

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

**UNVEILING OF THE PORTRAIT OF NETAJI  
SUBHAS CHANDRA BOSE**

**ADDRESSES BY PRESIDENT JIMMY CARTER AND  
MR. JAMES CALLAGHAN TO MEMBERS  
OF PARLIAMENT**

**THE CONSTITUTION (FORTY-FOURTH AMENDMENT)  
BILL, 1977.**

**OCTOBER-DECEMBER, 1978**

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## EDITORIAL NOTE

In April this year, the Inter-Parliamentary Union organised a symposium on "Parliaments and the United Nations". The discussion covered the relevance of the work of the international organisations to parliamentary institutions and the influence of national Parliaments and their members on international organisations. An important item for discussion at the symposium was "The state of the relationship between the activities of the organisations of the United Nations system and those of Parliaments, and the means of improving it". Professor P. G. Mavalankar, M.P. participated in the symposium as one of the Keynote speakers on this subjects. We publish in this issue an article by Professor Mavalankar on the subject.

Another article in this issue discusses the distinction between two important devices in parliamentary procedure, *viz.* 'motions' and 'resolutions' with special reference to their application in the Indian Parliament.

A short note is also being published on the Question and Calling Attention Committee which is an innovation made by the Bihar Legislative Assembly.

The issue includes two important addresses by Shri K. S. Hegde, Speaker, Lok Sabha—one at the Conference of Presiding Officers of Legislative Bodies in India and the other inaugurating a symposium held at Jaipur in October, 1978.

—Avtar Singh Rikhy



**UNVEILING OF THE PORTRAIT OF SHRI C. RAJAGOPALACHARI  
IN THE CENTRAL HALL OF PARLIAMENT HOUSE**

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[On August 21, 1978, the President, Shri N. Sanjiva Reddy unveiled in the Central Hall of the Parliament House, a portrait of Shri C. Rajagopalachari an eminent statesman and the first Indian Governor-General of India. The function was attended, among others, by the Vice-President, Shri B. D. Jatti and the Prime Minister, Shri Morarji Desai.

The portrait, drawn by the renowned artist Shri N. S. Subbkrishna, was presented by Shri R. R. Diwakar, Chairman and Member of the Rajaji Centenary Committee. Since Shri Diwakar was not well on the day of the ceremony, the portrait was presented by Shri Y. B. Chavan, M.P. and Member of the Rajaji Centenary Committee, and accepted by the Speaker of Lok Sabha, Shri K. S. Hegde. We reproduce below the texts of the speeches made on the occasion.

—*Editor*]

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**SPEECH BY SHRI Y. B. CHAVAN, M.P. AND MEMBER OF THE RAJAJI  
CENTENARY COMMITTEE**

As a Member of the Rajaji Centenary Committee, I have a very pleasant and formal duty of presenting this portrait of Shri Rajagopalachari to the Hon. Speaker. It is a day of rejoicing for all those who were looking forward to this occasion, of Rajaji joining the galaxy of national leaders in the Central Hall, which is a Hall of History.

Shri Rajagopalachari was a versatile personality in Indian politics. His career extends from the pre-Independence era to the post-Independence period. There are very few people or national leaders who can claim to

have made a major contribution in the pre-Independence days as well as lived to participate very actively in the post-Independence period also. Rajaji's personality and his contribution is not merely confined to political activities; his contribution extends to all the fields of our national life. In the pre-Independence days he was known for his sacrifice, for his close association with Mahatma Gandhi. He was known as a very highly skilled debator and a very lucid author. Everything that an intellectual should have was possessed by Shri Rajagopalachari. I think he was one of the outstanding and distinguished personalities of our Indian national life and it is indeed an honour to all of us that today we are accepting this portrait for putting it in the Central Hall. May I, Mr. Speaker, Sir, on behalf of the Centenary Committee, offer this portrait, which you may please accept.

SPEECH BY SHRI MORARJI DESAI, PRIME MINISTER OF INDIA

The unveiling of the portrait of Rajaji, I think, should have happened long ago. But these are things which happen in their own time, all that I can say.

He was one of those most illustrious people which this country has produced during this age. He left an indelible imprint of his personality on the contemporary history of the country. He gave up his very lucrative practice and joined Mahatma Gandhi long before other stalwarts who came under Gandhi's spell at that time, Gandhiji called him his 'conscience-keeper' because he never failed to tell Gandhiji what he felt when he differed from him and although he did it with the greatest affection; ultimately he carried out the decision of Gandhiji in important matters.

He adorned all the high places, he occupied. He started as Chief Minister of Madras. He was one of the first Chief Ministers in this country and he overhauled the administration and the Government made Government more responsive to the hopes and aspirations of the people. He was a great administrator that this country has produced. He also became the Governor of West Bengal, and the first Indian Governor-General of this country. After giving that up, he became the Home Minister and then he was again pressed to be the Chief Minister of Madras.

His was a very versatile intellect. He wrote several books; he translated the Ramayana and the Mahabharata in Tamil and English; he translated Tamil books. He was a great author. His style is simple but lucid and therefore effective.

I have never seen another person with such sharp intellect as he had. He could easily see the implications of the important issues in a complex situation, and it was the gift of such an intellect that sometimes helped him to argue both sides equally well and one did not know which he did better.

He had a very soft corner for me from the very beginning—I met him in 1931 and this association lasted till the end of his life, even though we differed in the later years in several matters. He was always kind. Even though he could not be physically active, intellectually and mentally he was active until the last day. A frail person with an indomitable spirit he lived upto 93 years of age and lived an active life. That was because he was very simple in his habits. He lived a simple life. Even as Governor-General, he brought the virtue of simplicity on that office. It will always be an example. His portrait here will be a great inspiration to all of us who come to this Hall and for our future generations. I feel very happy that I could pay my tributes to him on this occasion and I am very happy that the President has agreed to unveil the portrait here today.

#### SPEECH OF SHRI K. S. HEGDE, SPEAKER, LOK SABHA

I consider this occasion as a historic one. In this august Hall, we have the portraits of several eminent sons and daughters of India. But this portrait gallery is incomplete without the portrait of Shri C. Rajagopalachari, popularly known as Rajaji. I am glad that we are unveiling his portrait in this birth centenary year of his.

Rajaji is one of the outstanding sons of India. His personality was a multi-dimensional one. He was a dedicated freedom-fighter, an outstanding administrator, a man of high intellectual calibre, a thinker and writer *par excellence* and a fighter for good causes. He lived and died fighting for good causes.

During the freedom struggle, he was one of the closest disciples of Gandhiji. Gandhiji referred to him as his 'braintrust' and his 'conscience-keeper', as the Prime Minister just now said. He gave up a lucrative legal practice to join the freedom struggle, and once he joined the freedom struggle, there was no question of looking back. Our freedom movement under the leadership of Gandhiji produced many supermen. Rajaji was one of the outstanding persons of that period. His advice was always sought and utilised by the other top leaders of the country. He suffered

imprisonment for the cause of the freedom of the country. He was one of the makers of modern India.

Despite his high regard for Gandhiji, he never hesitated to differ from him on questions of high policy. He was not afraid of 'walking alone' sometimes, as the Prime Minister said. Even when the country's mood was for contesting the elections, he held the banner of non-cooperation high.

He was one of the eminent administrators this country has produced. He became the Chief Minister of the former State of Madras in 1939. His administration was a model one, Mr. Subramanian will bear me out. He raised the tone of the administration. His services to the newly formed West Bengal State as its Governor are well known. Quite appropriately, he became the first Governor-General of India. As Governor-General, he was the friend, guide and philosopher of the then Government. Very soon after his retirement as Governor-General, he was invited by Prime Minister Nehru to join his Cabinet, first as Minister without Portfolio and thereafter as Home Minister. His tenure as the Home Minister of the country will always be remembered. His was a life of continuous activities.

After he ceased to be the Home Minister in the Central Government, his services were availed of by the Congress Party as the Chief Minister of the Madras State. He took over that office at a very critical period in the history of that State. Whatever responsibilities he undertook, he discharged them with the utmost efficiency. He was a great organiser. I had the privilege of working under him as a volunteer in the famous elections to the Central Assembly in 1934, wherein the contestants were Satyamurti and Ramaswamy Mudaliar.

He was an eminent thinker and writer. He was a voracious reader. Despite his defective eye-sight, he never spared himself from reading extensively on various subjects. He had great faith in the philosophical background and moral code laid down in the Hindu scriptures. But he was not a bigot. He had equal respect for all religions. His books in Tamil as well as in English on the Ramayana and the Mahabharata are some of the most extensively read books. They were written in simple and chaste style. He had written several articles in *Kalki*, *Swarajya* and various other Journals. A collection of his writings will show the amount of contribution he had made to the literature of the country in various fields.

He was a great social reformer. He was born in an orthodox Brahmin family, but he was one of the valiant fighters for the cause of the untouchables. He was one of the greatest friends of the Harijans. He was a strong believer in prohibition. He was the first to introduce prohibition

in the Salem district of the then Madras State in the year 1939. His ambition was to introduce prohibition throughout the country. He observed:

“Prohibition in India is a test for genuine desire to help the poor through what it goes by the name of socialism. Drink revenue to make both ends meet is cannibalistic finance. The Government eats the flesh and bones of the people when squeezing the revenue from drink supplied to the people to ruin them. The Government is for the people and not for the arithmetical satisfaction of financial departments. There is no sense in impoverishing the poorest among from drink supplied to the people to run them. The Government is Government.”

He was a real believer in social justice. He was against all types of nuclear explosions. He carried on a campaign against the production of nuclear weapons. He even led a deputation to the President of the United States to persuade him to change the nuclear policy of the American Government.

He died at a ripe old age. Even when his health failed his mind remained alert. He lived and died as a fighter. Many causes for which he fought are still remaining as live issues. History will long remember him.

We are grateful to the Rajaji Centenary Committee for this generous gift of portrait and to the artist Shri N. S. Subbakrishna who has done such a fine job of portrait painting.

I have no doubt, Rashtrapatiji, that the portrait which you will now unveil will remind us as well as the generations to come, of the heritage that Rajaji has left. Today we need to remind ourselves of the ideals for which he struggled.

May I now request you, Rashtrapatiji, to unveil the portrait?

*[At this stage the President unveiled the portrait of Shri C. Rajagopalachari]*

SPEECH BY SHRI NEELAM SANJIVA REDDY,  
PRESIDENT OF INDIA

It is an honour to be associated with this function. A few months ago I had the privilege of unveiling the portrait of Subhas Babu. The spectacle of two eminent men on either side of Mahatma Gandhi is appropriate. They differed in their approach to the problems, but both of them loved their and gave up everything for the cause of the freedom.

Today, I have the privilege of unveiling the portrait of Rajaji with whom my association goes back to pre-Independence days, I had the privilege of sitting at his feet as the General Secretary of the Congress when Dr. Pattabhi Sitaramaiah was the President of the Pradesh Congress Committee. This was long before Independence. Our Prime Minister has told you how Rajaji was persuaded to become the Chief Minister of Madras for the second time in 1952. It was a bad time for the Congress. Most Congressmen had been defeated including Kumaraswamy Raja, Chief Minister, myself, then President of the Pradesh Congress Committee, and many other Ministers. The Congress was very badly divided then, with Rangaji in one party, and Shri Kumaraswamy Raja in another. We had to go to Rajaji, the grand old man and request him to take over the responsibility because we had failed. I was then the President of the Andhra Pradesh Congress Committee, while Kamaraj was the President of the Tamil Nadu Congress Committee. First, I had to go to Kamaraj and request him to accompany us to Rajaji. I shuttled from place to place between the two of them. I now see how difficult it is to be a mediator. This was twenty six years ago—in 1952. Anyway, I took Kamaraj also to Rajaji, and when I made Kamaraj request Rajaji to become the Chief Minister, Rajaji told Kamaraj, "I am old now. I will accept the Chief Ministership on one condition. You must marry now and I will then become the Chief Minister. If you are too old to get married now, am I not old enough? Why do you trouble me?" This way Rajaji wanted to escape—but somehow we persuaded him and told him that that was the service he could do to the State. That is how since 1937 I have had the privilege of knowing Rajaji intimately and working with him very closely. He blessed me at every stage. We were together in jail. Whenever he was free, I used to go and sit in his room, just sit there, I do not think I had the capacity to discuss intellectual issues with him or even national issues. It was an edifying experience to listen to him.

