hour, a new procedure was introduced from the middle of the Ninth Session, 1969, according to which the names of not more than five Members as in the case of Short Notice Questions and Notices for Calling Attention to Matters of Urgent Public Importance, are shown against any question in the List of Questions for oral answers. The Member whose name appears first in the list is allowed to ask two supplementary questions and others only one each. Each supplementary question is required to be a single self-contained question, precise and pointed, without any further sub-parts and without any long preamble or introductory remarks. I am hopeful that with this revised procedure, it would now be possible for the House to cover a large number of questions during the Question Hour.

As regards the List of Unstarred Questions, names of Members are allowed to be added even in excess of five original questions (both Starred and Unstarred) in their names. A limit of 200 questions in a day's list of Unstarred Questions has also recently been prescribed. Notices in excess of 200 questions are considered for inclusion in the List of Unstarred Questions on subsequent available dates without asking the Members concerned to revive notices for the same.

*Simultaneous Interpretation System in Lok Sabha*

It will be recalled that in 1964 we introduced the Simultaneous Interpretation System in Lok Sabha to interpret the proceedings of the House simultaneously from English into Hindi and *vice versa*, for the benefit of those members who understood either English or Hindi, so that they were not handicapped, because of language difficulty, from following the proceedings of the House and taking effective part in its deliberations. The system worked to the satisfaction of all concerned and went a long way in solving the genuine difficulties of Members.

Proviso to Article 120 lays down that the Chair may permit any Member, who cannot adequately express himself in Hindi or in English, to address the House in his mother tongue. In pursuance of this provision, Members have been permitted on occasions to address the House in various languages listed in the Eighth Schedule to the Constitution. But such speeches had always a limited audience for obvious reasons, as quite a large section of the House could not follow the speeches made in these languages. In view of the general desire expressed in the House on several occasions, action has been taken to extend the Simultaneous Interpretation System to cover the four South Indian languages, *viz.*, Kannada, Malayalam, Tamil and Telugu. The new arrangements have been put into operation with effect from the 18th November, 1969. Speeches made in Kannada, Malayalam, Tamil and Telugu are now interpreted into English and Hindi simultaneously. Interpretation from these languages into English and Hindi is not available during Question Hour, or during the period immediately after Question Hour, when miscellaneous matters like Calling Attention Notices, Adjournment Motions, etc., not entered in the List of Business, are raised.

In the end, I would like to express to you all my grateful thanks for the patience with which you have listened to my long address. I would now call upon you to deliberate on the items listed on the agenda. I am sure that in accordance with the traditions and established conventions of this Conference, all the issues slated for discussion will be thrashed out in a free and frank atmosphere and in an objective manner, for the outcome of our deliberations here would be keenly awaited by all those interested in the development of our democratic institutions.

Thank you.



### **PUBLIC SECTOR AND PARLIAMENT**

:

—Prof. Bal Raj Madhok

With the entry of the State in the economic field and growth of public sector in industry and trade the question of parliamentary control and check over this sector of national economy has assumed importance in all the democratic countries of the world. In a vast and varied country like India whose natural economic growth had been retarded by a long spell of foreign rule, the need for rapid economic progress after freedom was imperative. There was vast scope for development which demanded mobilisation and proper utilisation of all possible resources, both private and public. The State therefore would have come in the economic field even if no ideological considerations had come into play. In fact the growth of the public sector side by side with the private sector has nothing to do with socialism, as such, as understood in most of the Western and Scandinavian countries.

If, however, socialism is to be equated with Marxism as is done in the Soviet Union and other Communist countries, the entire economy—all means of production and distribution—has to be under the control of the State. In such an economy there is no question of parliamentary control over the public sector as such. When the state comes to have complete control over the economic life of the people, it can control their thoughts as well, because he who plays the piper calls the tune. Therefore, the persons or party which controls the state apparatus becomes the absolute master of the people which results in the establishment of a totalitarian regime as distinct from a democratic regime. As such, democracy and parliamentary control became irrelevant in such a socialist state. That is why marxist socialism and democracy are incompatible and cannot co-exist.

Thanks to the founding fathers of the Indian Constitution, who have provided for built-in safeguards in the form of fundamental rights and an independent judiciary in the Constitution itself, India cannot become a socialist country in the Marxist sense unless the Constitution itself is subverted. Therefore, while considering the question of the role of Parliament in respect of the public sector in India, one has to be guided by the practice and experience of democratic countries like the United Kingdom and not the socialist countries like the Soviet Union.

To begin with, the Indian Parliament, like the British Parliament, had no separate machinery to control and supervise the public sector. This function was partly performed by the Estimates Committee. But the steady growth of the public sector and the large investment of public funds in them necessitated the creation of a separate agency to look into it on behalf of Parliament. That is how the Parliamentary Committee on Public Undertakings came into existence in 1964.

The Committee on Public Undertakings of the Indian Parliament consists of fifteen members, ten from Lok Sabha and five from Rajya Sabha, elected on the basis of proportional representation. The Chairman is nominated by the Speaker. According to the present convention, he is a member belonging to the party in power. All the public sector undertakings and institutions except the credit institutions like the Reserve Bank of India, the State Bank of India and the recently nationalised banks fall within its purview. The Post and Telegraphs organisation as also the Railways do not come under the purview of this Committee.

As things are, this Committee is the only agency through which Parliament exercises whatever control it has on the public sector. This does not mean that Parliament has limited control over them. In theory Parliament is sovereign and it is the ultimate authority in respect of the public sector as well. But, in practice, parliamentary control in a country of over fifty crore people spread over a vast area with a total membership of Parliament exceeding seven hundred and fifty becomes illusory.

It can become effective and purposeful only if it is exercised through small and compact Committees which might study in depth the subjects entrusted to them and report to Parliament from time to time about their work, with their suggestions. The Committee on Public Undertakings is one such Committee. Therefore, effectiveness of parliamentary control over the public sector depends primarily on the effectiveness of this Committee.

This Committee, like the other Financial Committees of the Parliament is assisted by a separate secretariat and the Comptroller and Auditor General in the discharge of its duties. But unlike other Committees its work is of a more diversified nature. Nearly one hundred public sector undertakings, in which about Rs. 4000 crores of public money has been invested so far, cover all types of economic activity right from gigantic steel mills to the State Trading Corporation. Every one of them is an empire in itself, involving huge amounts of public money and vast number of employees.

The control of most of them has been vested in autonomous corporations or public limited companies with nominated Boards of Directors who are mainly drawn from the bureaucracy. The normal supervision and checks that shares-holders and Boards of Directors, who have a direct stake in the investment, working and profits of the respective industries, exercise over private sector concerns are, therefore, absent in public sector concerns. There is a tendency to treat public money as no body's money and to have a bureaucratic rather than a commercial approach in handling men and machines.

The approach and motivation in many cases is more political or ideological than economic. Parliamentary control, being remote and of post mortem nature, the official directors and officials of the Ministries under which such public undertakings function develop a vested interest in keeping the working of such concerns shut from public gaze. That is one reason for the comparative poor showing of the public sector, with a few honourable exceptions like Air India, so far.

This has made the need for improving the system of parliamentary scrutiny and tightening its control on public sector an imperative necessity.

This demands in the first instance that the working of the Committee on Public Undertakings must be streamlined. First, the members of this Committee must be chosen with due care and they must be given reasonable time to get a grasp over the work entrusted to them. The present term of one year for a member does injustice both to the members and to the work entrusted to them. Their term needs to be extended to two years at least. Secondly, to make the members more alert and painstaking about their work as also to make those who run the public sector in the name of the public more careful and responsible, it would be better if the sittings of the Committee at which evidence is taken are thrown open to the Press and the public. This has been done in Britain with a very salutary effect.

According to the existing Rules, the Committee can call for evidence or memoranda from the management of the undertakings concerned and officers of the Ministry under which it falls. It can also invite non-officials to depose before it in regard to specific matters concerned with a particular undertaking under examination. But it cannot send for the Minister concerned. This is a serious handicap. The elucidations regarding major policy decisions can come only from the Minister and not from the officials who are supposed to carry out

the policy laid down by the Government. It is, therefore, important that the Committee must have power to summon the Ministers also for oral evidence. Such a change has already been made in the rules of the British Parliament.

The argument that policy decisions are subject to discussion in, and scrutiny by, Parliament as a whole and therefore need not be scrutinised in the Committee is fallacious and unrealistic. In the first place if the Minister concerned can carry a majority in Parliament with him, he should be able to carry a majority of the Committee also, whose membership reflects the party position in Parliament. The advantage in the Minister concerned discussing the matter with the Committee is that issues can be discussed there more on merits than on the basis of party politics. That has been the experience of the working of all the parliamentary committees.

What is even more important is that Parliament as a whole should devote more time and attention to the working of public sector undertakings. This can be best achieved by setting apart some days in the Budget Session of Parliament for discussion of public sector undertakings with reference to the reports of the Committee on Public Undertakings on them.

Such debates, apart from doing good to the public sector, will help in educating public opinion about it, which in a democratic set-up is the ultimate check on the State and its policies, activities and functions.

...the question arises whether the private enterprise approach of mind is the same as the approach of mind required for public enterprise. There is a difference between the two. In a public enterprise one has to have the background of thinking and training of public enterprises, and of the basis objectives of planning.

—JAWAHARLAL NEHRU

## ABOLISH THE PARTY WHIP

—Piloo Mody

The parliamentary system in India can be improved considerably by doing away with the Party Whip on all legislative business, except on attendance.

If the Ruling Party finds that it is about fifty votes short of a majority on any particular Bill, it can approach members of the Opposition and leaders of others parties, and persuade them to vote for a particular measure, if it is essentially good for the country. In this manner there will be a sustained dialogue between the Government, its Ministers and members of the ruling Party and the leaders and members of the Opposition parties. Out of this dialogue will grow a healthy respect for all sections of the House. What is more, legislation which emerges on this basis will truly represent the national consensus.

In case there has been a miscalculation, and a particular Bill of the Government fails to pass, it will not be considered as a vote of no-confidence against the Government. To unseat the Government, a substantive motion will have to be brought, at which time Party Whips can be issued, the Ruling Party can close its ranks and vote the Government into power.

This reform requires no constitutional amendment, and can be introduced by mutual agreement amongst the various parties in Parliament.

In the present context where everything hinges on a vote in Parliament, there is a predetermination on voting, with the result that the debates in Parliament fail to convince anyone, and seem to become an unreal exercise in oratory and accusation. Under the reform proposed by me, there is scope for convincing members and being convinced by them.

I know that a great many sceptics will raise objections to my scheme by quoting examples from abroad, and many cynics will try and find loop-holes by nit-picking at the idea. We never tire of saying that we should find Indian solutions to our problems, consistent with our native genius. I strongly feel that for the Indian Parliament at any rate, the abolition of the Party Whip would improve the tone of our debates, the quality of our legislation, and standards in our Parliament.

## TWO DECADES OF PARLIAMENTARY DEMOCRACY IN INDIA

—Arun Chandra Guha, Ex-Member of Parliament

The Continent of Asia was mostly subjected to foreign imperialist domination for over a century. Many of these countries attained independence after the Second World War. China, though strictly speaking, was not subject to foreign rule, yet she was really under foreign domination and imperialist exploitation. China also attained her national suzerainty within a few years after the Second World War. It may be said that Asia in fact has attained her political identity in the last two decades. Among all these countries of this big continent, Japan and India are two major countries conducting the affairs of their administration under parliamentary democracy. India attained independence on the 15th August 1947, and in less than three years' time, she framed her Constitution and introduced it on the 26th January, 1950. The Constitution provides a system of parliamentary democracy.

India is a large country with a population of 52 crores professing different religions, speaking different languages and practising different social traditions and customs. Its literacy was near about 15 per cent and its per capita annual income when she attained independence was about Rs. 85 and that also after the steep inflation of the war years. Its density of population is the highest in the world. The comparative figures for India and other big countries per sq. km. are as follows:—

---

India	.	.	.	145
China	.	.	.	72
U.S.A.	.	.	.	21
U.S.S.R.	.	.	.	10

---

Its economy was mostly agricultural and of a primitive nature—average land holding being about three-fourths of an acre. There was nothing like modern farming; it was only subsistence agriculture. So the basis for parliamentary democracy with universal adult suffrage cannot be said to be very strong in India.

On the other hand, there have been enough explosive materials within the country to undermine the slender basis of parliamentary

democracy. It should also be realised that England introduced her Reforms Act about a century after the industrial revolution; and the social legislation in England came even much later. When full adult franchise including those for women was introduced in England after the first World War, England had the reputation of being an affluent country with a high per capita income and literacy figure. Perhaps the experiment of parliamentary democracy in India is unique, as no other country with full democracy has so much diversity and so much density of population and so much poverty and ignorance among the people.

The framers of the Constitution ignored all these adverse factors and they provided all kinds of guarantees against encroachment on individual liberty. The Court's jurisdiction also has been provided to protect the rights and privileges of individuals and associations. Even the transfer of an official or withholding of examination result of a student can be brought before the court making it difficult for the heads of offices or of educational institutions or of industrial units to enforce discipline in their establishments. Yet for two decades parliamentary democracy has functioned in India, almost to the wonder of the people of other countries. For these two decades it has functioned fairly well with occasional hitches and threatened break-down; but there has not been a break-down of the parliamentary democracy.

Another thing India has attempted is to have a rapid economic and social development of the country through properly drafted Plans. The U.S.S.R. first started the system of having a planned development but not through democracy and wide scope to individual liberty. The conflict of having a rapid growth through higher per capita production, and individual and collective rights to go on strike at any time and on any issue, had no scope to arise in the U.S.S.R. as the formation of associations, unions or expressions of free thoughts or individual collective rights of workers were not allowed. But this conflict has been acutely felt in India as the misuse of some of the rights has caused a general sloth and lethargy in national life.

India accepted parliamentary democracy with a strong conviction for individual liberty which had been the heritage of Indian culture. Our electorate has shown a sense of discretion and realism. But we failed in one vital matter. After the Reforms Act in the U.K. in 1830-32, one eminent politician said "Let us now educate our masters"—i.e. the electorate. We took no steps to educate them; rather both the ruling party and, more so, the opposition parties almost

took just the opposite course. Instead of educating the voters, all the political parties have almost vied with one another in mis-educating them by giving unrealistic and false picture of the immediate or near-immediate future. People were never told that they would have to work hard in a condition of austerity for some years before they could expect to reach the El Dorado. In pre-independence era, promises were given of speedy improvement in the social and economic conditions of the people. These assurances have been incorporated in the Constitution, and have also been repeated in Plan reports, in government resolutions and announcements. The Indian National Congress, being in power, had to take some notice of the realities; and in its announcements it has, sometimes, used cautious language. But other parties have no such inhibition in making protestations of their desire to bring a new social order almost immediately.

Political parties in India have been multiplying in rather geometrical progression. There is hardly any definite ideology for all these parties. Some of these are based on local demands, some on linguistic, some on a sort of veiled advocacy of socio-religious obscurantism. Some, though for all practical purposes can be called rightists, yet would not admit it; and some others have their claims to be leftists though having a rightist bent. The political parties have found it convenient to make all sorts of irresponsible promises, and sometimes, contradictory promises. It has not been a rare case in India that a political party would advocate contradictory demands in two different States or even in two different regions in the same State. Advocacy of indiscipline and defiance of governmental authorities has been the principal weapon for most of these political parties. Thus the basis for democracy—a disciplined social order with a definite code of conduct—was being deliberately undermined.

There is another alarming development—of parties with contrary ideologies combining simply on the basis of the negative policies of fighting the Congress painted as the hobgoblin on the Indian political stage. Proliferation of parties has become the bane of Indian politics. Parties have developed—not on any ideological grounds—but mostly and predominantly on personal grounds. Any disgruntled leader may defect from the mother party without suffering any political stigma or moral censure. Seizure of power has become the sole political motive. In this bargain for power, political morality has been given a complete go-by; and the result is that no Government or Cabinet in India now can feel secure about its stability. Ministers are busy more in adjusting the unstable equilibrium of their governments than in the affairs of the administration. During these two decades, the Central Government has been under the control of the Congress. With a split in it.



the present Government has lost its absolute majority and is thus facing the difficulty of making adjustments with other groups. With the already acute economic difficulties, the Government have now to face also political difficulties and social tensions leading to a sort of wide social disorder. But the Government cannot take the necessary social, political and economic decision in their own best judgement but have to make compromise in such vital matters.

Substantial development in every sphere, has, of course, been effected. There has been a marked improvement in the standard of living, health, education etc. But all these have fallen far short of the promises given by the Government and political parties and also of the expectations of the people; and that is being highlighted before the people. Plans began on a gigantic scale without first providing for the larger and cheaper supply of food and consumers goods. During the Third Plan period, both economic and political troubles started to be felt rather seriously, partly due to mis-administration of financial resources but more particularly due to the failure of crops during the last few years. Near-famine conditions prevailed in the country with its intensity reaching the climax in the years preceding the Fourth General Elections in 1967. The political parties numbering near about 50 or even more, took full advantage of the economic distress and simmering discontent of the people. They gave no credit to the Government for somehow preventing mass starvation deaths and famine; but they rather inflamed the wrath of the people for the distress due to scarcity. And in 1967 elections, Congress failed to secure majority in many States. By the latter part of the Third Plan, Parliament and other legislatures became the scene of indecorous behaviour and it became almost an impossible task for the Presiding Officers to keep discipline within the legislatures. The legislators, being leaders, are expected to set example of disciplined conduct; and if they do not set standards of high political or social discipline, one cannot blame youngmen and students and the general public if they start imitating them.

In the 1967 elections, the negative politics of fighting the Congress became a sort of cementing factor among the other parties ignoring their internal conflicts and contradictions. In no accepted sense of the term, these combinations (UF or SVD) could be called coalition. The Opposition parties hailed the defectors as defenders of democratic rights of the people. With this was added another factor, assailing the Union Government. In a federal system, the Centre requires some authority to co-ordinate the activities and administration of the

States. It is all the more necessary where there are wide diversities and disparities in social and economic conditions between region and region, and between State and State. Today the Telangana agitators can appeal to the Union Government for the redress of the continued neglect of their regions. If the Centre would have been deprived of any such authority, the dispute between Telangana and other regions of Andhra Pradesh might have ended in a sort of a civil war. It is the Central Government which can allot more funds for the speedy development of neglected and undeveloped regions.

Some of the other parties in the United Front have been quite outspoken in their campaign to weaken the Central Government. During these 20 years, the Centre has set up five Finance Commissions to look after the financial needs of the States and after every Commission there has been further devolution of finances from the Centre to the States. The strange thing is that all the States without exception have cursed the Chairmen or members of the Finance Commissions and raised the slogan of step-motherly attitude to them. This happened even when in all the States as well as in the Centre Congress was the ruling party; now this cry has increased with the emergence of non-Congress governments in some States. When the leaders of the people or ministers of Government go on day after day assailing the Centre, the people are likely to feel that the Centre must have been grossly unjust. Indian newspapers also tend to care more for their local clientele and popularity than for national interest. So everywhere there is a feeling against the Centre and it is often epitomised in the destruction of the Central Government properties like railway properties. This poses a risk of disintegration of the country.

Political use of administration is one of the creeds of some parties now in power; other parties are inclined to imitate them and political interference in administration is also increasing, which is a menace to parliamentary democracy. Discipline in public life, in educational institutions, in factories and in offices have suffered a lot. Vice-Chancellors, professors, teachers, railway officials, business managers, bus conductors and other persons connected with traffic who are readily available to the rowdy elements, cannot have any sense of security in the discharge of their duties. Democracy presupposes the acceptance of any decision arrived at by a proper authority after due discussion. But now in India, that acceptance is woefully lacking—whether the concerned party be a person, a political party, a State Government, a region or a State. Every issue involving difference of

views is likely to be fought out on the streets. It should not be forgotten that there is no longer an irremovable government, but a Government which has to secure its tenure at the end of every five years through the votes of the entire adult population.

Parliamentary democracy is a delicate instrument to be handled carefully and with a sense of sacredness. It has its different sectors each having its own machinery and all these are to be properly handled. Public morality and political ethicality may be considered to be the basis on which parliamentary democracy can function and prosper. If the very basis is demolished, one cannot be sure how long parliamentary democracy will be secure on the soil of India. The present generation has to think what administrative and social system they will hand over to their successors. If the present trends go on unchecked, it would mean that this generation has advocated for the next generation chaos and anarchy leading to totalitarianism. We, yet, hope and expect that the innate goodness of the Indian people and the abiding heritage of the Indian culture will ultimately triumph over the present trends of chaos, and indiscipline. If the leaders fail, the innate goodness of the people will, we hope, assert itself and make the leaders revise their ways of thinking and behaviour.

(Democracy must, in essence, mean the art and science of mobilising the entire physical, economic and spiritual resources of all the various sections of the people in the service of the common good of all.

—MAHATMA GANDHI

## I. IS INDIA THE HIGHEST TAXED NATION?

—N. K. P. Salve

Is India the highest taxed nation? Are the marginal rates of personal and corporate taxation high? Is it a high percentage of tax revenue to the national income—gross national product? Is it the high incidence of tax on citizens and companies in our country which, under pressure of an inflationary economy, allows the State to take away much more than a pound of flesh from the assesseees?

Is the taxation high because the country has been forced into a morass of moribund economy and the big assesseees, the industrialists, the businessmen and the tax expert make a grievance, stridently, that the burden of taxation is the cause for obstructing efforts, stifling growth, snapping incentives and restricting the economic progress and effectively preventing the society to enjoy the maximum gifts of each for the fullest enjoyment of all?

### *Savings*

Or is it high tax because savings are becoming increasingly scarce while the investment market too shows signs of contracting with adverse consequences on the buoyancy of the stock exchange?

The barrage of questions posed above establish the necessity of examining the problem from different angles before the "highness" or the "lowness" of the tax in a country can be assessed, with any measure of objectivity if not certitude.

After an extensive and detailed study of the literature on taxation published and circulated by economists, entrepreneurs and tax practitioners, I am compelled to confess a sense of disappointment. The technique commonly employed is to compare the highest marginal point of personal and corporate taxation in India with other countries and declare solemnly that India is the highest taxed nation. Such arguments proceed on the assumption that the comparatively high or the highest marginal rates of personal and corporate taxation carry a corresponding burden of taxation which invariably makes the country win the dubious distinction of being the highest taxed nation. This fallacious approach has remained virtually unexposed in our country, precisely because it is so obvious.

---

\*This and the following two articles on the subject of taxation in India by Shri N. K. P. Salve, M.P. which appeared in the Economic Times, Bombay on 31st January, 1st and 31st February, respectively, are 1970 being reproduced here as of topical interest, with the kind permission of The Economic Times.

Wizards of fiscal policies and taxation in the western world have long ago discarded as anachronism the theory of regulating rates upwards for either augmenting the revenue of the Government or for enhancing the burden on the assesseees. The highest rates no longer mean a lever for getting highest collection of revenue or increasing the burden. Just as the lowest rates do not invariably result in lowest collections of revenue or the lowest burden.

In the cumbersome mechanism of taxation and in the confusing labyrinth of the tax laws, the massive antidotes to the rates are so well devised that their skilled administration reduces the incidence of personal or corporate taxation to sheer irrelevance. Consequently, the futile endeavours of tax officials to fight the wise and well-advised tax payers give rise to litigations which are grotesque if not comical. These encounters provide to the legal and accountancy profession a valuable means of livelihood at a fairly high level of affluence.

India has undoubtedly the highest marginal rates of corporate and individual taxation (except Burma which I am ignoring for reasons outside the scope of this article). India's rates are also high, comparatively on different slabs. Chart I gives the rates of corporate taxation in various important countries. India can be proud of being the second best from the top, for once (Yet another small country with a population of 34,000 has to be ignored although it taxes companies at rates higher than India—Faroe Island).

Notwithstanding the fact that India has the highest marginal rates of corporate taxation, the evidence in Chart II should disprove the inference that the incidence of taxation is an unbearable burden. I venture to point out in Chart II the effective rates applicable to a company. The figures have been computed by the Federation of Indian Chambers of Commerce and Industry. The source of the information is disclosed in fairness to those who may otherwise doubt the authenticity of the conclusions, if the figures were my own.

The effective rates have worked out between 30.07 per cent and 35.5 per cent. I repeat what must be a novel thesis in this country that it is logically unsound to equate the actual burden of taxation with its high marginal rate.

The Reserve Bank of India Bulletin of August 1969 gives certain figures *inter alia* of profits and tax provision relating to selected Public Limited Companies. The figures show that the profits of these companies in 1966-67 aggregated to Rs. 33.050 lakhs. The tax provision

on the same was calculated and it has been worked out to be Rs. 15.702 lakhs, a mere 47.5 per cent. (without development rebate and without tax holiday and other concession to industries). Compare these figures with the highest at 73.75 per cent, which are paper figures at the highest marginal point.

It has to be conceded by any knowledgeable student of Indian taxation that effective rates of corporate taxation in India are far below the "paper rates" of corporate taxation.

In the foregoing computations, only the concessions comprising the artificial and notional deductions performed the trick and outwitted the rates. The concessions for deductions alone should not be deemed to exhaust the formidable array of devices in the income-tax law which humble the high "paper rates". There is a plethora of these expedients spread all over the tax law. In Nagpur two brothers A and B constituted a joint family. Both brothers (at the relevant time to which the story relates) had two major sons, both married. Both the elder sons of 'A' and 'B' had two minor children each, a son and a daughter. And the second sons of the two brothers had two minor sons each. An amazing phenomenon, not only the two brothers had performed identically in planning the size and sex of the family members, but also their sons. The family of 'A' thus comprised himself, his wife, four other adult members (sons and their wives) and four minor children. So did the family of 'B'. The two brothers partitioned the family properties equally.

The family of 'A' after partition carried out the business in partnership of four adult members, leaving the minor children and the wives of the sons of 'A' out of it. The income of the wife of 'A' in the firm was clubbed with 'A'. The tax on the income of the firm, which was Rs. 2.10 lakhs, was sought to be collected from three persons. The tax on 'A' and his two major sons aggregated to about Rs. 80,000 excluding the firm's tax.

#### *Joint Families*

The family of 'B' after partition constituted a firm of seven partners—"B" and his two sons and four trustees representing four discretionary trusts in different combinations and permutations the four minor grand-children, the two daughters-in-law and the wife of 'B' were the beneficiaries. 'B' and his sons having partitioned their smaller joint families also sub-shared their respective share incomes from the partnership with their respective wives and the minor children. This firm had an income of Rs. 2.20 lakhs. The burden

of tax, however, due to the tax arrangement, fell on fourteen persons. The tax on these fourteen assesseees, aggregated to about Rs. 19,000 only excluding the firm's tax.

Thus, while in the aggregate real pecuniary benefit and advantage of incomes to the two families of 'A' and 'B' was nearly the same, the rates of taxes were the same, yet, the burden on the family of 'A' was four times more than that on 'B's family. Can it, therefore, be said that rates alone determine whether the tax burden is high or low, when identical pecuniary benefits of incomes entail seriously divergent burdens of taxation.

One is fully justified in obtaining tax advice, provided it is expensive, on how to avoid tax, as the beneficiary of the advice can crush the rates to sheer nullity, over a fairly large area of taxation. I do not even for a moment consider tax avoidance immoral. If you order your affairs to ensure that the law rewards you by way of lesser taxation, it is not right to condemn it as immoral. I am only anxious to establish that high rates by themselves do not determine the real burden of taxation. For those who are averse to others avoiding tax, it might be salutary to read what justice Jagadisan of Madras High Court recently stated on the subject:

"Avoidance of tax is not tax evasion. And it carries no ignominy with it for it is sound law and certainly not bad morality for anybody to so arrange his affairs as to reduce the burden of taxation to minimum".

## CHART I

### *Rates of corporate taxation in some Important Countries*

Name of the country	Rate per cent	Notes
India	55·0 to 73·75	Applicable to private limited companies. General rate 65%—(55% on income upto Rs. 10 lakhs) of industrial companies plus sur-tax as above. Additional tax for not distributing specified % of profit in certain cases.
	45·0 to 66·25	Applicable to public limited companies. General rate 55% plus sur-tax at 25% on profits after tax in excess of 10% of paid up-capital, reserves and long term borrowings. If income up to Rs. 50,000—tax at 45%.
Argentina	35·31	Resident companies : plus additional 8·56% tax on distributed profits. Non-resident companies—41·05%. All rates include a temporary 7% surcharge.
Australia . . .	45	On excess over \$ 10,000 income (first \$ 10,000—40%) public companies. Private companies rates 40%, 30%.
Belgium . . .	30	25% on slice of undistributed profits under 1,000,000 fr. 35% on slice of undistributed profits over 5,000,000 fr. Non-resident companies 35%. All: plus 6% surcharge for local authorities.



Name of the country	Rate per cent	Notes
Burma	99	On slice of income in excess of 300,000 kyats. 98% on 100,000—300,000 slice; scale begins at 7% at 1,501 kyats income. Non-resident companies—minimum rate 65%.
Ceylon	50	Plus 33½% on distributed profits. Non-resident companies—50% plus 6% in lieu of death duties plus 33½% on remittances (maximum 33½% X 1/3 taxable income).
Denmark	44	As 50% of previous year's tax and 50% of taxable income (up to maximum of 2-1/2% of paid-up capital) are deductible, effective rate is lower. Non-resident companies 41% (50% of tax paid in year deductible).
Ethiopia	20	Plus 10% additional tax on profits over \$ 30,000 and further 10% on profits over \$150,000 (these limits increased for companies with capital over \$ 5,000,000 paid-up, or invested in Ethiopia).
Finland	56	On distributed profits in so far as they exceed dividends received. (1969—53%).
	58	Undistributed profits (1969—55%). Non-resident companies plus 9%. Plus 13% local income tax.
France	50	Non-resident companies operating in France pay an additional 25% tax on net profits after the 50% tax in so far

Name of the country	Rate percent	Notes
		as profits are distributed, and distributed to non-residents of France.
Germany .	51	Distributed profits 15%. Non-resident companies 49%. All, plus 3% surcharge. Plus local (trade) tax, about 15%, deductible in arriving at taxable income .
Greece . . . . .	38.25	Undistributed profits only. Rate 35% plus 15% surcharge deductible from following year's profits.
Hong Kong	15	————
Japan. . . . .	35	Undistributed profits (28% on slice below 3,000,000 yen where capital is 100,000,000 yen or less).
	26	Distributed profits (22% on slice below 3,000,000 yen where capital is 100,000,000 yen or less).
		Local taxes—maxima, 17.7% of the national tax plus 12% of income.
Jordan . . . . .	27.5	Includes 2.5% social welfare tax.
Kenya . . . . .	40	————
Lebanon . . . . .	42	On slice of income of excess of 1,750,000; scale begins at 5%. Plus 15% local and 3% earthquake and 5% 1968 surcharges.
Malaysia . . . . .	40	Plus 5% development tax on Malaysian business, property income etc.

Name of the country	Rate percent	Notes
Mauritius . . . .	35	Plus 25% on 'contribution income.' Non-resident companies 40%.
Mexico . . . .	42	On slice of income in excess of 500,000 pesos; scale begins at 5%, Non-resident companies plus 15 to 20% on profits after the above tax.
Nigeria . . . .	40	Plus 10% super profits tax on profits in excess of greater of £5,000 and 15% of paid-up share capital.
Norway . . . .	30	Plus local taxes etc. 19, to 24% and special development levy 0.25% (0.5% proposed).
Pakistan . . . .	50	Distributed profit 35% (public company rates). Various other rates for small companies, private companies and companies in certain industries. Non-resident companies 60%.  Plus 10% redeemable surcharge (placed in bonds carrying interest at 5% per annum, redeemable after ten years).
Sweden . . . .	40	Plus local tax 12 to 18% deductible for the national tax.
Turkey . . . .	20	Plus 20% of net profits after deduction of corporation tax-16%
United Arab Republic	35.3	Includes 10.5% defence tax, 5.25% national security tax, 2.55% local tax.
United Kingdom . . .	42.5	

Name of the country	Rate percent	Notes
U.S.A.	48	<p>Includes 26% surtax. On first \$ 25,000 profits 22% income tax only.</p> <p>Plus 10% surcharge for whole of 1968 and first half of 1969.</p> <p>Most States and some cities levy income-tax on corporations—deductible for Federal tax—net rates, say, 2 to 5%.</p>

## CHART II

### *Effective Rates of Tax on New Widely-held Company on its Income from Priority Industries over the First Five Year: of its Working*

At Rates Prescribed in Finance Act, 1969

(Figures in Rupees Ten Thousands)

(Assessment Year)	Year	Year	Year	Year	Year
	1	2	3	5	5
	1969-70	1970-71	1971-72	1972-73	1973-74
(1)	(2)	(3)	(4)	(5)	(6)
1. Assumed Capital or Net worth . . . . .	300.00	342.84	384.86	428.49	477.17
2. Operating income [1/3rd of (1)] . . . . .	100.00	114.28	128.29	142.83	159.06
3. Development Rebate* . . . . .	21.00	11.25	7.88	8.18	9.13
4. Priority-industry deduction [8% of (2)-(3)] . . . . .	6.32	8.24	9.63	10.77	11.99
5. Tax-holiday [6% of (1)] . . . . .	18.00	20.57	23.09	25.71	28.63
6. Income subject to tax [(2)-(3+4+5)] . . . . .	54.68	74.22	87.69	98.17	109.31
7. Income-tax @55% . . . . .	30.07	40.82	48.23	53.99	60.12
8. Surtax [25% of 6-(7)+10% of (1)] . . . . .	..	..	0.24	0.33	0.37
9. Total tax [(7)+(8)] . . . . .	30.70	40.82	48.47	54.32	60.49
10. Increase in tax over 'base year'*** . . . . .	..	10.75	7.65	13.50	19.67
11. Tax credit for increase in tax [20% of (10)] . . . . .	..	2.15	1.53	2.70	3.93

\*It is assumed that in the first year 20% of the capital has been invested in plant and machinery on which development rebate is admissible. In each subsequent year 75% of the amount retained in the previous year and reinvested is assumed to be eligible investment for this purpose. The rate of development rebate is 35% for the assessment years 1969-70 and 1970-71 and 25% thereafter.

\*\*Total tax paid in year 1, is the base for the year 2. For the years subsequent to the second year (viz. assessment year 1970-71), the total tax paid in year 2 is assumed to be the base.

	(1)	(2)	(3)	(4)	(5)	(6)
12. Total tax after adjustment for tax Credit Certificate [ (9)—(11) ] . . . . .		30.07	38.67	46.94	51.62	56.56
13. Effective rate of tax on the profits of the company [Percentage of (12) to (2)]		30.07	33.84	36.59	36.14	35.56
14. After tax income [ (2)—(12) ]		69.93	75.61	81.35	91.21	102.50
15. Allocation to Development Rebate Reserve [75% of (3) ] . . . . .		15.75	8.44	5.91	6.14	6.85
16. Income available for distribution [ (14)—(15) ] . . . . .		54.18	67.17	75.44	85.07	95.65
17. Dividend declared [(50% of (16) ] . . . . .		27.09	33.59	37.72	42.53	47.82
18. Amount reinvested [(15+16) —17]* . . . . .		42.84	42.02	43.63	48.68	54.68

\*The amount reinvested goes to increase the "Assumed Capital or Net Worth."

## II. Irrationally taxed nation

While I maintain that India is not the highest taxed nation because highest marginal rates of taxation cannot be taken as conclusive indicators thereof, I concede immediately, however, for reasons mentioned hereafter, that the tax laws are irrational and the tax rates are unjust.

Amongst equals (as earners of incomes from different sources) for purposes of real burden, the laws behave with eccentric divergence. For some classes of assessee, the tax burden is at the mercy of the tax consultants' skill making this class of assessee a "privileged section". On the other hand, the "crushed section" can only curse their lot, leaving the privileged section to curse the Government. The curse may be justified, but for altogether different reasons.

The highest rates of taxation in our country carry with them several disadvantages. The most outstanding being the illusion of oppression created by the Government, and causing a gloom on the investment market, thereby impeding economic growth. Together they carry the curse, which low rates are supposed to bring: inadequate collection of revenues to meet the increasing demands for developmental programmes, and the eradication of disparities in wealth and opportunities. Worst of all, the law carries the unfathomable misfortunes (both for tax payers and the nation) attached to irrational taxation laws and its inefficient administration. My reasons for condemning the Indian tax laws and its levies are different from those enumerated by Mr. N. A. Palkhivala, in his invaluable work "The Highest Taxed Nation". Our conclusions by sheer accident, coincide on several issues, despite a wide variation in approach. I have no use for taxation laws and the tax levies therein which have in our country failed to harness resources and have made the efforts for raising revenue look so niggardly compared with other developing countries (as evident from Chart No. IV). They have made the rich richer, and the poor poorer. They have completely disregarded objectives of social and economic justice. And they have ruined the faith of the people. They have reduced the respect of the tax payers to the Government. They have finally shown a tendency to disregard the basic concepts which have long been cherished and form the *sine qua non* of any jurisprudence evolved to govern a civilised society. The most obnoxious of these provisions being the

requirement of an assessee to prove by negative methodology his innocence before an assessing officer, on there being any variation in the returned and assessed figures. And such variation is inevitable in 90 per cent. of the assessments. The department is entitled to penalise the assesseees if the assesseees fail to prove their innocence in regard to discrepancies in the figures. Not that tax evaders should be given any quarter whatsoever in their crime against the society. The Government, on the other hand, cannot hold the entire community of tax payers to ransom, because some of them are tax evaders. Even if there is one honest assessee in this country whose returned and assessed income shows variation, this law must be scrapped. In the words of a great jurist, it is wholly impossible, and therefore, not permissible, to enact laws which seek to spread an "all inclusive net for the feet of everybody upon a chance that while the innocent will surely be entangled in its meshes some wrong doers also may be caught."

Each and every evader must be caught and punished by a process of intelligent, arduous and assiduous effort of detection by the tax department. No law, however ingenious, can ever be devised to replace this accepted norm to punish culpable and recalcitrant criminals—tax dodgers being no exception. And those who are led to believe that these provisions by themselves eradicate tax evasion and augment Government revenue will soon be disillusioned.

### *Business income*

An individual with income from business, particularly from industry is comparatively a happy man (from within), so far as taxation is concerned. He is able to deduct, and in fact deducts validly, many expenses as business expenses which, though inevitable for a person of his status and standard, would be wholly unallowable as deductible expenses if the income were to be from "salary." Even income from profession is allowed meagre deduction. That is one reason why professionals, who want to evade tax do not usually resort to the expedient of claiming expenses of dubious merits. They evade on surer ground by taking a chunk of fees under the table and reduce the taxable gross receipt. The tax laws also statutorily compel, as I shall prove shortly hereafter, accumulation of more and more wealth and consequent concentration of economic power in the hands of financier-cum-entrepreneur, with the aid and unabashed conspiracy of the State Exchequer.



The people, amongst others, who are really hit the hardest and in fact constitute the main line of the "crushed section" of individuals as a result of irrational laws and high rates of taxes comprise citizens who are the most valuable section of Indian community, the real builders of India of our dreams. The employed technicians, engineers, professional managers, metallurgists, scientists, experts, foremen of steel mills, technocrats running sophisticated modern industries, officers in uniform charged with the grave responsibility of protecting the sovereignty of the country at the cost of their lives—these men who need to be nurtured and nourished and treated as country's trust with the people in authority, are the ones who just cannot escape the irrational taxation norms and high levies with its pernicious ramifications. Their salary income is incapable of any tricks. For them "paper rates" are the "effective rates". A person similarly situated and earning income from business, whether he accepts it openly or not, is much better off. This "crushed section" is crushed by three main burdens.

(A) First, because this "crushed section" has to live under the burdensome pretences, to show off a high social status which entails waste of a lot of money:

(B) secondly, because this "crushed section" has not become as affluent (I refer to honest people) in an inflationary economy to beat back the inflation as the business class. In fact, inflation has hit the "crushed section" the hardest; and

(C) thirdly, because either in respect of their salary income or the rates applicable thereto, the tax experts are helpless.

#### *Kaldor's view*

Professor Kaldor commented upon the inefficacy and the viciousness of the high marginal rates of taxation in the following terms. "These high marginal rates amounting to 80 to 90 per cent. (in the U.K. at one stage they amounted to 97.5 per cent.) could never have been imposed had they really been what they pretended to be a tax on genuine accrual of wealth. As it is, these confiscatory tax rates truly apply to a small minority of people who cannot avoid their incidence and their long-run effect is bound to be wholly pernicious, both in penalising the prospects of certain careers which are vital from the national point of view and in undermining public morality."

To my knowledge the high tax rates have discouraged several able and brilliant Indians from taking careers in India and to seek new pastures abroad.

### *Salary*

People drawing salary in the group of Rs. 15,000 to Rs. 50,000 are the ones who deserve our sympathy. When a person from business earns Rs. 15,000 to Rs. 50,000 a year for taxation purposes, the rates are not too unfair because in 95 per cent of the cases the business has already taken care of quite a few obligations, strictly of a personal character but legally of business nature. And, therefore, the rates do not act so harshly on them. Let us have a look at Chart III which gives the rates of personal taxation in our country as compared to some other countries.

It needs to be emphasised that income between Rs. 15,000 and Rs. 50,000 a year, for an individual, is very much on the high side compared with the average per capita income in our country. And, therefore, some may assert that these are not common men, and therefore need not be given priority. However the burden of argument is not this. It is thus: This sub-section of the "crushed section" deserve the maximum concessions, facilities and comforts of life for reasons and considerations which are obvious (despite the fact that I am not one of them) They are paradoxically at a terrible discount so far as provision of these concession facilities and comforts are concerned. They are at a terrible disadvantage because the rupee today is worth only 17 paise as against its 1940 value, because taxation has galloped much faster than salaries and because they do not have the advantage of business men in the same income group.

### *Personal tax*

The rates of personal taxation are very high, and hit hardest at those assesses who are without a cushion in the law to absorb the high impact. Specially, the tax rates and the law governing the salary incomes of employees earning upto Rs. 1 lakh, deserve immediate attention and suitable modification. Or else, the men of talent and intellect will either become dishonest or will be condemned to a career without any incentive, where there will be no incentive for optimum

effort, if they do not some day leave the country altogether. This is what Mr. T. T. Krishnamachari said in 1957, while introducing his budget proposals:

“I have come to the conclusion that our existing rates of direct tax at top levels deprive the tax structure of all flexibility. It is said that they tend to diminish the incentive for work, but I am aware that they encourage large-scale evasion. It is now recognised that the very high rates of direct taxation in the top income bracket in many countries of the world in practice are tolerated or tolerable because of considerable evasion that takes place. In other words, the high rates tend to be applied to a corroded tax base.”

Again, in his Budget speech of 1964, he stated:

“.....It is worthwhile mentioning that the motivating factor behind earned incomes should not be ignored. Much of it is due to the incentive, the initiative and hard work of the earner himself, and for keeping up this effort and to enthuse the earner to greater efforts, it is necessary for him to have a feeling that at least some substantial portion of what he earns is left in his hands.”

These are very noble thoughts of a pragmatic Finance Minister. The only regret is they are never meant to be acted upon. In seeking review of the taxation of salaried employees up to Rs. 100,000, I do hope to be forgiven for making out a case that they are truly the highest taxed section, in the sense that the Indian taxation bites them deeply and painfully.

Now let us see how tax laws compel accumulation of wealth and concentration of economic power. Take the case of a company which to put up a priority industry, acquires plans, machinery and building—gross block, at a value of Rs. 50 lakhs. The capital invested, if the entrepreneur is a skilled financier, would not be more than Rs. 20 lakhs. The rest of the capital for the gross block and the circulating capital would normally be found from banks and financial institutions. In such an industrial undertaking, if it is a priority industry a sum of Rs. 17.5 lakhs is allowed as a straight deduction on account of development rebate. The depreciation for the first year, the tax holidays and other concessions enable the company to enjoy profits easily more than the capital arranged for the industry without any taxation whatsoever.

It is, therefore, only in fitness of things that prudent men in charge of the management of the company collect, free of tax, funds which exceed the capital invested. Expansion of industrial activity, and a geometrical increase in the generation of funds can then proceed *ad infinitum*, without attracting the highest incidence of taxation. The law requires creation of 75 per cent of the amount of development rebate claimed as reserves to be ploughed into the industrial undertaking for a period of eight years. What else is the compulsory accumulation of wealth, richly subsidised by the exchequer? Is there any surprise that under such pattern, there are monopolies, or that there is concentration of economic power?

Should anyone like to analyse the lamentable failures of social objectives, and the alarming disparities in wealth and opportunities, it would be necessary for him to understand the subtleties of our tax pattern. It compels realisation of the fact that fiscal laws take care of only those who know the art of amassing wealth at the cost of the exchequer. They have only to visit the posh hotels, the ceremonial functions of the industrialists, the weddings in business men's families to appreciate how much the State subsidise those who are able to take care of themselves; and consider whether the tax payers of the supposedly highest taxed nation could have ever enjoyed such lavish affluence, if the burden of high rates had indeed crushed this class of society. Quite a few of our super-rich have amassed fortunes without even a basic educational background.

In fact, our tax mechanism has been so engineered and geared, that the high rates of taxation do not ever worry those who wisely and skilfully employ their capital in industries. And if it worries them it must be their own fault.

My comments, however, must not be mistaken to convey that the tax concessions and incentives given to new industries are not justified. My grievance is that in reality, the benefits of concession and incentive, confer wealth and power only in the hands of a particular section of the society. In an economy starving for capital, imagine the galvanising effect of an entire development rebate distributed as "special dividends" and not taxed in the hands of share-holders. If the Government does not tax and prevent freshly created wealth from being available to new blood, and reserve it permanently or semi-permanently for a group of persons who creates the wealth, it inevitably creates monopolies and concentration of economic power.

Our tax rates, as mentioned heretofore, have the disadvantages which the high tax rates carry, in addition to the lack of benefits inherent in a low tax structure. That is one of the reasons why the over-all collection of our taxes as compared with the Gross National Product is a lamentable pittance. Chart IV gives an indication of how low our taxes fare in proportion to gross national income, when examined in juxtaposition with other advanced countries.

It would thus be clear that judged from the viewpoint of percentage of Gross National Product, our taxation is far from being high. How can the social objectives be ever achieved and the developmental programme successfully implemented, if both Gross National Product as well as the ratio of taxation to the gross national product are not to show substantial increase? Even in comparison to the developing countries India stands 37th as shown in Chart IV when its taxes are judged in relation to the gross national products.

In terms of its "tax efforts" India stands 21st. The Chart has been computed by Mls. J. R. Cotz and E. R. Morss as a result of most carefully collected and computed data. The "tax efforts" were computed by first collecting data of size of "openness" of foreign trade, aggregate Gross National Product, per capita Gross National Product of developing countries.

The degree of "openness" was determined by taking the value of merchandise exports (f.o.b) and imports (c.i.f.) as percentage of Gross National Product. Thereafter by taking proper account of the three basic factors they ascertained an "average" tax ratio of the developing countries. Actual tax ratios and averages were compared. The country whose actual tax ratio exceeded the "average" one by the largest percentage was given the lowest ranking. Developing countries included in this study are those where per capita income is less than \$800. The data and method may have its limitations. But no one will dispute the validity of broad indications found in these studies. Those interested in a more thorough understanding of the methodology may refer to International Monetary Fund staff papers, "Measuring Tax Efforts in Developing Countries" by J. R. Cotz and E. R. Morss.

CHART III  
TAXATION OF PERSONAL INCOME

*Incidence of income tax including surcharges, if any, at selected levels of taxable income of residents married individual with two children.*

Name of the country	On Rs. 10,000/- Per Amount (Rs.) (%)	On Rs. 20,000/ Per Amount (Rs.) (%)	On Rs. 50,000/- Per Amount (Rs.) (%)	On Rs. 100,000/- Per Amount (Rs.) (%)	On Rs. 200,000/- Per Amount (Rs.) (%)	On Rs. 500,000/- Per Amount (Rs.) (%)
1. India	560	4140	17,370	51,900	1,28,990	3,73,740
2. Brazil	Nil	410	4310	18,400	58,000	2,06,010
3. Australia	130	2530	10,680	35,470	97,000	2,99,510
4. France	500	2830	8,690	27,780	78,150	2,72,350
5. West Germany	Nil	2000	7,670	23,710	66,910	2,11,890
6. Canada	Nil	900	6,290	20,970	65,210	2,28,680
7. Japan	80	2130	8,710	27,780	76,090	2,44,010
8. Malaysia	Nil	910	5,110	18,800	65,260	2,15,260
9. United Kingdom	Nil	2000	11,290	28,620	87,780	3,49,830
10. U. S. A.	Nil	350	4,140	13,550	40,730	1,80,380
11. Sweden	460	3890	13,000	37,490	94,080	2,88,190
12. Pakistan	Nil	2010	8,250	36,500	1,01,690	3,11,690
13. Nigeria	160	2030	7,060	25,560	85,610	2,94,140

CHART IV

*Tax Revenue as per cent of National Income, 1966*

Country	Direct Tax	Indirect Tax	Total
Australia*	14.8	13.1	27.9
Australia	16.6	17.0	33.6
Belgium	10.4	16.2	26.6
Canada	10.5	8.6	19.1
Denmark	9.3	14.7	24.0
France	7.9	19.0	26.9
Germany— West	13.6	14.3	27.9
India**	3.2	10.3	13.5††
Ireland	10.3	16.4	26.7
Italy	6.8	12.7	19.5
Japan	6.8	4.6	11.4
Netherlands	17.8	11.4	29.2
Norway	5.8	17.0	22.8
Sweden*	12.6	13.7	26.3
U.K.	16.2	14.2	30.4
U.S.A.**	15.3	8.9	24.2

*Note :* In India nearly half the Gross National Product comprises the agricultural income. It was estimated at about Rs. 14,500 crores in 1968. On this amount the "imputed income" which is consumed without coming to the market, is estimated at Rs. 6,000 crores. The agricultural income-tax of States aggregated to Rs. 11 crores and Rs. 109 crores was collected by way of land revenue. This fact of Indian taxation is responsible substantially for lower collection of taxes in terms of percentage of the Gross National Product.

\*Percent of Gross National Product at factor cost.

\*\*Inclusive of Central and State Government.

††Relates to 1966-67.

CHART V

*Ranking of 52 Developing Countries According to Ratio of Tax Revenue to Gross National product and Tax Effort Allowing for Per Capita Gross National Product and degree of Openness, Recent Years' Average*

Country	Tax	Ratio	Tax	Effort
	Rank	Ratio	Rank	Percentage difference from average
(1)	(2)	(3)	(4)	(5)
Congo, Democratic Republic of	1	22.5	2	33.3
Algeria	2	22.4	4	28.8
Uruguay	3	21.8	6	23.7
Brazil	4	21.4	1	29.1
Chile	5	20.9	9	17.8
Malaysia	6	20.5	14-15	12.3
Greece	7	20.4	8	19.1
Argentina	8	20.1	13	14.6
Ceylon	9	18.6	7	20.4
United Arab Republic	10	18.5	5	26.2
Burma	11-12	18.4	3	29.8
Iraq	11-12	18.4	20	8.5
Dominican Republic	13-14	17.9	11	15.6
Portugal	13-14	17.9	16-18	11.3
Liberia	15	17.7	32	-8.1
Kenya	16-17	17.2	16-18	11.3
South Africa	16-17	17.2	25	-0.5
Ecuador	18-19	16.7	10	16.7
Trinidad & Tobago	18-19	16.7	39	-23.9
Iran	20	16.3	19	9.7
Peru	21	16.0	24	3.9
Malagaysay Republic	22	15.7	14-15	12.3
Jamaica	23	15.6	36	-18.2



(1)	(2)	(3)	(4)	(5)
Mali . . . . .	24-25	15.4	12	16.3
Cameroon . . . . .	24-25	15.4	22	6.4
Turkey . . . . .	26-27	15.1	16-18	11.3
Panama . . . . .	26-27	15.1	35	14.4
China Republic of . . . . .	28	15.0	23	5.5
Ghana . . . . .	29-30	13.90		6.5
Uganda . . . . .	29-30	13.9	..	-7.0
Tanzania . . . . .	31-32	13.9	28	-6.1
Costa Rica . . . . .	31-32	13.8	38	-22.2
Nicaragua . . . . .	33	13.5	37	-22.1
Sudan . . . . .	34	13.3	26	-2.6
Chad . . . . .	35	13.0	27	-3.8
Thailand . . . . .	36	12.6	31	-8.1
India . . . . .	37	12.5	21	6.6
Spain . . . . .	38	12.2	41	-28.7
Niger . . . . .	39	12.0	33-34	-10.7
Malawi . . . . .	40	11.7	40	-25.4
Nigeria . . . . .	41	11.3	33-34	-10.7
Colombia . . . . .	42-43	10.9	43	-30.8
El Salvador . . . . .	42-43	10.9	48	-45.6
Philippines . . . . .	44	10.8	44	-31.2
Paraguay . . . . .	45	10.2	45	-31.8
Mexico . . . . .	46-47	9.9	49	-47.5
Honduras . . . . .	46-47	9.9	50	-53.3
Haiti . . . . .	48	9.6	42	-30.2
Guatemala . . . . .	49	9.3	51	-59.8
Korea . . . . .	50	9.0	46	-37.0
Ethiopia . . . . .	51	8.3	47	-44.8
Afghanistan . . . . .	52	5.9	52	-106.9

Note : The variation of percentage of taxation of Gross National Product of India chart, IV and chart V is because chart V relates to an earlier year.

### III. TAX EVASION & TAX LAWS

What an irony of fate that India, the supposedly highest-taxed nation should be guilty of such a miserable performance in collection of revenues? What a travesty of things that with higher and higher rates of taxation of income (non-agricultural) not only the rate of the growth of revenue decreased but the disparities between the wealthy and the poor received unabashed encouragement!

Those who found that effective rates were the same as "paper rate" practised tax evasion wherever possible. Thus, those who did pay taxes bore a low effective rate and many of those who were to pay at higher rates evaded payment and, therefore, the tax cannot be called high nor can the country the highest-taxed, in practice. Now it is too well known that Government had to eat the humble pie before the confirmed tax dodgers, who have floated large black monies in the Indian economy, the estimate of which cannot be hazarded for the risk of rushing in where angels fear to tread.

During the regime of Mr. T. T. Krishnamachari, the Government agreed to compromise and tax hitherto concealed incomes at concessional rates, under two voluntary disclosure schemes. The ever shameful and disgraceful feature of the voluntary disclosure schemes, in which Government collected tax on concealed incomes of about Rs. 197 crores only, was, that it applied to tax evaders who had successfully forestalled earlier detection. The irrationality of the regular tax rates and the regular tax mechanism stood hopelessly exposed as sheer absurdity, when the officials of the Department were sorely disappointed at the unwillingness of tax evaders to surrender for taxation even a major part of their concealed incomes—despite the fabulous concessional rates offered to the tax evaders by the Department of Income-tax. Two rates of taxation thus worked: in reality one set of rates for those who paid taxes honestly without any concession or consideration; the other which operated on the tax evaders under the disclosure scheme which, according to the tax department, was on highly favourable attractive and concessive rate. This was done so that wayward assesseees may come to the path of rectitude.

#### *Evaders' refusal*

However, the tax evaders simply refused to be bullied by Mr. T. T. Krishnamachari into disclosing their full concealed income, for they

considered it an unrewarding sin to have concealed income, only to be disclosed for concessional taxation, which even at concessional taxation, was too high a rate for a hardened conscientious tax evader. Some tax payers, however, took advantage of the scheme and declared concealed incomes at concessional rates for taxation which they did not then possess. Soon thereafter, they exerted to earn the same outside the official channel and then brought the same into official channel, thanks to its concessional taxation, long before the same was earned. Surely a novel innovation in taxation of income. An uncharitable observer described taxation of concealed incomes under the voluntary disclosure scheme by the Government, as the magnanimity and nobility of parents who anti-dated their marriage by ten years, to establish the legitimacy of their progeny born outside the wedlock, in the hope they would become responsible citizens.

It would not be out of place to publish the findings of the Public Accounts Committee which in its seventeenth report speaks volumes on the grossly irrational laws and levies of Indian taxation creating an impression of levying the heaviest imposts without the corresponding benefit.

“The committee note that the main objectives underlying the two Voluntary Disclosure Schemes were to bring out unaccounted income and encourage assesseees who, for some reasons, had not adopted the right path, to adopt the path of rectitude. The amounts of unaccounted income declared under the first and second schemes were Rs. 52 crores and Rs. 145 crores, respectively. According to the Ministry, no one has any near precise estimate of how much is floating around us as black money . . . the amounts that are disclosed are far less compared to the amounts which may be in circulation as black money. The Committee, therefore, feel that the two schemes have not achieved the objectives in view. In view of the unsatisfactory results of the Voluntary Disclosure Schemes, the Committee feel that by its very nature and inherent weakness, no voluntary disclosure scheme can ever be a real success. It is, therefore, essential to make a thorough probe into the grounds and factors which make evasion of taxes on a large scale so attractive as well as possible, so that Government is impelled to compromise with the tax evaders in the larger interest. While adopting adequate administrative safeguards to arrest tax evasion it would be well worthwhile to adopt measures which will make evasion unrewarding and unattractive. That would be to forestall the malady rather than to allow the malignancy of evasion to grow and then seek its cure by voluntary disclosure schemes.”

"The Committee feel that the present system of levy of taxes is onerous and complicated and the collection of taxes has not been efficient. Otherwise there would have been no need to introduce voluntary disclosure schemes. As a result of inefficient collection the evader gets away with large amounts of money while the honest assessee has to suffer. In the opinion of the Committee a disproportionate amount of energy is spent on unimportant cases of honest and relatively small tax payers while tax evaders either go scot free or are afforded opportunities to make voluntary disclosures. The Committee note that the Department propose to take certain measures to divert time and energy at present devoted to small tax payers to dealing with tax evaders. The Committee suggest that the matter should be kept under constant review and that further steps should be taken to improve and simplify the system of assessment and collection."

#### *Obsession and tax laws*

Another very disconcerting feature of our erstwhile distinguished Finance Ministers, has been their sheer disregard towards inconvenient realities of tax world. Only in respect of their obsessions did they show an iron will, which smashed to smithereens all attempts at rationalisation and moderation. The most glaring example of such obsession overpowering reason and hard realities, is the levy and withdrawal of expenditure tax, at the whims and fancies of succeeding Finance Ministers. Prof. Kaldor, the author of the expenditure tax suggested the levy of an expenditure tax to build an integrated pattern of direct taxation, which would *inter alia* make tax evasion difficult. The concept of the learned Professor was that if tax was to be levied in a circle of income, wealth, gift, expenditure and on inheritance, the area of evasion would be limited. He also made certain other important recommendations, including restriction of maximum taxation on personal income to 45 per cent. We have been working on Professor Kaldor's recommendations in self-effacing dribbles. Professor Kaldor expected to collect Rs. 15-20 crores by way of expenditure tax, whereas the actual collections from 1958-59 to 1966 are as under:

	Rs. Crores
1958—59	0.6
1959—60	0.8
1960—61	0.9
1961—62	0.8

	Rs. Crores
1962—63	0.2
1963—64	0.1
1964—65	0.4
1965—66	0.4

What a waste of human efforts and energies has been involved making these paltry collections. We lose all proportion while insisting on implementing obsessions, and completely forgetting the cost the country has to pay for humouring the obsessed. Expenditure tax must be scrapped and sent to the dust bin for ever and ever, if the yield from the same is going to be such a pittance. It would be welcome if it would yield at least Rs. 20 crores a year, without impairing the prospects of growth in other direct and indirect taxes. The grievance is that a real test of good tax pattern is totally absent in our thoughts. The theory that India is the highest-taxed nation obscures the real problem. It also veils the failures of erstwhile Finance Ministers. The failure, straightway, lies in their failure to ~~augment tax revenues year after year, with the natural result that they could not~~ assist the State in finding the necessary resources to work for development plans.

The real test of good taxation is growth of revenues and not the multiplicity of complex devices and laws with supposed high rates of taxes which the Ministers revise upwards from time to time to suffuse the entire atmosphere with confusing impression that very high taxes are being levied. The rich do not have even a ghost of a chance to survive the high rates and multiple taxes thus help to build a facade of socialistic pattern. The stagnant growth of revenue is, *inter alia*, an indication of substantial wealth still remaining with the wealthy.

### *Unremunerative*

I may refer here to certain interesting figures and data found by the Working Group of the Administrative Reforms Commission working on Central Direct Taxes Administration. The same shows how uneconomically we tax the poor to the benefit of the rich. This Group found that as on March 31, 1967, nearly 47.65 lakh assessments were pending for disposal. Out of the said pending assessments, 36 lakh assessments comprised cases with income less than Rs. 5,000 or

less. Additional 6.5 lakh assessments related to business and other incomes between Rs. 5,000 and 10,000. Thus out of a total of 47.65 lakh assessments, 42.5 lakh assessments were those which were not important from revenue point of view. The Group further found out that in these 42.5 lakh assessments, the total revenue was likely to be in the vicinity of 4 per cent. of the tax assessed in a year. To total tax assessed in the year 1966-67 was Rs. 517.23 crores and the 4 per cent. of the same worked out to Rs. 20 crores. It was further found that the average cost of an assessment is Rs. 46 per assessment and the total cost on Rs. 42.50 lakh assessments would be about Rs. 19.50 crores. The Group thus came to the conclusion that taxes to be collected from 88 per cent. of the assesseees not to be more than 4 per cent. of the total taxes, were to entail a high and prohibitive cost almost equivalent to the entire revenue. If the findings of the Group are correct what a futile exercise it is to tax 88 per cent. of assesseees, who should be left outside the tentacles of the tax octopus. To exclude them would be not so much a gesture of magnanimity, as a pragmatic appreciation of the reality, that Government should not waste the time and resources of the administration, on pursuits which are wholly infructuous, because the cost of collection is not justified by adequate revenue returns. The Central Board of Direct Taxes has disputed this data. The Board says the tax is likely to be 6 per cent. and the cost would not be more than six to seven crores since these small cases need lesser time. The explanation is plausible. However, the matter needs to be fully examined and proper figures, ascertained to determine whether it is really profitable to tax assessee below Rs. 10,000. The spare time can be used for augmenting revenues from the rich by better investigation and a more meticulous approach.

### *Perennial changes*

A student on the burden of Indian taxation cannot do justice to his subject without groaning on account of the burden, which the harassment of unending changes in tax laws causes to the tax payers, for no fault of theirs. The Income-tax Act 1922 underwent various changes in the 40 years or so and that it remained under operation before it was given a decent burial by its repeal by the Income-tax Act 1961. The new Act was supposed to be the outcome of not only our thorough knowledge and experience we had acquired in the administration of tax laws for several decades, but also of necessities felt from time to time to take care of burdens and obligations cast on a fiscal measure of a modern progressive country. It was, therefore, expected that the job would be done with maturity, in which case, it would also be enduring.

The drafting of the provisions was for several months meticulously considered by the Law Commission. The Select Committee of the Parliament anxiously considered and carried out deliberations over the Bill for several months. The debate in Parliament went on for several days. After all this exercise one expected that there would be a minimal stability if not immutability of the tax laws. But a student of tax laws is left aghast at the fact that between 1962 and 1968 we have amended the Tax Law very much more than the 1922 Act in 40 years. The present Act in this period saw more than 230 substitutions and 100 omissions. This is a formidable performance which has put to shame even the most backward countries living under the laws very near those of the jungle. Sweden changed its tax laws between 1962-68 only 25 times. The rates were changed only once to lower the impact. Sweden's tax administration is a subject for socialistic countries.

The spate of changes which has plagued our tax laws has undoubtedly established that whatever else the plethora of amendments may beget, they do not result in repairing or improving the rotten core of our tax mechanism. For if it was so, tax payers should have received some respite, some time at the hands of some Finance Minister, from the aggression caused by incessant infiltration into tax laws. It is hardly a matter of any wonder that the tax payer develops sheer contempt for a law which does not seem to enjoy enduring respect of the Government itself. The tax litigations have multiplied manifold and the figures are simply staggering. With nearly 120 million assesseees in the United States, the ultimate litigation does not centre round more than 1,500 assessments. With 2.7 million assesseees our litigation before the Tribunal is a formidable figure exceeding 10,000 a year. By the time the various provisions of law are properly understood, administered or interpreted by the courts, the same are altered again with devastating modifications, stifling at the bottom the growth of the tax law.

At the moment, Select Committee is deliberating over the Taxation Amendment Bill of 1969, which has been introduced in Parliament to bring about several changes in the tax laws suggested by the Boothalingam Commission, by the Public Accounts Committee and the Administrative Reforms Commission on Central Direct Taxes Administration. If one were to scrutinise the provisions of the Bill, it would be glaringly apparent that the Bill seems to implement the recommendations of these bodies in truncated pieces. Government

should categorically come forward with a statement as to which of these recommendations of these bodies have been rejected outright, which ones have been partially accepted and which ones have been decided to be implemented, but not included in the Bill. It is necessary to ensure that after this Bill is amended at least for a duration of five years no further changes are brought in substantive provisions of the tax laws now being amended unless necessary by some unforeseen dire imperativeness incomprehensible to human ingenuity in advance.

Absence of material, proper data and intelligence connected with tax matters is one of the greatest curses of our tax administration. For two-and-a-half years, in the Parliament, I have been asking figures of the number of cases in which back assessments were reopened under section 34 of the Income-tax Act 1922 or section 148 of the Income-tax Act 1961 and were dropped either by Tribunal or High Court or Supreme Court on the ground that no default had been committed by assessees at the time of original assessments to validly justify reopening of back assessments. This is such an important aspect of tax administration to determine where the tax administration has been loose so that without any default on the part of the assessees some incomes remained untaxed by the officers of the Department. No data has been made available to this date. The law of taxation of Public Charitable Trusts was amended in 1961 with a view to providing serious curbs on untrammled accumulation of funds out of exempted incomes in the hands of Public Charitable Trusts to spend 75 per cent. of incomes on the objects of the Trusts each year to enjoy the exemption. The accumulation is permitted upto 25 per cent. of the income or Rs. 10,000 whichever is higher. This was an important provision from the view-point of socialistic objectives. When being asked to assess the working of the amended section with reference to facts and figures, the Central Board of Direct Taxes straightway regretted its inability. The Board stated that no facts and figures have been collected. In the Consultative Committee of the Finance Ministry, it was left to the Prime Minister to realise the importance of the matter and she directed the Ministry to collect the data in three months time.

The attitude of bringing about changes in the law without proper and adequate knowledge and foundation, only in spirit of taking chance to say the least, is wholly unworthy. And not to follow through an amendment to assess its effects is an unforgivable inertia which administration of a modern state can never tolerate.



*The confusing law*

The language and the drafting are bereft of precision and un-  
There are several sections which look more and more incomprehen-  
sible as you read them again and again. The greatest amongst the  
tax lawyers will hesitate to catalogue the rights and obligations of any  
tax payer. And the most effective method of calculating taxes which  
I have practised in last few years is to leave it to a junior partner to  
do the same.

The language and the drafting are bereft of precision and un-  
equivocation. It is one thing that Income-tax Law cannot be read  
with the ease with which you can read the less complicated mystery  
thrillers. It would, however, be erroneous to attribute merit of  
drafting and language by making the law hopelessly obscure and in-  
comprehensible.

Mr. S. Boothalingam in his report has given examples of such  
drafting in Great Britain and in India, seeking over-refinement to a  
point of fault. He quotes a British Order reading as under:

“In the Nuts (Unground) (other than Groundnuts) Order the  
expression Nuts shall have reference to such Nuts other  
than groundnuts, as would, but for this amending Order,  
not qualify as Nuts (Unground) (other than Ground-  
nuts) by reason of their being Nuts (Unground).”

Thereafter, to show that we do not lag behind in our sense of  
humour, he quotes a para from Finance Act 1966 which reads as  
under. He says:

“We have not perhaps reached these heights but short of it,  
our tax laws abound in similar passages on a slightly  
lower plane, for example, the provision for the rounding  
off income to the nearest ten rupees has been expressed  
in the Finance Act of 1966:—”

“Rounding off income.—(1) Subject to the provisions of  
sub-section (2), the amount of total income computed  
in accordance with the foregoing provisions of this  
Act shall be rounded off to the nearest multiple of ten  
rupees and for this purpose any part of a rupee con-  
sisting of paise shall be ignored and thereafter if such  
amount is not a multiple of ten, then, if the last figure

in that amount is five or more, the amount shall be increased to the next higher amount which is a multiple of ten and if the last figure is less than five, the amount shall be reduced to the next lower amount which is a multiple of ten; and the amount so rounded off shall be deemed to be the total income of the assessee for the purpose of this Act.

- (2) If the total income of the assessee includes earned income chargeable under any head, the adjustment under sub-section (1) shall, to the extent possible, be made in computing such earned income and, as to the balance, if any, against any other income; and if there is no earned income, the adjustment shall be made in computing any other income under any head.

**EXPLANATION.**—In this section, the expression “earned income” has the meaning assigned to it in the Finance Act of the relevant year.”

Mr. Boothalingam suggested that to understand the meaning of the passage he has quoted and some other sections, one would do well to sing the same in two or three ragas and in the “villambith laya”. I suggest we may request the Finance Ministry to engage the services of some eminent musicians who will evolve new ragas and discover hereto unknown “tal” for recitation of sections of the taxation laws in India to make them intelligible. I suggest the raga should be one combination of three hundred “Aprasidha” ragas and the “tal” should have not less than 900 “matras” to make the recitation simpler than the sections themselves.

Administrative Reforms Commission realised the dire necessity of giving to the tax payers an unambiguous tax code, the provisions of which are not altered too often. They have shown complete disapproval of the large scale amendments and stated that more than four hundred amendments have been made, created confusion of the type which was sought to be removed by the Act of 1961. The first step in avoiding complexity is to minimise amendments and towards this end they recommended that:

“Amendments to tax laws should be made only after a careful survey of their total effect by all concerned. It will not be possible to make such a survey if amendments are rushed through the annual Finance Bill which needs to be passed before a prescribed date. Such amend-

ments should therefore be made through separate bills whose provisions can be considered in detail by Select Committees and on which the various professional or trade and industrial bodies should be ascertained and considered."

### *Tax revenues*

As pointed out earlier, the endeavours for augmentation of tax revenues have been simply appalling. The growth of tax revenues betray complete disillusionment of the fiscal policies pursued. Any other criteria for efficient tax code may create a controversy. It would, however, be incontrovertible that the tax code should enable a handsome collection every year and a handsome growth of collections every year so that the exchequer has adequate resources for its obligations and the process of siphoning a handsome chunk from the affluent tax payers effectively impedes disparities.

In this connection it is necessary to mention that the different States will have to properly reassess their obligations for augmenting their resources. The Centre is, to a very great extent, guilty in the present financial indiscipline of the States. It is not that Centre should be niggardly in giving assistance to the States. What is happening in reality is that the States do not consider it necessary to augment their resources so long as over-draft from Centre are available with a little exertion. One is startled at the study of the figures of deficit financing of the States. The State budgets in the First Plan showed a deficit of 17 crores. It rose in the Second Plan period to 64 crores and during the Third Plan, it was 43 crores. Now as against this, in just one year 1969-70, the budgets of States showed an aggregate deficit of 254 crores. From where are these deficits to be made good?

It is obvious that States will have to make substantial efforts for augmentation of revenues if they are anxious to avert a financial crisis. It has been mentioned elsewhere that the total agricultural income aggregates to 14,500 crores, 6,000 crores out of which is "imputed income". That leaves a balance of 8,500 crores. The existing agricultural income-tax collected by the States is Rs. 11 crores and land revenue is Rs. 109 crores. If out of 8,500 crores, 50 per cent. income was considered to be the income of individuals & families who are rich farmers earning more than Rs. 20,000 a year,

a nominal income-tax at the flat rate of 5 per cent. would collect Rs. 212.5 crores every year. An amount by any standard, extremely handsome in the hands of the States, to meet their obligations. Five per cent. taxation on agricultural income of farmers who earn more than Rs. 20,000 per year is by no standard inequitous economically, neither is it disastrous politically.

It is further expected that the growth of the national income should be in the vicinity of 6 per cent. to 7 per cent. which means the total growth should be in the next three years, somewhere between 2,000 crores and 3,000 crores per year. Leaving indirect taxes, if the direct taxes were imaginatively handled, additional steady growth of Rs. 150 crores to Rs. 250 crores in direct taxes is not an impossible achievement. In the next three years such a growth can double our collections. The whole difficulty is that the entire mechanism works so unscientifically that efficiency in collection of taxes is at a terrible discount. I do hope the Finance Ministry will put into use more and more computers not only for assessment purposes but for purposes efficiently administering the tax laws.

The reins of Finance Ministry have gone into the hands of the Prime Minister who has shown her matchless capacity for imagination and courage, together with an uncompromising attitude to all that and all those causing defeats after defeats of our social and economic objectives. She will, we are sure, give an imaginative budget which while creating psychologically an infra-structure of confidence in the tax payers, will bring about the long awaited turn in the fiscal administration of the country relentlessly and ruthlessly eradicating disparities *inter alia* by augmenting the revenues from taxes. The theory that India is the highest-taxed nation, I hope, would not inhibit her courageous proposals to be founded entirely on hard headed realities of Indian life and economy.

It is high time that a high power commission of experts with wide experience in the field of taxation was appointed to conduct a detailed and scientific study of the entire structure of taxation in India at the Centre and at the States. Such a commission should recommend measures to achieve the removal of the malaise which plagues the taxation in this country. It should particularly make suggestions for adoption of measures to effectively achieving socialistic objectives and for the removal of disparities, augmentation of tax revenues and prevention of tax evasion.

# IMPACT OF FINANCIAL COMMITTEES' RECOMMENDATIONS ON ADMINISTRATION

## REPORT OF PUBLIC ACCOUNTS COMMITTEE

(Fourth Lok Sabha)

*[The three financial committees of Parliament viz., the Public Accounts Committee, the Estimates Committee and the Committee on Public Undertakings, provide an effective agency through which Parliament exercises financial control over the Government.. These Committees keep watch to see whether money sanctioned by Parliament is being laid out properly and expenditure is incurred prudently and in consonance with the grants made. Many of the recommendations/observations of these Committees have been of a far-reaching character and by their acceptance important changes have been brought about in the administration and procedures of Government.*

*In a series of articles commencing from this issue of the Journal, it is proposed to highlight the salient recommendations of these Committees which have had an impact on administration in terms of substantial economy in expenditure, streamlining of procedure, etc.*

*The present articles contain a study of some of the recommendations of the Public Accounts Committee made in their Reports presented to the Fourth Lok Sabha concerning (i) Direct Taxes; (ii) Defence Services; and (iii) Railways—Editor].*

### I. DIRECT TAXES

(Income-tax and General)

#### I. Assessment of Taxes

*Pending Assessments: Need for Programming of Work*

In their Seventeenth Report, the Public Accounts Committee (1967-68) had expressed their concern over the number of pending

assessments which had risen from 7,12,407 in 1961-62 to 21,69,529 in 1965-66. The number of cases involving an income over Rs. 25,000, which were pending on the 31st March, 1966, was 1,20,185. The Committee stressed upon the Government the need to pay special attention to the speedy finalisation of pending assessments and in particular business cases involving an income of over Rs. 25,000 and to ensure that in future all such assessments were given due priority and were not allowed to remain pending at the end of the assessment year.<sup>1</sup>

The Committee were subsequently informed by the Government that during the period from 1st April, 1968 to 31st October, 1968, 77,995 category I cases (involving business income of over Rs. 25,000) were disposed of against 56,083 cases during the corresponding period in the preceding year. This number, the Committee found, represented only about 23 per cent. of the total number of cases pending disposal (arrears and current cases) as the number of assessments pending on 31st October, 1968 was 2,56,770. The Committee, therefore, desired that sustained attention should be given to the disposal of Category I cases so as to ensure that all arrears were cleared and all outstanding taxes realised.<sup>2</sup>

Later, in their Seventy-third Report, the Public Accounts Committee (1968-69) observed that the number of pending income-tax assessments as at the end of 1967-68 was nearly double the number of such assessments as at the end of 1963-64. According to them, the data about pendency of assessment involving business income of over Rs. 25,000 indicated that the number of pending cases in this category had been going up. The Committee desired this tendency to be arrested through proper programming of work.