Our Prime Minister has told you about Rajaji's razor-sharp intelligence but I knew how courageous he was at times. It is not only intellect, he had the courage to differ even with Mahatma Gandhi. When Jawahar Lal Nehru, Sardar Patel and everybody was of a particular view, he had the courage to differ from them. In April 1942 I had just been released from jail, and had gone to Allahabad for the AICC meeting. There Rajaji differed on the issue of the creation of Pakistan. He said, "If you can carry Muslims—well and good. Let us try to carry them, but if we cannot, there is no use delaying. Therefore, we should concede the right of self-determination." I know rotten eggs and tar were thrown at him. The people were angry that an Indian could suggest the vivisection of this

country. I remember at the meeting he said, "You can blacken my white dress but you cannot blacken my ideas. Ideas cross mountains and the valleys." He went on that way even when he had to differ with the great leaders of our country.

Rajaji fought for purity in public life. He was particularly against the use of money-power in politics. He would say, "This money-power is going to destroy the country and democracy." He had the courage to say this. I remember now that in the last stages when he was almost sinking he put his hand on my head and said, "Carry on you youngmen now: I am finished." He gave me affection, inspiration and courage. I think it is appropriate that we have his portrait here. It will inspire us.

As our Speaker said, his pet scheme was prohibition. In 1938, he introduced prohibition. When I was the Prohibition Minister and he was the Home Minister here, I used to come and seek his advice, I told him prohibition was a difficult proposition but he helped me. He advised me to continue to enforce it: "There are bound to be lapses in any law. Why are you discouraged?"

He was such an eminent leader. He was not only an intellectual giant, but also a courageous leader. He gave everything to the country. His honesty was transparent. Not even his bitterest critics ever questioned it. They might not have agreed with him but his honesty and integrity were never questioned by them at any stage in his life. He should inspire us. That generation is now gone. Of course, we have our elder leaders like Morarjibhai, but only history will record the achievements of these giants whom, we see here in this Hall. Our younger generations will read about them. They have not seen them.

It is good that the Speaker has found a suitable place for the portrait of this eminent leader of our country—an intellectual giant and a person whose service and sacrifice will inspire us. I am glad I have been asked to associate myself with this function. After unveiling Netaji's portrait some months ago, I am now happy to unveil this portrait of Rajaji with whom I had the privilege of being associated for forty years ever since I gave up my education and became the Secretary of the Provincial Congress Committee. I consider it an honour and I thank the Speaker and all of you for giving me this opportunity.

JAI HIND.

**SPEECH BY SHRI C. SUBRAMANIAM, M.P. AND VICE-CHAIRMAN,  
RAJAJI CENTENARY COMMITTEE**

Mr. President, it is my pleasant duty to propose a vote of thanks. I would just like to read out a message which we consider to be very important from Shri Jayaprakash Narayan. It says:

I am delighted to learn that one of the projects envisaged by the Rajaji Centenary Committee, namely, to place a portrait of Rajaji in the Central Hall of our Parliament is being fulfilled today.

I am glad that the unveiling ceremony of the portrait will be performed by Rashtrapati, Shri N. Sanjiva Reddy.

As one of the Vice-Presidents of the Rajaji Centenary Committee sponsored by the Bhartiya Vidya Bhavan, it would have been my pleasant privilege and duty to be present on this occasion, but, as you know, ill-health stands in my way.

Ranking next only to Gandhiji in political wisdom and maturity, Rajaji is rightly regarded as the nestor of modern Indian politics. Endowed as he was, with a razor-sharp intellect, Rajaji's perception of human psychology was unrivalled. Far-sighted, absolutely sincere and backed by courage of conviction and total devotion to national welfare, he doggedly fought for the re-enthronement of moral values in politics and public life, and emerged as the democratic conscience of post-independent India.

In honouring Rajaji, the nation, through its elected Parliament, is honouring itself. His portrait on the wall of our Parliament will be a constant reminder to everyone of us that politics not tempered with moral and ethical content will lead to national degradation and disaster.

Mr. President, for many of us, including you, this function has given a great deal of emotional satisfaction. Many of us basked in the sunshine of his generous affection and we were also dazzled by his brilliant intellect. As far as I am concerned, I had the particular privilege and the opportunity of being initiated into the art of administration by him, when I served under him as Minister in the Madras Cabinet. And therefore, on my own behalf and on behalf of the Centenary Committee, I would like to thank you, Mr. President, for having agreed to unveil this portrait.

Mr. Prime Minister, we all know that you have another engagement and you are anxious to go and attend it. You are hosting a Reception and in spite of that you have given priority to this function and that shows how much importance you give to this function and in what way you hold Shri Rajaji.

Mr. Vice-President, we are thankful to you that you have been kind enough to be present on this occasion.

Mr. Speaker, we thank you, as custodian of this building for having agreed to find a suitable place here for this portrait. And, as Mr. Speaker



has himself put it, without this portrait, perhaps, this gallery was incomplete, in more than one sense. I do not want to elaborate on that. We are thankful to Chavanji for having agreed to be present here to make a formal presentation of this portrait, which was donated by Shri Sadasivam, the husband of Shrimati Subbalaxmi. Both are devotees of Rajaji. We are really grateful to Shrimati Subbalaxmi and her daughter Radha for having come over here and sung their melodious song. I would like to thank all of you, ladies and gentlemen, for having graced this occasion and having made this function a great success.

*[The Speaker, Shri K. S. Hegde then introduced the renowned artist, Shri N. S. Subbakrishna who had drawn the portrait to the President who presented him with a shawl. The function ended with singing of the National Anthem.]*

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UNVEILING OF THE BUST OF SRI AUROBINDO IN THE  
PARLIAMENT HOUSE

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[At an impressive ceremony held in the Central Hall of Parliament House on August 15, 1978, the bust of Sri Aurobindo was unveiled by Shri K. S. Hegde, Speaker of Lok Sabha. Sculptured by the renowned sculptor, Shri B. V. Wagh, the bust was presented by Dr. Karan Singh, M.P. and Chairman, Sri Aurobindo Centenary Committee. We reproduce below the texts of the speeches delivered on the occasion by Dr. Karan Singh and Shri K. S. Hegde, Speaker, Lok Sabha.

—Editor]

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SPEECH BY DR. KARAN SINGH, M.P. AND CHAIRMAN, SRI AUROBINDO  
CENTENARY COMMITTEE.

We all rejoice today on the 15th of August, because it was on this day in 1947 that India emerged into the sunlight of freedom after many centuries of servitude and degradation. By an interesting coincidence, 15th August is also the birthday of one of the great patriots, revolutionaries and freedom fighters of the century, Sri Aurobindo. Although Sri Aurobindo was never in a legislature, I make bold to say that his contribution to our freedom struggle was a very important one and anybody who reads the history of the early freedom movement cannot fail to be impressed by the unique role played by Sri Aurobindo in the formative stages of the national movement, about a decade before the Father of the Nation, Mahatma Gandhi, emerged on the scene.

Sri Aurobindo was sent to England at the age of seven. He remained there for 14 years and during this period besides receiving his education he imbibed revolutionary ideas from the Sinn Fein movement of Irish liberation headed by De Valera and others, and the Italian Resurgimento of Giuseppe Mazzini and Garibaldi.

By the time Sri Aurobindo returned from England, the Indian renaissance had begun to gather momentum. From Raja Ram Mohan Roy who founded the Brahma Samaj in Bengal, Maharshi Devendra Nath Tagore who founded the Adi Brahma Samaj, and Keshab Chandra Sen the Brahma Samaj of India, the social reform movements had begun. They were the spearhead of the new awakening. In Maharashtra, M. G. Ranade and R. K. Bhandarkar started the Prarthana Samaj, the Deb Samaj was developed and in the North, Maharshi Dayanand Saraswati started the Arya Samaj. These reform movements gave a new impetus to the awakening that was taking place in India. One of the special features of Indian history has been that after every period of degradation, there has been renaissance. And this renaissance had begun aided by a number of other factors, with the Orientalists, the Theosophical Society and Sri Ramakrishna, Swami Vivekananda and other great leaders playing a leading part. They had all brought about a cultural awakening and intellectual stirring.

Politically, the main development of significance was the founding in 1885 by Alan Octavian Hume of the Indian National Congress. Soon after its founding two main groups emerged in the Congress Party. One were the Moderates, led by Dadabhai Nauroji, Pherozeshah Mehta, Gopal Krishna Gokhale, M. G. Ranade and others. They were very fine people and great patriots who played a very valuable role, but they did not believe in revolutionary struggle. They thought that the Britishers could be petitioned to give more powers, and they passed resolutions. The other group, which came to be known as the Radicals, was headed by Lokmanya Bal Gangadhar Tilak, Bipin Chandra Pal, Lala Lajpat Rai and Sri Aurobindo Ghose.

On his return to India in 1893, Sri Aurobindo joined the Baroda College as Professor of English and published a series of articles called "New Lamps for Old" in a journal known as *the Indu Prakash*, which contained a strong frontal attack upon what he called the policy of 'petition, prayer and protest' of the Moderates. The articles created a great furore. He remained in touch with the revolutionary movement and in 1905 when the imperious Lord Curzon pushed through the Partition of Bengal—the '*Banga Bhang*'—in the face of opposition, it gave it the opportunity to Sri Aurobindo and others to jump into the political movement. There was, for the first time, a radicalisation of the whole political movement and the masses became involved. Sri Aurobindo left his job in Baroda and moved to Calcutta where he began to edit two journals—*The Karma Yogin* and the *Bande Mataram*. Even today, one will not fail to be moved if he reads his editorials, particularly in the *Bande Mataram*. I think there is hardly any parallel in the journalism of any country in the world where a person of his calibre, with a tremendous mastery over language and a powerful intellect and commitment, came out the way he did week after week with editorials which galvanised the youth of Bengal and the whole

of India at that time. When the Congress finally split in the Surat Session on the 30th of December 1906, the Moderates and the Extremists finally parted company and it was Sri Aurobindo who presided over the separate convention called by the Extremists. In 1907 he was arrested in the celebrated Alipore Bomb Case. It is very fascinating case in the annals of jurisprudence. Deshbandhu Chittaranjan Das was his defence lawyer and he argued for 8 days in defence of Sri Aurobindo. The final words that he said to the Court need to be recalled on this occasion :

“My appeal to you is this, that along after the controversy will be hushed in silence, long after this turmoil and agitation will have ceased, long after he is dead and gone, he would be looked upon as a poet of patriotism, as the prophet of nationalism and the lover of humanity; long after he is dead and gone, his words will have echoed and re-echoed not only in India but across the distant seas and lands. Therefore, I say that the man in his position is not only standing before the Bar of this court but before the Bar of the High Court of History.”

Shri Aurobindo was later acquitted and this famous peroration of Shri C. R. Das will live long in the annals of history.

The political thought of Sri Aurobindo has many features. One finds in it a clear recognition of the role of the masses and of the proletariat. He was one of the first politicians in India to realise that the freedom movement could not remain simply a formal affair of resolutions, drawing room meetings and petitions; it was he who realised that the masses had to be awakened. And in 1905, with the partition of Bengal, the occasion arose for the first major mass involvement in modern Indian politics.

Sri Aurobindo was a staunch supporter of the concept of *Purna Swaraj* and reiterated that they could not expect the British to give us the loaf of freedom crumb by crumb. He put forward the bold theory of spiritual nationalism. He had a deep love for the mother-land and *Bande Mataram*, the *Mantra* Bankim Chandra had given in his novel '*Ananda Mutt*' became the battle cry of the Indian Freedom movement.

Sri Aurobindo had tremendous intellectual capacity, and his attempts to re-discover and re-assess the intellectual and cultural heritage of India helped to break the bonds of the intellectual inferiority that had developed as a result of many decades of British rule.

Above all, Sri Aurobindo put forward a positive programme of political action based on the concept of boycott—economic boycott, its correlate Swadeshi; judicial boycott with its correlate national arbitration courts;

executive boycott with its correlate national organisation; and social boycott as the lever in order to pressurize the British. There is a misconception that the concept of boycott began with Swadeshi by Gandhiji. In fact, it was in the 1905 movement that you will find the concept of boycott and Swadeshi very clearly enunciated. Of course, the Father of the Nation later gathered this concept and made it a very potent weapon.

Such is the great revolutionary, patriot and freedom fighter, whose memory we honour today. His even more remarkable work after 1910 is its theory of supramental manifestation and his message to humanity.

On this occasion, Sir, I would like to say that we are predominantly honouring a man who loved his motherland very deeply; a man who gave a new impetus of intellectual power and organisation to the freedom movement. In the lawns outside the Central Hall while coming into Parliament House I noticed some time back that on the right there was a statue and on the left there was a flower pot. So I went upto the statute and I saw that it was the bust of Shri Gopala Krishna Gokhale, the great leader of the Moderates. It immediately struck me that if the bust of the great leader of the Moderates is there, a similar bust of the great leader of the Radicals should also be represented on the other side. It is also appropriate that while Shri Gopala Krishna Gokhale's statue is on the right, Sri Aurobindo's bust should appropriately enough be on the left.

Sir, we have set up a Sri Aurobindo Centre in Hauz Khas in New Delhi and I would like the Members to visit the Centre whenever they are free. The Executive Committee of the Centre—the Vice-Chairman and other Members of the Executive Committee are here—decided to present the bust to Parliament. We commissioned a well known sculptor from Bombay, Shri Wagh, to do the bust. I would like to formally present to you, and through you to Parliament, on this birthday of our Nation and of Sri Aurobindo, the marble bust of this great patriot in the hope that his flaming nationalism and his deep cultural and spiritual commitment will guide us and help us to clarify our own minds and thoughts at this hour of crisis in our nation's history.

**SPEECH BY SHRI K. S. HEGDE, SPEAKER, LOK SABHA**

I must at the outset convey our gratitude to Dr. Karan Singh, who thought of having a bust of Sri Aurobindo Ghose outside this historic Central Hall of Parliament. Here we already have a bust of Shri Gopala Krishna Gokhale, another eminent son of India.

To many of us, it is a matter of great significance as well as gratification that our country became a free nation on a day which also happens to be the birthday of Sri Aurobindo. It is only appropriate that his bust is being installed today which marks the 106th birth anniversary of Sri Aurobindo and the 31st anniversary of our Independence.

Sri Aurobindo was indeed a rare human phenomenon. He was a sage, a thinker, a revolutionary, a humanist and a visionary. He represented, in the words of Romain Rolland, "the completest synthesis that has been realised to this day of the genius of Asia and the genius of Europe."

Sri Aurobindo was one of the pioneers of political awakening in India. He led the revolutionary movement till he left for Pondicherry in 1910. Between the years 1904 and 1909, he gave a new shape in form and content to India's nationalism.

His call to sacrifice was a new gospel. It thrilled us in the first decade of this century as nothing else did. May I recall his own memorable and inspiring words:

"Political freedom is the life-breath of a nation. Without it a nation cannot grow, cannot expand... The work of national emancipation is a great and holy "Yajna" of which boycott, Swadeshi, national education and every other activity, great and small are only major and minor parts. Liberty is the fruit we seek from the sacrifice, and the Motherland, the goddess to whom we offer it."

Sri Aurobindo was one of the first Indians to have a vision of future India. On the eve of his retirement to Pondicherry in 1910, Sri Aurobindo had predicted that after a long period of war, world-wide upheaval and revolution, to begin in about four years, India would achieve her freedom.

In his message to the country on the dawn of Freedom on August 15, 1947, Sri Aurobindo urged:

"A revolution which would achieve India's freedom and her unity; the resurgence and liberation of Asia and her return to the great role which she had played in the progress of human civilisation; the rise of a new, a greater, brighter and nobler life for mankind which for its entire realisation would rest outwardly on an international unification of the separate existence of the peoples, preserving and securing their national life but drawing them together into an overriding and consummating oneness; the gift by India of her means for the spiritualisation of life to the whole race; and, finally, a new step in the evolution which, by uplifting the consciousness to a higher level, would begin the solution of the many problems of existence which have perplexed and vazed humanity, since men began to think and to dream of individual perfection and a perfect society."

These aims and ideals he pursued consistently. Pondicherry, where Sri Aurobindo lived for almost forty years—till he passed away on December 5, 1950, was his *tapobhoomi*. During his first years of intense *Yoga* at Pondicherry, Sri Aurobindo saw with lucid clarity and certainty the evolutionary movement from Mind to Supermind—"a step in evolution"—as he called it in his Independence Day message.

Sri Aurobindo drew men to the Almighty, and he showed the way for man and society alike to move towards the Life Divine upon the earth. He inspired mankind with a new hope towards fulfilment of age-long aspirations. It is but appropriate that we instal his bust outside this historic Hall in order to remind ourselves daily of his dedicated life and ideals. I have great pleasure in unveiling the bust of this patriot-saint. I feel privileged to pay my tribute on this historic day to this great Yogi-philosopher.

*[Before the bust was unveiled, Dr. Karan Singh, M.P. and Chairman of Sri Aurobindo Centenary Committee presented the renowned sculptor, Shri B. V. Wagh who had prepared the bust of Shri Aurobindo, and the leader of the chorus who rendered 'Bande Mataram' to Shri K. S. Hegde, Speaker of Lok Sabha. Shri Hegde then unveiled the bust of Sri Aurobindo.]*

## PARLIAMENTS AND THE UNITED NATIONS

P. G. MAVALANKAR

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The relationship between the UN system and Parliament is at least, in one sense, very obvious, because many UN bodies, most notably the General Assembly, and Parliaments of various types are engaged in precisely one common function, namely, deliberation, without taking any executive decisions. But one may ask a question. Have the United Nations and the Specialized Agencies, over the last several years, really taken note of the existence and presence of Parliaments, or are they more concerned with Governments, because they deal with them directly and with Parliaments only indirectly? It will, however, be a mistake on the part of the UN bodies and officials if they take Governments and Parliaments in many countries as one and the same thing. Therefore, it is in the interest and to the advantage of the UN system to take note of the fact that Parliaments are not to be taken for granted and that they shoulder a lot of care and concern and responsibility. From that point of view, another question arises as to whether the relevance of the UN system to Parliaments has been properly appreciated by the various UN agencies and officials.

The position becomes clear, for instance, when we take into account the human rights covenants. It is said that only about 47 countries have ratified them. This is good as far as it goes, but can we get information about national Parliaments who have passed or ratified these texts, and national Parliaments who have not done so? What are the problems, difficulties, challenges, obstacles and hindrances in their way with regard to human rights? If one goes to UNESCO, for example, or other UN bodies, one hardly finds in their bibliography or libraries much material in terms of what national Parliaments are concerned with or anxious about in terms of human rights. So, the UN officials and agencies must really take Parliaments more seriously.



The National Parliaments are representative—genuinely and/or formally—bodies of the peoples, reflecting peoples' aspirations and afflictions, moods and motivations, angers and passions, hopes and fears, needs and demands, strengths and weaknesses, specialities and handicaps, differences and similarities or uniformities, confidence and diffidence, apathy and interest, reason and faith. All of these are very valid and valuable for the UN system to witness and watch, understand, analyze and assimilate. So, there is an urgent need to build a variety of bridges between National Parliaments and the UN system. Both individual as well as institutional approaches are called for to achieve this objective. While individual initiative would be crucial, an inter-action of the two could be most desirable. Thus innovative and experimental endeavours on the international scene should be encouraged. In fact, mutual non-interest must go. The Parliaments, as well as the UN and allied agencies must shed the inclinations or attitudes of aggressive indifference and massive ignorance of each other's nature and role in the modern world.

The Preamble of the United Nations Charter begins with the historic, simple, but very significant words: "We, the Peoples of the United Nations", and yet we find that "We, the Peoples of the United Nations" are relegated to the background, while the Governments of "We, the Peoples" are pushed into the foreground. One might say that the peoples and indeed their representatives, are in a perplexing and complex situation because they are not able to voice or focus their ideas, opinions, aspirations and afflictions at various world bodies and world forums. But I think the parliamentarians must wrest the initiative by their sustained and studied interest in the UN system. The path of parliamentarians is none too easy or enviable. A host of difficulties, practical and political, actual and environmental obstruct their way. Moreover, Members of Parliament tend to be interested and involved more in only emotive world issues which border on or directly bear upon certain domestic events and involvements. It is no use having a mere interest unaccompanied by study and hard work. Unless continuous hard work and homework accompany their interest in and enthusiasm for the UN system, they will not be able to deliver the goods. Obviously, the parliamentarians must make their constituents realize—not merely make them feel—the tremendous stakes involved, and they must make every voter, indeed every master, as voters always are in a democracy, aware that he or she has a stake in the UN system, that although the UN is distant, in terms of organization, mechanism and institutional devices, it is very much part and parcel of our very being, of our very feeling, of our very experience. And if we can somehow bring that fact to our constituents—that what the UN agencies are doing is relevant to what you and I are doing, to whether we live or do not live, whether we develop or do not develop—if we can somehow bring out that direct relationship, I am quite

sure the UN agencies will have a lot of relevance and meaning for the people.

It is well known that in Parliaments, when it comes to foreign affairs debates, not only are those debates few and far between—very rare opportunities to discuss foreign policy and foreign policy issues—but also when there are those opportunities, by and large what the parliamentarians really discuss is by way of registering their consent and agreement with what the Foreign Affairs Ministers have done. Often Governments say, as an excuse, that certain things are not debatable, or could not be made available to Parliaments in the national interest. But, certainly, whatever is concerned with the UN and the UN system, is part and parcel of open understanding and open confidence openly arrived at, to borrow some of the historic words uttered by President Wilson. We can say that there is great scope for open, free, critical debate on this point. The emphasis therefore has to be on institutional management, institutional devices and institutional techniques, which we will have to evolve to make the role of an individual member of Parliament, and of the institution of Parliament, more effective, more meaningful and more purposeful.

In this regard, members of Parliament have to ensure that by their constant self-exercise, and by their own understanding of the problems, they go on developing the areas of public awareness, of public education and of public opinion with regard to Parliaments and the UN system. The point is that the various UN organizations are involved directly in what interests the nationals of all countries. If we can continuously, intelligently and intelligibly, bring this point home to citizens all over the world—that the UN system is part and parcel of their upbringing, and of their growth—then we shall have done a great job as parliamentarians.

It is important that the parliamentarians should fight against executive and administrative assaults on their status and style of working as members of Parliament. We should not feel in despair that, as members of Parliament, we sometimes, or perhaps often, are functioning merely as cogs in a giant wheel of the State machinery. We should certainly make our roles more creative and more crucial. For that, there is an urgent need to build a variety of bridges between national Parliaments and the UN system. And here the individual initiative of a member of Parliament can be both pivotal and pointed. The difficulties are, however, many. One is obviously, that members of Parliament are committed in terms of electoral loyalty first and last and perhaps all the time to their constituents. But the constituents are committed not only to members of Parliament but also to certain basic ideals for which that democracy or that polity stands. On the other hand, we must not be unmindful of the difficulty that, by the very nature of things, and for obvious political reasons, no less than for our own survival as

parliamentarians, we tend to concentrate on domestic issues and home politics.