The Committee also brought to notice the following two "useful suggestions" made by the Working Group of the Administrative Reforms Commission for bringing down the number of pending assessments:

- (i) Fixing of time-limits for assessments which had been reopened, posting cases for hearing and the issue of assessment orders.
- (ii) Dispensing with provisional assessment.<sup>3</sup>

---

<sup>1</sup> P. A. C., 17th Report (1967-68), para 1.8.

<sup>2</sup> P. A. C., 76th Report (1968-69), para 1.9.

<sup>3</sup> P. A. C., 73rd Report (1968-69), para 1.29.

The Committee commended the following other suggestions to Government to tackle the problems of mounting assessments:

- (i) Government should arrange for reliable data being collected about the cost of collection in respect of various income brackets *vis-a-vis* revenue realised. This would help to determine which of the present categories of taxpayers should continue to be borne on the tax register and how assessment procedures should be simplified, if the taxation of these categories was not to become a drag on Government revenues.
- (ii) To enable assessing officers to devote their time effectively to assessment work, Government might examine how far the former could be divested of routine jobs by alternative arrangements.
- (iii) All cases which had been closed 'N.A.' (non-assessment cases) for the past three years might be struck off the tax register "unless there is information on record that they are likely to have taxable revenue or unless there are any proceedings pending in respect of these cases".<sup>4</sup>

The Ministry of Finance, in their reply to the Committee, stated that since most of the Income-tax Officers handled cases falling in different income brackets, the Government had not found it possible to separate the cost of collection precisely for each income bracket. What they had done was to proceed on a weighted average basis, taking one Category I case to be equal to 20 Category V cases, a category II case as 5 category V cases and so on. On this basis they had found that the cost of collection for category I, II, III, IV and V cases<sup>5</sup> in 1968-69 was Rs. 295.60, Rs. 73.90, Rs. 36.95, Rs. 19.71 and Rs. 14.78, respectively.

The Ministry stated that the revenue realised from each income bracket could not be determined with any amount of accuracy, because the statistics were not maintained on that basis. According to them, even the Working Group of Administrative Reforms Commission had to resort to an estimate in this respect. "However, it was

4. P. A. C. 73rd Report (1968-69), paras 1.19 to 1.21.

5. Category I refers to cases of income over Rs. 25,000; category II to cases of income over Rs. 15,000 and not exceeding Rs. 25,000; category III to cases of income over Rs. 7,500 and not exceeding Rs. 15,000; category IV to all other cases except those mentioned in category V and refund cases; and category V to small income scheme cases, Government salary cases and non Government salary cases below Rs. 18,000.

clear", the Ministry added, "that the cost of collection for lower income cases (those in categories III, IV and V) would be only about half of the yield estimated from such cases by the Working Group". In the Ministry's view, "it would perhaps not be necessary to eliminate any of the existing category of assessee simply on the score of excessive cost of collection".

Regarding the programming of assessment work, the Ministry of Finance informed the P.A.C. that the disposal of category I cases, that is, business cases with income of Rs. 25,000 and over, during 1968-69, was 28 per cent. more than in 1967-68. Even so, the overall pendency had arisen due to the addition of new category I cases. The Ministry, however, added that efforts were being made to accelerate the clearance of the pending cases involving substantial revenue.

The Committee were not satisfied with the basis adopted by Government for determination of the cost of collection of tax in the various income brackets. They felt that a rough and ready assumption had been made about the time required for the completion of assessment of cases falling under different categories, and that this assumption might not be borne out by the realities of experience. The Committee desired that the Department should conduct "pilot time and motion studies in selected ranges to arrive at the approximate time taken in disposal of each category of cases". The proposed study, the Committee added, should also cover the revenue yield from the various slabs of incomes in each category.

The Committee observed that since the available data showed that more than three-fourths of the assessments in the Department related to small income cases, it was essential to ascertain whether the time and money spent on examination of such cases was worthwhile, having regard to the revenue derived therefrom.

The Committee further observed that the data furnished to them also indicated that the pendency in the category I cases relating to higher income brackets had risen from 1.64 lakhs as on 31st March, 1968 to 1.94 lakhs as on 31st March, 1969. The Committee felt that "these are the cases with revenue potentiality which merit greater attention from the Department". They expressed the hope that Government would draw up a suitable programme of priorities to ensure that Income-tax Officers devoted adequate time to the examination of the cases involving higher revenue.\*



*Practice of Rushing through Assessments towards the close of the year*

The total value of assessments completed in the last month (March) of the financial year 1965-66 represented approximately 29 per cent. of the total value of assessments completed during the year. Out of these nearly 40 per cent. of the value of assessments were completed in the last seven days of March each year. According to the Public Accounts Committee, this was clearly indicative of the fact that the Department was not planning its work properly and that a large number of cases were rushed through in the last month and "indeed in the very last week of financial year". In their Seventeenth Report, the Public Accounts Committee (1967-68) desired the Government to take effective measures "to ensure that Income-tax Officers plan their programme in such a way that assessment of cases involving large incomes is not crowded into the last month and the last week of the year."<sup>7</sup>

The Central Board of Direct Taxes later instructed the Commissioners of Income-tax to ensure compliance of the above recommendation.

The Committee also expressed the hope that the Income-tax Officers would be suitably instructed to ensure that "no assessment is left incomplete, save under exceptional circumstances and with the prior approval of the Commissioner, beyond two years after the assessment year, notwithstanding that the limitation for assessment is four years".

Pursuant to this recommendation of the Committee, the time limit for completing assessments was reduced to two years by the Finance Act, 1968.<sup>8</sup>

In their Seventy-third Report, the Public Accounts Committee (1968-69) pointed out that the real and serious reason for heavy arrears was the tendency on the part of many Income-tax Officers to delay assessments till the end of the financial year and make cumulative assessments for more than one year, particularly in big assessment cases, resulting in piling up huge demands which naturally the assessee was unable to discharge. The Committee wanted this tendency to be firmly checked and the assessment work spaced out evenly over the year.<sup>9</sup>

---

<sup>7</sup> P. A. C., 17th Report (1967-68), para 1.9.

<sup>8</sup> P. A. C., 76th Report (1968-69), page 19.

<sup>9</sup> P. A. C., 73rd Report (1968-69), para 1.30.

The Ministry of Finance informed the Committee in reply that the assessing officers' work was closely watched by the inspecting Assistant Commissioners and the Commissioners of Income-tax, and necessary directions were issued where it was noticed that the disposal of cases per month was not uniform, which might lead to heavy disposal of cases in the last months of February and March. The Ministry further stated that Income-tax Officers had been instructed to avoid accumulation of arrears of assessments by proper phasing of their programme.<sup>10</sup>

*Under-assessment/Over-assessment*

(i) *General*: During the years 1967-68 and 1968-69, it was reported to the Public Accounts Committee that during the years 1964-65, 1965-66 and 1966-67 the test audit of the documents of the Income-tax Officers had revealed under-assessment and over-assessment of tax to the extent indicated below.<sup>11</sup>

*Under-assessment*

	1964-65 (Sept. to Aug.)	1965-66 (Sept. to Aug.)	1966-67 (Sept. to Aug.)
No. of cases	9,141	9,880	9,469
Amount involved (in lakhs of rupees)	864.48	740.78	1,179.98

*Over-assessment*

	1964-65 (Sept. to Aug.)	1965-66 (Sept. to Aug.)	1966-67 (Sept. to Aug.)
No. of cases	1,408	2,014	2,392
Amount involved (in lakhs of Rs.)	36.88	65.85	58.73

In their Third Report, the Public Accounts Committee (1967-68) expressed their concern over the matter and observed that steps taken

<sup>10</sup> P. A. C., 100th Report (1969-70), page 60.

<sup>11</sup> P. A. C., 3rd Report (1967-1968), para 1.1, 29th Report (1967-68), para 2.24 and 73rd Report (1968-69), para 2.1.

by the Board of Direct Taxes in the direction of liquidating the arrears of under-assessment of tax did not seem to have produced any substantial results. The Committee were informed that the following steps had been taken to improve the position regarding the mistakes found in assessments:

- (i) Commissioners had been asked to maintain a register in regard to the various objections pointed out by Audit and stages at which rectifications had been made;
- (ii) it was proposed to take stronger action against erring officers;
- (iii) the number of Internal Audit Parties had been strengthened, thereby reducing the work load of the parties;
- (iv) the scope of Internal Audit had been made more comprehensive;
- (v) Commissioners had been asked to put more Income-tax officers in Company Circles so that the work load was reduced; and
- (vi) refresher courses and training courses had been introduced for officers and staff.<sup>13</sup>

The Committee expressed the hope that the results of these steps would be reflected in the future Audit Reports.<sup>13</sup> The observations were noted by the Government.<sup>14</sup>

(ii) *Evaluation of the Work of Income Tax Officer on the basis of Study of Reliefs in Appeals*: In their Seventeenth Report the Public Accounts Committee (1967-68) expressed the hope that necessary action would be taken by the Department to check the tendency on the part of Income-tax Officers to over-pitch their assessments. The Committee were informed that a suggestion had been made to the Board of Direct Taxes that the efficiency of the Income-tax Officers might be judged from the number of cases in which the assessments made by them stood the scrutiny of appellate Courts. The Committee commended this suggestion and desired the Board to look into cases

<sup>13</sup> P. A. C., 3rd Report (1967—68), paras 1.24 and 1.26.

<sup>13</sup> P. A. C., 3rd Report (1967—68), para 1.27.

<sup>14</sup> P. A. C., 36th Report (1968—69), p. 50.

of the past four years in which aggregate relief to an assessee in one year in appeals and references was in excess of 50 per cent. of the relief sought, with a view to evaluating the work of the assessing officers. The Committee wanted to be informed of the action taken against the officers who were found to have overpitched assessments, particularly in cases where the Tribunal, High Court or the Supreme Court might have passed strictures against such assessments.<sup>15</sup>

The Committee again examined this problem in their Twenty-ninth Report and recommended that the Department should undertake an analytical study of all cases in important Circles, which had been finally disposed of on appeal during the past three financial years, in which assessments made by the ITOs had been reduced by either Rs. 50,000 or 25 per cent. of the originally assessed tax. The Committee felt that "such a study would enable the Department to issue necessary guidelines for calculating the assessable income more appropriately."<sup>16</sup>

In their reply, the Ministry of Finance informed the Committee that there were no cases of over-pitched assessments where the Tribunal, High Court or Supreme Court might have passed strictures against such assessments. However, palpably wrong or harassing assessments were taken notice of by the Department while evaluating the work of the assessing officers.

In a further communication the Ministry informed the Committee that the Government proposed to depute three senior officers of the Income-tax Department to undertake a study of all appellate orders in the important charges under the Commissioners of Income-tax, U.P., Delhi and Punjab. The Committee thereupon desired the Government to look critically into such cases of over-pitched assessments in important revenue Circles like Calcutta, Bombay, Madras and Delhi.<sup>17</sup>

Next year the Public Accounts Committee were informed that in pursuance of their recommendation Government had undertaken review of the appellate orders to determine the extent to which assessments had been over-pitched. The review did not indicate "any serious malady" in this regard. The Committee observed in their Seventy-third Report that the scope of the study was limited to orders passed by Appellate Assistant Commissioners.

---

<sup>15</sup> P. A. C., 17th Report (1967-68), paras 1.34 & 1.35.

<sup>16</sup> P. A. C. 29th Report (1967-68), para 2.40.

<sup>17</sup> P. A. C. 76th Report (1968-69), paras 1.19 to 1.23.

The Committee desired that Government should also review appellate orders passed by the Tribunals and the Courts. They added that in all cases where appellate authorities had allowed substantial relief and harassment of the assessee was manifest, appropriate action should be taken against erring officers.<sup>18</sup>

In their reply, the Ministry of Finance stated that the recommendations of the Committee seemed to have been based on the following generally prevailing impressions about the nature of income-tax assessments, *viz.*—

- (i) the difference between the assessed income and returned income is often due to vexatious additions made by the ITOs; and
- (ii) the Appellate Tribunals, High Courts and the Supreme Court had passed strictures against some of these assessments during the last three years.

The Ministry stated that nearly 8500 appellate orders were got test-checked by a Committee of senior officers. That Committee found that 35.5 per cent. of the assessments had been confirmed and reliefs exceeding 50 per cent. of what the appellants asked for had been allowed in about 33 per cent. cases. The Officers Committee also found that while a percentage of interference by the appellate authorities often reflected an honest difference of opinion, maturer judgment of the Assistant Appellate Commissioners and availability of appellate decisions or evidence, which were not available to the Income-tax Officers, quite a considerable percentage of interference was due to omissions and commissions on the part of the Income-tax Officers, which could well have been avoided.

As regards the question of the review of the appellate orders passed by the Appellate Tribunals and the Courts, the Ministry stated that:

- (i) the orders of the Appellate Assistant Commissioners were the first appellate orders on the assessments made by the ITOs and, therefore, the problem of overpitched assessments could best be spotlighted from a study of the AACs' orders;

---

<sup>18</sup> P. A. C., 73rd Report (1968—69), para 4·26.

- (ii) since the AACs were senior officers of the Department, with fairly long assessment experience, it was rather unlikely that any blatant and manifest over-assessment could escape their notice and that it would be noticed for the first time before the Income-tax Appellate Tribunal; and
- (iii) the High Courts and the Supreme Court being not at all concerned with question of fact—they only gave their rulings on questions of law—it was most unlikely that any instance of manifest over-assessment would be detected by them.

In their Hundredth Report, the Public Accounts Committee (1969-70) observed that in the light of the Study Team's findings that "quite a considerable percentage of interference was due to omissions and commissions on the part of the Income-tax Officers, which could well have been avoided", they felt that over-assessments continued to be a serious problem in the Department.

The Committee did not feel inclined to accept the arguments given by the Ministry that the over-assessments were not likely to be "noticed for the first time" by Tribunals and that the Courts were concerned only with questions of law. In their opinion "questions of law cannot be considered in isolation from questions of fact".

The Committee were informed that the Board of Direct Taxes had instructed the Commissioners to ensure that the tendency to make vexatious additions should be particularly looked into during inspection of Income-tax Officers' work and, wherever necessary, the defaulting officers pulled up. The Committee expressed the hope that these instructions would be strictly implemented and that the Ministry would keep the position under constant watch and, if necessary, take such further steps as might become necessary to curb the tendency to over-pitch demands, which the Committee had deprecated in successive Reports on Direct Taxes.<sup>19</sup>

(iii) *Rectification Action*: In their Seventy-third Report, the Public Accounts Committee (1968-69) desired that the Government should speedily finalise rectificatory action in 1967 outstanding cases of under-assessments, involving Rs. 167.71 lakhs and in 223 outstanding cases of over-assessment involving Rs. 5.57 lakhs, disclosed in Test

<sup>19</sup> P. A. C., 100th Report (1969—70), Para 1.52 to 1.56

Audit during the period from 1st September, 1966 to 31st August, 1967.<sup>20</sup>

In their reply, Government stated that the position regarding rectification of cases of under-assessment and over-assessment could not be readily indicated and that they were considering a proposal of sending one of their senior officers from charge to charge to settle long outstanding Audit objections. As it was now more than two years since these cases of under-assessment/over-assessment were reported, the P.A.C. desired that necessary rectificatory action should be finalised without any further delay. Also, the Committee suggested that Government should maintain a closer liaison with Audit as a standing arrangement so that such cases might be promptly attended to.<sup>21</sup>

(iv) *Toning up of Internal Audit*: In their Seventy-third Report, the Public Accounts Committee (1968-69) observed that a large number of the cases of under-assessment and over-assessment escaped the notice of Internal Audit Parties in the Department. The Committee impressed the need for toning up their performance.<sup>22</sup>

The Public Accounts Committee were apprised of the steps taken by the Government to tone up the performance and efficiency of Internal Audit Parties. The steps taken *inter alia* included the following:

- (i) the number of Internal Audit Parties had been increased from 71 to 91;
- (ii) the scope of Internal Audit had been enlarged so as to make it coterminous with that of Revenue Audit; and
- (iii) an Internal Audit Manual had been prepared, giving detailed instructions to Internal Audit Parties for checking different items.<sup>23</sup>

(v) *Refund of Excess Tax Collected Erroneously*: The Public Accounts Committee (1968-69) felt inclined to consider that in cases of over-assessment, it was the moral duty of Government to refund the excess tax collected erroneously or illegally and not plead limitation. They suggested in their Twenty-ninth Report that Government should

<sup>20</sup> P. A. C., 73rd Report (1969-70), para 2.5.

<sup>21</sup> P. A. C., 100th Report (1969-70), paras 1.34 to 1.36

<sup>22</sup> P. A. C., 73rd Report (1968-69), para 2.9.

<sup>23</sup> P. A. C., 100th Report (1969-70), page 131

consider the feasibility of amending the law suitably so that the Commissioners could not reject revision petitions for refund in cases of over-assessment due to clear mistakes, either of law or of fact, on the ground of limitation.<sup>24</sup>

In regard to the cases where a refund was due to an assessee as a result of appellate decision, the Committee observed in their Seventy-third Report that as a result of delay in making the refunds, Government had to pay interest amounting to Rs. 15,000 in five cases. The Committee, therefore, urged the Government to take effective measures to ensure settlement of such refund claims within the prescribed time limit.<sup>25</sup>

The Government stated in reply that under the existing administrative instructions the Commissioners of Income-tax were required to refer to the Government cases of over-assessment occurring due to mistakes of law or of fact relating to the computation of total income or tax thereon, which could not be normally rectified due to the operation of the law of limitation. The limitation was waived in such cases and refunds were invariably allowed.

As regards the Committee's recommendation regarding the amendment of the law, the Government felt that the existing practice, which had been working well, might be allowed to continue. According to the Government, change in the law of limitation could not possibly operate entirely in favour of assessees. "It would certainly expose them to fresh hazards of assessments in closed cases as well", they said.<sup>26</sup>

The Ministry of Finance intimated to the Public Accounts Committee that the Commissioners of Income-tax had been instructed to ensure that refunds were granted within the prescribed time-limit and, in case the said limit was exceeded, interest was allowed, whether or not assessees asked for it. Inspecting Assistant Commissioners had also been asked to specifically comment on whether an ITO had delayed the issue of refunds and whether interest on the delayed refunds had been paid.<sup>27</sup>

(vi) *Proceeding against Officials for making False Assessments:* In their Twenty-ninth Report, the Public Accounts Committee (1967-68) observed that in Britain as well as Malaysia there was a provision

---

<sup>24</sup> P. A. C., 29th Report (1967-68), para 2.55.

<sup>25</sup> P. A. C., 73rd Report (1968-69), para 5.79.

<sup>26</sup> P. A. C., 76th Report (1968-69), page 91.

<sup>27</sup> P. A. C., 100th Report (1969-70), pages 98 & 99.



in lay to enable the assessee to proceed against an Income-tax Officer who wilfully made false and vexatious surcharge of tax or resorted to any fraudulent, corrupt or illegal practice in the execution of his office. Recalling their earlier observation about the growing tendency in the Department of Revenue to overpitch assessments, the Committee suggested that "in order to instil a sense of responsibility in income-tax officials, Government should seriously consider incorporation of a suitable provision in the income-tax Act to make income-tax officials and other officials liable to judicial proceeding for wilfully making a false and vexatious assessment, dishonest under-assessment or resorting to any fraudulent, corrupt or illegal practice in the discharge of their official duties."<sup>28</sup>

The Government stated in reply that the U.K. Income-tax Act had till 1964 some penal provisions for tackling the cases of petty officials, attached to non-official Commissioners who were not borne on the regular Government establishment. Even in their cases the provisions had not been invoked and were really *otiose*. They added: "In this context, it would not perhaps be advisable to introduce any penal provisions in the Indian Income-tax Act on the lines of the discarded provisions in the U.K. Income-tax Act". The Government, however, proposed to take suitable administrative measures for minimising the scope of disputed additions in assessments and eliminate vexatious assessments. Under-assessments, too, were proposed to be prevented by more effective vigilance by the superior officers.<sup>29</sup>

#### *Under-valuation of Income from Property*

In their Seventy-third Report, the Public Accounts Committee (1968-69) observed that the number of assessments relating to income from property in Delhi had not shown a very perceptible rise over the period 1962-63 to 1964-65 in spite of the fact that there had been a substantial increase in real estate investment in Delhi and other metropolitan cities in the last few years. The Committee asked Government to review the position in all major cities to ensure that the owners of these properties had not escaped tax either on income channelised into these investments or on income accruing from the properties.<sup>30</sup>

---

<sup>28</sup> P. A. C., 29th Report (1967-68), para 2.59.

<sup>29</sup> P. A. C., 76th Report (1968-69), para 2.10.

<sup>30</sup> P. A. C. 73rd Report (1968-69), para 1.57.

Pursuant to this recommendation of the Committee, the Commissioner of Income-tax, Delhi, conducted a survey of about 12,000 houses. The Committee were informed that the efforts of the Delhi Commissioner were proving fruitful. It was expected that when the concerned I.T.Os started checking the valuations of these properties, it would be possible to rope in for income-tax assessments the undeclared investments in such properties.

A Valuation Cell was also set up in the Central Board of Direct Taxes in September, 1968. In 71 cases disposed of by the Cell in one year, it was found that the market value of properties shown in the returns filed by the assesseees was about Rs. 238 lakhs, whereas the valuation worked out by the Cell came to about Rs. 413 lakhs, *i.e.*, 73 per cent. more than the valuation shown in returns.

The Committee were further informed that on the basis of the experience of the survey of new properties in the Delhi Commissioner's Zone, similar surveys would be undertaken shortly in other Commissioners' charges. The Committee expressed the hope in their Hundredth Report that Government would draw up a time-targetted programme for the completion of such reviews in all the major cities and that Government would maintain vigilance in this regard and make periodic investigations to ensure that neither undeclared investments in property nor incomes accruing therefrom escaped tax.<sup>81</sup>

#### *Searches and Seizures*

In their Seventy-third Report, the Public Accounts Committee (1968-69) pointed out that very wide powers were now available under the Income-tax Act to make searches and seizures. The Committee felt that these searches should be exercised very judiciously, as a wrong search or seizure, besides causing harassment to assesseees, could do incalculable harm to their prestige and standing. The Committee, therefore, desired the Government to examine whether the power to order searches and seizures could be more precisely defined. They suggested that a provision might be made to the effect that authority for searches and seizures might be invoked where it might reasonably be expected to lead to the discovery of concealed income of Rs. 1 lakh or more.<sup>82</sup>

In reply, Government stated that at the time a search was undertaken, the amount of concealment was a matter of opinion and an

<sup>81</sup> P. A. C., 100th Report (1969-79), paras 1.28 to 1.31

<sup>82</sup> P. A. C., 73rd Report (1968-69), para 5.21.

attempt at precise determination of the likely amount concealed would necessarily cause delay in taking the decisions and detract from the effectiveness of the search. The Committee, however, did not see much force in this argument, mainly for the following reasons:

- (i) It was not the suggestion of the Committee that the exact amount of concealment should first be ascertained. What the Committee desired was that the power of search might be invoked where it might reasonably be expected to lead to a discovery of concealed income of say Rs. 1 lakh or more.
- (ii) In a note furnished by Government to the Committee, it was stated that "normally searches are not authorised by the Commissioner of Income-tax, unless the amount of concealment suspected was Rs. 50,000 or above or substantial tax evasion was reported".

The Committee suggested that if it was not feasible to write any precise monetary limits into law for fear that it might provoke unnecessary litigation, Government should at least issue executive instructions to the Commissioners to follow a suitable norm, so that infructuous searches, which might tarnish the image of the Income-tax Department in the eyes of the public, were not resorted to.<sup>33</sup>

## II. Tax Evasion

### *Measures to deal with Assessees found Guilty of Evasion of Taxes*

The Public Accounts Committee have been repeatedly stressing the desirability of launching prosecution in clear and glaring cases of deliberate large-scale tax evasion in preference to imposition of penalties. They were informed in 1965-66 that two experts from the United States were helping the Board of Direct Taxes to look into the question of introducing organisational and legal changes to make prosecution effective and that two officers of the Department had also been sent to America for training in this aspect. The Committee in their Seventeenth Report (1967-68) recommended that the question should be further examined and necessary changes made to make prosecution effective. The Committee also disapproved of levying of penalties without making out a case for successful prosecution. They desired that a penalty should not be imposed

---

<sup>33</sup> P. A. C., 100th Report (1969-70), paras 1.59 & 1.60.

to augment tax collection in a routine manner but only after full and careful consideration, so that it was imposed on really guilty assesseees and acted as a deterrent to tax evaders.<sup>84</sup>

In their reply, the Ministry of Finance (Department of Revenue) stated that the observations of the Committee had been noted, and that the Department had of late stepped up the tempo in the matter of launching prosecutions. The Committee were informed of the various measures adopted by the Department to intensify the efforts at prosecution of assesseees guilty of tax offences, which *inter alia* included:

- (i) instructions had been issued from time to time to all the Commissioners of Income-tax to see that prosecutions were launched in as many cases of tax evasion as possible;
- (ii) Intelligence Wings had been set up at Bombay, Calcutta, Delhi and Madras for examining potential prosecution-cases in consultation with the Department's legal advisers, with a view to launching as many prosecutions as possible;
- (iii) a refresher course to train selected officers for processing potential cases of prosecution was recently organised; and
- (iv) a prosecution manual had been prepared which would enable Income-tax Officers to be properly equipped in dealing with potential cases of prosecution.

The Ministry further stated that with a view to ensuring that prosecutions were launched only in cases where the prospect of a successful prosecution was good, instructions had been issued that no prosecution should be launched without the prior administrative approval of the Central Board of Direct Taxes. Similarly, Commissioners were stated to have been instructed not to compound or withdraw a prosecution without the prior administrative approval of the Central Board of Direct Taxes.

The Committee subsequently referred to the observations of the Tax Evasion Enquiry Committee (1968) that "to create an effective climate of deterrence to tax evasion, it is necessary to launch and

---

<sup>84</sup>P. A. C., 17th Report (1967-68), para 1.95.

complete as many prosecutions as possible within the shortest time”, and “to this end, it is necessary to exploit to the full the expertise at the disposal of the Department”. The Tax Evasion Enquiry Committee had made a number of suggestions for launching successful prosecutions which included making procedural and organisational changes in the Income-tax Department, training of officers, bringing out a detailed prosecution manual, amending the Income-tax Act, etc. The Committee expressed the hope that necessary and expeditious action would be taken in pursuance of the recommendations of the said Committee.

The Committee also desired the Central Board of Direct Taxes to ensure that “the launching of prosecutions in clear and glaring cases of deliberate large-scale tax evasion is preferred to mere imposition of penalties”. In the opinion of the Committee, while giving their approval to the launching or withdrawal of prosecutions, the Board should satisfy themselves that “the prosecution is not launched merely with a view to compounding the case and thereby recovering larger composition fees”.<sup>85</sup>

#### *Prosecutions in Cases of Searches and Seizures*

In their Seventy-third Report, the Public Accounts Committee (1968-69) pointed out that out of 926 cases in which searches and seizures were carried out during the period 1st April, 1964 to 31st August, 1967, prosecutions had been launched only in 8 cases, of which two had been compounded. The Committee asked Government to take prompt follow-up action in all such cases with a view to their earlier finalisation.<sup>86</sup>

One of the reasons given by Government for not launching prosecutions in all search cases was that the information collected during searches had influenced the assesseees to come with disclosures under section 271(4A) of the Income-tax Act, and that settlements under this section precluded prosecution. The Committee did not consider this a valid ground as benefit under this section was available only when the disclosures were “voluntary” and “in good faith”. In their Hundredth Report, the Public Accounts Committee (1969-70) observed that in cases where searches had been carried out and disclosures had subsequently been made, such disclosures could not

<sup>85</sup>P. A. C., 76th Report (1968-69), paras 1.41 and 1.42.

<sup>86</sup>P. A. C., 73rd Report (1968-69), para 5.22.

be said to be either "voluntary" or "in good faith". The Committee, therefore, recommended that where a search had brought to light incriminating evidence, the Department should lose no time in launching a prosecution.<sup>87</sup>

### III. Tax Arrears

#### *Arrears of Tax Demands*

The Public Accounts Committee have from time to time been expressing their great concern at the increase in the amount of arrears of Income-tax from year to year. The arrears had increased from Rs. 282.37 crores in 1963-64 to Rs. 322.72 crores in 1964-65 and Rs. 381.88 crores in 1965-66. This continuous rise in arrears of income-tax, the Committee felt, showed that the measures taken by the Board of Direct Taxes in the past had not resulted in any significant improvement.

The Committee observed in their Seventeenth Report that as with assessment cases, the attention of Department had to be concentrated on cases of arrears of tax demands of Rs. 5 lakhs and above. The Committee pointed out that while the number of such cases was only 907, the arrears of revenue arising from them was of the order of Rs. 1.35 crores. The Committee expressed the hope that with the fixing of responsibilities at various levels by the Department for ensuring the collections of arrears, it would be possible to realise them in a reasonably short time. They felt that the improvement in the realisation of arrears would not only augment Government's finances but would also find due reflection in the tax structure.

The Committee suggested that "not only should dues be realised expeditiously but penalties admissible under the rules should be imposed so as to act as a deterrent to others". The Committee also desired the Government to examine all cases involving non-recovery of taxes of Rs. 1,00,000 and above out of the total irrecoverable amount of Rs. 37.85 crores.<sup>88</sup>

The Committee expressed their concern in their Seventy-sixth Report (1968-69) over the increase in the gross arrears of income-tax and reiterated their recommendation that special attention should be paid to the cases involving tax demand of Rs. 5 lakhs and more.

<sup>87</sup> A. C., 100th Report (1969-70), para 1-63.

<sup>88</sup> A. C., 17th Report (1957-63), paras 1.14 to 1.27.

The Committee were then informed that in pursuance of their recommendations, the Central Board of Direct Taxes had issued instructions to the Commissioners of Income-tax to pay particular attention to collection of tax from companies and discourage, by levying deterrent penalties, any attempt by them to utilise in their business the taxes withheld.<sup>39</sup>

The Committee in their Seventy-third Report (1968-69) asked Government to gear up the recovery mechanism and to ensure that recovery squads set up under the Commissioners, who had taken over the recovery work from the State Governments, functioned energetically and purposefully. The Committee stressed the need to keep an effective watch on realisation of taxes on dividends and salaries and of advance tax, as these constituted a sizeable proportion of tax realisation every year.<sup>40</sup>

The Ministry of Finance informed the Committee that recovery work was being taken over from the State Governments progressively and training in recovery work was also being given by several Commissioners to the staff employed on this work. Out of 28 charges of Commissioners of Income-tax, the recovery work was stated to have been taken over by the Department fully in 7 charges and partly in 15 charges. It was further stated by the Ministry that Government were actively considering the question of taking it over in other charges also.<sup>41</sup>

Also, in their Seventy-third Report, the Committee commended to Government the suggestion made by the Working Group of the Administrative Reforms Commission to the effect that the Income-tax Act should be amended to "provide that where an appeal is preferred against an assessment, such an appeal will not be admitted unless tax is paid on the undisputed amount involved in the assessment". An allied suggestion made by the Working Group to reduce arrears was to fix a "time-limit for giving effect to appellate orders", so that tax demands disallowed were promptly refunded to assessees.

Amongst other suggestions for amending the law to tackle the problems of arrears was the one relating to demands against assessees who had become untraceable. The Working Group of the A.R.C. had pointed out that there was a tendency for assessees to go "under

---

<sup>39</sup> P.A.C., 76th Report (1968-69), paras 1.15 and 1.16.

<sup>40</sup> P. A. C., 73rd Report (1968-69), para 1.83

<sup>41</sup> P. A. C. 100th Report (1969-70) pages 126. and 127.

ground till the period of limitation of 8 years was over" to evade demands made against them. The Public Accounts Committee desired the Government to consider whether amendment of the law to make it permissible to reopen assessments in such cases without any time-limit would help to meet the situation.<sup>42</sup>

The Ministry of Finance did not accept the suggestion for the payment of tax on undisputed income before an appeal was admitted. The Ministry felt that such a provision would result in "multiplication of disputes and delay in the disposal of appeals, since non-admission of appeals by Appellate Assistant Commissioners on the ground that tax on undisputed income has not been paid will itself have to be made appealable to the Appellate Tribunal". The Ministry stated that it would be extremely difficult to determine the amount of undisputed income in cases where assessments had been made *ex parte* and no returns had been filed.

As regards the Working Group's suggestion for fixing a time-limit for giving effect to appellate orders, the Ministry stated that the same was under their consideration.

Another suggestion made by the A.R.C.'s Working Group and referred to by the Public Accounts Committee relating to amendment of law so as to make it permissible to reopen assessments in certain cases without any time-limit was also stated to be under consideration by the Ministry.<sup>43</sup>

#### **IV. Appeals/Revision Petitions**

##### *Pending Appeals and Revision Petitions*

The Public Accounts Committee (1967-68) learnt that the number of appeal cases and revision petitions pending with the Appellate Assistant Commissioners and with the Commissioners of Income-tax had gone down to 1,13,578 and 5,287 as on 30th June, 1967 from 1,56,162 and 5,599, respectively, as on 30th June, 1966. They expressed the hope that "efforts will continue to be made to liquidate the outstanding appeals and revision petitions and to avoid such accumulation in future" and desired that "special attention should be paid to the old appeals and revision petitions relating to the period prior to 1964-65".<sup>44</sup>

---

<sup>42</sup> P. A. C., 73rd Report ((1968-69), paras 1.81 & 1.82.

<sup>43</sup> P. A. C., 103th Report (1969-70), pages 125-126.

<sup>44</sup> P. A. C., 17th Report (1967-68), para 1.33.



Intimating the progress made in disposal of pending appeals and revision petitions, the Ministry of Finance (Department of Revenue and Insurance) informed the Committee that while in order to effectively bring down the pendency of appeals additional posts of Appellate Assistant Commissioners were sanctioned, special attention was being paid to disposal of old appeals filed prior to 1964-65. Similarly, in regard to revision petitions, the Ministry informed the Committee that Commissioners of Income-tax had been instructed to make all out efforts to dispose of such petitions as were more than one year old.<sup>45</sup>

### *Analysis of Pending Appeals*

In their Seventy-third Report, the Public Accounts Committee (1968-69), while expressing their concern over the heavy pendency of cases with Appellate Assistant Commissioners, noted that although certain additional posts had been sanctioned in the Department to cope with increasing work in this respect, yet, due to various reasons, the posts could not be filled up till lately. The Committee hoped that as a result of the various steps being taken by the Department to clear the backlog of pending appeals, work would be "fairly current" by March 1970, as also expected by the Government.<sup>46</sup>

The Ministry of Finance later informed the Committee that the number of pending appeals had risen from 2,00,928 as on 30th June, 1968 to 2,12,669 as on 31st August, 1969. The Ministry stated that "even with the added disposal of 9,000 cases per month, the arrears as on 31st March 1969, can be wiped out in a minimum period of 27 months" and that the work was not expected to be current by March 1970.

Expressing concern over the "alarming position" in regard to pendency of appeals, the Public Accounts Committee suggested that Government should collect further data about the pending appeals. The Committee were of the view that an analysis of pending appeals categorywise should be carried out to determine the income brackets in which the appeals fell and take appropriate action.<sup>47</sup>

---

<sup>45</sup> P. A. C., 76th Report (1968-69), pages 19 & 20.

<sup>46</sup> P. A. C., 73rd Report (1968-69), para 5.32.

<sup>47</sup> P. A. C., 100th Report (1969-70), paras 1.65 to 1.67.

## V. Tax Statute

### *Measures to Rationalise and Simplify Tax Law*

The Public Accounts Committee had been, from time to time, stressing the need to adopt measures for the rationalisation and simplification of tax statute in general, apart from commenting on certain specific provisions in the law dealt with in succeeding paragraphs. The Committee (1968-69) noted in their Seventy-sixth Report that while some of the suggestions contained in the "Final Report on the Rationalisation and Simplification of Tax Structure," which did not involve any radical changes in the tax structure, had been implemented by Government, other more important recommendations contained in that Report, which involved structural changes in the Statute, were stated to be still under examination. The P.A.C. desired the Government to "complete their examination of these recommendations along with the recommendations made by the Administrative Reforms Commission and the latest Report of the Tax Evasion Enquiry Committee, 1968, as well as the practice obtaining in other advanced countries, so as to make the tax structure rational, simple and effective".<sup>48</sup>

Accordingly, proposals to amend on a comprehensive basis, among other statutes, the Income-tax Act, 1961 were incorporated in the Taxation Laws (Amendment) Act, 1969,<sup>49</sup> which was introduced in Lok Sabha in July, 1969. The amendments were formulated after a detailed examination of the recommendations and suggestions for tax reforms contained in the Reports of the Public Accounts Committee, the Report of the Administrative Reforms Commission on Central Direct Taxes Administration and the Final Report on Rationalisation and Simplification of the Tax Structure by Shri S. Bhoothalingam.

The proposed amendments fall under the following broad categories:

- (i) measures for rationalisation of certain provisions of the Income-tax Act and related enactments, and simplification of the procedure for assessment and collection of taxes;

<sup>48</sup> P. A. C., 76th Report (1968-69), para 2.7.

<sup>49</sup> The Bill has been referred to Select Committee, which is still to submit the Report.

- (ii) tax concessions under the Income-tax Act for promoting the development of the economy in certain spheres;
- (iii) measures for tax reliefs in certain directions; and
- ✓ (iv) measures for countering avoidance of evasion of income-tax.

Under one of the proposed amendments, power is proposed to be given to the Central Board of Direct Taxes to issue general or special orders setting forth guidelines, principles of procedures (not being prejudicial to assesses) for the proper and efficient management of the work of assessment and collection of revenue. Provision is also being made to empower the Board to issue orders for admitting belated claims for refunds and reliefs under the law in cases of genuine hardships.

Under another amendment, a time-limit of two years is being newly prescribed for the completion of assessment made *ex parte* but reopened on application from the tax payer, and also assessments set aside on appeal or revision. The obligation for paying tax on self assessment is sought to be extended to cover cases where the net tax payable exceeds Rs. 100 as against Rs. 500 under the existing law and the period beyond which delay in grant of refund entails payment of interest by the Government to tax payer is proposed to be reduced from six months to three months.

Under the assessment procedure as envisaged, it would now be possible to complete assessments in the bulk of cases which do not involve substantial points of dispute on the basis of the returns and the accounts and documents accompany them, without asking for the production of books of accounts.

In cases involving substantial points of dispute, assessments would be made as under the existing law on hearing the tax payer and examining the evidence.

The concession available under the existing law in respect of the computation of income attributable to house property owned by the tax-payer and maintained by him for personal occupation is sought to be restricted only to two such houses of the tax payer's choice.

#### *Annuity Deposits Scheme*

Up to the year 1965-66, all resident assesses (excluding Companies, Cooperative Societies, Corporations established by a Central

or State Act etc.), whose total income exceeded Rs. 15,000, were liable to make annuity deposit at a prescribed rate. Persons who exercised the option provided in the Income-tax Act were not, however, required to make any deposits, but were liable to an additional amount of income-tax as prescribed in the Act. The Public Accounts Committee (1967-68), commenting on the scheme, stated in their Seventeenth Report that the management charges for the Annuity Deposits Scheme paid to the Reserve Bank had risen from Rs. 2.36 lakhs in 1964-65 to Rs. 25.72 lakhs in 1966-67 and that if the scheme was further continued, such charges would increase heavily.

Referring to the first Interim Report on Rationalisation and Simplification of Direct Taxation Laws, which had suggested abolition of the Scheme, the Committee desired that Government should consider this recommendation with all the seriousness it deserved. They expressed the hope that Government would find it possible to discontinue the Scheme at the end of the financial year 1967-68.

The Committee added that a heavy amount of annuity deposits amounting to Rs. 32.30 crores relating to the years 1964-65 and 1965-66 was outstanding for recovery as on 31st March, 1967 and that there were also omissions in the collection of annuity deposits as disclosed in the Audit Report. The Committee desired that serious thought should be given to the question of liquidating the arrears."

Referring to the recommendations of the Committee, the *Indian Express*, New Delhi, dated the 24th February, 1968, commented as follows:

"After the latest recommendations of the Public Accounts Committee to drop the annuity deposit scheme, the Union Finance Minister will have little reason for retaining it. When Mr. Morarji Desai introduced the compulsory deposit scheme, primarily as an emergency anti-inflationary measure, it marked a novel addition to the country's tax system. Mr. T. T. Krishnamachari replaced it later by the annuity deposit scheme. But it did not take long for

---

\* P.A.C., 17th Report (1967-68), paras 1.37, 1.45 to 1.47, 1.50 and 1.51.

the assesseees to discover that the scheme was not only complicated but vexatious.

From the purely fiscal point of view, its most objectionable aspect was the prospect of the net receipts from deposits declining with the years, while the cost of administering it would increase steadily. This defect is highlighted by the Public Accounts Committee . . . . .”

The Annuity Deposits Scheme was discontinued by the Finance Act, 1968. As to the recovery of outstanding Annuity Deposit, the Central Board of Direct Taxes issued instructions to the Commissioners of Income-tax asking them to take appropriate steps to have all the arrears of annuity deposit recovered before 31st March, 1968.<sup>51</sup>

In this context, the Committee had also recommended that in launching new schemes under the taxation laws in future, adequate consideration should be given to all aspects and implications of the proposal.” This recommendation was accepted by the Government.<sup>52</sup>

### *Voluntary Disclosure Schemes*

In their Seventeenth Report, the Public Accounts Committee (1967-68) pointed out that the two Voluntary Disclosure Schemes introduced in 1965 to bring out unaccounted income had not yielded the desired results. The amount of unaccounted income declared under the schemes was only Rs. 197 crores. It was the Committee's feeling that “by its very nature and inherent weaknesses, no Voluntary Disclosure Scheme can ever be a real success” and that “it would be well worth while to adopt measures which will make evasion un-rewarding and unattractive.”

The Committee further observed that the system of levy of taxes was onerous and complicated and the collection of taxes had not been efficient. In their opinion “a disproportionate amount of energy is spent on unimportant cases of honest and relatively small tax payers, while tax evaders either go scot free or are afforded opportunities to make voluntary disclosures.” The Committee, therefore, suggested

<sup>51</sup>. P.A.C., 76th Report (1968-69), pages 23-24.

<sup>52</sup>. P.A.C., 17th Report (1967-68), para 1.51.

<sup>53</sup>. P.A.C., 76th Report (1968-69), page 24.

that the matter should be kept under constant review and further steps taken to improve and simplify the system of assessment and collection.<sup>54</sup>

The Ministry of Finance (Department of Revenue and Insurance), while furnishing a copy of the Report of Tax Evasion Enquiry Committee (1968), informed the P.A.C. in December 1968 that "to make evasion of tax unrewarding and unattractive, the penalty provisions in the Income-tax Act had been tightened up by the Finance Act, 1968." The P.A.C. expressed the hope that Government would expeditiously process the recommendations of the Tax Evasion Enquiry Committee (which had *inter alia* suggested a number of measures to put effective curb on the flow and utilisation of unaccounted money), and take necessary steps to put an end to evasion of tax in all walks of life of then country.<sup>55</sup>

#### *Computation of Depreciation and Development Rebate*

In their Seventy-third Report, the Public Accounts Committee (1968-69) pointed out that Audit had been repeatedly bringing to notice mistakes in computation of depreciation and development rebate. In the opinion of the Committee, there was need for rationalisation of the provisions of the Act in regard to depreciation and development rebate. It was brought to the Committee's notice that in regard to depreciation, the Working Group of the Administrative Reforms Commission had, in the interests of rationalisation, suggested replacement of existing rates by consolidated rates on an industry-wise basis, in consultation with trade, professional bodies etc. The Report on 'Rationalisation and Simplification of Tax Structure' also drew attention to the fact that certain items of capital expenditure though, "necessary and legitimate, were not being reckoned while determining profits, resulting in the incidence of taxation becoming "uneven in unintended ways" and in the process discouraging "enterprise and growth". The Committee, therefore, desired Government to consider expeditiously these and other suggestions made for the rationalisation of the provisions of the Act bearing on depreciation and development rebate so that a relatively simple and equitable dispensation could be worked out.<sup>56</sup>

---

<sup>54</sup>. P.A.C., 17th Report (1967-68), paras 1-69 & 1-70.

<sup>55</sup>. P.A.C., 75th Report (1968-69), paras 1-25 to 1-27.

<sup>56</sup>. P.A.C., 73rd Report (1968-69), paras 3-65 & 3-66.

The Ministry of Finance later informed the P.A.C. that the Income-tax (Fourth Amendment) Rules, 1969, had since been published in the Gazette containing draft rules replacing the existing rates of depreciation by consolidated rates on an industry-wise basis. The Rules had been published, at draft stage, for eliciting public opinion. The Ministry stated that Rules would be brought into force in due course after taking into account the suggestions received. A provision was also proposed to be incorporated in the Income-tax Act for amortisation of certain intangible capital expenses, *vide*, clause 8 of the Taxation Laws (Amendment) Bill, 1969.<sup>57</sup>

*"Companies in which Public are not substantially Interested"*

The category of companies known as "companies in which the public are not substantially interested" was introduced in the tax statute in 1930 to prevent avoidance of super-tax payable by an individual by forming "controlled companies". At that time there was a marked difference between the tax payable by an individual and that payable by a company and the statute sought to cover cases of individuals attempting to avoid super-tax through the constitution of controlled companies by bringing in the concept of "companies in which public are not substantially interested."

In their Seventy-third Report, the Public Accounts Committee (1968-69) pointed out that the disparity between the tax payable by an individual and that payable by a company did not exist in that measure, with private companies having been progressively subjected to higher rates of taxation. Besides, the number of the companies in question was rather small. The Committee, therefore, enquired whether, in the changed context, this category of companies could not be dispensed with under the Act. If revenue considerations required its retention, the Committee desired the Government to consider whether the statute could be simplified to retain the essence of control on the lines suggested by the Working Group of the Administrative Reforms Commission<sup>58</sup>

The Ministry of Finance later informed the P.A.C. that Section 2(18) of the Income-tax Act, 1961, which laid down a cumbersome procedure for defining "a company in which the public are not substantially interested" had already been amended, *vide*, Section 3 of the Finance Act, 1969, so as to simplify the criteria for identifying the

---

<sup>57</sup>. P.A.C., 100th Report (1969-70), page 77.

<sup>58</sup>. P.A.C., 73rd Report (1968-69), para 5.63.

companies in which the public were substantially interested. Under the definition, as amended, a public company whose equity shares were listed in a recognised stock exchange in India would be treated as "a company in which the public are substantially interested." The new provisions had been made effective from 1-4-1970.

The Ministry further stated that the number of closely-held companies was much larger than that of widely-held companies and closely-held companies were subjected to tax at higher rates than widely-held companies. (This was apart from the levy of additional tax under Section 104 of the Income-tax Act). "From this it will be appreciated", the Ministry added, "that the category of companies in which the public are not substantially interested has to continue." <sup>50</sup>

#### *Irregular Collection of Amounts to make Good the Shortfall of Budget Estimates*

Under the provisions of the Income-tax Act, the Department is authorised to collect from an assessee only such sums as are due to Government on the basis of statutory notice quantifying such demands. The Department is not authorised to make any collections where no demand is raised and is outstanding.

The Public Accounts Committee (1967-68) noted in their Twenty-ninth Report that in twenty-three cases assessed in four Commissioners' charges it was found that though no demand of tax was raised and pending, a sum of Rs. 20.29 lakhs was collected from the assessee at the close of a financial year and refunded or adjusted in the beginning of the next financial year. The irregular procedure was considered to have been adopted by the various Income-tax Officers to make good the shortfall in their budget estimates of collections of tax in a financial year.

The Committee took a serious view of the device adopted by the Income-tax Officers in this case. They felt that such collections without issue of demand notices were unauthorised and illegal.

According to the Committee, this practice clearly resulted from the fixing of targets of collections which the Income-tax Commissioners and Officers were expected to reach. They felt that under pressure of such target being set for him, the Officer concerned in turn exerted pressure on the assessee to cooperate with him in fulfilling the target on paper. The Committee, therefore, recommended

<sup>50</sup> P.A.C., 100th Report (1969-70), pages 97-98.



that Government should issue clear instructions to ensure that no such targets or estimates of collections in respect of each Income-tax Commissioner or Officer existed or were expected to be fulfilled and to see that this directive was scrupulously carried out.<sup>60</sup>

In reply, the Ministry stated that the targets, fixed on the basis of the past and present trends of business and collections, were expected to serve as realisable objectives only. "This helps in securing sustained efforts for reaching the target," the Ministry added. According to them, the system should work well unless some of the authorities made a fetish of the target.

The Ministry informed the Committee that there had been only stray cases of unauthorised collection by a few ITOs for attaining the budget target and they had taken steps which were expected to prevent a recurrence of such irregularities. As such, the Ministry proposed to "continue the present practice". The Ministry further informed the Committee that the Commissioners of Income-tax were asked to take action against the officers who made such irregular collections and necessary action had been taken and was being taken where considered necessary. In view of the above position, the Ministry requested the Committee to reconsider their recommendation that no budget target for each Commissioner's charge should be fixed.

The Public Accounts Committee (1968-69) noted from the data furnished by the Ministry that during the years 1964-65, 1965-66 and 1966-67, cases of such irregular collection by Income-tax Officers towards the end of the financial year numbered 57 involving Rs. 33 lakhs.

The Committee desired the Central Board of Direct Taxes to keep a special watch in this behalf so as to ensure that such unauthorised and illegal collections were not made by Income-tax Officers, on pain of deterrent penalty.<sup>61</sup>

#### *Tax Deductions at Source—Persons Employed in Foreign Missions*

The Income-tax Act provides for deduction of tax at source from the salaries paid by any person. The private employers, under the Income-tax Rules, are required to furnish to Income-tax Department

<sup>60</sup> P.A.C. 29th Report (1967-68), paras 2-145 and 2-146.

<sup>61</sup> P.A.C. 76th Report (1968-69), paras 2-15 to 2-18.

a monthly statement showing particulars of employees, salaries paid, tax deducted at source, date on which tax credited to Government, etc. Further, an annual return in the prescribed form is also required to be rendered by the private employers within 30 days from 31st March in each year.

In their Third Report, the Public Accounts Committee (1967-68) expressed their concern to note that out of 74 foreign missions in India, 70 had either not sent annual returns or had not deducted the tax at source. What surprised the Committee most was that the authorities did not look into this matter for nearly 12 years after 1947 and, when they did move in the matter in 1959, they had not been able to arrive at a conclusion even after considering it for more than seven years. The Committee were inclined to "take a serious view of the Government's apathy in the matter."

The Committee further asked the authorities to examine the practice followed in other countries in this matter and take suitable measures. In the meantime, they desired the Ministry of External Affairs to pursue the matter at the diplomatic level and request foreign missions to cooperate with the Indian authorities in this matter.<sup>2</sup>

Commenting on the relevant recommendations contained in the Public Accounts Committee's Third Report (1967-68), the *Hindustan Times*, Delhi, in its issue dated the 10th August, 1967, wrote as follows:

"Though assesment of salary earners is a mere formality, since tax is deducted at source, a rather disturbing finding of the P.A.C. is that many employers (including some Foreign Missions) do not take their statutory duties of deduction at source seriously."

The Committee were informed in reply that the foreign Diplomatic Missions could not be compelled under the International Law to comply with the statutory provisions in this regard. The names of Indian employees working in foreign missions were, however, being collected and suitable action for assessment taken.

As regards the practice followed in other countries, the Committee were informed that the tax laws of a foreign country being unenforceable in any State, the experience of the other countries might not

---

<sup>2</sup> P.A.C., 3rd Report (1967-68), paras 1-241 & 1-242.

be of much help. They were informed that the matter was taken up with the Ministry of External Affairs who had requested all foreign missions in India to cooperate with the Indian Income-tax authorities in deducting income-tax at source from such Indian employees working in the missions as were subject to levy of income-tax in India, on their emoluments drawn from them.<sup>63</sup>

## VI. Budgeting and Control over Expenditure

### *Variations between Budget Estimates and Actuals*

The Twenty-ninth Report of the Public Accounts Committee (1967-68) revealed that during the year 1965-66 the actual variation between the Budget Estimates and the Actuals, insofar as the principal heads of tax revenues of Customs, Union Excises Duty, Corporation Tax and Taxes on Income other than Corporation Tax only were concerned, worked out to Rs. 109.67 crores. The P.A.C. were not convinced by the reasons adduced by the Department of Revenue (Ministry of Finance) to explain the variation. They were apprehensive that no serious effort was made by the Department to make the estimates of collections from duties accurate and realistic. The Committee, while noting that the Ministry proposed to take some further measures *inter alia* to base their estimates on better and up-to-date statistical data with the help of computers, stressed that "no effort should be spared by Government to make their estimates of receipts realistic, for it is these that determine to a large extent the rate of taxes and duties which are to be levied through the Finance Bill." The Committee also suggested that towards the end of the year a critical review of the estimated receipts *vis-a-vis* the actuals should be made so that, in the light of the findings, necessary correctives could be applied to make the estimates for the next Budget more realistic.<sup>64</sup>

While accepting the recommendations, the Government apprised the Committee of the various measures suggested by the Director of Inspection (R.S.&P.) for improving the machinery for budgeting of revenue, which included the following:—

- (i) compiling revenue statistics of assessments made in the immediately preceding year on incomes above Rs. 1 lakh;

<sup>63</sup> P.A.C., 36th Report (1968-69), page 85.

<sup>64</sup> P.A.C., 29th Report (1967-68), paras 1 & 1.21 to 1.23.

- (ii) analysis of these statistics by ranges of income, status and trade classification;
- (iii) analysis of current year's profits for companies and non-companies on the basis of current year's returns;
- (iv) bringing up-to-date the cards of cases with income above Rs. 1 lakh;
- (v) preparation of a Manual Index in the Directorate of 500 or so top cases from the cards of cases with income above Rs. 1 lakh;
- (vi) comparative analysis of companies' accounts showing pre-tax profits, dividends subject to tax and provision for tax for current assessment and the immediately preceding assessment;
- (vii) preparation of indices of production in selected industries from Financial and Economic Journals;
- (viii) a study of prices of selected commodities for assessing their effects on profits; and
- (ix) a study of the effect of administrative measures on the collection of taxes.

The above suggestions were stated to be under consideration of the Government.

So far as the question of preparing more reliable estimates on better and up-to-date statistical data with the help of computers was concerned, Honeywell Computers had been installed in the Directorate of Inspection (R.S.&P.) and the Directorate was, among other things, making calculation of tax in salary cases.

The Committee's suggestion for making a critical review of the estimated receipts *vis-a-vis* the actuals was noted by the Government for being put into operation.<sup>68</sup>

## VII. General

### *Comparative Study of Tax Structure in Foreign Countries*

At the instance of the Public Accounts Committee (1967-68), the Ministry of Finance (Department of Revenue) had furnished a

---

<sup>68</sup> P.A.C., 76th Report (1968-69), pages 82-83.

note on the system of taxation in some foreign countries, viz., West Germany, the United States of America, Belgium, the Netherlands, Norway, Sweden, Japan, Ireland and Malaysia, based on the publications available with them. The Committee desired in their Seventeenth Report that the Ministry should make a detailed study of all aspects of taxation in these countries from latest publications and also obtain the requisite information from the Governments of these countries through Indian missions abroad. The Committee wanted the study to cover the administrative aspects of the system of assessment and collection of taxes and the measures adopted to check tax evasion. The Committee asked Government to examine, by comparison, 'keeping the conditions of our country in view, to what extent it is necessary to modify and amend the present laws and levies of taxes to prevent large-scale concealment of income.'<sup>66</sup>

The Committee were subsequently informed that the Ministry had been obtaining from time to time the latest tax enactments and connected materials from the United Kingdom, the United States and some other Western countries and the information so gathered was studied and kept in view in formulating the taxation proposals in the annual Finance Bills. It was further stated that the Government had since 1954 also been sending out some of the senior officials of the Income-tax Department for studying the British and the American tax laws at first hand. The latest of such studies was on the administration of direct taxes in the United States undertaken in 1964-65 by two teams of Indian tax officials. A team of United States' tax officials had also been advising the Government on both the administrative structure and the methods of detecting evasion.

The Public Accounts Committee (1968-69) in their Seventy-sixth Report expressed their regret to note that the Ministry had not made headway in making a detailed study of all the aspects of taxation obtaining in other countries, such as the United States, Belgium, West Germany, Holland, Norway, Sweden, Japan, Ireland, Nigeria and Malaysia. Reiterating their earlier recommendation, the Committee desired the Ministry to take early steps to complete the study covering the administrative aspects of the system of assessment and collection and measures adopted in these countries to check tax evasion.<sup>67</sup>

---

<sup>66</sup> P.A.C., 17th Report (1967-68), para 1.74.

<sup>67</sup> P.A.C., 76th Report (1968-69) paras 1.29 to 1.41.

## II. DEFENCE SERVICES

### I. Planning for Defence

#### *Criteria for Defence Equipment*

The Public Accounts Committee in their Sixty-ninth Report (1968-69) pleaded for an integrated approach to the problem of equipping the Armed Forces and suggested the following criteria in this context:

- (i) before new equipment was introduced its merits in relation to existing equipment, and its technical suitability for foreseeable tasks should be assessed;
- (ii) equipment for the Armed Forces should be treated not as an item in itself, but as a part of a system, bearing in mind whether it would add to the complexity and cost of maintenance;
- (iii) avoidance of multiplicity of types of equipment;
- (iv) rationalisation of demand and standardisation of "some-what similar" items required by different services; and
- (v) intensive testing to establish suitability for Indian conditions.

In this context the Committee further referred to the mechanism adopted in 1961 by the Defence Department in U.S.A., viz. "the Planning-Programming-Budgeting System." This system provided the mechanism through which financial budgets, weapon programmes, forces requirements, military strategy and foreign policy objectives were all brought into balance with one another. Through this centralised system "national security objective was related to strategy, strategy to forces, forces to resources, and resources to costs."

The Committee asked Government to examine how such a system could be of assistance in effecting coordination and implementation of Defence Plans.<sup>1</sup>

---

1. P.A.C., 69th Report (1968-69), paras 1.3 to 1.5.

While accepting the observations and suggestions of the Committee, the Ministry of Defence indicated the following steps taken by them in this direction:

“The need for introducing the concept of Planning Programming-Budgeting System (PPBS) has been recognised. Normal budgeting system which can look for only a year's programme has been supplemented by a time dimension of five years 'Roll on Plan'. Actual performance against the annual targets set out in the Defence Plan will be reviewed periodically and also specifically at the time of the annual “roll on” review. To the extent necessary, the Plan will be backed by drawing up detailed Budgets, for each major segment of activity/programme. The Planning Organisation of the Ministry of Defence has been strengthened with this end in view. The identification of programmes, the installation of works management, the application of performance standard, the establishment of record keeping on functional lines and an integration of budgeting and accounting classifications are steps which require urgent consideration. Introduction of PPBS in Defence will be kept under review and necessary measures taken in due course for gradual application of the PPBS and the system analysis concepts in a phased manner to Defence management.”<sup>2</sup>

#### *Self-sufficiency in Defence Sector and Role of Civil Sector in Defence Production*

In their Sixteenth Report, the Public Accounts Committee (1967-68) observed that the “price, generally speaking is an index of the efficiency of manufacture.” The Committee desired that, in the planning of the future requirements of Ordnance Factories, care should be taken to ensure not only full utilisation of the existing capacities in the Ordnance Factories, but also to consider seriously whether it would not be better to procure the stores, specially those which carried no security risk, at competitive prices from industry, specially in days of recession and under-utilisation of capacity.

The Committee pointed out that the procurement of defence supplies from civil industries in peace time had the added advantage of

---

2. P.A.C., 99th Report (1969-70), page 63.

providing a cushion for increasing the supplies at short notice during an emergency.<sup>3</sup>

Subsequently, the Public Accounts Committee (1968-69) were informed by the Defence Secretary that, apart from maximising production in the public sector and departmental undertakings, they were trying, as a matter of policy, to encourage the private sector also to help them in their effort to indigenise. He added that as a result of the efforts of the Department of Defence Supplies, which was set up in 1965, it had been possible to place orders on private sector worth Rs. 24 crores in respect of nearly 8,000 items.<sup>4</sup>

The Public Accounts Committee (1968-69) in their Sixty-ninth Report further asked the Department of Defence Supplies to pay sustained attention to the question as to how best the resources available in the civil sector could be tapped in an increasing manner.

The Committee also expressed the view that Ordnance Factories should concentrate on producing vital critical items for which capacity was either not available or could not be established in the civil sector for various reasons, leaving it to the trade to supply common user items for civil and defence purposes.<sup>5</sup>

In their reply, the Ministry of Defence, while enumerating the efforts being made to achieve self-sufficiency in the Defence Sector, stated that for examining in detail the further areas in which industrial mobilisation could be effected in pursuance of the recommendation of the Committee and within the scope of the present industrial policy, a Committee had been constituted by the Defence Ministry to make a detailed technical assessment of the extent and manner in which the civil capacity both in the public and private sectors could be further mobilised.

Mentioning the policy governing the projection of items to the Civil Sector the Ministry of Defence stated as follows:

“Where capacity exists in the Defence Sector, orders are not to be diverted to the Civil Sector without first fully utilising the capacity in Defence Sector or at the cost of rendering Defence Sector capacity idle; nor is it the policy not to undertake production of items in the Defence Sector which can be produced in the private sector.

---

3 P.A.C., 16th Report (1967-68), paras 1.55 to 1.57.

4 P.A.C., 69th Report (1968-69), para 1.23.

5 P.A.C., 69th Report (1968-69), para 1.34 & 1.35.



*However, the capacity in the Civil Sector would be utilised to the maximum extent possible by encouraging the Civil industries by giving them technical guidance and special assistance. In respect of more difficult items, capacity has necessarily to be set up in the Defence Sector itself. Where items are comparatively easier and available at cheaper prices in the market without risk of failure of supplies at crucial times, reliance is increasingly being placed on the Civil Sector. . . . In the opinion of the Ministry, the success of the policy would depend on "the ability of the Civil Sector to come up to the required standard of Defence specifications."*

"Within the framework of the above guidelines", the Ministry added, "the Department of Defence Supplies is paying sustained attention to the question as to how best the resources available in the Civil Sector could be tapped in an increasing measure so as to avoid imports, as far as possible". Steps taken in this direction *inter alia* included setting up of seven Technical Committees to handle the work relating to indigenous production of different types of Defence stores in Civil Sector. It was also mentioned by the Ministry that orders worth Rs. 35 crores had been placed by the Department of Defence Supplies on civil firms during the period 1966-69. The target in the Fourth Plan was to place orders worth Rs. 200 crores.

Referring to the above steps taken by the Government, the P.A.C. (1969-70) in their Ninety-ninth Report pointed out that the Imported Stores and Raw Materials Screening Committee, which used to function in the Ministry of Defence, had compiled a Master List of Imported Stores to help Government locate indigenous sources of supply for imported items. The Committee suggested that "it would be of distinct advantage in fixing an appropriate scheme of priorities for indigenous production if the Technical Committee constituted in the Department of Defence Supplies could draw up similar master lists in their respective fields of work". The Committee also reiterated their earlier observation that Ordnance Factories should, consistent with the need to secure economic utilisation of capacity concentrate on production of vital and critical items and common user items should, as far as possible, be procured from trade, if reliable economic sources of supply were established. The Committee felt that this arrangement would be in the interests of Government, as such

items were likely to be produced economically and efficiently in the Civil Sector where competition was likely to prevail and large scale output would help to bring down prices.<sup>6</sup>

## II. Economy in Defence Expenditure

### *Measures to Achieve Economy and Increase Cost Effectiveness*

The Public Accounts Committee (1968-69) were informed that the Government had effected savings in Defence expenditure of the order of Rs. 100 crores during the year 1967-68 and Rs. 150 crores during 1968-69 against the amounts budgeted for in the Defence Plan 1964-69 for these two years. On a reference by the Committee to the substantial economies in defence expenditure effected in the United States of America as a result of cost effectiveness programme, the Committee were informed that a term of officers was sent to U.S.A. to attend a seminar being held there and to study the circumstances which made American system so effective and to ascertain what lessons could be derived from their experience. The net result of the discussions in the Seminar was that while the American system was good for that country, it was not capable of being transplanted wholesale in India, the main reason being that the American market in armament was self-contained whereas India had to depend on other countries. Moreover, the limitation of foreign exchange, which was one of the most significant factors in our equipment programme, did not exist in the United States. The Committee were informed that, in pursuance of the Team's recommendations, it was decided to create a cell in the Ministry of Defence to make further studies and report on the system to be followed in India.

While noting economies effected in Defence expenditure during 1967-68, the Committee observed in their Sixty-ninth Report that there was need for further economies. In their opinion the aim should be to produce in the country "what we need, buying what we cannot produce, 'buying at the lowest sound price', and 'reducing operational costs'". The Committee in this connection commended for consideration the cost reduction programme introduced by the U.S.A., whereby savings of the order of \$1.4 billion in 1963, \$2.8 billion in 1964 and \$4.8 billion in 1965 were effected. The Government had in this context been asked to consider the introduction of a phased programme of cost effectiveness, as recommended in the Report of the team of officers who visited the U.S.A. The Committee also desired

---

<sup>6</sup> P.A.C., 99th Report (1969-70), paras 1.8 to 1.15.

that the training facilities in different branches in management and cost effectiveness techniques should be suitably and speedily augmented.<sup>7</sup>

In their reply, the Ministry of Defence stated that the need for effecting economies in Defence expenditure had been recognised and it had been undertaken by the three Services as a continuous exercise. A Work Study Cell under the centralised control of Army Headquarters was already functioning and a similar cell in the Air Headquarters was being set up. The aim of the Work Study Cell at the Army Headquarters was to review the system, procedures, organisation and, in certain cases, authorisation of equipment in order to obtain the maximum efficiency with more rational allotment of resources. According to the Ministry, the economies achieved as a result of these studies were incidental, but had nevertheless been effected and were fairly substantial.

The Committee expressed the hope that the Work Study Cells already set up in Army and the one being set up in Air Headquarters would be suitably strengthened with trained personnel, so that they could serve as useful tools for securing cost reduction consistent with the need to maintain effectiveness. The Committee also desired the Government to examine how best the scope for application of cost effectiveness techniques could be widened to cover bigger areas of management.<sup>8</sup>

### III. Defence Stores

#### *Review of the Provisioning Procedure*

The Public Accounts Committee in their Sixty-ninth Report (1968-69) expressed displeasure at the instances of gross over-provisioning of defence stores reported in the Audit Report (Defence Services), 1968. These had resulted in surpluses of the order of Rs. 10 crores. The Committee suggested appointment of a Committee of senior officers of the three services and officers of the Ministries of Defence and Finance (Defence) with a view to laying down proper guidelines for provisioning and for evolving a suitable machinery for keeping a continuous watch over the utilisation of stores so as to ensure that provisioning was done more realistically in future and that wastages were avoided.<sup>9</sup>

---

7 P.A.C., 69th Report (1969), paras 1·6 to 1·12.

8 P.A.C., 99th Report (1969-70), paras 1·4 to 1·6

9 P.A.C., 69th Report (1968-69), paras 1·48 to 1·50

While appreciating the need for a high level review of the provisioning procedure in the three Services, the Ministry of Defence informed the Committee that in December 1964 Government had appointed an Inter-Services Provisioning Sub-Committee including representatives of the three Services, Department of Defence Production, Ministry of Finance (Defence) and Ministry of Defence. The Director General of Supplies and Disposals was also associated with the Sub-Committee. The report of the Inter-Services Provisioning Sub-Committee was submitted in 1968 and it was under Government's consideration. Meanwhile, a Technical Study Group had been appointed consisting of seven experienced officers of Army Headquarters.

The report of this Technical Study Group was due by the end of April 1970. The recommendations of the Provisioning Sub-Committee and those of the Technical Study Group were expected to be considered by the Government towards the middle of 1970.

Referring to the provisioning procedures on Air Force side, the Ministry of Defence informed the Committee that the Administrative Staff College, Hyderabad were engaged by IAF for advice in regard to the organisation of the overhaul effort for certain range of items. In the course of this study they also looked into the system of provisioning and positioning of spares in the I.A.F. According to the Ministry, their Preliminary Report had been received and was under consideration in Air Headquarters.

The P.A.C. in their Ninety-ninth Report (1969-70) pointed out that the issues of stores and equipment to the Defence Services were of the order of about Rs. 350 crores and constituted about a third of Defence expenditure. The Committee expressed the hope that the studies of the existing provisioning procedures being undertaken by a number of Committees or other agencies would be expeditiously completed. These would help Government to lay down sound guidelines which would secure economical provisioning consistent with the need to keep the Services efficiently equipped.

According to the Committee, a crucial factor in provisioning is the determination of reserve stocks to be built up.' They felt that if reserves were to be economically regulated, it would be necessary to build up indigenous production.

Another factor to be reckoned in provisioning was the possibility of equipment becoming obsolete with advances in technology. The P.A.C. noted that there was a standing machinery in Government

entrusted with the work of standardising equipment to be provided to the Services. They expressed the hope that "a rolling plan" for equipping the services, based on a long-term assessment of threats would be drawn up periodically.<sup>10</sup>

### *Over-provisioning of Parachutes*

In one of the cases reported to the Committee large number of parachutes valued at Rs. 7 crores were held in stock in January, 1968. In the Committee's opinion, this situation was caused by the unscientific provisioning policy that was being followed. While assessing the requirements in 1962 and 1963, retrievals were taken as 25 per cent of parachutes dropped without testing the accuracy of this assumption with reference to empirical data about retrievals. Even after it became clear in 1964 that retrievals were on a large scale than assumed, steps to curtail production in the Ordnance Factories were taken only half-heartedly in stages between July, 1964 and February, 1967. The overriding consideration apparently was to keep the ordnance factories busy, but in the opinion of the Committee this was hardly the best way of doing it.

According to the Committee, the consequence of the policy followed was evident from the fact that, apart from surplus parachutes that had accumulated, the Ordnance Factories had acquired stocks of materials worth Rs. 72.12 lakhs for the production of parachutes which were rendered surplus to requirements in May 1968. Of these, stocks valued at Rs. 28.63 lakhs only had been earmarked for utilisation or were likely to be utilised.

The Committee, therefore, asked the Ministry of Defence to assess realistically the number of parachutes rendered surplus and to take expeditious steps for their disposal to civil users before the shelf life of the parachutes expired. They added: "Raw materials which have turned out to be surplus to requirements should also be speedily disposed of. Government should also take the lesson from this case of the need to put provisioning procedures on a scientific basis to avoid costly and wasteful accumulation of stocks."<sup>11</sup>

The Ministry of Defence informed the Committee that out of surplus stores worth Rs. 72.12 lakhs as on 25th May 1968 material worth Rs. 29.63 lakhs (not Rs. 28.63 lakhs) had been earmarked for utilisation having a net surplus of Rs. 42.40 lakhs. On 26th September, 1969 an order for 17,000 parachutes was placed on Director General, Ordnance Factories. According to the Ministry,

<sup>10</sup> P.A.C., 99th Report (1969-70), paras 1.22 to 1.29

<sup>11</sup> P.A.C., 99th Report (1969-70), paras 3.76 to 3.78

all the raw materials except some specified items worth Rs. 9.07 lakhs would be utilised against that order. The Ministry added that the question of placing further order for manufacture of parachutes was under consideration and if further order for about 8,600 parachutes was placed, these materials would be substantially consumed. The remaining stock would be disposed of to civil users within their shelf-life.<sup>12</sup>

In view of the above replies from the Government, the Committee did not like to pursue the matter further.

#### *Over-provisioning of Parka Trousers*

Another case of excessive procurement dealt with by the Public Accounts Committee related to Parka trousers—an item of extreme winter clothing. In November, 1962, an order for the manufacture of 2.51 lakh pairs (estimated cost Rs. 1.84 crores) of Parka trousers was placed on the Director General, Ordnance Factories, for issue to troops on operational duties at high altitudes. In December, 1964, after the requirements were reviewed, additional orders for manufacture of further 1.40 lakh pairs of trousers (estimated cost Rs. 1.01 crores) were placed.

When the trousers were issued on a large scale to troops at high altitudes in the winter of 1964-65, they were not found to be popular with the troops. A suggestion made in June, 1965 by a Command Headquarters to restrict the issues of such trousers only to troops on guard, sentry and other static duties at high altitudes was accepted by Army Headquarters in February 1966, and outstanding orders for the manufacture of the item were cancelled.

Consequent on the decision to reduce the issue of the trousers, 3.10 lakhs pairs, valued at Rs. 1.77 crores, became surplus. Raw material costing Rs. 9 lakhs, which had no foreseeable use, was also lying in stock.

To a question whether before taking a decision to provision this item any technical trials were carried out to verify the suitability of these trousers for use by troops on mobile operational duties, it was explained to the Committee that technical trials were carried out in January-February 1963 and it was found that the Parka trousers, though warm and comfortable, were too heavy and cumbersome.

---

<sup>12</sup> P.A.C., 99th Report (1969-70), page 145

some for all active duties. On a further enquiry as to why these trials were not carried out at the time of placing the order in November 1962, the Committee were informed that "there was hardly any time for such trials."

While the Public Accounts Committee (1968-69) were prepared to concede that in the situation then obtaining there was not much time for trials, they were not able to appreciate why adequate follow up action was not taken to curtail the manufacturing programme when the field trials carried out as early as January-February, 1963, revealed that the trousers were "too heavy and cumbersome for all active duties". The Committee observed in their Sixty-ninth Report (1968-69) that the Ministry had not been able to furnish to them information regarding the number of trousers actually issued to troops till December, 1964. "It is, therefore, evident", the Committee added, "that this order was placed without taking into account the actual number of trousers issued to troops till then and without ascertaining the position about their actual utilisation".

The Committee further noted with regret that it took eight months for Army Headquarters to come to a decision on the question of reducing the scale of provisioning of Parka trousers after the matter was referred to them by the Eastern Command and that in the meantime no effort was made to curtail the manufacturing programme for these trousers.