While campaigning in Ahmedabad, in my constituency, both in 1972 and again last year, after the end of the era of emergency, when I asked for a vote for the seat in the national Parliament, the constituents, particularly housewives, would often come out and exclaim: "Oh, you have come for a vote. But I see you only once in five years". I said: "Thank God that at least once in five years I have to come to you. There are systems where I do not have to come to you at all." They asked me, talking about the Parliament of India—and also about foreign policy, United Nations, etc.—"But what about the tap in my house or on my farm, where the water is not flowing? What are they going to do with that? That is more important than the United Nations system". Fortunately, I could give a ready answer. I replied: "Yes, you are right, there is no water because the dam in a neighbourhood region where the waters of the mighty river Narmada flow, in South Gujarat, is not yet made, and it can be made only if we get certain national agreements and clearances, and that is possible further if we get substantial assistance from certain United Nations Agencies, and if all that takes place, then the dams will be built, water will be available and it will eventually flow into this house or that farm. Now, will you not vote for me to say this in Parliament?" And, I got more than one vote. That is how it happens. So, sometimes one has to make the point relevant to the constituent at that level.

The second difficulty obviously is that members of Parliament and constituents seem to be interested and involved more in those world issues which have a bearing on certain national or emotive events and thus have considerable appeal.

So, if parliamentarians take upon themselves, willingly and voluntarily, the task of educating their voters to becoming world citizens of tomorrow, then a member's performance inside and outside Parliament and its several committees and groups would reflect an increasing relevance to the UN system. With that in view I would like to make the following suggestions:

Firstly, much depends upon parliamentarians' own homework—hard, honest, systematized work, for, as the saying goes—'you can take a horse to water, but you cannot make him drink';

Secondly, an annual survey of world events and trends, as viewed from inside, and in the context of the national endeavour, must be made available to the Parliaments of the respective countries and that there should be a one-day or two-day debate on them in every Parliament. That will bring into focus the interest of the countries concerned in the UN system and more members of Parliament can then take legislative interest in that.

Thirdly, parliamentarians of all shades of opinion, including Independents occasionally, should be appointed to the General Assembly delegations and other UN committees.

Fourthly, the appointments, nominations, selections, etc. of the members of Parliament to various UN bodies,—either made by the Speaker of the House, or the President of the Chamber, or by the Government—should not be based only on party considerations, and much less on political patronage. It must be based on the individual merits of the members of Parliament concerned. If that is so, I am quite sure that it will add to the quality of the performance of parliamentarians in the world bodies.

Fifthly, there should be a free flow of literature. A document and library service, which enables parliamentarians to obtain news and views about significant international activities, should be continuously available in every Parliament.

Sixthly, groups of select and concerned UN and Specialized Agencies officials might visit important regional centres for short-duration exchanges and seminars with parliamentarians, so that a direct dialogue between parliamentarians and experts working in the various fields of the UN system can take place.

Lastly, the parliamentarians should explore the possibilities of—and sooner or later implement—the formation of a UN study group or a Committee on UN affairs. That Committee should comprise interested and knowledgeable members of Parliament who will go ahead with propagating the UN system. Members of Parliament who go to meetings as members of delegations or as individuals might report back to this Committee, and the Government also could use it for feeding information to the Parliament on various matters connected with the UN system. Moreover, individual or small groups of parliamentarians might visit, at regular intervals, the various UN Agencies and centres, to be arranged and financed by Governments. Also, exchanges of views must take place between world-minded parliamentarians, through correspondence and news bulletins.

The role of Inter-Parliamentary Union as a kind of feeding and feed-back centre between Parliaments on the one side and UN system on the other would be tremendously important. Already, the IPU has taken many steps in the right direction in formulation, articulation and assertion of public opinion—national and international—through parliamentarians' own education and participation in its various conferences and symposia

The various UN offices in the respective capitals do not seem to be taking the Parliaments of those capitals, and the members of Parliament of those capitals, into their confidence. I am sure there is no harm if there is a better rapport established between the UN Information Centres and various other UN offices in the capitals with the members of Parliament, even without the active interest and/or help from the Governments. It is not a question of going above the Government, or over the shoulders of Government.

I am quite confident that the UN Information Centres and Agencies can feed us very well, not with tons of literature, but with ounces of information which we need readily for an answer, or a question, or a point to be made in this or that debate in Parliament. And in that respect we will also have to explore further as to what are our roles, as members of Parliament, inside Parliament and within our national frontiers, to make the UN system appear more effective.

In a country like India—and that is true of many developing countries—there are programmes of family planning, better rural and urban centres of health, malaria eradication, tuberculosis eradication, an adult education programme, environment programme, pollution removal, agriculture, irrigation, forestry, in short, general welfare of the people, not merely physical and material welfare of the people but the welfare of the people with a view to adding to the quality of life of the peoples concerned; if these are all areas with which we are concerned, within the country, surely the UN and Agencies of the UN are also concerned with these activities and we can make them look very relevant. But here again the quality of MPs is important. By quality I mean the skill, the capability and the contribution of the member of Parliament in making his role, within the country and within the international system, more meaningful and purposeful.

The situation and conditions obtaining today undoubtedly are of a somewhat depressing character: Parliaments and parliamentarians do not seem to be taking much interest in what is happening in the United Nations and the UN system. But I am an eternal optimist, and not one who will easily give in because there are problems and difficulties. After all, we must accept the supreme challenge of becoming world citizens, as architects of a brave, new world, in which our role, as members of Parliament, is both crucial and creative. Finally, the whole basis of the UN system, the whole basis of one world community, with all the diversity kept intact, is, in many ways, a moral, an ethical and spiritual challenge and, if we do not take that challenge to the mundane considerations of our constituents and the various Parliaments, I am afraid we shall have failed in our duty, not only to ourselves and to our Parliament, but even to the idea of one world and the UN system.\*

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\*This article is based on the author's paper presented to, and his participation in the Vth Inter-Parliamentary Symposium on "Parliaments and the United Nations" organised by the Inter-Parliamentary Union, at the International Labour Office, Geneva, on April 27 to 29, 1978.

## ‘MOTIONS’ AND ‘RESOLUTIONS’ IN PARLIAMENTARY PROCEDURE\*

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### I. MOTIONS

#### *Introductory*

The term “Motion” in its wide sense means any proposal made for the purpose of eliciting a decision of the House.<sup>1</sup> One of the main duties of the House is to ascertain its own will in regard to various matters, and for this purpose every question to be decided by the House must be proposed by a member in the form of a motion. Motions are, in fact, the basis of all parliamentary proceedings.<sup>2</sup>

The form in which a motion is put to the vote of the House, according to modern practice, is initiated by the mover of the motion. After the motion has been moved, members speak within the ambit of the terms of the motion, and later, unless the mover withdraws it, the House rejects the motion or adopts it *in toto* or with specific amendments, if any<sup>3</sup>.

A debate on a motion involves three stages, *viz.*, the making of a motion, the proposing of a question and the vote on the question. The mover of a motion frames it in a form in which he wishes it ultimately to be passed by the House and on which a vote of the House can conveniently be taken. Following this reasoning, members who wish the motion to be

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\*Contributed by the Lok Sabha Secretariat.

<sup>1</sup>MAY, ERSKINE: *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, Nineteenth Edition; London, Butterworths, 1976, p. 365.

<sup>2</sup>GORDON, S: *Our Parliament* (4th ed.), London, 1952 p. 96 and Kilpin, R: *Parliamentary Procedure in South Africa* (3rd ed.), Johannesburg, 1955, p. 59.

<sup>3</sup>KAUL, M. N., SHAKDHER, S. L.: *Practice and Procedure of Parliament*, 1972, p. 568. Also see May, *op. cit.*, pp. 364, 373 and 375.

passed in a different form must move amendments after the original motion has been proposed by the Speaker and such amendments must also be in the form in which the motion as amended can be passed by the House and must, therefore, be relevant to the subject-matter of the main motion.<sup>4</sup>

Every matter is determined in the House by means of a question put from the Chair on a motion made by a member and resolved in the affirmative or negative as the case may be. The question must repeat the terms of the motion and must be so framed as to be capable of expressing a decision of the House. The interval between the proposing and the putting of the question, which is normally used for discussion, gives an opportunity for further proceedings, such as the moving of an amendment. An amendment cannot be moved which has merely the effect of a negative vote. An amendment may either be used to effect an alteration to the question before the House or to present to the House a different proposition as an alternative to the original question. This may give rise to a subsidiary debate, with its own question and decision, within the principal debate. At the end of the process when the question or the main question is put, the decision of the House is registered.<sup>5</sup>

*Main Provisions relating to Motions in the Rules of Procedure and Conduct of Business in Lok Sabha*

Rule 184 provides that 'Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Speaker'. Notice of a motion, like any other notice, is given in writing addressed to the Secretary (Rule 185). No period of notice of such motions has been prescribed. Notices of motions are accepted from the date following the date of issue of Summons for a session. Notices received within fifteen days after the date of issue of Summons for a session are deemed to be received on the fifteenth day after the date of issue of Summons and their *inter se* priority in respect of the same subject is determined by ballot. The priority of notices received thereafter is determined according to the date and time of receipt<sup>6</sup>.

<sup>4</sup>CAMPION, LORD: *An introduction to the Procedure of the House of Commons*, London, 1958, p. 20 and *Practice and Procedure of Parliament*, *op. cit.*, p. 569. Also see Rule 344.

<sup>5</sup>*Rules of Procedure and Conduct of Business in Lok Sabha* (6th ed), 1977, Rules 344(2) and 364-367. Also May, *op. cit.*, pp. 364, 387 and Kilpin, *op. cit.*, pp. 62-63.

<sup>6</sup>Lok Sabha Secretariat: *No-Day-Yet Named Motion* November, 1977, p. 1.

All motions, notices of which are received in the Lok Sabha Secretariat under the Rules, may be classified under the following categories, namely, (i) Substantive Motions, (ii) Substitute Motions and (iii) Subsidiary Motions which are further divided into (a) Ancillary Motions, (b) Superseding Motions and (c) Amendments<sup>7</sup>.

A substantive motion is a self-contained independent proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House, e.g., all resolutions are substantive motions<sup>8</sup>.

Motions moved in substitution of the original motion for taking into consideration a policy or situation or statement or any other matter are called substitute motions. Such motions, though drafted in such a way as to be capable of expressing an opinion by themselves, are not strictly speaking substantive motions inasmuch as they depend upon the original motion.<sup>9</sup>

Subsidiary Motions depend upon or relate to other motions or follow upon some proceedings in the House. They by themselves have no meaning and are not capable of stating the decision of the House without reference to the original motion or proceedings of the House<sup>10</sup>.

Ancillary Motions are motions which are recognized by the practice of the House as the regular way of proceeding with various kinds of business. The following are the examples of ancillary motions, namely (i) that the Bill be taken into consideration, and (ii) that the Bill be passed.<sup>11</sup>

Superseding Motions are motions which, though independent in form, are moved in the course of debate on another question and seek to supersede that question. In that class fall all the dilatory motions. The following motions are superseding motions in relation to the motion for taking into consideration a Bill: (i) That the Bill be re-committed to a Select Committee of the House or to a Joint Committee of the Houses, (ii) That the Bill be re-circulated for eliciting further opinion thereon and (iii) that consideration of the Bill or the debate on the Bill be adjourned *sine die* or to some future date.<sup>12</sup>

<sup>7</sup>Directions by the Speaker, Lok Sabha, Third Edition, 1977, Direction 41(1).

<sup>8</sup>Ibid., Direction 41(2) (i)

<sup>9</sup>Ibid., Direction 41(2) (ii)

<sup>10</sup>Ibid., Direction 41(2) (iii)

<sup>11</sup>Ibid., Direction 41(2) (iii) (a)

<sup>12</sup>Ibid., Direction 41(2) (iii) (b)



Amendments are subsidiary motions which interpose a new process of question and decision between the main question and its decision. Amendments may be to the clause of a Bill, to a resolution or to a motion, or to an amendment to a clause of a Bill, resolution or motion.<sup>13</sup>

In order that a motion may be admissible it should satisfy the following conditions, namely:-

“It should—raise substantially one definite issue; contain no arguments, inferences, ironical expressions, imputations or defamatory statements; avoid reference to the conduct or character of persons except in their public capacity; be restricted to a matter of recent occurrence; raise no question of privilege; revive no discussion of a matter which has been discussed in the same session; anticipate no discussion of a matter which is likely to be discussed in the same session and not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India Rule 186).”

Likewise, no motion which seeks to raise discussion on a matter pending before a statutory tribunal or statutory authority performing judicial or quasi-judicial functions or a commission or court of inquiry is ordinarily permitted to be moved, although the Speaker may, in his discretion, allow such matter being raised as is concerned with the procedure or subject or stage of inquiry, if he is satisfied that it is not likely to prejudice the consideration of such matter by the judicial authority concerned (Rule 188).

A motion or a part thereof may be disallowed by the Speaker if in his opinion it is an abuse of the right of moving a motion or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of the Rules (Rule 187). The Speaker has the inherent power to rule out a motion at any time before it is voted upon on the ground that it involves an abuse of the forms and procedure of the House.<sup>14</sup>

The general rule regarding motions is that a motion must not raise a question substantially identical with the one on which the House has already given a decision in the same session (Rule 338).

Although no particular form has been prescribed, motions for raising discussion on matters of general public interest are usually tabled in two forms: under the first form the House takes note of a document laid on the Table, while under the second, the position regarding a specific matter is taken into consideration by the House. The first form of motion is

<sup>13</sup>*Ibid.*, Direction 41(2) (iii) (c)

<sup>14</sup>*L.A. Deb.*, 11-4-1929, pp. 2989-91; *L.S. Deb.*, 23-3-1968, cc. 2693-2710,

generally used in respect of a motion which seeks to discuss a report or a statement etc., laid on the Table. The motion in this form is a non-committal substantive motion, and is submitted to the vote of the House at the end of discussion and amendments can be moved thereto, approving or disapproving of the report etc.<sup>15</sup> The second form of motion is generally used when a policy or situation or statement or any other matter is to be taken into consideration. The motion in this form is not submitted to the vote of the House and at close of the debate no further question is put. However, if a member has moved a substantive motion in substitution of the original motion duly admitted by the Speaker, the vote of the House thereon is taken (Rule 342)./

If the Speaker admits notice of a motion and no date is fixed for its discussion, it is called a 'No-Day-Yet-Named Motion'. Admitted notices of such motions are placed from time to time before the Business Advisory Committee who select notices according to the urgency and importance of the subject-matter thereof and recommends allotment of time for discussion of the same<sup>16</sup>.

Normally, a motion once admitted by the Speaker and included in the List of Business is not changed. However, on objections being taken to certain portions of a motion as listed in the order paper, the Speaker may rule out the portions of the motion which are held out of order<sup>17</sup>.

As regards the discussion of a motion, the following procedure is followed. On being called by the Speaker, the member in whose name the motion stands on the List of Business formally moves the motion and makes his speech. Thereafter, the Speaker places the motion before the House. Amendments or substitute motions, as the case may be, if any, are then moved by members and discussion follows. After the members and the Minister concerned have participated in the debate, the mover of the motion may speak again by way of reply. The amendments and substitute motions, if any, are put to vote of the House and disposed of, after which the main motion may be put to vote. If the motion is adopted by the House, it is transmitted to the Minister concerned<sup>18</sup>.

A Member who has made a motion can withdraw it only by leave of the House. The leave is signified not upon question but by the Speaker taking the pleasure of the House. If any dissentient voice is heard or a

<sup>15</sup>*Practice and Procedure of Parliament*, op. cit., p. 579 and L.S. Deb., 12-3-1965; cc. 4062-63; 12-8-1967, cc. 19253-54; 3-9-1959, cc. 6135-36.

<sup>16</sup>*No-Day-Yet-Named Motions*, op. cit., p. 2

<sup>17</sup>L.S. Deb., 4-8-1977, cc. 314-15.

<sup>18</sup>See Rules 358, 359, 362 and 363. Also see *Practice and Procedure of Parliament*, op. cit., pp. 582-83.

Member rises to continue the debate, the Speaker forthwith puts the motion (Rule 339).

## II. RESOLUTIONS

According to Erskine May, every question, when agreed to, assumes the form either of an order or of a resolution of the House. One or the other of these terms is applied in the records of the House to every motion which has been agreed to, and the application of the term is carefully regulated with reference to the content of the motion. By its orders the House directs its committees, its members, its officers, the order of its own proceedings and the acts of all persons whom they concern; by its resolutions the House declares its own opinions and purposes<sup>19</sup>.

### *Main Provisions relating to Resolutions in the Rules of Procedure and Conduct of Business in Lok Sabha*

Rule 172 provides that subject to the provisions of the rules, a Member or a Minister may move a resolution relating to a matter of general public interest. A resolution may be in the form of a declaration of opinion, or a recommendation, or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government, or convey a message; or commend, urge or request an action; or call attention to a matter or situation for consideration by Government; or in such other form as the Speaker may consider appropriate (Rule 171).

In order that a resolution may be admissible, it should:

be clearly and precisely expressed; raise substantially one definite issue; contain no arguments, inferences, ironical expressions, imputations or defamatory statements; not refer to the conduct or character of persons except in their official or public capacity; not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India; not seek to raise any discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of inquiry appointed to inquire into, or investigate, any matter (however, the Speaker may, in his discretion, allow such matter to be raised in the House as is concerned with the procedure or subject or stage of inquiry, if he is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission, or court of inquiry); not relate to a matter which is under consideration of a parliamentary committee (it is permissible only after submission

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<sup>19</sup>May, *op. cit.*, p. 382.

of the report by the committee); and make no reference to any matter where no ministerial responsibility is involved.<sup>20</sup>

After a resolution has been moved in the House no resolution raising substantially the same question can be moved within one year from the date of the moving of the earlier resolution. If a resolution has been withdrawn or is deemed to be withdrawn with the leave of the House, no resolution raising substantially the same question can be moved during the same session (Rule 182).

A resolution based on presumptions, or hypothetical in character, is inadmissible<sup>21</sup>. The Speaker decides whether a resolution or a part thereof is or is not admissible under the Rules and may disallow any resolution or a part thereof when in his opinion it is an abuse of the right of moving a resolution or calculated to obstruct or prejudicially affect the procedure of the House, or is in contravention of the Rules (Rule 174).

#### *Private Members' Resolutions*

A Member other than a Minister who wishes to move a resolution on a day allotted for private members' resolutions is required to give a notice to that effect at least two days before the date of ballot. The names of all members from whom such notices are received are balloted and those members who secure the first three places in the ballot for the day allotted for private members' resolutions are eligible to give notice of one resolution each within two days after the date of the ballot (Rule 170). These resolutions, if admitted, are put down in the List of Business. A separate ballot is held for each day allotted for private members' resolutions (Rule 28 and Direction 9).

The last two and a half hours of a sitting on every alternate Friday starting from the second Friday of the session are accordingly allotted for the discussion of private members' resolutions. Time for the discussion of individual resolutions included in the List of Business for an allotted day is recommended by the Committee on Private Members' Bills and Resolutions. If a sitting of the Committee cannot be held for any reason, time is allotted by the House itself on the day when the resolutions are to be taken up. The maximum time-limit for the discussion of a private member's resolution is four hours.<sup>22</sup>

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<sup>20</sup>Rules 173 and 175. Also see *Practice and Procedure of Parliament*, op. cit., p. 556.

<sup>21</sup>*Practice and Procedure, of Parliament*, op. cit., p. 557.

<sup>22</sup>Rules 26 and 294 (1) (e), *Sixth Report of the Committee on Private Members' Bills* (First Lok Sabha) and L. S. Deb., 17-4-1954 (II), cc. 4987-88  
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In accordance with the allocation of time order, the Speaker, at the appointed hour, puts every question necessary to dispose of all the outstanding matters in connection with the completion of a particular stage of a resolution (Rule 297).

### *Government Resolutions*

Though no period of notice has been prescribed for Government resolutions, in actual practice Ministers give notices of their resolutions several days in advance of the date on which the item is proposed to be included in the List of Business. After a resolution of which a notice is given by a Minister has been admitted by the Speaker, it is published in the Bulletin. Time for discussion of a Government resolution is allotted by the House on the recommendation of the Business Advisory Committee.<sup>23</sup> The resolution may be moved by the Minister in charge or, in his absence, by any other Minister on his behalf.

A joint discussion may take place on a Government resolution and a motion for consideration of a Government Bill.<sup>24</sup>

The three broad categories under which Government resolutions may be classified are:<sup>25</sup>

*Resolutions approving international treaties, conventions or agreements to which the Government is a party:* Resolutions for this purpose are occasionally tabled by Ministers seeking approval of Lok Sabha to the conventions or its recommendation, or for ratification of conventions or agreements by the Government of India.

*Resolutions declaring or approving certain policies of the Government:* A Government resolution may seek to record approval of the House to an act or policy of the Government. Resolutions seeking approval of the House to the principles, objectives and programmes of development contained in the Five Year Plans of Government have, for instance, been brought before the House and adopted.

Similarly, resolutions expressing reaction of the Government towards incidents in the international field have also been brought before the House and adopted.

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<sup>23</sup>Rule 288. See also *Thirty seventh and Thirtyninth Reports of the Business Advisory Committee* (Second Lok Sabha) adopted by Lok Sabha on 18-4-1959 and 4-8-1959 respectively.

<sup>24</sup>There was a combined discussion on the Government resolution regarding Official Languages and the motion for consideration of the Official Languages (Amendment) Bill—*L.S. Deb.*, 7-12-1967, cc. 5419-5534 8-12-1967, cc. 5753-98; 11-12-1967, cc. 6048-6195; 12-12-1967, cc. 6329-6426 and 13-12-1967, cc. 6609-6721.

<sup>25</sup>*Practice and Procedure of Parliament, op. cit.*, 563-5.

*Resolutions approving recommendations of certain committees:* Sometimes resolutions are brought forward by the Government to take the approval of the House to the recommendations contained in the reports of certain committees.

### *Statutory Resolutions*

Resolutions tabled 'in pursuance of a provision in the Constitution or an Act of Parliament' are termed statutory resolutions. Notice of such resolutions may be given either by a Minister or by a private member.<sup>26</sup> Certain enactments, however, expressly require the Government to bring forward a resolution within a specified period of time. There is no particular period of notice for moving a statutory resolution unless the period itself is prescribed in the particular article of the Constitution or in the section of the statute under which it is tabled.<sup>27</sup> A statutory resolution, after it has been admitted by the Speaker, is published in the Bulletin, under the heading 'Statutory Resolution' for information of the members. Time for discussion of a statutory resolution is provided by the Government from the time allocated for Government business. The allocation of time for each such resolution is made by the House on the recommendation of the Business Advisory Committee which after considering the state of business in the House and the importance of the resolution recommends the time necessary for discussion of the resolution.<sup>28</sup>

A copy of every resolution which has been passed by the House is required to be forwarded to the Minister concerned (Rule 183).

As regards the force of resolutions passed, they may broadly be divided into three categories.