The Committee expressed the hope that "the Ministry of Defence will make all possible efforts to put the surplus stock of Parka trousers to the best possible use and to dispose of raw materials which are no longer required" and that "this case will serve as an eye opener and the Ministry will ensure that in future such instances of gross over-provisioning do not recur".<sup>13</sup>

The Ministry of Defence informed the Committee that while it was true that technical trials carried out in January-February, 1963 revealed that trousers were considered "too heavy and cumbersome for all active duties", the modifications in the design suggested by the trial team were carried out and the improved version called Trousers Paraka "1963 Pattern" was cleared for production in May, 1963 by Army Headquarters. Since the modifications suggested

---

<sup>13</sup> P.A.C., 69th Report (1969-70), paras 3.82 to 3.55.

were carried out to the satisfaction of Army Headquarter, the question of curtailment of manufacturing programmes was not considered.

The Ministry stated that in the case of Trouser Parka, as in any other item of extreme cold clothing, requirements were not calculated on actual issues but were worked out on the basis as laid down by Government (*i.e.*, initially at 100 per cent. for all troops and maintenance at 25 per cent. for the troops actually deployed). Under this formula, the Ministry added, the actual issues were not to be taken into account for calculating requirements.

As regards the P.A.C.'s observation regarding the delay by the Army Headquarters in coming to a decision on the question of reducing the scale of provisioning, the Ministry admitted that the recommendation from the H.Q., Eastern Command should have been dealt with more expeditiously.

The Ministry informed the Committee that the need to take every effort for maximum utilisation of the stocks of Trousers Parka had been stressed on the Command. The question of utilisation of the surplus materials was under Government's consideration.

In view of the above replies from the Government, the Committee did not like to pursue the matter further.<sup>14</sup>

#### *Incorrect Assessment of Requirements of Air-craft Spares and other Equipment*

In their Fifteenth Report (1967-68), the P.A.C. noted that incorrect assessment of requirements of aircraft spare had resulted in an avoidable expenditure of Rs. 1.52 lakhs in an instance and of Rs. 1 lakh in another. In regard to the first instance, the Committee observed that "there was lack of coordination between Air Headquarters and the Department of Defence Production" and hoped that the system of provisioning of spares in the Air Force would be kept under constant review and correctives applied, where necessary, so that cases of that type did not recur.<sup>15</sup>

While accepting the above recommendation, the Government stated that the system of provisioning of spares in the Air Force

<sup>14</sup> P. A. C., 99th Report (1969-70), pages. 89 and 141 and 142.

<sup>15</sup> P.A.C., 15th Report (1967-68), paras 2.14, 2.115 and 2.33.



was constantly kept under review and that, following the application of internal correctives and streamlining of provisioning system, it was hoped that "cases of this nature may not recur."<sup>16</sup>

Referring to the second instance of incorrect assessment of the requirement of aircraft spares, the P.A.C. observed that "if Air Headquarters had scrutinised the indent properly, this infructuous expenditure could have been avoided". The Committee were left with the impression that "the procedure for the scrutiny of indent at Air Headquarters requires to be tightened."<sup>17</sup>

With reference to the above recommendation, the Government stated:

"First and Second Line spares required by the Operational Units are worked out at Air Headquarters by applying Forecast Factor duly approved by Government. As regards the spares required by repair agencies including Hindustan Aeronautics Limited *i.e.*, Third and Fourth line spares, the requirement is worked out by repair agencies on the basis of the overhaul task in hand and likely future arising. The requirements are vetted by Air Headquarters before obtaining Government approval and taking procurement action. To avoid errors in the transmission of the requirements of H.A.L. and overhaul Spares Depots to the provisioning branches, instructions have been issued by Air Headquarters that these requirements must be reflected on a proper review sheet. It is expected that with the issue of these instructions, there will be no occasion for a lapse of this nature to recur."<sup>18</sup>

The Government subsequently informed the P.A.C. that they had started the compilation of a standard catalogue of stores and a provisioning manual and had also made a beginning with modern data processing techniques. The Public Accounts Committee observed that a cell, which was set up for this purpose in 1966, had till then completed cataloguing for only three types of aircraft against twenty for which the catalogue had to be prepared. They expressed the hope that steps would be taken to speed up the process of compilation.<sup>19</sup>

16 P. A. C., 51st Report (1968-69), page 21

17 P. A. C., 15th Report (1967-68), paras 2.35 & 2.35

18 P. A. C., 51st Report (1968-69), para 1.14

19 P.A.C., 51st Report (1968-69) para 1.16

In their Sixty-ninth Report (1968-69), the P.A.C. noted that 585 out of 600 tyres procured for an aircraft at a cost of Rs. 1.14 lakhs turned out to be surplus and had to be auctioned for Rs. 61,000. These tyres were procured on an urgent demand raised after a review of requirements carried out in December, 1963, but were found to be surplus as a result of another review carried out a year thereafter. A further surplus of another lot of 228 tyres had also come to light as a result of subsequent review of the stock position conducted in January, 1968. The Committee, therefore, felt that procurement of these items was not done on realistic assessment of requirements. It was explained to them that assessment of requirements of spares for aircraft were based on past consumption data as modified by a 'forecast factor' determined with reference to the future plans for flying operations. The Committee were of the opinion that the recurring surplus disclosed in this case coupled with the erratic consumption of the item over the last five years indicated that either no systematic plan for flying operations was drawn up for this aircraft or that procurement was undertaken without regard to such plans. The Secretary, Ministry of Defence, himself stated before the P.A.C. during evidence that the results of various provisioning review carried out in this case were "somewhat confusing" and that "if the provisioning is more systematic these confusing results would not have arisen". The Committee desired the Government to examine how best the existing system of provisioning in respect of aircraft could be systematised by evolving realistic 'forecast factor', so that costly and wasteful accumulation of inventories did not occur."

The Ministry of Defence, while informing the Committee that the system of provisioning in the IAF had been reviewed from time to time and necessary changes were made to streamline this system, enumerated the various steps taken in this direction. These included the following:

- (i) it had been decided that "forecast factor" might be calculated on different percentages of actual authorised flying efforts, depending upon future utilisation plans, actual flying achieved etc. by different aircraft;
- (ii) under the Forward Supply System introduced in the IAF, the Supply points had been brought nearer the

consumer thus relieving the consumer of holding an inventory of stores;

- (iii) with a view to minimising the demanding of stores which might ultimately become surplus at consumer units, a policy had been laid down that no surplus stores at units would be backloaded to Equipment Depots without the concurrence of Air Headquarters;
- (iv) to assist in realistic provisioning of aircraft spares and to help analysis of the trends of consumption based on environmental and operating conditions, instructions on the maintenance of consumption data of aircraft spares, components and materials by Technical staff at the flying units had been issued; and
- (v) the stores holding in the IAF had been rationalised as a result of which the requirements of overhaul spares for each repair agency could be held in a depot adjacent to it known as overhaul Spares Depot.<sup>21</sup>

In another case, in April 1964, Air Headquarters placed an operational indent for 34,314 engine cleaning brushes on the Director General, Supplies and Disposal to meet two years' requirements. While assessing the requirements, Air Headquarters omitted to take into account 13,885 brushes already on order. A subsequent review of requirement carried out in January, 1965—disclosed a surplus of 40,079 brushes. No action was, however, taken to cancel the demand for 34,314 brushes already placed on the Director General, Supplies and Disposals, who in the same month had entered into a contract for their purchase for Rs. 1.21 lakhs, which he could have cancelled if approached at the time. According to Audit Report (Defence Services) 1968, 41,553 brushes costing Rs. 1.45 lakhs, including 34,314 numbers received during March-July, 1965, were lying in stock. A Court of Inquiry was instituted to investigate the circumstances in which the over-provisioning occurred.<sup>22</sup>

The Court of Inquiry attributed blame to 4 officers, 1 civilian store keeper and 1 Air man Equipment Assistant. The proceedings were examined by the Directorate of Personnel Services who recommended that the Court of Inquiry should be reconvened to collect

<sup>21</sup> P.A.C. 99th Report (1969-70), pages 124 & 125.

<sup>22</sup> P. A. C., 69th Report (1968-69), paras 5.34 to 5.36.

further evidence on certain aspects. Accordingly, the Court of Inquiry was reconvened. The additional findings of the Court of Inquiry reiterated the earlier findings. Suitable disciplinary action had been taken against the officers held responsible for the various lapses."

The P.A.C. in their Sixty-ninth Report (1968-69) observed that over-provisioning to the tune of Rs. 1.45 lakhs occurred in this case due to omissions on the part of the staff entrusted with the maintenance of stores records. According to the Committee, the Court of Inquiry which investigated the case found "very important provisioning documents" for certain periods to be not available and some of the entries in the available records "to be fake". "The Court of Inquiry", observed the Committee, "also pointed out that the staff did not have adequate training or experience in provisioning procedures and that adequate supervision was lacking". The P.A.C. expressed the hope that Government would examine the situation in regard to the state of stores accounts in other Depots having large holdings, to ascertain whether there were similar shortcomings in those depots and how best they could be remedied through better training, closer supervision and rationalisation of the system of accounts and procedures for provisioning."

The Ministry of Defence subsequently informed the Committee of the various measures taken to improve the stores accounting and to introduce modern techniques of stores control and inventory management in the IAF, which *inter alia* included introduction of Revised Provision Control Cards at Air Headquarters, decentralisation of Tally Cards at Depots, maintenance of accurate consumption data, reorganisation of Provisioning Sections, proper training of Equipment Staff etc.<sup>23</sup>

### *Disposal of Surplus Stores*

In their Nineteenth Report (1967-68), the P.A.C. expressed concern over the fact that stores which had been declared surplus to requirements were occupying 1.26 lakh square metres of covered accommodation with the result that there was not enough covered accommodation for other current stores, thus exposing them to the risk of

---

23 P. A. C., 69th Report (1968-69), para 5.50.

24 P. A. C., 69th Report (1968-69), para 5.54.

25 P. A. C., 99th Report (1969-70), paras. 126 to 131.

accelerated deterioration. The Committee said that costly and scarce stores costing Rs. 11.48 lakhs were allowed to be damaged for want of covered accommodation.

The Committee suggested that covered accommodation should be utilised for keeping current stores and that every effort should be made to dispose of obsolete and unwanted stores without avoidable delay.<sup>26</sup>

The Ministry of Defence, while accepting the Committee's recommendation stated that necessary instructions in that regard had been issued to the Defence stock holders impressing upon them that whenever stocks became surplus, they were not kept in storage indefinitely but active steps were taken to dispose them of, so as to make room for current stores. The Defence stock holders were also asked by the Ministry to ensure that surplus stores were periodically inspected pending their final disposal to safeguard against deterioration and subsequent loss in their sale value.<sup>27</sup>

In their Sixty-ninth Report, the P.A.C. (1968-69) observed that as a result of the measures taken by the Ministry of Defence during 1967-68 considerable progress had been made in the disposal of surplus/obsolete stores. The Committee, however, found that the value of stores yet to be examined by the Inter-Services Technical Team had doubled from Rs. 3.14 crores as on 30th April, 1967 to Rs. 6.42 crores as on 30th April, 1968. They urged the Ministry to pursue vigorously its efforts to accelerate the pace of examination and disposal of these stores.

The Committee said that the increasing incidence of surpluses raised a question whether the existing techniques of inventory control and management were effective. They reiterated their earlier recommendation about the need to rationalise the existing techniques and to introduce modern methods of provisioning and stores control.<sup>28</sup>

The observations of the Committee were noted by the Ministry for compliance and necessary instructions were issued to the Defence Service authorities. The Committee were also informed that the value of stores to be examined by the Inter-Services Technical Team as on 31st July, 1969 was Rs. 0.54 crores only.<sup>29</sup>

---

26 P. A. C., 19th Report (1967-68) paras 1.30 & 2.31.

27 P. A. C., 53rd Report (1968-69), page 67.

28 P. A. C., 69th Report (1968-69), paras 1.62 & 1.63

29 P. A. C., 99th Report (1969-70), page 75.

#### IV. Ordnance Factories

##### *Planning and Coordination of Production in Ordnance Factories*

The Public Accounts Committee (1967-68) had drawn attention in their Sixteenth Report to instances of stores being manufactured in two different ordnance factories even though the cost of production in one was higher than that in the other. They were then informed that the allocation of workload amongst different factories for the same item was a matter for "higher management at Director General, Ordnance Factories, Headquarters". In deciding the allocation the delivery schedule "was the decisive factor in most cases and not the cost" thereof. A Methods Study Cell at Headquarters of the Director General, Ordnance Factories was engaged in the study of processes and methods of manufacture with a view to achieving maximum production as also maximum utilisation of material employed in production.<sup>80</sup>

The Public Accounts Committee expressed the opinion that it was absolutely essential that for any rational distribution of orders, the management should have a clear idea not only of the capacity available, the capacity booked and the spare capacity remaining, but also a precise idea of the relative cost and time factor involved. The Committee were not able to appreciate how, in the absence of such basic data, the Director General, Ordnance Factories was able rationally to distribute the orders in the interest of achieving economy and efficiency. The Committee went on to stress that Method Study Cells in the Department of Defence Production should effectively discharge their responsibilities by providing reliable data for the rational distribution of orders for the manufacture of stores and equipment in the Ordnance Factories.<sup>81</sup>

In their reply, the Ministry of Defence stated that in order to streamline the working of the Method Study Cell, a programme had been drawn up to divide ordnance factories into four zones for training of senior non-gazetted staff working in Rates and Estimates Sections and Method Study Cells by departmental officers from Headquarters. The Ministry added that a proposal to have a regular Method Study Cell in every Ordnance Factory in a phased programme was under consideration and that it would take some time for the proposal to materialise.

---

<sup>80</sup> P. A. C., 52nd Report (1968-69), para 1.6.

<sup>81</sup> P. A. C., 16th Report (1967-68), para 1.50.

The Committee were further informed in this connection that the allocation of orders for principal items of manufacture in ordnance factories was done in January and February each year. The background of the cost aspect was being kept in view in all cases and decision would be taken after due consideration at the time of allocation of orders.<sup>82</sup>

The Public Accounts Committee (1968-69) dealt with the question of further improving the existing method of planning and coordination of production in Ordnance Factories. The Committee were informed that an internal Study Team had been set up in March, 1968 by the Director General, Ordnance Factories to examine this question. The Team had submitted its report and the matter was under consideration of the Director General. They were further informed in this connection that an IBM Computer linking 13 of the Ordnance Factories had been installed as a step towards planning centrally. It was the Government's intention to link it up with other factories as well.

Subsequently, the P.A.C. were informed that a Study Team had been set up for examining the various aspects as to how best the centralised planning and coordination cell could be organised to take up planning of all the orders in a methodical way. The Study Team recommended the setting up of a separate Section in the Headquarters of the Director General, Ordnance Factories (to be called Planning and Coordination Section). The duties of the proposed Planning and Coordination Section *inter alia* included preparation of the production programme for the main end stores as well as the components programme from the feeder factories taking into account the Services Orders priorities, manufacturing lead time and capacities.

The Public Accounts Committee (1968-69) in their Sixty-ninth Report stressed upon the importance of advance planning and programming of production in Ordnance Factories with a view to ensuring utilisation of assets both of men and machines in a most efficient manner. The Committee learnt that the Department of Defence Production had lately initiated steps in that direction in the light of the recommendations made by a Study Team which was set up in pursuance of the Committee's recommendations contained in their Sixteenth Report.

The Committee also observed that better programming could be achieved by the use of computer facilities. They desired that sustain-

<sup>82</sup> P. A. C., 5271 Report (1968-59), para 1.8 & 1.9.

ed efforts should be made to achieve quality control and to minimise rejections occurring on a fairly large scale both during production as well as in the course of inspection."

The Committee were informed by the Ministry of Defence that DGOF had already accepted the recommendations made by the study team with slight modification. Work was in progress for compiling centralised production programme for Ordnance, and general stores items that were being produced in various Ordnance Factories. It was stated that due care was being taken at the time of allocation of orders among different Ordnance Factories to keep the cost factor in view. The Ministry, however, added that cost was not the only criterion in allocating orders between the Ordnance Factories. DGOF had to provide adequate work load to factories even where the cost was slightly higher in one factory as compared to another, to avoid idle time booking and discontentment of labour.

As regards utilization of computer facilities, the Ministry informed the Committee that the data processing section of the DGOF was already working out and collecting data for introducing central material planning as well as centralised production programme.

The Ministry, while noting the Committee's recommendation relating to measure to achieve quality control informed the Committee that quality control in various Ordnance Factories was being systematically pursued towards that end.<sup>44</sup>

#### *Avoidable Rejections in Manufacture*

For each major item of manufacture in a Factory, after the item has been fully established for a few years, the management, after considering all aspects of production and inspection, fix a percentage of rejection which is inherent in technique of manufacture and can be termed as 'wastage' in the process. The wastage is indicated as a percentage of production which is termed as 'unavoidable rejection'. It is, however, actually observed during manufacture of the item in subsequent years that rejections do occur in some of the warrants at a higher percentage. These extra rejections are of two categories. The first relate to defective material and the other to bad workmanship.

---

<sup>43</sup> P. A. C. 69th Report (1968-69), paras 1.36 to 1.43.

<sup>44</sup> P. A. C. 99th Report (1969-70), pages 70 & 71.



It was reported to the Public Accounts Committee (1967-68) that avoidable rejections to the extent of Rs. 44.81 lakhs had occurred in 5 ordnance factories during the year 1965-66. Two of these factories had shown consistent increase in avoidable rejections in the last few years.

The Committee were informed that in six cases of rejections had material of the value of Rs. 12.25 lakhs was supplied by other feeder factories under Government where it had already been tested and passed before despatch. According to the Committee, this raised not only the question of the adequacy of the procedure for inspection which permitted such bad material to be passed by the feeder factories, but also the larger question of efficiency and the reliability of materials and goods supplied by such ordnance factories direct to the Armed Forces.

The Public Accounts Committee felt that it should be possible for Government to evolve, in consultation with the feeder and user ordnance factories and Armed Forces, satisfactory standards for quality control. They suggested that where rejections in the manufacture of a particular item were detected to be unduly high, a thorough investigation should be carried out with the utmost expedition so as to devise suitable remedial measures to check the losses, and the possibility of introducing inspection at various stages should be fully considered

The Committee were also not happy over the delay of several years in evolving a procedure for the regularisation of losses arising from these rejections. The Committee felt that, apart from the formality of regularising these losses, what was more important was to analyse the reasons so as to take effective remedial measures.

The Committee further observed that apart from the check of the avoidable percentage of rejections provided in the estimates, which might be undertaken by the attached financial officers, it was incumbent on the Director General, Ordnance Factories as the technical head of the organisation to ensure that (i) the unavoidable loss allowed for in the estimates of cost was the lowest possible consistent with the standard of manufacture desired; and (ii) manufacture in Ordnance Factories was undertaken economically. They desired the Director General to keep these two aspects specially in view and take effective measures to discharge these responsibilities.<sup>10</sup>

<sup>10</sup> P.A.C., 16th report (1967-68), paras 1.77 to 1.82.

In their reply the Ministry of Defence stated that the problem of improvement in quality control with the object of elimination of defective materials produced in feeder factories at the inception was receiving active consideration of the Director General, Ordnance Factories and the Director General of Inspection. The Ministry said that the main suppliers of materials for ammunition items had been specially instructed to tighten up the inspection procedure in the factories. The Chief Inspector of Metals was also stated to be taking suitable steps to improve the quality of materials and to eliminate, to the maximum extent possible, the defects in materials produced by the feeder factories. The Ministry added:

“All the precautions that have been stipulated according to the standard practice of inspection are being rigidly followed in all the stages, right from the stage of casting of ingots for the shells, bombs etc. In spite of these precautions, defects in the material that are considered inherent in the material itself are revealed at the stage of subsequent operations and cannot in all cases be located earlier. Even after the item has been established for a number of years, such defects can occur and in fact they cannot be eliminated altogether although quality control is rigidly followed”.

As regards the P.A.C.'s observation regarding the delay of several years in evolving a procedure for the regularisation of losses arising from avoidable rejections, the Ministry stated that there was an existing procedure for regularisation of losses arising from rejection. According to the Ministry, the necessity for expeditiously dealing with cases of regularisation of losses was always borne in mind. The Ministry added: “While every effort is being made to regularise the outstanding losses as quickly as possible, it is pointed out that some time is unavoidable in investigating the reasons for the rejections, as such cases involved more than one factory and rejections are detected at a later stage during machining.”

So far as the Committee's recommendation for analysing the reasons for the losses was concerned, the Ministry of Defence informed the Committee that this procedure was already being followed in the Directorate General of Ordnance Factories. Whenever a loss due to rejection was reported to the DGOF for regularisation, the loss

statement was invariably analysed to ascertain the various causes of rejections and, based on this analysis, suitable remedial measures for reducing the recurrence of such losses were taken.

The Public Accounts Committee (1968-69) in their Fifty-second Report observed that the number of pending cases of rejections in manufacture awaiting investigation and regularisation was still very large, and expressed the hope that these outstanding cases would be expeditiously investigated and necessary positive remedial measures taken in the light of the investigations.

Noting that, pursuant to their observations, steps had been taken to intensify inspection of stores produced by the feeder factories so as to minimise rejections by user factories, the Committee emphasised that the inspection procedure devised should be such that adequate checks and controls over the quality of product, existed at each of the stages of manufacture of the product in the feeder factories.<sup>30</sup>

#### *Coordination between the Users and Ordnance Factories*

In their Sixteenth Report, the P.A.C. (1967-68) dealt with work in progress in Ordnance and Clothing Factories and pointed out that during the period 1962-63 to 1964-65, the indentors cancelled or suspended orders for 20 items on which an expenditure of Rs. 1.50 crores had already been incurred. It was stated that cancellation of orders for 10 items had entailed an unproductive expenditure of Rs. 0.22 crore and that the expenditure of Rs. 1.28 crores already incurred on the manufacture of the 10 suspended items would also be rendered unproductive, if it was ultimately decided to cancel the order.

The Committee stressed the need for better coordination between the user and the manufacturer to avoid infructuous expenditure arising from cancellation of orders and to reduce the time lag between the placing of orders and supply." In their reply, the Ministry of Defence noted for compliance the Committees recommendation and stated that coordination between the user and the manufacturer was already being achieved by holding periodic meetings at different levels to discuss matters of mutual interest between the indentors and the manufacturer. Besides, meetings of the Armament Committee and production Review meetings were periodically held for discussing

---

<sup>30</sup>P.A.C., 52nd Report (1968-69), paras 1·15 to 1·19.

<sup>31</sup>P.A.C., 16th Report (1967-68), paras 1·91, 1·92, 1·117 & 118.

matters of mutual interest. It was, however, not clear to the Public Accounts Committee whether at such meetings only general production matters were discussed or individual items of production were also specifically reviewed. The Committee, therefore, asked the Ministry to further examine the existing arrangement for apprising the manufacturer of the changes in the requirements of the user in order to ensure that timely action was taken to suspend or cancel orders and avoid infructuous expenditure.<sup>19</sup>

The Ministry of Defence confirmed in their reply that, apart from general production matters, individual items of production were also discussed in the Armament Committee and Production Review Meetings. However, since the duration of the Committee meetings was limited, it was not possible to take up for discussion all the items of the Army, Navy and Air Force and as such only important and critical items were discussed. The Ministry stated that in these meetings the possibility of increasing or decreasing the orders placed on DGOF was also discussed. This provided an opportunity for taking timely action for suspending, reducing or cancelling orders where the requirements had come down with a view to avoid infructuous expenditure.

*Co-ordination between Purchase of Plant and Machinery and Construction of Civil Works*

In their Sixteenth Report (1967-68), the P.A.C. noted with concern that it had taken an Ordnance Factory almost five years since the communication of the sanction to instal an Arc Furnace. What was even more distressing to the Committee was the fact that the delay in that case was such as could have been reduced. There was a lack of co-ordination regarding the purchase of the machinery and the execution of civil works. The Committee desired that the Department of Defence Production should coordinate the purchase of costly machinery and the execution of civil works in such a manner that the machinery ordered was utilised according to the schedule prescribed for its erection.<sup>20</sup>

While intimating the acceptance of the above recommendations, the Ministry of Defence (Department of Defence Production) informed the P.A.C. that instructions had been issued to all General Managers of Ordnance Factories to ensure coordination in the purchase of machinery and execution of civil works. The Ministry, however,

---

<sup>19</sup> P. A. C., 52nd Report (1968-69), para 1·27 & 1·28.

<sup>20</sup> P. A. C., 16th Report (1967-68), paras 2·22 & 2·23.

added that despite every possible effort to coordinate the two, occasions did arise when complete coordination due to unforeseen circumstances was not possible.<sup>41</sup>

### *Production of Shaktiman Trucks*

In their Seventeenth and Thirty-third Reports, the Public Accounts Committee (Third Lok Sabha) had expressed their concern over the production of Shaktiman trucks lagging behind the planned targets and expressed the desire that every effort should be made to adhere to the revised programme drawn up by the Government in May, 1963. The P.A.C. (1968-69) noted that the production during 1963-64 was 1,022 as against the target of 1,200. The production was 939 during 1966-67, as against the revised target of 1,500. During 1967-68, the target was again reduced to 1,200, but the production recorded a further fall to 919.

The P.A.C. in their Sixty-ninth Report expressed their unhappiness at the shortfall in the production of Shaktiman trucks in relation to the target fixed. They were told that the practice had been to fix the targets on the high side. The Committee, however, observed that even after the annual target of production was scaled down in 1967-68 from 1500 to 1,200 trucks, production had continued to lag behind the target.

According to the Committee, the shortfalls in production of Shaktiman trucks could be attributed mainly to defects that developed in certain major components of the trucks like piston assembly, gear box and transfer case which were being indigenously produced.

The Committee learnt that due to periodic set-backs in the programme for indigenous manufacture of components, Government had imported components costing Rs. 1.31 crores during seven years ending 1967-68. The Committee asked Government to speed up import substitution consistent with the maintenance of quality of the trucks.

Stressing the need to enforce strict cost control, the Committee observed that the cost of a Shaktiman truck, as on 18th July, 1967, was Rs. 62,642, as against which the cost of a civil truck procured by the Army was Rs. 51,000. The Committee asked the Department of Defence Production to examine how best the cost of the Shaktiman truck could be brought down at every stage of production.<sup>42</sup>

<sup>41</sup>P.A.C., 52nd Report (1968-69), p. 18.

<sup>42</sup>P.A.C., 69th Report (1968-69), paras 2, 2·1, 2·6 & 2·38 to 2·43.

In their reply, the Ministry of Defence stated that the scaling down of the production target, which was originally fixed at an optimum figure, was due to reasons which might not get eliminated altogether until such time as the new Heavy Vehicles Factory (which was an independent and integrated factory) started production at Jabalpur. The reasons enumerated included the following:

- (i) The manufacture of vehicles was undertaken on the basis of available spare capacity existing in various Ordnance Factories. To an extent, this capacity dwindled or became fluctuating consequent on Chinese Aggression in 1962 and thereafter again after the Indo-Pak Conflict in 1965 when more stress was laid on the manufacture of armament items.
- (ii) The capacity sanctioned for the manufacture of Nissan 1-ton vehicles was for 100 vehicle per month, but the DGOF had actually been producing much more vehicles, thereby affecting utilisation of spare capacity for the manufacture of Shaktiman vehicles.
- (iii) No plant and machinery were sanctioned for production of Nissan Patrol but the DGOF had been producing these vehicles which in turn reduced further the available capacity for the manufacture of Shaktiman vehicles.
- (iv) While considering the output of Shaktiman vehicles against various targets fixed, the combined production of all the three types of vehicles referred to above, would have to be taken into account with reference to the sanctioned capacity.<sup>1</sup>

The P.A.C. were, however, not convinced with the argument that the shortfall in production of Shaktiman trucks was made up through increased production of Nissan vehicles. The Committee felt that the data furnished to them by Government showed that in respect of Nissan vehicles, the planned programme for import substitution had not been achieved.

The P.A.C. expressed the hope that with the setting up of a full-fledged unit for production of vehicles in the public sector the targets for production would now be attained. The Committee desired the Government to keep a close watch on the position.<sup>42</sup>

---

<sup>42</sup> P.A.C., 99th Report (1969-70), paras 1.35 to 1.38.

Referring to the proposal to set up a new heavy vehicles factory in the public sector, the P.A.C. desired in their Sixty-ninth Report (1968-69) that Government should give careful consideration to making the production economic and to exploring the general marketability of its products. They said that, for economic production, the proposed unit should produce 1,100 trucks per month. Since the Army's requirement for the last six years had varied from 5,200 to 9,600 trucks a year, it was obvious that the production could not be maintained at an economic level on the strength of the demand from the Army alone. It would, therefore, have to compete with private sector units in the internal and external markets. This underlined the need for reduction in production cost. According to the Committee, the existing prices of both Shaktiman and Nissan trucks were higher than those of similar trucks produced in Germany and Japan.

The Committee observed that there might be a reduction in internal prices if production was established on a large scale but it would still have to be considered whether the prices would even then be able to compete with those at which the collaborators were producing them. Another question no less important in the Committee's view was to consider how potential export markets were at present being served and whether the proposed unit would be able to compete with existing suppliers to those markets on equal terms.<sup>43</sup>

In their reply, the Ministry of Defence stated that they had sent a batch of technical personnel to the Collaborator's Works in West Germany for training in Cost Control and Quality Control at each stage of production. The Ministry felt that with the implementation of proper Cost Control, the shifting of the existing dispersed production from various Ordnance Factories to the integrated unit under establishment at Jabalpur and large-scale production of vehicles, the production cost was expected to come down from the existing level.

The Ministry stated that the limited production established so far utilising such surplus capacities as existed in various Ordnance Factories, had not been able to meet fully the demand of the Services. It had, therefore, not been possible to cater for the demands from civil indentors save in exceptional cases. According to the Ministry, the question of export and induction on a large scale into the domestic

---

<sup>43</sup> P.A.C., 69th Report (1968-69), para 2.44.

civil market would arise only when the production reached the maximum capacity and exceeded the requirements of the Services. The Ministry felt that this was not likely to happen before 1973-74.

The Ministry, however, assured the Committee that it would be ensured that the maximum number of vehicles were produced in the new factory at the minimum possible cost consistent with quality in order to make the vehicles competitive for export and for induction into the domestic civil market.

The PAC (1969-70) recommended that serious efforts should be made to make the cost of Shaktiman truck comparable to the cost of a civil truck produced for the Army in the private sector. The Committee observed: "With large-scale production of vehicles being now established and the distinct possibility of service demands not being able to support production in the unit on an economic scale from 1973-74 onwards, the importance of cost and quality needs no emphasis."<sup>44</sup>

## V. General

### *Accidents to IAF Planes*

The P.A.C. (1967-68) expressed concern in their Fifteenth Report over the number of accidents to Indian Air Force planes during the first half of 1967. While hoping that with the implementation of the recommendations made by the I.A.F. Accidents Committee it would be possible to reduce the number of accidents, the Committee suggested that an analysis of the reasons for accidents in operational and non-operational flights should be made periodically with a view to taking timely corrective measures.<sup>45</sup>

Accepting the above recommendation, the Government stated that the recommendations made by the Air Force Aircraft Accidents Committee were always kept in view by the Air Force and every possible effort was made to reduce the number of accidents.

"Air Headquarters, will also henceforth carry out an analysis of accidents in operational and non-operational flights", the Government added, "and the trends observed will be studied and corrective measures involved communicated to all commands/stations for compliance and guidance".<sup>46</sup>

---

<sup>44</sup> P.A.C., 99th Report (1969-70), paras 1.46 and 1.47.

<sup>45</sup> P.A.C., 15th Report (1967-68), para 2.45.

<sup>46</sup> P.A.C., 51st Report (1968-69), page 21.



In their Nineteenth Report, the P.A.C. (1967-68) expressed their concern over the fact that pension cases were being delayed which caused hardships to newly-retired Government servants. They pointed out that despite the standing instructions to the effect that the pension papers of an employee should be sent to the Controller of Defence Accounts (Pensions) one year before the date of superannuation, these were generally submitted one to three years after retirement.

The Committee noted that two of the main reasons for delay in submitting pension papers to accounts authorities in time were—

- (i) the absence of entries regarding qualifying service in the service documents; and
- (ii) delay in receipt of 'No Demand Certificate'.

The Committee were informed that Government proposed to adopt a number of measures to eliminate delay on these counts. The Committee expressed the hope that it would be possible for Government to take an early decision on such proposals so that "pension cases are processed with the utmost expedition to obviate needless hardship to Government servants who have retired after rendering long years of faithful service."<sup>47</sup>

While accepting the recommendation, the Ministry of Defence informed the Committee of the various measures taken/proposed to be taken by Government to minimise delays in the settlement of pension claims. In the case of Commissioned Officers and personnel below officer rank of the Army and the Air Force, the verification of qualifying service and the rendering of 'No Demand Certificate' did not entail any delay. In the case of the Navy, however, the verification of the entire service records of officers and sailors was undertaken by the Controller of Defence Accounts (Navy) only at the time of retirement/discharge of the individual. Under that system, some cases of verification of service were delayed. It was added that Government were examining ways and measures of ensuring that the service records of Naval Officers and sailors were verified periodically as done in the Army and the Air Force. The Ministry also enumerated further measures adopted or being examined to eliminate delays in the settlement of pension cases which *inter alia* included the following:

- (i) the Pay Audit Controllers had been given instructions to furnish to the Controller of Defence Accounts (Pensions)

---

<sup>47</sup> P.A.C., 19th Report (1967-68), paras 1.81 to 1.84.

the full pay certificate immediately after an officer's retirement, without waiting for formal request to this effect from the latter;

- (ii) the Controller of Defence Accounts (Pensions) was authorised to sanction anticipatory pension without waiting for the declaration from the officer, obtained from him subsequently;
- (iii) the former procedure of two different sanctions being issued by two different Sections of the Ministry of Defence in respect of disability element and the service element of disability pension had been changed to provide for the sanction of one composite sanction for both the service and the disability elements;
- (iv) it was decided that the widows' contribution of two months' pay might be recovered in instalments from the ordinary family pension;
- (v) anticipatory award of disability pension in the case of officers who were invalidated from service with a disability assessed at 20 per cent. or above, which had been accepted as being due to service causes, was made even before the disability pension was formally sanctioned;
- (vi) powers had been delegated to the Ministry of Defence to sanction retiring gratuity without reference to the Ministry of Finance (Defence); and
- (vii) an Army order was issued to ensure prompt settlement of accounts of officers due for retirement.<sup>40</sup>

The Public Accounts Committee (1968-69) expressed the hope that as a result of the various measures taken by Government, finalisation of pension cases of Defence personnel would be expedited. They observed that the endeavour of Government should be to ensure that an employee got his pension as soon as it fell due for payment after retirement. The Committee desired that a suitable procedure should

---

<sup>40</sup> P.A.C., 53rd Report (1968-69), para 2.5.

be devised immediately to ensure that service records of Naval Officers and sailors were verified periodically so that the delay in grant of pensionary benefits to them was eliminated.<sup>49</sup>

As regards the pension claims of civilian employees in Defence Services, the Committee were glad to learn that out of 1798 pension cases outstanding up to the year 1965-66, only 177 cases were yet to be finalised and desired that these hard cases should be finalised early. The Committee also suggested that Government should analyse the reasons for delay in finalisation of pension cases, and take further necessary steps to ensure that pension was paid to the employee as soon as it fell due for payment after retirement or to his family immediately after the employee's death, but not later than three months.<sup>50</sup>

### III. THIRD FIVE YEAR PLAN OF THE RAILWAYS

#### I. Estimation of Traffic and Planning of Rail Transport

##### *Unrealistic Planning and Over-capitalisation*

In their Twenty-second Report, the Public Accounts Committee (1967-68) commented upon the different aspects of the Third Five Year Plan of the Railways. From the facts placed before them, the Committee felt inclined to conclude that the planning of rail transport during the Third Plan period was unrealistic in that it was not closely related to actual requirements. Against an estimated increase of 93 million tonnes in the level of goods traffic during the Third Plan period, the actual increase was only of 47 million tonnes representing a short-fall of about 50 per cent. On the other hand, the financial outlay for the Third Plan turned out to be Rs. 1,686 crores, representing an increase of 27 per cent. over the investment of Rs. 1,325 crores contemplated in the Plan. With all this heavy investment the capital-at-charge of the Railways increased from Rs. 1,521 crores to Rs. 2,680 crores; representing an increase of 76 per cent. during the Third Five Year Plan period. The over-capitalisation of the Railways during the period had not only affected their financial working, the Committee

---

<sup>49</sup> P.A.C., 53rd Report (1968-69), paras. 2.7 & 2.8.

<sup>50</sup> P.A.C., 53rd Report (1968-69), paras 2.10 & 2.11.

observed in their conclusions, but, apart from unnecessarily disturbing the tax-payer had disturbed the entire pattern of investment and development of the economy in as much as that scarce resources including valuable foreign exchange were blocked in rail programmes which could otherwise have been put to more productive use.<sup>1</sup>

The Committee were informed that the first traffic forecasts for the Third Five Year Plan were made in October 1960 at the time of deliberations of the Railway Convention Committee. As per these forecasts the traffic expected to be moved in the last year of the Plan was 238.8 million tonnes. The production targets in the major industrial sectors had not taken final shape by that time. In March, 1961 this was revised to 248.9 million tonnes based on an upward revision in the estimates in respect of raw materials and coal for Steel Plants, coal for general public and production of certain other items. In January 1962, on the basis of certain studies made, the traffic forecast for the last year of the Plan was further revised upwards to 264 million tonnes and the Plan outlay was accordingly increased by Rs. 256.5 crores.

In November, 1963, however, at the time of Mid-term Appraisal of the Plan, it became clear that the production targets visualised in respect of coal, steel and cement industries were not likely to materialise. The overall traffic target at the end of the Plan was, therefore, reduced to 245 million tonnes; but the physical programme of development of rail capacity was not altered. It was only after a further review was made in January 1965 that schemes linked with specific projects were slowed down and procurement programme for rolling stock was curtailed.<sup>2</sup>

In a note furnished to the Public Accounts Committee by the Ministry of Railways it was explained that production estimates and plans for expansion were obtained from various authorities, and these were analysed and used for developing traffic forecasts and that estimates were cross checked with empirical data of past growth patterns and firm forecasts were then developed.

---

<sup>1</sup> P.A.C., 22nd Report (1967-68), paras 6.1 and 6.4.;

<sup>2</sup> *Ibid.*, paras 1.4 to 1.8.

Later, in the course of evidence before the Committee, the Ministry stated that they were dependent on the forecasts given by others, viz., the Planning Commission and other Ministries. The Planning Commission, it was stated, was responsible for the overall coordination and planning and it was not necessary on the part of the Railway Board to duplicate arrangements 'for going into details'. It was contended that the Ministry of Railways were concerned with the task of building rail transport which they carried out.<sup>4</sup>

According to the Public Accounts Committee, the two statements made by the Ministry were at variance with each other. While observing that the Railways had a sizeable establishment for 'planning' in the Railway Board as well as the Zonal Headquarters of the Railways, the Committee agreed with the views of the Financial Commissioner, Railways that "so far as the Railways are concerned, they should take the responsibility of projections of traffic target."<sup>2</sup>

The Committee felt that from the very outset goods traffic was over-estimated as "it was not linked directly with demand but based on hopes and assumptions of production in different sectors reaching certain levels". According to the Committee, even when it became evident that the traffic would not materialise to the extent anticipated, no serious effort was made to slow down the tempo of capital expenditure.<sup>5</sup>

In reply to a question from the Committee as to the manner in which physical requirements of the Railways were determined with reference to traffic forecasts and whether these were reviewed in the light of actual trends in traffic, the Ministry of Railways informed the Committee that a total of six traffic projections were made for the Third Plan traffic, between October, 1960 and January, 1965. It was explained that "actual traffic was close to anticipation in the first two years of the Plan. It fell short to a modest extent in 1963-64. For the remaining two years of 1964-65 and 1965-66 the shortfall in relation to the annual plans was 14.2 million tonnes in 1964-65 and 4.9 million tonnes in 1965-66."<sup>6</sup>

---

<sup>4</sup> *Ibid*, para 1.20.

<sup>4</sup> *Ibid*, para 1.21.

<sup>5</sup> *Ibid.*, para 6.2.

<sup>6</sup> *Ibid*, para 1.26.

The Public Accounts Committee, however, pointed out that there was a wide gap between the actual traffic and that anticipated in October, 1960. Even in the case of estimates of January, 1962, the Committee noted that, while the increase in traffic estimated for the first two years of the Plan over the traffic moved in the last year of the Second Plan was only 21·9 million tonnes, an increase of 85·9 million tonnes was anticipated over the next three years. The Committee, therefore, concluded that while formulating their Plan the Ministry of Railways did not pay due regard to the actual trends of traffic. The Committee expressed regret at the fact that heavy capital expenditure was incurred in creating traffic capacity far in excess of the requirements on the basis of mere hopes and expectations.<sup>7</sup> They desired the Ministry of Railways to put to better use the existing staff for planning at different levels both in the Railway Board and at Headquarters of Zonal Railways in order to avoid the recurrence of a similar situation.<sup>8</sup>

*Coordination between Railway Administration and Planning Commission*

Referring to the part played by the Planning Commission in this regard, the Public Accounts Committee commented that the Planning Commission, which was in overall charge of laying down the targets and for coordinating the efforts of different sectors to achieve the objectives, did not exercise any check on the Railways incurring heavy capital expenditure without correlating it to traffic requirements. The Committee added: "Even as late as November, 1963, at the time of the Mid-term Appraisal of the Plan, although it was evident that goods traffic would not come upto expectations, the Ministry of Railways were allowed to carry out the rail transport programmes".<sup>9</sup>

Expressing their unhappiness at the manner in which the estimated target for the movement of general goods traffic was revised from 87·9 million tonnes, as envisaged in the original Third Plan estimates (March 1961), to 98 million tonnes in January 1962, the Public Accounts Committee considered that the Planning Commission "could and should have exercised the necessary check to curb the persistent tendency of the Railway Board to over-estimate traffic requirements".

---

<sup>7</sup> *Ibid.*, para 1.27.

<sup>8</sup> *Ibid.*, para 1.30.

<sup>9</sup> *Ibid.*, para 1.28.

The Committee asked the Planning Commission and Government to exercise caution in revising the targets upwards so as to avoid the recurrence of such cases of unrealistic planning which resulted in over-capitalisation.<sup>10</sup>

The Public Accounts Committee pointed out that both the Ministry of Railways and the Planning Commission failed to take timely measures to curtail the investment programme in the light of actual traffic offering despite the clear stipulation in the Third Five Year Plan that the estimates of traffic would be subject to constant review in the light of actual trends. The Committee underlined the need for reviewing critically the methodology as well as the machinery for planning in the Railway Board to ensure that "investment in the key sector conforms to the actual trends based on requirements and that the built-in machinery for review and correction of imbalances is put to use without delay".<sup>11</sup>

In their reply to the Public Accounts Committee, the Ministry of Railways stated that under the existing system of planning at the Central level, final pattern of economic growth to be aimed at, was laid down by the Planning Commission in consultation with various Central Ministries. The Railways could only exercise a broad economic judgment on the demand production projections made by the Ministries and approved by the Planning Commission.

While accepting the need for improving the planning procedures, the Ministry stated that it had been decided to co-relate traffic projections more closely with the demand pattern rather than the production capacities, as done earlier. It had also been decided to increase the frequency of coordination with the Planning Commission and other Ministries and improve the Railways' own methods of evaluating transport requirements. With this end in view, the Ministry added, quarterly meetings were being held with the Planning Commission and other Ministries concerned with a view to making necessary adjustments in Annual Plan targets in the light of other latest developments.<sup>12</sup>

---

<sup>10</sup> *Ibid*, para 1.57.

<sup>11</sup> *Ibid*, para 6.3.

<sup>12</sup> P.A.C., 49th Report (1968-69), para 1.6.

Explaining further the planning process, the Ministry of Railways informed the Committee that it fell into two major parts. The first part concerned the formulation of rail traffic estimates, based on the projections of demand|production of major commodities received from various Ministries and the second one related to translating the traffic projections into rail transport equivalents and the investment planning needed to achieve physical targets.

As regards the first part of the process, the Ministry stated that since they were represented on the inter-Ministerial Working Group of the Planning Commission, which would *inter alia* review the projections of demand|production estimates, they would "naturally exercise whatever moderation is possible, and considered necessary in the light of the Railways' own experience".

So far as the second part of the process was concerned, the Ministry felt that it was "naturally the responsibility of the Ministry of Railways, exercised pointly with the Planning Commission in respect of the overall Plan size as well as the outlay proposed, and in respect of large, individual new projects on the Railway."<sup>18</sup>

In their reply, the Planning Commission informed the Public Accounts Committee that the traffic targets for the Annual Plans were initially formulated by the Railway Board based on the information obtained from the Ministries concerned, the targets were reviewed in the Planning Commission at the time of consideration of the Annual Plans, and that a small inter-Ministerial group had been formed to review the traffic targets on a quarterly basis under the auspices of the Planning Commission.

Explaining the factors which accounted for the variations between traffic targets formulated at the beginning of the year and the actual traffic realisation, the Planning Commission stated:

"The information available on production target at the time of initial formulation of traffic targets is quite often not complete; nor is it available in sufficient detail. Further, at times there is variation between production

---

<sup>18</sup> *Ibid.*, para 1.8.



which actually materialises during a year compared with the production and demand targets indicated to the Railway Board initially”.

The Planning Commission further stated that it was initially for the Railway Board to fully establish the justification for new works for increasing rail capacity before these were included in the Plan and to ensure that their phasing was coordinated with requirements of traffic. The Railway Board had set up a special Economic Cell for conducting economic analysis and investment plan in consultation with other Ministries and agencies.<sup>14</sup>

After examining the replies of the Ministry of Railway and the Planning Commission, the Public Accounts Committee (1968-69) pointed out that the Railways had persistently over-estimated traffic requirements while planning for rail capacity. They observed:

“The target for general goods fixed in the Third Five Year Plan as published in August, 1961 was 76·8 million tonnes, out of 249 million tonnes of originating goods traffic anticipated in the last year of the Plan. This target was fixed when the development programmes for certain important industries had “not yet all been worked out in detail.” However, after this target was fixed, the Railways initiated and systematically built up pressure on the Planning Commission for its enhancement by 10 million tonnes, which was ultimately agreed to. It is significant that this revision of targets was not based on a review of the trends in general goods traffic repeatedly suggested by the Planning Commission to the Railways.”<sup>15</sup>

#### *Planning for Rail Capacity during the Fourth Plan*

The Public Accounts Committee (1968-69) were emphatically of the view that planning for rail capacity should be done on a more

---

<sup>14</sup> *Ibid*, para I.10:

<sup>15</sup> *Ibid*, para I.11

## *Impact of Financial Committees' Recommendations on Administration*

realistic basis, so that scarce resources which could be deployed for more productive purposes did not get unnecessarily blocked. While noting that the Railways themselves had accepted the need for improving planning procedures the Committee asked the Planning Commission and Government to ensure that while drawing up the new Fourth Plan, planning for rail capacity was done on a more realistic basis and the persistent tendency to overestimate traffic requirements and push up investment was fairly curbed. In particular, the Committee desired the Planning Commission and Government to take note of the "significant trend the world over for goods to move increasingly by road". They added: "This vital development should be kept constantly in view in estimating the share of total traffic to be moved by rail and road and in determining the allocation of scarce plan resources for their respective development".<sup>16</sup>

The Ministry of Railways subsequently informed the Committee that in the preparation of the Railway's Fourth Plan a tight planning process had been adopted in order to eliminate chances of over-estimation. As against the target of 280 to 290 millions tonnes of originating freight traffic for 1973-74 indicated by the Ministries, the Railways' Plan had been made on the basis of only 264.7 million tonnes of originating freight traffic. Financial allotment made by the Planning Commission also corresponded to that level of traffic. According to the Ministry, the requirements would be reviewed periodically and changes made where necessary, as the Plan developed. The Ministry further informed the Committee that while fixing the rail target for the Fourth Plan the extent of possible diversion of traffic to road and other modes of transport had been taken into account.

It was stated that the Planning Commission was cognizant of the trend the world over for goods to move increasingly by road. In India also, the share of road transport in the total traffic carried by rail and road together had been increasing in recent years and was likely to increase in the Fourth Five Year Plan period. The Committee were informed that this trend had been kept in view in formulating development programmes for railways and road transport.<sup>17</sup>

---

<sup>16</sup> *Ibid.*, para 1.12.

<sup>17</sup> Notes furnished by Government pursuant to the recommendations of the Committee contained in their 49th Report (1968-69).

## II. Augmentation of Rail Capacity

*Physical Targets and Achievements*

The physical targets and achievements of some of the major items during the Third Five Year Plan were as under:<sup>18</sup>

	Plan Targets	Throw-forward from Second Plan	Total	Achievements	Throw-forward to Fourth Plan
New Lines	1,920 Km.	1,100 Km.	3,020 Km.	1,801 Km.	1,219 Km.
Electrification	1,760 Km.	..	1,770 Km.£	1,746 Km.	24 Km.
Doubling	2,560 Km.	1,100 Km.	3,660 Km.	3,228 Km.	432 Km.
Locomotives	1,764 Nos.	92 Nos.	2,072 Nos.*	1,864 Nos.	169 Nos.
Wagons	1,17,144 Nos.	19,309 Nos.	1,36,453 Nos.	1,44,789 Nos.	Nil **

*Construction of New Lines*

The Committee also learnt that out of the 19 new lines of Railways that the original Plan provided an amount of Rs. 147 crores for construction of new lines. Later on the provision was increased by Rs. 59 crores for the construction of two strategic lines. Another Rs. 6 crores were spent due to increase in the cost of labour and material etc. 1801 Km. of new lines were actually completed at a cost of Rs. 162.49 crores.

The Committee also learnt that out of the 19 new lines (2,496 Kms.) undertaken during the Third Plan at an estimated cost of Rs. 237.62 crores only five lines were expected to become remunerative in the sixth year after the opening of the line. Two more lines were expected to become remunerative in the eleventh year. While information on the remunerativeness of three lines was not indicated, the other nine lines were not expected to become remunerative even by the eleventh year.

<sup>18</sup> P.A.C., 22nd Report (1967-68), para 2.1

£ Revised.

\*Includes 177 electric locos not included in the Plan target.

\*\*8,336 wagons procured in excess of the Plan target.

Commenting on the construction of the nine new lines which were not expected to become remunerative even by the eleventh year of their construction, the Public Accounts Committee invited the attention of the Ministry of Railways to the following observations made by the Committee on Transport Policy and Coordination in 1966:

"We are of the view that, generally, the Railways should provide for only those lines which are expected to yield, over a period of time, normal return on the investment involved in their construction. The lines which are expected to be unremunerative even after a few years of their opening should be taken up only in exceptional circumstances and in all such cases provision should be made to compensate the Railways for the losses involved".

Endorsing the above observation of the Committee on Transport Policy and Coordination, the Public Accounts Committee (1967-68) recommended that where, in exceptional circumstances, the construction of an unremunerative line had to be taken up by the Railways, there should be specific provision for compensating the Railways against losses by whosoever sponsored the proposal, so that the general user of the Railways was not burdened with avoidable surcharge which resulted from such unremunerative capitalisation.<sup>19</sup>

The Ministry of Railways stated in reply that except in the case of strategic lines required for defence purposes, the construction of new lines was ordinarily undertaken only if their financial liability was accepted. The Ministry added that where any non-strategic line which was not expected to be financially remunerative was nevertheless to be taken up on other important considerations, the liability was taken to be that of the Railways in terms of the arrangement decided upon at the time of 1949 Convention (which arrangement was still continuing). The Ministry stated that the question whether the resultant loss should not be passed on to the sponsoring authorities would be reconsidered at the time of the next review of the Separation Convention.

The Public Accounts Committee (1968-69) expressed the hope that the question whether the loss on the working of new lines should be passed on to the sponsoring authorities would be placed before

---

<sup>19</sup> P.A.C., 22nd Report (1967-68), paras 2.2 to 2.10.

the Railway Convention Committee (1968).<sup>20</sup> The Ministry subsequently informed the Committee that the matter had been referred to Railway Convention Committee (1968).<sup>21</sup>

### *Line Capacity Works*

A number of works including doubling of lines, extension of yards and loops, provision of additional loops etc. were undertaken by the different Railways during the Third Plan period with a view to increasing the capacity of the existing lines and yards. The expenditure on these works during the Third Plan period was Rs. 319 crores (including expenditure on works thrown forward from the Second Plan) as against the Plan estimate of Rs. 183 crores.<sup>22</sup>

Commenting on these works, the Public Accounts Committee (1967-68) pointed out that in the case of as many as 16 works including 12 works of doubling of tracks costing Rs. 27.03 crores, the capacity actually utilised in 1965-66 was less than the capacity available before the works were undertaken. The Committee strongly deprecated the tendency of the Railways to go in for works, including doubling of tracks, without critically examining their economics. They asked the Railways to review the Works Programme, particularly for works to increase the capacity and doubling of tracks, in the light of experience gained during the Third Plan so as to minimise what would otherwise be infructuous expenditure.<sup>23</sup>

The Committee expressed the hope that with the change in methodology of planning from production-oriented to demand-oriented one, the traffic forecasts of the Railways would be more realistic than hitherto. They suggested that the Railways should critically review the methodology of planning in the light of experience at intervals of one or two years.<sup>24</sup>

The Ministry of Railways informed the Public Accounts Committee in reply that the Committee's recommendation was being acted upon and the Annual Works Programme was critically examined in the light of experience gained. A detailed examination of the economics of each item was undertaken before a work was included in the Final Works Programme. The Ministry stated that the criterion

<sup>20</sup> P.A.C., 49th Report (1968-69), para 1.28.

<sup>21</sup> Note furnished by the Ministry of Railways pursuant to the recommendations of the Committee contained in their 49th Report (1968-69).

<sup>22</sup> P.A.C., 22nd Report (1967-68), para 2.12.

<sup>23</sup> *Ibid*; para 2.16.

<sup>24</sup> *Ibid*; para 2.17.

for sanctioning a capital work was whether it was financially justified on the basis of anticipated traffic. The Ministry, however, admitted that on certain occasions the Railways had to undertake for operational requirements certain works which might not be justified financially. On such occasions, the cost of such works was not charged to capital but to the Development Fund.<sup>85</sup>

The Ministry further undertook to act upon the Public Accounts Committee's suggestion to critically review the methodology of planning in the light of experience at intervals of a year or two.<sup>86</sup>

### *Wagon Provisioning Policy*

The Third Plan provided for the procurement of 1,17,144 wagons to create an additional capacity of 93 million tonnes (to take the total capacity to 249 million tonnes from 156 million tonnes in the last year of the Second Plan). The average number of wagons for an additional capacity of 1 million tonnes was thus 1,260. The actual procurement was 1,25,480 wagons (after wiping out the throw-forward of 19,309 wagons from Second Plan), that is, 8,336 wagons more than the number required for a capacity of 249 million tonnes. The capacity available at the end of the Third Plan should thus have been of the order of 225 million tonnes in terms of wagons.

Commenting on the wagon provisioning policy of the Railways, the Public Accounts Committee (1967-68) expressed their concern at the fact that although the Railways procured 8,336 wagons more than the number provided in the Plan to create a capacity of 249 million tonnes, the actual capacity generated at the end of the Plan period in terms of wagons was stated to be only 225 million tonnes *i.e.* 24 million tonnes less than that anticipated. The Committee felt that either the assessment of capacity at the end of the Plan was incorrect or the estimation of physical requirements to achieve the envisaged Third Plan target of rail capacity was defective.

It was stated in evidence before the Committee that the number of wagons needed depended on the lead of traffic (the distance over which the wagon moved) and the turn-round (intervening period between two loadings) of wagons.

The Committee, however, found that the Third Five-Year Plan had envisaged that the turn-round of wagons would come down, but

---

<sup>85</sup> P.A.C., 49th Report (1968-69), p. 77.

<sup>86</sup> *ibid.*, p. 77.

it had actually increased despite a reduction in the average lead of traffic. The Committee felt that apparently the turn-round of wagons had increased because of an increase in their number. Being surplus to requirements a large number of wagons were lying idle or were unused and the intervening period between the two loadings had increased. The Committee, therefore, asked the Ministry of Railways to make a reappraisal of their wagon requirements.<sup>27</sup>

In reply, the Ministry of Railways pleaded that at the time of preparation of the Third Five-Year Plan (January 1961) detailed information concerning the direction-wise movement of coal was not available. In regard to programme of iron ore traffic also similar uncertainties existed. The estimates of wagon requirements thus suffered from want of vital information. The total wagon acquisition planned at that time was 1,17,144 which included 90,447 on additional account to cater for 249 million tonnes. When the traffic target was revised to 264 million tonnes in January, 1962, an extra 21,000 wagons on additional account were added based on the traffic trends at that time, without detailed calculation. It was stated that due to changed pattern of movement and increased leads of certain major commodities which had developed during the Plan period the basis adopted for assessing wagon requirements was found to be inadequate.

The Committee expressed their unhappiness to learn that wagons were procured by the Railways during the Third Plan "without detailed calculation". They observed:

"Even if, as stated by the Railway Board, this estimate was not based on detailed calculations, it would appear that the additional procurement should have created a capacity more than the peak level capacity of 225 million tonnes estimated by Railways as having existed at the end of the Third Five-Year Plan".

As for the Fourth Five-Year Plan, the Public Accounts Committee impressed on the Ministry of Railways and the Planning Commission the need to arrive at a reliable assessment of wagon capacity created, "so that the acquisition of wagons on additional account is based on dependable estimates of surplus wagon capacity already existing."<sup>28</sup>

---

<sup>27</sup> P.A.C., 22nd Report (1957-58), paras 3.11 & 3.15.

<sup>28</sup> P.A.C., 49th Report (1968-69), para 1.35.

The Committee were surprised by the explanation of the Railways that the turn-round of 9.5 days on Broad Gauge and 6.5 days on Metre Gauge envisaged in the Third Plan "were never visualised as targets for full achievement". The Committee desired that while planning the acquisition of extra wagons during the Fourth Plan, both the Railways and the Planning Commission should examine how far the existing 'turn-round' left scope for improvement, so that further use was made of the existing wagon stock before making further capital investment.<sup>29</sup>

The Ministry subsequently informed the Committee that pursuant to the latter's observations, the scope for improvement in the existing 'turn-round' was being studied.<sup>30</sup>

Referring to the surplus capacity available with the Railways, the Public Accounts Committee observed in their Twenty-second Report that it should be possible to meet the consumers' requirements of wagons in less than a week of the registration of the demands.<sup>31</sup>

The Ministry stated in reply that it would be possible to do so provided there were no setbacks in Railway operations on account of uncontrollable factors, such as civil disturbances, labour strikes, floods, etc.<sup>32</sup>

Agreeing that sometimes there might be delays in the allotment of wagons due to unavoidable circumstances, the Public Accounts Committee reiterated their earlier observation and suggested in their Forty-ninth Report that the Ministry of Railways should make a public declaration to the effect that wagons would be made available, save in exceptional circumstances, within a prescribed period. This would not only dispel, the Committee felt, any lingering suspicion that there were still some malpractices in the matter of allotment of wagons, but would also help to build an image of Railways as a consumer-oriented service.<sup>33</sup>

The Ministry of Railways subsequently informed the Committee that the changed pattern of traffic like the heavy movement of food-grains from one part of the country to another had created heavy pressure on the main trunk routes. Moreover, the Ministry added,

---

<sup>29</sup> *Ibid* para 1.36.

<sup>30</sup> Note furnished by the Ministry of Railways pursuant to recommendations of the Committee contained in their 49th Report (1968-69).

<sup>31</sup> P.A.C., 22nd Report (1967-68), para 3.20.

<sup>32</sup> P.A.C., 49th Report (1968-69), para 1.38.

<sup>33</sup> *Ibid*, para 1.39.



normal running of train services was being dislocated over different parts of the country due to civil disturbances, *bundhs*, hooliganism, etc., with the result that not only the Railways' capacity was being wasted but also their plan of movement was upset.

The Ministry considered that in such "uncertain atmosphere" any public declaration about making the wagons available by a specified time would be "unworkable". They, however, added that "it is the declared policy of the Ministry of Railways to comply with the demands for wagons expeditiously and the day-to-day clearance of pending demand was watched at the highest level."<sup>84</sup>

### III. Financial Results

#### Working Expenses

The Railways actual working expenses of 2,075 crores during the Third Five Year Plan were made up of expenditure on works met from Revenue (Rs. 53 crores), miscellaneous expenditure including subsidy to Branch Lines (Rs. 22 crores) and Ordinary Working Expenses (Rs. 2,000 crores).

The break-up of the Ordinary Working Expenses, as compared with those in the First and Second Five Year Plans, is as follow:<sup>85</sup>

(Amount in crores of rupees)

Particulars	1st Plan		2nd Plan		3rd Plan	
	Expenditure	Percentage to total Expenditure	Expenditure	Percentage to total Expenditure	Expenditure	Percentage to total Expenditure
1. Staff (Administration, Operating & Labour Welfare)	379	37.7	497	36.1	703	35.1
2. Repairs and Maintenance	346	34.5	462	33.5	633	31.7
3. Fuel	124	12.4	249	18.1	424	21.2
4. Miscellaneous	153	15.4	169	12.3	240	12.0
<b>TOTAL</b>	<b>1,002</b>		<b>1,377</b>		<b>2,000</b>	

<sup>84</sup> Note furnished by the Ministry pursuant to the recommendations of the Committee contained in the 49th report (1968-69)

<sup>85</sup> P.A.C., 22nd Report (1967-68), para 4.5.

In the opinion of the Public Accounts Committee an increase of 55 per cent. in the working expenses of the Railways during the Third Plan period "is not a matter to be treated lightly". The Committee considered that the best means of augmenting earnings was by improving the competitiveness and quality of service so as to attract more traffic. The Committee desired that the Railways should also simultaneously take effective measures to arrest the rising expenses on working so as to take full advantage of the economies of scale and the improvements in rolling stock, track etc. which had been effected at such heavy capital cost during the Third Plan."

The Ministry informed the Committee in reply that appropriate economy measures were being enforced in respect of all items of expenditure, capital, revenue and other heads. Also, the Ministry added, efforts were being made to secure more traffic for Railways by improving the quality of service offered.<sup>87</sup>

*Expenditure on Staff:* The Estimates Committee (Fourth Lok Sabha) had expressed their concern (*vide* their Tenth Report) at the fact that roughly 63 per cent. of the working expenses of the Railways was on staff cost and 37 per cent. on materials and equipments and stressed the need for reduction of the high expenditure on administration. While endorsing the above views of the Estimates Committee, the Public Accounts Committee stressed in their Twenty-second Report that the Railway Board should itself set a high example of economic and efficient running by reducing its own strength to the minimum. The Committee desired that the Railway Board should "simultaneously take up the question of fixing the strength of the Zonal and the Divisional Offices of the Railways at a level consistent with the requirements so as to achieve the utmost economy".<sup>88</sup>

The Ministry of Railways later informed the Committee that special efforts had been made during the last two years or so "not only to control and reduce the staff strength but also to achieve economy in other ways." The Ministry stated that they were "fully alive to need for setting an example to the Railways by reducing the strength of their own office to the minimum", as suggested by the Public Accounts Committee.

---

<sup>86</sup> Ibid., para 4.9

<sup>87</sup> P.A.C., 49th Report (1968-69), p. 102

<sup>88</sup> P.A.C., 22nd Report (1967-68), para 4.13

The Ministry further stated that the percentage increase in the expenditure on staff in the Railway Board's Office, which showed an increasing trend during the First and Second Plan periods, had since stabilised at the end of the Third Plan period and "in fact there was a marginal reduction". The increase during the first two Plan periods, the Ministry added, was to be viewed against the background of the workload due to the large scale increase in developmental expenditure undertaken.<sup>39</sup>

*Expenditure on Fuel:* As indicated earlier the proportion of expenditure on fuel (coal, diesel oil and electricity) to the total working expenses had risen from 12.4 per cent during the First Plan period to 18.1 per cent during the Second Plan and to 21.2 per cent during the Third Plan period. The Committee were informed of the considerable increase in the coal bill of the Railways which had increased progressively from Rs. 66.72 crores in 1960-61 to Rs. 84.49 crores in 1965-66 (an increase of 26.6 per cent), though the traffic moved on steam traction itself declined from 248.94 billion gross tonne kms. to 221.91 billion gross tonne kms. (a decrease of 10.9 per cent.). The all-in-cost of coal for the Railways had increased by 14.8 per cent during the Plan period. Even then, the coal bill for 1965-66 (duly adjusted to the traffic level and the price level of 1960-61) came to Rs. 82.62 crores representing an increase of Rs. 15.90 crores or 23.9 per cent in real terms. The consumption of coal in physical terms, the Committee were informed, had also steadily increased from 59.4 kg. per unit in 1960-61 to 71.8 kg. per unit in 1965-66.

The Public Accounts Committee (1967-68) expressed their dismay at the deteriorating performance in regard to coal consumption in both monetary and physical terms. The Committee observed that if the Railways had put to full use technological developments and their own expertise in fuel economy, it should have been possible to reduce the coal bill, and stressed that the Railways should pay urgent attention to fuel economy and implement economy measures "with determination and vigour" to arrest the rising trend in coal bill and to achieve maximum economy consistent with efficiency.<sup>40</sup>

The Ministry of Railways stated in reply that reduction in the supply of superior grade coals to the Railways was the main reason for the increase in specific consumption on passenger services. The other two main reasons for this were stated to be increase in number

<sup>39</sup> P. A. C., 49th Report (1968-69), pages 104 to 107

<sup>40</sup> P. A. C., 22nd Report (1967-68), paras 4.14 to 4.17

of vehicles dealt with per shunting engine hour in case of shunting services, and drop in average gross load and average speed of goods trains hauled by steam loco. According to the Ministry, while it was not possible to alter the first two conditions referred to above, the last one was being examined in detail. Certain technological improvements to increase fuel efficiency on steam locos were also under investigation.<sup>41</sup>

### *Loss Incurred on the Southern Railway*

According to the Audit Report (Railways), 1967, of the three Railways working on loss, namely, the North Eastern, Northeast Frontier and the Southern Railways, the financial working of the Southern Railway deteriorated considerably during the Third Plan period. The net loss incurred on this Railway increased from Rs. 1.2 crores in 1960-61 to Rs. 6.4 crores in 1965-66. According to the Ministry of Railways, the loss in 1966-67 was expected to increase further to Rs. 10.82 crores.

Explaining the considerable increase in loss, the Ministry of Railways informed the Public Accounts Committee that the apparent deterioration in the financial position of the Southern Railway was not due to decrease in efficiency but due to heavy burden of depreciation and higher dividend rates. On being asked as to how allocation of contribution to Depreciation Reserve Fund and payment of dividend to General Revenues had affected adversely only the Southern Railway, the Ministry of Railways explained to the Public Accounts Committee that "during the period 1960 to 1966, the extent of increase in the capital-at-charge of the Southern Railway was higher than on Indian Railways excluding Southern Railway". According to the Ministry, the higher level of capital expenditure on the Southern Railway was mainly due to the Line Capacity Works undertaken on this Railway during the Third Plan period.

The Public Accounts Committee (1967-68) desired that special attention should be directed towards improving the financial position of the Southern Railway by effecting economy, improving efficiency and by attracting more traffic.<sup>42</sup>

<sup>41</sup> P.A.C., 49th Report (1968-69), pages 109-110.

<sup>42</sup> P.A.C., 22nd Report (1967-68), paras 4.18 and 4.20.

In their reply, the Ministry of Railways informed the Public Accounts Committee that efforts were continuously being made to improve the financial position of the Southern Railway, as also of other Railways, by various measures of economy in expenditure and by attracting additional traffic.

The Public Accounts Committee (1968-69) expressed their distress at the fact that in spite of various measures taken during the last two years to make rail transport more attractive on the Southern Railway, the loss during the year 1967-68 had increased to Rs. 15.66 crores from Rs. 10.32 crores in 1966-67.

The Committee desired that the Ministry of Railways should examine what further steps should be taken to improve the financial working of the Southern Railway by attracting additional traffic and by effecting appropriate economies in expenditure.<sup>43</sup>

The Ministry of Railways subsequently informed the Public Accounts Committee that the position would be examined at appropriate intervals both by the Southern Railway and the Ministry of Railways.<sup>44</sup>

### **Unremunerative Branch Lines**

The Public Accounts Committee (1967-68) were informed that pursuant to the recommendations of the Committee on Transport Policy and Co-ordination (made in January 1966) a preliminary review of the branch lines was conducted which showed that heavy losses were incurred by the Railways in the case of 63 branch lines. Consequently, it was decided that "a comprehensive review of each of the unremunerative lines of the various railways may be conducted and the decision to close the line or adopt measures to improve its working, may be taken on merits of each case." A detailed review was accordingly undertaken by the Ministry which indicated that there were 71 uneconomic lines on the Railways. The question of the operation of the lines was stated to be under examination of Government in consultation with the Railway Administration and the State Governments.

The Committee expressed their agreement with the views expressed by the Minister of Railways in the course of his speech on the Railway Budget (1967-68) that the sound principle of providing transport at the

<sup>43</sup> P.A.C., 49th Report (1968-69), paras 1.46 and 1.48.

<sup>44</sup> Note furnished by the Ministry of Railways pursuant to the recommendations of the Committee contained in their 49th Report (1968-69).

lowest cost and to the maximum advantage of the economy should outweigh all other considerations in deciding upon the retention of unremunerative lines. They observed that in view of the growing difficult financial position of the Railways it was desirable that early decision be reached about the operation of the lines on which Railways had been persistently losing. In the case of the marginal lines, the Committee suggested that effort should be intensified to attract more traffic so that the lines could be made to pay their way.<sup>45</sup>

The Ministry stated that "the review of unremunerative lines had to be a continuing affair" and that in considering the closure of any line "regional and political sentiments, and the deep-rooted conviction that rail transport is necessary for the development of under-developed areas have to be reckoned with".

The Ministry added that instructions had been issued to the Railways to keep a close watch on the working of the marginal lines and to take steps for attracting more traffic and to reduce the working expenses.

The Committee learnt that some of the State Governments were not agreeable to the closure of certain branch lines on which the Railways had been consistently losing. According to the Railways' own estimate, the total annual loss on uneconomic branch lines worked out to Rs. 6.69 crores. The Committee recommended that Railways should examine what effective measures could be taken to reduce the losses on these lines by introducing optimum number of services, speeding up of trains, ensuring safe handling of goods and, in general, improving customer's satisfaction. The Committee wanted the question of converting the existing narrow gauge lines into metre gauge/broad gauge lines to be considered with a view to reducing the losses. The Committee also suggested that, in a case where a State Government was not agreeable to the closure of unremunerative lines, the question of passing on the loss to the concerned State Government should be considered. The Committee suggested that this matter might also be placed before the Railway Convention Committee (1968) for their consideration.<sup>46</sup>

The Ministry informed the Public Accounts Committee in reply that after taking due note of their recommendation, the reaction of the State Governments as well as the views expressed by Members of Parliament,

<sup>45</sup> P. A. C., 22nd Report (1967-68), paras 4.21 to 4.24.

<sup>46</sup> P. A. C., 49th Report, (1968-69), paras 1.27 and 1.29.

a Committee under the chairmanship of the Deputy Minister of Railways had been appointed in April 1969 to review the working of the unremunerative branch lines. The Ministry hoped that the recommendations of that Committee would suggest ways and means for reducing the losses on account of unremunerative branch lines. Also, pursuant to the Public Accounts Committee's suggestion, the matter had been placed before the Railway Convention Committee, 1968.<sup>47</sup>

## V. Manufacturing Operations

### *Shortfall in Production of Electric Locomotives*

The Ministry of Railways decided in March, 1961 to adopt the design of a foreign firm for A.C. freight broad gauge electric locomotives and entered into an agreement with the firm in January 1963 for the supply of 10 complete locomotives and also for rendering technical assistance for the manufacture of mechanical parts and assembly of these locomotives in the country. It was reported to the Public Accounts Committee that originally it was planned to reach a production capacity of 6 locomotives per month by April 1963 but it was actually attained only in March 1966. The Committee also noted that against the anticipated production of 100 electric locomotives during the Third Plan, the actual production came to 61, and to meet the requirements of goods services 85 electric locomotives at a cost of Rs. 8.4 crores had to be imported.

It was explained to the Committee by the Ministry of Railways that the main reasons for the shortfall in production was the "belated receipt of some of the imported components" and "the stress laid on reducing foreign exchange and *inter alia* incorporating maximum number of indigenous components". Observing that the production of electric locomotives had been fairly well established, the Public Accounts Committee asked the Railways to plan the manufacturing programme to match their operational requirements."

The Ministry of Railways noted the suggestion and informed the Committee that it was expected that planned requirements of electric locomotives would be adequately met from the production programme up to the period ending March 1971.<sup>48</sup>

---

<sup>47</sup> Note furnished by the Ministry pursuant to recommendation of the Committee contained in the 49th Report (1968-69).

<sup>48</sup> P. A. C. 22nd Report (1967-68), paras 5·1 and 5·20 to 5·22.

<sup>49</sup> P. A. C., 49th Report (1968-69) pages 112-113.

### *Production of Diesel Locomotives*

The Diesel Locomotive Works was set up at Varanasi to develop capacity for indigenous manufacture of B.G. diesel locomotives. The Project Report received from foreign collaborators in June 1962 envisaged commencement of production in December, 1963 and attainment of the full-rated annual production of 150 locomotives by June-July 1967. The anticipated production during the Third Plan was 83 locomotives. It was also anticipated that indigenous content of the locomotives would be progressively increased up to 90 per cent. in the later part of the Fourth Plan. The Public Accounts Committee (1967-68) learnt that the Diesel Locomotive Works had produced only 54 locomotives during the Third Plan period. In January 1966 the out turn was restricted due to uncertain position with regard to foreign exchange. The Ministry of Railways, however, stated in February 1967 that full-rated capacity of 150 locomotives per annum was anticipated to be reached by the end of 1968-69.

The Ministry of Railways further explained to the Committee that shortfall in production was "almost entirely due to the delays and deficiencies in the receipt of imported components, the receipt of components in mismatched order as well as misdespatch of consignments." One of the main factors responsible for the delay was stated to be the dock strike in New York. Expressing their disappointment over the shortfall in production of diesel locomotives, the Public Accounts Committee asked the Ministry of Railways to take remedial measures to ensure that availability of components matched the production programme.<sup>50</sup>

The Ministry of Railways reiterated that the main reason for the delay, viz., the dock strike in New York, was beyond their control. However, steps had been taken to avoid delays in misdespatch/over-carriage of components with the result that such incidents had not recurred.<sup>51</sup>

As regards the indigenous manufacture of components required for diesel locomotives, it was reported to the Public Accounts Committee that efforts to develop the manufacture of certain major components in the Public Sector Undertakings (the Heavy Electricals, Bhopal, the Heavy Engineering Corporation, Ranchi and the Durgapur Steel Plant) had not been successful. The Heavy Electricals, Bhopal did not adhere

---

<sup>50</sup> P. A. C., 22nd Report (1967-68) paras. 5·24, 5·25, 5·28, 5·35 and 5·36.