*Resolutions which are mere expression of opinion by the House:* Since the purpose of such resolutions is merely to obtain an expression of opinion of the House, the Government is not bound, as convention has it, to give effect to opinions expressed in these resolutions. It entirely rests on the discretion of the Government whether or not to take action suggested in such resolutions<sup>29</sup>.

*Resolutions which have statutory effect:* The notice of a statutory resolution is given in pursuance of a provision in the Constitution

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<sup>26</sup>Rule 172 and Direction 9(8).

<sup>27</sup>For example articles 61, 67, 90 and 94 of the Constitution provide for at least 14 days' notice.

<sup>28</sup>Direction 9(B) (2) and *Thirty-ninth Report of the Business Advisory Committee* (Second Lok Sabha).

<sup>29</sup>Rule 171, *inter-alia*, stated that a resolution may be in the form of a declaration of opinion. Also See *Madras Legislative Council Debates*, July 31, 1953.

or an Act of Parliament. Such a resolution, if adopted, is binding on the Government and has the force of law<sup>30</sup>.

*Resolutions which the House passes in the matter of control over its own proceedings:* A resolution of the House in the matter of control over its own proceedings has the force of an order. The House by such resolution evolves, sometimes, its own procedure to meet a situation not specifically provided for in its Rules<sup>31</sup>.

To conclude, the points of distinction between a motion and a resolution are as follows:—

- (i) While all resolutions are substantive motions, a motion need not necessarily be substantive.
- (ii) A substitute motion is not to be moved to a substantive motion. As such, a substitute motion is not moved to a resolution. On the other hand, substitute motions can be moved to a motion which is not substantive.
- (iii) The form of the motion usually starts with the word "That....." The resolution, however, need not start with "That....." and its usual wordings are "This House...."

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<sup>30</sup>For example, notice given in pursuance of articles 61(4), 67(b), 123(2) and 356(3) of the Constitution.

<sup>31</sup>See for instances L.S. Deb., 25-9-1951 and 15-7-1957.

## THE QUESTION AND CALLING ATTENTION COMMITTEE OF THE BIHAR LEGISLATIVE ASSEMBLY

JITENDRA NARAYAN SINGH

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The Question and Calling Attention Committee is an innovation of the Bihar Legislative Assembly. The number of questions that may be asked by a member in the Assembly is two per day according to rules. It was generally observed for some time that during the Question Hour and in response to Calling Attention Notices, the Government was not prompt enough in furnishing the replies in full. Sometimes the correctness of the reply given to the Government was also challenged by members. The members were also at times not satisfied with the attitude of the Government.

On June 9 1971 seventy-seven questions were listed to be answered by the Ministers of the different Departments of the Bihar Government; but the answers of only seven questions were supplied by the Departments. Members of the Opposition were not happy with this situation and took serious note of it. Shri Dhanik Lal Mandal, MLA and a former Speaker suggested to the Chair to constitute a standing committee of the House to look into the matter so that it may not be repeated in future.

On June 10, 1971, the Speaker (Shri Ram Narain Mandal) declared in the House the constitution of a standing committee of the House, known as the Questions Committee consisting of five members to be nominated by him, and with the Deputy Speaker as the Chairman. In 1974, this Committee was renamed the "Question and Calling Attention Committee" and matters of Calling Attention Notices were also brought within its purview, as it was felt that the replies made in response to the Calling Attention Notices were also generally not very satisfactory.



The main function of the Committee is to examine the questions and Calling Attention Notices, referred to it by the Speaker from time to time and submit reports to the House on the following:—

- (i) Replies to the questions and Calling Attention Notices referred to it by the Speaker in case the members are not satisfied with the replies of the government;
- (ii) Matters relating to the questions and Calling Attention Notices, replies to which are not given by the Government, or are not given *in time*, or when given, they are not complete;
- (iii) Matters relating to the replies to the questions and Calling Attention Notices in case the member challenges the replies and any other matter arising out of the aforesaid matters.

The Committee at present consists of thirty-two members all of whom are nominated by the Speaker. The method of nomination secures seats for all political parties. No member of the Council of Ministers is nominated as member of the Committee and if a member after nomination to the Committee is appointed a Minister, he ceases to be a member of the Committee on such appointment. The Chairman of the Committee is appointed by the Speaker from amongst the members of the Committee, provided that if the Deputy Speaker happens to be a member of the Committee, he is appointed its Chairman. During the period from 1971 to 1976-77, the Deputy Speaker was the Chairman of this Committee. But after the Seventh General Election to the Legislative Assembly in March 1977, Shri Chaturbhuj Prasad Singh, M.L.A. has been appointed as Chairman.

The Committee has been given the power to appoint Sub-Committees to examine matters that may be referred to it by the Speaker. There are at present two Sub-Committees. According to convention, the reports of a Sub-Committee "shall be deemed to be the reports of the whole Committee", if they are approved at a sitting of the main Committee.

Till March 31, 1978, the Speaker referred 67 Questions and Calling Attention Notices to this Committee for examination and report. The following table will indicate the number of sittings of the Committee and the Reports presented by it to the House in different years:

Year	No. of sittings	No. of report presented
1971	13	—
1972	13	—
1973	8	16
1974	4	11
1975	8	4
1976	8	9
1977	6	5
1978	12	1
<b>TOTAL</b>	<b>72</b>	<b>46</b>

How effective this new device for executive accountability to the Legislature has been is evident from the speech of Shri Shakoor Ahmad, Deputy Speaker of the Bihar Legislative Assembly during the discussions at the Twentieth Commonwealth Parliamentary Conference held at Colombo in 1974. He said:

“If Ministers are terribly afraid of any Committee of the House, it is this Committee. Whenever the House is not satisfied with the replies given by any Minister and there is some grave mis-giving in the minds of the majority of Members about any action of the Government or officers of the Bihar Government, and if the House has a feeling that the Government is either trying to shield any officer or is not prepared to take the House into confidence, Members from all sections including those who belong to the party in power, begin to press the Chair to send the particular subject to the Questions Committee and such a suggestion in grave matters is accepted by the Speaker. The Committee calls for the files of the different departments concerned and also summons its top officers for examination. After going into the matter thoroughly, the Committee prepares a report and submits the same to the House, when it is sitting, or to the Speaker, when the House is not in session. The reports have been unanimous although members with different party labels and ideologies are members of the Committee and it has been our pleasant experience that the Government, by and large, has accepted the recommendations of this Committee. This Committee has been functioning for the last four years. In my opinion, this is also a very good way of extracting information for the Members.”

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## PARLIAMENTARY EVENTS AND ACTIVITIES

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ADDRESS BY SHRI K. S. HEGDE AT THE CONFERENCE OF PRESIDING OFFICERS  
HELD AT JAIPUR ON THE 21ST OCTOBER, 1978\*

When we met last the country had recently emerged from a traumatic experience. The clouds had lifted and the people had re-own their freedom. There is, I strongly believe, an inner principle of morality in Nature, call it by whatever name you will, which asserts itself and ultimately prevails over the shrewdest of human calculations. It was, however, no hour for simple rejoicing, as I said then; rather it was a moment for anxious thought, to find ways and means for preserving and consolidating that freedom. As one looks back at the events of the last one year and more, one cannot help confessing to a mixed feeling—of some satisfaction and also of some sorrow.

It is a matter of satisfaction that effective steps have been taken to undo the excesses and reaffirm the primacy of the rule of law in our public life.

But then all the developments in the country cannot be viewed with the same satisfaction. We as a people must have a sense of history. Nations, as individuals, cannot forget their past. Our yesterdays must provide the manure for the harvests of the morrow. Unless we perceive the significance of the present moment in relation to what has been, and act up to our obligations and responsibilities, we shall be failing to discharge the trust reposed in us by the people.

Democracy is not a mere game of numbers; nor is it a simple art of tension-management. Only a politics of principles, not of arithmetic, can in the final analysis sustain the democratic order. In our public, as

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\**Edited version.*

in personal life we must live by, and live for, the ideals which have sustained us as a nation. We must transcend above ourselves and reach to a state of true freedom where one finds personal fulfilment in the happiness of all. That is the true basis of the democratic order. Implicit in the democratic system is a common commitment to its substantive goal, which is the well-being of the common man. The common man must occupy the centre of the stage in our national preoccupations. He cannot be asked to wait indefinitely in the wings. If we lose sight of this central goal, all the artefacts of democracy would be unavailing.

Our Legislatures cannot be a scoring board to register merely party gains or personal victories. They are, on the other hand, the proving ground for the fulfilment of the promises and pledges given to the people. Our Legislatures must grow in purposiveness. The rules and procedures in our Legislatures must be such as to help the legislators discharge their duty by the people. The search for better practices and procedures to provide reasonable opportunities to a private member to bring up important matters and to help our Legislatures play an effective role in the oversight of the administration as the guardian of the public interest assumes its significance in this context. It is an unceasing search in which all of us have to be continually engaged in order to find reasonable and acceptable solutions. We must find out ways and methods to safeguard the supremacy of the Legislatures and through them the supremacy of the people in general.

While the legislative floor has to be available to Members from all sections of the House to voice their viewpoints, the business within our Legislatures ought not to take on the character of mere adversary proceedings. While it is understandable that Members may be exercised and feelings run high on occasions, there should be no room for acrimony, and things should never be allowed to get beyond the bounds of reason or decorum. Disorder of any sort is a cause for concern. It undermines the sense of respect for the representative institution and impairs its credibility with the people. The matter has in fact been engaging our attention in my periodic meetings with Leaders of Parties and Groups in our House.

It is obvious that there would be less occasion for disorder and better utilisation of available floor time if only all the parties and groups followed in letter and spirit the Rules of Procedure and Directions and extended whole-hearted cooperation to the Chair in enforcing them. If Members observe the basic rule of not raising matters except with prior notice and consent of the Speaker as laid down in the Rules, focus attention on the main issues while intervening in the House and avoid raising of unnecessary points of order, we could put the time of the House to fuller use.

in the service of the people. The subject has been put down in the agenda of this Conference and I am looking forward to your view-points and suggestions.

Let me now proceed to the customary survey of procedural and other developments at the Centre since we met last at Bhubaneshwar in January this year.

On the opening day of the Monsoon Session when I allowed the Leader of the Opposition to address a query to the Ministers who had then recently resigned, several Members rose on points of order to contend that it was at the discretion of the Ministers who had resigned to make statements under Rule 199 and that other Members had no *locus standi* to demand a statement from such Ministers. Ruling out the points of order I held "every rule implies within itself certain implications and one of the implications is that if there is a privilege on the part of a person to make a statement, it was open to other members to request him to exercise that privilege. It is up to him to exercise or not to exercise it."

The List of Business for August 17 contained an entry regarding a statement under Rule 199 to be made by the former Minister of Health in explanation of his resignation from the Cabinet. After the Question Hour, when I announced in the House that the ex-Minister would not be making the statement, a number of Members rose on points of order. I ruled out the points of order observing—

"I have not found any rule, nor any principle of law, under which a Member can be compelled to make a statement, Whether to make a statement or not is in the discretion of the Member. The Speaker has no power to compel any Member to make a statement. . . ."

Subsequently, during the same session, when the ex-Minister of Health wrote to me that he desired to make his statement under Rule 199 and the item was included in the List of Business for August 24, several Members raised objection on that day about allowing the former Minister to make the statement so late, especially when he had not availed of the opportunity given to him earlier to make the statement. I allowed the statement to be made, observing that—

"It has been well-accepted in the British Parliament as well as in this country that whenever a Minister resigns either voluntarily or at the request of the Prime Minister it will entitle him to make a statement in the House."

After the ex-Minister's statement, the Prime Minister also made a statement pertinent thereto.