<sup>51</sup> P. A. C., 49th Report (1968-69), page 114



to the supply of electrical equipment for several reasons, namely, long time taken in finalising the designs, delay in procurement of machinery and raw materials, etc. The Heavy Engineering Corporation, Ranchi could not supply the crankshafts due to the time taken in settling the forging technology with the Locomotive Works. The Durgapur Steel Plant also could not supply the wheels and axles because of certain technical difficulties. Commenting on the leisurely manner in which the Public Undertakings had proceeded in the matter, the Public Accounts Committee urged upon the concerned undertakings to accelerate their programme to meet the production requirements of the Diesel Locomotive Works. The Committee considered that there should be a firm commitment for the supply of components and other vital parts by the public undertakings as by private concerns so that the schedule for manufacturing programme was firmly adhered to.<sup>52</sup>

Next year (1968-69) the Committee again examined the problem when they were informed by the Ministry of Railways that the production of electric traction equipment by the Heavy Electricals still fell short of requirements and that further action was being taken to increase the rate of production. As regards supply of crankshaft by the Heavy Engineering Corporation, it was stated that an educational order was placed in January 1966, but supplies had not commenced till September 1968. At the instance of the Committee, the Department of Industrial Development furnished notes setting out the reasons for the delays in developing production capacity and the progress made in the matter.

The Committee expressed their disappointment at the performance of Heavy Electricals in the matter of supply of electrical equipment to the Railways. They noted that deliveries of equipment by Heavy Electricals were affected by the delays in procurement of imported machinery and raw materials needed for the production of equipment, apart from the difficulty in getting acceptable steel castings from indigenous suppliers for frames and control gear. The Committee felt that for the delays in import of machinery and raw materials, the Railways had their share of responsibility, as the Committee learnt from the information supplied to it by the Ministry of Industrial Development that the clearance for the requisite foreign exchange needed by Heavy Electricals was not given by the Railways in time. The Committee expressed the hope that with the experience now gained, it would be possible for Heavy Electricals to adhere to their promises.

In regard to crankshafts required for locomotives, the supplies did not materialise in time due to "protracted correspondence between Heavy Engineering Corporation and Diesel Locomotive Works before a mutually acceptable forging technology could be agreed upon." The Committee noted that the scheme for indigenous manufacture had been agreed to by the Railways "in principle" and that the Heavy Engineering Corporation proposed to enter into foreign collaboration for this purpose and that the details were being sorted out. They expressed the hope that both the Corporation and the Railways would move in the matter with a sense of purpose and speed and that the Corporation would be able to live up to the present expectations of being able to supply the requisite crankshafts from 1972-73 onwards.<sup>58</sup>

As regards the supply of wheels and axles, the Committee learnt that Wheel and Axle Plant at Durgapur had the capacity to meet the requirements of the Railways for wheel sets required for wagons and coaches. However, due to "qualitative and quantitative deficiencies in production, the Plant had not been able to supply the full quantum of 30,000 wheel sets promised from 1963-64 onwards. The maximum supply effected was 23,407 in 1965-66 and since then the supplies had been progressively coming down, rendering reliance on foreign suppliers inevitable.

The Committee were further informed that the question of improving the performance of the Wheel and Axle Plant at Durgapur was the subject of study by the Pandey Committee as well as by a team of British experts. The Committee expressed the hope that with the implementation of the recommendations of these two teams, the Plant would be geared up to supply quality Wheels and Axles in requisite numbers.<sup>59</sup>

*Legislative Control is not an end in itself; it is most solutary when it strengthens rather than supplants executive direction.*

—JOSEPH P. HARRIS

---

<sup>58</sup> P.A.C., 29th Report (1968-69), Parsa. 1·49 to 1·56.

<sup>59</sup> P. A. C. *ibid* paras. 1·57 to 1·63.

## **SHORT NOTES**

### **(a) PARLIAMENTARY EVENTS AND ACTIVITIES**

#### **(i) First Commonwealth Speakers' and Secretaries' Conference Canada—September, 1969**

The First Commonwealth Speakers' Conference was held at Ottawa, Canada in September, 1969. Dr. G. S. Dhillon, Speaker of Lok Sabha, attended the Conference.

The following subjects were discussed at the Conference:—

1. The Speaker's relationship with the Government of the day, the Opposition and the Executive generally.
2. The duties and problems of the Speaker as the protector of the rights of Members, with particular reference to one-party States, multi-party Parliaments and other special circumstances.
3. The role, composition and functions of a modern Upper Chamber.
4. The Speaker's Parliamentary Seat.
  - (a) Should the Speaker represent a constituency?
  - (b) If not, what alternatives should be considered?
5. The operation of the *sub judice* rule.

By what principles should the Speaker be guided in his interpretation of the rule?
6. The preservation of Parliamentary powers and immunities, with particular reference to the newer Parliaments of the Commonwealth.
7. The Speaker's control of debate.
8. The extent of Upper House involvement in Money Bills.
9. The administrative responsibilities of the Speaker and the provision of services to Members of Parliament.
  - (a) What facilities Members have the right to expect and to what extent could they be improved?

(b) What initiatives should the Speaker take in this and other areas of administrative responsibility?

10. The procedural requirements of modern Parliaments.

What benefits can the newer Parliaments derive from the experience of older Parliaments?

What can the newer Parliaments themselves contribute to the development and improvement of parliamentary procedure?

11. The value of Speakers' Conferences and of parliamentary relationships in general.

12. The extra-parliamentary activities of a Speaker.

13. The continuity of the Speakership.

The First Commonwealth Clerks' Conference was also held concurrently with the above Conference at Ottawa. Shri S. L. Shakhder, Secretary, Lok Sabha participated in the above Conference.

**(II) Fifteenth Commonwealth Parliamentary Conference—Trinidad and Tobago—October, 1969.**

The Fifteenth Commonwealth Parliamentary Conference was held in Port of Spain (Trinidad and Tobago) in October, 1969. The Indian delegation to the Conference was led by Dr. G. S. Dhillon, Speaker, Lok Sabha. The other members of the delegation were Shri Y. Gadilingana Goud, M.P., Shri Om Mehta, M.P., Chaudhary Nitiraj Singh, M.P., Shri Mulka Govinda Reddy, M.P. and Shri B. N. Banerjee, Secretary, Rajya Sabha who acted as Secretary to the Delegation. Shri Bejoy Kumar Banerjee, Speaker, West Bengal Legislative Assembly, Shri R. S. Gavai, Deputy Chairman, Maharashtra Legislative Council, Shri Pulavar K. Govindan, Speaker, Tamil Nadu Legislative Assembly, Sardar Darbara Singh, Speaker, Punjab Vidhan Sabha, Shri K. K. Shetty, Chairman, Mysore Legislative Council, Shri N. N. Acharya, Speaker, Rajasthan Legislative Assembly, Shri Jaydeep Sinhji, Leader of Opposition, Gujarat Legislative Assembly and Shri Pidathala Ranga Reddy, Chairman, Andhra Pradesh Legislative Council also attended as delegates of their respective State Branches of the Commonwealth Parliamentary Association. Shri B. K. D. Badgel, Secretary, Rajasthan Legislative Assembly attended the Conference as Secretary from State Branches.

The following subjects were discussed:

- (i) Economic Development
- (ii) Future of Parliamentary Democracy
- (iii) The Pattern of Unrest: Youth in Revolt
- (iv) Future of the Commonwealth
- (v) The Commonwealth and World Security
- (vi) New Concepts in Race Relations

Pre-Conference tours of about 4 days had been arranged by the Trinidad and Tobago Branch of the Commonwealth Parliamentary Association.

**(iii) 57th Inter-Parliamentary Conference—New Delhi—October-November, 1969.**

The 57th Conference of the Inter-Parliamentary Union was held in New Delhi from Thursday, the 30th October to Friday, the 7th November, 1969. The Conference was presided over by the Hon'ble Dr. G. S. Dhillon, Speaker of Lok Sabha and the President of the Indian Group of the Inter-Parliamentary Union.

This was the first time that the Inter-Parliamentary Conference was held in India.

Parliamentary delegations from 52-member countries of the Inter-Parliamentary Union attended the Conference. Foreign delegates (Speakers, Ministers, M.Ps.), Observers from International Organisations, officials, journalists and wives of some of the delegates—totalling about 600 persons—came to India in connection with the Conference. The countries which had sent delegations to this Conference were: Australia, Austria, Belgium, Bulgaria, Cameroon, Canada, Ceylon, Congo (Democratic Republic of), Czechoslovakia, Denmark, Ethiopia, Finland, France, Germany (Federal Republic of), Great Britain, Hungary, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Korea (Republic of), Kuwait, Laos, Liberia, Luxembourg, Mauritania, Monaco, Mongolia, Nepal, Netherlands, New Zealand, Norway, Philippines, Poland, Rumania, Senegal, Siera Leone, Singapore, Spain, Sweden, Switzerland, Thailand, Turkey, U.S.A., U.S.S.R., Venezuela, Vietnam (Republic of), and Yugoslavia.

The Indian delegation to the above Conference consisted of 21 Members of Parliament led by the Speaker of Lok Sabha. They were:

The Hon'ble Dr. G. S. Dhillon, Speaker, Lok Sabha—Leader of the Delegation; Shri R. K. Khadilkar, Deputy Speaker, Lok Sabha; Shri Joachim Alva; Shri R. D. Bhandare; Sardar Buta Singh; Shri S. N. Dwivedy; Shri Bhupesh Gupta; Shri Kameshwar Singh; Shri Lalit Sen; Shri Bal Raj Madhok; Shri Narendrasingh Mahida; Shri A. D. Mani; Miss M. L. Mary Naidu; Shri M. R. Masani; Shrimati Sharda Mukerjee; Shri P. Parthasarathy; Shri P. Ramamurti; Shri N. G. Ranga; Dr. N. Sanjiva Reddy; Prof. Saiyid Nurul Hasan; and Shri Era Sezhiyan.

Shri V. V. Giri, President of India, inaugurated the Conference in the Central Hall, Parliament House on Thursday, the 30th October, 1969. The order of speeches at the Inaugural Ceremony was as follows:—

- (1) Welcome Address by the Hon'ble Shri G. S. Pathak, Vice-President of India and Chairman of Rajya Sabha.
- (2) Address by Mr. Andre Chandernagor, President of the Inter-Parliamentary Council.
- (3) Inaugural Address by the President of India.
- (4) Address by the Hon'ble Dr. G. S. Dhillon, Speaker of Lok Sabha and the President of the Indian Group of the Inter-Parliamentary Union.

The Conference, excluding the Inaugural Ceremony, was held in the Vigyan Bhavan from the 30th October to the 7th November, 1969. The Prime Minister of India addressed the Conference on the 31st October, 1969 on "India Today".

The following subjects were discussed at the Conference:—

- (1) General Debate on International Situation.
- (2) The Role and Responsibilities of Medium and Small Powers in the Maintenance of International Peace.
- (3) Social Progress as a Factor and Condition of Economic Development.
- (4) Prospects for Agreement on the Control of Armaments;
  - (a) Measures for the Prohibition of the Production and

use of Chemical and Bacteriological (Biological) weapons.

- (b) Measures for the Prohibition of the Production and Use of Nuclear and Thermonuclear Weapons.
- (5) Role of Parliaments in the Protection of the Human Environment and Conservation of Natural Resources for Future Generations.
- (6) Relations between Parliament and Local Authorities.
- (7) Cultural Exchanges as a Means of Increasing Understanding.

The delegates visited Agra in three batches on the 1st, 2nd and 3rd November, 1969.

The Conference Arrangements Committee of the Members of Parliament (*i.e.* the Executive Committee of the Indian Group of the Inter-Parliamentary Union), with the Speaker of Lok Sabha as its President and the Secretary of Lok Sabha as its Secretary, was in overall charge of the Conference arrangements. Necessary arrangements for the inaugural ceremony in Parliament House and the Conference in Vigyan Bhavan; hotel accommodation in Ashoka, Oberoi Intercontinental, Claridge's, Imperial and Janpath Hotels; transport, etc. had been made. A programme including receptions, lunches, dinners, etc., for the delegates as well as cultural programme had been drawn up.

The delegates were received on arrival at Palam Airport and conducted to the hotels. Regular Press relations were maintained.

A special postal stamp was issued by the Posts and Telegraphs Department on the 30th October, 1969 to mark the inauguration of the Conference.

The Executive Committee of the Inter-Parliamentary Union met on Tuesday, the 28th October and Saturday, the 8th November, 1969.

The Inter-Parliamentary Council met on Wednesday, the 29th October and Wednesday, the 5th November, 1969.

The Association of Secretaries-General of Parliaments met on Thursday, the 30th and Friday, the 31st October, 1969 and Tuesday, the 4th November, 1969.

A meeting of Secretaries of National Groups was held on Thursday, the 6th November, 1969.

**(iv) Conference of Presiding Officers of Legislative Bodies in India, Panaji (Goa)—December, 1969.**

The Thirtyfifth Conference of Presiding Officers of Legislative Bodies in India was held in Panaji (Goa) on 30th and 31st December, 1969. Dr. G. S. Dhillon, Speaker Lok Sabha and Chairman of the Presiding Officers Conference presided. Almost all the Presiding Officers of Legislative Bodies in India as also Deputy Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha attended the Conference.

At the outset Shri Gopal Apa Kamath, Speaker, Legislative Assembly, Goa, Daman & Diu delivered the welcome address. Thereafter the Chairman of the Conference, Dr. G. S. Dhillon delivered his address wherein he described in detail the procedural developments in Lok Sabha and the problems created by the division of the ruling party *i.e.* the Congress into Congress (Ruling Party) and Congress (Opposition).

The Conference discussed the following points on its Agenda:—

1. *Allegations*: Allegations raised on the floor of the House by Members without proper notice to the Speaker and in contravention of the specific rules contained in the Rules of Procedure—whether there is any method to effectively curb the tendency (which seems to be steadily growing among the Members) without resorting to the extreme measures of expunging the proceedings?

2. *Zero hour*: Whether specific rules should be framed defining the Zero Hour and what matters should be raised by Members at such Hour?

3. The frequent raising of matters without notice after Question Hour in Parliament and State Legislatures resulting in dislocation in transacting the appointed business of the day and the steps to be taken to obviate the same by amendment of rules or otherwise

4. *Unparliamentary Expressions*: Is it possible to evolve some guiding principles—

- (i) for declaring certain words and expressions as unparliamentary;



- (ii) for deciding as to whether the words and expressions declared as unparliamentary should be ordered to be expunged from the record of the proceedings; and
- (iii) for deciding as to whether any, and if so, what, cation should be taken against a Member who after using an unparliamentary expression refuses to withdraw the same.

5. *Opposition Parties—Facilities*: Recognition of Opposition Parties and Groups—whether parties which extend 'responsive co-operation' to Government be given all the privileges and facilities usually given to the Opposition.

6. *Constitution Amendment—Ratification*: What should be the correct procedure for ratification of Constitution Amendment by State Assemblies under Article 368 of the Constitution?

7. *Union Territory Assembly Secretariat*: Whether Legislative Assemblies in Union Territories can legislate on recruitment and conditions of service of the staff of the Legislative Assembly Secretariat?

8. *House—Calling of Police Inside*: Is there any necessity or justification for calling police inside the House (with special reference to the incident in the U.P. Assembly)?

9. *Minister—Censure*: Where a Minister, against whom notice of a motion of censure is given, resigns, whether any rights of the House are affected when after sometime he is again taken in the Ministry and when the House has not considered the motion and given an opinion about the allegations?

**(v) Conference of Secretaries of Legislative Bodies in India [Panaji (Goa)—December, 1969].**

The Fifteenth Conference of Secretaries of Legislative Bodies in India was held on the 29th December, 1969 in Panaji (Goa). Besides the Secretaries of Rajya Sabha and Lok Sabha, 22 Secretaries of State Legislatures attended the Conference.

After the welcome speech by Shri O. P. Garg, Secretary, Goa, Daman and Diu Legislative Assembly, Shri B. N. Banerjee, Secretary, Rajya Sabha (Chairman of the Conference) and Shri S. L. Shakhder, Secretary of Lok Sabha addressed the Conference.

Shri M. N. Kaul, M.P., former Secretary of Lok Sabha and former Chairman of this Conference, who happened to be in Goa and was

present there by special invitation, also addressed the Conference. Thereafter, the Conference discussed the following point on the Agenda:

Resolution passed in the Assembly urging Government to inquire into the allegations raised on the floor of the House against Ministers—obligation, if any, on the part of the Legislature Secretariat to collect and supply extracts of proceedings containing allegations to Government—role, if any, of the Secretary in the follow-up action.

**(vi) Visit of H.E. Mr. J. I. Paletskis, Chairman of the Soviet of Nationalities of the USSR Supreme Soviet**

In response to an invitation, H.E. Mr. J. I. Paletskis, Chairman of the Soviet of Nationalities of the USSR Supreme Soviet, Mrs. Paletskis and party visited India in October, 1969. Besides Delhi, they were taken to some places of cultural and industrial importance *viz.* Amritsar, Calcutta, Madras, Bombay and Jaipur.

They watched the proceedings of Lok Sabha and Rajya Sabha on the 17th November, 1969. H.E. Mr. Paletskis had discussions with Members of Parliament in Parliament House on that day.

The Speaker, Lok Sabha hosted a dinner in their honour on the 17th November, 1969.

**(vii) Visit of Nepalese Parliamentary Delegation**

In response to an invitation by India, a 17-member Nepalese Parliamentary Delegation led by the Hon. Mr. Lalit Chand, Chairman of the Rashtriya Panchayat of Nepal visited India in December, 1969-January, 1970.

Besides Delhi, the delegates were taken to some places of cultural and industrial interest like Mathura, Agra, Brindaban, Chandigarh, Bhakra-Nangal, Ahmedabad, Rajkot, Dwarka, Jamnagar, Bombay, Bangalore, Mysore, Madras, Trivandrum, Kanyakumari, Madurai, Rameshwaram, Puri, Bhubaneswar and Calcutta.

The Speaker, Lok Sabha hosted a dinner in honour of the delegation on the 18th December, 1969.

**(B) PRIVILEGE ISSUES****Misrepresentation of the Proceedings of Lok Sabha by All India Radio***In Lok Sabha*

On December 3, 1969, Shri R. K. Birla, a Member, made<sup>1</sup> a personal explanation in the House regarding certain observations alleged to have been made by Shri Madhu Limaye, another Member, in respect of the Wool Purchase Mission headed by Shri R. K. Birla. In the course of his personal explanation, Shri R. K. Birla, quoting from the 87th Report of the Estimates Committee of Lok Sabha, which had examined the matter, concluded that he and his colleagues had been fully exonerated from the allegations made by Shri Madhu Limaye and had in fact been complimented by the Estimates Committee. Shri Madhu Limaye, however, contested the conclusion drawn by Shri Birla from the relevant Report of the Estimates Committee and stated that Shri Birla had quoted out of context from the Report of the Estimates Committee and that the Estimates Committee had not exonerated Shri Birla from the allegations made against him.

On December 22, 1969, Shri Madhu Limaye, raised<sup>2</sup> a question of privilege regarding an alleged misrepresentation by the All India Radio of the Lok Sabha proceedings on December 3, 1969, relating to the personal explanation of Shri R. K. Birla. He alleged that the Hindi News bulletin broadcast at 22.35 hours on December 3, 1969, which carried the news—item about Shri Birla's personal explanation made in the House that day, did not contain a reference to his (Shri Madhu Limaye's) observations in regard to Shri Birla's personal explanation.

Shri Madhu Limaye also raised a question of privilege against Shri R. K. Birla on the ground that he had deliberately made a wrong statement in the House that he had been exonerated and complimented by the Estimates Committee.

---

<sup>1</sup> L. S. Debt. dt. 3-12-69, cc 226

<sup>2</sup> L. S. Deb. dt. 22-12-69, cc.233-246

The Minister of Information and Broadcasting, thereupon, stated<sup>3</sup>, *inter alia*, as follows:—

“I admit that what should have been reported on the 3rd had been omitted. This is a mistake which I admit. Such a mistake will not recur in future.”

The Speaker, thereupon, ruled<sup>4</sup> as follows:—

“The Minister, without any argument, has admitted in an unqualified manner that it was a mistake. He has also expressed his regret. I accept it. The matter may now be closed.”

As regards the question of privilege against Shri R. K. Birla, the Speaker observed that it was a purely procedural matter concerning the distortion or misrepresentation of the contents of the Estimates Committee Report and might be brought before the House in some other form.

#### **Misrepresentation of a Member's speech in the House by a Newspaper** *In Lok Sabha*

On August 7, 1969, Shri Shashi Bhushan, a Member, raised a question of privilege against *The Indian Express*, in respect of a news item entitled “Women M.Ps. Pin Down Young Turk”, published in its issue dated July 30, 1969, which misrepresented his remarks, about another Member (Shrimati Sharda Mukherjee), made in the House on July 29, 1969. The Chair observed that in accordance with the past practice, the Editor of *The Indian Express* would be asked, in the first instance, to state what he might have to say in the matter.<sup>5</sup>

On August 11, 1969, the Speaker informed<sup>6</sup> the House that he had received a letter, dated August 8, 1969, from the Editor, *The Indian Express*, which *inter alia*, read as follows:—

“Let me admit at once that our correspondent's report was incorrect in saying that Mr. Shashi Bhushan called Mrs. Sharda Mukherjee a CIA agent. Mr. Shashi Bhushan spoke immediately after Mrs. Sharda Mukherjee, as you will find in your official record. This sequence of events,

<sup>3</sup>. L.S. Deb. dt. 22-12-1969, cc 239. (Original in Hindi)

<sup>4</sup>. L.S. Deb. dt. 22-12-1969 cc 241. (Original in Hindi)

<sup>5</sup>. L.S. Deb. dt., 7-8-1969 cc 251-53

<sup>6</sup>. *Ibid.* dt. 11-8-1969 cc 209-10

combined with interruptions, led our correspondent into error.

I say this in explanation of what happened and not in justification of it. I would be grateful if you could convey to the Deputy Speaker our sincere regret for the error."

The Speaker observed that in view of the regret expressed by the Editor, the matter might be treated as closed.

The House agreed and the matter was closed.

### **Misrepresentation of a Member's speech and casting reflections on the Chair by a Newspaper**

#### *In Lok Sabha*

On July 28, 1969, Shri T. Viswanatham, a Member, raised a question of privilege<sup>1</sup> against *The Hindustan Times*, New Delhi in respect of an article entitled "The Week in Parliament", published in its issue, dated July 27, 1969, which allegedly misrepresented the speech of a Member, Shri M. R. Masani, in the House on July 25, 1969 and cast reflections on the Deputy Speaker. The impugned passage in the article was as follows:

"Opposing the (Bank) Nationalisation Bill, Mr. Masani said that the Deputy Speaker had allowed himself to be used by the Prime Minister in presenting the Supreme Court with the accomplished fact of a Bill."

Shri Viswanatham stated that in Shri Masani's speech there was not the slightest suggestion involving the Chair.

The Deputy Speaker, Shri R. K. Khadilkar, observed that he would, in the first instance, ask the Editor of the newspaper to state what he might have to say in the matter.

On August 1, 1969 the Deputy Speaker informed<sup>2</sup> the House that he had received a letter dated July 31, 1969 from the Editor-in-Chief, *The Hindustan Times*, New Delhi, in which he had stated:

"Shri Sen (the concerned correspondent) relied on a summary of the speech made by Shri M. R. Masani on the

1. L. S. Deb. dated 28-7-1969, cc. . . . . 263-65, 268-70

2. L. S. Deb. dated 1-8-1969, cc. . . . . 242-43

Banking Companies Nationalisation Bill on July 25 and issued to the press for favour of publication that same evening by the Swatantra Party Parliamentary Office.<sup>3</sup> It is in the summary that the particular reference appears to which objection has been taken. As soon as the matter was raised in the Lok Sabha, we ourselves went through the official record and we have subsequently received a copy of the same with your letter. The official record does not contain the words and phrases that Shri Sen drew upon from the unofficial summary and on which he relied in good faith. It was not Shri Sen's intention in writing his review, nor ours in publishing it, to distort the proceedings of the House or to impute any motives to the Honourable Deputy Speaker in any manner whatsoever.

In the circumstances we deeply regret that we should have unwittingly published something that is at variance with the official record and which casts any reflection on the Chair.

I would request you kindly to convey this explanation to the Honourable Deputy Speaker together with an unconditional apology for the commission of a completely unintended offence."

In view of the explanation and the unconditional apology tendered by the Editor-in-Chief of the newspaper, the House agreed with the suggestion of the Deputy Speaker that the Editor be asked to publish<sup>4</sup> his explanation and the apology on the front page of the next issue of the newspaper and that thereafter the matter be treated as closed.

### **Circulation to Press of a distorted summary of a Member's speech in the House casting reflections on Deputy Speaker**

#### *In Lok Sabha*

On August 1, 1969, Shri S. M. Banerjee, a Member, raised<sup>5</sup> a question of privilege against Shri A. P. Jain, Executive Secretary of the Swatantra Parliamentary Party for circulating to the Press a summary of the speech of Shri M. R. Masani, another Member, de-

<sup>3</sup>. For summary of that case, see pp. 195-197.

<sup>4</sup>. The Editor's explanation and apology were published in *The Hindustan Times* dated the 2nd August, 1969, and a copy thereof was placed in the Parliament Library and a para (No. 1272) to this effect was published in the Lok Sabha Bulletin Part II, dated 2-8-1969, for the information of members.

<sup>5</sup>. L. S. Deb. dt. 1-8-1969 cc. 263-265

livered by him in the House on July, 25, 1969 and quoted in an article entitled "The Week in Parliament" published in *The Hindustan Times*<sup>1</sup> dated July 27, 1969, which misreported Shri Masani's speech and cast reflections on the Deputy Speaker. The portion of the article taken objection to read as follows:

"Opposing the (Bank) Nationalisation Bill, Mr. Masani said that the Deputy Speaker had allowed himself to be used by the Prime Minister in presenting the Supreme Court with the accomplished fact of a Bill."

The Deputy Speaker, Shri R. K. Khadilkar, held over further consideration of the matter.

On August 5, 1969, the Deputy Speaker informed the House that he had received the following letter from Shri A. P. Jain, Executive Secretary of the Swatantra Parliamentary Party:

"I have looked into the matter referred to in your letter No. 17|43|C1|69 dated 1st August, 1969 addressed to Prof. Ranga and would like to explain the circumstances in regard to this development.

A press summary of Mr. M. R. Masani's speech regarding Bank Nationalisation, delivered by him in the Lok Sabha on the 25th July, was prepared from the preliminary notes available to our office. Copies were circulated to the press soon after the speech was actually delivered on the floor of the House with a view to being of service to the press.

Two errors were inadvertently committed by the office:

- (i) We forgot to mention on the top of the copies 'subject to departure' as is likely to happen in case of *extempore* speeches such as this one.
- (ii) The need for deleting a few words which had not actually formed part of the actual speech was overlooked because of haste and did not come to our notice.

---

<sup>1</sup> For summary of that case, see pp. 194-195.

The departure in the summary from the actual text of the speech was not intentional and there was no desire whatsoever to cast any aspersion on the Hon. Deputy Speaker or the privileges of the Lok Sabha.

I tender my unqualified apology for this lapse and request you kindly to convey this to the Hon'ble Deputy Speaker and to the House."

The Deputy Speaker added that he had also received the following letter from Shri N. G. Ranga, Leader of the Swatantra Parliamentary Party:—

"Dear Sir, I received your letter No. 17/43/C1/69 dated the 1st August, 1969 regarding notice of question of privilege and forward herewith a letter I have received from Mr. A. P. Jain, Executive Secretary of the Swatantra Party in Parliament, in which he has explained the circumstances and has tendered an unqualified apology to the Hon'ble Deputy Speaker and the House.

I trust that the amends which are being made in good faith will be accepted by the Hon'ble House."

The Deputy Speaker then observed:—

The party has tendered its apology and amends in good faith. Normally we do not pursue such cases any further and I do not want to make any departure on this occasion. Moreover, the whole thing has been replied to by the Leader of the Swatantra Party. . . . . After amends have been made by the party I close this matter.

The House agreed and the matter was closed.

**Request for furnishing certain records of the Committee on Public Undertakings by the Trombay Fertilizer Commission of Inquiry, New Delhi**

*In Lok Sabha*

The Secretary, Trombay Fertilizer Commission of Inquiry, New Delhi, sent a letter forwarding a summons for furnishing to the said Commission of Inquiry the following records:

- (i) Evidence of the representatives of Government of India (Ministry of Petroleum and Chemicals and Mines and



Metals) and the Fertilizer Corporation of India Limited, recorded by the Committee on Public Undertakings (Fourth Lok Sabha), Twenty-sixth Report.

- (ii) Correspondence with the office of the Comptroller and Auditor General and the Committee on Public Undertakings in connection with Audit Paras contained in the Central Government Audit Report (Commercial) 1968, which ultimately gave raise to the Twenty-sixth Report of the Committee on Public Undertakings.

The Commission of Inquiry was set up by the Government of India under the Commissions of Inquiry Act, 1952, in pursuance of the recommendations of the Committee on Public Undertakings contained in their Twenty-sixth Report (Fourth Lok Sabha), to determine whether the then Managing Director of the Fertilizer Corporation of India acted entirely in the interests of the Corporation, etc.

On September 16, 1969, the Speaker referred the matter to the Committee of Privileges under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha.

The Committee of Privileges, in their Ninth Report (Fourth Lok Sabha), laid on the Table of the House on November 19, 1969, after quoting paragraphs 8 to 10\* of the First Report of the Committee of Privileges (Second Lok Sabha), recommended that:

---

The paragraphs read as follows :—

\*8. "... no member or officer of the House should give evidence in a Court of law in respect of any proceedings of the House or any Committee of the House or any other document connected with the proceedings of the House or in the custody of the Secretary of the House without the leave of the House being first obtained.

9. When the House is not in session, the Speaker may in emergent cases allow the production of the relevant documents in Courts of Law in order to prevent delays in the administration of justice and inform the House accordingly of the fact when it reassembles. In case, however, the matter involved any question of privilege, specially the privilege of a witness or in case the production of the document appears to him to be a subject for the discretion of the House itself, he may decline to grant the required permission and refer the matter to the Committee of Privileges for examination and report.

10. When a request is received during sessions for producing in a Court of Law, a document connected with the proceedings of the House or Committees or which is in the custody of the Secretary of the House, the case may be referred by the Speaker to the Committee of Privileges. On a report from the Committee, a motion may be moved in the House by the Chairman or a member of the Committee to the effect that the House agrees with the report and further action should be taken in accordance with the decision of the House."

“The Speaker may, with the permission of the House, authorise the Secretary to furnish to the Trombay Fertilizer Commission of Inquiry the records mentioned in paragraph 10 of their report.”

On November 26, 1969, the House adopted the following motion moved by a member of the Committee of Privileges (Shri S. N. Dwivedi):

“That this House do agree with the Ninth Report of the Committee of Privileges laid on the Table of the House on the 19th November, 1969.”

The relevant records were, accordingly, made available to the Trombay Fertilizer Commission of Inquiry.

**Aspersions on a Parliamentary Committee in an article published by a newspaper**

*In Lok Sabha*

On April 11, 1969, Shri George Fernandes sought<sup>1</sup> to raise a question of privilege in respect of an article entitled “Success Story of Trombay Fertiliser”, published in *The Financial Express*, Bombay, dated April 1, 1969, allegedly casting aspersions on the Committee on Public Undertakings, which, *inter alia*, read as follows:

“A senior official of the plant told this correspondent during a recent visit that COPU (Committee on Public Undertakings) must have been confused about the various foreign contractors in the plant. When the contract was signed in 1962, Chemicos were undoubtedly in the bad. . . .

But many in the plant felt disgusted at the ill-timed report of COPU which to quote one ‘brought back the dirty linen for a second wash in the public’. Trombay has taken two years to bring out its true image. True, it can face the storm now. It is to be hoped that the COPU report would turn out to be nothing more than kindling the dead fire.”

On April 16, 1969, the Minister of Petroleum & Chemicals and Mines & Metals, Dr. Triguna Sen, made a statement<sup>2</sup> in the House

<sup>1</sup>. L. S. Deb. dt. 11-4-1969 cc. 220—22

<sup>2</sup>. L. S. Deb. dt. 16-4-1969 cc. 113—16

on the matter in which he stated that the Industrial Correspondent of *The Financial Express* had visited the Trombay Factory along with 24 other press correspondents and 11 members of the United States Information Service as part of a group sponsored by the latter and the General Manager had categorically denied that he ever discussed the Report of the Committee on Public Undertakings with the correspondents.

Shri George Fernandes moved the following motion which was adopted by the House:

“That the question of privilege in respect of the article entitled ‘Success story of Trombay Fertilizer’ published in *The Financial Express*, Bombay dated the 1st April, 1969, be referred to the Committee of Privileges for investigation and Report.”

The Committee of Privileges, after calling for written explanations of the Editor of the Financial Express, Bombay and the General Manager of the Trombay Unit of the Fertilizer Corporation of India, and examination of the Editor in person, in their Seventh Report, presented to the House on the 8th August, 1969, reported *inter alia*, as follows:

(1) “The Committee examined on oath, Shri G. M. Laud, Editor, *Financial Express*. During his evidence, Shri Laud stated that he, as editor of the newspaper, took full responsibility for the impugned article written by his Industrial Correspondent and added that it was not his intention or of the Industrial Correspondent concerned to cast any aspersions on the Committee on Public Undertakings. When the Committee pointed out to the witness the objectionable passages in the impugned article published in *The Financial Express*, he expressed his sincere regret for the lapse and tendered his unqualified apology. He then submitted to the Committee the following written statement which he undertook to publish\* in *The Financial Express*, Bombay:

‘It has been pointed out by the Committee of Privileges to me that the following passages occurring in the article entitled ‘Success Story of Trombay Fertiliser’ by our Industrial Correspondent published in

---

\* This was published in *The Financial Express*, Bombay dated the 23rd July, 1969.

*The Financial Express*, Bombay, dated the 1st April, 1969, cast aspersions on a Parliamentary Committee, and, therefore, constitute a breach of privilege and contempt of the House:

- (i) 'A senior official of the plant told this correspondent during a recent visit that COPU must have been confused about the various foreign contractors in the plant.'
- (ii) 'But many in the plant felt disgusted at the ill-timed report of COPU which to quote one brought back the dirty linen for a second wash in the public.'
- (iii) 'It is to be hoped that the COPU report would turn out to be nothing more than kindling the dead fire.'

It was not the intention of our Industrial correspondent or of the Editor to cast any aspersions on the Committee on Public Undertakings of Parliament. I express my sincere regret for this lapse and tender my unqualified apology.'"

(2) The Committee feel that in view of the unqualified apology tendered by the Editor, *The Financial Express*, Bombay, no further action need be taken against the Editor or the concerned Industrial Correspondent of the newspaper.

The Committee are satisfied that the officers of the Trombay Unit of the Fertilizer Corporation of India had no further action be taken by the House in the matter.

The House accepted the recommendation of the Committee that no further action be taken by the House in the matter.

#### **Alleged misleading of the House by a Minister**

##### *In Lok Sabha*

On December 8, 1969, in reply to a Calling Attention Notice regarding "Reported disappearance of important military designs from the Central Scientific Instruments Organisation, Chandigarh",

the Minister of Education, Prof. V.K.R.V.Rao, had stated, *inter alia*, that "the fact that certain military documents were missing from the office of the Central Scientific Instruments Organisation, Chandigarh, had not been brought to my notice by the office of the Council of Scientific and Industrial Research and the first information I got was from *The Statesman* of 5th December, 1969." Shri M. L. Sondhi, a Member, however, contended that the Director, C.S.I.O., Chandigarh, Dr. Gill, had written a letter to Prof. V. K.R.V. Rao on November 5, 1969, informing him of the missing documents.

Sarvashri N. K. Shivappa and Kanwar Lal Gupta, M.Ps. in separate communications dated the 8th and 9th December, 1969, respectively, addressed to the Speaker, also alleged that a letter dated the 24th November, 1969, about the missing documents in question was written by the Director, Central Scientific Instruments Organisation, Chandigarh, Dr. P. S. Gill to Prof. V. K. R. V. Rao and was duly acknowledged by the personal staff of Prof. Rao.

On December 15, 1969, Sarvashri N. K. Shivappa, M. L. Sondhi and Kanwar Lal Gupta, M.Ps., sought to raise<sup>2</sup> a question of privilege in the House against the Minister of Education on the ground that he had deliberately misled the House on December 8, 1969 by repeatedly and categorically stating that the fact that certain military documents were missing from the office of the Central Scientific Instruments Organisation, Chandigarh had not been brought to his notice by the Office of the Council of Scientific & Industrial Research and that the first information he got was from *The Statesman* dated the 5th December, 1969.

Explaining the position, Prof. V. K. R. V. Rao stated<sup>3</sup> *inter alia* as follows:—

"Although, in these final observations on that day (8-12-1969), I did refer to 25th November as the first time I came to know about this matter. I had said in my initial statement, as also in the earlier part of the discussion on that day, that I came to know about this matter for the first time, on 5th December. This was due to the fact that in my preoccupation with the substance of

<sup>1</sup> L. S. Deb. dt. 8-12-1969, cc 195

<sup>2</sup> L. S. Deb. dt. 15-12-1969, cc 224

<sup>3</sup> L. S. Deb. dt. 15-12-1969, cc 225

Dr. Gill's letter of 24th which was mainly concerned with the police raids on his house and his appeal for protection, the passing mention that the letter had made to the loss of the documents escaped my mind.

This is a letter which was acknowledged by my office in the routine course although the fact that it had been acknowledged was not in my personal knowledge when I spoke in the House on 8th December. . . .

As the House would thus observe, it is not true that I received any communication from Dr. Gill in regard to the missing documents around 5th November. Nor is it true that I received any telegram about that time of the nature alleged by Shri Gupta. In my concluding observations in the House on 8th December I also did refer to 25th November as the first time when I came to know about this matter. However, as I wrote to you, Sir, when you asked me for the facts on the present notices, I have no hesitation in expressing my regret if any erroneous impressions were created about dates by my initial statement or by what I said during the earlier part of the discussion. There was absolutely no intention on my part to mislead the House and much less to mis-state any facts."

On December 18, 1969, after some further discussions, on the matter the Speaker ruled<sup>4</sup> as follows:—

"He (Prof. V. K. R. V. Rao) has already expressed regret. I drop the matter. I do not hold the motion in order."

### **Throwing of leaflets from the Visitors' Gallery on the Floor of the House**

#### *In Lok Sabha*

On December 13, 1969, at 12.25 hours, when the House was discussing the Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Bill, 1969, three persons from the Visitors' Gallery threw<sup>5</sup> some leaflets on the floor of the House. They were immediately taken

<sup>4</sup> L. S. Deb., dt. 18-12-1969, cc 275

<sup>5</sup> L. S. Deb., dt. 13-12-1969, cc 228-229

into custody and removed from the Visitors' Gallery by the Watch & 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) Shri Tarachand C. Shah (2) Shri Krishna P. Patil and (3) Shri Gulabrao R. Deshmukh, who threw some leaflets from the Visitors' Gallery on the Floor of the House at 12.25 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 Saturday, the 20th December, 1969, and sent to Tihar Jail, Delhi.”

In pursuance of the above motion adopted by the House, the following Warrant of Commitment addressed to the Superintendent, Central Jail, Tihar, Delhi, was issued by the Deputy-Speaker:—

#### WARRANT OF COMMITMENT

WHEREAS the Lok Sabha adopted the following motion today, the 13th December 1969:—

“This House resolves that the persons calling themselves (1) Shri Tarachand C. Shah (2) Shri Krishna P. Patil and (3) Shri Gulabrao R. Deshmukh, who threw some leaflets from the Visitors' Gallery on the Floor of the House at 12.25 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 Saturday, the 20th December, 1969, and sent to Tihar Jail, Delhi.”

NOW, therefore, I, G. G. Swell, Deputy Speaker, Lok Sabha, in pursuance of the above decision of the Lok Sabha, by this Warrant of Commitment require the Superintendent, Central Jail, Tihar, to take into custody the said (1) Shri Tarachand C. Shah, (2) Shri Krishna P. Patil and (3) Shri Gulabrao R. Deshmukh, and to keep them safely in the

Central Jail, Tihar, till 6 P.M. on Saturday, the 20th December, 1969.

Herein fail not.

Given under my hand at New Delhi, this 13th day of December, 1969.

G. G. SWELL, *Deputy Speaker*

Sarvashri Tarachand C. Shah, Krishna P. Patil and Gulabrao R. Deshmukh were, accordingly, taken by the Watch and Ward Staff to and lodged in, the Central Jail, Tihar, Delhi, to serve their sentence of imprisonment.

On December 18, 1969, Shri Nath Pai, M.P., raised the question of granting remission in the sentence of imprisonment awarded to the three persons who had thrown leaflets on the floor of the House from the Visitors' Gallery, on December 13, 1969. The Minister of Parliamentary Affairs, Shri K. Raghuramaiah, thereupon moved the following motion which was adopted by the House:

"This House resolves that the sentence of imprisonment awarded by this House on the 13th December, 1969, to the persons calling themselves (1) Shri Tarachand C. Shah, (2) Shri Krishna P. Patil and (3) Shri Gulabrao R. Deshmukh for having thrown leaflets in the House from the Visitors' Gallery and thereby having committed contempt of the House, be reduced to the imprisonment already undergone and they be released at 4 P.M. today."

In pursuance of the above motion adopted by the House, upon an Order of Release addressed to the Superintendent, Central Jail, Tihar, Delhi issued by the Speaker,

Sarvashri Tarachand C. Shah, Krishna P. Patil and Gulabrao R. Deshmukh were released, from the Central Jail, Tihar, Delhi, at 4 P.M. on December 18, 1969. . .

**Alleged arrest of a member and his prevention from attending sitting of the House**

*In Rajya Sabha*

On December 23, 1969, the Minister of State in the Ministry of Home Affairs, Shri Vidya Charan Shukla, made a statement regarding the arrest of certain Members of Parliament in connection with



a demonstration outside the Parliament House on December 22, 1969. Shri Bhupesh Gupta, a Member, thereupon, alleged that the concerned Member of Parliament had been arrested under Section 188, Indian Penal Code, for violation of the prohibitory orders issued under Section 144, Code of Criminal Procedure and thus they had been prevented from attending the sitting of the Parliament that day. He specifically referred to the case of Shri Raj Narain, a Member of Rajya Sabha, and alleged that he had been arrested because he had tried to enter the Parliament House and he was thus prevented from attending the sitting of the House.

Refuting the allegation, the Minister of State in the Ministry of Home Affairs stated that the concerned Members of Parliament had been told that if they wanted to go to the Parliament House, they were absolutely free to go. He added that these Members had been arrested for shouting slogans and violating Section 144 of the Code of Criminal Procedure.

Disallowing the question of privilege, the Deputy Chairman, who was in the Chair ruled as under:

“No doubt, as pointed out by many Members, the privileges of Members of this House are important and definitely every effort should be made to uphold the rights and privileges of Members of Parliament. The real question is, what are the circumstances? Under what circumstances had Mr. Raj Narain been arrested? It has been pointed out by the leader of the House that there were certain abnormal conditions and abnormal circumstances under which Mr. Raj Narain was arrested.

Suppose, normally an individual Member intends to come to the House for attending the Session. In that case had he been prevented from attending the Parliament Session, it would really be a very bad thing. Suppose a Member, accompanied by thousands of persons, comes before Parliament House. Definitely Members will agree with me that it is an abnormal condition. Therefore, if we are to distinguish or differentiate between normal conditions and abnormal conditions, we have to take into consideration all the circumstances.”

**Non-appearance of the printed Order Paper of the House**

*In House of Commons, U.K.*

On May 1, 1969, Mr. Iremonger, a Member, sought to raise<sup>1</sup> a question of privilege regarding the non-appearance of the printed Order Paper of the House and requested the Speaker to rule "whether it is a contempt of this House to fail to carry out an order of this House, namely, the order of the House to print the Order Paper."

The Speaker observed that he would give his considered ruling on the next day.

On May 2, 1969, disallowing the question of privilege, the Speaker observed,<sup>2</sup> *inter alia* as follows:—

"As the House knows, the Order Paper, is printed by the Stationery Office in accordance with directions given at the beginning of each session. The Order Paper for yesterday was duly printed in proof on Wednesday, the 30th April, and for the convenience of Members a reneued copy was made under my authority on that afternoon, as the Controller of the Stationery Office had notified the authorities of the House that, due to circumstances beyond his control, it might not be possible to provide the normal printed Order Paper and Notices of Motion on the morning of 1st May.

I cannot find that in these circumstances any contempt of the House was involved, since the duty of printing is specifically laid upon the Controller, and there is no question that he was in any way negligent. All notices which have been sent to him in the usual course are being printed and issued as soon as possible.

I must, therefore, rule that a *prima facie* case has not been made out by the Hon. Member."

---

<sup>1</sup> H. C. Deb., dated 1-5-1969, c. 1650.

<sup>2</sup> H. C. Deb., dated 2-5-1969, cc. 1767-68.

**Obstructions by students in the working of a Sub-Committee of the Select Committee of the House**

*In House of Commons, U.K.*

On April 25, 1969, Sir Douglas Glover, a Member, raised<sup>1</sup> a question of privilege arising out of the events attending the visit of Sub-Committee B of the Select Committee on Education and Science to take evidence at the University of Essex. While raising the question of privilege, the Member stated, *inter alia*, as follows:

"Yesterday, a Sub-Committee of the Select Committee on Education and Science, consisting of five hon. Members, went to Essex University, having arranged to go there to take and collect evidence to bring before this House on the subject of higher education. It is reported to me that the Sub-Committee, when its members arrived, went into a meeting with students.

. . . ., shortly, the papers that were on the table in front of the Members of Parliament were scattered, I understand that the microphone was thrown out of the window, the table was overturned and some of the members of the Sub-Committee were physically manhandled and certainly were victims of a great deal of verbal assault.

I understand that as a result of this occurrence, the Select Committee has agreed that it will take elsewhere the evidence which it wishes to collect. It seems to me that the students of Essex University have deprived the Select Committee of this House of its opportunity to carry out the duty laid upon it by the House. . . . . it is a grave contempt of the House and is a *prima facie* case of breach of privilege."

Mr. Gilbert Longden, another Member, who was the Chairman of the Sub-Committee, stated *inter alia* as follows:

". . . the House should not elevate this trivial affair into a portentous issue of privilege. . . . . The young man who scattered the papers was obviously the tool of others and, equally obviously, a 'nut' case who should be in hospital. . . . . The real target for the displeasure of the House, if it wants a target, are the 50 or 60 ill-mannered and foul-mouthed men and women who prevented their own

---

<sup>1</sup>. H. C. Deb., dt. 25-4-1969, cc. 811-13.

Vice-Chancellor and five of his distinguished academic colleagues from giving evidence.

I read in one of the morning papers that a University spokesman describes the incident as 'regrettable'. Perhaps that is one reason why these things go on. . . . . I respectfully suggest, none the less, that the House should leave these people, who are not by any means typical of the students at Essex University—very far from it—to be dealt with by the university authorities."

On April 28, 1969, the Speaker ruled<sup>3</sup> as follows:

" . . . having considered all the circumstances and having studied the precedents, I now have to rule that a *prima facie* case has been established. It is now necessary, in accordance with the practice of the House, for a Motion to be moved and it is then up to the House to decide what course to follow."

The Lord President of the Council and Leader of the House. Mr. Fred Peart then moved:

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

After some discussion, the House adopted the above motion by 197 votes to 110.

The Committee of Privileges, after examining, among others the Chairman of the concerned Sub-Committee and the Select Committee, the Clerk of the Select Committee, the Clerk of the House of Commons, the Vice-Chancellor and the Deputy Registrar of the University of Essex, in their Second Report<sup>4</sup>, presented to the House on June 16, 1969, reported, *inter alia*, as follows:

"The Select Committee on Education and Science in pursuance of their general Order of Reference had decided this Session to enquire into the relationship between students and their universities or colleges. They had appointed Sub-Committees to visit various universities and colleges and to hold sittings there for the examination of witnesses. It had

<sup>3</sup> H. C. Deb., dt. 28-4-1969, cc. 951-82.

<sup>4</sup> H. C. 308 (1968-69).

been agreed that the balance of advantage lay in holding those sittings in public, and although it was open to any of the Sub-Committees to make their own decision on this matter, all the evidence had in fact been heard in public.

In the preliminary discussions with the University of Essex about the visit, it was emphasised that the arrangements for the visit and their control were to be left in the hands of the University authorities. The University Meeting Hall was made available for the sitting. On the arrival of the Sub-Committee at the Hall, shortly after 10.00 a.m. on 25th April, there was an audience of about twenty, but this later grew to between eighty and one hundred. The first session of evidence was taken from a students' group for about an hour and a quarter. There was a good deal of shouting and barracking from the audience while this evidence was being taken. At the conclusion of this session, one of the Committee tables was overturned by a member of the audience. After this had happened, the Sub-Committee took a short break and then continued until lunch with evidence from a group representing the staff. The interruptions continued during the second session. It was, however, possible, as the transcript of the evidence shows, to continue taking evidence from the witnesses.

The third and final session began at half-past two in the afternoon, when evidence was to be given by the Vice-Chancellor and certain of his colleagues on behalf of the University authorities. Before the Sub-Committee Chairman could open the proceedings, a member of the audience stood up and began addressing those assembled in the room. Thereupon, the Sub-Committee Chairman announced that he would give the audience a minute in which to decide whether they wished to hear the evidence. The interruptions continued amid a general uproar, and the disorder made it impossible to proceed with the evidence. The Sub-Committee then adjourned. Members of the audience then got behind the Members of the Sub-Committee and tried to stop them getting out of the room.

In our view, the incidents described, namely, the behaviour of members of the audience at the afternoon sitting, and the continued interruptions of the evidence taken

in the morning disclose a contempt of the House. It is apparent to us that the proceedings of the Sub-Committee were persistently obstructed throughout; and after the proceedings had been finally brought to a halt, an attempt was made to prevent Members of the Sub-Committee from leaving. We acknowledge the expression of deep regret which has been offered through us to the House by the Vice-Chancellor on behalf of himself, and his University colleagues. He stated that such conduct could not be condoned in a University and was certainly not condoned in the University of Essex.

We recommend that this is not an occasion on which the House should exercise its penal jurisdiction. The House of Commons should resort to this procedure, as Erskine May states, only when it is 'absolutely necessary for the due execution of its powers'. This view was strongly endorsed in the Report of the Select Committee on Parliamentary Privilege. In the present instance, we consider that the action to be taken in regard to those members of Essex University who created the disorder during and after the sittings of Sub-Committee B is a matter for the University authorities. We note that this responsibility has been accepted by the Vice-Chancellor.

In view of the experience of the Sub-Committee, the House may wish to consider the situation of those Committees who sit outside the Palace of Westminster in the future. The practice for sitting outside the precincts to take evidence has a long history. In the recent post-war period, and particularly during the last four years, more extensive use has been made of the power given to Select Committee to travel and to sit in public. No disturbances at any of these sittings have been recorded prior to the incidents in question.

As was explained by the Clerk of the House, a Select Committee has no disciplinary powers, nor has the House, at present, any power to give protection to Select Committees meeting outside the Palace of Westminster. If disorder arises at a sitting of a Committee in these circumstances, the only recourse is for the Committee to make a special report to the House. It is the duty of the Serjeant-at-Arms and his officers to maintain order within the precincts of Parliament at Westminster under the authority of the Speaker, but his

duty does not extend to giving protection to a Select Committee sitting outside the precincts. The House could, it is true, instruct the Serjeant to offer such protection as he could give, but he would have none of the authority which he exercises at Westminster.

Your Committee called for a memorandum from the Home Office on the powers of the Police in relation to sittings of Select Committee held outside the Palace of Westminster. From this, it is clear that the assistance which might be given to Committees by the Police is limited to occasions when offences against the person or property are committed, or are likely to be committed. Even if they were present, the Police would not intervene to prevent heckling.

We recognise that visits by Select Committee have frequently taken place in the past and are likely to continue to do so in view of the wide terms of reference of the Select Committees which have recently been set up. But when they take place, it should be emphasised that the duty of maintaining order at such meetings is laid on those responsible for the premises in which the Committee meets. In general, we consider that meetings of Select Committees ought to be held at Westminster. It is only in circumstances where it is for the greater convenience of all concerned, and it is apparent that more satisfactory evidence will be obtained that Committees should take evidence outside the precincts of the House. Where, however, it is anticipated that disorderly conduct may impede the work of a Select Committee meeting outside the precincts, its proceedings should not be in public. In our view Members, when acting as representatives of the House, should not expose themselves to situations which they are unable to control and which could reflect upon the authority of Parliament. Otherwise circumstances may arise from time to time where a contempt of the House may be committed but where it would be inappropriate to invoke its penal jurisdiction."

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

#### **Alleged premature publication of Report of Select Committee**

*In House of Commons, U.K.*

On March 24, 1969, Mr. Arthur Lewis, a member, sought<sup>1</sup> to raise a question of privilege regarding premature publication of the findings

---

1. H. C. Deb., dt. 24-3-1969 cc. 1042-46.

of the Select Committee, which was appointed by the House on February 10, 1969, to go into the Vehicle Excise Duty Allegations. The member alleged that the official Report of the Select Committee was published on March 24, 1969, at 2.30 p.m., but the findings of the Select Committee contained in that Report were reported in that morning's newspapers and also in many newspapers during the weekend. In this connection, Mr. Arthur Lewis read out certain extracts from a report published in the *Daily Mail*, dated March 24, 1969.

The Speaker, while disallowing the question of privilege ruled as follows:—

“I rule that the Select Committee on Vehicle Excise Duty Allegations made its report to the House on Friday, 14th March, when the House ordered that the report, together with the evidence given to the Committee, should be printed. Some days must inevitably elapse while the printing of the report is going forward. Any publication of a draft report before the report has been agreed to by a Committee and presented to the House is treated as a breach of privilege, but when the report has been presented to the House, though not yet available to hon. Members in printed form, it is not an offence against the House to publish the findings of the Select Committee.

It is certainly inconvenient, however, and discourteous to the House when this is done. I cannot go further than that. Hon. Members will find the practice set out in page 665 of Erskine May. What I have done is to draw a distinction which has been observed for many years. No question of privilege is involved.”

### **Misleading the House by a Minister**

#### *In Assam Legislative Assembly*

On March 8, 1969, Shri Gaurisankar Bhattacharya, a Member, raised a question of privilege against Shri Altaf Hossain Mazumdar, Minister of State, Public Works Department (R. & B. Wing), alleging that the Minister had misled the House while moving a Government resolution on March 7, 1969, by making a false statement in regard to



the existence of a Guest House for Haj Pilgrims at Gauhati. The member stated that the Minister had asked the House to approve expenditure for the construction of an approach road to the Guest House when, he contended, no such Guest House existed at Gauhati.

The Deputy Speaker, who was in the Chair, referred the matter to the Committee of Privileges for report.

The Committee of Privileges, in their Fifth Report, dated March 28, 1969, presented to the House, reported, *inter alia*, as follows:

“The Minister concerned appeared before the Committee and explained the position, and expressed regret for the inadvertent omission of the word ‘proposed’ before the words ‘Guest House’ appearing under the column ‘Nature of Schemes’ in the printed list of Government Resolutions concerning Public Works (R. & B. Wing) Department for the Budget Session of the Assembly, 1969, while making a statement on the floor of the House, maintaining that this was neither deliberate nor wilful and he apologised for this unintentional omission. In view of the above, the Committee recommends to the House that the matter may be dropped.”

The Report of the Committee was adopted by the House without any debate.

### **Alleged prevention of a member from attending a sitting of the House**

#### *In Gujarat Legislative Assembly*

On August 10, 1967, Shri Jashwantlal Shah, a Member, raised<sup>1</sup> a question of privilege against three persons for allegedly preventing Shri Parsottamdas Bhil, another member, from attending a sitting of the Assembly. Shri Jashwantlal Shah alleged that on the morning of August 7, 1967, Shri Parsottamdas Bhil, a Congress member, was contacted on phone at the M.L.A.s' Hostel by somebody who gave a false name and asked Shri Bhil to come down to *Apna Bazar*. When Shri Bhil went there, the person in whose name the phone call was made was not there and instead one Shri Ramdas Gokaldas Patel met him, took him to Roopalee Hotel and there locked him up in a room where he wrongfully detained him with a *malafide* intention to prevent him from attending and voting at the sitting of the Assembly on that day.

<sup>1</sup> Gujarat Leg. Assembly Deb. dt. 10-8-67 (Original in Gujarati)

Shri Jashwantlal Shah also alleged that two other persons, namely Sarvashri Shanti Lal Nandlal Pandya of Naavadi Taluka and Sardarsinh Chhatrasinh Ataliya of Karjan Taluka, were also present there.

Shri Manoharsinhji P. Jadeja, another Member, raised<sup>1</sup> a point of order that according to the provisions of the Rules of the Assembly, notice of a question of privilege should be given at the 'earliest opportunity' after the occurrence of the incident, but in that case the incident actually took place on August 7, 1967, while the notice of question of privilege was given by Shri Jashwantlal Shah at 6.45 p.m. on August 8, 1967.

The Speaker reserved<sup>2</sup> his ruling.

On August 17, 1967, the Speaker ruled<sup>4</sup> as follows:

"I now give my ruling on the point raised by Hon. Member Shri Manoharsinhji in connection with the notice given by Hon. Member Shri Jashwantlal Shah to raise a question of privilege.

Under Rule 251(1) of the Gujarat Legislative Assembly Rules, Hon. Member Shri Manoharsinhji has pointed out that a notice to raise a question of privilege should be given at the earliest opportunity. The present event took place in the afternoon of 7th and the notice has been given at 6.45 p.m. on the 8th, which means that the notice having not been given at the earliest opportunity should be disallowed.

The concept of giving the notice to raise a question of privilege at the earliest opportunity has its origin in the convention prevailing in the House of Commons, England. But it becomes necessary to know the differences between the position existing there and in our country. There, a notice of question of privilege is given top priority in the day's work. Such priority could be given only if the notice is given at the earliest opportunity. But if the Member does not desire such a priority, he may raise the matter according to the normal order of priority. Here, if a notice is disallowed on these grounds, opportunity to raise the question of privilege subsequently is not afforded and hence, although the

<sup>1</sup>. *Ibid*

<sup>2</sup>. Gujarat Legislative Assembly Deb., dt. 10-8-1967. (Original in Gujarati)

<sup>4</sup>. *Ibid* of 17-8-1967.

rules provide that the notice should be given at the earliest opportunity, the Legislatures and the Lok Sabha are generally found to take a liberal view in the matter. A little delay has always been condoned. In Bombay, a notice to raise a question of privilege against a publication of 14th June, 1957 was given on 21st June, 1957. Objection was raised against the notice on the ground that it was delayed. The objection was overruled and the notice was allowed. In the present case, the incident took place on the 7th. The member said to have been involved should normally raise the question and, therefore, it is natural that another member may not give the notice immediately. If it could be proved that the incident which is stated to have occurred really did occur then it will definitely constitute a breach of privilege of the members as well as of the House and in such circumstances the notice given by the MLA is not that belated as to prevent the member from raising the question.

On examining the circumstances of the case, I say that the notice has been given sufficiently early and that I overrule the objection raised by Hon. Member Shri Manoharsinhji."

On leave being granted by the House the Speaker referred the matter to the Committee of Privileges.

The Committee of Privilege, in their Fifth Report, presented to the House on the 25th August, 1969 reported, *inter alia*, as follows:

"After taking into consideration the procedure followed by the Committee of Privileges of the House of Commons, the Committee of Privileges of the Lok Sabha and other State Legislatures in India, the procedure followed by criminal courts in trials before them and the principles of natural justice, the Committee settled the procedure to be followed in this case and decided to submit the procedure to the Speaker for his approval.<sup>5</sup> The Speaker, after considering the procedure submitted by the Committee to him for his approval, issued directions<sup>6</sup> laying down the procedure to be followed by the Committee. In the directions

<sup>5</sup>. *Vide* Appendix 2, pp. 33-34 of Report.

<sup>6</sup>. *Vide* Appendix 3, pp. 35-36 of Report.

issued by him the Speaker *inter alia* directed that the Committee should not feel fettered by the directions issued by him as they were broad guide-lines to help them in their working and that the normal principles of natural justice should be observed in the proceedings before the Committee. Accordingly, while following the procedure laid down in the directions issued by the Speaker, the Committee tried to see that the principles of natural justice were substantially observed.....

According to the procedure laid down in the directions issued by the Speaker.....the contemnners were asked to state what they had to say in respect of the allegations made against them which were shown to them. The contemnners denied the allegations and stated that the whole story was a got-up one. They also requested the Committee that they should be allowed to engage a lawyer. The Committee, after deliberation, did not think it necessary to allow them to engage a lawyer at that stage. The Committee framed the issue to be decided as follows:

‘Whether on 7th August, 1967, Hon. Member of the Legislative Assembly Shri Parsottamdas U. Bhil was prevented from coming to attend a sitting of the House by Shri Ramdas Gokaldas Patel, Shri Shantilal Nandlal Pandya and Shri Sardarsinh Chhatrasinh.

The Committee then examined on oath Shri Jashwantlal Shah, the complainant, Shri Parsottamdas Bhil, the party interested and three witnesses on behalf of Shri Parsottamdas Bhil. The contemnners were allowed to cross-examine the parties and the witnesses examined by the Committee. After the examination of the complainant, the party interested and the witnesses of the party interested was over, the contemnners were asked whether they wanted to submit any written statements and whether they wanted to examine any witnesses in defence. The contemnners replied that they did not want to submit any written statement nor to examine any witnesses in defence. The contemnners were thereafter examined on oath and the complainant and the party interested were allowed to cross-examine them. After evidence was closed, the Committee heard the arguments of the respective parties.”

After discussing the evidence given before the Committee, it concluded:

“The Committee, therefore, feels that if Shri Bhil felt that there was an attempt to detain him he could have left the room or made attempts to leave the room which attempts, according to his own evidence, he did not make. Even during the period when the door was alleged to have been locked, he could have called the bearer by using the call-bell or the telephone in the room or made some attempts but it is clear beyond doubt that he did not make any attempts during the period he was in the room to leave the room. Secondly, it is also clear that no force was employed to prevent him from leaving the room. The only allegation is that he was asked to wait as Shri Ramdas Patel also wanted to accompany him to the Assembly Hall and that as he was frightened and new to Ahmedabad, he could not think of making any attempts to leave the room. The only and the main question that is material for the Committee to decide is, whether Shri Bhil wanted to go to the Assembly Hall for remaining present in the Assembly at the time of voting on demands and whether he was prevented from leaving the room and attending the Assembly against his will. Though the Committee feels that the events that have transpired do not create a healthy impression about the persons involved, and though the entire episode in itself appears to be unbecoming, and though the entire circumstances appear to be suspicious, and though the correct facts do not appear to have been placed before it by all the persons concerned, looking to the evidence and facts and circumstances, the Committee feels that it has not been proved beyond reasonable doubt that Shri Bhil was prevented from attending the Assembly and, therefore, the Committee is of the opinion that no breach of privilege has been committed.”

The Committee recommended that no further action by the House was necessary in the matter.

The Report of the Committee was adopted by the House on the 28th November, 1969.

**Alleged reflections on and imputing motives to a Member in regard to his speech in the Assembly**

*In Gujarat Legislative Assembly*

On March 13, 1968, Shri Manoharsinhji P. Jadeja, a Member, raised a question of privilege against one Pandit Anandpriyaji, for issuing a statement at a Press Conference on March 3, 1968 and for publishing an editorial in the 'Arya Sandesh' dated March 7, 1968, allegedly casting reflections on and imputing motives to Shri Sanat Mehta, another Member, in regard to a speech delivered by him on the floor of the House on February 22, 1968.

The impugned press statement, made by Pandit Anandpriyaji, *inter alia*, read as follows:

"On the 22nd February, the Praja Socialist leader Shri Sanat Mehta had asked one question in the House regarding the Arya Kanya Maha Vidyalaya and in the speech which he made at that time he made 'A' to 'Z' false statements thereby trying to create an impression that the Arya Kanya Mahavidyalaya is a Hindu Mahasabha-sponsored institution and that its affairs are managed irresponsibly.

The attempt of Shri Sanat Mehta to run down the institution in this manner is an undignified move. He has very childishly tried to disgrace the name of the institution. This naturally means that he has made the Arya Kanya Vidyalaya a tool for the purpose of running down his rival political parties.

It would have been most befitting for a responsible leader like Shri Sanat Mehta, had he sought clarification from the organisers of the institution before making any statement in the House. But it is a matter of regret that in a spirit of rivalry he has followed the principle of defeating the Opposition Party by any means."

The impugned editorial, published in the 'Arya Sandesh' by Pandit Anandpriyaji, *inter alia*, read as follows:

"Some political leaders make undignified attempts to fulfil their malicious intentions by making innocent institutions a tool in running down their rival parties.

---

<sup>1</sup> Gujarat Legislative Assembly Deb., dt. 13-3-1968.  
(Original in Gujarati).

Mr. Sanat Mehta's utterances have shocked us beyond imagination. He should not make a stunt in order to defame his rivals.

The attempt of Shri Mehta to defame a culture-loving institution by asking questions wrongfully is contemptible and anti-national.

Shri Mehta who has been elected on the strength of the votes of the Muslim communalists, expresses contempt for communalism.

The person wrongly attempting to run down the Arya Kanya Mahavidyalaya, an institution which has remained in the forefront in all the national activities in Gujarat, is acting against the interests of the nation."

On leave being granted by the House, the Speaker under Rule 253 of the Gujarat Legislative Assembly Rules, referred the matter to the Committee of Privileges for examination and report.

The Committee of Privileges, after hearing the oral evidence of Shri Sanat Mehta and Pandit Anandprijaji, in their Sixth Report, presented to the House on the 25th August, 1969, reported *inter alia*, as under:—

"Shri Sanat Mehta who appeared before the Committee on the 24th September, 1968, brought to the notice of the Committee that he particularly took exception to the following sentences in the editorial:

'The activity of Shri Mehta of defaming the institution by wrongly asking questions is contemptible and anti-national. Shri Sanat Mehta who has been elected by the votes of Muslim communalists is expressing contempt for communalism.....'

The issues that arise for consideration by the Committee are as follows:

- (i) Whether while deciding as to whether a breach of privilege and the contempt of the House has been committed, the Committee can investigate and determine as to whether the allegations made by a Member in the speech delivered in the Assembly are true or false;

- (ii) Whether, while deciding as to whether a breach of privilege or the contempt of the House has been committed, the Committee can investigate and determine as to whether the allegations made by the contemner against the Member are true or false;
- (iii) Whether truth or falsehood of the respective allegations can in any way affect the decision to the effect that the publication which casts reflections on the Member in relation to the speech made in the House constitutes a breach of privilege;
- (iv) Whether the speech of Shri Sanat Mehta made in the House on 22nd February, 1968 is in contravention of Rules<sup>2</sup> 34 and 37<sup>3</sup> of the Gujarat Legislative Assembly Rules; and, if so, whether any contravention of Rules 34 and 37 of the Gujarat Legislative Assembly Rules would debar a Member from raising a question of breach of privilege;
- (v) Whether any principle or ratio has been laid down in the decision of the Lok Sabha in the case<sup>4</sup> against Shri Ramkrishna Bajaj and whether the same would be applicable in this case;
- (vi) Whether fundamental right of freedom of speech guaranteed to a citizen under Article 19(1) of the Constitution of India can over-ride the privileges of the Members and Legislatures guaranteed under Article 194 of the said Constitution;
- (vii) Whether the statement issued by Pandit Anandpriyaji at the press conference held on the 3rd March, 1968 and the editorial published in the *Arya Sandesh* of March 1968, constitute a breach of privilege and contempt of the House;

---

<sup>2</sup> Rule 34 provides, *inter alia*, that a member while speaking must not utter treasonable, seditious, offensive or defamatory words, and must not make any allegations against any private individual.

<sup>3</sup> Rule 37 provides that—

No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply.

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegations.

<sup>4</sup> For summary of this case, see *Privileges Digest*, October 1968, pp. 55-57.



- (viii) Whether Pandit Anandpriyaji has committed a breach of privilege and contempt of the House;
- (ix) If reply to issues Nos. (vii) and (viii) is in the affirmative what action should be recommended against the contemner."

Regarding issue number (i), the Committee considers that looking to the facts and circumstances of this case it is not necessary for the Committee to investigate into and determine as to whether the allegations made by a member in the speech delivered in the Assembly are true or false.

Regarding issues numbers (ii) and (iii), the Committee has already taken the view and the Committee reiterates that when the allegation made by the contemnors cast aspersions and impute motives or doubts the *bona fide* of a Member in the discharge of his duties in the House, it would not be necessary for the Committee to inquire into the truth or falsehood of the allegations made by the contemnors against the Member.

Regarding issue number (iv) also, the Committee has taken the view that it is not open to an outsider to challenge the statement made by a Member in the House on the ground of breaches of Rules 34 and 37 as it would be for the House and the Speaker to decide and even if the speech is in contravention of Rule 37, it would not, in any event, affect the privilege of a Member.

Regarding issue number (v), the Committee has taken the view that no principle or ratio has been laid down in the case of Shri Ramakrishna Bajaj, decided by the Lok Sabha.

Regarding issue number (vi), the Committee has also taken the view that right to level fair and *bona fide* criticism and even to dispute the correctness of the statement made by the member in the House is not questioned, it is only when in exercising right of freedom of speech reasonable limits of fair and *bona fide* criticism are exceeded, motives are attributed, *bona fide* are doubted and aspersions are cast that the question of breach of privilege will arise.

It is clear that both the statements issued by Pandit Anandpriyaji at the press conference and the editorial published in the *Arya Sandesh*, and particularly the portions

quoted above cast reflections on and impute improper motives to, Shri Sanat Mehta, M.L.A. relating to his speech made in the House. They, therefore, clearly constitute a breach of privilege of the Member and contempt of the House and, therefore, Pandit Anandpriyaji has committed a breach of privilege of the member and contempt of the House.

Having come to the conclusion that Pandit Anandpriyaji has committed a breach of privilege of the member and contempt of the House, the next question to be considered by the Committee is what action should be recommended by the Committee. Having regard to the fact that Pandit Anandpriyaji has expressed regret in his written statement as well as before the Committee at the time he appeared before the Committee, the Committee is of the opinion that the dignity of the House will be maintained if no further action is taken against him. The Committee accordingly recommends that no further action be taken against him."

The Report of the Committee was adopted by the House on the 28th November, 1969.

#### **Shouting of slogans by a visitor from Visitors' Gallery**

##### *In Kerala Legislative Assembly*

On March 11, 1969, one Shri K. J. George, a blind person shouted<sup>1</sup> slogans from the Visitors' Gallery and disturbed the proceedings of the House. He was immediately taken into custody. During the discussion on the incident, Shri P. Ramunni Kurup, a Minister, on behalf of the Government suggested that the Speaker might decide, after consulting the leaders of all the parties, as to what action should be taken in the matter. Shri K. P. R. Gopalan, a Member, then sought to move the following motion:—

"I move that the man may be let off with a warning."

Disallowing the above motion, the Speaker observed,<sup>2</sup> *inter alia*, as follows:—

"The Chief Minister is not here. I do not think it will be right to do anything without consulting him. Therefore, I order that this man may be kept under remand till

<sup>1</sup> Kerala Legislative Assembly Deb., dt. 11-3-1969 (Original in Malayalam).

<sup>2</sup> *Ibid.*

10.00 a.m. tomorrow. I hope the House will agree to it. I think I have the consent of the House."

The House signified its assent. On March 12, 1969, the Speaker observed<sup>3</sup> as follows:—

"Hon. Members know that yesterday it was decided to keep in remand Shri K. J. George a blind man, who shouted objectionable slogans from the gallery and disturbed the proceedings of the House. Using the powers that I have, I called a meeting of the leaders of various parties and also members of the Privileges Committee and discussed as to what further steps should be taken. To know the opinion of the Chief Minister, I also consulted him. After that, the offender, Shri George, was brought before the Committee and asked what he had to say. He confessed that he did it knowing full well that shouting slogans from the gallery and obstructing the proceedings of the House was serious offence. He also explained the circumstances under which he had to do this. As far as we are concerned we need not consider the circumstances which forced him to commit this offence. Whatever it may be, the Committee considers it to be a grave offence on his part, though blind, to have shouted slogans from the gallery and interrupted the proceedings of the Assembly. In the matter of the punishment to be given to this man also, the Committee has reached a unanimous decision. We need not consider the seriousness or the simple nature of the offence. All sections of the House accept that coming and interrupting the proceedings of this Honourable House amounts to a contempt of the House. This House is also unanimous that this is a matter which deserves utmost condemnation. As this man committed the offence knowing that he was committing an offence and as the House is convinced that he has committed a grave offence, he does not deserve any leniency. Whoever interrupts the proceedings of the House, it is not necessary to consider who does it and therefore no leniency is to be shown and severe punishment should be given. However, as he is blind, this Assembly should not get the bad reputation that it punished a blind man. Considering the dignity of the House and also considering the fact that from 1.00 p.m. the previous day till 10.00 a.m. today this man was kept in remand which amounts to punishment,

the Committee has reached the decision that this man may be let off. I hope this decision has the approval of the House. I would request the hon. Revenue Minister to move this motion on behalf of the Privileges Committee."

Accordingly, the Revenue Minister, Shrimati K. R. Gouri, moved<sup>4</sup> the following motion which was adopted by the House:—

"That Shri K. J. George, handloom worker, Kodikulathu Veedu, Udumpanchola, who committed the grave offence of interrupting the proceedings of the House on 11.3.1969, and was guilty of gross contempt of the House, be sentenced to one day's simple imprisonment, that he may be deemed to have undergone the punishment during the period of his detention in custody."

**Misrepresentation of a member's speech in the House by a newspaper**

*In Kerala Legislative Assembly:*

On February 24, 1969, Shri E. K. Imbichi Bava, Minister of Transport, raised<sup>5</sup> a question of privilege against the Printer and Publisher of the Janayugom (Malayalam daily) regarding the publication of the following news report in the issue of the said newspaper, dated February 20, 1969:—

*"Minister Imbichi Bava should resign—Karunakaran quoted from the judgment in Kunjan Bava case in the Assembly.*

*Trivandrum, February 19—After bringing to the notice of the Assembly the critical reference in the Judgment in the Kunjan Bava Murder case, relating to the misuse of powers and efforts made by Shri Imbichi Bava to shield the accused in the said case, Shri Karunakaran, the leader of the Congress Party, has to-day demanded in the Assembly, the resignation of the Minister."*

Shri Bava complained that the report which had appeared in the said daily newspaper was *mala fide* as no mention had been made about 'Kunjan Bava' murder case by Shri Karunakaran in his speech made

<sup>4</sup> Kerala Legislative Assembly, Deb. dt. 12-3-1969. (Original in Malayalam).

<sup>5</sup> Kerala Legislative Assembly Deb., dt., 24-2-1969 (Original in Malayalam).

in the House on February 19, 1969. Shri Bava stated that Shri Karunakaran, while making an allegation against him had only mentioned about the case of one Shri Mammo. He further added that the speech of Shri Karunakaran was misreported and the impugned report was published with an ulterior motive to ridicule him and to create a wrong impression among the people and hence it amounted to a breach of privilege of the House.

During the discussion on the matter, a member pointed out that the Printer and Publisher of the Janayugom had already published a correction of that report.

Shri E. M. S. Namboodiripad, the Chief Minister, moved\* the following motion which was adopted by the House:

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

The Committee of Privileges, after calling for a written explanation from the Printer and Publisher of the Janayugom, in their Third Report dated August 5, 1969, presented to the House, reported, *inter alia*, as follows:

“The Committee in the first instance, decided to give an opportunity to the Printer and Publisher of the paper to offer his explanation as to why further proceedings should not be taken against him for the impugned news report on the question of privilege against him. The Printer and Publisher of the Janayugom daily, in his reply, dated the 5th April, 1969, stated that as soon as the correspondent of the paper informed that there was factual error in the report published on the 20th February, 1969, a correction with an apology was published in the next issue of the daily, dated the 21st February, 1969. It was further stated that it was never their ‘intention or calculation to ridicule the Minister nor was it their intention or calculation’ to infringe the privileges of the Assembly or any member thereof.

The Committee is of the opinion that in view of the reply given by the Printer and Publisher, no further action need be taken in the matter.”

---

\* Kerala Legislative Assembly, Deb. 24-2-69.  
(Original in Malayalam)

The Committee recommended that the explanation of the Printer and Publisher of the Janayugom daily, be accepted and no further action be taken by the House in the matter.

The Report of the Committee was adopted by the House on August 11, 1969.

### **Alleged leakage of Budget proposals**

#### *In Madhya Pradesh Vidhan Sabha*

On March 10, 1969, Shri Rukminiraman Pratap Singh, a Member, sought<sup>7</sup> to raise a question of privilege in the House against the Finance Minister (Shri V. S. Pradhan), regarding alleged leakage of the Budget proposals, on the basis of a report published in the Nai Duniya, an Indore daily newspaper, in its issue of the 21st February, 1969.

After some discussion, when it was also suggested that a Committee be appointed by the Speaker to investigate the matter, the Finance Minister stated that the allegations of budget leakage were quite baseless and false. He explained that some of the things mentioned in the news reports might be an intelligent guess work while the others were quite incorrect. He expressed confidence that none of his Cabinet colleagues had disclosed anything about the Budget. Moreover, Shri Rukminiraman had himself admitted, he added, that according to the ruling of the Speaker, Lok Sabha, leakage of the Budget did not involve any question of breach of privilege.

While disallowing the question of privilege, the Speaker (Shri K. P. Pande) ruled, *inter alia*, as follows:

“I have first to see whether it comes within the ambit of the privileges of the House. My ruling in this regard is that it does not fall within the ambit of privilege. As regards the question of appointing a Committee I will not appoint any Committee. If any notice of a motion in this regard is given, I will then consider it.”

### **Alleged rude behaviour of an officer towards a Member**

#### *In Madhya Pradesh Vidhan Sabha*

On February 26, 1969, Shri Ramesh Chandra Dubey, a Member, raised<sup>8</sup> a question of privilege against Shri Parmanand Pethia, Collec-

<sup>7</sup> Madhya Pradesh Legislative Assembly Deb., dt. 10-3-1969 (Original in Hindi).

<sup>8</sup> M. P. Vidhan Sabha Deb. dt. 26-2-69 (Original in Hindi.)

tor, Jabalpur, for his alleged rude behaviour towards Thakur Virendra Singh, another member. Shri Dubey complained that Shri Pethia behaved rudely towards Thakur Virendra Singh when the latter talked to him on telephone in connection with the efforts he was making to seek the release of the persons arrested in connection with students' movement. The collector also told him to file a petition in his court on Monday, when he would consider the matter.

After some discussion, the Speaker<sup>9</sup> referred the matter to the Committee of Privileges.

The Committee of Privileges, after calling the written explanation of Shri Parmanand Pethia, Collector, Jabalpur, in their Seventh Report<sup>10</sup>, presented to the House on June 26, 1969, reported *inter alia* as follows:

“Shri Pethia in his explanation has denied the charges levelled against him and stated in the end: ‘. . . . . I hope that the Committee in which I have full faith and for which I have great regard will find me innocent after considering the matter. Even after my submissions, if the feelings of Thakur Virendra Singh have been hurt due to any misunderstanding then I express my regrets. . .’

In fact, a question of privilege arises when an hon. member is obstructed from going to the Legislative Assembly for the discharge of his duties or any other action is done which causes obstruction in the discharge of his duties in the Legislative Assembly as a member or he is insulted for his action in the House.

Even if the incident mentioned in the memorandum of Shri Kunwar Virendra Singh Ji is correct, there is no mention of any incident or statement or reference which might have caused obstruction in his work in the House or that he was insulted on that account.

Shri Pethia while expressing his regards for the Legislative Assembly, the Committee and the Members, stated in his explanation that he expressed regrets in case the feelings of the Hon. Member concerned had been hurt because of any misunderstanding.

<sup>9</sup> M. P. Vidhan Sabha Deb., dt. 26-2-1969. (Original in Hindi).

<sup>10</sup> M. P. Vidhan Sabha Deb. dt. 26-2-1969 (Original in Hindi).

The Committee, therefore, recommend that the matter may be treated as closed and no further action should be taken in the matter."

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

**Alleged manhandling and handcuffing of a Member and non-intimation of his release**

*In Punjab Vidhan Parishad*

On August 14, 1969, Shri Ram Nath Seth, a Member, wrote a letter to the Chairman, Punjab Vidhan Parishad, alleging that Dr. Shyam Lal Thapar, another Member, while leading a peaceful procession to present a memorandum to the Chief Minister of Punjab, who was visiting Bagha Purana, was arrested and maltreated by the police. He added that Dr. Thapar was handcuffed and paraded in the public. He requested that the matter might be referred to the Committee of Privileges.

On August 16, 1969, another letter was addressed to the Chairman, Punjab Vidhan Parishad, by Shri Jagan Nath, an Advocate, on behalf of Dr. Shyam Lal Thapar. Shri Jagan Nath stated, *inter alia*, as follows in his letter:

"That Shri Jaswant Singh, D.S.P., Moga, was on the spot/personally directing the lathi charge and he threatened Dr. Thapar with dire consequences and manhandled him.

\* \* \* \* \*

That I feel that the treatment meted out to Dr. Thapar has been most shabby. I, therefore, request you to take the matter in your hands and do the needful."

On receipt of these two communications, the Chairman Shri Durga Das Khanna, referred the matter to the Committee of Privileges.

Subsequently, the Chairman received another letter dated August 25, 1969 from Dr. Shyam Lal Thapar, which, *inter alia*, read as follows:—

"That Bagha Purana Police stopped the procession near Police Station and started lathi charge. Shri Jaswant Singh Brar, D.S.P., Moga, pushed me back holding my neck and shoulder, manhandled me and threatened me with dire consequences.



That Shri Bahal Singh, S.H.O. gave a lathi blow on my back and a constable gave a fist blow on side of my chest. My cap had fallen, wrist watch broken and shirt torn. I was very shabbily treated by the said police officials. . . . .

That on 13th August, 1969, I was handcuffed and produced in the court of S.D.M., Moga.

The matter needs to be investigated and necessary action taken as there is breach of privilege, a legislator treated so shabbily and manhandled at the hands of the police officials and prevented from doing his rightful duty. So this report please.”

This letter was also referred to the Committee of Privileges by the Chairman.

The Committee of Privileges, after hearing the evidence of Dr. Shyam Lal Thapar and Shrimati Sarla Garewal, Home Secretary, Punjab Government, amongst others, in their 13th Report presented to the House on November 6, 1969, reported, *inter alia*, as under:

“The first question that the Committee has to consider is whether any breach of privilege can be said to have been committed by the officials concerned in maltreating and manhandling Dr. Thapar. However condemnable the action of the police authorities may have been in that regard, the Committee cannot spell out any breach of privilege from the facts and findings arrived at by them in this connection. There is no doubt that Dr. Thapar was maltreated and manhandled deliberately and probably vindictively also, but that gives Dr. Shyam Lal Thapar a personal cause of action against the officials concerned. The Committee cannot arrive at any conclusion involving breach of privilege of the House or of a member of the House for the simple reason that it cannot be held that Dr. Shyam Lal Thapar, while leading the procession, was engaged in any duty to the House of which he is a member whether within or without. It may have been very creditable on his part to try to bring to the notice of the Chief Minister the grievances of the people some of whom were with him but that business does not go to confer any privilege which this Committee can take notice of.

The next question that agitates the mind of the Committee is with regard to the insolent and *malafide* action of the Police Officers in having Dr. Thapar, a well known public man and Legislator in his area, hand-cuffed and paraded in public in the presence of his admirers. The Committee has already expressed its definite opinion that this was done to humiliate him publicly and even to flout the authority and dignity of a Member of the Legislature in utter disregard and defiance of the clearest instructions of the Government that a Legislator was not to be hand-cuffed in any case as deposed to by the Home Secretary in her statement before the Committee.

The next question that crops up before the Committee in this connection relates to the failure of the S.D.M. to communicate the factum of the release of Dr. Shyam Lal Thapar on the evening of 18th August, 1969, to the Chairman of the Parishad. Under Rule 70 of the Rules of Procedure and Conduct of Business of the House, it was his duty to communicate the factum of his release to the Chairman. His failure to do so does amount to disregard of the Rules of Procedure and Conduct of Business of the Parishad and was clear breach of its privilege. Shri Surat Singh, however, has been very candid in accepting his responsibility in this regard. He pleads that omission was inadvertent, although the intimation of the release of Dr. Thapar was communicated by him to the D.S.P. Moga, District Magistrate, Ferozepore and S.S.P. Ferozepore immediately after his release. He has, however, expressed unqualified regrets for his failure to communicate the same to the Chairman as provided by Rule 70 of the Rules of Procedure and Conduct of Business of the Parishad. The Committee is inclined to accept the apology and recommend to the House that no action be taken against him."

**The Committee of Privileges recommended:**

- (i) There is no doubt that Dr. Shyam Lal Thapar was maltreated and manhandled deliberately and probably vindictively also. . . . . The Committee expects that State Government will take due notice of its findings and punish the officials found responsible for the same.

- (ii) So far as the question of handcuffing Dr. Shyam Lal Thapar is concerned . . . . . an enquiry should be made by the State Government to find out how Dr. Thapar came to be described as an Ex-M.L.C. in the warrant and other records and which higher official or officials were actually responsible for it and award them suitable punishment.
- (iii) The S.D.M. Moga, on his own showing, was guilty of gross negligence in the performance of his public duty when he signed a warrant in which Dr. Shyam Lal Thapar was wrongly described as Ex-M.L.C. The Committee hopes that in such matters he will be more careful in future.
- (iv) The failure of the S.D.M. to take action under Rule 70 of the Rules of Procedure and Conduct of Business of the House amounts to disregard of the Rules of Procedure and Conduct of Business of the Parishad and a breach of its privilege. But since Shri Surat Singh has candidly accepted his responsibility, the Committee is inclined to accept the apology and recommend to the House that no action be taken against him."

The Report of the Committee was adopted by the House on November 6, 1969.

**Right of a Member to send communications to the Speaker from Jail**

*In Tamil Nadu Legislative Assembly*

On February 5, 1963, the Speaker (Shri S. Chellapandian) informed<sup>1</sup> the House that he had received a notice of question of privilege from Shri M. Kalayanasundram, a member, then detained in the Central Jail, Cuddalore. The member, it was stated, had given some letters to the Jail Superintendent to be despatched to the Speaker, but those letters were sent to the State Government and that Government had in turn, passed on those letters to the Speaker. The member had claimed that he had a right to send letters direct to the Speaker and

---

<sup>1</sup> Madras Legislative Assembly Deb., dt. 5-2-1963, pp. 622-24.

not through Government and, therefore, by sending the letters to Government, the Superintendent, Central Jail, Cuddalore, had committed a breach of privilege of the House.

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

“.....A member of the Madras Legislative Assembly (1946—52) was detained under the Preventive Detention Act and the Government withheld his letters addressed to the Speaker, etc. The matter came up before the Madras High Court. The High Court held”:

‘As long as a detenu continues to be a member of a legislature, he is entitled to the right of correspondence with the legislature, and to make representations to the Speaker, and the Chairman of the Committee of Privileges, and no executive authority has any right to withhold such correspondence. This right as it appears to us, flows not merely from principles of natural justice, which will be violated by such letter being withheld, but as a continuing member of the House, he would also appear to be entitled to this Privilege under Article 194(3) of the Constitution under which English Parliamentary Practice has to be followed. We accordingly declare the right of the petitioner as a member of the Legislative Assembly to correspond without let or hindrance with the Speaker and the Chairman of the Committee of Privileges through the Secretary of the Legislature during his period of detention.’

As a sequel to this judgement, the Madras Government framed the Madras Security Prisoners’ Rules 1950. Sub-rule 4 of Rule 11 provides as follows:

‘All communications addressed by a security prisoner who is a member of the State Legislature or of Parliament, to the Speaker or Chairman of the House of which he is a member, or to the Chairman of a Committee (including a Committee of Privileges) of such Houses, or of a Joint

Committee of both Houses of the State Legislature or of Parliament, as the case may be, shall be immediately forwarded by the Superintendent of the Jail to the Government so as to be dealt with by them in accordance with the rights and privileges of the prisoner as a Member of the House to which he belongs.'

The matter was also examined by the privileges Committee of the Lok Sabha in 1958<sup>3</sup>. . . . In Punjab also a similar matter was raised in 1957.<sup>4</sup> The Speaker had ruled that correspondence of members to the Speaker should not be withheld.

It is thus seen that the Jail Authorities cannot withhold any letter addressed to the Speaker or the Chairman of a Committee. They have to send such letters to Government to be dealt with according to rights and privileges. In this case, the Superintendent, Central Jail, has sent all letters given to him by the member, to the Secretary, Home Department, who has forwarded them to this Department. The fundamental principle is that all citizens including the members of the Legislature have to be treated equally in the eyes of law. The Security Prisoners' Rules apply to all prisoners including the members of the Legislature.

If the member wants he must take steps to amend the rules afterwards and not now. So far as the rules existing at present are concerned, there is no violation and I hold that it does not involve a matter of privilege."

### **Arrest and detention of a Member under the Criminal Procedure Code and Defence of India Rules**

#### *In Tamil Nadu Legislative Assembly*

On February 5, 1963, the Speaker (Shri S. Chellapandian) informed<sup>5</sup> the House that he had received a notice of question of privilege from Shri M. Kalyanasundram, a member, then detained in the Central Jail, Cuddalore. The member had alleged that the action of the Commissioner of Police in arresting him and detaining him under Section 151 of the Criminal Procedure Code, and of the Deputy Secretary, Public Department, in issuing an order under Rule 30 of the

<sup>3</sup> See Privileges Digest, Vol. II-No. 2, pp. 89—95.

<sup>4</sup> *Ibid.*, Vol. II, No. 1, pp. 23-24.

<sup>5</sup> Madras Legislative Assembly Deb., dt. 5-2-1963, pp. 620-22.

Defence of India Rules, for detaining him in the Central Jail, Cuddalore, and that of the Superintendent, Central Jail, Cuddalore, in detaining him amounts to a breach of privilege, particularly in view of the fact that he was a party to the resolution passed by the Madras Legislative Assembly on October 28, 1962, regarding the Chinese Aggression, pledging its support to any measure that might be taken up to drive out the Chinese.

Disallowing the question of privilege, the Speaker ruled,<sup>1</sup> *inter alia*, as follows:

“The hon. Member, Shri M. Kalyanasundram, has not been arrested under civil process. When he was first arrested, it was under Section 151 of the Criminal Procedure Code and subsequently under the Defence of India Rules. It has been held on a previous occasion that arrest under Section 151 of Criminal Procedure Code does not amount to a breach of privilege. Further, the Commissioner of Police has communicated the fact of arrest and detention on 21st January, 1963 with reference to Rule 245 of the Assembly Rules and the Members of the Assembly have been informed about the arrest and detention and the reasons for the same. Subsequently, the member has been served with another order under Rule 30 of the Defence of India Rules by the Deputy Secretary, Public Department, and the member has accordingly been transferred to the Cuddalore Central jail. . . . intimation of this was also received and communicated to the Members. Further, his arrest and detention is in no way related to his speech made in the Assembly on the 29th October, 1962. Arrest and detention under Emergency provisions cannot be said to be a matter coming under the privilege of members. . . . .”

The other point stated by the member is that he has taken a pledge in the House on 29th October, 1962 and to arrest and detain him in spite of that would amount to a contempt of the proceedings. On 29th October, 1962, the Assembly passed the resolution regarding Chinese Aggression. The member also spoke on the resolution and the resolution was adopted unanimously. The House is not concerned with the pledges of members and their enforcement. The House cannot be expected to be watching the

---

<sup>1</sup> Madras Legislative Assembly Deb. dt. 5-2-1963., pp. 620-22.

outside activities of the members as to whether they adhere to their statements made in the House. It is not the function of the House to watch such things. Now there is National Emergency and the rights of all citizens have been curtailed and all fundamental rights under the Constitution have been suspended, and the Members of the Legislature are no exception.

The officers mentioned by the Members have done their duties according to Law and have not committed any breach of privilege of the House or its members. I, therefore, hold that this does not involve a matter of privilege.”

**Making of an announcement by Chief Minister outside the House when the House was in Session**

*In U.P. Vidhan Sabha*

On August 19, 1969, Shri Jagdish Gandhi, a Member, sought to raise<sup>1</sup> a question of privilege against the Chief Minister Shri C. B. Gupta for making an announcement regarding suspension of the services of a Special Officer, outside the House while the House was in session.

The Speaker Shri A. G. Kher, while disallowing the question of privilege, ruled<sup>2</sup> as under:

“.....I am not permitting it to be raised as the matter is concerned with the administration. It is not an important policy matter. Even if it is an important policy matter, this House has decided many times earlier, that according to conventions, a question of privilege does not arise in such cases. There is a convention that such policy matters should first be announced on the Floor of the House in conformity with the dignity of this House. But matters of administration need not be announced on the Floor of the House”.

## (C) PROCEDURAL MATTERS

**At the Introduction Stage only the Minister who has given notice for leave to introduce a Bill, can introduce it. . .**

### *In Lok Sabha*

On December 13, 1969, the Deputy Minister of Foreign Trade, Ch. Ram Sewak, sought to move\* the motion for introduction of the Indian Tariff (Amendment) Bill on behalf of the Minister of Foreign Trade Shri B. R. Bhagat, in whose name the item was entered in the List of Business and who was not present in the House. The Deputy Speaker did not permit the Deputy Minister to move the motion and observed that at the introduction stage the Minister in whose name the Bill stood should be present. Under the Rules the Bill could not be introduced by some other Minister.

**Where the conduct of a member of Parliament is referred to in a Report which is laid on the Table of the House, he may be permitted to make a personal explanation to clarify his position**

### *In Lok Sabha*

Shri Madhu Limaye had submitted a Memorandum to the Chairman, Estimates Committee, on March 18, 1968 to which a copy of his letter dated the 6th September, 1967 to Shri Dinesh Singh, Minister of Commerce, containing some allegations against the Wool Purchase Mission headed by Shri R. K. Birla were made. The Estimates Committee appended the said Memorandum in their 87th Report which was laid on the Table of the House.

On a request by Shri R. K. Birla, he was permitted to make a personal explanation in the matter and the item was included in the List of Business of December 2, 1969. When the item was reached on that day Sarvashri S. M. Banerjee, Madhu Limaye and certain other Members objected to the personal explanation being made, *inter alia*, on the grounds that—

- (i) the conduct of Shri R. K. Birla related to a period when he was not a Member of Parliament,
- (ii) No allegation was made on the floor of the House, and
- (iii) Shri Birla was raising a debatable matter.

---

\*L. S. Deb., dt. 13-12-1969.



The Speaker thereupon postponed the item. On December 3, 1969\* the Speaker held that Shri R. K. Birla was entitled to make personal explanation, as the allegations against him were made in September, 1967 by Shri Madhu Limaye through a copy of the letter addressed to the then Minister of Commerce attached to the Memorandum submitted to the Estimates Committee, when Shri Birla was a Member. The said Memorandum had been included in the 87th report of Estimates Committee (4th Lok Sabha) which had been laid on the Table of the House. When the conduct of a Member was mentioned, whether inside the House or outside, and if it became the subject matter of a Report which was laid on the Table of the House, the Speaker could not refuse him leave for making a personal explanation.

Shri Birla thereafter made his personal explanation.

**A notice regarding the fast undertaken by the Chief Minister of a State over the issue of law and order in the State was admitted to enable the House to know the facts connected therewith**

*In Lok Sabha*

A Calling Attention Notice regarding the reported hunger strike by the Chief Minister of West Bengal (Shri Ajoy Mukherjee) in protest against the widespread violence and lawlessness in the State was admitted\*\* and put down in the List of Business on the 3rd December, 1969.

On that day when the item was reached, Shri Jyotirmoy Bosu and certain other members objected to the admission of the notice on the plea that the subject matter thereof encroached upon the jurisdiction of the State Government. The Speaker overruled the objection and held that the House was entitled to know the reasons behind such a fast which was an unusual thing and whether there was a danger to law and order or not.

The Calling Attention was thereupon taken up and the Minister of Home Affairs made a statement on the subject.

---

\*L. S. Deb. dt. 3-12-1969, c. 226

\*\*L. S. Debate, dt. 3-12-1969, c. 194-212.

**Report of the Committee of Privileges referred back to the Committee for recommendations***In Lok Sabha*

On November 24, 1969 a motion\* for consideration of the Eighth Report of Committee of Privileges, presented to the House on August 30, 1969, was moved by a Member, Shri Madhu Limaye. Shri Limaye who had originally raised the question privilege submitted that since the Committee had not given him opportunity to present his case personally, the report should be referred back to the Committee. He was supported by a number of other Members. Thereupon a motion to refer back the report to the Committee of Privileges for re-consideration, after hearing Shri Madhu Limaye on the matter, was adopted by the House.

**The House to decide about the competence of the Government***In Lok Sabha*

A few days before the commencement of the Ninth session of 4th Lok Sabha, the Congress Parliamentary Party was split into two groups, one headed by the Prime Minister, Shrimati Indira Gandhi, and the other with Shri Morarji Desai as Chairman, and Dr. Ram Subhag Singh as Leader in Lok Sabha.

On November 17, 1969, the opening day of Ninth Session, before the commencement of the Question Hour, a Member, Shri A. B. Vajpayee, supported by Shri N. G. Ranga, raised a point of order\*\* questioning the competence of the Government headed by Shrimati Indira Gandhi. They pointed out that with the expulsion of the Prime Minister from the Congress Party and due to the split in the Congress Party, the party in power had lost majority. The Speaker held that in such a contingency, it was open for Members to press a No-Confidence Motion in the Council of Ministers and to decide the competence of the Government on the floor of the House. The Speaker does not decide such issues, he added.

---

\*L. S. Deb., dt. 24-11-69, c. 210-22

\*\*L. S. Deb., dt. 17-11-1969, c. 11-15

### Directions by the Speaker

#### *In Gujarat Legislative Assembly.*

Under Rule 56 of the Gujarat Legislative Assembly Rules, the Speaker recently issued the following Directions:

- (i) *Re: Clubbing of names of Members with the name of the Member whose notice of motion for leave to introduce a Bill has been admitted.*

“(1) Where two or more Members give separate notices of motion for leave to introduce identical or substantially similar Bills, the notice which is received first in point of time shall be considered first and if it is admitted, the names of the other Members shall be bracketed with the name of the Member whose notice has been admitted in the order in which their notices were received in point of time.

(2) A Member whose name is shown first shall have prior right to move for leave to introduce his Bill. In case he is absent or declines or fails to move the motion, the Members whose names are shown in the bracket shall be permitted to move the motion for leave to introduce the Bill in the order in which their names are shown in the bracket.

(3) For the purposes of ballot held under Rule 15(5) (c) of the Gujarat Legislative Assembly Rules, the identical or substantially similar Bills of the Members whose names are clubbed under Rule 62 of the Gujarat Legislative Assembly Rules, shall be treated as independent of one another.

(4) Once a Bill is introduced in the House, notice of a motion for leave to introduce a Bill which is identical or substantially similar to that Bill, shall not be admitted.”

- (ii) *Re: Laying on the Table important notifications laying down policy pertaining to statutory orders, rules, etc., or such other useful material published by Government.*

“When important notifications laying down policy pertaining to statutory orders, rules etc., or such other useful material is published by Government;

and when it is not obligatory for Government to lay such material on the Table of the House;

and when Government has not laid down such material on the Table of the House;

and when any Private Member of the House makes a request to the Speaker for laying such material on the Table of the House;

Government shall be given priority in laying such material on the Table of the House. On receiving such a request from a Private Member, the Minister concerned shall be intimated by the Legislature Secretariat with a request that such material should be laid on the Table of the House, if he so desires, within seven days of the receipt of the letters of intimation. If such material is not laid on the Table of the House within these seven days, the Private Member's request for laying such material on the Table of the House, shall be decided on its merits."

#### **Amendment in Assembly Rules**

##### *In Gujarat Legislative Assembly*

Under the old Rule 117 of the Gujarat Legislative Assembly Rules every Member was entitled to give notices of five resolutions per Session and, under the same Rule, only six resolutions could be set down in the List of Business for a day out of which five could be discussed. Thus even though only five resolutions (ten, if two days are allotted for non-official resolutions in a Session) could be discussed in a Session, hundreds of notices were received resulting in avoidable wastage of labour and time.

The Rules Committee, which went into this question decided to adopt the procedure regarding resolutions followed in the Lok Sabha with suitable modifications and recommended amendments to the Rule.

The following are the main provisions of the Rules as now amended:

"The names of all Members from whom notices are received shall be balloted and the names of those Members who secure the first six places in the ballot shall be notified in the Bulletin.

The Members who secure the first six places in the ballot shall be eligible to give notice of one resolution each within two days from the date of the ballot.

The six resolutions, if admitted, shall be set down in the List of Business for the day.”

### **Scope of Amendments to the Constitution Amendment Bill in State Legislatures**

#### *In Maharashtra Legislative Council*

Under the proviso to Article 368 of the Constitution, when a Bill for amendment of the Constitution seeks to make any change in the representation of States in Parliament, the Bill on being passed by both Houses of Parliament in the manner prescribed shall also be ratified by the Legislatures of not less than one-half of the States by resolutions to that effect passed by those Legislatures before it is presented to the President for assent.

When a motion for ratification of the amendments to the Constitution of India, proposed to be made by the Constitution (Twenty-Third Amendment) Bill,\* 1969, came up before the Maharashtra Legislative Council, the Chairman gave the following ruling regarding the scope of discussion on the motion, and amendments thereto:—

“Before the House proceeds with the discussion I would like to state for the information of the House what is the true scope of this discussion. It has already been ruled on an earlier occasion that the clauses of the Bill which require ratification under the proviso to Article 368 of the Constitution only can be properly discussed. In this case, Clauses 2 and 5 of this Bill require ratification since they relate to representation in Parliament, *vide* clause (d) of proviso to Article 368. Other clauses can be incidentally referred to.

The next question to be considered is whether any amendments to these clauses are admissible. Article 368 contemplates that a Bill of this kind, after it is passed by both Houses of Parliament, should be ratified by the Legislatures of not less than half of the States by resolutions to that effect passed by those Legislatures before such a Bill

---

\*For details see pages 251-253.

is presented to the President for assent. This means that the House can only ratify or refuse to ratify the Bill. If any amendments are sought to be made, the Bill will not be the same Bill but a Bill different from the one sent to this House for ratification. In effect, it would amount to not ratifying the Bill. Therefore, this exercise will be futile. I, therefore, think that there is no scope for moving any amendment to the Bill and no such amendments will be allowed. Similarly, no amendment to the statutory motion as such is admissible, because the only thing before the House is whether the motion for ratification should or should not be accepted."

**No-Confidence Motion against an individual Minister—Speaker's Observations regarding admissibility**

*In Punjab Vidhan Sabha*

On the 23rd October, 1969 when the question of admissibility of two no-confidence motions—notice of one having been given by Captain Rattan Singh and 11 other Congress members and of the other by Shri Sat Pal Dang and others—was raised in the Punjab Vidhan Sabha, the Deputy Speaker (who was then in the Chair), after hearing the views of members from various sides of the House, reserved the ruling.

Later, on the 5th November, the Speaker made the following observations with reference to the discussion in the House on the question:—

"I have gone through the record of the relevant proceedings of the House. Rule 65 of our Rules of Procedure reads:—

65(1) A motion expressing want of confidence in, or disapproving the policy in a particular respect of, a Minister of the Ministry as a whole, may be made, subject to the following restrictions, namely:—

- (a) leave to make the motion shall be asked for after questions and before the business on the list for the day is entered upon;
- (b) the member asking for leave just before the commencement of the sitting of the day shall leave with the Secretary a written notice of the motion which he proposes to make.

Article 164(2) of the Constitution provides that the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State. The question raised on the 23rd was that Rule 65 was inconsistent with the provision contained in Article 164(2).

I have carefully read the relevant constitutional provisions and the Rules. To me, it appears that our Rule 65 is partly in conflict with Article 164(2). This is my view but it should not be regarded as my ruling.

*Speaker not to pronounce on Vires*

The question before me is whether as Speaker, I am competent to declare any rule of the House inconsistent with any provision of the Constitution and, therefore, inoperative and invalid. My answer is in the negative. As the House is aware, these rules were deemed to have been approved by the House and represent the collective decisions and, if I may say so, the orders of the House. As Speaker, it is my duty to conduct the proceedings in accordance with the rules and nowhere have I been empowered to ignore or bypass any rule. I am the servant of the House and am not expected to flout its decisions, which in the present case, are concretised in the form of Rules. It has been pointed out to me—and I think quite justifiably—that I have taken an oath to bear true faith and allegiance to the Constitution and am required to uphold it. I am quite clear in my mind that a rule of this House cannot override a specific constitutional provision. But at the same time, it is clear beyond any shadow of doubt that the Speaker's ruling cannot override a rule of the House. It has to be in conformity with the Rules. It is the House alone which is competent to rescind, suspend or modify its rules.

*Motions admitted as censure motions*

So long as Rule 65 in its present form is a part of our Rules, I cannot ignore it. However, with a view to find some way out of this *impasse*, I discussed this matter informally with the Deputy Leader of the Opposition, Comrade Satya Pal Dang and other Members as also with the Chief Minister. With the consent of the hon. Members who have given notice of no-confidence motions, I have admitted these as censure motions.

*Rules Committee to go into question*

I am referring Rule 65 to the Rules Committee to suggest, in view of the discussion that took place in the House earlier regarding the admissibility of no-confidence motions against individual Ministers, what amendments are called for in this Rule."

**(D) CONSTITUTIONAL MATTERS****The Assam Reorganisation (Meghalaya) Act, 1969**

On September 11, 1968, the Government of India announced the broad details of the scheme for constituting within the State of Assam an autonomous State to meet the political aspirations of the Hill people of that State. Subsequently, Article 244A was added to the Constitution by the Constitution (Twenty-second Amendment) Act, 1969 to enable Parliament to enact a law to give effect to the scheme for reorganisation of Assam.

Accordingly, the Assam Reorganisation (Meghalaya) Bill, was brought forward in pursuance of that Article. The Bill, which sought to establish an autonomous state, called Meghalaya, within the State of Assam, was introduced in Lok Sabha on December 15, 1969, was discussed by the House on December 22-24, and by Rajya Sabha on December 24, 1969. The Bill, as passed by both the Houses, was assented to by the President on December 29, 1969.

Under the enactment, Meghalava\* was to comprise the areas now forming part of the United Khasi Jaintia Hills District (as described in paragraph 20(2) of the Sixth Schedule to the Constitution but excluding areas transferred to the Mikir Hills autonomous district) and the Gharo Hills District. The Mikir Hills autonomous district and the North Cachar Hills autonomous district will have the option\*\* to become part of Meghalaya.

The new autonomous State was to have a Legislative Assembly and a Council of Ministers collectively responsible to the Assembly. The executive power of the State was to be coextensive with its legislative power.

The legislative power of Meghalava is defined in Section 33 of the enactment and the Second Schedule which lists the legislative subjects

---

\*The new autonomous state came into being on April 2, 1970.

\*\*These two autonomous districts accordingly exercised their option and decided to remain out of Meghalaya.



in three parts; Part A enumerating the subjects in the State List in respect of which Meghalaya will have exclusive legislative powers; Part B listing the subjects in the Concurrent List with respect to which similar exclusive powers will be available to the new State; and Part C mentioning subjects which will be concurrent to Assam and Meghalaya.

Under this scheme of distribution, except for a few subjects of common concern, all other subjects in the State List, such as agriculture, forests and fisheries, education (including university education), communications (other than Highways important to the State as a whole), medical and public health, local bodies and cooperatives, lands, mines and mineral development, medium and small-scale industries, administration of justice and prisons, come within the new State's exclusive legislative purview. Likewise matters affecting tribal's interests such as inheritance, marriages, social customs, appointment and succession of Chiefs all come within its jurisdiction.

Schemes of agriculture of common benefit to the new State and the rest of Assam, conservation of forests in catchment areas of major irrigation, flood control, hydroelectric and navigation projects—all subjects on the State List, and a few matters in the Concurrent List such as acquisition and requisitioning of property, transfer of non-agricultural property, registration of documents and recovery of public dues, come within the concurrent powers of legislation of the Legislatures of Assam and Meghalaya.

The new State has taxation powers in respect of the subjects assigned to it, including land revenue, agricultural income-tax and excise duty and is to be assigned also its relatable share out of the Sales Tax.

Bills passed by the Legislature of Meghalaya will be submitted for assent to the Governor of Assam who in this matter will act on the advice of the Council of Ministers of the new State, except where it relates to a subject concurrent to both the legislatures of Assam and Meghalaya and where its provisions are repugnant to a law passed by the former.

The hill areas of Assam, including those forming part of Meghalaya, will continue to have representation in the Assam Legislature. The 22nd Constitutional Amendment provides for the constitution, by Presidential Order, of a standing Committee of members of the

Assam Legislature representing these hill areas with such other number of members as may be specified in the order. The intention is that all Bills (excluding money Bills) introduced in the Assam Legislature in respect of subjects of common interest to the State of Assam as a whole will be referred to this Committee for its views before their consideration in the Assam Legislature.

The executive power of Meghalaya is to be so exercised as not to impede or prejudice the exercise of the executive power of the Union or of the Government of Assam and under the enactment the Central Government and the State of Assam are empowered to issue directions to Meghalaya as may be necessary for the purpose.

Shillong is to continue to serve as the headquarters of both Assam and Meghalaya. Provision has been made for a special Committee to be constituted by the Central Government to advise the two Governments with respect to its development and administration.

The enactment also contains provisions (*vide* the Fourth Schedule) for the amendment of the Sixth Schedule to the Constitution to improve the procedures of the District Councils in order to make them function efficiently.

The following are some of the main provisions of the enactment:

#### *Formation of Meghalaya*

3. (1) On and from the appointed day, there shall be formed within the State of Assam an autonomous State to be known as Meghalaya which shall, subject to the provisions of Sub-section (2), comprise the following tribal areas, namely:—

- (i) The United Khasi-Jaintia Hills District as described in sub-paragraph (2) of paragraph 20 of the Sixth Schedule to the Constitution (exclusive of the proviso thereto) but excluding the areas transferred to the Mikir Hills autonomous district by the notification of the Government of Assam No. TAD/R/31/50/149, dated the 13th April, 1951, and
- (ii) the Garo Hills District specified in Part A of the table appended to paragraph 20 aforesaid.

(2) If, before such date as the Central Government may, by notification in the official Gazette, fix for the purpose not being a date later than the appointed day, the District Council for the autonomous district of the North Cachar Hills or the Mikir Hills or both, as the case may be, has or have by resolution passed by a majority of not less than two thirds of the members thereof, expressed a desire that the said autonomous district or districts shall form part of Meghalaya, the President may, by order, make a declaration to that effect and accordingly, on and from the appointed day, the North Cachar Hills District or the Mikir Hills District or both, as the case may be, shall also form part of Meghalaya.

#### Executive power of Meghalaya

4. (1) The executive power of Meghalaya shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Act.

(2) Nothing in this section shall—

(a) be deemed to transfer to the Governor any functions conferred by any existing law on any other authority; or

(b) prevent Parliament or the Legislature of the State of Assam or Meghalaya from conferring by law functions on any authority subordinate to the Governor.

#### *Extent of executive power of Meghalaya*

5. (1) Subject to the provisions of this Act, the executive power of Meghalaya shall extend to the matters with respect to which the Legislature of Meghalaya has power to make laws:

Provided that in any matter with respect to which the Legislature of Meghalaya, the Legislature of the State of Assam and Parliament have power to make laws, the executive power of Meghalaya shall be subject to, and limited by, the executive power expressly conferred by this Act or by any law made by Parliament upon the Union or the

State of Assam or the authorities thereof or, as the case may be, by the Legislature of the State of Assam upon the State of Assam or authorities thereof.

(2) On and from the appointed day, the executive power of the State of Assam shall not extend, in relation to Meghalaya, to the matters with respect to which the Legislature of Meghalaya has exclusive power to make laws under this Act.

(3) For the removal of doubts, it is hereby declared that, save as otherwise provided in this Act, the executive power of the State of Assam shall, in relation to Meghalaya, continue to extend to the matters with respect to which the Legislature of Meghalaya has no power to make laws.

#### Legislative powers and procedure

33. (1) Subject to the provisions of this Act, the Legislature of Meghalaya has exclusive power to make laws for Meghalaya or any part thereof with respect to any of the matters enumerated in Part A or Part B of the Second Schedule:

Provided that the exclusive power of the Legislature of Meghalaya, the President may, by order, make a declaration of the area comprised within the municipality of Shillong as immediately before the commencement of the Constitution formed part of the Khasi State of Myllem, shall extend only to matters with respect to which the District Council having authority in that area has power to make laws (in whatever form it may be) immediately before the appointed day in exercise of any of the powers conferred by the Sixth Schedule to the Constitution.

(2) Subject to the provisions of this Act, the Legislature of Meghalaya and the Legislature of the State of Assam also shall have power to make laws for Meghalaya or any part thereof with respect to any of the matters enumerated in Part C of the Second Schedule:

Provided that the power of the Legislature of Meghalaya to make any such law shall not extend to the area comprised within the municipality of Shillong which immediately before the commencement of the Constitution formed part of the Khasi State of Myllem.

(3) For the removal of doubts it is hereby declared that nothing in sub-section (1) or sub-section (2) shall derogate from the powers conferred by the Constitution—

- (a) on Parliament to make laws for the whole or any part of the State of Assam, including Meghalaya, with respect to any of the matters enumerated in the Second Schedule; or
- (b) on the Legislature of the State of Assam to make laws for the whole or any part of Assam, including Meghalaya, with respect to any of the matters enumerated in List II or List III in the Seventh Schedule to the Constitution, except in so far as any of the matters aforesaid falls within sub-section (1).

35. (1) If any provision of a law made by the Legislature of Meghalaya is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of any existing law with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution, then, subject to the provisions of sub-section (2), the law made by Parliament, whether passed before or after the law made by the Legislature of Meghalaya, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of Meghalaya shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of Meghalaya with respect to one of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution, which the Legislature of Meghalaya is competent to enact under this Act contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of Meghalaya shall, if it has been reserved for the consideration of the president and has received his assent, prevail in Meghalaya:

Provided that nothing in this sub-section shall prevent Parliament from enacting at any time any law with respect

to the same matter, including a law adding to, amending, varying or repealing the law so made by the Legislature of Meghalaya.

36. Where a law made by the Legislature of Meghalaya with respect to one of the matters enumerated in Part C of the Second Schedule contains any provision repugnant to the provision of an earlier law made by the Legislature of the State of Assam which that Legislature is competent to enact, or to any provision of any existing law with respect to that matter, then, the law so made by the Legislature of Meghalaya shall, to the extent of the repugnancy, be void unless the law has received assent under section 39 after the Governor has obtained the advice of the Chief Minister of Assam:

Provided that nothing contained in this section shall prevent the Legislature of the State of Assam from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of Meghalaya.

Explanation 1.—In this section and in sections 35 and 59, “existing law” means any law, Ordinance, order, bye-law, rule or regulation passed or made before the appointed day by any Legislature, authority or person having power to make such a law, Ordinance, order, bye-law, rule or regulation—

Explanation 2.—In this section and in sections 39 and 50, the reference to the advice of the Chief Minister of Assam shall, while a Proclamation issued in relation to the State of Assam under clause (1) of article 356 of the Constitution is in operation, be construed as a reference to the instructions from the President.

39. When a Bill has been passed by the Legislative Assembly, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Provided that the Governor may, as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a Money Bill together with a message requesting that the Legislative Assembly will reconsider the Bill or

any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and when a Bill is so returned, the Legislative Assembly shall reconsider the Bill accordingly, and if the Bill is passed again by the Assembly, with or without amendments and presented to the Governor for assent, the Governor shall not—

- (a) give assent in the case of a Bill containing provisions of the nature referred to in section 36 except after obtaining the advice of the Chief Minister of Assam;
- (b) withhold assent in the case of any other Bill.

Explanation—For the purposes of this section and section 40, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of section 37 or any matter incidental to any of those matters and there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill:

Provided that a Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

*Control over the autonomous State in Certain cases*

59. The executive power of Meghalaya shall be so exercised as to ensure compliance with the laws made by Parliament, the Legislature of the State of Assam and any existing laws which apply in Meghalaya, and the executive power of the Union and of the State of Assam shall extend to the giving of such directions to Meghalaya as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

*Control over the autonomous State in Certain cases*

60. The executive power of Meghalaya shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union or the Government of Assam, as

the case may be, and the executive power of the Union and the State of Assam shall extend to the giving of such directions to Meghalaya as may appear to the Government of India or the Government of Assam, as the case may be, to be necessary for that purpose.

*Entrustment of Functions*

61. Notwithstanding anything in this Act:—

- (a) The Government of Assam may, with the consent of the Government of Meghalaya, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State of Assam extends:
- (b) the Government of Meghalaya may, with the consent of the Government of Assam, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of Meghalaya extends.

*Provisions as to Provisional Legislative Assembly*

62. (1) Until the Legislative Assembly of Meghalaya has been duly constituted and summoned to meet for the first session under the provisions of Part III, there shall be a Provisional Legislative Assembly which shall consist of not less than thirty-five and not more than fifty-five persons as the Central Government may, after consultation with the Election Commission, by order, determine, and such persons shall be elected in the manner specified in sub-section (2).

(2) Subject to the provisions of sub-section (1), the members of the Provisional Legislative Assembly shall be elected in the following manner, namely:—

- (a) there shall be an electoral college for each autonomous district within Meghalaya which shall consist of the elected members of the District Council thereof, and each electoral college shall elect such number of persons to the Provisional Legislative



Assembly as the President may, after consultation with the Election Commission, by order, determine;

- (b) the election of members to the Provisional Legislative Assembly shall be in accordance with the system of proportional representation by means of the single transferable vote and shall be subject to such rules as the Central Government may, after consultation with the Election Commission, make in this behalf.

(3) The Central Government may nominate to the Provisional Legislative Assembly not more than three persons, not being persons in the service of the Government, to represent any minority communities in Meghalaya which, in its opinion, need representation in the Assembly.

\* \* \* \* \*

(6) The term of office of the members of the Provisional Legislative Assembly shall expire immediately before the first meeting of the Legislative Assembly duly constituted under this Act.

\* \* \* \* \*

*Continuance of existing laws and their adaptation*

66. (1) All laws in force immediately before the appointed day in the autonomous State shall continue to be in force therein until altered, repealed or amended by a competent legislature or other competent authority.

\* \* \* \* \*

43 *Power to make rules*

77. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it

is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### **The Constitution (Twenty-third) Amendment Bill, 1969**

Article 334 of the Constitution lays down that the provisions of the Constitution relating to the reservation of seats for Scheduled Castes and Scheduled Tribes and the representation of the Anglo-Indian Community by nomination in the House of the People and the Legislative Assemblies of the States shall cease to have effect on the expiration of a period of twenty years from the commencement of the Constitution. It was felt that although the Scheduled Castes and Scheduled Tribes had made considerable progress in the last twenty years, the reasons which weighed with the Constituent Assembly in making provisions with regard to the aforesaid reservation of seats and nomination of members, had not ceased to exist. It was, therefore, proposed to continue the reservation for the Scheduled Castes and the Scheduled Tribes and the reservation for Anglo-Indians for a further period of ten years.

More than ninety per cent of the population of the State of Nagaland, which came into being in 1963 is tribal. It was considered anomalous to make provision for reservation for Scheduled Castes and Scheduled Tribes in Legislatures in the States where they were in a majority. It was, therefore, proposed on the request of the Government of Nagaland, not to make any reservation for the Scheduled Tribes in Nagaland either in the House of the People or in the State Legislative Assembly. It was, therefore, considered necessary to amend Articles 330 and 332 of the Constitution.

Under Article 333 of the Constitution, the number of Anglo-Indians, who may be nominated to the State Legislative Assemblies, is left to the discretion of the Governor. It was proposed to amend that Article so as to provide that not more than one Anglo-Indian should be nominated by the Governor to any State Legislative Assembly. This amendment would not, however, affect representation of the Anglo-Indian community in the existing Legislative Assemblies until their dissolution.

The Constitution (Twenty-third) Amendment Bill was brought before Lok Sabha to give effect to the above objective. The Bill introduced in Lok Sabha on 21st August, 1969 was discussed by the House on December 8-9, 1969 and by the Rajya Sabha on December 16-17, 1969. The Bill, as passed by both houses, received the President's assent on January 23, 1970.

The following is the text of the enactment:

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Twenty-third Amendment) Act, 1969.

2. In article 330\* of the Constitution, in sub-clause (b) of clause (1), for the words "except the Scheduled Tribes in the tribal areas of Assam", the words "except the Scheduled Tribes in the tribal areas of Assam and in the Nagaland" shall be substituted.

3. In article 332\*\* of the Constitution, in clause (1), for the words "except the Scheduled Tribes in the tribal areas of Assam", the words "except the Scheduled Tribes in the tribal areas of Assam and in Nagaland" shall be substituted.

4. (1) In article 333† of the Constitution, for the words "nominate such number of members of the community to the Assembly as he considers appropriate", the words "nominate one member of that community to the Assembly" shall be substituted.

---

\*330 (1) Seats shall be reserved in the House of the People for—

\* \* \* \* \*

(b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam; and

\* \* \* \* \*

\*\* 332. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam, in the Legislative Assembly of every State.

† 333. Notwithstanding anything in article 170, the Government of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate such number of members of the community to the Assembly as he considers appropriate.

(2) Nothing contained in sub-section (1) shall affect any representation of the Anglo-Indian Community in the Legislative Assembly of any State existing at the commencement of this Act until the dissolution of that Assembly.

5. In article 334@ of the Constitution, for the words "twenty years", the words "thirty years" shall be substituted.

---

@ 334. Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to—

- (a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States ; and
- (b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination,

shall cease to have effect on the expiration of a period of twenty years from the commencement of this constitution :

Provided that nothing in this article shall effect any representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the then existing House or Assembly, as the case may be.

\* \* \* \* \*

**(E) GENERAL****New Code for Members of Parliament in the U.K.**

On March 4, 1969, a Member of the House of Commons in the U.K. asked the Prime Minister whether in view of the increasing number of Members being remunerated by outside bodies, he would re-examine the desirability of legislation to establish a public register of such interests. The Prime Minister (Mr. Harold Wilson) did not agree to the kind of proposal made by the Member. He, however, said:

“The Government are continuing to watch the position, but I think that, in the future as in the past, it would be right to rely on hon. Members to make their position clear in any case which affected their responsibilities to the House and to party colleagues.”\*

On March 26, 1969, the Prime Minister, while announcing the Government's decision to recommend to the House the establishment of a Select Committee to consider the rules and practices in relation to the declaration of Members' interests, made the following statement:

“I should now like to tell the House the results of the Government's examination of the issues raised.

As I have more than once suggested, there are two separate issues here.

The first is the position of Members of Parliament who by virtue of some paid connection with an outside interest, be it domestic or overseas, are involved in matters which are the concern of Parliament and of Government. As I indicated in reply to my hon. Friend, it is important that the position of such Members should be made clear in all matters which affect their responsibilities to the House and to their Parliamentary colleagues.

This is an issue for Parliament. After consultations with the opposition parties, the Government have therefore decided to recommend to the House to set up a Select Committee to consider the rules and practices of the House in relation to the declaration of Members' interests and to report.

---

\* *I. D. Debates* March 4, 1969, cols. 209-210.

The form of the Select Committee will be discussed through the usual channels. This relates only to the House of Commons, but I understand that my hon'ble Friend the Lord Privy Seal will be having discussions on parallel action that might be taken in another place.

There is, however, a second issue about which there is considerable public concern, and concern in this House. This relates to the operation of public relations and other organisations holding an account or a commission on behalf of an overseas Government, or an overseas political interest. The activities of some of these organisations have been mentioned in this House on a number of occasions and there is concern about their activities, whether or not they employ on any basis individual Members of this House. What is important is that Parliament, and the public, should know when activities of this kind are being conducted. Many of these organisations do valuable work in informing Parliament and the public: the danger occurs when it is not done in an open way. There is increasing evidence that some of these organisations are concerned with operating outside Parliament as well as on Parliament and on the Government. Again the public has a right to know.

Equally, it is right that the House should be aware of the problems associated with the administration of any scheme designed to bring these activities into the open. The House will be concerned to ensure that whatever is finally decided reflects a fair balance between protection of Parliament and the public on the one hand and free and legitimate expression of opinion on the other.\*\*

On May 14, 1969, the Lord President of the Council and Leader of the House of Commons (Mr. Fred Peart) moved the following motion:

"That a Select Committee be appointed to consider the rules and practices of the House in relation to the declaration of Members' interests and to report thereon."

The motion was adopted.\*\*

\* H. C. Debates, March 26, 1969, cols. 1630-32.

\*\* H. C. Debates May 14, 1969 cols. 1556 and 1600

On December 4, 1969, the Select Committee presented its main Report\* to the House. In the Report the majority of the Committee proposed that the House should adopt two resolutions as a code of conduct:

(i) "That in any debate or proceeding of the House or its committees, or transactions or communications which a Member may have with other Members or with Ministers or servants of the Crown, he shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have."

(ii) "That it is contrary to the usage and derogatory to the dignity of this House that a Member should bring forward by speech or question, or advocate in this House or among his fellow Members, any bill, motion, matter or cause, for a fee, payment, retainer or reward, direct or indirect, which he has received, is receiving or expects to receive.\*\*"

These resolutions are thought by the members of the Committee to define much more precisely than before the case for "declaring" an interest on which neither Erskine May, nor "Manual of Procedure" prints a word.

The sanction proposed by the Committee is the reference of an alleged offence not to any new body but to the Committee of Privileges, which, the report suggests, should review annually the operation of the new code.

One of the new elements in the proposed code is a declaration of an interest by one member to other members, not only in debate in the chamber, but elsewhere in the House.

The Committee is not opposed to facility visits for M.Ps. financed by foreign Governments which the Committee finds may be of benefit to the M.Ps. concerned and to the House. The Committee does, however, feel that the fact of a facility visit should be declared.

Nor is the Committee anxious to deprive the House of "well informed contributions to debate." The Committee distinguishes between "advocacy of a cause in Parliament for a fee or retainer, and the

\* The Report has been published as House of Commons Paper No. 57

\*\*The Report from the Select Committee of the U. K. House of Commons on Members, Interest Declaration), p. xxxiii.

advancement of an argument by a member who, through a continued association with an industry, service or concern, from which he may obtain some remuneration, is able to draw upon specialist knowledge of the subject under debate." (This lets out the sponsored trade union and Co-operative members).

The Committee agrees that landowning which, hitherto, unlike shareholding, has not been regarded as an interest to be declared, should now become one.

If the two new resolutions proposed by the Committee are adopted, they will be incorporated in the "Manual of Procedure" guiding the conduct of M.Ps.\*

On February 11, 1970, the Lord President of the Council and Leader of the House of Commons (Mr. Fred Peart), in reply to a written question, said in the House that the Government were still considering the recommendations of the Select Committee on Members' Interests and proposals would be put before the House as soon as possible.\*\*

#### **Simultaneous Interpretation of Proceedings of the Lok Sabha**

Simultaneous interpretation service, which has since 1964 been providing simultaneous interpretation of the proceedings of the House from English into Hindi and *vice versa*, has been extended to cover four more languages, namely Kannada, Malayam, Tamil and Telugu, in response to the desire of the various sections of the House for provision of such facility. All arrangements, technical and personnel, were completed before the Winter Session, 1969, and the new service was commissioned with effect from the 18th November, 1969, when four speeches in South Indian languages were made and simultaneously interpreted.

Speeches made in the House in these four South Indian languages alone are interpreted into English and Hindi. The facility is not available during the Question Hour, or during the period immediately after Question Hour, when miscellaneous matters like Call-Attention Notices, Adjournment Motions etc., not entered in the List of Business, are raised. Likewise no interpretation is attempted of interventions or interruptions in the midst of regular debates.

---

\*The Guardian, London, December 18, 1969.

\*\*H.C. Debates, February 11, 1970, col. 341.



A member intending to make a speech in any of these four languages is required to give at least half-an-hour notice to the Officer at the Table so that the interpreter concerned can take his position in the Interpreters' Booth before the speech starts.

When a speech has been made in any of the four languages, the interpreter concerned later furnishes its English translation for inclusion in the day's proceedings. As many as 28 such speeches were made during the November-December Session, 1969.

**NINTH SESSION OF FOURTH LOK SABHA—A REVIEW\***

The Ninth Session of the Fourth Lok Sabha, which commenced on the 17th November, 1969, adjourned *sine die* on the 24th December, 1969. At its last sitting, the House paid its homage to Mahatma Gandhi and re-dedicated itself "to promote the high ideals of truth non-violence and service to the nation and to humanity, for which the Mahatma lived and sacrificed his life."@

The Session will remain a landmark in the parliamentary history of the country for two momentous developments. First, with the division of the Congress Party, the Government lost its absolute majority in the House, which it had enjoyed uninterruptedly for over two decades. Secondly, there emerged for the first time since Independence an official Opposition Party, viz. the Congress Party (O) with Dr. Ram Subhag Singh as its Leader.

During the Session, twenty-nine sittings were held, aggregating 170 hours and 3 minutes, the longest sitting being on the last day when the House sat for 10 hours and 55 minutes, with no lunch-break.

Some of the major events that took place and the statistical data about the actual work transacted in the Session are briefly mentioned below.

**Adjournment of the House on the passing away of Shrimati Violet Alva  
Deputy Chairman, Rajya Sabha†**

On the 20th November, 1969, the House adjourned after references were made to the passing away of Shrimati Violet Alva, former Deputy Chairman of Rajya Sabha.

Paying her tribute to Shrimati Violet Alva, the Prime Minister, Shrimati Indira Gandhi, described her as 'one of the best representatives of Indian Womanhood' and said that 'by the dignity which she brought to bear upon that high and . . . . . difficult office and by the fairness, firmness and conspicuous success with which she conducted its proceedings, she brought new lustre on the Chair and enhanced the dignity of the House'.

---

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

@ For details, see pp. 1—3 *Supra*.

† For details, see pp. 4—13 *Supra*.

Tributes were thereafter paid by leaders of various parties and groups. Associating himself with the sentiments expressed in the House, the Speaker, Dr. Gurdial Singh Dhillon, said that Smt. Alva had 'distinguished herself in the legal profession. At the same time, she was a very prominent journalist'. Dr. Dhillon said she held the office of the Deputy Chairman of Rajya Sabha 'with dignity for the last seven years'. 'As a Presiding Officer of the other House, she acquainted herself with the procedures and practices of Parliament and had made a great mark in that field', the Speaker added.

As a mark of respect to the memory of Shrimati Violet Alva, Members stood in silence for a short while and thereafter the House adjourned for the day.

### Procedural

#### *Election of Deputy Speaker\**

Shri G. G. Swell, an independent Member from Assam, was elected Deputy Speaker of Lok Sabha on the 9th December, 1969, succeeding Shri R. K. Khadilkar who had resigned. The motion proposing the name of Shri Swell was moved by Shri Tenneti Viswanatham (UA) and seconded by Shri N. C. Chatterjee (UA). The motion was adopted by the House unanimously.

Congratulating him on his election, the Prime Minister, Shrimati Indira Gandhi *inter alia* said:

"We value his gentleness and sobriety and the larger vision which he brings to bear on his observations here in this House, and we are confident that Prof. Swell will bring dignity to the Chair which he will occupy and that he will conduct the not-so-easy proceedings of this House with fairness and absolute impartiality as well as the requisite degree of firmness. . . ."

Thereafter, leaders of the various parties/groups in the House felicitated Shri Swell on his election. Associating himself with

\* For detailed proceedings, see pp. 14—23 *Supra*.

the tributes paid to Shri Swell, the Speaker, Dr. Gurdial Singh Dhillon, said:

“.....I have received the most precious gift from this House in the form of Prof. Swell as my Deputy Speaker .....He is a perfect gentleman, very able, sobre and mature. He is also a very balanced gentleman, which is a quality very necessary for the occupation of this Chair...”

Replying to the felicitations offered to him, Shri Swell said:

“..... This (honour) has come to me unsolicited and, therefore, it is all the more precious and cherished by me. My own prayer and hope at this moment is that I may not falter or fumble and that I may live up to the expectations of my colleagues.....”

Addressing the younger Members of the House, Shri Swell said:

“This is the challenge to youth. Please give me your cooperation. Let not the hopes of youth perish in that Chair.....”.

#### *Recognition of Leader of the Opposition*

On the 17th December, 1969, Sarvashri N. G. Ranga ( Swa.) and Rabi Ray (SSP) raised the matter regarding the recognition of Dr. Ram Subhag (Cong-O) as the Leader of the Opposition, as he was the leader of the single largest group in the Lok Sabha having more than 55 Members.

Dr. G. S. Dhillon, Speaker observed as follows:

“.....I have no objection if Dr. Ram Subhag Singh is accepted as the Leader of the Opposition.....”

Immediately after this announcement, Shri P. Ramamurti [CPI(M)] said that whatever be the convention in Great Britain, as far as his party was concerned, he (Dr. Ram Subhag Singh) could not talk on behalf of the entire Opposition.

While referring to the name of his (Dr. Ram Subhag Singh) group, the Speaker said that :

“I will take them as Opposition Organisation..... I must be frank to you. You say that all these days they have been pressing this. [Congress (Organisation)]. I would not agree to it. Then they agreed that they should

be known as Opposition. Then I have given this, otherwise, not."

While congratulating Dr. Ram Subhag Singh on his recognition as the Leader of the Opposition, the Prime Minister, Shrimati Indira Gandhi stated as follows:

".....I look forward to the cooperation from him and all the other Parties."

### Foreign Affairs

#### *India's Participation in the Islamic Conference at Rabat*

On the 17th November, 1969, the Speaker gave his consent to the moving of an adjournment motion on India's participation in the Islamic Conference at Rabat. As there were a number of notices of adjournment motions on the subject, the Speaker asked Shri Piloo Mody (Swa.), whose name was the first, to seek the leave of the House to move his motion.

Shri Piloo Mody, thereupon, sought the leave of the House to move the motion to discuss:

"The failure of the Government of India's foreign policy as is evidenced from the happenings at the Islamic Conference at Rabat by Government of India needlessly inviting humiliation of India being ejected from the Conference in an ignominious manner consequent upon the Government extracting a last-minute invitation."

On an objection being taken, the Speaker asked those Members who were in favour of leave being granted to rise in their places. As not less than fifty Members rose, the Speaker informed the House that leave was granted and directed that the motion be taken up at 4 p.m. on that day.

At the appointed hour, the motion was moved by Shri Piloo Mody. However, he conceded his right of initiating the discussion to Shri J. B. Kripalani (Ind.) who opened the debate. Shri Kripalani said that there was no justification for our attending the Conference since we did not belong to the Islamic region. Other non-Islamic countries like Yugoslavia, Nigeria and Tanzania, which were also invited, had refused to attend. He said our country had begged for an invitation to the Conference as there was no evidence to show

that we had been invited. He also said that the reported assurance given by our representative at Jeddah, binding India by whatever resolution was passed at the Conference, amounted to a surrender of our sovereignty.

Shri Kripalani further said that the Conference was intended for military action against Israel and, so, it came in the category of military pacts to which India was opposed. For this reason also we should not have attended it.

Shri R. K. Sinha (Cong.) observed that the aim of our participation in the Conference was to see that it was not utilised by Pakistan for propaganda against India. It was in our interest, he said, to make friends at international forums, with secular and progressive forces in the Muslim World in order to thwart any attempts of Pakistan to develop a Pan-Islamic alliance under its leadership.

Shri Asoka Mehta (Cong-O) said that India did not come under the criteria laid down for participation in the Islamic Summit Conference which were, first, that a country should have a majority Muslim population and, secondly, that it should have a Muslim Head of State. Once we get involved in such Conferences, the secularism and unity of India would suffer, he said.

Shri Sant Bux Singh (Cong.) said that if political issues were to be discussed under the garb of religious conferences, India must not ignore them and that India could not afford to ignore the developments in West Asia because of the attempts of Pakistan to form a Pan-Islamic bloc.

Shri Atal Bihari Vajpayee (JS) said it could not be denied that the Rabat Conference was a conference called by Islamic countries for considering the problems faced by these countries. India was not an Islamic country and, therefore, her participation in that Conference had no justification whatsoever. Shri Vajpayee said there was a political game behind sending a unanimous invitation to India, namely, to call her there and humiliate her. In this connection, he said it was a baseless argument to say that the Rabat Conference countries would not have misbehaved with India if communal riots had not taken place in Ahmedabad because the riots occurred on the 19th September but the "unanimous decision" to invite India was taken on the 25th September.

The Minister of Industrial Development, Internal Trade and Company Affairs and the Leader of the Indian delegation to the Rabat

Conference, Shri Fakhruddin Ali Ahmed, said that India's foreign policy was based on national interest and it was in pursuance of this policy that India had gone to Rabat. According to the agenda, he said, no religious matter was to be discussed at the Conference and the only questions for discussion were the burning of the Al Aqsa Mosque and the change of status of Jerusalem, which could not be regarded as religious matters. If we had not gone there, it was very likely that a large number of things against India would have been said and what happened at Ahmedabad would have been exploited. Therefore, there was nothing wrong in our going there and no apology was called for, he added.

Shri Manoharan (DMK) said it was difficult to agree with the view that the Rabat Conference was an Islamic or Muslim summit and, therefore, a secular nation like India should not have attended the Conference at all. If an invitation was extended to the Government of India—and this had been clearly proved by the Government—then our participation was perfectly in order, he said.

Shri Chandra Jeet Yadav (Cong.) conceded that the Indian delegation to the Rabat Conference had been humiliated and the treatment meted out to our delegates had touched our national prestige and injured our national pride. But, he said, it must not be forgotten that in the life of a nation such unpalatable happenings did occur at one time or the other. What was necessary, he said, was to make an impartial assessment of the happenings and to take steps to check their recurrence in future.

Shri G. G. Swell (U.A.) said our participation in the Conference had been opposed on the basis of the name of the Conference. The argument did not sound well, he said, because it was not the name but the agenda that mattered. The subjects on the agenda were of a political nature and, therefore, the decision of the Government to participate in the Conference was quite justified, he said.

Shri Ghulam Mohammad Bakshi (U.A.) said it was not for the first time that India had attended a Muslim Conference. It had earlier attended the World Muslim Conference in 1965, the Afro-Asian Islamic Conference, Muslim World League and the International Islamic Conference 1969. He said if India had not gone to Rabat, it would have played into the hands of Pakistan.

Shri Randhir Singh (Cong.) observed that Pakistan was trying to humiliate us at every level and wanted no Muslim country to have

friendly relations with us. It was in our interest, therefore, to counter such moves and, in view of that, our participation in the Rabat Conference was a right step, he said.

Shri S. A. Dange (CPI) said that it was the King of Morocco and the Pakistan President who had humiliated us, and it is they who should have been censured in this motion and not the Foreign Minister of the country.

Shri S. N. Dwivedy (PSP) said that the treatment meted out to India at Rabat was a national humiliation and the Government should not have invited itself to such a Conference in the belief of some illusory advantage to the country. The Prime Minister should admit that it was an error of judgment and should apologise to the House and the nation for what had happened at Rabat, he said.

Shri Prakash Vir Shastri (BKD) said that the King of Morocco had specifically stated in his letter that the countries with Muslim Heads of State or with majority Muslim population had been invited to the Conference. In view of that, it should be clarified on what basis the Government had accepted the invitation to attend the Conference.

Shri P. Ramamurti (CPM) said that considering the nature of the Conference at Rabat and the nature of the representation first decided upon, it was not advisable for India to have gone there. It amounted to compromising our secularism to a great extent, he said.

Shri Madhu Limaye (SSP) said the Rabat Conference was not initiated by progressive countries like Syria and Iraq but was convened by reactionary Arab countries. By going to Rabat, the Government had discredited our policy of non-alignment, anti-colonialism and of encouraging progressive forces. The Government should apologise for their mistake and give an assurance not to repeat such a mistake in future, he added.

Intervening in the debate, the Minister of External Affairs, Shri Dinesh Singh, said it was not their desire to conceal Government's disappointment, resentment and anguish at what happened to the Indian delegation at Rabat. He said there was an invitation, although it might not have been in writing, and our Ambassador participated in the Conference. How could the ambassador have been admitted there without an invitation, Shri Dinesh Singh asked. He said that no condition to attend the Conference was asked of us and no guarantee of any kind was given by us.



On the question whether the concept of secularism was violated in attending the Conference, Shri Dinesh Singh said our secularism was not going to be destroyed by our participation in a political Conference which might have some religious label. The agenda of the Rabat Conference clearly showed that the items included in it were political issues, he said.

In regard to the general policy for participating in such Conferences, Shri Dinesh Singh referred to the criteria laid down by the late Prime Minister Nehru in 1955 which said that when political or economic conferences were held, and they might be held under the label of Islamic Conferences, then we should judge each Conference on its merits and decide whether we should participate in it or not. It was, therefore, not a new policy which they were pursuing. India was deeply concerned not only with the conflict that existed between Israel and some Arab countries but with the whole trend of developments in West Asia. On the question of participation in such Conferences in future, Shri Dinesh Singh said it was a matter to be decided when a Conference came up. However, he added, it was not their desire to participate at a Government level in any religious conference, but when political issues were to be discussed, they had to see what was in the national interest.

Replying to the debate, Shri Pilloo Mody (Swa.) said that the Minister of External Affairs had remarked in his speech that having been invited, the Indian delegation was not treated well. But in fact, he said, no invitation in the formal sense was received; what one could possibly say was that the Government had received 'only "circumstantial invitation"'. Shri Mody said if the intention of the Government in attending the Conference was to placate the Muslims, it had succeeded in doing exactly the opposite because, more than anything else, the rebuff at Rabat had insulted the Muslims of the country; and if the objective was to woo the Arabs and to counter Pakistani anti-India propaganda, it had also not been achieved. Had we ignored Rabat and if Pakistan had started its anti-Indian propaganda, we would have at least received the sympathy of the other countries present there. He said that India had suffered humiliation at Rabat because of a series of criminal blunders committed by the Government and added that the foreign policy of the Government as a whole had been a complete flop.

After Shri Mody had replied to the debate, the motion was put to vote and negatived by 140 votes to 306.

*Massacre of villagers in South Vietnam by American soldiers*

A calling-attention notice on the "reported massacre of civilian villagers including women and children in South Vietnam by American soldiers", was tabled by Sarvashri Deven Sen, H. N. Mukerjee, B. Das, Jyotirmoy Basu and Vasudevan Nair. The matter was raised in the House on the 24th November, 1969, by Shri Deven Sen (SSP).

In reply, the Deputy Minister in the Ministry of External Affairs, Shri Surendra Pal Singh, said that the Government's attention had been drawn to press reports about the matter and that it was understood from these reports that the United States authorities were going to conduct an inquiry. He expressed the Government's sense of shock at the news and regretted deeply the needless loss of life in Vietnam.

Replying to questions put by Members, the Minister of External Affairs, Shri Dinesh Singh, said that if, on the inquiry being conducted by the United States Government, any truth was found in the matter, the Government would not hesitate to condemn it. He added that our diplomatic missions in the United States as well as in South Vietnam would also make an attempt to find the facts as far as they could.

*Violation of Air Space by Pakistani Aircraft*

A Calling-attention notice on the "reported continuous and wilful violation of the air corridor between West and East Pakistan by Pakistani aircraft over the territory of India", was tabled by Sarvashri D. N. Patodia, Rabi Ray, Kanwarlal Gupta, N. P. C. Naidu and Balraj Madhok. The matter was raised in the House on the 26th November, 1969, by Shri D. N. Patodia (Swa).

In reply, the Minister of Defence, Shri Swaran Singh, conceded that a Pakistani Air Force plane had flown outside the Pre-Determined Route (P.D.R.) while over-flying Indian territory and that it turned to the P.D.R. only when intercepted by our aircraft. He said that the Government had lodged a strong protest with the Government of Pakistan against the continued and frequent violation of the Pre-Determined Route by Pakistani aircraft.

Replying to questions put by Members, Shri Swaran Singh said that the Governments of India and Pakistan had a reciprocal agreement under which overflights of the aircraft, including fighter and

combat aircraft, of one country were permitted over the air-space of the other. The agreement, he said, was in mutual interest and it was wrong to say that it was weighted against India.

### *Mid-term Parliamentary Elections*

A discussion under Rule 193 (matter of urgent public importance) on 'Mid-term Parliamentary Elections' was raised in the House by Shri Kanwarlal Gupta (JS) on the 10th December, 1969.

Initiating the discussion, Shri Gupta said that the speed with which the Election Commission was proceeding with the work of the revision of voters' lists and their statements that the elections could be held at a notice of 35 days, had created an atmosphere of impending elections in the country. He said that an important question which arose in this connection was whether the Prime Minister could write to the President to dissolve the Parliament and whether the advice of the Prime Minister would be binding on the President. The question, he said, should be referred to the Supreme Court for advice. Shri Gupta further said that the present Government being a minority government should not have the power to ask for the dissolution of Parliament, but other parties should be given a chance to form an alternative government.

Shri S. N. Dwivedy (PSP) said they were not going to permit in any case the dissolution of Parliament and would fight it tooth and nail, since the electorate had elected the representatives for a full term of five years. The split in the Congress Party, he said, was an internal matter and it did not mean that the electorate had changed.

Shri K. Narayan Rao (Cong.) said that under the British Constitution, it was the prerogative of the Prime Minister to ask for dissolution of Parliament, but, whether the advice of the Prime Minister in this regard was binding on the President (of India) or not was a question on which there was difference of opinion.

Shri N. K. Somani (Swa.) observed that by talking about the dissolution of Lok Sabha, the Prime Minister had been trying to exert influence on her party men and supporters so that they did not desert her. The President of India should, he said, in the interest of political stability, morality and upholding the dignity of Lok Sabha, declare publicly that he would not blindly act on the advice of the Prime Minister but would refer his view to the Supreme Court for consideration.

Dr. Ram Subhag Singh (Cong-O) said that the dissolution of Parliament could be had only on the recommendations of Parliament because this Government was a minority government and could not ask the President to dissolve Parliament.

Shri R. D. Bhandare (Cong.) remarked that the dissolution of Parliament was not a wishful thinking since there was a provision under the Constitution as to when dissolution could take place. He said there was no use casting aspersions on the Election Commissioner as he was having the electoral rolls revised in the discharge of his duties.

Shri S. Kandappan (DMK) said that if the present Government was ousted from office, the entire country would suffer. What was necessary, therefore, he said was that senior leaders on all sides should put their heads together and see that they did not run into trouble.

Shri S. M. Banerjee (CPI) said that the various statements issued by the Chief Election Commissioner had created confusion in the country and, in future, he should not make such statements.

Shri Shiva Chandra Jha (SSP) expressed the view that the Election Commission must have consulted the Government in regard to this matter and the Government had given instructions to the Commission to undertake this work as they might have to go in for a mid-term poll any time in the event of the fall of the Government.

Shri M. N. Reddy (UA) said that the present Chief Election Commissioner had no business to make public statements in the manner he did, not once, but several times. He said that the bye-elections for three Parliamentary seats and fifteen Assembly seats, notified on the 18th November, had been postponed on the plea that a revision of the electoral rolls was contemplated, adding that in the past, no bye-election waited for the result of a revision. He asked the Minister of Law to explain to the House as to what was the urgency or the emergency for an intensive revision of the electoral rolls.

Shri Prakash Vir Shastri (BKD) said it was not proper for the present Chief Election Commissioner to have said in his statement that there would be a caretaker Government before a mid-term poll and that there would be no President's rule. He added that the Chief Election Commissioner had transgressed the limits of his jurisdiction by making such a statement.

Replying to the discussion, the Minister of Law and Social Welfare, Shri Govinda Menon, said he wanted to make it quite clear that no mid-term poll and dissolution of the Lok Sabha were in contemplation. Referring to the role of the Chief Election Commissioner, he said that there was spontaneous appreciation of the impartial way in which the elections were conducted in the past under the leadership of the present Chief Election Commissioner and, therefore, he should not be so lightly decided in Parliament where he was not present to defend himself. In regard to the revision of the electoral rolls, Shri Menon said that the electoral rolls in most States had become out-dated. Their intention was to prepare the rolls with qualifying date January, 1970 and not 1969. The Chief Election Commissioner, he said, had written to him that "the main object, however, of the present revision according to this crash programme with so much thoroughness was that hereafter the electoral rolls would be open registers which will be in a state of constant revision by the inclusion of names of those persons who have reached the age of twenty-one years and deletion of names of those who are either dead or have left the constituency for good." Shri Menon explained that by this process, an additional three to four crores of young people would come on the electoral registers and, therefore, to say that this was done in order to have a mid-term poll, was not correct.

He informed the House that the elections which had been notified under the law had not been postponed and were taking place but as regards the elections, the date of which was not notified, the Chief Election Commissioner was waiting for 15 January, 1970 to be over when the electoral rolls would be completed.

### Law and Order

#### *Communal riots in Gujarat*

A Calling-Attention Notice on the "outbreak of communal riots on a large scale in Ahmedabad and other parts of Gujarat," was tabled by Saravashri Madhu Limaye, C. C. Desai, Sitaram Kesri, S. M. Banerjee and Hem Barua. The matter was raised in the House on the 17th November 1969, by Shri Madhu Limye (SSP).

In reply, the Home Minister, Shri Y. B. Chavan, laid on the Table of the House a statement based on the reports received from the Government of Gujarat. He expressed a sense of horror at the communal violence in the State which, he said, had given a serious setback to the growth of communal harmony in the country.

Replying to questions put by Members, the Home Minister said that according to information furnished by the State Government, 434 persons had been killed and not 4000 or 5000, as alleged by certain Members. He said that the Government of India had no information that riots would take place on a particular day or in the way they did. Regarding involvement of foreign countries in the riots, he said these were only inferences but nobody had any specific information. If someone had such information, Shri Chavan requested him to place it at the disposal of the Inquiry Commission.

*Communal situation in the country*

On the 4th December 1969, the following motion was moved by the Minister of Home Affairs, Shri Y. B. Chavan:—

“That the statement laid on the Table by the Minister of Home Affairs on the 3rd December, 1969 on communal situation in the country, be taken into consideration.”