The Question Hour, as you all know, is a potential instrument in the hands of the Members for the control of the Executive and the question of making optimum use of it has been engaging the attention of the Chair all along. As things stood, in view of the habit that has developed in asking a large number of supplementaries on every question, although twenty questions are listed for oral answer every day, hardly a few of them are covered. This has been worrying me too. In fact, soon after I took over as Speaker, appealing to the Members from the Chair, I reminded them how the role of a Member of Parliament during Question Hour was very important and we had to enlarge the scope of that role and make it more effective. I pointed out how if we all cooperated in being brief and pointed during the Question Hour, we would not only be able to cover a large number of questions thereby affording opportunity to more Members, but also better subserve the purpose of focussing light during the Question Hour on matters of real public importance.

In March this year, I followed this up with a circular letter to Members recalling the above observations. We are now considering in the Rules Committee a number of proposals to make the Question Hour more effective and useful as an instrument for calling the executive to account and to ensure that full and correct information is given in response to questions.

On July 19, after the Minister of State for Finance laid on the Table a copy of the Smugglers and Foreign Exchange Manipulators (Appellate Tribunal for Forfeited Property) Rules, 1977, published in the Gazette of India of February 18, 1977, a Member made a submission that the Minister should be asked to explain the delay in laying the Rules. On being asked to explain the reasons for delay, the Minister stated that he would submit the explanation on the next day. I pointed out that under the Rules the explanation regarding the reasons for delay should be laid on the Table along with the document itself and, as such, I would refer the case to the concerned Committee. Later, when a communication was received to the effect that the Minister would make the statement on the following day explaining the reasons for delay in laying the aforesaid Rules on the Table, I did not permit the Minister to make the proposed statement and the matter was referred to the Committee on Subordinate Legislation.

Adjournment motion is a procedure readily resorted to by Members to claim the attention of the House on any matter which they wish to raise. During the last Budget Session the Leader of the Opposition gave notice of an adjournment motion to discuss the "conduct of the Minister for External Affairs in violating the oath of secrecy by his announcement at two public meetings alleging a secret understanding between Mr. Bhutto

and the former Prime Minister and claiming in his speech in the House on April 18 that this information was from official documents he came into contact within his capacity as the Minister."

In the ruling which I gave on April 20, I pointed out that the oath of secrecy provided in the Constitution forbade a Minister from disclosing information made available to him or which became known to him, except as might be required for the due discharge of his duties as such Minister. The oath, therefore, was not a blanket one but subject to the important qualification that a Minister could disclose the information gathered by him as Minister if it became necessary for him in the due discharge of his duties as a Minister. The question whether a particular disclosure made by a Minister was required for the discharge of his duties as such Minister, was a very difficult one to decide, and there could always be difference of opinion. So long as the Speaker was not in a position to say that the disclosure made was not required for the due discharge of duties of the Minister concerned, it was not possible to hold that there was breach of any constitutional provisions.

As for the aspect of its urgency, I ruled that even though the question raised was no doubt a matter of public importance, I was unable to hold that it was a matter of such urgent public importance as to warrant disrupting the listed business of the House. The occasion must be of such a character that something very grave, something which affected the whole country, its safety and its interest had happened that the House must pay its attention immediately. Adjournment of listed business was a serious thing, which it was wrong to resort to except under exceptional circumstances. On these grounds I withheld consent to the adjournment motion.

I may refer here to another interesting development connected with the statement. When the Minister of External Affairs made the aforesaid statement in the House alluding to a secret understanding between Mr. Bhutto and the former Prime Minister, several Members citing Lok Sabha Rules 368 and 370, demanded that the Minister should lay on the Table of the House the documents on which he relied.

In the ruling which I delivered subsequently I held the demand for laying of documents unsustainable. Before Rule 368 could come into operation, I pointed out, the Minister must have quoted in the House a despatch or other State paper, while in the instant case, he had not done so. As for Rule 370, I held that for it to be attracted the condition precedent was that the Minister must have disclosed the advice or the opinion given to him by any officer of the Government or any other person or authority, while in the case on hand the Minister had not disclosed any advice or opinion given to him by any one but only relied on his own conclusions

drawn from various sources including certain documents as well as talks he had with several persons. Hence Rule 370 was also not attracted.

In conclusion I drew attention to the fact that it had been consistently held in the past that it was for the Government or the concerned Minister to decide whether it was in the public interest or not to place any particular document on the Table.

In another instance, while speaking on the Finance Bill during the last Budget Session a Member quoted from a document purporting to be a copy of Report of a Working Group on Shipyard at Haldia and sought to lay it on the Table. The Chair told the Member that the document would be examined and then the Speaker would decide. The document submitted by the Member was sent to the Minister concerned for ascertaining its authenticity. In the light of information received from the Minister, I decided that the document submitted by the Member be treated as Paper laid on the Table. Thereafter, the document, duly authenticated by the Members, was placed in the Parliament Library and Members informed through a paragraph in Lok Sabha Bulletin Part II.

It may be of interest to you to know that Lok Sabha Rules expressly provide that there shall be no debate on a Calling Attention statement but every Member in whose name the item stands in the List of Business may, with the permission of the Chair, ask a question. Yet, quite often Members whose names do not appear against a Calling Attention get up to seek clarificatory questions, or raise points on the Minister's statement. When some Members whose names did not appear on the Calling Attention persisted in asking clarificatory questions on the Minister's statement, I had to direct the remarks of such Members not to be recorded in the proceedings on the ground that they had no *locus standi* in the matter.

It is our experience in Lok Sabha, and it may be so in many of the State Legislatures as well, that a lot of time of the House is spent in disposing of matters which are raised in the guise of points of order. We have a specific rule—Rule 376—in Lok Sabha governing points of order. In order that the legislative floor time is not taken up on what are not really points of order, Chair has to exercise great vigilance. On one occasion, a Member rose to enquire under what rule I called upon a Member wishing to raise a point of order to quote the rule which had been violated and which required intervention and relief from the Chair. After listening to various submissions on the issue, I pointed out that Lok Sabha Rule 376 itself stipulated that a point of order should relate to interpretation or enforcement of the rules of the House or such Articles of the Constitution as regulate the business of the House, and it had also been a well-established procedure for a Member formulating a point of order to cite the specific rule or provision of the Constitution which in his opinion was being violated. I held that the Chair was therefore entitled to ask a Member



raising a point of order to quote the violated rule or Article and in such matters the authority of the Chair had to be treated as final for the benefit of the House.

It is recognised that Members should be able to raise at short notice any matters of importance to which they wish to draw the attention of the House. We have for the purpose Rule 377 in Lok Sabha under which a Member may bring up any matter, with prior notice and with the consent of the Speaker. While raising a matter under this rule a Member made certain remarks of an insinuatory nature, giving rise to counter-submissions by other Members. I deprecated the portion of the Member's statement which contained the offending references. Following this, we reviewed the procedure for raising matters under Rule 377 and a paragraph was issued in Lok Sabha Bulletin Part II informing the Members that (i) invariably they should give the full text of the statement to be made by them in case permission to raise a matter under Rule 377 was accorded by the Speaker; (ii) that the statement proposed to be made should be brief and specific to the matter-proposed to be raised; and (iii) that they should specifically note the requirements and provisions of Rule 353 (which lays down the procedure when allegations are sought to be made). Members' attention was also drawn to the fact that words, phrases and expressions in the proposed statement submitted by the Member which were not permitted by the Speaker, would not, even if spoken, form part of the proceedings of the House.

The responsibility for the smooth conduct of proceedings rests with the Presiding Officer who has to use his powers as necessary to ensure the orderly progress of business in the House. It is a basic rule of parliamentary law that no business not included in the List of Business may be brought up before the House without the Speaker's consent and no Member may speak except with the permission of the Chair. In Lok Sabha whenever any Member persists in speaking in defiance of the Chair, I have directed that those remarks need not be recorded. On one such occasion, when a Member desired to know the rule empowering the Chair to direct that 'nothing will go on record'. I held that under the rules as no Member could speak in the House without the permission of the Chair, the power of the Chair came in when a Member spoke without such permission. On a subsequent day, when another Member pleaded that in view of certain remarks of a Member not being allowed to be recorded by the Speaker/Chair a full report of the proceedings as required under Lok Sabha Rule 379 could not be prepared, I ruled that a full report of the proceedings referred to in Rule 379 meant "what is permissible to be said in the House."

The introduction of a Bill, as is well known, is a formal matter, and in Lok Sabha no debate is allowed at this stage, unless any Member specifically wants to oppose the motion for leave to introduce the Bill, for which he

has to give advance intimation. When the Minister of Home Affairs moved the motion for leave to introduce the Maintenance of Internal Security (Repeal) Bill in Lok Sabha, a Member tried to make some observations in order to get an assurance from the Minister regarding certain provisions of the Bill, I did not permit him to speak, pointing out that he could speak only if he was opposing the introduction of the Bill.

Under Lok Sabha Rule 75(2), if a Member wishes to move for circulation of a Bill for eliciting opinion thereon, or for reference of the Bill to a Select/Joint Committee, by way of amendment to the motion for consideration of the Bill, the stage for moving the amendment is when the Members-in-charge of the Bill moves the motion for its consideration. But what happened in the case of a private member's Constitution (Amendment) Bill was that some Members sought to move an amendment for circulation of the Bill for eliciting opinion thereon just when discussion on the motion for consideration had concluded and before the motion was about to be put to vote. The Chair could not permit the moving of the amendment in view of the clear provisions of Rule 75. To overcome the difficulty, on the next day allotted for Private Members' Bills, a motion for suspension of the rule in its application to the Bill was adopted by the House, whereafter the amendment that the Bill be circulated for eliciting opinion thereon by the date specified therein was moved and adopted.

Likewise, under the proviso to Lok Sabha Rule 74, a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 of the Constitution cannot be referred to a Joint Committee of the Houses; such a Bill can only be sent to a Select Committee of Lok Sabha. During the last Budget Session, the Ministers concerned gave notices of motions for suspension of the Rule 74 in its application to two Bills, namely, the Multi-State Co-operative Societies Bill and the Mental Health Bill, so that these could be referred to Joint Committees. When these items came up before the House, some members raised objections that if these Bills were Money Bills, then in view of the mandatory provisions of article 109 of the Constitution, these could not be referred to Joint Committees of the Houses as that would mean association of members of Rajya Sabha with such Bills. On the other hand, if these Bills were not Money Bills, then the suspension of the relevant rule was unnecessary. After satisfying myself that these Bills were Financial Bills only and not Money Bills, I allowed these Bills to be referred to Joint Committees without suspension of the Rule. The matter is, however, now under examination by the Rules Committee to see whether any amendment to Rules 74 and 75 is necessary.

It had almost become a practice in recent years for the Appropriation Bills to be introduced, considered and passed on the same day, immediately after the relevant demands for grants were voted by the House on receipt of a request from the Minister concerned for allowing for all these stages to be gone through on the same day. Objection was taken to such a procedure by some Members during the last Budget Session. Keeping in view the provisions of Lok Sabha Rule 218, I held that such Bills might be taken up for consideration and passing on a day subsequent to the day of introduction of the Bill. I also allowed Members, who had given advance notice of some points which had not been covered earlier during the debate on the relevant demands for grants, to participate in the debate.

You would recall that on the last occasion I mentioned about the Finance (No. 2) Bill, which as passed by Lok Sabha was returned by Rajya Sabha with recommendations, and the recommendations were rejected by Lok Sabha. A similar situation arose when the Finance Bill, 1978, as passed by Lok Sabha, was returned by Rajya Sabha with the recommendation for dropping of the excise duty on coal and electricity proposed in the Bill. The recommendation, upon consideration in Lok Sabha, was rejected and the Bill was deemed to have been passed by both Houses, in the form in which it was passed by Lok Sabha, within the meaning of article 109 of the Constitution and was submitted accordingly for President's assent, which was accorded.