Initiating the debate on the motion, Shri Morarji Desai (Congress-O) said that the communal question was a legacy of the British rule in India. It was thought, he said, that the creation of Pakistan would solve the problem but it had not; it had only increased the tension. Shri Desai said that the majority and the minority communities had grievances and all these grievances had got to be taken note of and removed, adding that if those who had to administer law and order were objective and treated everybody equally, and treated a man severely if he was wrong, then communalism could not only be controlled but it could also be wiped out. He suggested a ban on all communal bodies and advocated teaching of religion to children so that they could respect all religions.

Shri Indulal Yajnik (U.A.) said that the Central Government could not absolve itself of responsibility. It must inquire into the causes of the trouble and also the responsibility of the local Government in the matter. Referring to the Ahmedabad riots, he said that the Gujarat Government was now in the position of an accused person whose conduct had to be inquired into.

Shri J. Mohamed Imam (Swa.) said that there had been an increase, both in intensity and magnitude, as also in the frequency of communal riots, with the result that a sense of nervousness prevailed throughout the country so far as minorities were concerned. The statement presented by the Home Minister, he added, did not give

3824 (L) LS—18.

any assurance of any effective action being taken to root out communalism. It was the direct responsibility of the Union Government to see that Muslims, a minority community, lived honourably and peacefully, and it should not throw its responsibility on the local Government. There were some anti-social elements among all the communities, and these must be dealt with properly. The suspicion in some quarters that Muslims had extra-territorial loyalty was baseless, he said.

Shri Shashi Bhushan (Cong.) said it was the duty of the local officers to control the communal trouble wherever it took place, but these officers failed to do their duty and no action was taken against them nor against those who participated in communal riots. He demanded a ban on communal bodies like the R.S.S. and the Shiva Sena.

Shri Jagannath Rao Joshi (J.S.) said that communal riots were not only a matter of distress but also of shame as they harmed the entire country. It was desirable, he said, to expand the field of mutual understanding, and to have a uniform civil code for the entire country so as to remove the existing distinction between citizens.

Shri P. Ramamurti (CPM) laid the blame squarely on the State Government and local administration for the Ahmedabad riots. He said that the Inquiry Commission appointed to go into the causes of Ahmedabad riots would find nothing whatsoever because the Muslims were not prepared to come and give evidence before the court.

Shri Ranbir Singh (Cong.) said that it was absolutely wrong to doubt the loyalty of the Muslim community as a whole. He suggested that more Muslims should be recruited in the police and armed forces, the working of the intelligence department should be made more effective and efficient, and a collective fine should be imposed in the riot-affected areas so that everyone in that area took care to see that there was no recurrence of riots.

Shri Yashpal Singh (U.A.) referring to the Ahmedabad riots, said that the State Government deserved to be dismissed for its complete failure to give protection to the minorities.

Shri Ebrahim Sulaiman Sait (U.A.) said that there were dark fascist communal forces in the country which misinterpreted secularism and national integration. They failed to accept that India was a multi-religious, multi-cultural, multi-racial and multi-lingual country, he said.

Shri Chandrajeet Yadav (Cong.) said that for the faults of a few people we could not give a bad name to the entire community. It was necessary, he said, that forces creating tension in the society were exposed and suitably dealt with by the Government. He suggested the creation of a special intelligence cell to keep an eye on the communal forces working in the country, and changing of the educational system whereby students would be taught to respect all religions.

Shri G. Viswanathan (DMK) said that it was necessary that our method of teaching history was examined. He also suggested that if there was not sufficient representation for the minorities in the State services, including Armed Forces and Police, they should be given sufficient representation.

Shri R. D. Bhandare (Cong.) said that the educational system should be so radically changed that the communal and caste feelings were eliminated.

Shri H. N. Mukerjee (CPI) said that it was necessary to have some investigation properly conducted by the Central Government, by whatever agency it thought fit, in order to pin down the guilt of the Gujarat Government in relation to the Ahmedabad riots. He opposed the idea of 'Indianisation of whoever does not belong entirely to the Hindu fold', as also the talk of Hindi-Hindu-Hindustan which he characterised as a fascist notion.

Shri Ramshekhar Prasad Singh (Cong.) said that even after Partition nothing had been done which could arouse confidence amongst the Muslims that they were safe and their interests were protected in free India. The Government, he said, must act in that direction.

Shri Ram Sewak Yadav (SSP) said it would be better if instead of going into the details of incidents in communal riots, we went into their causes which might perhaps enable us to devise some ways and means to check their recurrence in future. He blamed the ruling party for not taking any effective steps to solve the problems of minorities in respect of employment, safety and social status.

Resuming the discussion on the 8th December, 1969, Shri S. N. Dwivedy (PSP) said that the communal problem had taken such a serious shape that unless some drastic and immediate



steps were taken to remove the poison from body-politic of our country, it might ultimately result in the disintegration of the country as a whole. He said that there were fanatics in both the communities and those elements should be isolated and dealt with severely.

Shri Ahmad Aga (Cong.) ascribed the communal trouble to the vested interests in the country who in order to divert the attention of the people from class consciousness, started creating troubles in many parts of the country some of which took a communal turn.

Shri Badrudduja (UA) referring to the Ahmedabad riots, said that there was no denying the fact that the State Government had failed miserably in taking preventive action. Had the Government taken effective steps to control the situation, things would have not taken this turn, he said.

Shri Amrit Nahata (Cong.) said that if the police were alert, most of the troubles could be averted. He was also of the view that there was great need to increase the representation of the Muslims in Government services both at the Centre and in the States.

Shri Shripati Misra (UA) said that the evil of communalism could be eradicated only when there was a complete change in the thinking on the part of our leadership, he said.

Shri A. S. Saigal (Cong.) suggested that in order to solve the problem arising out of communalism, it was necessary that steps were taken to eliminate casteism from the country.

Shri Shiva Chandra Jha (SSP) expressed regret that the problem of communalism had not been dealt with effectively so far. This problem was present in other countries also in one form or the other and, if those countries had solved it, there was no reason why we also could not do it.

Replying to the discussion, the Minister of Home Affairs, Shri Y. B. Chavan, said that whenever an attempt was made to organise a particular community and use it for communally oriented political purposes, communal tension was created. It was necessary, therefore, that political parties did not act in that manner. Shri Chavan said that the problem could be tackled at the Governmental and the non-governmental or the national level. At the Governmental level, it was necessary to have complete and clear intelligence as to what was happening in the vulnerable areas. Secondly, the district authorities must be held responsible for communal disturbances but, unless the

State Governments showed a ruthless attitude in the matter of communal tension and riots, communalism could not be nipped in the bud. At the non-governmental level, he said, it was necessary to create a psychological atmosphere in the country by starting a joint campaign, an objective which had been agreed to by all the political parties which attended the Standing Committee of the National Integration Council. Shri Chavan added that it was much more important to win the minds of the people of India rather than to depend merely upon governmental action. Referring to the question of employment, Shri Chavan said that if any cases of discrimination were pointed out or even if there was such a feeling, Government would take care to see that such discrimination did not work. He ridiculed the idea that one particular community was less patriotic than the other and that patriotism was the monopoly of one particular religion, one particular caste or one particular political party.

#### *Protest against Lawlessness*

A Calling-Attention Notice on the 'reported hunger strike by the Chief Minister of West Bengal in protest against the widespread violence and lawlessness in West Bengal, and the disturbances connected therewith', was tabled by Sarvashri Atal Bihari Vajpayee, Hem Barua, N. P. C. Naidu, Ranjeet Singh and Samarendra Kundu. The matter was raised in the House on the 3rd December, 1969 by Shri Atal Bihari Vajpayee (J.S.).

In reply, the Minister of Home Affairs, Shri Y. B. Chavan, said that at about mid-day on the 1st December, some persons tried to create disturbance near the pandal erected in Curzon Park where the Chief Minister, Shri Ajoy Mukherjee, was leading a fast along with 31 persons of the Bangla Congress. The police threw them back and a protective cordon was placed all around the pandal. Strong police arrangements continued and no incidents had been reported from any other centres. The Home Minister added that, according to a leaflet circulated by the Bangla Congress, "their movement is not directed against any particular party, nor against the United Front or the United Front Government, but against disorder and lawlessness, political violence and inter-party clashes".

Replying to questions the Home Minister said that the situation in West Bengal had always caused concern in the mind of everybody here. However, he said, the Chief Minister himself had taken

cognizance of the situation there and was trying to deal with it in a political way. He needed our support and sympathy, the Home Minister added.

### *State Bank Robbery at Calcutta*

A Calling Attention Notice on the 'reported loot of a branch of the State Bank of India in Calcutta to the tune of Rs. 4.6 lakhs on the 12th December 1969', was tabled by Sarvashri Hem Barua, D. N. Patodia, Meetha Lal Meena, Onkar Lal Berwa and Shrimati Ila Palchaudhuri. The matter was raised in the House on the 15th December, 1969 by Shri Hem Barua (PSP).

Making a statement in reply, the Minister of State in the Ministry of Finance, Shri Prakashchand B. Sethi, said that according to the facts as ascertained from the State Government and the State Bank, a gang of ten persons arrived at the Russell Street Branch of the State Bank of India in a lorry at about 9.50 A.M. on the 12th December, 1969. As soon as the cash and securities etc. were taken out from the strong room and the strong room was closed, 7 or 8 persons entered the branch premises and fired several rounds at random. Some of them climbed the cash counter and held the guard and the other employees at gun point and removed three locked boxes containing cash from the cash department enclosure. Another person entered the clerical section and carried away the box containing shares and securities. The total cash lost amounted to Rs. 4,62,218. 65.

One bank guard was killed and another along with four other employees sustained injuries. Two guns of the bank guard were taken away by the raiders. The entire operation was over in approximately five minutes. The State Bank had lodged the first information report with the Police who were making necessary investigations. It was reported that the Police had traced a lorry and two lots of currency notes which aggregated to Rs. 20,406 and a box containing securities and shares was also reported to have been traced. They were also reported to have taken one person in custody, said the Minister.

Replying to the questions Shri Sethi said that since this incident, the police has been patrolling the area and all possible efforts would be made to apprehend the culprits.

In reply to a question asked by Shrimati Ila Palchaudhuri (Cong.) the Minister said that according to the State Bank officials, no communist literature or red flags were found in the bank premises but some leaflets were found on the Russell Street where the Bank branch was situated.

In a supplementary statement laid on the Table of the Lok Sabha on the 15th December, 1969 (AN), the Minister of State in the Ministry of Finance, said that while the operation was being conducted inside the bank premises, the remaining members of the gang who were outside exploded hand grenades and opened fire from their guns to scare away passers by. One person had been arrested in connection with the dacoity and several other persons were being interrogated. The investigation of the case which had been taken up by the detective department of the Calcutta Police was proceeding, he added.

### **Legislative and Constitutional**

#### *The Constitution (Amendment) Bill by Shri Kanwar Lal Gupta*

On the 6th December, 1969, moving the motion for consideration of his Bill seeking to amend Articles 75 and 164 of the Constitution, Shri Kanwar Lal Gupta (JS) said that these Articles should be amended so as to provide that a Minister who for a period of six consecutive months was not a Member of Lok Sabha or the Legislative Assembly, as the case might be, ceased to be a Minister. Shri Gupta said it was but proper that persons who were directly elected by the people occupied positions of authority in the Government and it was wrong to appoint Ministers through back door by making them Members of the Rajya Sabha or the Upper House in a State.

Shri N. Shivappa (Swa.) said that there was nothing wrong with the provisions of Articles 75 and 164 and it would not be correct to amend them. He accused the ruling party of misusing these provisions during the last 20 years which, according to him, had brought the party system and the Upper Houses to mockery. He said that the doors should not be closed for able and technical people to become Members of the Rajya Sabha and Upper Houses and they should be allowed to become Ministers.

Shri Prem Chand Verma (Cong.) said that the Bill was welcome because in a democracy only the chosen representatives of the people should become Ministers. He pleaded for the abolition of the Upper Houses both at the Centre and in the States.

Shri Shiva Chandra Jha (SSP) said that so long as Upper Houses were there in our country there was no harm in making a technically qualified person a member of Rajya Sabha or Vidhan Parishad and making him a Minister.

Shri Randhir Singh (Cong.) said that it was undemocratic to bring in Ministers through the back door. So long as the Upper Houses were not abolished, it would be good to accept the provisions of the present Bill, which were based on democratic principles, he said.

Shri G. Viswanathan (DMK) said that the Bill discriminated between a Member of Lok Sabha and that of Rajya Sabha. The Bill, he said, was also against indirect election which was an accepted principle under our Constitution since the President, the Vice-President and even the Prime Minister were elected indirectly.

Shri Sheo Narain (Cong.-O) said that in a democratic set-up only the elected representatives of the people should have the right to become Ministers and the system of appointing members of the Upper Houses as Ministers should go.

Shri Sarjoo Pandey (CPI) said that the Bill had no substance and should be rejected by the House.

Shri Madhu Limaye (SSP) said that whether it was the Cabinet at the Centre or in any of the States, only those should be included who had been directly elected by the people.

Shri J. B. Kripalani (U.A.) said that the principle underlying the Bill was welcome since it was very necessary that Ministers were members of Lok Sabha and Legislative Assemblies.

Shri Srinibas Misra (PSP) said that the constitutional provision whereby talents could be drawn from Rajya Sabha had been misused for private party ends. Therefore, he said, this Bill which sought to provide that only members of Lok Sabha and Legislative Assemblies should be appointed as Ministers was welcome.

Shri R. D. Bhandare (Cong.) said that the original scheme of the Constitution was foolproof inasmuch as if any person became a Minister who was not elected, he had 'got to get himself elected within six months. The constitutional provisions, he said, were not meant for the defeated politicians, and the arguments advanced in favour of the Bill had no basis and it should be opposed.

Replying to the discussion, the Deputy Minister in the Ministry of Law and in the Department of Social Welfare, Shri M. Yunus Saleem, said that if one considered the provisions of the Constitution carefully, and the consequences thereof, it would not be difficult to come to the conclusion that the proposed amendment was not as simple as it appeared to be.

Resuming his speech on the Bill on the 19th December, 1969, the Deputy Minister said that the main object of Shri Kanwar Lal Gupta's Bill was to ensure that all the members of the Cabinet were those who had been elected direct. There were many countries which had got similar provisions in their constitution as we had whereby people could be included in the Cabinet even if they were not members of either House. The existing provision in our Constitution enabled an eminent man, from outside the Parliament who might not like to contest elections, to be appointed to the Cabinet for a particular Cabinet assignment. A seat might be provided for such a person in the Rajya Sabha within six months as prescribed in Article 75.

Continuing, Shri Yunus Saleem said that it would be recalled that one of the recommendations of the Committee on Defections was for barring appointment as Prime Minister|Chief Minister of a person who was not a member of the Lower House. The matter was discussed by the Cabinet and it had been decided to introduce a Bill to that effect. Therefore, the amendment proposed by the mover of the Bill, so far as it related to the Prime Minister and Chief Minister, had been accepted in that legislation was proposed to be introduced shortly. As regards the other members of the Cabinet, there might be difficulties which it was not possible to overcome at the time of formation of the Government, if the mover's suggestion was accepted.

While replying to the debate, Shri Kanwar Lal Gupta (JS) said that it was a matter of great satisfaction that the Government had welcomed the spirit of the Bill and had agreed with the principle that the Chief Minister of any State or the Prime Minister of the

country should be a directly elected member of the Lower House in the State or the Centre respectively. It would be better if this principle was accepted in the case of all the Ministers, he added.

Thereafter, the Bill was withdrawn with the leave of the House.

*The Constitution (Twenty-Third Amendment) Bill*

The motion for consideration of the Constitution (Twenty-third Amendment) Bill 1969 was moved on the 8th December, 1969 by the Minister of Law and Social Welfare, Shri Govinda Menon. The Bill sought to amend Articles 330, 332, 333 and 334 of the Constitution with the object of extending by a further period of ten years the provisions relating to the reservation of seats for the Scheduled Castes and Scheduled Tribes and the representation of the Anglo-Indian community by nomination in Lok Sabha and the Legislative Assemblies of the States.

Initiating the discussion, the Minister of Law and Social Welfare Shri Govinda Menon said that the stage when we could do away with reservation for Scheduled Castes and Scheduled Tribes had not been reached in our country. Our attempts to bring these communities to a level which was equal to the rest of the population of the country had not succeeded, he said.

Dr. Ram Subhag Singh (Cong. O) said that it was clear that the Government did not want to take any radical steps to improve the condition of the Scheduled Castes and the Scheduled Tribes. He suggested the provision of free and compulsory education upto the highest level for the children of Harijans and Adivasis and the allocation of all surplus land of the Government to these people.

Shri R. D. Bhandare (Cong.) supporting the Bill said that the reasons which weighed with the Constituent Assembly in making provisions with regard to the reservation of seats for the Scheduled Castes and Scheduled Tribes and representation of the Anglo-Indian Community by nomination had not ceased to exist as the conditions which were prevailing at that time had not changed.

Shri M. R. Masani (Swa.) while emphasising that his Party stood for the protection of the rights and interests of Muslims, Christians, Sikhs and other minorities, said that there were two or three negative aspects of reservation. What reservation had done, he said, was to put the conscience of the upper class and the upper caste to sleep while to those who were thus protected, this had been a kind

of opiate, a doping effect, putting to sleep the instinct for social justice and the dynamism that should come from an under-privileged class. He said that he would like to make this Bill the last amendment to the Constitution on this point.

Shri S. M. Siddayya (Cong.) said that the reservation should continue so long as the condition of the Scheduled Castes and the Scheduled Tribes did not improve and it should continue so long as they had not attained the level of other advanced communities in the country.

Shri P. Sivasankaran (DMK) said that the reservation of seats in the Parliament and in the State Legislatures for the members of Scheduled Castes should not remain a mere paper plan but concrete steps should be taken for their upliftment.

Shri K. K. Chatterji (Cong.) supporting the Bill, said that unless we were prepared to abolish the caste system, probably we would have to continue this reservation in perpetuity.

Shri Sheo Narain (Cong. O) welcoming the Bill said that suitable employment should be provided to the Scheduled Castes and Scheduled Tribes and casteism should be routed out of the country.

Shri Ramji Ram (U.A.) said that the period of ten years was too short and there should be no limit in this matter. As measures for improvement of the economic condition of the Scheduled Castes and the Scheduled Tribes, he suggested proper educational facilities and inter-caste marriages and said that the problem should be tackled at the national level.

Shri Tulshi Das Jadhav (Cong.) said that the reservation should continue as long as these people wanted it.

Shri B. P. Mandal (U.A.) was of the view unless social exploitation was removed, India could not make progress to the desired extent. He said that those Harijans who had left Hinduism and adopted Buddhism due to social disabilities must not be deprived of the safeguards which were provided for the Scheduled Castes and Tribes as mere change of religion did not improve their condition.

Shri Atal Bihari Vajpayee (J.S.) said that mere reservation of seats in the legislatures was not going to improve their condition. In addition to that, he said, serious effort would have to be made to raise



their economic level, social status and educational standards. Referring to the provision for nomination of the representatives of the Anglo-Indian community to Lok Sabha, he said it was time that the special privilege for them was discontinued and they came forward like other minority groups such as Parsis.

Shri Yogendra Sharma (CPI) said that if we really wanted to improve the condition of the weaker sections of our country, we should reject the capitalist system and lay the foundation of our society on socialistic pattern.

Shrimati Sudha V. Reddy (Cong.) said that every member of Scheduled Caste or Tribe should be helped to stand on his own feet but they should not get the feeling that charity was being shown to them.

Shri C. K. Chakrapani (CPM) said that the attitude and approach to the problem of the Scheduled Castes and Scheduled Tribes was one of patronage and unless this attitude was given up, no good could be done to these people.

Shri Rabi Ray (SSP) said that the least that should be done with regard to the Scheduled Castes and Scheduled Tribes was to give them special representation in higher services. Regarding nomination of Anglo-Indians, he said that the system of nomination to Lok Sabha, which was an elected body, should go.

Shri S. N. Dwivedy (PSP) said that the Bill might ultimately lead to further disintegration of the society as it was not likely to create a situation in which the Scheduled Castes and the Scheduled Tribes would be integrated in the society as a whole. In regard to the system of nomination, he said that it was an anachronism which should not be there in a democratic set-up. He said that the Anglo-Indians were quite advanced and should not be clubbed together with the backward scheduled Castes and Scheduled Tribes.

Shri Kartik Oraon (Cong.) said that the reservation should continue until such time as the Scheduled Castes and Scheduled Tribes had reached the same level of advancement as other people, economically, socially, educationally and politically.

Shri Frank Anthony (U.A.) said that because of certain reasons there was a large section of the Anglo-Indian community that was without education. If the Anglo-Indians did not get this representation, he said, they would not be able to get their indigent

grants and without indigent grants, tens of thousands of their orphans and poor children would not be only without education, they would be without food and in miserable condition. Whatever safeguards were given to our community, they had been completely justified by it; it had justified them in blood and valour, he said.

Shri Ram Charan (PSP) said that it was a matter of regret that the Government had not been able to do anything positive for improving the economic and social condition of the Scheduled Castes and the Scheduled Tribes in the last twenty years. He said it was necessary that steps were taken to ensure that all the reserved vacancies for Scheduled Castes and Scheduled Tribe candidates were filled only by persons belonging to these categories.

Shri Randhir Singh (Cong.) said it was necessary that during the ensuing ten-year period, concrete steps were taken to improve the condition of the Scheduled Castes and the Scheduled Tribes.

Shri R. S. Arumugham (Cong. O) said that till the people of Scheduled Castes and Scheduled Tribes reached a level economically, socially, politically and educationally comparable to other communities in the country, reservation should be there so that their interests could be safeguarded.

Shri Ramanand Shastri (Cong.) said that schemes and programmes should be undertaken to improve the economic and social conditions of the Scheduled Castes and the Scheduled Tribes so that they could come to the average level of the society.

Shri Meetha Lal Meena (Swa.) said that the Government should formulate and implement those schemes and programmes which resulted in the economic and social upliftment of the Scheduled Castes and Scheduled Tribes people and which brought them to the standard of the general community.

Shri T. H. Sonavane (Cong.) said that Government should take speedy and rapid measures to help these communities and bring about all-round development in the social, economic and educational fields. They should also ensure, he said, that so far as the opportunities in employment and education were concerned, no discrimination was made against the Scheduled Castes and the Scheduled Tribes.

Shri G. Kuchelar (DMK) said that unless Government brought forward legislation abolishing all the castes in Hindu society, there

could be no progress socially, economically, politically and educationally so far as the people of the Scheduled Castes were concerned.

Replying to the discussion, the Minister of Law and Social Welfare, Shri P. Govinda Menon, said it was not as if they were going to have a permanent provision of a mandatory character in the Constitution under which the President would go on nominating Anglo-Indians. If, in the next general election, no Anglo-Indian was contesting any constituency, it would be legitimate on the part of the President to say that he would not nominate because there had been no attempt to have a representation, he said.

Referring to the criticism that during the last twenty years nothing had been done by Government towards improving the condition of the Scheduled Castes and Scheduled Tribes. Shri Menon said that when Independence dawned on us, the position of the Scheduled Castes and Scheduled Tribes was indeed considerably more pitiable than it was today. For example, in 1948-49, the number of scholarships awarded to Scheduled Castes was only 647; in 1967-68 it was 1,03,129. In 1948-49, the number of scholarships awarded to Scheduled Tribes was 84 and in 1967-68, it was 19,830. For Scheduled Castes people the land allotment scheme remained a popular scheme. Between 1950 and 1961, in the course of 11 years, 36 lakhs acres had been allotted to Scheduled Castes people, he said. The criticism that during the last 20 years nothing had been done was at best an exaggeration. He, however, agreed that something dynamic had to be done for improving the lot of the Scheduled Castes and Scheduled Tribes and said it was for that reason that a Committee of Parliament had been appointed to look after their welfare. It was the duty of that Committee to be the watchdog of the interests of the Scheduled Castes and the Scheduled Tribes.

After Shri Menon's reply, the motion for consideration of the Bill was adopted.

The Bill was passed unanimously.

#### *The Monopolies and Restrictive Trade Practices Bill, 1969*

The motion for consideration of the Monopolies and Restrictive Trade Practices Bill, 1969\*, as passed by Rajya Sabha on the 24th July 1969, was moved on the 10th December, 1969, by the Minister of Industrial Development, Internal Trade and Company Affairs, Shri

---

\*The Bill, introduced in Rajya Sabha on the 18th August, 1966, was referred to Joint Committee. The Committee submitted its report on the 17th February, 1969.

**Fakhruddin Ali Ahmed.** Initiating the discussion on the Bill, **Shri Ahmed** said that the incentives given for the development of the economy and for industrial production had actually benefited a few with the result that there was a demand for appointing a Commission in regard to concentration of wealth.

The Monopolies and Restrictive Trade Practices Commission that was to be appointed under the Bill had been given mandatory powers in respect of restrictive trade practices, he said. The other important modification introduced in the Bill included provisions for exercising control over undertakings belonging to a group having total assets of the value of not less than Rs. 20 crores. That the object of the Bill was, on the one hand, to keep in view the consideration that we should not take any action likely to impede industrial production and, on the other, to see that such tendencies were not allowed to develop which while increasing expansion would result only in the concentration of wealth in the hands of a few to the detriment of the public at large.

**Shri Asoka Mehta (Congress-O)** said that it was regrettable that as far as monopolistic and restrictive practices were concerned, the Government had taken such a long time in taking action. While the objectives of the Bill were desirable and laudable, the approach had not been properly worked out. He stressed that concentration of economic power could be attacked only if there was a policy framework. The Bill, which had completely been divorced from the Plan, needed a proper framework.

**Shri Chintamani Panigrahi (Cong.)** welcomed the Bill and said that time had come when steps should be taken to see that the great disparity between incomes was removed or narrowed down.

**Shri M. R. Masani (Swa.)** said that he was opposed to all restrictive trade practices and monopolies of any kind, and to concentration of power in the same hands, whether it was economic power or a combination of economic and political power. If the private enterprises required in public interest the controlling supervision of the Commission, he added, such supervision was equally needed for the public sector enterprises, and so the State Monopolies should not have been excluded from the purview of the Bill. Further, the Commission was being downgraded into a mere advisory body, all real power resting with the Minister. He opposed the Bill on another ground *viz.*, that it did not foster competition as an anti-monopoly Bill should. The present Bill, he said, tried to restrict competition both between private enterprises and State enterprises and *inter se* between private enterprises.

While supporting the objective of the Bill, Shri Kanwar Lal Gupta (JS) said that whether it would be fulfilled was a big question. If Government wanted to do away with monopolies, the Bill was welcome, but it should be applicable to both the sectors—private as well as public, he said. Further, the recommendations of the Commission should be binding on the Government, he added.

Shri Era Sezhiyan (DMK) said that the need to curb monopolistic growth and restrictive trade was very great and from that point of view the Bill was really laudable. He feared that it might not serve the purpose for which it was being enacted.

Shri S. R. Damani (Cong.) said that the provisions of the Bill should be examined to see that it did not hold up the industrialisation of the country.

Shri Krishan Kumar Chatterji (Cong.) was of the view that the Bill would not achieve its objective of stopping monopolistic enterprises and putting curb on restrictive trade practices. Resuming discussion on the Bill on the 15th December, 1969, he added that it was essential that Government reoriented their economic policy and programme so that we expanded our public sector in spite of its shortfalls, handed over the production and distribution system to the community for their benefit, and took over the private enterprises through gigantic cooperative undertakings. By this process alone could we prevent the concentration of wealth in a few hands, he said.

Shri Indrajit Gupta (CPI) said that the Bill was very unsatisfactory. As an anti-monopoly measure this Bill had already become outdated and outmoded. It was also necessary to overhaul the out-dated Industrial Policy Resolution to bring out a qualitative shift in the balance between the public and private sectors.

Shri Vikram Chand Mahajan (Cong.) said that monopoly grew because we followed a policy which enabled the growth of monopoly. Resuming discussion on the Bill on the 17th December, 1969, he said that there was need to reorient the entire industrial system and review the entire industrial policy.

Shri Ganesh Ghosh [CPI(M)] said that monopolies had got to be abolished and not simply controlled.

Shri Amrit Nahata (Cong.) was of the view that the present *lopsided* growth of our economy was due to the defective policy pursued by the Planning Commission.

Shri Prabhu Dayal Himatsingka (Cong-O) said that the provisions which dealt with the control of monopolistic tendencies and restrictive trade practices should have been made applicable to Government undertakings also.

While replying to the debate, the Minister of Industrial Development, Internal Trade and Company Affairs, Shri Fakhruddin Ali Ahmed, said that despite discordant notes struck by some of the Members, so far as the concepts behind this Bill were concerned, they had found clear acceptance by the House. The aim of this legislation was certainly not to inhibit industrial growth in any manner but to ensure that such growth was channelised for the common good and was not used to increase and perpetuate concentration of wealth and economic power in the hands of a few business groups. Moreover, this legislation was only one out of a series of measures which was being contemplated to correct certain distortions which were tending to develop in our economy.

It was a wrong impression, he said, that the Commission envisaged in the Bill would be merely an advisory body; its decisions regarding restrictive trade practices were binding on the parties concerned and its advice as regards monopoly would be taken into account by the Government whose decision in the matter would be open to challenge in the Supreme Court and in Parliament. Further, the Bill, he said, stood for competition and sought to ensure it and that would certainly benefit the consumer. As for the flow of industrial credit, there would be a comprehensive credit plan and policy.

He assured the House that the Government would continuously review the working of the measures and take such steps as might be appropriate in the context of our economy, so that, without retarding economic growth or even slowing it down, it honoured its pledge that neither restrictive practices nor concentration of economic power was allowed.

The motion for consideration of the Bill was adopted and clause-by-clause consideration was taken up by the House.

Speaking during the second reading of the Bill, Shri J. M. Lobo Prabhu (Swa.) said that any form of monopoly, whether state or private, was bad, because it was against economic growth and against the consumer. It was even against the producer who had no incentive to improve his quality or enlarge his market. The word "control" was a very vague term which gave Government the power of control over people. Those powers were likely to be misused.

Shri Kanwar Lal Gupta (JS) was of the view that through this Bill Government were taking sweeping powers, which could be misused. It was doubtful if the Government would succeed in checking monopolies by taking these powers.

Shri M. R. Masani (Swa.) said that it appeared that the purpose of the Government in introducing this Bill was not to fight monopoly but to fight and remove any competition to the monopolies which this Government enjoyed in the form of its undertakings.

Shri S. S. Kothari (JS) said that in order to increase production and check inflation, the Government should take power to exclude certain industries such as export and priority industries from the purview of the Bill. There was no definition of 'concentration of economic power', 'common detriment' and 'prejudicial to public interest' in the Bill. These were all vague terms, and should have been clearly spelt out.

Shri Shiva Chandra Jha (SSP) said that the provision for re-appointment of members of the Commission should go as it was likely to result in serious irregularities. If a member was reappointed to the Commission, he was likely to develop some sort of vested interest and that would be undesirable.

Shri Ramavatar Shastri (UA), said that the Central Government should allow expansion not only if it was expedient in the public interest to do so but it should also be ensured that such expansion was in the interest of establishment of socialism in the country.

Speaking during the third reading of the Bill, the Minister of Industrial Development, Internal Trade and Company Affairs, Shri Fakhruddin Ali Ahmed, said that they would look into the various suggestions given by the Members through the amendments tabled on various clauses of the Bill. So far as the basic principles and the objectives of the Bill were concerned, by and large, an overwhelming number of Members had accepted and supported them. But the Bill by itself was not sufficient to check the tendency towards monopoly. They would have to consider and tighten other measures also to check this tendency.

An attempt was made by members of the Swatantra Party to include public undertakings or undertakings controlled by Government within the meaning of 'monopoly'. It must be realised, he said, that public undertakings were subject to the supervision of this House and, if anything went wrong, it could be set right in the public interest. But it was not so with private enterprise.

The motion that the Bill be passed was moved by Shri Fakhruddin Ali Ahmed on the 18th December, 1969. The motion was adopted and the Bill was passed.

*Assam Reorganisation (Meghalaya) Bill, 1969*

The motion for consideration of the Assam Reorganisation (Meghalaya) Bill, 1969\* was moved on the 22nd December, 1969 by the Minister of Home Affairs, Shri Y. B. Chavan. The Bill had been introduced in Lok Sabha on the 15th December, 1969.

Initiating the discussion on the Bill, Shri Chavan said that the tribal areas of Assam already enjoyed certain autonomy under the Sixth Schedule of the Constitution. But that autonomy was not considered to be enough as the people in hill areas felt that it did not provide them proper opportunities to express their own political personality and their political aspirations. Consequently, Government had prolonged deliberations with different people and came to certain conclusions which were included in the statement of 11th September, 1968. The entire concept was to enlarge the autonomy in the hill areas by creating an autonomous state within the State of Assam which would be called Meghalaya. Clause 3 of the Bill explained the formation of Meghalaya@. Clause 11 provided for a Legislative Assembly for Meghalaya which would consist of not less than 35 and not more than 55 members. The most important clause in the Bill was clause 33 which, if read with the Second Schedule defined the legislative powers entrusted to Meghalaya and the coinciding executive power of this State. In other matters, the Assam Legislature and Government would continue to have the powers and authority in the areas forming the autonomous State. The Third Schedule to the Bill contained detailed provisions for the allocation of assets and liabilities of the existing State of Assam between that State and Meghalaya. The Bill had come about as a result of emergence of agreement between most of the political parties.

Shri Shri Chand Goyal (JS) said that the Bill should either be circulated for eliciting public opinion or referred to a Select Committee. A State within a State was a novel idea not contemplated by the founding fathers of the Constitution.

---

\*The Constitution (Twenty-Second) Amendment Act, 1969 conferred powers on Parliament to enact a law for the formation of an autonomous State within the State of Assam.

@Meghalaya would comprise the autonomous district of United Khasi-Jaintia Hills, Jowai and Garo Hills. The autonomous districts of North-Cachar Hills and Mikir Hills could also opt to join, option to be exercised by a two-third majority of the members of their respective district councils.



Shri Prakash Vir Shastri (UA) said that there was no need for the creation of the new State. It would not be economically independent. From the security point of view also, it was not advisable to create such a small State on the border. Instead of passing the Bill in a hurried manner, it would be better to refer it to a Select Committee so that all aspects could be carefully considered.

Shri Liladhar Kotoki (Cong.) welcomed the Bill which embodied a new experiment of having an autonomous State within a State. The proposed North Eastern Council, he said, would ensure integrated development of the entire north eastern region, apart from discussing and devising measures for the safety and security of the region.

Shri Om Prakash Tyagi (JS) said that the policy of forming a state within an existing State was wrong. The Government should obtain opinion of all the Hill leaders and the concerned people and then bring forward a comprehensive Bill.

Shri Bal Raj Madhok (JS) doubted whether the Bill would satisfy the aspirations of the hill people. He said that the policy of having different states with different status in Assam was wrong and suggested the appointment of a Commission, after the Bill had been passed, to go into the question of reorganisation of the entire eastern region.

Shri Dhireswar Kalita (CPI) said that the Bill was a welcome measure and would satisfy the Hill people as also the plains people of Assam.

Shri Chintamani Panigrahi (Cong.) said that the people of Meghalaya and the great people of Nagaland would stand as brave sentinels on our frontiers and be great defenders of Mother India.

Shri Prabhu Dayal Himatsingka (Cong-O) said that the Bill was a right step taken to allay the fears of the people in that area.

Shri J. M. Lobo Prabhu (Swa.) said that the Home Minister deserved to be congratulated for having brought this Bill with the consensus of all concerned.

Shri E. K. Nayanar (CPI-M) said that the creation of a hill state would not weaken Assam but on the contrary would strengthen the unity of the Assamese people.

SHRI V. Krishnamoorthi (DMK) said that the Bill though belated, fulfilled the aspirations of the hill people who were struggling very hard for so many years to have a separate state.

Shri Bedabrata Barua (Cong.) said this experiment in democratic structure of an autonomous state within a State was certainly a very progressive step, because it prevented bureaucratisation in the name of Central security or authority.

Shri George Fernandes (SSP) said the Bill was welcome, but the passing of this Bill alone was not going to solve the problem of the entire north eastern frontier region. The question of giving democratic rights to the people of NEFA should also be considered.

Shri Kartik Oraon (Cong.) said that it was a matter of satisfaction that a separate state was being formed for the hill people, and suggested the formation of a similar separate State for Chhota Nagpur and Santhal Pargana.

Shri Tenneti Viswanatham (UA) supported the Bill and hoped that the novel experiment, made possible because of the cooperation and spirit of goodwill on the part of the people and leaders of Assam and Meghalaya, would be successful.

Shri Hem Barua (PSP) said that there were many loopholes in the Bill and it should, therefore, be referred to a Joint Select Committee so that those loopholes were removed. Further, he suggested that the Income-tax laws and the Wealth tax laws should be extended to Meghalaya also.

Replying to the discussion, the Minister of Home Affairs, Shri Y. B. Chavan said that it was gratifying that the Bill had received the general support of the House. Referring to the question of security, Shri Chavan said that the Bill was the real solution to the problem of security, because the forces of security were not strengthened by suppressing the political aspirations of the people. There was no reason why the Bill should be circulated for eliciting public opinion or it should be referred to a Select Committee. The Joint Select Committee on the relevant Constitution Amendment Bill had thoroughly gone into all the aspects of the problem and the Parliament had accepted the principle of the Bill.

Thereafter, the motion for consideration of the Bill was adopted and clause-by-clause consideration of the Bill commenced.

While speaking on the motion, on the 24th December, 1969, Shri Om Prakash Tyagi (JS) said that the Bill as it was drafted was not proper and should be improved before being passed. He stressed that the Chief Minister should be elected by the members of the Legislative Assembly and he should appoint the other Ministers.

Shri Kanwar Lal Gupta (J.S.) said that the Bill did not mention the number of Ministers to be appointed in the Council of Ministers. He desired that it should be fixed at four so that there was no misuse of power by the Chief Minister.

Shri Shiva Chandra Jha (SSP) welcomed the Bill and said that an attempt should be made by the Central Government not to make any nomination to the Provisional Legislative Assembly of Meghalaya. If at all any nomination had to be made, the number of nominated members should be two and not three.

Shri Hem Barua (PSP) said that there was no mention in the Bill as to what would happen to the North Cachar and Mikir or Mizo hill districts. The position in regard to those areas should be made clear.

Dr. Sushila Nayar (Cong.-O) said that it would have been better for the Government to think in terms of accepting full statehood for the area.

Shri Surendranath Dwivedy (PSP) hoped that the aspirations of the hill people of Assam would be met after the constitution of the new State.

While replying to the debate on the Bill, the Minister of Home Affairs, Shri Y. B. Chavan, said that the idea was not to have further fragmentation of the State of Assam. Meghalaya was not a sub-state that was being created. It was an autonomous State, he said, though it had no autonomous status in some matters.

After Shri Chavan's reply, the motion that the Bill as amended be passed was adopted and the Bill was passed.

### **Economic and Financial**

#### *Drought and famine conditions in Western Rajasthan*

A discussion under Rule 193 on 'the acute drought and famine conditions in Western Rajasthan was raised in the House on the 25th November, 1969 by Shri Amrit Nahata (Cong.).

Initiating the discussion Shri Nahata said that a large number of people in Western Rajasthan were on the verge of starvation, children had been reduced to skeletons and lakhs of cattle had died. He said that the drought problem of Rajasthan should be treated as a national problem and both the Central and the State Governments should be

responsible for tackling it. The drought problem had been aggravated on account of partition of the country. It was, therefore, the responsibility of the Centre and the entire nation to tackle this Situation. Moreover, the Central Government had to assume the responsibility of converting the desert into fertile land. He urged the Government to take permanent measures so that nobody died of hunger or due to shortage of drinking water.

Shrimati Sucheta Kripalani (Cong.-O) asked the Government to pay attention towards finding a permanent solution to the problem and to allocate money for taking up irrigation schemes and other projects which would help in solving the problem on a permanent basis.

Shri D. N. Patodia (Swa.) said that eighty per cent. of the cattle population in Rajasthan had either migrated to other areas or had died and the people were wandering aimlessly in the hope of getting water and fodder. He described the situation as pathetic and urged the Government to adopt measures to tackle the problem on a permanent footing by exploiting the underground water reservoirs, digging of wells, construction of tubewells and development of proper transportation and communication systems.

Dr. Karni Singh (UA) said that Rajasthan had passed through the worst famine ever in the last hundred years and the magnitude of human suffering was very hard to describe. Jodhpur, a city of 3 lakhs of people, was going to face an acute drinking water problem in the next two or three months. In many other parts of north-western region of Rajasthan, drinking water had become a paramount problem. He asked the Government to allocate more funds to Rajasthan to help the people in view of the recurring famine in that State.

Shri Onkarlal Bohra (Cong.) said that the drought problem of Rajasthan should be tackled at a national level, more so because it was an area bordering Pakistan. He said that the Rajasthan Government would not be able to handle the situation unless the Central Government gave adequate financial assistance.

Shri Om Prakash Tyagi (JS) said that the money spent on relief work was too meagre to make any improvement in the situation. He alleged that there had been misappropriation of funds by those in-charge of relief works and asked the Central Government to appoint a Commission to go into the manner in which the relief money had been spent and unearth cases of corruption.

Shri N. K. Sanghi (Cong.) said that Rajasthan had been in the grip of drought for several years and although crores of rupees had been spent, the problem had not been solved. He said that human considerations demanded immediate attention on the part of the Government to the sad plight of the people and implored the Government to tackle the situation on a war-footing.

Intervening in the discussion the Minister of Irrigation and Power, Dr. K. L. Rao, said that the completion of the Rajasthan Canal project and the Narmada project would undoubtedly remove all the difficulties of Rajasthan especially in regard to the problem of drinking water for both men and animal. However, he said, the difficulty was that both these projects were very big and the question of funds was the only problem standing in the way of speedier progress. Dr. Rao added that the main problem of drinking water for animals and men had to be tackled through irrigation canals since tube wells alone could not tackle the problem.

Shri K. M. Madhukar (CPI) said that the Government should give priority to the work of completing the Rajasthan Canal so that the desert area of Rajasthan could be converted into a green belt.

Shri B. N. Bhargava (Cong.) said that the problems created by natural calamities should be solved at the national level. He urged for more rational allocation of funds to remove regional imbalances and to concentrate on areas which very often had famine conditions.

Shri R. K. Birla (Swa.) said that enough money should be spent on tube wells and open wells and that Government should ensure that the full amount of money sanctioned to a farmer for digging a well reached him.

Replying to the discussion, the Minister of State in the Ministry of Food, Agriculture, Community Development and Cooperation, Shri A. P. Shinde, said that the subject of drought fell within the purview of the State Government and, therefore, it was but right that the State Government should take measures to meet the situation and the Centre should assist the State Government. That, he said, was being done to the extent possible.

In regard to the food situation in Rajasthan Shri Shinde said that the Rajasthan Government had been taking care to see that fair price shops were supplied with adequate quantities of food. As far as the

Government of India were concerned, he said, they would take care to see that all the reasonable requirements of Rajasthan were adequately met.

In regard to the supply of drinking water, Shri Shinde said that the Central Government had asked the Rajasthan Government to sink as many tubewells as possible and had placed Rs. one crore at their disposal till the end of December. Regarding the cattle problem, Shri Shinde said that except migration there was no other way of protecting the cattle wealth. He added that the State Government had taken care to see that depots were organised and fodder and drinking water were made available to the migrating cattle on the roads. On the question of providing relief to the people, the Minister said that the Rajasthan Government had opened a large number of relief works but they had their own difficulties because the area was so much spread out. The Central Government was awaiting the report of the Study Team sent to Rajasthan in the third week of November and, meanwhile, the necessary measures to provide relief work would be taken by the Rajasthan Government.

#### *Income-tax arrears*

On the 26th November, 1969, raising a half-an-hour discussion on the 'Income-tax arrears', Shri Om Prakash Tyagi (JS) said that there was a huge amount of black money in the country which had shaken our entire economic structure. He alleged that the businessmen disclosed hardly one-fourth of their income and, consequently, three-fourth of the real income became black money every year. If this amount could be utilised for industrial and other works, we would not require any financial aid from foreign countries, he said. Shri Tyagi said that the figure of Rs. 554 crores shown as arrears of income-tax did not appear to be correct. He asked the Government to state the amount of penalty and arrears which was not likely to be recovered.

Replying, the Minister of State in the Ministry of Finance, Shri P. C. Sethi, said that the net amount of income-tax arrears as on 30th June, 1969 was Rs. 554 crores. It excluded amounts pending disposal of appeal where a stay had been granted (Rs. 107.85,34,000). If the amount not fallen due was also taken into account, the total came to about Rs. 211 crores and the gross arrears would be of the order of Rs. 765 crores he said. Shri Sethi informed the House that at a meeting of the Income-tax Commissioners, it had been decided that wherever it was effectively and clearly proved that it was absolutely impossible to realise the arrears, then steps should

be taken to write them off. In regard to black money, Shri Sethi said that under the various schemes of disclosure, about Rs. 197 crores had been disclosed. But, he added, wherever it had been apprehended that the disclosures were not complete or comprehensive, the cases had been re-opened.

### *Unsatisfactory State of Indian Economy*

On the 28th November, 1969 raising a half-an-hour discussion on the 'unsatisfactory state of Indian economy' Shri R. Barua (Cong.) said that the prosperity of a country could be judged on the basis of its *per capita* income and the *per capita* consumption of essential commodities. In our country, he said, the *per capita* income had not gone up and it was very low in comparison to the rest of the World. He was of the view that in a truly developing economy, the common man should have a better standard and better consumption year after year, but here it was in the reverse direction. Referring to the capital formation climate, Shri Barua said that during the decade ending 1965-66 our national income rose by 40 per cent but the savings stagnated at 8 per cent. He also said that the position regarding investment, agricultural production and production in certain industrial fields like fertilizers, petroleum, steel etc., was also not satisfactory. The export performance also seemed to be suffering from a certain constraint which required to be corrected.

Shri Shiva Chandra Jha (SSP) said that as long as deficit financing was not stopped, there could be no improvement in the economic situation in the country.

Shri Kanwar Lal Gupta (J.S.) said that the state of our economy continued to be unsatisfactory because of defective planning, wrong priorities and bad implementation.

Shri S. Kundu (PSP) said that the real wage today as compared to the wage obtaining in 1939, had gone down by about 60 per cent.

Replying, the Minister of State in the Ministry of Finance, Shri P. C. Sethi, referred to the Green Revolution and expressed the hope that on account of the new strategy, the food production this year might reach the level of one hundred million tonnes. He said that there was an overall improvement in the industrial sector and this year a production growth of about 6 to 7 per cent was expected.

Shri Sethi said that exports had made good headway, registering a rise of 13 per cent last year. As far as the gross national product

was concerned, Shri Sethi said it had increased from Rs. 15,645 crores in 1965-66 to Rs. 16,814 crores in 1968-69. As far as *per capita* income was concerned, he conceded that there had not been an appreciable rise, one of the factors responsible for this being the population growth.

Referring to deficit financing, Shri Sethi said that it was not on the high side and efforts would be made to see as to what extent it could be further confined. In regard to the rise in prices, he said that certain commodities, which were in short production, had shown an upward trend and the Government would have to see that the production caught up with the demand.

#### *Income tax, Wealth tax etc. of Union Food Minister*

On the 28th November, 1969, Shri J. Mohammed Imam (Swa.) moved that "This House takes note of widespread criticism in the country regarding the failure on the part of the Union Food Minister, Shri Jagjivan Ram, to file his income-tax and wealth tax returns and also the serious financial irregularities committed by various institutions with which the Union Food Minister is associated and resolves that a Committee of Members of Parliament be appointed to investigate these allegations and make a report to the House."

While initiating discussion on the Resolution on the 24th December, 1969, Shri Imam said that this House would be giving Shri Jagjivan Ram a chance to clear himself of the charges that had been levelled against him. He added that when it was announced in various newspapers that Shri Jagjivan Ram had consistently failed to file the returns of wealth tax and income tax for over a decade, the whole country was taken by surprise. He was surprised whether such a grave error would be committed by a person of his standing. The role of the Income Tax Officers in this episode was very intriguing and mysterious. The Minister should tell us whether the Income Tax Officers and the Commissioner of Income Tax had taken any action in the matter. What were the grounds or reasons given in the application and on what grounds the Commissioner of Income tax waived the penalty. He appealed to the Prime Minister that she should discourage her colleagues from associating themselves with private organisation. Finally he said that the House should accept the Resolution and set up a Parliamentary Committee to go into the whole matter.



Shri N. K. P. Salve (Cong.) said that there was a lack of appreciation of the legal and the factual position of the whole matter. Everyone was impelled to draw inferences based on conjectures, surmises and guesses. The main question was whether any failure on the part of Shri Jagjivan Ram to file voluntary returns under Section 22(1) of the Income Tax Act, 1922, constituted a default or a lapse amounting to turpitude. Another aspect was that the law enjoined liability on the Income Tax Officer to issue notices under certain circumstances, when in his opinion, the income of the assessee exceeded the maximum amount exempt from taxation. No. notice was issued to the assessee; and the assessee was not a stray case. In 80 per cent of the cases of employees, the Income-Tax Department did not issue a notice. Therefore, the default was of technical inadvertence which could not be called tax evasion. It was being magnified to aggrandise political interests, he said.

Shri Morarji R. Desai (Cong.-O) said that the facts of the case were very simple and they could not be controverted. The argument that income received and added to the capital could not be considered income, was a very strange logic. That was an income which was received by him. There was no use taking shelter behind the technicality of law about the form and notice. It was also no use pleading that the Minister was ignorant of the law. The Ministers must conform to the law and if they did not do so, they must resign.

Shri Kanwar Lal Gupta (JS) expressed the view that Ministers should set an example before the people by their conduct. He said that the Income Tax authorities had favoured the Minister by waiving the penalty and an impartial inquiry should be held into the whole matter.

Shri M. Kamalanathan (DMK) said that it was a serious lapse not only on the part of Shri Jagjivan Ram and 72 other Ministers, but also on the part of Shri Morarji Desai who had failed to make them public. This kind of laxity in administration was most reprehensible, he added.

Intervening in the debate, the Minister of State in the Ministry of Finance, Shri P. C. Sethi, said that it could be emphatically denied at the very outset that any notice under section 139(2) of the Income-Tax Act was given to Shri Jagjivan Ram. The total tax liability that had accrued on him for all these years was Rs. 75,590, out of which the tax deducted at source was Rs. 38,616 and the remaining amount came to Rs. 36,974, which he had paid. Whatever decision had been

given in this particular case by the judicial authority concerned was final.

Continuing his speech, Shri Sethi said that more than 350 MPs had either not filed their returns or filed their returns late. In terms of section 139 (1) of the Act although their tax was deducted at source, it was absolutely necessary for them to file returns. Some of them had done so and some had not. As far as law was concerned, it had taken its course and nothing extraordinary had been done in this particular case. Everything had proceeded according to law and all these questions were being raised with political motivation.

At this stage, a motion was moved by Dr. Ram Subhag Singh (Cong.—O) “that the debate on this motion be adjourned to the next session.”

The motion was put to vote and negatived by 82 votes to 194.

Continuing the discussion on the Resolution, Shri Indrajit Gupta (CPI) said that the question involved was, no doubt, a question of principle, not merely of some technical breach of law or of any impropriety. The particular resolution in the particular way it had been brought forward, was nothing but a factional game intended to black-mail certain people. This discussion had also thrown light on the functioning of the Income-Tax Department.

Shri Madhu Limaye (SSP) said that if the Ministers, legislators and high officials were to set an example before the country, the Government must accept the setting up of a standing committee to which the cases that arose against those people could be referred. He also pleaded for streamlining the Income Tax Department.

Shri J. B. Kripalani (UA) said that great people had not only to act rightly but they must also appear to be acting rightly. If the people occupying high positions in the Government were not right before the public, they had no right to be in the Government.

Shri V. Viswanathan Menon (CPI—M) said that the suggestion that a standing committee should be constituted to go into the question of payment of taxes by Ministers, ex-Ministers and Members of Parliament, was welcome.

Shri Surendranath Dwivedy (PSP) said that the time had come when serious notice should be taken of the officer who had used his

discretion in exonerating Shri Jagjivan Ram, for there was no reason or justification for exonerating him. If Government did not want to shelter any person, however high the post he was holding, they should be prepared to appoint a high-powered committee, including Members of Parliament, to go into the entire question of the assets of all existing Ministers, ex-Ministers, Members of Parliament and persons holding high positions in the country.

While speaking on the resolution, the Minister of Food and Agriculture and Labour, Employment and Rehabilitation Shri Jagjivan Ram said:

“.....The very fact that the returns were not filed is a mistake on my part..... It would be a case of evasion if the Income Tax Department were not in the know of the fact. Sir, I was pleading with all humility that there was no intention at evasion and why I was saying this is that everytime it was communicated to the Income Tax Officer and the Income Tax Officer was in the know of the accrual of my interest every year..... I am not pleading that there has been no mistake on my part. I have only pleaded that under the provisions of the law, I should be treated equally with an ordinary citizen of the country....”

In reply to the debate, the Prime Minister, Shrimati Indira Gandhi said:

“.....Shri Jagjivan Ram has dealt with the matter with great dignity and restraint..... There is a great weakness in the tax collection system. We know it and we are going into it and I can assure the hon. Members and we have already told them of some changes which have been made and we have no intention of going slow on this or slackening on it. We know this matter has to be tackled. Shri Jagjivan Ram has rightly said that he is entitled to what any ordinary citizen of the country is entitled to..... There is no doubt that this debate is entirely politically motivated.....It is entirely a false allegation to say that anybody is trying to shelter anybody either now in this case or in any other case. The only direction that has been given is that all should be regarded as equal and nobody should be given any special favour because the person happens to be a Minister or happens to be any other person..... I am certainly not agreeing to any Committee being set up.....We have the Lokpal Bill and we

are having a look at it and I hope the sooner it is passed, we will have a forum where such allegations can be brought and looked into. . . . .”

Replying to the discussion, Shri J. Mohammed Imam (Swa.) said that the resolution had not been brought with a political motive, but with a view to improving the administration. Secondly, the idea was that the Ministers must set an example because they held the reins of Government. He was also anxious to improve the tone of the Income Tax Department so that it might function better. He felt that a Committee of Parliament including representatives of all the parties must be appointed to go into the question. It was only such a Committee that could give a clean chit to Shri Jagjivan Ram.

After Shri Imam had replied to the debate, the resolution was put to vote and negated by 75 votes to 158.

*Meeting of certain Officers of the Finance Ministry with T. T. Krishnamachari*

On the 2nd December 1969, making a statement in regard to the meeting of certain officers of the Finance Ministry with Shri T. T. Krishnamachari, a reference to which was made in the House earlier in the day, the Minister of State in the Ministry of Finance, Shri P. C. Sethi, said that Shri T. T. Krishnamachari, in the course of a meeting with the Prime Minister, had conveyed to her certain ideas and suggestions in regard to social and economic development. It was with the approval of the Prime Minister, he said, that some of our senior officers of the Finance Ministry had met Shri T. T. Krishnamachari to seek clarification and enlightenment in respect of these ideas. Shri Sethi categorically repudiated that in the course of these meetings the officers had taken any files or official records with them or divulged Government's thinking on policy matters.

Shri Kanwar Lal Gupta (JS) alleged that the facts given by the Minister were not correct and the officers of the Finance Ministry who went to Shri T. T. Krishnamachari had discussed matter relating to the Budget with him.

Dr. Ram Subhag Singh (Cong.—O) said that the officers went with some files and those documents were supposed to be confidential documents.

Shri N. Dandekar (Swa.) wanted to know whether the officers went and discussed official matters connected with Budget proposals and financial matters with a person who had no official position.

Shrimati Tarkeshwari Sinha (Cong.—O) said that a very serious impropriety had been committed by the Prime Minister and this should be inquired into by a Parliamentary Committee.

Shri Asoka Mehta (Cong.—O) wondered if it was open to the Prime Minister to ask the officers to go and seek enlightenment from Shri T. T. Krishnamachari.

Intervening, Shri P. C. Sethi explained that the matters discussed with Shri T. T. Krishnamachari were about employment, housing, banking and accelerated rural development. It was not correct, he said, to say that Budget proposals were discussed.

Shri Atal Bihari Vajpayee (JS) said that an attempt was being made to merge the party with the Government and to bring about dictatorship in the country. Officers could not be used for party ends, he said, and the Government should apologise for what had happened.

Shrimati Sucheta Kripalani (Cong.—O) said that it was highly improper that the officers who were framing the Budget should have been asked to go and see Shri T. T. Krishnamachari.

Shri N. K. Somani (Swa.) said that a Parliamentary Committee should go into the matter because this was a very dangerous precedent which would take us into the Communist system.

Shri Tenneti Viswanatham (US) said that this was a thing which should not have happened and it was hoped it would not be repeated hereafter.

Shri Rabi Ray (SSP) demanded that a Parliamentary Committee should be constituted to go into the matter.

Shri Surendranath Dwivedy (PSP) said that the Prime Minister should herself clarify the position and truthfully admit that she had committed a breach of privilege and contempt of the House by asking officers to go to a non-official.

At this stage, Dr. Ram Subhag Singh (Cong.—O) moved a motion that the matter be referred to a Parliamentary Committee.

Shri Vasudevan Nair (CPI), opposed the motion and said that if there had to be a decision on the matter, there should be a proper discussion before the decision was arrived at. There should be a proper motion which should be circulated and all the parties should get an opportunity to express their views, he said.

Shri Madhu Limaye (SSP) said that at the meeting of the officers with Shri T. T. Krishnamachari not only matters relating to economic policy were said to have been discussed but matters pertaining to the Budget were also discussed. The Budget proposals, he said, were a closely guarded secret because any leakage thereof might enable certain persons to earn lakhs of rupees. He asked that the Prime Minister be directed to make a statement just then.

Shri Prakash Vir Shastri, who was in the Chair, ruled that the Prime Minister might clarify the position to the House next day.

On the 3rd December, 1969 before the Prime Minister could make a statement, Shri S. N. Dwivedy (PSP) said that he had in his possession facts showing that Shri Bakshi, one of the Finance Ministry officials had met Shri T. T. Krishnamachari and "There is a note of Shri Bakshi in which it has been mentioned what taxation proposals would be coming up in the 1970 Budget. They have discussed this with T. T. K. . . . . ." Shri Dwivedy said that since the tax proposals in the Budget were completely secret and since these had been discussed, the House should get hold of that file.

Dr. Ram Subhag Singh (Cong.—O) said that their apprehension was that the file might be destroyed unless and until the Speaker directed the Prime Minister to take possession of that file and appoint a Parliamentary Committee to go into the matter.

Shri Madhu Limaye (SSP), and Shri Atal Bihari Vajpayee (JS) and Shri N. Dandekar (Swa.) also supported the demand made by Dr. Ram Subhag Singh for the appointment of a Parliamentary Committee to go into the whole matter.

Making a statement, the Prime Minister, Shrimati Indira Gandhi, said:

" . . . . . almost everyday many people, and amongst them M.Ps., including Members from the Opposition—those sitting on this side also—of the Swatantra Party and others quite often come to give their suggestions as to what they think should be done, not with regard to the Budget, but general suggestions with regard to the economy and so on.

" . . . . . Shri T. T. Krishnamachari also mentioned certain things saying that he would like to give some ideas. Some illustrative examples were given; there was also follow-up of the nationalisation of banks and so on . . . . . Shri

Bakshi has nothing to do with Budget-making. He is there purely to see to the follow-up of the nationalisation of banks . . . . . Shri Dwivedy said that Shri Bakshi made some notes on a file. I do not know if he kept a record of what Shri T. T. Krishnamachari said. But I am assured by all these officers that they did not say anything, they just listened to the suggestions which Shri T. T. K. made. Some of the suggestions that he made were a little complicated which had naturally to be looked into to see whether they could be worked. This had nothing to do with the Budget—on that I can assure you. But I will certainly look into the fact whether any notes were kept. If so desired, I am prepared, Sir, to show them to you . . . . . Mention was made of a specific name. He is an officer whom Shri T. T. Krishnamachari had known before. That officer also paid a courtesy call on him . . . . . When Shri T. T. K. asked for an appointment with me, he asked if I could call such and such official because he had left notes and so on previously about one or two of these matters and he would like them to be there. I saw no objection to it.

“Therefore, it is true that on that occasion when Shri T. T. Krishnamachari came to see me, I did ask these officers whether they would be present.

“I have assured the House that it had absolutely nothing to do with the Budget; it was not mentioned either by Shri T. T. K. or by any of the officials.

“ . . . . . some of these officials may have kept notes about these matters or any thing that was discussed. These I am prepared to show you. There is no question of anybody removing any file or any paper from any file. There was no question of taking any file. I would like to assure Hon'ble Members about this matter because I can fully understand members' great concern if official files and secrets are discussed with people who are not authorised. Shri T. T. K. himself made a statement on this matter that he has not discussed this question . . . . . ”

**On the 5th December 1969, giving his ruling on the motions tabled by Shri Madhu Limaye and Dr. Ram Subhag Singh to refer the matter**

to the Privileges Committee, the Speaker, Dr. Gurdial Singh Dhillon, said:

“..... I have received a letter from Shri Bakshi in which Shri Bakshi has said that he had worked under Shri Krishnamachari and when Shri Krishnamachari came here, he (Shri Bakshi) went to see him in connection with certain relatives. On the 26th he went to greet Shri Krishnamachari on his birthday. He held no discussions with him and made no noting.

“As for the alleged noting by Shri Govindan Nair, papers have been shown to me. It is a typed script without anybody's signature. There is absolutely no reference to Budget proposals. It relates to the working of cooperatives, financing of old age pensions, unemployment etc..... there is nothing about new taxation, nothing about Budget; nor is it signed by anybody..... So, under these circumstances, I do not think there is any question of privilege.”.....

“As for the other matter, I have gone through the note passed on by Dr. Ram Subhag Singh about the contradictions. About this, the question is between ‘directive’ and ‘approval’. The officers came and said “We want to call upon him. Can we go?” And she said ‘You may, but I do not treat it as a directive.’ One may treat it as approval or treat it as permission or anything. I do not find there is any material on which we can base anything. We cannot hair-split on the wording as to what is permission, what is approval and what is directive. I do not think this question is worth going in for a privilege motion. I, therefore, think there is no privilege.”

#### *Sugar Policy*

A discussion under Rule 193 (matter of urgent public importance) on ‘Sugar Policy’ was raised in the House by Shri K. N. Pandey (Cong.) on the 15th December, 1969.

Initiating the discussion Shri Pandey said that the Sugar Policy of the Government had so far been unstable. It had affected our sugar production to such an extent that the Government had to adopt the policy of partial decontrol. The principle of nationalisation was good, but in the case of the sugar industry it was a wrong proposition. The Central Government had realised more than Rs. 800 crores as excise duty, and it should give some part of that amount for the development of the industry.



Shri M. N. Reddy (UA) criticising the sugar policy of the Government said that it had all along been beset and characterised by "*ad hocism*" and "crisis approach" which had resulted in recurring cyclical ills of either over-production or under-production. It was necessary that we had a long-range sugar policy based on the internal requirements, the export need and the sugar-cane production in the country. During the last two years, the partial decontrol had partially benefited the sugar cane growers but it had fully benefited the factory owners. This policy should be revised and decontrol should be effected.

Shri N. K. Somani (Swa.) criticised the working of the Development Council and suggested that the additional capacity required for the Fourth Plan should be handed over to the existing units so that those of the units which were either sick or uneconomical or marginal could come back to normal operation. He desired that conditions should be created by either allowing the sick mills to be migrated to another place or something should be done by which our industrial units could manage an overall industrial policy and pattern in the interests of the consumer and of the overall development of the industry.

Shrimati Savitri Shyam (Cong.) said that the Government should set up an autonomous corporation for the whole country.

Shri Sharda Nand (JS) also stood for an autonomous corporation having representatives of farmers, consumers and workers on it and suggested that the Government should find out ways and means of improving the sick mills.

Shri S. Kandappan (DMK) said that unfortunately the Government did not have a long-term clear-cut policy in regard to sugar and suggested that in future fresh licenses should be given only in those areas which were more conducive for the growth of sugarcane.

Shri Randhir Singh (Cong.) said that the farmers should get adequate price for their products and all incentives should be given to them to increase production. There should be a Sugar-cane Board on the pattern of the Tea Board and Coffee Board, he said.

Shri Sarjoo Pandey (CPI) desired that the Government should either take over the mills themselves or, if they were not able to run them, the mills should be run in the cooperative sector.

Shri Umanath (CP—M) said that it was time that not only the U.P. sugar industry but the industry as a whole throughout the country should be nationalised by the Central Government.

Shri Maharaj Singh Bharati (SSP) said that Government should chalk out a definite policy once for all. They should fix a minimum price of sugarcane which should be remunerative to the grower.

Shri S. M. Krishna (PSP) said that there was a greater potential for the expansion of the sugar industry down South and, therefore, greater attention should be paid to that area.

Shri Raghuvir Singh Shastri (UA) said that the Government should nationalise the mills in U.P. and the representatives of farmers should be given representation in the management of the nationalised mills.

Replying to the discussion, the Minister of Food and Agriculture and Labour, Employment and Rehabilitation, Shri Jagjivan Ram, said that sugar industry had gone through many vicissitudes. Many Members had complained about our sugar policy being an *ad hoc* policy but nobody had been bold enough to suggest a permanent sugar policy. It was very difficult to have a long-term policy. He had consulted many experts and had gone into the reports of many expert committees but it had not been possible to find any solution. He, however, felt that the policy of partial decontrol was a good policy.

Continuing, Shri Jagjivan Ram said that so far as the industry as a whole was concerned, study and investigation in depth was very necessary. The sugar industry was over 30 years old now and many developments had taken place during these years. It was, therefore, an opportune time to appoint a Committee to study the working of the sugar industry in the context of the demand for nationalisation of sugar undertakings in certain areas. In dealing with the sugar industry in general and with the sick mills in particular, the Committee should assess the financial, administrative and managerial problems involved as also the organisational structure necessary to implement the recommendations of the Committee. It was proposed to set up the Committee shortly and representatives of cane growers and workers would be included in the Committee, he said.

## Defence

### *Disappearance of Important Military Designs*

A calling-attention notice on the 'Disappearance of important military designs' was tabled by Sarvashri S. Supakar, Kanwar Lal Gupta, M. L. Sondhi, Rabi Ray and S. M. Banerjee. The matter was raised in the House on the 8th December, 1969, by Shri Shradhakar Supakar (Cong.).

In reply, the Minister of Education and Youth Services, Dr. V. K. R. V. Rao said that the first information he got on the subject was from the *Statesman* of 5th December, 1969 and till then the fact that certain documents were missing from the office of the Central Scientific Instruments Organization, Chandigarh, had not been brought to his notice by the office of the C.S.I.R.

The statement made by the Minister was to the effect that the design related to an angle measuring instrument which was used by the British and Commonwealth Army Forces during World War II. The instrument in question and those of similar nature, he said, were being produced in various foreign countries in the private sector and the same were being utilised by the armies of the World. Dr. Rao said that the Central Scientific Instruments Organisation were supplied the drawings in June, 1966, with a view to ascertain their capacity to fabricate and supply the instrument. In October, 1969, when asked to indicate the progress made by them in that regard, the Director of the Central Scientific Instruments Organisation reported the loss of those documents. According to the Ministry of Defence, the drawings of the instrument were neither secret nor of a confidential nature. Replying to questions, the Minister said he had no objection to referring the question of the missing documents to the Central Bureau of Investigation.

Subsequently, notices of question of privilege were given by Sarvashri N. Shivappa, M. L. Sondhi and Kanwar Lal Gupta on the ground that the Minister had misled the House and made false statements. The matter came up on the 15th December 1969 when it was alleged by the Members that the Minister did have knowledge of the missing military designs before a particular date but he intentionally and deliberately denied the charge while answering the calling-attention notice on the 8th December, 1969.

Making a statement in reply, the Minister of Education and Youth Services, Dr. V. K. R. V. Rao, said:—

“..... Shri Sondhi repeatedly asserted that I had information about the missing designs through a letter written to me by the Director, Central Scientific Instruments Organisation, on the 5th November, 1969. I categorically repudiated his assertion and, by your leave, Sir, do so again ..... May I also categorically deny at this stage, Sir, the allegation made by non-Member, Shri Kanwar Lal

Gupta, that I had received a telegram in the first week of November in which there was a reference to the loss of documents in question.....”

“I should like to state ..... that although in the final observations on that day, I did refer to 25th November as the first time I came to know about this matter, I had said in my initial statement, as also in the earlier part of the discussion on that day, that I came to know about this matter, for the first time, on 5th December. This was due to the fact that in my preoccupation with the substance of Dr. Gill’s letter of 24th, which was mainly concerned with the police raids on his house and his appeal for protection, the passing mention that the letter had made to the loss of the documents escaped my mind.”

“.....I have no hesitation in expressing my regret if any erroneous impressions were created about dates by my initial statement or by what I said during the earlier part of the discussion. There was absolutely no intention on my part to mislead the House and much less to mis-state any facts.”

On the 17th December, 1969, the Speaker, Dr. G. S. Dhillon ruled that since the Minister had already expressed his regret for any erroneous impressions that were created because of his statement during the discussion on the subject on the 8th December, 1969, the matter might be treated as closed.

## WORK TRANSACTED

## 1. PERIOD OF THE SESSION—17TH NOVEMBER TO 24TH DECEMBER, 1969

2. NUMBER OF MEETINGS HELD . . . . .	29
3. TOTAL NUMBER OF SITTING HOURS . . . . .	170 hours and 3 minutes.
4. NUMBER OF DIVISIONS HELD . . . . .	24
5. GOVERNMENT BILLS :	
(i) Pending at the commencement of the session . . . . .	39
(ii) Introduced . . . . .	16
(iii) Laid on the Table as passed by Rajya Sabha . . . . .	3
(iv) Returned by Rajya Sabha with any amendment/recommendation and laid on the Table . . . . .	NIL
(v) Referred to Select Committee . . . . .	1
(vi) Referred to Joint Committee . . . . .	2
(vii) Reported by Select Committee . . . . .	NIL
(viii) Reported by Joint Committee . . . . .	1
(ix) Discussed . . . . .	26
(x) Passed . . . . .	22
(xi) Withdrawn . . . . .	1
(xii) Negatived . . . . .	NIL
(xiii) Part-discussed . . . . .	1
(xiv) Discussion postponed . . . . .	NIL
(xv) Returned by Rajya Sabha without any recommendation . . . . .	6
(xvi) Pending at the end of the session . . . . .	35
6. PRIVATE MEMBERS' BILLS :	
(i) Pending at the commencement of the session . . . . .	207
(ii) Introduced . . . . .	25
(iii) Laid on the Table as passed by Rajya Sabha . . . . .	NIL
(iv) Returned by Rajya Sabha without any amendment and laid on the Table . . . . .	NIL
(v) Reported by Joint Committee . . . . .	NIL
(vi) Discussed . . . . .	4
(vii) passed . . . . .	1

(viii)	Withdrawn . . . . .	2
(ix)	Negated . . . . .	NIL
(x)	Circulated for eliciting opinion . . . . .	NIL
(xi)	Part-discussed . . . . .	1
(xii)	Discussion postponed . . . . .	NIL
(xiii)	Motion for circulation of Bill negated . . . . .	NIL
(xiv)	Reported by Select Committee . . . . .	1
(xv)	Pending at the end of the session . . . . .	220

7. NUMBER OF DISCUSSIONS HELD UNDER RULE 193 :

(Matters of Urgent Public Importance)

(i)	Notices received . . . . .	104
(ii)	Admitted . . . . .	12
(iii)	Discussion held . . . . .	5

8. NUMBER OF STATEMENTS MADE UNDER RULE 197 :

(Calling - attention to matters of urgent public importance)

Statements made by Ministers . . . . .	22
--	----

9. Half-an-hour discussions held . . . . . 9

10. STATUTORY RESOLUTIONS :

(i)	Notices received . . . . .	6
(ii)	Admitted . . . . .	2
(iii)	Moved . . . . .	1
(iv)	Adopted . . . . .	NIL
(v)	Negated . . . . .	NIL
(vi)	Withdrawn . . . . .	1

11. GOVERNMENT RESOLUTIONS :

(i)	Notices received . . . . .	} NIL
(ii)	Admitted . . . . .	
(iii)	Moved . . . . .	
(iv)	Adopted . . . . .	

12. PRIVATE MEMBERS' RESOLUTIONS :

(i)	Received . . . . .	5
(ii)	Admitted . . . . .	5
(iii)	Discussed . . . . .	2
(iv)	Withdrawn . . . . .	1
(v)	Negated . . . . .	1
(vi)	Adopted . . . . .	NIL

(vii)	Part-discussed . . . . .	NIL
(viii)	Discussion postponed . . . . .	NIL
<b>13.</b>	<b>GOVERNMENT MOTIONS :</b>	
(i)	Notices received . . . . .	3
(ii)	Admitted . . . . .	3
(iii)	Moved . . . . .	1
(iv)	Adopted . . . . .	NIL
(v)	Part-discussed . . . . .	NIL
<b>14.</b>	<b>PRIVATE MEMBERS' MOTIONS :</b>	
(i)	Received . . . . .	182
(ii)	Admitted . . . . .	67
(iii)	Moved . . . . .	NIL
(iv)	Adopted . . . . .	NIL
(v)	Part-discussed . . . . .	1 (Motion moved in the 7th Session)
(vi)	Negatived . . . . .	NIL
(vii)	Withdrawn . . . . .	NIL
<b>15.</b>	<b>MOTIONS REGARDING MODIFICATION OF STATUTORY RULES :</b>	
(i)	Received . . . . .	3
(ii)	Admitted . . . . .	2
(iii)	Moved . . . . .	NIL
(iv)	Adopted . . . . .	NIL
(v)	Negatived . . . . .	NIL
(vi)	Withdrawn . . . . .	NIL
(vii)	Part-discussed . . . . .	NIL
<b>16.</b>	<b>Number of Parliamentary Committees created, if any, during the session</b>	<b>NIL</b>
<b>17.</b>	<b>Total number of Visitors' Passes issued during the session . . . . .</b>	<b>20,151</b>
<b>18.</b>	<b>Maximum number of Visitors' Passes issued on any single day, and date on which issued . . . . .</b>	<b>2,993 on 17-11-1969</b>
<b>19.</b>	<b>NUMBER OF ADJOURNMENT MOTIONS :</b>	
(i)	Brought before the House . . . . .	1
(ii)	Admitted and discussed . . . . .	1
(iii)	Barred in view of Adjournment Motion admitted on the subject . . . . .	13
(iv)	Consent withheld by Speaker . . . . .	NIL
(v)	Consent given by Speaker but leave not granted by House . . . . .	NIL

## 20. TOTAL NUMBER OF QUESTIONS ADMITTED :

(i)	Starred . . . . .	809
(ii)	Unstarred (including Starred Questions converted as Unstarred Questions) . . . . .	5,102
(iii)	Short-notice Questions . . . . .	8

## 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 . . . . .	1
(iv)	Business Advisory Committee . . . . .	
(v)	Committee on Absence of Members from the sittings of the House . . . . .	1
(vi)	Committee on Subordinate Legislation . . . . .	NIL
(vii)	Committee on Petitions . . . . .	1
(viii)	Committee of Privileges . . . . .	1
(ix)	Committee on Private Members' Bills and Resolutions . . . . .	3
(x)	Committee on Government Assurances . . . . .	..
(xi)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	3
(xii)	Joint Committee on Offices of Profit . . . . .	NIL
(xiii)	Rules Committee . . . . .	1

22. Number of Members granted leave of absence . . . . . 4

23. Petitions presented . . . . . 3

## 24. NUMBER OF NEW MEMBERS SWORN WITH DATES AND CONSTITUENCIES :

S. No.	Name of Members sworn	Date on which sworn	Constituency
1.	Shri Gurcharan Singh . . . . .	21-11-1969	Ferozepur (Punjab)

## BILLS PASSED BY LOK SABHA DURING THE NINTH SESSION

## (i) Government Bills

1. The Khuda Baksh Oriental Public Library Bill, 1969.

2. The Oilfields (Regulation and Development) Amendment Bill, 1969.



3. The Punjab Legislative Council (Abolition) Bill, 1969.
4. The International Monetary Fund and Bank (Amendment) Bill, 1969.
5. The Salaries and Allowances of Ministers (Amendment) Bill, 1969.
6. The Wakf (Amendment) Bill, 1969, *as passed by Rajya Sabha.*
7. The Motor Vehicles (Amendment) Bill, 1969, *as passed by Rajya Sabha.*
8. The Oaths Bill, 1969, *as passed by Rajya Sabha.*
9. The Indian Registration (Amendment) Bill, 1969, *as passed by Rajya Sabha.*
10. The Tea (Amendment) Bill, 1969.
11. The Central Silk Board (Amendment) Bill, 1969.
12. The Constitution (Twenty-third Amendment) Bill, 1969.
13. The Monopolies and Restrictive Trade Practices Bill, 1969, *as passed by Rajya Sabha.*
14. The Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Bill, 1969.
15. The Foreign Exchange Regulation (Amendment) Bill, 1969.
16. The Appropriation (Railways) No. 5 Bill, 1969.
17. The Appropriation (No. 5) Bill, 1969.
18. The Appropriation (No. 6) Bill, 1969.
19. The Manipur Appropriation Bill, 1969.
20. The Bihar Appropriation Bill, 1969.
21. The Indian Tariff (Amendment) Bill, 1969.
22. The Assam Reorganisation (Meghalaya) Bill, 1969.

(ii) *Private Member's Bill*

1. \*The Enlargement of the Appellate (Criminal) Jurisdiction of the Supreme Court Bill, 1968, by Shri Anand Narain Mulla, *as reported by Select Committee.*

---

\*The title of the Bill was changed to "The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1969" when passed by Lok Sabha.

## QUESTION HOUR DURING NINTH SESSION OF THE FOURTH LOK SABHA\*

### *Commencement of Session*

Summons for the commencement of the Ninth Session of the Fourth Lok Sabha from the 17th November, 1969 were issued on the 24th September, 1969. During the session, Lok Sabha held 29 sittings out of which 23 sittings started with Question Hour. The session terminated on the 24th December, 1969.

### *Receipt of Notices of Questions*

On the recommendation made by the Rules Committee at their meeting held on the 29th August, 1969 the procedure with regard to giving notices of questions between ten and twenty-one clear days in advance of the date of answer of a question, was revived during this Session. Accordingly, notices of questions for the 17th November, 1969, the first day of the Session, were received on the 25th October, 1969. On this day, 966 notices of Starred Questions were received from 133 members and they were balloted. During the entire Session, an average of 822 notices of questions with the maximum of 1,289 notices on the 7th November, 1969 were received daily from about 125 members for inclusion in the ballot.

In order to determine *inter se* priority of notices of questions received at the same time on any day between the first and last dates of receipt of notices of questions, the ballot was held daily at 12.30 hours and 16.00 hours, as was considered necessary, for the convenience of members desiring to be present at the time of ballot. Members took keen interest in the ballot.

The break-up of the total number of questions received during the Session is as follows:

---

Starred	..	22,183
Unstarred	..	781
Short Notice	..	627
		<hr/>
		23,591

---

\*Prepared by the Question Branch of the Lok Sabha Secretariat.

### *Admission of Questions*

Out of the total notice of 22,964 both Starred and Unstarred questions, 809 were admitted as Starred and 5,102 as Unstarred (including those converted). The total number of admitted questions during the Session represented about 25 per cent of the total receipt of notices, both Starred and Unstarred. This percentage, however, excludes the notices of questions by Members whose names were added to the admitted questions on the same subject.

### *Short Notice Questions*

Out of the total receipt of 627 Short Notice Questions, 8 notices were admitted and 6 Short Notice Questions were answered on the floor of the House. One Short Notice Question admitted for the 12th December, 1969 could not be taken up on that day due to the adjournment of the House on account of Idu'l Fitr. Instead, it was taken up for answer on the 19th December, 1969, as agreed to by the Minister of Tourism and Civil Aviation. Another Short Notice Question admitted for 23rd December, 1969 could not be taken up as the House adjourned due to the passing away of Shri D. C. Sharma, M.P. It was taken up on the 24th December, 1969.

As a special case, three Short Notice questions, addressed to the Ministers of Education and Youth Services, Foreign Trade and Home Affairs were put down on the last date of the Session.

As in the Eighth Session, not more than 200 admitted questions were included in the Unstarred List of Questions for any single day. In accordance with the decision of the Rules Committee, notices of admitted questions which could not be included in the Unstarred Lists being in excess of 200 were revived automatically for the subsequent available dates during the Session. Accordingly, some of the questions were included in the Lists for subsequent dates and some disallowed by adding names to admitted questions received during the subsequent sittings on the same subject. The net result was that 913 notices of questions lapsed as these could not be accommodated under the Rules.

On two days, the Unstarred List of questions contained less than 200 questions.

### *Revival of Notices*

In the case of questions which could not be included in a day's List being in excess of 5 (per member), the members concerned

were informed accordingly to enable them to revive the notices of these questions for the subsequent sittings available during the Session. Substantial percentage of such notices was revived for the next available dates. 487 questions in all were disallowed being in excess of 5.

#### *Daily average of Questions*

This Session consisted of 29 sittings, out of which Question Hour was allotted for 27 sittings. However, the Question Hour for the sitting fixed for the 12th December, 1969 was cancelled, as already stated, due to the adjournment of Lok Sabha on account of Idu'l Fitr. The House also adjourned on the 16th and 23rd December, 1969 due to passing away of Sarvashri Giriraj Saran Singh and D. C. Sharma, M.Ps. Answers to questions (Starred and Unstarred) for the 12th, 16th and 23rd December, 1969 were deemed to have been laid on the Table on the next day. Question Hour for the sitting fixed for the 24th December, 1969 was also cancelled and the answers to questions for this date were laid on the Table. Each Starred List contained 30 questions whereas the average of questions in the Unstarred List came to 189 as against the maximum limit of 200 questions. Out of 30 questions in the Starred List, 5 questions on an average were orally answered in the House daily. The minimum number of questions orally answered was one on the 24th November, 1969 and the maximum number was nine on the 22nd December, 1969.

#### *Notices under Rule 40*

Four notices of questions under Rule 40 were received from a Member. Two notices were addressed to the Chairman, Estimates Committee, one to the Chairman, Public Account Committee and one to the Chairman, Committee on Public Undertakings. All these questions were disallowed and the position was explained to the Member.

#### *Half-an-Hour Discussions*

Under Rule 55 of the Rules of Procedure, 1425 notices of half-an-hour discussions were received during the Session. Of these, 13 were put down on the order paper. The admitted notices covered 8 Ministries|Departments.

Out of the 13 admitted half-an-hour discussions, 10 were actually taken up for discussion on the floor of the House. Two half-an-hour

discussions admitted for the 8th and 10th December, 1969 could not be taken up as the members in whose names these were admitted were not present. One half-an-hour discussion fixed for the 12th December, 1969, was also not taken up as the House had adjourned on that day. It was subsequently taken up on the 17th December, 1969.

Members took keen interest by participating in the Half-an-Hour Discussion. As for most of the discussions the requests from members for participation far exceeded the prescribed limit of four, the names of the members had to be balloted in order to determine the first four names of the members who could be permitted to ask a question each during the discussion. All such ballots were held in the presence of members.

o

## BOOK REVIEWS

*THE GOVERNMENT WE DESERVE* By COLIN R. COOTE,  
Eyre & Spottiswoode, London, pp. 255, Price 45 S. net.

The book *THE GOVERNMENT WE DESERVE* by Sir Colin Coote is an illuminating treatise that is both instructive and informative. It is in essence a rapid survey of the forces that contribute to parliamentary democracy to which England is wedded. Himself a journalist who was a member of the House of Commons from 1917 to 1922, Sir Coote brings into focus the disturbing facts and forces from brain-drain to trade unions, from the working of politicians to race relations, in an objective manner. Occasionally the style of writing is heavy which, however, does not diminish the real interest in the problems that the country is confronted with.

The author begins his book with a quotation from Joseph De Maistre which says: "Toute nationale government qu'elle merite" This can be translated as: "Every nation gets the Government it deserves". Sir Coote is a staunch believer in parliamentary democracy; he is opposed to dictatorship of the Communist type. This he has brought out most succinctly in the following words: "When undiluted tyrannies describe themselves as People's Democracies and no principles other than hysteria or paranoia seem to inspire the actions of so many leaders of mankind, the question arises why human reason seems so determined to stand on its head." Here the author quickly adds: "No State is wholly free from these menacing symptoms".

Sir Coote is aware of these "menacing symptoms" in parliamentary democracy and that is why he has made a number of suggestions for the rejuvenation of this system.

True it is that under changing conditions of today "democracy is in the dock". The author of course dismisses the external changes, like the change from hobble-skirt to mini-skirt, as "physical symbols of imbalance". But what is most essential is the change in "attitudes". A Gallup poll in the country had revealed that the English people show a preference for rule by businessmen to one by politicians. Between 1950 and 1966 the percentage of electorate who voted fell from 84 per cent to 75 per cent. What does this decline indicate? Does it indicate "plain indifference" or "boredom"?

Criticism, like charity, begins at home. From this standpoint, Sir Coote is right in taking his country and its many problems for his study in this particular book. Except for passing references to USA, France or India, the author is not profuse in his comments on the systems or conditions obtaining in these countries. He of course refuses to "transplant" the American system to the English soil. England has parliamentary democracy and it suits the genius of the people who have chosen this form of government. What Sir Coote welcomes is change in attitudes rather than change in institutions. Institutions can be modified, for they might occasionally falter. This does not mean that they should be demolished lock, stock and barrel.

What worries Sir Coote is the rampant violence in the country. After giving a rapid survey of certain instances of violence, the author says: "What does despair me is wanton hooliganism." He does not try to unravel the causes leading to such an atmosphere of violence which has posed a grave threat to democracy in the country. Violence demoralises and debases a nation. Sir Coote is right when he says: "There is no substitute for sweat". Even bulldozers or computers cannot be a proper substitute for hard work.

This book gives in a commendable measure a pen-portrait of the forces that disturb parliamentary democracy today. People interested in the working of parliamentary democracy must read this book. The reading will yield both profit and pleasure.

—HEM BARUA

*THE DEMOCRATIC EXPERIENCE* By REINHOLD NIEBUHR AND PAUL E. SIGMUND, Pall Mall Press, London, 1969, pp. 184, Price 54 S. net.

'The Democratic Experience' by Reinhold Niebuhr & Paul Sigmund is a well-written book which in a short compass reviews the working of democracy in the West and in the Eastern countries liberated after the Second World War.

Although a stable and efficient democratic government is an ideal more often than it is an operative reality, yet it is a fact that some countries have attained to some degree of success.

The authors take us through all the countries in Asia, Africa and Latin America besides Europe, where the democratic society began to emerge as a result of the Industrial Revolution and then spread to North America and Australia.



The authors belonging as they do to the developed countries, have a certain patronising attitude towards the countries in South America, Latin America and particularly towards African and Southeast Asian countries. All the same, the validity of their conclusions is not seriously affected.

Natural to their attitude, they examine the impact of tribalism, traditionalism, racial and linguistic hostilities on the development and stabilisation of a democratic society and democratic institutions.

A study of European democracy reveals three constants which are prerequisites of free governments according to them: "(1) The unity and solidarity of the Community sufficiently strong to allow the free play of competitive interests without endangering the unity of the community itself; (2) a belief in the freedom of the individual and appreciation of his worth; and (3) a tolerable harmony and equilibrium of social, political and economic forces necessary to establish an approximation of social justice".

As the authors have realised, these prerequisites were not all fashioned before democracy was installed but several contingencies and social changes occurred simultaneously developing the content of the democratic ideal and the institutions to work the ideal. For example, the equilibrium of social and economic forces developed in the late nineteenth century as a result of modern industrial forces. Belief in individual freedom received the highest emphasis in a democratic society, reasonable restraints coming into operation as and when experience demanded. Perhaps it was the extravagance of individualism and voluntarism that gave cause to the Marxist rebellion, the effects of which are still in the process of spreading beyond the borders of their birth place. But the freedom to criticise, which was part of individual freedom, has saved democracy in many of the Western countries, making adjustments from time to time.

By individualism is meant—

- (1) the security of the individual against political hysteria and against arbitrary exercise of power, safeguarded by an independent judiciary;
- (2) the right and competence of the individual to exercise his suffrage, to have an ultimate power of veto over the policies of the rulers by giving personal expression of

one's choice. This is a *sine qua non* although peace in the modern industrial society and collective bargaining has somewhat narrowed down its field; and

- (3) expression and projection of new meanings and values in society, encouraging the widening of the horizons of culture within and above the political realm.

It is difficult to preserve democracy without an adequate internal equilibrium of power.

The Liberals as well as Marxists regard property as the very core of economic power. But the modern transition to stock ownership has somewhat thrown individual property as a lever of power into the background.

National unity with common adherence to a set of national symbols, independent judiciary, individual freedom under reasonable restraints in public interests, democratic legitimacy through elections, tolerance of opposition *i.e.* rule by the majority and safeguarding right of the minority form the features of the democratic society. It is simply said; but it took centuries to arrive at this, literacy and economic expansions being the factors of acceleration.

Coming to the new nations, the authors conclude from their study that a sense of national unity and loyalty has yet to be developed. I may say this is not a true diagnosis. What is lacking is the democratic mind in those who use often democratic means to come to the top; in some case this has developed under dictatorship. The authors are however fairly right when they say:

“for many of the developing States nationhood is continually challenged by regional, ethnic, economic, religious or tribal loyalties which threaten national cohesion.”

The experiment of democracy sometimes only reinforced the disintegrating elements in the name of the democratic freedom. Ghana, Nigeria and the Congo lend validity to the thesis, while undivided India was the supreme example of an essentially secularly administered State from which was carved out a religious State. Majority rule and minority rights did not seem to have made any impression on the lovers of Independence.

Megalomania of "One Man" in Ghana and tribalism in Nigeria have rendered democracy helpless against division. Nigeria seems to be regaining oneness just now, however. In Uganda too, the federal structure could not stand the strain of tribalism. Kenya has attained some success but the small Indian minority has virtually been sacrificed. In most African countries, elections have ceased to be of significance. The analysis of trends in the politics of these countries made by the authors is on the whole fair and convincing as regards the causes of the progressive failure of the democratic machinery.

In the Middle East, Pan-Arabism or Pan Islamism, in spite of the religious basis, has had legitimate obstruction from the constituent states. Turkey chose to remain outside; Lebanon was excluded from the Islamic circumference. Kurds in Iraq wish to have a separate State. The religious groups, whether among Christians or Muslims are all self-conscious, making it difficult to forge a single political state cut off from these. Lebanon is progressing with a Christian President and a Muslim Prime Minister. Even this was possible with military support. A democracy based on military support is not a real democracy. Egypt, which wanted to jump into progress, and Pakistan, have gone under military dictatorships. Tunisia is making another experiment—not democratic, however—of nationalist single party system.

Israel is an exception to the general pessimistic outlook in the Middle East for democracy. But that is due to several factors, like its birth and immigration of elites, its compactness and zeal of nationhood.

The authors also support the dictum of Aristotle that middle class is the class that provides support for constitutional democracy. U.A.R.'s failure is due to the weakening of this class by Nasser. The Indian rulers of today might perhaps learn a lesson from this. Although at present they may look outmoded, it were theorists like Locke, Mill, and Rousseau that persuaded society to accept democracy. In the Middle East and South East Asian countries barring India and Ceylon, lack of ideological appeal, low literacy rate, economic backwardness, communal and segmented social structure and the rather inflexible nature of religious traditions are rightly remarked to be the inhibiting factors against quick growth of constitutional democracy.

In Latin America, democracy was imposed on an essentially feudalistic structure, without preparation. Iberian conquerors emphasised the feudal inequalities. Even Argentina and Brazil of today have not yet completely shaken off the feudal vestiges. The result is that the plausibility of the Marxist doctrine has a greater appeal in Latin America than elsewhere. The bases are the rural areas and the universities. Nicaragua, Honduras, Paraguay and Haiti maintain oligarchical control with a combination of force and persuasion. Venezuela, Columbia, Mexico and Chile are democratic reformist governments taking positive action towards economic development. These countries have used the need for literacy for democracy as an argument against granting suffrage to illiterates. The result of all this is that the rising generation there have lost faith in constitutional democracy as being a lever to face basic questions which face nations in the context of their sophisticated techniques and nuclear power.

The authors have finally concluded their book with a comparison of their own conclusions with those of other scholars like Lipset, D.A. Rustow, Barrington, Moore Lloyd Fallers, William Kornhauser and others. By comparison the present authors seem to stress more on the ideological, social and economic factors than the specifics of democratic institutions.

On the whole, the book under review is worthy of perusal in order to get a good look at the working of democracy in the world.

—TENNETI VISHWANATHAM

*THE TIDES OF FORTUNE* By HAROLD MACMILLAN, Macmillan and Co., London, 1969, pp. 729, Price 70 sh.

This is the third volume of Mr. Macmillan's political memoirs covering the years 1945—1955. In 1945, World War II ended and the Labour Party began its first term of Government with not only responsibility as twice before but with real power owing to the huge majority behind it. Macmillan as a Conservative was therefore in Opposition from 1945 to 1951, in Government from 1951. We see him in these memoirs in action as one of the leaders of the Opposition (he had already been a Minister in Churchill's War-time Government and caretaker Government after the dissolution of the coalition). A scion of the famous family publishing firm of Macmillan, he had entered Parliament in 1924 but was content to serve as backbencher till the beginning in 1940 of Winston Churchill's War time Premiership

when he was appointed Resident Minister in North Africa. After the war and the victory of the Labour Party he served as Member of Parliament in the Opposition for six years.

In Opposition, Macmillan showed how a leading Member of the Opposition could serve his Party preparing it for victory at the next elections. He was assiduous in attendance in the House, contributed to the debates on domestic and foreign affairs of which he had had recent experience during the War spoke often in his constituency, educating the voters on the questions of the day. Although a critic of the Labour Government he was fair to its leading members, writing in the first part of his volume sympathetic character sketches of Attlee, Morrison and Bevan whose patience and perserverence against Russian aggressive attitudes and moods he applauded. Although he denounced Aneurin Bevan's invective, he has a good word to say for his straightforwardness, single-mindedness and brilliant performance in debate.

Macmillan was one of the instructors of the Conservative Party towards the New Tory Democracy that has been the salvation of the Party. Before the War, he had published the "Middle Way" which was to raise the Conservative Party from the *laissez faire* attitude to which they had been committed in all matters but protection to the new social welfare policy and programme which has accounted for their electoral victories ever since. In the "Middle Way" he had urged that to deal with the problems of modern times, planning was necessary though not of the "thorough" kind of the Socialist Labour Party. "Public Control of Public Utilities" was the economic policy of the new Conservatism and on the eve of the election in 1951, Churchill had proclaimed the election promise "Food, Work, Homes"; it was with that cry that the Conservatives won the election in 1951.

In the new peace time Premiership of Churchill, Macmillan was appointed Minister for Housing and he was set the task of giving effect to the promise of homes made on the eve of the election. Housing shortage had been raised to the point of cruel suffering by German bombing and the target was fixed at 300,000 new houses a year. The chapter on building houses tells us what Macmillan did to achieve this target. By getting as his expert adviser a man from business and with a special housing organisation in the Ministry and with regional Boards in the country and associating employers and workers in the building trade and working hand in hand with the local Government authorities, Macmillan showed himself to be the practical administrator.

The later chapters are devoted to his work as Minister of Defence, Secretary of State for Foreign Affairs and under Eden as Chancellor of the Exchequer. On the international scene, he had to attend summit conferences of which he did not think very highly, as only propaganda and not negotiation was possible.

To Indian readers the account of Macmillan's contacts with Indian affairs must be of special interest. He was with Baldwin rather than with Churchill his 'hero' on the Indian question. He came to India in 1947 as a private member and representative of his publishing firm and thus came to know non-official Indian opinion on the anxious question of the transfer of power. He met Nehru and Vallabhai Patel. He found Nehru a man of first class intellectual ability and although at first he thought he was "only a stormy petrel rather than a man for storms", he subsequently found he was a man of courage and perseverance. He saw in Vallabhai Patel a man of character and courage and in conversation he found him controlling the direction he wanted it to follow. Liaquat Ali Khan of the Muslim League he found speaking with bitterness about the situation although he thought he was a man "with good education, a good library and fond of field sports." Krishna Menon's ability he recognised later at the UN Assembly.

—M. RUTHNASWAMY

## SUMMARIES OF BOOKS

### **Partners in Development—Report of the Commission on International Development under the Chairmanship of Lester B. Pearson, Praeger Publishers, U.S.A., 1969**

'Partners in Development' is the report of the Commission on International Development under the Chairmanship of Lester B. Pearson. The Commission, which was appointed by the President of the World Bank, Robert S. McNamara, on August 19, 1968, presented its report in October, 1969.

The principal aim of appointing the Commission was to assess the course of international development over the last twenty years and to suggest measures, in the light of the past experience, which could help speedy progress in economic and social fields in future through better international cooperation.

The Commission's findings have revealed that though economically backward countries have made notable economic progress, still the gap between the developed and the developing countries has continued to widen. Further, of late, the international support to the backward countries has flagged and it seems that we have reached a point of crisis.

'Aid', the report emphasises, 'to be effective, requires less uncertainty and more continuity than is often the case today. It cannot be disrupted or cut off without harmful results to the recipient's capacity to plan for the future.' The Commission feels that it is a moral obligation on the part of the rich countries to offer aid to the poor and the developing countries and the cooperation of all the countries is necessary in utilising the resources of the World which belong to everybody. This envisages that aid, trade and investment should be coordinated and integrated in a single strategy to be of maximum help to all. In the view of the Commission, majority of the countries can achieve self-sustaining growth by the end of the century provided this cooperation is forthcoming.

In its outline of strategy for future development the Commission has recommended:

(a) *Creation of a framework for free and equitable international trade.*—To this end, the developed countries should abolish import

duties on primary commodities and quantitative restrictions on imports of manufactures from developing countries. Moreover, developed countries should establish a generalised non-reciprocal scheme of preferences for manufactured and semi-manufactured goods produced by developing countries.

To expand trade among the developing countries themselves, they should negotiate a wide-ranging agreement of mutual tariff concessions. Bilateral donors and international financial agencies should offer assistance of financial institutions, such as development banks and clearing and payment unions, to help developing countries to promote trade on regional basis.

(b) *Promotion of mutually beneficial flows of foreign private investment.*—Some of the recommendations are: immediate steps should be taken to remove all disincentives to domestic private investment; greatest possible stability should be maintained in the laws and regulations relating to foreign investment; and International Finance Corporation and similar organizations, because of their links with the private sector both in the developed and the developing countries, should become more active in investment promotion work.

(c) *Establishment of a better partnership, a clearer purpose, a greater coherence in development aid and increase in the volume of aid.*—Promotion of economic development requires a sustained co-operative relationship between the rich and the poor. The target for 1970's should be 6 per cent growth in national product in comparison to 5 per cent in 1960's. In order to achieve this target it is necessary that the volume of aid should be increased and that the developed countries should contribute at least 1 per cent of their GNP by not later than 1975.

The report has noticed major procedural and administrative delays in implementing of aid programmes. To remove these obstacles, it has recommended a meeting of major aid donors and recipients in 1970 to consider measures whereby these obstacles could be removed and devise improved procedures in aid-receiving countries. A number of steps have also been recommended whereby the tying of aid should be reduced and even abolished because it reduces its effectiveness. A few other measures recommended are that multilateral agencies should extend the practice of joint or parallel financing of projects. Provisions in aid agreements which limit the rights of recipients to invite competitive tenders should be suspended.



(d) *Problem of mounting debts.*—The report has expressed concern at the mounting debt of the developing countries. It has attributed this to aid not rising faster after 1961 and loans becoming more prominent after that period, raising of interest rate by World Bank and other multilateral agencies on loans, and rising cost of credits to purchasers of machinery and equipment necessitated by the higher interest rates in world money markets.

The report recommends that aid-giving countries should consider debt-relief as a legitimate form of aid and permit the use of new loans for repayment of debts. "The terms of official development assistance loans should henceforth provide for interest of no more than 2 per cent, a maturity of between 25 and 40 years, and a grace period from 7 to 10 years."

(e) *Technical assistance.*—Technical assistance calls for reorientation, and should be integrated more closely into the development process. It should form part of any development aid programme both at the sectoral level and at the project level. In short, multilateral and bilateral technical assistance should be more closely integrated with capital assistance. Further, national and international corps of technical assistance personnel should be given adequate career opportunities.

(f) *The growth of population should be slowed.*

(g) *Aid should be offered to education and research.*

(h) *Multilateral aid system should be strengthened.*

Arguing that there is a strong case for shifting the balance of international aid in favour of a larger multilateral component, the Commission has outlined an International Framework for Development. In this, it has, among other things, recommended that aid-providers should increase grants and capital subscriptions for multilateral development aid programmes to a minimum of 20 per cent of the total flow of official development assistance by 1975. In order that the international aid system gains direction and coherence which it lacks at present, the Commission has recommended the convening of a representative Conference to consider the creation of machinery essential to the efficiency and coordination of the international aid system.

The report emphasises an enlightened policy for Trade Development. It has recommended for provisions of supplementary finance to help deal with problems of shortfall in export earnings.

In conclusion, the Commission has reviewed the development situation in the world. In the section on India it has been stated as follows:

India has attained important and dramatic progress during the last two decades. Gross national product rose by 1-1.5 per cent per year during the period 1950—67, exports by 2 per cent, and industrial production by over 7 per cent. India built up an extensive infra-structure to help in the development of its industry and agriculture. Investment quadrupled over three Plan periods and social services expanded rapidly. On the path of development India had to encounter many difficulties also. Agricultural production did not rise at the same rate as population. The result was that pressure on land grew and demands for various kinds of consumer goods rose. Government neglected exports which resulted in shortage of foreign exchange. It has, however, been forecast that Indian agriculture is likely to have several years of rapid growth—4 to 5 per cent per year—and that self-sufficiency in foodgrains might be attained in a few years.

India's export growth rate of 2 per cent per year was well under the average for the World, for the developing countries, or for Asia as a whole. This performance is explained by the fact that India's exports depend largely on agriculture. The shortfall in agriculture was naturally to be reflected in dwindling exports. Coupled with this was rise in population and rapid urbanization. This enhanced the local demand for consumer goods, thereby curtailing the availability of goods for exports. In 1966, Government resorted to devaluation to give a boost to its exports. In retrospect, the devaluation had greater impact on imports than on exports. It has been concluded that "India's export performance will, in part, depend on international measures to supplement the export credit she can make available through her own institutions".

India has been one of the major recipients of foreign aid totalling about \$1.5 billion per annum in recent years. Out of this, one-third has been food aid. Despite this huge inflow of foreign aid, *per capita* aid to India has been the lowest in the world. Prospects are that India would do better in 1970's. A steady growth rate of 6 per cent in G.N.P. was attainable in case farm production grew at the rate of 5 per cent per year. Efforts would also have to be made at other fronts of which the most important are "(1) the population problem; (2) financial bottlenecks, particularly the shortage of foreign exchange; and (3) the problem of making growth affect the lives of the rural and urban poor."

The Government's efforts would require major shifts in policy. It would also require sustained external assistance to overcome difficulties arising out of a shortage of resources. If 'India would be assured of a steady flow of resources at twice the present net flow (i.e. \$ 2 billion instead of the present \$1 billion annually or the projected \$500 million during the next plan period) it would mean: (1) an increase in the growth rate of about 1 per cent per year; (2) the capacity to move ahead with industrialisation and sustain the export drive; (3) the capacity to expand educational opportunities; and (4) the capacity to make a major impact on the living standards of the rural and urban poor".

It has been concluded, "If one concedes that development of low-income countries is important and that India is a major test, it is hard to imagine a more important and rewarding investment."

**Planning and the Politicians and other Essays by A. H. Hanson,  
Routledge and Kegan Paul, London, 1969**

The book is a collection of essays on various subjects pertaining to Politics and Economics. The Essays have been grouped under the following sections:

- (1) Parliament
- (2) Administration
- (3) Development
- (4) Principles

The section entitled "Parliament" contains five Essays: (i) Purpose of Parliament, (ii) the Use of Committees by the House of Commons, (iii) The Labour Party and the House of Commons Reform, (iv) Parliament, Minister and Board, (v) Parliament and the Control of University Expenditure.

Some points of interest made by the author in these essays are given below:

*Purpose of Parliament:*

Parliament in Britain continues to be useful and it will remain so, so long as it represents the interest of the general masses as distinct from that of any particular individual or group. Being an ancient institution, the British Parliament inspires respect among the young and

old alike. Moreover, it remains the most important forum for the critical appraisal of whatever steps Government takes in administering the affairs of the nation. It is also the ultimate tribunal for hearing the grievances of the people. The very status of the Opposition in the House of Commons is, as Jennings had said, the 'symbol of freedom'. A Government which does not have 'to wage parliamentary battle' will act in quite a different fashion than one which has to face Opposition in Parliament every day. Without Parliament and the Opposition, the Government would become more arbitrary, more complacent and less responsive to the movements of public opinion.

The future of the parliamentary system of government rests on the development of the Committee structure of the House of Commons. This would not only provide back-benchers opportunities for participation in the activities of Parliament, it would also extend in the most creative way our conception of what Parliament is for. The present-day Parliament has its own problems and handicaps. We are faced with a form of government in which bureaucrats and pressure groups have their powers strengthened. But this does not imply, as the more extreme critics have suggested, that Parliament is now no more than a dignified or ornamental institution.

#### *Use of Committees:*

Much of the frustration experienced by the back-bencher is born out of the realization that he, at best, exercises only a feeble influence on the Administration. There would appear to be three main reasons for this, *viz.* (1) that administrative issues insofar as they are raised through Questions and Debates, inevitably become matters of confidence and are thus drawn into the arena of the party struggle, (2) that Members in general do not have sufficient opportunity to become well informed about such issues. because they are too distant from the administrative process to be adequately acquainted with its problems, (3) that the House of Commons, as a whole, is an entirely unsuitable body for holding a government 'responsible' for its actions, except in matters of major importance. The result is though the administrator yields to various sorts of pressures from outside, the ordinary Member is generally quite in the dark and has few opportunities for exercising what should be one of his more important functions. The ordinary Member's frustration is quite justifiable when he is confronted with the 'massive strength' and 'instinctive secretiveness' of the bureaucracy.

Parliament has, therefore, to revise its mode of control over the administration. This is essentially a job of organisation. The personnel is already there among its Members whose talents are too frequently under-employed or misemployed, and whose 'lay minds' have 'a fund of commonsense to contribute which is unrealized by the expert, absorbed in his daily routine'.

The method which has long been suggested to give a sense of participation to the back-bencher and for making the bureaucracy more responsive to democratic pressures is the attachment of Select Committees of investigatory and advisory character, to the departments of the Government or to groups of departments.

#### *Parliament, Minister and Board:*

The experience of many countries strongly suggests that establishment of smooth and workable relationship between a public enterprise and organs of government, legislative and administrative, depends more upon conventions than rigid rules and regulations. So much depends on the general political situation, on the performance of the industry itself, on the attitude of the Ministry concerned and the Chairman of the Board—that it would be almost impossible to lay down in a set of rules the precise relations between the Minister and the Board Chairman or the control which the Administrative Ministry should exercise on the public enterprise. To ensure 'autonomies' to the public corporation, what is needed is that these corporations should be headed by men of stature having an independent and assured position in public life. A Chairman of such a calibre will have no fear of 'standing up' to the Minister when he considers that the interests of the industry that he manages requires that posture. It is encouraging to see that in recent years Ministers in Britain have had the courage to appoint such men to manage the nationalised industries.

#### *Parliament and Control of University Expenditure:*

In Britain, the Public Accounts Committee (P.A.C.) of the House of Commons had for long been worried about the comparative lack of accountability to Parliament for the vast sums of public money (more than £200 million a year) expended on university education. In June, 1966 the Committee decided to undertake a thorough review of "the working of the University Grants Commission (U.G.C.) control system and the extent to which Government participates in it, and the continued exemption of the expenditure on

universities from accountability to Parliament.\*” The evidence provided by academic circles was overwhelmingly against any extension in the Comptroller and Auditor General’s (C. and A. G.’s) or the P.A.C.’s powers and jurisdiction in relation to the financial management of Universities, their main objections being that such scrutiny would lead to interference in matters of academic freedom and policy and damage the morale of university staff. However, in its reports on this enquiry, which appeared early in 1967, the P. A. C. recommended “that, with effect from the beginning of the next quinquennium (that is, from August 1967) the C. and A. G. should be given access to the books and records of the U.G.C. and the Universities.” To reassure academics that this would in no way endanger academic freedom, the Committee further suggested that “in the meantime steps should be taken (a) to work out suitable conventions as to how his (*i.e.* the C. and A. G.’s) scrutiny will be conducted and how his queries will be handled; and (b) to ensure that the Universities are fully informed about the nature and purposes of the C. and A. G.’s scrutiny, and what would in practice be involved”. It is felt that, in the long run, the universities stand to gain rather than to lose from the scrutiny of the C. and A. G. Public suspicion that they may be using their autonomy to hide inefficiencies might be allayed; independent reports on their systems of financial control could help them to lay out their resources more economically and productively and the availability of information in which Parliament had full confidence might reduce ill-informed criticism of the universities by M.Ps.

The section in the Book entitled ‘Administration’ contains five essays (i) Public Administration and the Social Order in 20th Century Britain, (ii) Decentralization, (iii) Planning and the Politicians; Some Reflections on Economic Planning in Western Europe, (iv) Labour and Public Corporation, and (v) Political and Administrative Implications of a Self-financing Road system. The first article on “Public Administration and the Social Order in 20th Century Britain” consists of some general observations of the author on issues of administrative reform that are of current interest.

The essay on ‘Decentralization’ attempts to deal systematically with the problem that the phenomenon of “big Government” has made

---

\*Under the system, as it existed at the time the P.A.C. embarked on the review, the Comptroller and Auditor General had no access to the books and records of the universities, or to the records maintained by the U.G.C. for their control purposes. He could only scrutinise the published accounts of the universities and the reports and records published by the U.G.C. Thus, he could not, from independent inspection report to Parliament on the operation of the U.G.C. system of financial control or on the expenditure by the universities out of the grants.

acute. Explaining the need for decentralization in administration, the author notes that generally decentralization is associated with speed, initiative and grass root participation in the decision-making process. On the contrary, 'centralization' is associated with delays, procrastination, red tape and the erosion of local 'liberties'. It cannot be denied that centralization which has come about in the wake of adoption of planning on a national scale in many countries has produced widespread dissatisfaction. To reverse the trend, 'decentralization' has been attempted by Governments of many different complexions, e.g. the French decrees of 1953, whereby the exercise of many ministerial powers was delegated to the prefects; the creation of Workers Collectives and Chambers of Producers in Yugoslavia; the abolition of most of the Central economic ministries and the transfer of their responsibilities to the regional Sovnarkhozy in Russia and the Indian Government's adoption of the policy of Panchayati Raj.

About the Indian experiment of democratic decentralization, the author says that the system known as Panchayati Raj (literally, 'the rule of the people's councils') was introduced, with many variants, in nearly all States as a result of their acceptance of the recommendations of the Balvantray Mehta Report of 1957. When launched, it was considered as a panacea for many of the ills administrative and political, but the experiment has since faced many problems which the more informed had been able to foresee at the outset. From this it should not be concluded that the democratic decentralization has failed in the country but that the problems which have arisen during the actual implementation of the scheme deserve to be studied realistically.

The third section of the book entitled, "Development" contains eight essays on political and administrative problems of developing countries. These include "The Crisis of Indian Planning;" "The Administration of Planning" and "Public Authorities in Underdeveloped Countries".

"The Crisis of Indian Planning" summarises the Indian experience of planning for the period 1950 to 1964. The essay "Grass Roots" points, in a general way, to some of the major problems which any big effort at 'development from below' always encounters.

About India's experience of planned development, the author says that in spite of insurmountable obstacles like the grinding poverty and conservatism of the masses, extreme difficulty of getting any savings

from the existing economy, limited export potential and lack of entrepreneurial talent. India has done well to achieve an overall rate of growth in *per capita* income of about 1½% per annum and has at least broken the stagnation which was characteristic of the Indian economy at the close of the British rule. However, as India's Planners did not, in the author's view, look at the problems and prospects of planning in a realistic light, the gap between expectations and achievements has continued to widen. Both the Second and the Third Plans based on a series of unrealistic suppositions failed to achieve the objectives set before them.

#### *Administration of Planning*

There are several forms of organisation which can be adopted for implementation of the plans. One of the simplest, and perhaps the best is to locate the functions of technical planning in the office of the Prime Minister or the Chief Executive which would help in taking decisions speedily, whether on his own individual responsibility or as an expression of the collective responsibility of the Cabinet. This would, inevitably, place tremendous burden on the Chief Executive, but it cannot be helped because the Chief Executive cannot escape being held responsible for the success or failure of the economic plans with which his name will be inevitably identified. To provide relief to the Chief Executive, it should be ensured that the man who heads the planning organisation enjoys complete confidence of the Chief Executive. All decisions regarding planning should be delegated to him, the Chief Executive only reserving to himself matters of political importance.

The fourth and the last section of the book entitled "Principles", contains four essays giving the author's views on some of the political issues that confront us to-day. In the last of these, entitled "The Rights of Modern Man", he discusses the implications of the Universal Declaration of Human Rights and the impediments in the way of their practical application by the nations of the world. The author concludes that while the 'Human Rights' campaign would receive wide support because its ideals are laudable, such support might often be hedged with mental reservations. Nevertheless, the need for such a campaign, in terms of the beliefs and objectives which most of us share, is obvious because in the World today people suffer from all sorts of economic and social inequality, grinding poverty and discrimination of various sorts.



## RECENT LITERATURE OF PARLIAMENTARY INTEREST

### I. BOOKS

#### General

Fourth Orientation Seminar for Legislators—Chandigarh-September 6—13, 1969—Institute of Constitutional and Parliamentary Studies, New Delhi.

Planning and the Politicians and other Essays by Hanson, A. H. (Routledge and Keganpaul, 1969). [A Chapter deals with the British Parliament].

Presidential Advisory Sytem—Ed. by Cronin, Thomas E. and Greenbery, Sanford D. (Harper and Row, 1969).

Selected Lectures on Parliamentary Practice and Procedure—Commonwealth Parliamentary Association, Maharashtra Branch (Bombay, 1968).

Who is Who in Parliament and the Senate—South Africa Parliament Secretariat (Capetown, n.d.).

#### America

American Presidents and the Presidency by Cunliffe, Marcus (Eyre and Spottiswoods, 1969).

An American Melodrama: The Presidential Campaign of 1968 by Chester, Lewis and Others (Andre Deutsch 1969).

Official Congressional Directory for the use of the United States Congress, 91st Congress, 1st Session (Washington, 1969).

Policy Making in American Government—Ed. by Schneier, Edward V. (Basic Books Inc. 1969).

Senate Institution—Ed. by Preston, Nathaniel Stone (Van Nost-rand Reinhold Co. 1969).

#### Ethiopia

Government of Ethiopia by Perham, Morgery (Faber and Faber, 1969).

**India**

Constitution of India: Its Philosophy and Basic Postulates by Gajendragadkar, P. B. (London, Published for University College, Nairobi by Oxford University Press 1969).

Democratic Constitution of India by Rout, B. C. (Delhi, S. Chand and Co., 1968).

Fundamental Rights in India by Shiva Rao, B. and Pylee, M. V. (Forum of Free Enterprise 1969).

Fundamental Rights and Socio-economic Justice in Indian Constitution by Krishna Shetty, K. P. (Chaitanya Publishing House 1969).

Jana Sangh, a Biography of an Indian Political Party by Baxter, Craig (University of Pennsylvania Press, 1969).

Law of Indian Elections and Election Petitions by Srivastava, Gursharan Lal (Lucknow, Eastern Book Co., 1969).

Political Leadership in India—An Analysis of Elite Attitudes by Brecher, Michael (Delhi, Vikas Publications, 1969).

Political Trends in India by Madhok, Balraj (Delhi, S. Chand and Co., 1969).

Understanding our Constitution by Jethro K. Lieberman. (Delhi, 1969).

Who is Who in the Jammu and Kashmir Legislative Council—Jammu and Kashmir Legislative Council Secretariat (Srinagar, 1969).

Who is Who in Punjab Legislative Council, 1968 (As on 27th April, 1968) (Punjab Vidhan Parishad Secretariat, 1968).

**Thailand**

The Constitution of the Kingdom of Thailand, B. E. 2511—Secretariat of National Assembly 1968.

**U.K.**

British Government by Parry. Glyn. (London, Butterworths, 1969).

British Parliamentary Elections Results: 1918-1949—Compiled and edited by Craig, F. W.S. (Glasgow, 1969).

Constitutional History of Modern Britain since 1485 by Keir, (Sir) David Lindsay (Adam and Charles Black, 1969).

History of the Communist Party of Great Britain by Klugmann, Jammes, (Lawrence and Wishart, 1968).

Introduction to British Constitutional Law by Yardley, D.C.M. (Butterworths, 1969).

Party Games by Mayhew, Christopher (Hutchinson, 1969).

Royal Powers of Dissolution of Parliament in the British Commonwealth by Forsey, E. A. (Toronto, Oxford University Press, 1968).

Selection of Parliamentary Candidates by Rush, Michael (Thomas Nelson and Sons, 1969).

Standing Orders of the House of Commons Private Business—Parliament of Great Britain, House of Commons (London, H.M.S.O., 1969).

## II. REPORTS

### India

#### LOK SABHA

##### *Committee on Government Assurances*

Sixth Report of the Committee on Government Assurances (Fourth Lok Sabha) 1969-70 (August 29, 1969).

Seventh Report of the Committee on Government Assurances (Fourth Lok Sabha) 1969-70 (December 13, 1969).

##### *Committee on Petitions*

Sixth Report of the Committee on Petitions (Fourth Lok Sabha) (December 24, 1969).

##### *Committee of Privileges*

Ninth Report of the Committee of Privileges (Fourth Lok Sabha) (November 14, 1969).

Tenth Report of the Committee of Privileges (Fourth Lok Sabha) (February 23, 1970).

*Committee on Subordinate Legislation*

Fourth Report of the Committee on Subordinate Legislation (Fourth Lok Sabha) (February 24, 1970).

*Committee on the Welfare of Scheduled Castes and Scheduled Tribes*

First Report on the Department of Social Welfare regarding Re-organisation of the Offices of Commissioner for Scheduled Castes and Scheduled Tribes and Director-General, Backward Classes Welfare (December 4, 1969).

Second Report on the Ministry of Finance (Bureau of Public Enterprises) and Ministry of Home Affairs regarding Reservation for Scheduled Castes and Scheduled Tribes in Public Undertakings (December 9, 1969).

Third Report on the Department of Social Welfare regarding Post-Matric Scheme for Scheduled Castes and Scheduled Tribes Students for Studies in India (December 18, 1969).

Fourth Report on the Ministry of Home Affairs and Department of Social Welfare regarding Reservations for Scheduled Castes and Scheduled Tribes in Public Services (February 24, 1970).

Fifth Report on the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) Directorate General of Employment and Training regarding Employment of Scheduled Castes and Scheduled Tribes in Services (February 25, 1970).

*Public Undertakings Committee*

Fifty-second Report of the Committee on Public Undertakings on 6th Report (4th Lok Sabha) on contracts entered into by Rourkela Steel Plant of Hindustan Steel Ltd. with M/s. B. Patnaik Mines (P) Ltd. and others for the supply of Iron ore and Manganese Ore (February 25, 1970).

Fifty-third Report of the Committee on Public Undertakings on 5th Report (4th Lok Sabha) on contract entered into by State Trading Corporation of India Ltd. with M/s. Oval Industries Inc., New York for Import of Sulphur. (December 22, 1969).

Fifty-fourth Report of the Committee on Public Undertakings on 51st Report (4th Lok Sabha) on State Trading Corporation of India, New Delhi. (February 25, 1970).

Fifty-fifth Report of the Committee on Public Undertakings on 11th Report (4th Lok Sabha) on National Mineral Development Corporation Ltd. (February 26, 1970).

Fifty-sixth Report of the Committee on Public Undertakings on the 15th Report (4th Lok Sabha) on Financial Management in Public Undertakings (February 26, 1970).

Fifty-seventh Report of the Committee on Public Undertakings on 43rd Report (4th Lok Sabha) on Sindri Unit of Fertilizer Corporation of India Ltd., paras in section II of Audit Report (Commercial), 1968. (February 27, 1970).

Fifty-eighth Report of the Committee on Public Undertakings on 25th Report (4th Lok Sabha) on Praga Tools Ltd. (Paras in section IV of Audit Report) (Commercial), (1968) (February 27, 1970).

#### *Rules Committee*

Fourth Report of the Rules Committee (Fourth Lok Sabha) (August 30, 1969).

#### *Select|Joint Committees on Bills*

Report of the Select Committee on the Enlargement of the Appellate (Criminal) Jurisdiction of the Supreme Court Bill, 1968 by Shri Anand Narain Mulla (Fourth Lok Sabha) (November 17, 1969).

Report of the Joint Committee on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967 (Fourth Lok Sabha), (November 17, 1969).

Report of the Joint Committee on the Patents Bill, 1967 (Fourth Lok Sabha) (February 27, 1970).

#### **RAJYA SABHA**

#### *Committee on Petitions*

Twenty Third Report of the Committee on Petitions (August 25, 1969).

#### *Committee on Subordinate Legislation*

Seventh Report of the Committee on Subordinate Legislation (May 12, 1969).

ANDHRA PRADESH

(a) *Legislative Assembly*

*Committee on Government Assurances*

Fourth Report of the Committee on Government Assurances, 1968-69 (Fourth Assembly) (July 1, 1969).

*Committee on Petitions*

Third Report of the Committee on Petitions (Fourth Assembly) (September 20, 1969).

*Committee of Privileges*

Sixth Report of the Committee of Privileges (Fourth Assembly) —The Gopalachari Case (November 23, 1968).

*Committee on Subordinate Legislation*

Second Report of the Committee on Subordinate Legislation 1968-69 (Fourth Assembly) (July 26, 1969).

*Public Accounts Committee*

Second Report of the Committee on Public Accounts (Fourth Assembly) 1968-69 on Appropriation Accounts 1965-66 and Audit Report, 1967 of the Government of Andhra Pradesh—Volume I (March 3, 1969).

(b) *Legislative Council*

*Committee on Government Assurances*

Eighth Report of the Committee on Government Assurances (January 20, 1969).

ASSAM

*Committee on Government Assurances*

Fifth Report of the Committee on Government Assurances (Fourth Assembly) March 7, 1969.

*Committee on Petitions*

Fifth Report of the Committee on Petitions (Fourth Assembly) Petition submitted by Swami, Eogananda Giri and two others. (October 11, 1968).

Sixth Report of the Committee on Petitions (Fourth Assembly), Petition submitted by Shri Muhiram Phukan (March 31, 1969).

*Public Accounts Committee*

Seventh Report of the Public Accounts Committee (Fourth Assembly), 1968-69 Para 115 (iii) (b) at page 90 of the Audit Report 1966—The Assam Cooperative Sugar Mills Ltd., Barna Bamungaon (November 18, 1968).

Eighth Report of the Public Accounts Committee (Fourth Assembly) 1969-70 Appropriation Accounts, 1965-66, the Finance Accounts, 1965-66 and the Audit Report 1967 relating to wasteful Expenditure of the Supply Department referred to in paragraph 31 Pages 41—42 of the Audit Report (February 13, 1969).

Ninth Report of the Public Accounts Committee (Fourth Assembly), 1969-70—Audit Report, 1967, Appropriation Accounts, 1965-66 and Finance Accounts, 1965-66 of the Government of Assam relating to Co-operation, Supply, Forest, Animal Husbandry and Veterinary and Industries (Sericulture and Weaving Department) (March 14, 1970).

**BIHAR***Committee on Petitions*

Third Report of the Committee on Petitions on the Public Petitions relating to the Bhagalpur District Sonhoola, Tador Irrigation Scheme, 1965 (1969).

Fourth Report of the Committee on Petitions on the Public Petition relating to the Eradication of Leprosy Disease, 1967 (1969).

*Estimates Committee*

Twenty-Fifth Report of the Estimates Committee (Fourth Assembly) 1967-68—Finance (Sales Tax) Department (June 27, 1968).

Thirty-Fourth Report of the Estimates Committee (Fourth Assembly) (1967-68)—Registration Department (June 26, 1968).

Thirty-sixth Report of the Estimates Committee (Fourth Assembly) 1967-68—Excise Department (June 28, 1968).

*Committee on Government Assurances*

Fifth Report of the Committee on Government Assurances (March 7, 1967).

Tenth Report of the Committee on Government Assurances (May 30, 1969).

*Public Accounts Committee*

Twenty-sixth Report of the Public Accounts Committee (Fourth Assembly) on the Appropriation Accounts and Finance Accounts, 1962-63 and the Audit Report 1964 thereon page 50—54, Paragraph 42(1) relating to Darbhanga Division Laheria Sarai excess payment for Pathological Block of the Darbhanga Medical College (June 14, 1968).

Twenty-seventh Report of the Public Accounts Committee (Fourth Assembly) on the Appropriation Accounts and Finance Account 1962-63 and Audit Report 1969, relating to the Departments of Irrigation and Finance (June 15, 1968).

GOA, DAMAN & DIU

*Committee on Government Assurances*

Second Report of the Committee on Government Assurances, 1968-69 (1969).

Third Report of the Committee on Government Assurances, 1968-69 (1969).

*Estimates Committees*

Third Report of the Estimates Committee (Second Assembly), 1968-69—Jails (March 27, 1969).

*Public Accounts Committee*

Report of the Public Accounts Committee (1968-69)—Appropriation Accounts of the Government of the Union Territory of Goa, Daman And Diu for the period 1964-65 and 1965-66 and Audit Report 1966 and 1967 (August 5, 1968).

Second Report of the Public Accounts Committee (Second Assembly), 1968-69 on the Audit Report, 1968 (March 24, 1969).



**GUJARAT***Committee on Government Assurances*

Third Report (Assurances given during the First and Third Sessions of 1967) (1968).

*Committee of Privileges*

Fifth Report of the Committee of Privileges (Third Assembly) Shri Parshottamdas Bhil case (July 18, 1969).

Sixth Report of the Committee of Privileges (Third Assembly)—Pandit Anandpriyaji case (July 18, 1969).

*Committee on Public Undertakings*

First Report of the Committee, on Public Undertakings (Third Assembly), 1969-70 (July 1969).

Second Report of the Committee on Public Undertakings (Third Assembly), 1969-70 (July, 1969).

*Committee on Subordinate Legislation*

First Report of the Committee on Public Undertakings (Third Assembly) (1968).

*Rules Committee*

Second Report of the Rules Committee (Third Legislative Assembly) (March 24, 1969).

Third Report of the Rules Committee (Third Assembly) (August 26, 1969).

Fourth Report of the Rules Committee (Third Assembly) August 26, 1969).

**HARYANA***Committee on Government Assurances*

First Report of the Committee on Government Assurances, 1968-69 (January 16, 1969).

*Committee of Privileges*

Report of the Committee of Privileges regarding Alleged Kidnapping of Shri Joginder Singh, M.L.A. (July 29, 1969).

*Committee on Subordinate Legislation*

Fifth Report of the Committee on Subordinate Legislation, 1968-69, (February, 1969).

*Estimates Committee*

First Report of the Estimates Committee on the Budget Estimates for 1968-69 (i) Agriculture Department; (ii) Transport Department; (iii) Industries Department (March 29, 1969).

*Public Accounts Committee*

First Report of the Public Accounts Committee 1968-69 on the Appropriation Accounts of the Composite Punjab Government for the years 1964-65 and 1965-66 and the Audit Reports, 1966 and 1967, in so far as these relate to areas, now forming part of the Haryana State (March 21, 1969).

HIMACHAL PRADESH

*Committee on Delegated Legislation*

Second Report of the Committee on Delegated Legislation, 1968-69 (April 7, 1969).

*Estimates Committee*

Fifth Report of the Committee on Estimates, 1968-69—The Civil Supplies Department (March 10, 1969).

*Public Accounts Committee*

Third Report of the Public Accounts Committee, 1968-69—Compromise made by the Registrar, Cooperative Societies, Himachal Pradesh with a debtor of the Theog Cooperative Union—Para 77 of the Third Report of the Public Accounts Committee, 1966-67 (March, 1969).

Fourth Report of the Public Accounts Committee 1968-69 on (i) Appropriation and Finance Accounts of the Himachal Pradesh Government for the Year 1965-66 and Audit Report 1967 (Himachal Pradesh) concerning Excesses over Grants, and Agriculture Department (ii) Appropriation and Finance Accounts of Himachal Pradesh

Government for the Year 1966-67 and Audit Report, 1968 (Himachal Pradesh) (April 1, 1969).

#### JAMMU & KASHMIR

##### *Committee on Government Assurances*

Tenth Report of the Committee on Government Assurances (April 8, 1969).

#### KERALA

##### *Committee on Petitions*

Second Report of the Committee on Petitions 1968 (November, 1968).

Fourth Report of the Committee on Petitions (March 25, 1969).

##### *Committee on Private Members' Bills and Resolutions*

Ninth Report of the Committee on Private Members' Bills and Resolutions (August 7, 1969).

Tenth Report of the Committee on Private Members' Bill and Resolutions (August, 1969).

Eleventh Report of the Committee on Private Members' Bills and Resolutions, 1969 (October 1, 1969).

Twelfth Report of the Committee on Private Members' Bills and Resolutions, 1969 (October 9, 1969).

##### *Committee of Privileges*

Third Report of the Committee of Privileges (August 5, 1969).

##### *Committee on Public Undertakings*

First Report of the Committee on Public Undertakings, 1969-70—The Kerala Tourist and Handicrafts Corporation (August 5, 1969).

Second Report of the Committee on Public Undertakings, 1969-70—The Plantation Corporation of Kerala Limited (October 24, 1969).

*Committee on Subordinate Legislation*

Fourth Report of the Committee on Subordinate Legislation, 1968-69 (1969).

*Estimates Committee*

First Report of the Estimates Committee, 1968-69 on Industries Department (Government Owned Companies and Government Majority Shareholding Companies) (March 26, 1969).

Second Report of the Estimates Committee, 1968-69 on Industries (Coir Industry) (March 26, 1969).

Third Report of the Estimates Committee, 1968-69 on Industries Department (Handloom Industry) (March 26, 1969).

MADHYA PRADESH

*Committee on Government Assurances*

Third Report relating to February-April 1966 (June 13, 1969).

*Committee on Petitions*

Fourth Report of Committee on Petitions (June 10, 1969).

*Committee of Privileges*

Seventh Report of the Committee of Privileges (Fourth Assembly) regarding the Complaint of Shri Ramesh Chander Dubey, M.L.A. of Breach of Privilege by Shri Parmanand Pathiya, District Collector of Jabalpur (March 20, 1969).

Eighth Report of the Committee of Privileges (Fourth Assembly) regarding the Complaint of Sarvashri Bimal Chander Jain and Parmanand Govindjiwala, M.L.As. of Breach of Privilege by the Editor of Danik Bhaskar (June 27, 1969).

Ninth Report of the Committee of Privileges (Fourth Assembly) regarding the Complaint of Sarvashri Bimal Chand Jain, Parmanand Govindjiwala and Arjun Singh M.L.As. Breach of Privilege by the Editor of Atom, Hamara Jabalpur, Danik Bhaskar—Sarvashri Jiwan Dass Gupta, Govind Singh and Dwarka Prasad Aggarwal respectively, (July 6, 1969).

**Tenth Report of the Committee of Privileges (Fourth Assembly) regarding the Complaint of Shri Yamuna Prasad Shastri M.L.A. of breach of Privilege by Sarvashri Raghuwar Dayal Sharma author, and Dwarka Prasad Aggarwal, publisher, of the Pamphlet entitled "Tatha Kathit" Tat Patti Prakaran (June 27, 1969).**

*Committee on Subordinate Legislation*

**Fifth Report of the Committee on Subordinate Legislation (Fourth Assembly) (February 7, 1969).**

**Sixth Report of the Committee on Subordinate Legislation (Fourth Assembly) (June 11, 1969).**

*Estimates Committee*

**Fourth Report of the Estimates Committee (Fourth Assembly), 1968-69—Department of Forest (July 1, 1969).**

*Public Accounts Committee*

**Fourteenth Report of the Public Accounts Committee 1968-69 on the Finance Accounts 1965-66, Appropriation Accounts 1965-66 and the Audit Report on the Accounts, 1965-66. (1969).**

**MAHARASHTRA**

*(a) Legislative Assembly*

*Committee on Government Assurances*

**Ninth Report of the Committee on Government Assurances (Third Vidhan Sabha) 1968-69 (1969).**

**Tenth Report of the Committee on Government Assurances (Third Assembly) 1969-70 (July 17, 1969).**

**Eleventh Report of the Committee on Government Assurances (Third Assembly) 1969-70 (July 17, 1969).**

*Committee on Petitions*

**Interim Report of the Committee on Petitions (Council) on the Grievances of Residents and Landowners of Village situated in Thana Belapur Area (July 29, 1969).**

**Report of the Committee on Petitions (Council) on Exclusion of Certain Factory Areas from Ulhasnagar Municipal Limits (July 29, 1969).**

*Committee of Privileges*

Report of the Privileges Committee (Third Assembly) in the matter of Breach of Privilege and the Contempt of the Assembly alleged to have been committed by Shri J. B. Dhote, M.L.A. during the Governor's Address on 7th February, 1968 (June 19, 1969).

*Committee on Subordinate Legislation*

Eighth Report of the Committee on Subordinate Legislation (Third Assembly). (August 7, 1969).

*Estimates Committee*

Fourteenth Report of the Estimates Committee (Third Assembly) 1969-70—Irrigation and Power Department (Major Irrigation) (August 13, 1969).

*Public Accounts Committee*

Ninth Report of the Public Accounts Committee (Third Assembly) 1968-69—Appropriation Accounts of the Government of Maharashtra for the year 1966-67 and Audit Report thereon (Excesses and Savings) (March 21, 1969).

Eleventh Report of the Public Accounts Committee (Third Assembly), 1969-70 on Appropriation Accounts of the Government of Maharashtra for the year 1967-68 and Audit Report thereon (Financial Irregularities, Losses etc.) (August 6, 1969).

*Committee on Public Undertakings*

Fourth Report of the Committee on Public Undertakings (Third Assembly) on the Audit Reports for the years 1965-66 and 1966-67 on the (1) Maharashtra State Farming Corporation (2) Maharashtra State Board Transport Corporation and (3) Maharashtra State Electricity Board (July 8, 1969).

(b) *Legislative Council*

*Committee on Government Assurances*

Twenty Sixth Report of the Committee on Government Assurances (July 2, 1969).

*Committee of Privileges*

Report of the Committee of Privileges in the matter of breach of Privilege and Contempt of the Council alleged to have been committed by Dr. V. G. Gharpur and Dr. R. V. Junnarkar, Professors and Sarvashri A. M. Salpekar, G. K. Sarode, K. A. V. Chari, P. L. Soni and S. R. Choudhary, students of the Medical College, Nagpur by participating in an assault on Shri R. K. Sharma M.L.C. on 13th July, 1968 (April 11, 1969).

## MYSORE

*(a) Legislative Assembly**Committee on Petitions*

Third Report of the Committee on Petitions (Fourth Assembly) (September 10, 1969).

*Committee on Subordinate Legislation*

Second Report of the Committee on Subordinate Legislation (Fourth Assembly) (September 10, 1969).

*Public Accounts Committee*

Fourth Report of the Public Accounts Committee (Fourth Assembly) 1967—69 on the Appropriation and Finance Accounts 1964-65 and 1965-66 and the Audit Reports 1966 and 1967 relating to Commerce and Industries, Finance, General Administration, Public Works, Electricity and Revenue Departments (March 26, 1969).

Fifth Report of the Public Accounts Committee (Fourth Assembly) on the Appropriation and Finance Accounts 1966-67 and the Audit Report, 1968 (August 28, 1969).

*(b) Legislative Council**Committee of Privileges*

Report of the Committee of Privileges (April 28, 1969).

## NAGALAND

*Committee on Government Assurances*

Sixth Report of the Committee on Government Assurances. 1968-69 (1969).

*Committee on Subordinate Legislation*

Second Report (1968).

*Estimates Committee*

Sixth Report of the Committee on Estimates on Medical and Public Health Department (December 10, 1968).

ORISSA

*Estimates Committee*

Thirteenth Report of the Committee on Estimates 1968-69—Medium Irrigation Projects (March 28, 1969).

PONDICHERRY

*Committee of Privileges*

First Report of the Committee of Privileges (Third Assembly) (July, 1969).

PUNJAB

(a) *Vidhan Sabha*

*Committee on Government Assurances*

Tenth Report of the Committee on Government Assurances 1968-69 (July 18, 1969).

(b) *Vidhan Parishad*

*Committee of Privileges*

Twelfth Report of the Committee of Privileges (March 20, 1969).

Thirteenth Report of the Committee of Privileges (October 30, 1969).

*Committee on Public Undertakings*

Third Report of the Committee on Public Undertakings, 1969 regarding Punjab Dairy Development Corporation (August 14, 1969).

*Committee on Subordinate Legislation*

Eighth Report of the Committee on Subordinate Legislation (July, 1969).



**RAJASTHAN***Committee on Petitions*

Fourth Report of the Committee on Petitions (1968).

Fifth Report of the Committee on Petitions (Fourth Assembly) (March 10, 1969).

Sixth Report of the Committee on Petitions (Fourth Assembly) (March 10, 1969).

*Committee on Subordinate Legislation*

Seventh Report of the Committee on Subordinate Legislation (Fourth Assembly) (March 10, 1969).

*Estimates Committee*

Seventh Report of the Estimates Committee (Fourth Assembly) 1968-69—Rajasthan Ancient Studies Institution (1969).

Ninth Report of the Estimates Committee (Fourth Assembly) 1968-69 (May 2, 1969).

Tenth Report of the Estimates Committee (Fourth Assembly) 1968-69—Rajasthan Ground Water Board, Jodhpur (May 2, 1969).

*Public Accounts Committee*

Epitome of the Report of the Public Accounts Committee 1953-54 to 1965-66 (upto Seventh Report) (Third Assembly) and Government Orders thereon (1969).

**TAMIL NADU***(a) Legislative Assembly**Committee of Privileges*

Report and Proceedings of the Committee of Privileges—Case in regard to the alleged direct accusation made by Dr. H. V. Harde, M.L.A. against the Chair (January 21, 1969).

*Committee on Rules*

Fifth Report of the Committee on Rules, 1969 (1969).

*Committee on Subordinate Legislation*

**Third Report of the Committee on Subordinate Legislation (Fourth Assembly) (March, 1969).**

*Estimates Committee*

**Tenth Report of the Committee on Estimates (Fourth Assembly), 1968-69 on Agriculture (March 27, 1969).**

*Public Accounts Committee*

**Report of the Committee on Public Accounts 1968-69—Accounts of the State of Tamil Nadu for the year 1965-66 (March 25, 1969).**

*(b) Legislative Council*

*Committee on Government Assurances*

**Seventeenth Report of the Committee on Government Assurances (March, 1969).**

**Eighteenth Report of the Committee on Government Assurances (August 2, 1969).**

**UTTAR PRADESH**

*Committee on Government Assurances*

**First Interim Report (December 9, 1967).**

**Seventh Report of the Committee on Government Assurances (May 19, 1967).**

*Committee on the Appointment of the Secretary to the Legislature.*

**Report of the Committee on the appointment of the Secretary to the Legislature (February 9, 1968).**

**WEST BENGAL**

*Committee on Petitions*

**First Report of the Committee on Petitions (Fifth Assembly) (August 27, 1969).**

*Estimates Committee*

Twelfth Report of the Estimates Committee, 1967-68—Department of Housing (July 25, 1969).

*Public Accounts Committee*

Report of the Public Accounts Committee on the Appropriation and Finance Accounts for 1963-64 and Audit Report, 1965 (May 21, 1969).

## AUSTRALIA

*Commonwealth Parliamentary Association*

Thirteenth Commonwealth Parliamentary Conference, Kampala, Uganda, October-November, 1967—Report of the Commonwealth of Australia Branch Delegation on the Conference. Meeting of General Council, General Meeting of Association, and Visit to Uganda (1968).

*Parliament**Joint Committee of Public Accounts*

Ninety-sixth Report on Expenditure from the Consolidated Revenue Fund for the year 1966-67 (1969).

Ninety-seventh Report of the Joint Committee of Public Accounts: Treasury Minutes on the Eighty-third Report together with Summary of that Report (June 6, 1968).

Ninety-eighth Report of the Joint Committee of Public Accounts: the Report of the Auditor-General, financial year 1966-67 (June 6, 1968).

Ninety-ninth Report: Treasury Minutes on the Fifty-fifth and Seventy-first Reports together with Summaries of those Reports (1969).

Hundred and Second Report—Expenditure from the Consolidated Revenue Fund for the year 1967-68 (Appropriation Acts, 1967-68) (1969).

## CEYLON

*House of Representatives**Public Accounts Committee*

Third Report of the Public Accounts Committee (Sixth Parliament—Fourth Session), 1968-69 on the Accounts of the Government of Ceylon for the financial year 1967-68 and the First instalment of the Auditor-General's Report thereon (June 9, 1969).

## UNITED KINGDOM

*(a) House of Commons**Committee of Privileges*

Report from the Committee of Privileges, together with the Minutes of the Proceedings of the Committee and an Appendix. Session 1968-69—Complaint concerning Statement by Alderman Peter Farmer (March 18, 1969).

Second Report of the Committee of Privileges together with the Proceedings of the Committee and Minutes of Evidence and Appendices: Events attending Visit of Sub-committee appointed by the Select Committee on Education and Science to the University of Essex, Session 1968-69 (1969).

*Estimates Committee*

Second Special Report of the Estimates Committee together with the Minutes of the Proceedings of the Committee on 22nd January relating to the Report, Session 1968-69: Allocation of Estimates to Sub-committees (January 22, 1969).

Third Report together with Part of the Minutes of Evidence taken before Sub-committee D, on 27th January, 1969 and following day, Appendices and Index, Session 1968-69 (1969).

*Public Accounts Committee*

First Report from the Committee of Public Accounts—Session 1968-69—Excess Vote (March 10, 1969).

Second Special Report from the Committee on Public Accounts together with Proceedings of the Committee, Session 1968-69: Basildon Development Corporation (Complaint about Evidence) (February 17, 1969).

Second Report from the Committee of Public Accounts—**Session 1968-69; Virement between Votes for Navy, Army and Air Services (May 14, 1969).**

Third Report of the Committee of Public Accounts together with the Proceedings of the Committee, Minutes of Evidence and Appendices and Index, Session (1968-69) (July 7, 1969).

### *Select Committees*

#### *Select Committee on Agriculture*

Report from the Select Committee on Agriculture—Report, Minutes, Minutes of Evidence, Appendices and Index, Session 1968-69 (February 12, 1969).

Special Report from the Select Committee on Agriculture, Session 1968-69 (February 12, 1969).

#### *Select Committee on Education and Service*

Fifth Special Report together with part of the Minutes of Evidence taken before the Committee on 1 and 10 July, 1969, Session 1968-69, (1969).

#### *Select Committee on House of Commons Services*

Second Report from the Select Committee on House of Commons (Services)—Session 1968-69: Members' Travel (May 14, 1969).

Third Report from the Select Committee on House of Commons (Services)—Session 1968-69: Accommodation in the new Parliamentary Building (May 21, 1969).

#### *Select Committee on Members' Interests Declaration*

First Special Report from the Select Committee on Members' Interests (Declaration)—Session 1968-69 (May 20, 1969).

#### *Select Committee on Nationalised Industries*

First Special Report from the Select Committee on Nationalised Industries, Session 1968-69 (February 18, 1969).

#### *Select Committee on Overseas Aid*

First Special Report from the Select Committee on Overseas Aid, Session 1968-69 (May 5, 1969).

Second Special Report together with the proceedings of the Committee: Minutes of Evidence and Appendices, Session (1968-69).

*Select Committee on the Parliamentary Commissioner for Administration*

Report from the Select Committee on the Parliamentary Commissioner for Administration together with the Proceedings of the Committee and Minutes of Evidence, Session 1968-69 (July 17, 1969).

*Select Committee on Procedure*

Special Report from the Select Committee on Procedure, Session 1968-69 (December 11, 1968).

First Report of the Select Committee on Procedure together with the Proceedings of the Committee, Minutes of Evidence, Appendices and Index: Scrutiny of Public Expenditure and Administration (July 23, 1969).

Second Report from the Select Committee on Procedure together with the Proceedings of the Committee and Minutes of Evidence taken before Sub-committee A: Form of Defence Estimates, Session 1968-69. (July 23, 1969).

*Select Committee on Race Relations and Immigration*

Third Special Report from the Select Committee on Race Relations and Immigration, Session 1968-69 (July 11, 1969).

*Select Committee on Science and Technology*

Report from the Select Committee on Science and Technology, Session, 1968-69: Carbon Fibres (February 20, 1969).

Second Report of the Select Committee on Science and Technology, Session 1968-69: Defence Research (March 27, 1969).

Fourth Special Report from the Select Committee on Science and Technology, Session 1968-69, (March 5, 1969).

*Select Committee on Statutory Instruments*

Third Report from the Select Committee on Statutory Instruments, Session 1968-69—together with the Minutes of the further Proceedings of the Committee upon 4th February, 1969 and the

Minutes of Evidence taken before the Committee, the Import Duties (Temporary Exemption) No. 6 Order, 1968 No. 1948 (February 4, 1969).

Fourth Report from the Select Committee on Statutory Instruments—Session 1968-69—together with the Minutes of the Proceedings of the Committee upon 11th February, 1969: The Eggs (Protection of Guarantees) Order 1968, No. 1986 (February 11, 1969).

Fifth Report from the Select Committee on Statutory Instruments—Session 1968-69—together with the Minutes of the Proceedings of the Committee—upon 25th February, 1969 (February 25, 1969).

Seventh Report of the Select Committee on Statutory Instruments together with the Minutes of the Proceedings of the Committee upon 19th May 1969: National Health Services (Regional Hospital Areas) Order 1969 (May 20, 1969).

*Select Committee on Transport (London) Bill*

Special Report from the Select Committee on Transport (London) Bill—Session 1968-69—together with Minutes of Speeches and the Proceedings of the Committee (March 6, 1969).

*Select Committee on Vehicle Excise Duty (Allegations)*

Report from the Select Committee on Vehicle Excise Duty (Allegations) together with the Proceedings of the Committee, Minutes of Evidence and Appendix (March 14, 1969).

*(b) House of Lords*

First Report from the Select Committee of the House of Lords on Procedure of the House (March 25, 1969).

[Re: Committal of Public Bills to Select Committees instead of to a Committee of the whole House and *re*: presentation of Petitions.]

*Commonwealth Parliamentary Association, London*

Report of Proceedings of Twelfth Commonwealth Parliamentary Conference held in Ottawa, Canada from 28th September to 4th October, 1966 (1966).

Report of the Proceedings of the Thirteenth Commonwealth Parliamentary Conference held in Kampala, Uganda from 26th October to 1st November, 1967 (1968).

## III. ARTICLES

## General

A Plea for Minimum Government by Acharya J. B. Kiripalani (*Swarajya*, December 20, 1969 p. 27).

Where does Man's freedom End? by H. S. Ursekar (*Free Press Journal* December 7, 1969).

## India

## Constitution

Administrative Relations between the Union and the States by R. S. Gae (*Journal of Constitutional and Parliamentary Studies*, October-December, 1969, pp. 1-36).

Centre-States Financial Relations in Context of Planned Development by D. R. Khatkhate and V. V. Bhatt (*Economic and Political Weekly*, February 21, 1970, pp. 367-376).

States and the Union by A. K. Sattanathan (*Hindu*, January 12, 1970).

Centre-State Relations in India by George A. Akerlof (*Indian Economic Review*, October, 1969, pp. 99-121).

Constitution for India—Federal Vs. Unitary by P. Kodanda Rao (*Deccan Herald*, December 27, 1969).

Constitutional position of the Indian President by Ranganathachari (*All India Reporter*, December, 1969, pp. 146-147).

Discretionary Powers of the Governor by Prof. D. N. Banerjee (*Swarajya*, November 1, 1969, pp. 5-6).

Governor's "Discretion" and Constitution by Ranjit Singh (*Hindustan Standard*, February 26, 1970).

Responsibilities of Governors by C. V. H. Rao (*INFA Feature*, January 10, 1970).

Role of Governors in the Changing Times (*Free Press Journal*, December 13, 1969).



**Right and Duties and the Constitution** by Justice J. S. Hegde (*National Herald*, January 7, 1970).

**Fundamental Rights should not be Amended** by Sarjoo Prasad (*Northern India Patrika*, January 26, 1970).

**Human Rights and Youth** by Rene Meheu (*Now*, October 17, 1969, pp. 4-5).

**Judiciary and Social Change** by Bishwanath Singh (*Parliamentary Studies*, November, November, 1969, pp. 18-22).

**Judicial Review and the Supreme Court of India** by S. V. Ramanna (*All India Reporter*, October, 1969, pp. 122-124).

**Need to Recast our Constitution** by Basudev Prasad (*Searchlight*, September 18, 1969).

**Consensus on Need to Review Constitution** by S. Swaminathan (*Free Press Journal*, January 28, 1970).

**Our Present Problems and the Constitution** by Dr. H. V. Patas-  
kar (*Indian nation*, December 3, 1969).

**Party Crisis in a Parliamentary System—Role of Politicians and Officials** by Ajit Bhattacharjea (*Hindustan Times*, November 21, 1969).

**Presidential System for India** by P. Kodanda Rao (*Indian Ex-  
press*, February 24, 1970).

**Abolition of Property Right—Is it Legally Prudent?** (*Economic Times*, December 3, 1969).

**Fundamental Right to Property** by A. G. Noorani (*Indian Ex-  
press*, December 29, 1969).

**Property in the Constitution** by Narayana Nettar (*National Herald*, December 4, 1969).

**Wrong to treat property as Fundamental Right** by S. Mohan Kumaramangalam (*Patriot*, December 4, 1969).

**Property—Not a Fundamental Right** by K. V. Raghunath Reddy (*National Herald*, January 11, 1970).

Property Rights under the Indian Constitution (*Assam Tribune*, December 21, 1969).

Right to Property by R. S. Arora (*Illustrated Weekly of India*, February 22, 1970 pp. 30-31).

Right to Property cannot be Revoked—Essential condition of Liberty by C. S. Subramania Iyer (*Mail*, December 10, 1969).

Right to Property by Dr. Niranjan Dhar (*Swarajya*, January 10, 1970, pp. 2-3).

Secularism and the Indian Constitution—A series of Articles in six parts by Dr. P. B. Gajendragadkar *National Herald*, February 19, to 21 & 23 to 25, 1970).

Separation of Judiciary from Executive by Dr. Paras Dewan (*Karavan*, February (I), 1970, pp. 25-26).

Should Second Chambers be Abolished by Lobs Prabhu (*Economic Times*, January 29, 1970).

Treason Against the Constitution by C. Rajagopalachari (*Swarajya*, December 27, 1969, pp. 1-2).

### *Election*

Bases and Strategies in Election by Ram Sagar Singh (*Economic and Political Weekly*, October 4, 1969, pp. 1601-1604).

Crisis in the Congress Party—The Indian Presidential Election by T. V. Sathya Murthy (*World today* November, 1969 pp. 478-487).

Election of the President, by Shri Prakasa (*INFA*, September 22, 1969).

Electoral Reforms: Unsuitability of List System for India by S. P. Sen-Varma (*Mail*, February 23, 1970).

Presidential Election and the Parliamentary System by B. C. Kamble (*INFA Feature*, December 15, 1969).

Rethinking on the Voting age: Demand for Reduction A Sign of Changing Times by G. N. Dixit (*Mail*, February 24, 1970).

Separate Electorates for Scheduled Castes and Tribes by D. H. Shendey (*Hitavada*, December 3, 1969).

*Parliament and Democracy*

Democracy and Moral Values by K. Santhanam (*Swarajya* Annual Number, 1970 pp. 49-50).

For the Survival of Democracy by Smt. Vimala Srivastva (*Swarajya*, February 1970, pp. 3-4).

Parliamentary Democracy—the Meeting Ground of Conflicting Views by H. V. Pataskar (*Northern India Patrika*, January 26, 1970).

Parliamentary Democracy and Direct Action (*Hitavada*, January 12, 1970).

Parliamentary Reform-I (Key Role of Standing Committees) by Dr. L. M. Singhvi (*Times of India*, October 31, 1969).

Parliamentary Reform-II (Close Scrutiny of Legislation) by Dr. L. M. Singhvi (*Times of India*, November 1, 1969).

Party system in Democracy by Bal Raj Tirkha (*Indian Nation*, December 26, 1969).

Party System in Democracy by K. C. Saxena (*Socialist Congressman*, November 17, 1969, pp. 45-46).

Pluralism and Indian Democracy by V. K. Narasimhan (*Swarajya*, Annual Number, 1970, pp. 67—70).

Quality of Democracy by Dr. Niranjan Dhar (*Swarajya*, January 17, 1970 pp. 3-4).

Role of Opposition and Working in Parliament by D. K. Kunte (*Northern India Patrika*, January 26, 1970).

Spirit of Democracy must be Preserved; vigilant Opposition Vital by M. C. Chagla (*Mail*, February 17, 1970).

Strategy of Struggle in Parliament by S. Swaminathan (*Free Press Journal*, November 12, 1969).

*Parliament and Executive*

Is the President bound to accept the Advice of the Prime Minister—the Constitutional position (*Organiser*, Diwali Number 1969, p. 7).

Ministers and Civil Servants in a Developing Democracy by B. S. Narula (*Management Government* October-December, 1969, pp. 3—19).

Party Chief Vs. Prime Minister by C. R. Rathee (*Mainstream*, October 18, 1969 pp. 19-20, 24).

Powers of a Chief Minister by R. J. Venkateswaran (*Swarajya*, December 20, 1969, p. 3).

Prime Minister—The Pilot of Government and Pivot in India by Dipak B. R. Chaudhury (*Free Press Journal*, September 21, 1969).

Prime Minister's Status by Dr. Niranjan Dhar (*Swarajya* February 7, 1970, p. 2).

Prime Minister and Party President by H. T. Ramakrishna (*Parliamentary Studies*, November, 1969, pp. 12—17).

Sovereignty, Parliament and Prime Minister by Bishwanath Roy (*National Herald*, October 8, 1969).

The Indian Ombudsman by U. D. Choubey (*Searchlight* January 15, 1970).

Two Presidents and the Prime Minister by Sri Prakasa (*INFA Feature* October 4, 1969).

When the Prime Minister drops Ministers by Nagarajan (*Hita-vada*, October 28, 1969).

*President-Role and Powers*

India's Four Presidents by R. M. Lala (*Himmat*, January 23, 1970 pp. 7, 23-24).

President and Lok Sabha Dissolution by A. G. Noorani (*Indian Express*, January 13, 1970).

President's Discretionary powers by G. K. Reddy (*Hindu* December 9, 1969).

Right of Dissolution by H. M. Jain (*Mainstream*, January 17, 1970 pp. 15—17, 36).

*Privy Purses*

Princes, Privileges and Privy Purses by S. Swaminathan (*Free Press Journal*, December 31, 1969).

Privy Purses—The Issues Involved by Ajit Bhattacharjee (*Hindustan Times*, January 8, 1970).

Prudent Approach to Privy Purses Issue by K. Santhanam (*Hindu* January 5, 1970).

---

APPENDIX I

I. Statements showing the activities of the House of Parliament/State Legislature during the period 1st July to 31st December, 1969.

Session held	Legislation			Questions				Committee that met			
	Govt. Bills Passed	Private members Bills Passed	Starred Bills	Unstarred	Short Notices	Names	Sittings held	No. of reports presented			
1	2	3	4	5	6	7	8	9	10	11	12
				Recd. Admtid.	Recd. Admtid.	Recd. Admtid.	Recd. Admtid.				
Ninth Session (From 17th Nov. to 24th Dec. 1969)	25	1	22,183	809*	781	5102**	627	8	1. Business Advisory Committee	6	5
Tenth Session (From 20th Feb., 1970) on wards†			@@ 11,943	@ 427	@@ 427	@@ 157	@@ 157	@	2. Committee on Government Assurances 3. Committee on Private Members Bills & Resolutions 4. Committee on Subordinate Legislation 5. Committee of Privileges	8	1
										4	4
										3	1
										3	2

LOK SABHA††

† The House continued to be in Session after 28th Feb., 1970.  
 \* Includes 4 Short Notice Questions admitted as Starred Questions.  
 \*\* Includes 4685 Starred Questions admitted as Unstarred Questions.  
 @ Figures will be available at the end of the Session.  
 @@ Figures up to 28th Feb., 1970.  
 †† From 1st Sept. 1969 to 28th Feb., 1970.



## Appendices

369

19. Joint Committee on the Patents Bill, 1967 . . . . .	8	I
20. Joint Committee on the Scheduled Castes & Scheduled Tribes Orders (Amendment) Bill, 1967 . . . . .	7	I
21. Joint Committee on the Comptroller and Auditor General (Duties, Powers and Conditions of Service) Bill, 1969 . . . . .	4	I
22. Select Committee on the Enlargement of the Appellate (Criminal) Jurisdiction of the Supreme Court Bill, 1968 by Shri A. N. Mulla . . . . .	3	I
23. Select Committee on the Central Excise Bill, 1969 . . . . .	4	..
24. Select Committee on the Taxation Laws (Amendment) Bill, 1969 . . . . .	17	
25. Select Committee on the Advocates (Second Amendment) Bill, 1968 as passed by Rajya Sabha . . . . .	5	..

\* Includes 1,988 Starred Questions admitted as Unstarred Questions.

\*\* From 1st Sept., 1969 to 28th Feb., 1970.



	1	2	3	4	5	6	7	8	9	10	11	12
<b>RAJYA SABHA**</b>												
Seventieth Session (From 1st Sept. to 31st Dec. 1969—27 days)	18	4,081	1,222	292	2,192*	64	2	1. Business Advisory Committee	3	..		
								2. Committee on Petitions	3	..		
								3. Committee on Subordinate Legislation	4	..		
								4. House Committee	3	..		
Seventy-First (From 20th Feb. to 28th Feb., 1970—7 days)	..	3,485	††	135	††	16	††	5. Joint Committee on the Indian Medicine and Homeopathy Central Council Bill, 1968	10	1		
								6. Joint Committee on Hire-Purchase Bill, 1968	8	1		
								7. Joint Committee on the Architects Bill, 1968	6	1		
								8. Joint Committee on the Code of Civil Procedure (Amendment) Bill 1968	23			
								9. Joint Committee on the Medical Termination of Pregnancy Bill, 1969	1			
<b>Andhra Pradesh Legislative Council</b>												
One (Fifteenth Session —20 days)	5	..	432	265	4	4	2	2	..			
<b>Andhra Pradesh Legislative Assembly</b>												
One (From 14th Aug. to 30th Sept., 1969—34 days)	5	..	1,182	433	..	89*	292	46	1. Committee on Subordinate Legislation	4	1	
								107**	Committee on Government Assurance	4	1	

3. Committee on Petitions	3
4. Committee of Privileges	2
5. Select Committee	28
6. Select Committee on the Andhra Pradesh Co-operative Societies (Amendment) Bill, 1969	2

Gujarat Legislative Assembly

Two (From 11th Aug. to 3rd Sept., 1969—18 sittings)

14	..	2882	1459	2743	681	345	58
1.	Business Advisory Committee	5	4				
2.	Committee on Private Members' Business	3	3				
3.	Estimates Committee	3	3				
4.	Committee on Absence of Members	2	2				
5.	Privileges Committee	4	2				
6.	Public Accounts Committee	8	..				
7.	Public Undertaking Committee	6	2				

(From 24th Nov. to 8th Dec., 1969—11 sittings)

† The Session commenced on 20th Feb., 1970 and continued till 4th April, 1970.  
 †† Figures not available at present.

• Notices of Starred Questions admitted as Unstarred Questions.

•• Notices of Short Notice Questions admitted as ordinary Starred Questions.



- 8. Sub-committee of the Select Committee on the Haryana Cattle Fair Bill, 1969 . . . . . 5 1
- 9. Library Committee . . . . . 6 ..

**Jammu & Kashmir Legislative Council**

One (From 1st Oct. to 18th Oct. 1969—11 sittings) . . . . .	13	1	322	318	91	70	..	1. Committee on Government Assurances . . . . .	3	1
One (From 1st Oct., to 16th Oct., 1969) . . . . .	5	..	468	306	351	231	3	2. Rules Committee . . . . .	2	1

**Jammu & Kashmir Legislative Assembly**

One (From 4th to 22nd Aug. and from 29th Sept. to 24th Oct., 1969—31 days)	9	..	1855	1251	1313	1113	..	1. Committee on Privileges Undertakings . . . . .	3	1
One (From 1st Oct. to 18th Oct. 1969—11 sittings) . . . . .	13	1	322	318	91	70	..	2. Committee on Public Undertakings . . . . .	4	2
One (From 1st Oct., to 16th Oct., 1969) . . . . .	5	..	468	306	351	231	3	3. Committee on Assurances . . . . .	5	..
One (From 1st Oct. to 18th Oct. 1969—11 sittings) . . . . .	13	1	322	318	91	70	..	4. Estimates Committee . . . . .	3	..
One (From 1st Oct., to 16th Oct., 1969) . . . . .	5	..	468	306	351	231	3	5. Housing Committee . . . . .	1	..
One (From 1st Oct. to 18th Oct. 1969—11 sittings) . . . . .	13	1	322	318	91	70	..	6. Library Committee . . . . .	1	..
One (From 1st Oct., to 16th Oct., 1969) . . . . .	5	..	468	306	351	231	3	7. Privileges Committee . . . . .	10	..
One (From 1st Oct. to 18th Oct. 1969—11 sittings) . . . . .	13	1	322	318	91	70	..	8. Public Accounts Committee . . . . .	20	1
One (From 1st Oct., to 16th Oct., 1969) . . . . .	5	..	468	306	351	231	3	1. Committee of Privileges Undertakings . . . . .	3	1
One (From 1st Oct. to 18th Oct. 1969—11 sittings) . . . . .	13	1	322	318	91	70	..	2. Committee on Public Undertakings . . . . .	4	2
One (From 1st Oct., to 16th Oct., 1969) . . . . .	5	..	468	306	351	231	3			

**Kerala Legislative Assembly**

One (From 4th to 22nd Aug. and from 29th Sept. to 24th Oct., 1969—31 days)	9	..	1855	1251	1313	1113	..	1. Committee of Privileges Undertakings . . . . .	3	1
One (From 1st Oct. to 18th Oct. 1969—11 sittings) . . . . .	13	1	322	318	91	70	..	2. Committee on Public Undertakings . . . . .	4	2
One (From 1st Oct., to 16th Oct., 1969) . . . . .	5	..	468	306	351	231	3			



- 9. Rules Committee . . . . . 1 ..
- 10. Select Committee on the Madhya Pradesh Vishwa - Vidyalyaya Bill, 1968. . . . . 6 ..
- 11. Select Committee on the Madhya Pradesh Gramdan Bill, 1969 . . . . . 14 ..

**Maharashtra Legislative Council**

<p>Two (From 16th June to 22nd Aug., 1969—36 sittings).</p>	<p>35</p>	<p>—</p>	<p>706</p>	<p>335</p>	<p>15</p>	<p>12</p>	<p>34</p>	<p>20</p>	<p>1. Assurances Committee 2. Rules Committee 3. Business Advisory Committee. 4. Committee on Private Members' Bills and Resolutions. 5. Committee on Privileges 6. Committee on Absence of Members.</p>	<p>7 2 10 9 2 2</p>	<p>7 1 .. 9 1 2</p>
---	-----------	----------	------------	------------	-----------	-----------	-----------	-----------	--	---	---

**Maharashtra Legislative Assembly**

<p>Two (From 16th June to 22nd Aug. 1969—49 sittings) (From 17th Nov. to 20th Dec., 1969—25 sittings)</p>	<p>40</p>	<p>..</p>	<p>3436</p>	<p>1333</p>	<p>257</p>	<p>175</p>	<p>504</p>	<p>181</p>	<p>1. Assurance Committee. 2. Public Undertakings Committee. 3. Public Accounts Committee.</p>	<p>7 11 3</p>	<p>7 1 2</p>
---	-----------	-----------	-------------	-------------	------------	------------	------------	------------	--	-----------------------	----------------------



**Mysore Legislative Council**

One (From 21st Aug. to 12th Sept., 1969—20 sittings)	19	..	277	274	52	52	16	11	1. Business Advisory Committee.	2	2
									2. Committee on Pri- vileges.	1	1
									3. Committee on Gov- ernment Assurances	3	..
									4. Committee on Public Accounts	19	1
									5. Committee on Sub- ordinate Legislation.	8	1
									6. Committee on Public Undertakings.	1	..
									7. Committee on the Welfare of the Scheduled Castes and Scheduled Tribes.	1	..
									8. House Committee	1	..

**Mysore Legislative Assembly**

One (From 14th Aug. to 10th Sept., 1969—20 sittings)	19	..	920	801	102	98	46	22	1. Business Advisory Committee	4	4
									2. Committee on Pri- vate Members' Bills and Resolutions	2	2
									3. Committee on Public Accounts	19	1





	1	2	3	4	5	6	7	8	9	10	11	12
4. Committee on Government Assurances.											6	1
5. Committee on Petitions.											2	1
5. Committee on Subordinate Legislation.											8	1
7. Committee on Privileges.											3	..
8. Rules Committee											2	..
9. House Committee											1	..
10. Committee on Public Undertakings											1	..
11. Committee on the Welfare of Scheduled Castes and Scheduled Tribes.											1	..
<b>Nagaland Legislative Assembly</b>												
<b>Two</b> (From 7th Aug. to 18th Aug., 1969—8 days)		6	..	276	218	287	236	6	1	1.	Assurances Committee	..
											11	1
											2	..
											1	1

Two  
(From 7th Aug. to 18th Aug., 1969—8 days)

(From 4th Dec. to 13th Dec., 1969—7 days)

**Orissa Legislative Assembly**

One (From 6th Oct. to 13th Oct., 1969—5 sittings)	11	..	905	478	555	380	47	4	1. Committee on Government Assurances.	10	..
								2. Committee on Estimates.	23	1	
								3. Committee on Public Accounts.	34	..	
								4. Committee on Public Undertakings.	28	..	
								5. Committee on Petitions.	7	2	
								6. Committee on Sub-ordinate Legislation.	5	..	

**Punjab Vidhan Parishad**

One (From 27th Oct., to 27th Nov., 1969—9 sittings)	21	..	197	180	3	3	6	2	1. <i>Ad hoc</i> : Committee.	3	1
								2. Business Advisory Committee.	4	..	
								3. Committee on Government Assurances.	11	1	
								4. Committee on Public Undertakings	17	1	
								5. Committee on Sub-ordinate Legislation.	4	1	
								6. General Purposes Committee	1	..	
								7. House Committee	1	..	



Rajasthan Legislative Assembly

One (From 11th Aug. to 4th Sept. 1969—17 sittings)	7	..	1893*	613	725	921**	47	..	1. Business Committee	4	4
									2. Committee on Government Assurances.	32	..
									3. Committee on Sub-ordinate Legislation.	40	1
									4. Committee of Privileges.	29	3
									5. Committee on Public Undertakings.	61	4
									6. Estimates Committee.	32	5
									7. Petitions Committee.	58	1
									8. Public Accounts Committee.	30	2
									9. Select Committee on the Rajasthan Tenancy Bill, 1969.	9	..
									10. Select Committee on the Rajasthan Children Bill, 1969.	4	..
									11. Select Committee on the Rajasthan Colonisation Bill, 1969.	5	1

\*Out of this number 196 Starred Questions were treated as Unstarred.

\*\*Including 196 Starred Questions treated as Unstarred.



## Uttar Pradesh Vidhan Parishad

5	..	1621	1183	96	96	46	6	1. Committee on Assurances	40	..
								2. Committee on Public Undertakings	20	..
								3. Committee to look in to the problems of the Political Sufferers	5	..
								4. Compendium of Ruling Committee.	3	..
								5. Committee regarding Secretary of the Supplementary Budget	5	..
								6. House Committee	7	..
								7. Prevention of Beggary Committee	30	..
								8. Privilege Committee	7	..
								9. Petitions Committee	2	..
								10. Rules Revision Committee	11	..

1 2 3 4 5 6 7 8 9 10 11 12

**Uttar Pradesh Vidhan Sabha**

One  
(From 21st July to 31st  
Aug. 1969—29 sittings).

10	..	3955	1446*	66	65	3092	1473**	1.	Business Advisory Committee.	7	2
								2.	Public Accounts Committee	2	
								3.	Committee about the necessity of calling police in the House and question about the place of the National flag in the precincts of the House.	3	

**West Bengal Legislative Assembly**

One  
(From 1st July to 15th Sept. 1969—44 sittings)

31	1,833	1,253	1,177	1,153	91	25	1.	Business Advisory Committee.	5	5
							2.	Committee on Petitions	1	1
							3.	Select Committee on the West Bengal Panchayat Bill, 1969	9	..

**Goa, Daman & Diu Legislative Assembly**

One  
(17 sittings)

10	..	644	404	14	9	9	6	1.	Assurances Committee	1	
								2.	Business Advisory Committee	3	
								3.	Committee on Petitions	2	..
								4.	Estimates Committee	3	
								5.	Privileges Committee	7	2

6. Public Accounts Committee	4
7. Select Committee	2 ..
1. Business Advisory Committee	4 3
2. Committee on Petitions	9 ..
3. Committee on Delegated Legislation	15
4. Committee on Government Assurances	9 ..
5. Committee on Privileges	7 ..
6. Estimates Committee	20 1
7. House Committee	1 1
8. Library Committee	1
9. Public Accounts Committee	30 ..

Himachal Pradesh Legislative Assembly

One  
From 11th Sept. to 29th  
Sept., 1969)

22 .. 846 534 279 240 15

\*Out of these, 176 questions were admitted as Unstarred.  
\*\*Out of these, 1123 questions were admitted as Starred and 40 Questions as Unstarred.





5. Committee on Estimates	4	..
6. Committee on Delegated Legislation	1	..
7. Committee on Petitions	3	..
8. House Committee	1	..
9. Library Committee	4	..

---

## APPENDIX II

*List of Bills Passed by the Houses of Parliament and Assented to by the President during the period 1st September, 1969 to 28th February, 1970.*

Sl. No.	Title of Bill	Date of Assent by the President
1	The Criminal and Election Laws Amendment Bill, 1969.	4-9-69
*2	The Indian Penal Code (Amendment) Bill, 1969 . . . . .	7-9-69
3	The Delhi High Court (Amendment) Bill, 1969. . . . .	9-9-69
4	The Wakf (Amendment) Bill, 1969 . . . . .	2-12-69
5	The Oil Fields (Regulation and Development) Amendment Bill, 1969. . . . .	20-12-69
6	The Foreign Exchange Regulation (Amendment) Bill, 1969.	26-12-69
7	The International Monetary Fund and Bank (Amendment) Bill, 1969. . . . .	26-12-69
8	The Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Bill, 1969 . . . . .	26-12-69
9	The Khuda Bakhsh Oriental Public Library Bill, 1969 . . . . .	26-12-69
10	The Oaths Bill, 1969 . . . . .	26-12-69
11	The Indian Registration (Amendment) Bill, 1969. . . . .	26-12-69
12	The Punjab Legislative Council (Abolition) Bill, 1969 . . . . .	27-12-69
13	The Salaries and Allowances of Ministers (Amendment) Bill, 1969 . . . . .	27-12-69
14	The Appropriation (Railways) No. 5 Bill, 1969. . . . .	27-12-69
15	The Appropriation (No. 5) Bill, 1969 . . . . .	27-12-69
16	The Appropriation (No. 6) Bill, 1969 . . . . .	27-12-69
17	The Manipur Appropriation Bill, 1969 . . . . .	27-12-69
18	The Bihar Appropriation Bill, 1969 . . . . .	27-12-69
19	The Indian Tariff (Amendment) Bill, 1969 . . . . .	27-12-69
20	The Monopolies and Restrictive Trade Practices Bill, 1969 . . . . .	27-12-69
21	The Assam Reorganisation (Meghalaya) Bill, 1969. . . . .	29-12-69
22	The Motor Vehicle. (Amendment) Bill, 1969 . . . . .	29-12-69
23	The Constitution (Twenty third Amendment) Bill, 1969 . . . . .	23-1-70

\*Private Member's Bill.

### APPENDIX III

*Subject-wise list of Bills passed by the State Legislatures during the period 1st July, 1969 to 31st Dec., 1969.\**

#### Administration

##### GUJARAT

- (1) The Gujarat State Guarantees (Amendment) Bill, 1969.
- (2) The Gujarat Electricity Supply Undertaking (Acquisition) (Amendment) Bill, 1969.
- (3) The Gujarat Devasthan Inams Abolition Bill, 1969.
- (4) The Gujarat Co-operative Societies and the Bombay Land Improvement Schemes (Amendment) Bill, 1969.

##### HARYANA

- (1) The Punjab Public Premises and Land (Eviction and Rent Recovery) Haryana Amendment Bill, 1969.
- (2) The Punjab Co-operative Societies (Haryana Amendment) Bill, 1969.
- (3) The East Punjab War Awards (Haryana Second Amendment) Bill, 1969.

##### JAMMU & KASHMIR

Bill to amend the J. & K. Public Security Act Samvat 2003 the Emergency Provisions (Continuance) Ordinance Smt. 2003 and J. & K. Prevention Detention Act, 1964.

##### MAHARASHTRA

- (1) The Maharashtra Religious Endowments (Reconstruction on resettlement sites) Bill, 1969.
- (2) The Maharashtra Prevention of Water Pollution Bill, 1969.
- (3) The Maharashtra Miscellaneous Alienations (in Hyderabad enclaves) Abolition (Amendment) Bill, 1969.
- (4) The Maharashtra Prevention of Food Adulteration (Amendment) Bill, 1969.

---

\*Indicates Bills awaiting assent.

- (5) **The Maharashtra Co-operative Societies (Third Amendment) Bill, 1969.**

**MYSORE**

- (1) **The Mysore Inams Abolition Laws (Amendment) Bill, 1969.**
- (2) **The Hyderabad Jagirs (Commutation) Regulation (Mysore Amendment) Bill, 1969.**

**NAGALAND**

- (1) **The Society Registration (Nagaland First Amendment) Bill, 1969.**
- (2) **\*The Nagaland Cinemas (Regulation) Bill, 1969.**

**ORISSA**

- (1) **\*The Orissa Hindu Religious Endowment Bill, 1969.**
- (2) **The Orissa Town Planning and Improvement Trust (Amendment) Bill, 1969.**
- (3) **The Ganjam and Bandh (Village Offices Abolition) Bill, 1969.**

**PUNJAB**

- (1) **The Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Amendment Bill, 1969.**
- (2) **The Punjab Dramatic Performances (Amendment) Bill, 1969.**
- (3) **The Punjab Co-operative Societies (Amendment) Bill, 1969.**
- (4) **The Punjab Cinemas (Regulation) Amendment Bill, 1969.**
- (5) **The Punjab Public Premises and Land (Eviction and Rent Recovery) Amendment Bill, 1969.**

**RAJASTHAN**

- The Rajasthan Requisitioning of Goods Vehicles Bill, 1969.**

**TAMIL NADU**

- (1) **The Holdings (Stay of Extension Proceedings) (Tamil Nadu Amendment) Bills, 1969.**

- (2) The Tamil Nadu Electricity Supply undertakings (Acquisition) Amendment Bill, 1969.
- (3) The Tamil Nadu Co-operative Land Mortgage Banks (Amendment) Bill, 1969.
- (4) The Tamil Nadu Relief Undertakings (Special Provisions) Bill, 1969.
- (5) The Tamil Nadu Repatriates (Bar of Proceedings) Bill, 1969.

**UTTAR PRADESH**

- (1) Bharat Dand Sanhita (Uttar Pradesh Sanshodhan Vidheyak, 1969.
- (2) Uttar Pradesh (Temporary) Accommodation Requisition (Continuance) Bill, 1969.

**WEST BENGAL**

- (1) The Calcutta Thika Tenancy (Amendment) Bill, 1969.
- (2) The Calcutta Thika Tenancy (Second Amendment) Bill, 1969.
- (3) The Howrah Improvement (Amendment) Bill, 1969.
- (4) The West Bengal Acquisition and Settlement of Homestead Land Bill, 1969.
- (5) The Calcutta Police and the Calcutta Suburban Police (Amendment) Bill, 1969.
- (6) The West Bengal Estates Acquisition (Amendment) Bill, 1969.
- (7) The Bangal Co-operative Societies (Amendment) Bill, 1969.
- (8) The Calcutta Metropolitan Planning Area (Use and Development of Land) Control (Amendment) Bill, 1969.

**GOA, DAMAN & DIU**

- (1) \*The Goa, Daman and Diu Administration of Evacuee Property (Amdt.) Bill, 1969.
- (2) The Goa, Daman & Diu Dramatic Performances Bill, 1969.

**HIMACHAL PRADESH**

- (1) \*The Himachal Pradesh Instruments (Control of Noises) Bill, 1969.
- (2) \*The Himachal Pradesh Copying Fee Bill, 1969.
- (3) \*The Himachal Pradesh Shops and Commercial Establishments Bill, 1969.
- (4) \*The Himachal Pradesh Armed Banks (Arrests and Detention) Bill, 1969.
- (5) \*The Himachal Pradesh Bricks (Control) Bill, 1969.
- (6) \*The Himachal Pradesh Registration of Hotels and Travel Agents Bill, 1969.
- (7) \*The Provincial Insolvency (Himachal Pradesh) (Amendment) Bill, 1969.
- (8) \*The Himachal Pradesh Requisitioning and Acquisition of Immovable Property Bill, 1969.

**Education****JAMMU & KASHMIR**

- (1) Bill to provide for the Establishment of the University of Kashmir and University of Jammu in the State.
- (2) Bill to amend the J. & K. Secondary Education Act, 1965.

**KERALA**

The Kerala Education (Amendment and Validation) Bill, 1969.

**MYSORE**

- (1) The Bangalore Karnatak and Mysore Universities (Amendment) Bill, 1969.
- (2) The Mysore Compulsory Primary Education (Amendment and Miscellaneous Provisions) Bill, 1969.

**ORISSA**

- (1) The Orissa University of Agriculture and Technology (Amendment) Bill, 1968.

**PUNJAB**

- (1) The Punjab Aided Schools (Security of Service) Bill, 1969.
- (2) The Punjab School Education Board Bill, 1969.
- (3) The Guru Nanak University Amritsar Bill, 1969.
- (4) The Punjab University (Amendment) Bill, 1969.

**WEST BENGAL**

- (1) The West Bengal Board of Secondary Education (Amendment) Bill, 1969.
- (2) The West Bengal (Rural) Primary Education (Temporary Provisions) Bill, 1969.

**Finance**

**ANDHRA PRADESH**

The Andhra Pradesh Appropriation (No. 2) Bill, 1969.

**GUJARAT**

- (1) The Gujarat Contingency Fund (Amendment) Bill, 1969.
- (2) The Bombay Motor Vehicles (Taxation of Passengers) (Gujarat Amendment) Bill, 1969.
- (3) The Gujarat Appropriation (Excess Expenditure) Bill, 1969.
- (4) The Gujarat (Second Supplementary Appropriation) Bill, 1969.
- (5) The Bombay Entertainments Duty and Advertisements Tax (Gujarat Amendment) Bill, 1969.
- (6) The Bombay Motor Vehicles (Taxation of Passengers) (Gujarat Amendment) Bill, 1969.
- (7) The Gujarat (Third Supplementary) Appropriation Bill, 1969.

**HARYANA**

- (1) The Haryana Contingency Fund (Amendment) Bill, 1969.



- (2) The Punjab Urban Immovable Property Tax (Haryana Amendment) Bill, 1969.

**KERALA**

- (1) The Kerala Stamp (Amendment) Bill, 1969.
- (2) The Kerala Appropriation (No. 5) Bill, 1969.
- (3) The Kerala Electricity Duty (Amendment) Bill, 1969.

**MADHYA PRADESH**

- (1) Madhya Pradesh Appropriation (No. 2) Bill, 1969.
- (2) Madhya Pradesh Agricultural Land Development Tax Repeal Bill, 1969.

**MAHARASHTRA**

- (1) The Maharashtra Appropriation Bill, 1969.
- (2) The Maharashtra (Second Supplementary) Appropriation Bill, 1969.
- (3) The Maharashtra (Third Supplementary) Appropriation Bill, 1969.
- (4) The Maharashtra (Excess Expenditure) Appropriation Bill, 1969.
- (5) The Bombay Sales Tax (Amendment) Bill, 1969.
- (6) The Bombay Motor Vehicles (Taxation on Passengers) (Amendment) Bill, 1969.
- (7) The Bombay Motor Vehicles Tax (Amendment) Bill, 1969.

**MYSORE**

- (1) The Mysore Appropriation (No. 4) Bill, 1969.
- (2) The Mysore Appropriation (No. 5) Bill, 1969.
- (3) The Mysore Appropriation (No. 6) Bill, 1969.
- (4) The Mysore Sales Tax and Entertainment Tax (Amendment) Bill, 1969.
- (5) The Mysore Sales Tax (Amendment) Bill, 1969.
- (6) The Mysore Sales Tax (Second Amendment) Bill, 1969.

- (7) The Mysore Education Cess (Validation of Levy) Bill, 1969.

**NAGALAND**

- (1) The Nagaland Appropriation (No. 5) Bill, 1969.
- (2) The Nagaland Ministers Salaries and Allowances (Amendment) Bill, 1969.

**ORISSA**

- (1) The Orissa Motor Vehicles Taxation Laws (Amendment) Bill, 1969.
- (2) The Orissa Appropriation (No. 3) Bill, 1969.

**PUNJAB**

- (1) \*The Punjab Appropriation (No. 3) Bill, 1969.
- (2) The Punjab Passengers and Goods Taxation (Amendment) Bill, 1969.
- (3) The Punjab Motor Spirit (Taxation of Sales) Amendment Bill, 1969.

**RAJASTHAN**

- (1) The Rajasthan Appropriation (No. 3) Bill, 1969.
- (2) The Rajasthan Sales Tax (Amendment and Validation) Bill, 1969.

**TAMIL NADU**

- (1) The Tamil Nadu Contingency Fund (Amendment) Bill, 1969.
- (2) The Tamil Nadu Appropriation (No. 5) Bill, 1969.
- (3) The Tamil Nadu Appropriation (No. 6) Bill, 1969.
- (4) The Tamil Nadu General Sales Tax (Third Amendment) Bill, 1969.
- (5) The Tamil Nadu Electricity (Taxation on Consumption) Amendment Bill, 1969.

**UTTAR PRADESH**

- (1) The Uttar Pradesh Road Tax Validation Bill, 1969.
- (2) The Uttar Pradesh Appropriation Bill, 1969.

(3) The Uttar Pradesh Taxation Laws Amendment Bill, 1969.

#### WEST BENGAL

- (1) The West Bengal Taxation Laws (Amendment) Bill, 1969.
- (2) The West Bengal Appropriation (Excess Expenditure 1961-62 and 1962-63) Bill, 1969.
- (3) The West Bengal Appropriation (No. 2) Bill, 1969.
- (4) The West Bengal Duty on Inter-State River-Valley Authority Electricity Bill, 1969.
- (5) The West Bengal Salaries and Allowances (Amendment) Bill, 1969.

#### GOA, DAMAN & DIU

- (1) The Goa, Daman & Diu Appropriation (Excess Expenditure) Bill, 1969.
- (2) \*The Goa, Daman & Diu Excise duty (Amendment) Bill, 1969.
- (3) \*The Goa, Daman & Diu Sales Tax (Amendment) Bill, 1969.
- (4) The Goa, Daman & Diu Supplementary Appropriation Bill, 1969.

#### HIMACHAL PRADESH

- (1) \*The Indian Stamp (Himachal Pradesh Amendment) Bill, 1969.
- (2) \*The Usurious Loans (Himachal Pradesh Amendment) Bill, 1969.

#### **Housing**

#### MAHARASHTRA

- (1) The Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Bill, 1969.
- (2) The Bombay Rents, Hotel and Lodging House Rates Control (Extension of Duration) Bill, 1969.
- (3) The Bombay Building Repairs and Reconstruction Board Bill, 1969.

**MYSORE**

The Mysore Public Premises (Eviction of Unauthorised occupants) (Amendment) Bill, 1969.

**WEST BENGAL**

- (1) The West Bengal Premises Tenancy (Amendment) Bill, 1969.
- (2) The West Bengal Premises Tenancy (Second Amendment) Bill, 1969.

**Industrial Development****MYSORE**

1. The Mysore Beedi Industrial Premises (Regulation of conditions of Work) Repeating Bill, 1969.
2. The Mysore Silkworm Seed and Cocoon (Regulation of Production, Supply and Distribution) (Amendment) Bill, 1969.

**ORISSA**

1. The Orissa Khadi and Village Industries Board (Amendment) Bill, 1969.
2. The Orissa Industrial Establishments (National and Festival) Holidays Bill, 1969.

**PUNJAB**

The Punjab State Aid to Industries (Amendment) Bill, 1969.

**HIMACHAL PRADESH**

The Himachal Pradesh State Aid to Industries Bill, 1968.

**Labour****TAMIL NADU**

The Tamil Nadu Agricultural Labourer Fair Wages Bill, 1969.

**WEST BENGAL**

1. The Trade Unions (West Bengal Amendment) Bill, 1969.
2. The West Bengal Payment of subsistence Allowance Bill, 1969.

**HIMACHAL PRADESH**

The Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual Sick leave) Bill, 1969.

**KERALA**

1. The Payment of Wages (Kerala Amendment) Bill, 1968.
2. The Kerala shops and Commercial Establishments (Amendment) Bill, 1969.

**MYSORE**

1. The Mysore Beedi Industrial Premises (Regulation of conditions of Work) Repealing Bill, 1969.
2. The Mysore shops and Commercial Establishments (Amendment) Bill, 1969.

**ORISSA**

The Orissa Industrial Establishments (National and Festival) Holidays Bill, 1969.

**Land and Agriculture****ANDHRA PRADESH**

The Andhra Pradesh (Andhra Area) Tenants and Ryots Protection (Amendment) Bill, 1969.

**GUJARAT**

The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Bill, 1969.

**HARYANA**

1. The Punjab Agricultural Produce Markets (Haryana Amendment) Bill, 1969.
2. The East Punjab Agricultural Pests, Diseases and Noxious Weeds (Haryana Amendment) Bill, 1969.

**JAMMU AND KASHMIR**

A Bill to amend the J & K State Canal and Drainage Act. smt. 1963.

**KERALA**

The Kerala Land Reforms (Amendment) Bill, 1968.

**MADHYA PRADESH**

1. Madhya Pradesh Land Revenue Code (Amendment) Bill, 1969.
2. Madhya Pradesh Forest Products (Trade Regulation) Bill, 1969.

**MAHARASHTRA**

1. The Maharashtra Agricultural Lands (Ceiling on Lands) (Second Amendment) Bill, 1969.
2. The Maharashtra (Vidarbha Region) Agricultural Debtors Relief (Amendment) Bill, 1969.
3. The Maharashtra Land Revenue (Amendment) Bill, 1969.
4. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Bill, 1969.
5. The Maharashtra Sale of Trees by Occupants belonging to Scheduled Tribes (Regulation) (Amendment) Bill, 1969
6. Tenancy and Agricultural Lands Laws (Amendment) Bill, 1969.
7. The Maharashtra Fruit Nurseries (Regulation) Bill, 1969.

**MYSORE**

The Mysore Agricultural Produce Marketing (Regulation Amendment) Bill, 1969 as Passed by the Legislative Assembly.

**PUNJAB**

1. The Punjab security of Land Tenures (Amendment) Bill, 1969.
2. The Punjab Tenancy (Amendment) Bill, 1969.
3. The Pepsu Tenancy and Agricultural Lands (Amendment) Bill, 1969.
4. The Punjab Land Revenue (Amendment) Bill, 1969.
5. The Punjab Agricultural Produce Markets (Amendment) Bill, 1969.

**TAMIL NADU**

1. The Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1969.

2. The Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Bill, 1969.

**UTTAR PRADESH**

Uttar Pradesh Land Laws (Amendment) Bill, 1969.

**WEST BENGAL**

1. The West Bengal Land Reforms (Amendment) Bill, 1969.
2. The West Bengal Land Reforms (Second Amendment) Bill, 1969.
3. The West Bengal Utilisation of Land for Production of Food Crops Bill, 1969.

**HIMACHAL PRADESH**

1. The Himachal Pradesh (Transferred Territory) Tenancy (Protection of Rights) (Amendment) Bill, 1969.
2. The Himachal Pradesh Agriculture Produce Market Bill, 1969.

**Legal****MAHARASHTRA**

- \*The suits valuation and Bombay Court-fees (Amendment) and Bombay city civil Court Decrees and Orders (Validating) Bill, 1969.

**MYSORE**

1. The Mysore Civil Courts (Amendment) Bill, 1969.
2. The Mysore High Court (Amendment) Bill, 1969.

**ORISSA**

The Jagannath Temple Laws (Amendment) Bill, 1969.

**PUNJAB**

The Punjab Official Language (Amendment) Bill, 1969.

**UTTAR PRADESH**

1. Uttar Pradesh Official Language (supplementary) provision Bill, 1969.
2. United Provinces Court of Wards (Repeal) Bill, 1967.

**WEST BENGAL**

1. The City sessions Court (Amendment) Bill, 1969.

2. The Bengal, Agra and Assam Civil Courts (West Bengal Amendment) Bill, 1969.
3. The City Civil Court (Amendment) Bill, 1969.
4. The Presidency Small Causes Courts (West Bengal Amendment) Bill, 1969.
5. The Cooch Behar (Assimilation of State Laws) (Amendment) Bill, 1969.

**GOA, DAMAN AND DIU**

- \*The Goa, Daman and Diu (Judicial Commissioners Court) Regulation (Amendment) Bill, 1969.

**HIMACHAL PRADESH**

1. \*The suits valuation (Himachal Pradesh Amendment) Bill, 1969.
2. \*The Code of Criminal Procedure (H. P. Amendment) Bill, 1969.
3. \*The Provincial small cause courts (H. P. Amendment) Bill, 1969.
4. The Himachal Pradesh (Extension of Laws) Bill, 1969.
5. \*The Himachal Pradesh Repealing Bill, 1969.

**Local self Government**

**ANDHRA PRADESH**

1. The Andhra Pradesh (Andhra Area) Proprietary Estates Village Service and Andhra Pradesh (Andhra Area) Hereditary Village Offices Laws (Repeal) Bill, 1969.
2. The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Bill, 1969.
3. The Hyderabad Municipal Corporation (Amendment) Bill, 1969.

**GUJARAT**

- The Gujarat Municipalities (Amendment) Bill, 1969.

**HARYANA**

- The Punjab Local Authorities (Aided Schools) Harayana Amendment, Bill, 1969.



**JAMMU AND KASHMIR**

Bill to validate the imposition of Dharat Taxes and fees by the Town Area Committee Proposed.

**KERALA**

The Kerala Local Authorities Entertainments Tax (Amendment) Bill, 1969.

**MAHARASHTRA**

The Bombay Municipal Corporation (Third Amendment) Bill, 1969.

**KERALA**

The Kerala Municipal Corporations (Amendment) Bill, 1969.

The Provincial Municipal Corporations (Amendment) Bill, 1969.

**MAHARASHTRA**

1. The Maharashtra Zilla Parishads and Panchayat Samitis (Third Amendment) Bill, 1969.
2. The Bombay Municipal Corporations (Second Amendment) Bill, 1969.
3. The Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Bill, 1969.
4. The Bombay City (Inami and Special Tenures) Abolition and Maharashtra Land Revenue Code (Amendment) Bill, 1969.
5. \*The Bombay Provincial Municipal Corporations (Second Amendment) Bill, 1969.

**MYSORE**

The City of Bangalore Municipal Corporation (Second Amendment) Bill, 1969.

2. The Mysore Local Authorities (Disciplinary Proceedings against Employees) Bill, 1969.

**ORISSA**

The Orissa Panchayat Samiti (Amendment) Bill, 1969.

**TAMIL NADU**

The Tamil Nadu Panchayats (Second Amendment) Bill, 1969.

**UTTAR PRADESH**

1. Uttar Pradesh Village Panchayat, Kshetriya Samiti and Zilla Parishad (Amendment) Bill, 1969.
2. Uttar Pradesh Municipal Corporation (Short Term Measures) (Amendment) Bill, 1969.

**WEST BENGAL**

1. The West Bengal Panchayat (Amendment) Bill, 1969.
2. The West Bengal Zilla Parishads (Amendment) Bill, 1969.
3. The West Bengal Municipal (Second Amendment) Bill, 1969.

**GOA, DAMAN AND DIU**

- \*The Goa, Daman and Diu Village Panchayat Regulation (Amendment) Bill, 1969.

**Medical**

**MADHYA PRADESH**

- Central Provinces and Berar Ayurvedic and Unani Medical Profession (Madhya Pradesh Amendment) Bill, 1969.

**RAJASTHAN**

- The Rajasthan Homeopathic Bill, 1968.

**GOA, DAMAN AND DIU**

1. The Hospicio do Sagnado Coracao de Maria Hospilat (Margao) Bill, 1969.
2. The Asilo de Nossa Senhoras Dos Milagres Hospital (Mapsa) Bill, 1969.

**Parliamentary Affairs**

**HARYANA**

1. The Punjab State Legislature (Prevention of Disqualification) Harayana Second Amendment Bill, 1969.
2. The Punjab Legislative Assembly (Allowances of Members) Haryana Amendment Bill, 1969.

**MAHARASHTRA**

1. The Bombay Ministers Salaries and Allowances (Amendment) Bill, 1969.

2. The Bombay Ministers Salaries and Allowances (The Second Amendment) Bill, 1969.
3. The Bombay Legislative Council (Chairman and Deputy Chairman) and Bombay Legislative Assembly (Speaker & Deputy Speaker) Salaries and Allowances (Amendment) Bill, 1969.
4. The Bombay Legislature Members Salaries and Allowances (Fourth Amendment) Bill, 1969.

**MYSORE**

The Mysore Legislature Salaries (Amendment) Bill, 1969.

**NAGALAND**

1. The Nagaland Deputy Speaker's Salary & Allowances (Amendment) Bill, 1969.
2. The Nagaland Members' Salaries & Allowances (Amendment) Bill, 1969.

**RAJASTHAN**

1. The Rajasthan Legislative Assembly (Officers and Members Emoluments) (Second Amendment) Bill, 1969.
2. The Rajasthan Legislative Assembly (Officers and Members Emoluments) (Third Amendment) Bill, 1969.

**UTTAR PRADESH**

Uttar Pradesh Officers, Ministers, Deputy Ministers, Parliamentary Secretaries and Members of State Legislature (Salaries and Allowances) (Amendment) Bill, 1969.

**Shipping****PONDICHERRY**

The Indian Ports (Pondicherry Amendment) Bill, 1969.

**Social****PUNJAB**

The Good Conduct Prisoners' Probation Release (Amendment) Bill, 1969.

**RAJASTHAN**

The Rajasthan Prohibition Bill, 1969.

**HIMACHAL PRADESH**

1. \*The Himachal Pradesh, Habitual Offenders Bill, 1969.
2. \*The Himachal Pradesh Backward Classes (Grant of Loans) Bill, 1969.

**Transport & Communications**

**MAHARASHTRA**

The Bombay Aerial Ropeway (Extension and Amendment) Bill, 1969.

**WEST BENGAL**

The Hoogly River Bridge Bill, 1969.

**HIMACHAL PRADESH**

The Himachal Pradesh Police (Protection of Railways) Bill, 1969.

**Miscellaneous**

**MAHARASHTRA**

The Maharashtra Minor Forest Produce (Regulation of Trade) Bill, 1969.

The Bombay Wild Animals and Wild Birds Protection Bill, 1969.

## APPENDIX IV

Ordinances issued during the period 1st July to 31st December, 1969.

S. No.	Subject	Date of Proclamation	Date on which laid before the Houses	Date of Cessation	REMARKS
1	2	3	4	5	6
		<b>Union*</b>			
1	The Foreign Exchange Regulation (Amendment) Ordinance, 1969 . . . . .	13-11-69	17-11-69	..	Replaced by Legislation.
2	The Essential Commodities (Amendment) (Continuance Ordinance), 1969 . . . . .	30-12-69	20-2-70	..	..
3	The Haryana and Punjab Agricultural Universities Ordinance, 1970 . . . . .	2-2-70	20-2-70	..	..
4	The Calcutta Port (Amendment) Ordinance, 1970 . . . . .	2-2-70	20-2-70	..	..
5	The Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1970] . . . . .	14-2-70	20-2-70	..	..
		<b>Andhra Pradesh</b>			
1	The Andhra Pradesh (Andhra Area) Proprietary Estates' Village Service and the Andhra Pradesh (Andhra Area) Hereditary Village Offices Laws (Repeal) Ordinance, 1969 . . . . .	24-5-69	18-8-69	..	Replaced by Legislation.
2	The Hyderabad Munic pal Corporations (Amendment) Ordinance, 1969 . . . . .	24-5-69	18-8-69	..	Do.
3	The Andhra Pradesh Panchayat Samitis and Zilla Parishads (Amendment) Ordinance, 1969 . . . . .	24-5-69	18-8-69	..	Do.

4	The Andhra Pradesh Essential Services Maintenance Ordinance, 1969	1-6-69	18-8-69	..	Do.
5	The Andhra Pradesh Sugarcane (Regulation of Supply & Purchase) Amendment Ordinance, 1969	24-12-69	Not yet laid	..	..
6	The Andhra Pradesh Preventive Detention Ordinance, 1969	26-12-69	Not yet laid	..	..
<b>Gujarat</b>					
1	The Gujarat Municipalities (Amendment) Ordinance, 1969	12-5-69	12-8-69	..	Replaced by Legislation.
2	The Gujarat Municipalities (Second Amendment) Ordinance, 1969	4-6-69	12-8-69	..	Do.
3	The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Ordinance 1969	10-7-69	12-8-69	..	Do.
4	The Gujarat Co-operative Societies and the Bombay land Improvement Schemes (Amendment) Ordinance, 1969	3-11-69	24-11-69	..	Do.
5	The Gujarat Contingency Fund (Amendment) Ordinance, 1969	15-11-69	24-11-69	..	Do.
6	The Bombay Provincial Municipal Corporations (Gujarat Second Amendment and Validating Provisions) Ordinance, 1969	23-12-69	..	..	..
<b>Haryana</b>					
1	The Punjab Agricultural Produce Markets (Haryana Amendment) Ordinance, 1969	25-3-69	12-8-69	..	Do.
2	The East Punjab Agricultural Pests, Diseases and Noxious Weeds (Haryana Amendment) Ordinance, 1969	12-4-69	12-8-69	..	Do.
3	The Punjab Urban Immovable Property Tax (Haryana) Ordinance, 1969	14-4-69	12-8-69	..	Do.
4	The Punjab Co-operative Societies (Haryana Amendment) Ordinance, 1969	19-7-69	12-8-69	..	Do.

\*From 1st September, 1969 to 28th February, 1970.

1	2	3	4	5	6
5	The Punjab State Legislature (Prevention of Disqualification) Haryana Amendment Ordinance, 1969 . . . . .	19-7-69	12-8-69		Replaced by Legislation
<b>Jammu and Kashmir</b>					
1	The Jammu & Kashmir Canals and Drainage (Amendment) Ordinance . . . . .	10-7-69	1-9-69		Do.
2	The Jammu & Kashmir Government Preventive Law (Amendment) Ordinance, 1969 . . . . .	7-5-69	1-9-69	..	Do.
3	The Jammu & Kashmir Government Servants' Prevention of Corruption (Commission) (Amendment) Ordinance, 1969 . . . . .	14-5-69	1-9-69	..	Do.
4	The Jammu & Kashmir Transfer of Land Laws (Amendment) Ordinance, 1969 . . . . .	5-7-69	1-9-69	..	Do.
5	The Jammu & Kashmir General Sales Tax (Amendment) Ordinance, 1969 . . . . .	9-6-69	1-9-69		Do.
6	The Jammu & Kashmir Town Area Committee Sopore (Imposition of Dharat, Taxes and Fees Validation (Ordinance, 1969) . . . . .	9-8-69	1-9-69	..	Do.
7	The Jammu & Kashmir Secondary Education (Amendment) Ordinance, 1969 . . . . .	5-9-69	1-9-69	..	Do.
8	Ordinance to establish two Universities in the State and to provide for matters connected therewith . . . . .	5-9-69	1-9-69	..	Do.

		Kerala			
1	The Kerala Stamp (Amendment) Ordinance, 1969 . . . . .	16-4-69	5-8-69	..	Do.
2	The Kerala Municipal Corporation (Amendment) Ordinance, 1969 . . . . .	14-5-69	5-8-69	..	Do.
3	The Kerala Education (Amendment and Validation) Ordinance, 1969 . . . . .	5-7-69	5-8-69	....	Do.
<b>Madhya Pradesh</b>					
1	M. P. Government Servants (Age of Superannuation) Amendment Ordinance, 1969 . . . . .	11-7-69	8-1-70	..	Do.
2	M. P. Agricultural Produce Market (Amendment and Validation) Ordinance, 1969 . . . . .	19-8-69	8-1-70	..	Do.
3	Awadh Pratap Singh University (Special Provision for election of registered graduates to the Assembly) Ordinance, 1969 . . . . .	31-8-69	8-1-70	..	Do.
4	M. P. Ministers Salary and Allowances (Amendment) Ordinance 1969 . . . . .	6-9-69	8-1-70	..	Do.
5	M. P. Municipal Corporation (Amendment) Ordinance 1969 . . . . .	16-9-69	8-1-70	..	Do.
6	M. P. Destitutes Relief Ordinance, 1969 . . . . .	1-10-69	8-1-70	..	Do.
7	Umeria Municipality (Tax Validation) Ordinance, 1969 . . . . .	16-10-69	8-1-70	..	Do.
8	M. P. Children Ordinance, 1969 ; . . . . .	3-11-69	8-1-70	..	Do.
9	M. P. General Sale Tax (Amendment & Validation) Ordinance 1969 . . . . .	4-11-69	8-1-70	..	Do.
10	M. P. Commercial Crops (Land Tax) Amendment Ordinance, 1969 . . . . .	7-11-69	8-1-70	..	Do.
11	M. P. Panchayat (Amendment and Validation) Ordinance, 1969 . . . . .	19-11-69	8-1-70	..	Do.



1	2	3	4	5	6
12	M. P. Sugarcane (Supply and Purchase Regulation) Amendment Ordinance, 1969 . . . . .	24-11-69	8-1-70		Replaced by Legislation
13	M. P. Land Revenue Code (Amendment) Ordinance, 1969 . . . . .	3-12-69	8-1-70	..	Do.
14	M. P. Cooperative Societies (Amendment) Ordinance, 1969 . . . . .	15-12-69	8-1-70		Do.
15	M. P. Excise (Amendment) Ordinance, 1969 . . . . .	22-12-69	8-1-70		Do.
16	M. P. Public Security (Amendment) Ordinance, 1969 . . . . .	31-12-69	8-1-70	..	Do.
<b>Maharashtra</b>					
1	The Maharashtra (Vidarbha region) Agricultural Debtors Relief (Amendment) Ordinance, 1969 . . . . .	26-9-69	18-11-69	26-12-1969	Replaced by Legislation
2	The Bombay Housing Board (Amendment) Ordinance, 1969. . . . .	15-10-69	18-11-69		Do.
3	The Maharashtra Minor Forests Produce (Regulation of Trade) Ordinance, 1969 . . . . .	[22-10-69	18-11-69	26-12-69	Do.
4	The Bombay Ministers Salaries and Allowances (Amendment) Ordinance, 1969 . . . . .	[25-10-69	18-11-69	1-12-69	Do.
<b>Mysore</b>					
1	The Mysore Agricultural Produce Marketing (Regulation) (Amendment) Ordinance, 1969 . . . . .	18-7-69	16-8-69 (Assembly) ; 22-8-69 (Council)	..	Bills to Replace them by Legislation introduced in Assembly.

	The Mysore Sales Tax (Amendment) Ordinance, 1969.	19-7-69	16-8-69 (Assembly) 22-8-69 (Council)	..	Do.
3	The Mysore Education Cess (Validation of Levy) Ordinance, 1969	19-7-69	16-8-69 (Assembly) 22-8-69 (Council)	..	Do.
4	The City of Bangalore (Improvement) (Amendment) Ordinance, 1969	14-10-69	..	..	..
5	The Mysore Village Panchayats and Local Boards (Amendment) Ordinance, 1969	16-10-69	..	..	..
6	The Mysore Land Revenue (Second Amendment) Ordinance, 1969	23-10-69	..	..	..
7	The Mysore Agricultural Produce Marketing (Regulation) (Second Amendment) Ordinance, 1969	17-10-69	..	..	..
8	The Mysore Excise (Amendment) Ordinance, 1969	23-12-69	..	..	..
<b>Orissa</b>					
1	Shri Jagannath Temple (Amendment) Ordinance, 1969	3-6-69	7-10-69	3-11-60	Replaced by Legislation.
2	The Orissa Motor Vehicles Taxation Laws (Amendment) Ordinance, 1969	3-7-69	7-10-69	12-11-69	Do.
3	The Sambalpur University (Vice-Chancellor Continuance in Office) Ordinance, 1969	13-7-69	17-10-69	..	..
4	The Orissa Khadi and Village Industries Board (Amendment) Ordinance, 1969	30-8-69	7-10-69	7-11-69	..

1	2	3	4	5	6
	<b>Punjab</b>				
1	The Punjab Aided Schools (Security of Service) Ordinance, 1969	3-7-69	22-10-69 (Assembly) 30-10-69 (Council)	27-11-69	Replaced by Legislation
2	The Punjab Passenger and Goods Taxation (Amendment) Ordinance, 1969	15-7-69	22-10-69 (Assembly) 30-10-69 (Council)	28-11-69	Do.
3	The Punjab School Education Board Ordinance, 1969	11-8-69	22-10-69 (Assembly) 30-10-69 (Council)	28-11-69	Do.
4	The Punjab Motor Spirit (Taxation of Sales) Amendment Ordinance, 1969	11-8-69	22-10-69 (Assembly) 30-10-69 (Council)	27-11-69	Do.
5	The Punjab State Aid to Industries (Amendment) Ordinance, 1969	11-8-69	22-10-69 (Assembly) 30-10-69 (Council)	17-11-69	Do.
6	The Punjab Co-operative Societies (Amendment) Ordinance, 1969	8-9-69	22-10-69 (Assembly) 30-10-69 (Council)	7-12-69	Do.

	5-10-69	22-10-69 (Assembly) 30-10-69 (Council)	28-11-69	Do.
<b>Rajasthan</b>				
7 The Guru Nanak University, Amritsar, Bill, 1969				
1 The Rajasthan Prohibition Ordinance, 1969	8-7-69	12-8-69		Do.
2 The Rajasthan Sales Tax (Amendment & Validation) Ordinance 1969	31-7-69	14-8-69	..	Do.
3 The Rajasthan Gramdaan Ordinance, 1969	1-10-69	..	..	
4 The Rajasthan Public Premises (Eviction of Unauthorised Occupants) (Amendment) Ordinance, 1969	..			
5 The University of Rajasthan (Amendment) Ordinance, 1969	21-11-69			
6 The Rajasthan Money Lenders (Amendment) Ordinance, 1969	3-12-69			
7 The Rajasthan Land Revenue (Amendment) Ordinance, 1969	9-12-69		..	
8 The Rajasthan Tenancy (Amendment) Ordinance, 1969	17-12-69			..
9 The Industrial Disputes (Rajasthan Amendment) Ordinance, 1969	17-12-69			..
<b>Tamil Nadu</b>				
1 The Tamil Nadu Contingency Fund (Amendment) Ordinance 1969	10-7-69	19-8-69		Do.
2 The Tamil Nadu Electricity (Taxation on Consumption) Amendment, Ordinance, 1969	21-7-69	19-8-69		I o.
3 The Tamil Nadu Agricultural Labourer Fair Wages Ordinance, 1969	1-8-69	19-8-69		Do.
4 The Tamil Nadu General Sales Tax (Fourth Amendment) Ordinance, 1969	27-11-69	5-12-69	..	Do.

1	2	3	4	5	6
	<b>Uttar Pradesh</b>				
1	Uttar Pradesh Municipal Corporation (Short Term Measures) (Amendment) Ordinance, 1969 . . . . .	29-3-69	24-7-69	1-9-69	Replaced by Legislation.
2	Uttar Pradesh Zamindari Abolition and Land Settlement (Amendment) Ordinance, 1969 . . . . .	6-6-69	24-7-69	1-9-69	Do.
3	Uttar Pradesh Village Panchayat Kshetriya Samiti and Zila Parishad (Extension of term & Misc. provisions) (Amendment) Ordinance, 1969. . . . .	30-4-69	24-7-69	1-9-69	Do.
4	U. P. Village Panchayat, Kshetriya Samiti And Zila Parishad (Extension of term and Misc. provisions) Ordinance, 1969. . . . .	26-6-69	24-7-69	1-9-69	Do.
5	U. P. (temporary) Control of Rent and Requisition (Continuance) Ordinance, 1969 . . . . .	30-9-69			..
6	U. P. Fundamentals Rule 56 (Amendment & Validation) Ordinance, 1969 . . . . .	5-11-69			..
7	Uttar Pradesh Agricultural Production Mandi Ordinance, 1969 . . . . .	5-11-69			..
8	U.P. Excise (Amendment and Validation) Ordinance, 1969 . . . . .	3-12-69			..
9	U. P. Interim Zila Parishad (Re-enacting & continuance) Ordinance 1969 . . . . .	31-12-69			..
10	U. P. Municipal Corporation (Amendment) Ordinance, 1969 . . . . .	31-12-69			..
11	U. P. Muslim Waqf (Amendment) Ordinance, 1969 . . . . .	31-12-69			..
12	U. P. Zamindari Abolition and Land Settlement (2nd Amendment) Ordinance, 1969 . . . . .	31-12-69		..	..

**West Bengal**

1	The Burdwan University (Amendment) Ordinance, 1969 . . . . .	3-10-69	..
2	The West Bengal Land (Requisition and Acquisition) (Amendment) Ordinance, 1969 . . . . .	16-10-69	
3	The Bengal Finance (Sales Tax) (Amendment) Ordinance, 1969 . . . . .	16-10-69	..
4	The Bengal Motor Spirit sales Taxation (Amendment) Ordinance, 1969 . . . . .	15-11-69	
5	The West Bengal Homeopathic System of Medicine (Amendment) Ordinance, 1969 . . . . .	12-12-69	
6	The West Bengal Court Fees Ordinance, 1969 . . . . .	15-12-69	
7	The West Bengal Finance (Sales Tax) (Second Amendment) Ordinance, 1969 . . . . .	31-12-69	..

**APPENDIX V**  
*Party position in Parliament and State Legislative Assemblies*

**I. Lok Sabha**

(As on 28th February, 1970)

Name of the State	Seats	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Total
			Gon-gress Party	Con-gress Party (Opposi-tion)	Swa-tantra Group	Jana Sangh Group	D.M.K. Group	CPI Group	CPI (Mar-xist) Group	SSP Group	Praja Socia-list Group	UIPG	BKD	Un-attached		
Andhra Pradesh .	41	23	11	3	..	..	..	1	..	..	..	2	..	1	41	1
Assam .	14	9	1	..	..	..	1	1	..	..	2	1	..	..	14	..
Bihar .	53	24	8	..	1	..	5	5	5	5	1	5	1	3	53	3
Gujarat .	24	2	9	9	..	..	..	..	..	..	..	..	..	4	24	4
Haryana .	9	6	2	1	..	1	..	..	..	..	..	..	..	..	9	..
Jammu & Kashmir	6	5	..	..	..	..	..	..	..	..	..	..	..	1	6	1
Kerala .	19	1	..	..	..	..	3	9	9	..	3	1	..	2	19	2
Madhya Pradesh .	37	22	1	1	1	7	..	..	..	..	..	..	..	5	36*	5
Maharashtra .	45	31	5	1	1	1	2	..	..	2	1	..	1	1	44*	1
Mysore .	27	10	8	4	..	..	..	..	..	1	4	..	..	..	27	..
Nagaland .	1	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..
Orissa .	20	4	2	9	..	..	..	..	1	1	4	..	..	..	20	..
Punjab .	13	5	1	..	2	..	..	..	..	..	..	2	..	1	11@	1

Rajasthan . . . . .	23	12	..	5	2	..	..	..	..	2	2	..	23	
Tamil Nadu . . . . .	39	..	3	6	..	25	..	4	..	..	..	1	39	
Uttar Pradesh . . . . .	85	40	7	..	11	6	1	7	1	2	6	2	83*	
West Bengal . . . . .	40	13	4	..	..	5	5	1	1	7	..	3	39*	
<i>Union Territories</i>														
Andaman Nicobar Island . . . . .	1	1	..	..	..	..	..	..	..	..	..	..	1	
Chandigarh . . . . .	1	..	..	..	1	..	..	..	..	..	..	..	1	
Dadra & Nagar Haveli . . . . .	1	..	1	..	..	..	..	..	..	..	..	..	1	
Delhi . . . . .	7	1	..	..	6	..	..	..	..	..	..	..	7	
Goa, Daman & Diu . . . . .	2	..	..	..	..	..	..	..	..	1	..	1	2	
Himachal Pradesh . . . . .	6	6	..	..	..	..	..	..	..	..	..	..	6	
Laccadive, Minicoy & Amindivi Islands . . . . .	1	1	1	..	..	..	..	..	..	..	..	..	1	
Manipur . . . . .	2	1	..	..	1	..	..	..	..	..	..	..	2	
Pondicherry . . . . .	1	..	1	..	..	..	..	..	..	..	..	..	1	
Tripura . . . . .	2	2	..	..	..	..	..	..	..	..	..	..	2	
<i>Nominations</i>														
North East Frontier Tract . . . . .	1	1	..	..	..	..	..	..	..	..	..	..	1	
Anglo-Indian . . . . .	2	..	..	..	..	..	..	..	..	2	..	..	2	
<b>TOTAL</b> . . . . .	<b>533</b>	<b>231</b>	<b>64</b>	<b>38</b>	<b>31</b>	<b>25</b>	<b>24</b>	<b>19</b>	<b>17</b>	<b>17</b>	<b>25</b>	<b>10</b>	<b>25</b>	<b>516</b>

\*Excludes the Speaker who is not member of any Party.  
 \*Vacancies (Madhya Pradesh—1, Maharashtra—1, Punjab—1, Uttar Pradesh—2, West Bengal—1.)



## PARTY POSITION IN LOK SABHA

(As on the 28th February, 1970)

S. No.	Name of Party/Group	Strength
1	Congress Party . . . . .	221
2	Congress Party (Opposition) . . . . .	64
3	Swatantra Group . . . . .	34
4	Jana Sangh Group . . . . .	31
5	D.M.K. Group . . . . .	25
6	CPI Group . . . . .	24
7	CPI (Marxist) Group . . . . .	19
8	SSP Group . . . . .	17
9	P.S.P. Group . . . . .	17
10	United Independent Parliamentary Group . . . . .	25
11	B.K.D. Group . . . . .	10
12	Unattached . . . . .	25
13	Vacancies* . . . . .	6
	TOTAL . . . . .	522

(Excluding the Speaker)

\*Madhya Pradesh—1, Maharashtra—1, Punjab—1, Uttar Pradesh—2, West Bengal—1.

## II. Ralya Sabha

(As on the 28th February, 1970)

	Seats		Congress		C.P.P.(O) Swatantra Jan Sangh S.S.P.		P.S.P.		Communist		Independ-		Others	
	I	2	3	4	5	6	7	8	9	10	11	12	13	14
Andhra Pradesh	18	10	4	1	..	..	..	2	..	..	1			
Assam	7	6	..	..	..	1	..	..	..	..	..			
Bihar	22	10	3	..	1	4	1	1	..	..	2			
Gujarat	11	1	7	2	..	..	..	..	..	..	1			
Haryana	5*	2	1	..	..	..	..	..	..	..	..			
Kerala	9	..	..	..	..	..	1	3	1	1	..	1	B.K.D.	
Madhya Pradesh	16	12	1	..	2	..	..	..	..	..	1	1	3 (2 M.L.L.) (IRSP)	
Maharashtra	19	13	2	..	..	..	..	..	..	..	..	1	..	
Mysore	12*	2	6	..	..	..	1	..	..	..	2	1	3% (2 REP- @IRSMS	..
Orissa	10	2	2	4	..	..	1	..	..	..	..	..	1 Jana Cong.	..
Punjab	7	2	..	..	1	..	..	..	..	..	..	1	3 Akali Dal	..
Rajasthan	10	4	2	2	1	..	..	..	..	..	..	..	1 B.K.D.F	..
Tamil Nadu	18	4	4	3	..	..	..	..	1	..	..	..	6 (4 D.M.K. (2 M.L.L.)	..

	1	2	3	4	5	6	7	8	9	10	11
Uttar Pradesh . . . . .	34	15	8	1	4	3	..	1	..	1	1 BK.D.
West Bengal . . . . .	16	5	1	..	..	..	..	2	3	2	3 (F.B.) (1 F.B./M) (1 Bangla Congress
Jammu & Kashmir . . . . .	4	4	..	..	..	..	..	..	..	..	..
Nagaland . . . . .	1	1	..	..	..	..	..	..	..	..	..
Delhi . . . . .	3	1	1	1	1	..	..	..	..	..	..
Himachal Pradesh . . . . .	3	3	..	..	..	..	..	..	..	..	..
Manipur . . . . .	1	1	..	..	..	..	..	..	..	..	..
Pondicherry . . . . .	1	..	..	..	..	..	..	..	..	..	1 D.M.K.
Tripura . . . . .	1	1	..	..	..	..	..	..	..	..	..
**Nominated by the President . . . . .	12*	..	..	..	..	..	..	..	..	..	..
	240	99	42	13	10	8	4	9	5	13	22—237 (including 11 nomi- nated mem- ber).

\*Vacancies—3 (Haryana—1, Mysore—1 and Members Nominated by the President—1)

%Rep. Republican Party.

@S.M.S. Sampurna Maharashtra Samiti.

\*\*Nominated Member are :

Shri M.N. Kaul, Shri G. Ramachandran, Shri Jairam-  
das Deulatrani, Shri M.C. Setalvad, Dr. K. Ramiah,  
Shrimati Shakuntala Paranjpye, Shri Ganga Sharan  
Sinha, Dr. H.R. Bhechhan, Shri G. Sankara Kurup, Shri  
Joachim Alva, Prof. Saiyid Nurul Hasan.

## PARTY POSITION IN RAJYA SABHA

(As on the 28th February, 1970.)

S. No.	Name of the Party	Strength
1	Congress . . . . .	99
2	C.I.P. (O) . . . . .	42
3	Swatantra . . . . .	13
4	Jan Sangh . . . . .	10
5	S.S.P. . . . .	8
6	R.S.P. . . . .	4
7	Communist . . . . .	9
8	Communist(Marxist). . . . .	5
9	Nomjnated . . . . .	11
10	Others* . . . . .	23
	Vacancies** . . . . .	3
	<b>TOTAL</b> . . . . .	<b>240</b>

\* B.K.D.—3, Muslim League—4, R.S.P.—1, Republican Party—2, Sampurna Maharashtra Samiti—1, Jana Cong.—1, Akali Dal—3, D. M. K.—5, Forward Bloc—1, Forward Block (Marxist)—1, Bangla Congress—1.

\*\*Harvans—1, Mysore—1, Members Nominated by the President—1.

III. State Legislative Assemblies

STATES	Seats	Cong	Swa	J.S.	CPI	CPI (M)	SSP	PSP	Rep.	Other Parties	Ind. Nom.	Muslim League	Forward Block	DMK	Total	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Andhra Pradesh (As on 31-12-69)	288	202	24	3	10	8	1	..	2	15 (a)	21	1	..	..	..	287 (b)
Gujarat (As on 31-12-69)	168	96	55	1	..	..	1	3	..	1 (d)	11	..	..	..	..	168
Haryana (As on 14-1-70)	81	48 (c)	..	7	..	..	..	..	..	24 (f)	1	..	..	..	..	80 (g)
Jammu & Kashmir (As on 31.1.70)	75	62	..	4	..	..	..	..	..	3 (h)	3	..	..	..	..	72 (hh)
Kerala (As on 19-1-70)	134	9	..	..	21	50	6	..	..	25 (i)	6	1	14	..	..	132 (h)
Madhya Pradesh (As on 31-12-69)	297	175	..	58	1	..	8	3	..	43 (l)	3	1	..	..	..	292 (m)
Maharashtra (As on 1-1-70)	271	204	..	6 (n)	10	1	6	7	2	22 (o)	10	1	1	1	..	271
Mysore (As on 11-2-1970)	217	126	11	3	3	5	21	1	..	28 (p)	15	..	..	..	..	214 (q)
Nagaland (As on 17-1-70)	52	..	..	..	..	..	..	..	..	52 (r)	..	..	..	..	..	52
Orissa (As on 6-1-70)	140	31	47	..	7	1	1	21	..	25 (s)	5	..	..	..	..	138 (t)
Punjab (As on 31-12-69)	104	28	1	8	4	2	2	1	..	56 (u)	1 (v)	..	..	..	..	103 (w)
Rajasthan (As on 3-2-70)	184	111	28	18	1	..	7	..	..	11 (x)	6 (y)	..	..	..	..	182 (x)
Tamil Nadu (As on 3-2-70)	235	48	20	..	3	10	1	4	1	1 (i)	3	..	2	1	138	232 (ii)
Uttar Pradesh (As on 31-12-69)	426	216	5	47	4	1	32	3	1	99 (iii)	14	1	..	..	..	423 (iv)
West Bengal (As on 21-2-70)	282	55	..	..	30	80	9	5	..	69 (v)	11 (vi)	2	..	21	..	282 (v)
Goa, Daman and Diu (As on 15-1-70)	32	..	..	..	..	..	..	..	..	29 (vii)	2	..	..	..	..	31 (viii)
Himachal Pradesh (As on 2-1-70)	63	42	..	7	2	..	..	..	..	12 (ix)	..	..	..	..	..	63
Pondicherry (As on 12-1-70)	30	10	..	..	3	..	..	..	..	..	2	..	..	..	15 (x)	30
Tripura (As on 15-1-70)	30	27	..	..	1	2	..	..	..	..	..	..	..	..	..	30

- (a) Peoples Democratic Group—8, Jana Congress—7
- (b) Excluding Speaker.
- (c) Janta Parishad
- (d) Including 5 members who left the Congress party in the House and claim to belong to the Congress led by Shri Jagjivan Ram.
- (e) Including H.n. Speaker and one member who has been deprived of taking part in the proceedings and voting in the House.
- (f) Haryana United Front, 18, Haryana Kisan Mazdoor Party—6.
- (g) One seat vacant.
- (h) National Conference—3.
- (hh) 3 seats vacant.
- (i) Indian Socialist Party—11, Revolutionary Socialist Party—6, Karishaka Thoghilali Party—1, Kerala Congress—5.
- (k) One seat vacant, and excluding Speaker.
- (l) Lok Sevak Dal—28, Pragatisheel Vidhayak Dal—15.
- (m) 5 seats vacant.
- (n) Including one Jan Sangh (Independent).
- (o) Peasants and Workers—21, Hindu Sabha—1.
- (p) Congress (R)—24, L.S.S.—1, Janata Paksha—3.
- (q) 3 seats vacant.
- (r) N.N.O. (Ruling)—43, U.F.N.—9.
- (s) Jan Congress.
- (t) Excluding Speaker, one seat vacant.
- (u) Akali Party—55, Shiromani Akali Dal—1.
- (v) Speaker.
- (w) One seat vacant.
- (x) B.K.D.
- (y) Including the Speaker.
- (z) 2 seats vacant.
- (i) Tamil Arasu Kazhagam.
- (ii) Excluding Speaker, 2 seats vacant.
- (iii) Bhartiya Kranti Dal—97, Hindu Mahasabha—1, Kisan Mazdoor Party—1.
- (iv) Excluding Speaker and Deputy Speaker who are Unattached one seat vacant.
- (v) Bangla Congress—33, Revolutionary Socialist Party—12, Socialist Unity Cent—7, Gorkha League—4, Lok Sevak Sangha—4, Workers Party—2, Revolutionary Communist Party of India—2, Forward Block (Marxist)—1, Progressive Muslim League—3, Indian National Democratic Front—1.
- (vi) Supported by the United Front—9 (including the Speaker) other Independents—2.
- (vii) Marashtrawadi Gomantak Party—17, United Goans Party—12
- (viii) Excluding the Speaker.
- (ix) Sanyukt Vidhayak Dal.
- (x) Including the Speaker.