Let me now turn to privilege matters. A Member had given notice of a question of privilege on November 11, 1977 against a Police Officer for sending allegedly wrong, slanderous and malicious information to the Speaker regarding the arrest of another Member for creating what the Police Officer had described as 'rowdyism' in a public place. It was contended that the action of the Police Officer in characterising the action of the Member concerned as 'rowdyism' was calculated to bring down his prestige and dignity in the public eye. The Ministry of Home Affairs, to whom the matter was referred for comments, forwarded the explanation of the concerned Police Officer expressing his regret for the use of the word 'rowdyism'. A copy of the explanation of the Police Officer was forwarded to the Member who had raised the question of privilege. On November 29, 1977 the Member who had raised the privilege issue stated that he had no objection to accepting the expression of regret, but it should be communicated to all the Members since the information about the arrest of the Members had earlier been circulated to all of them. Thereupon extracts of the explanation of the Police Officer were published in Lok Sabha Bulletin—Part II of that day for the information of all the Members.

In the Monsoon Session of Lok Sabha notices of a question of privilege were received from two Members against the Minister of External Affairs and the Minister of Finance. The allegation against the Minister of External Affairs was that, in his statement made in the House on March 2 in response to a statement by a Member under Rule 377 referring to two payments of \$ 5.5 million each sanctioned on March 15 and October 28, 1976, the Minister had deliberately suppressed some important facts; while against the Minister of Finance it was alleged that he had included in the Supplementary Demands for Grants for 1976-77 the aforementioned amounts under the head 'Special Diplomatic Expenditure', though in fact they could not be characterised as such expenditure. According to the Minister of External Affairs, these payments were in accordance with the terms of a commercial transaction between the Government of India and the Government of Iran, negotiated by the Department of Economic Affairs under the orders of the former Prime Minister, and funds were provided under the head 'Special Discretionary Expenditure' in the budget of the Ministry of External Affairs.

I withheld consent to the privilege motion against both the Ministers. The facts, I pointed out, were that the present Ministry took charge on March 25, 1977 when the Prime Minister was sworn in; the Finance Minister was sworn in on the next day; and the Supplementary Demands for Grants were made on March 30, 1977. The Finance Minister had no occasion to doubt the genuineness of the record, nor were there any circumstances which could have indicated to him that the expenditure in question was not properly incurred. It was thus not possible to hold, I pointed out, that the Finance Minister had deliberately included the expenditure in question under a wrong head. In the case of the Minister of External Affairs too there were no circumstances to infer that the Minister had any interest to shield the previous Government. The Minister moreover had voluntarily made the statement and none of his statements had been proved to be incorrect. The matter is under examination and it requires a deeper probe.

The Leader of the Opposition gave notice in August of a privilege motion alleging that the Council of Ministers had committed a breach of privilege of the House by seeking the opinion of the Supreme Court under Article 143(1) of the Constitution on a private member's Bill. The contention was that the action taken by the Council of Ministers infringed the right of the Members of Parliament, as any opinion given by the Supreme Court was likely to influence the opinion of the Members of Parliament during the discussion on the Bill. I refused consent to the privilege motion. I held that the language of Article

143 was clear, that the President might seek the opinion of the Supreme Court 'at any time', and that it was a constitutional power conferred on the Executive which was not subject to any limitation. Opinion given by the Supreme Court would be advisory in character and expression of opinion as to the legality of a measure before the House by anyone could not be considered as an undue influence on the Members of Parliament.

The Chairman, House Committee of Lok Sabha, gave notice of a question of privilege against a Member for making certain unfounded allegations against him in the House on July 21, as also in a letter addressed by the Member to the Speaker on that date, regarding allotment of houses to members. I called upon the Member to furnish his comments on the matter for consideration and either substantiate his allegations or express regret. The Member in his reply later expressed unqualified regrets. In view of the unqualified regrets expressed by the Member, the matter was treated as closed.

In another instance, during discussion on a 'point of order' regarding reported eviction of families of two Members of Parliament, a Member made certain serious allegations against the House Committee of Lok Sabha. I told the Member that if the allegations made by him offended the Lok Sabha Rules I would expunge them. I further said that if the allegations made by the Member were not proved, he would be charged with contempt of the House and the matter referred to the Committee of Privileges. Subsequently, I expunged the allegations made by the Member from the proceedings of the House. The Member concerned was also asked to detail and substantiate the allegations made by him in the House. As no reply was received from the Member concerned, in spite of the numerous oral and written reminders, I referred to the matter to the Committee of Privileges under Lok Sabha Rule 227. The matter is at present pending before the Committee.

Turning to Committees, you know of their growing importance in the parliamentary surveillance of the administration. In view of their importance we had decided at Bhubaneshwar after discussion on the subject in the symposium, that a Committee of Presiding Officers might go into the question of finding ways and means of increasing their effectiveness as instruments of legislative control. The Committee have been going into the matter and I hope we would have their considered views and recommendations before our next Conference.

We all know how useful the periodic Conferences of Chairmen of Committees like the Public Accounts Committee, the Committee on Subordinate Legislation and Committee on the Welfare of Scheduled

Castes and Scheduled Tribes, have been as a clearing house of ideas on the various problems faced by these Committees in the different Legislatures in our country. It was for this reason, you would remember, the Patna Conference of Presiding Officers had recommended that there might be one Conference in respect of each of these Standing Committees in the life time of a Lok Sabha. Accordingly we hope to organise such Conferences during the current term of Lok Sabha and would be addressing the State Legislatures in the matter in due course.

You would be glad to hear that at long last we have now the portraits of Netaji Subhas Chandra Bose and of Shri C. Rajagopalachari, in the Central Hall of Parliament. To the blowing of conch and singing of patriotic songs, the portrait of Netaji Subhas Chandra Bose, which was presented by Shri Samar Guha, M.P., was unveiled by the President in the Central Hall on January 23, the birthday of the leader. The portrait of Shri C. Rajagopalachari, the first Indian Governor-General and one of our elder statesmen and a farsighted and sagacious administrator, was unveiled by the President in the Central Hall on August 21. The portrait was presented by Shri C. Subramaniam M.P. on behalf of the Rajaji Centenary Committee. The Parliament House is now enriched also with the addition of a bust of Sri Aurobindo, which was donated by Dr. Karan Singh, M.P. in his capacity as Chairman of the Sri Aurobindo Centenary Committee.

At our last Conference at Bhubaneshwar, you would recall, I had referred to the activities of the Bureau of Parliamentary Studies and Training set up to provide institutionalised facilities for systematic study and training in various aspects of the working of legislative institutions. The Bureau, I am glad to say, has not only continued with its earlier programmes but also been extending its activities in new directions. During the current year, the Bureau organised a series of Seminars for Members of Parliament, within the broad theme of "Parliament at Work", on such topics as "The Financial Committees", "The Question Hour" "Privileges of the Legislatures" and "Amendment of the Constitution". The last two Seminars—on Privileges and on the Amendment of the Constitution—were attended, in addition to Members of Parliament, by many Members from State Legislatures, including some Presiding Officers, some Ministers and a Chief Whip. We propose to organise another seminar and we shall extend our invitations to the Members of various Legislatures to attend the seminar so that we can jointly work with cohesion. These Seminars evoked lively discussions and helped a fruitful exchange of ideas among the legislators. These apart, the Bureau has been conducting Orientation Programmes for new Members of Parliament to help them familiarize themselves with the intricacies of the various parliamentary processes and procedures. The Bureau also organised a number of lectures on parliamentary processes and procedures for some of

the Members of the Arunachal Pradesh Legislative Assembly who paid a study visit for a week to the Lok Sabha Secretariat in April this year.

Among the Courses organised for the benefit of officials of various categories in the Parliamentary as well as Executive Branches, the Appreciation Courses conducted for IAS, IFS and Indian Customs and Central Excise Service Probationers and for senior officers of the Government of India deserve special mention.

It might interest you to know that Parliament Library organised in February-March an EXHIBITION OF RARE AND ART BOOKS available in the Library. At the exhibition, which was meant to acquaint Members of Parliament with, and generate interest among them in, the collections in this field in the Parliament Library, over a thousand rare works of historical importance were on display. The books on Art displayed in the exhibition covered a broad canvas of Indian history from the stone age to the present day. We are organising a special exhibition featuring publications on freedom struggle. We hope to set this up near about the Budget Session,

Recently, a separate section—Gandhiana—displaying the collection of books and other literature by and on Mahatma Gandhi in the Parliament Library has been set up for the convenience of Members and scholars specially interested in the life and teachings of the Father of the Nation. This section was inaugurated in August 1978 in the distinguished presence of the Prime Minister, Shri Morarji Desai, and we hope it would enthuse the Members to make a deeper study of the writings of Mahatma Gandhi.

I must pause here to add that we owe the success of these seminars and other programmes and activities under the auspices of the Bureau of Parliamentary Studies and Training and the Parliament Library largely to the enlightened initiative and guidance of Prof. H. N. Mukerjee, a scholar and distinguished parliamentarian, whom I have the good fortune of having as an adviser, in an honorary capacity, to assist me particularly in matters connected with the Bureau and the Parliament Library.

It only remains for me now to express, on behalf of all of us, our sincere thanks to our hosts—the Presiding Officers and the Government of Rajasthan and the Secretary of the Rajasthan Legislative Assembly—for the excellent arrangements they have made for this Conference. They have spared no pains in making our stay here thoroughly enjoyable. All of us, I am sure would carry home with us happy memories of our stay and our meeting here.

May I now once again extend to you a hearty welcome and express the hope that our deliberations here would be rewarding and fruitful.

**SPEECH BY SHRI K. S. HEGDE, SPEAKER, LOK SABHA AT THE SYMPOSIUM ON "THE ROLE AND DUTIES OF MEMBERS: THEIR OPPORTUNITIES WITHIN THE FRAMEWORK OF PARLIAMENTARY PROCEDURE" HELD AT JAIPUR ON OCTOBER 23, 1978.**

We are extremely thankful to you, Mr. Chief Minister, for accepting our invitation and inaugurating this symposium. The Chief Minister in his very thought-provoking address has referred to the duties of the members in relation to the country, in relation to their parties and also in relation to their constituencies. He has also set out in detail the deficiencies in the working of our system at present. I am sure, the hon. Members, during the discussions, will take these aspects into consideration and give their serious thought to the many suggestions that have been made.

One of the objectives of having a symposium is to see how to improve the role of legislators and enhance the prestige of the parliamentary institution. We in this country have pledged to ourselves and to the nation that we shall have a democratic form of government. Therefore, it is the duty of the members—be they in Parliament or in State Legislatures—to work for safeguarding the democratic form of government in this country.

All parties in our country profess their faith in democracy; some really believe in it, some accept it probably as a matter of strategy. But so far as our Constitution is concerned, it is enshrined therein that we shall have a democratic republic, a secular country, a country where freedoms would be secure, and we will build up a welfare State. Therefore, we have to work on the lines prescribed by the Constitution.

The first question that arises before us is what is our duty to the nation *vis-a-vis* our duty towards the constituency. The Chief Minister was good enough to emphasise our duty to the country as a whole. If only we remember the oath that we have taken when we assumed our office as member of Parliament or State Legislature you will kindly remember that our primary duty is to the country, the constituency comes only next. Ordinarily, by and large, there can be no conflict between the interest of the country and the interest of the constituency. There can be no prosperity of a constituency without the prosperity of the country as a whole. It is a misconception that when a member is elected from a constituency, he is representing only his constituency. The constituencies are demarcated and elections scheduled on that basis only for practical convenience. So when a member is elected, he represents the nation as a whole, he represents the country as a whole; he may represent the country through a constituency, but in fact he represents the country.

Similarly, when a member of a local Legislature is elected, he represents the entire State. He is not merely representing his constituency at all.



This fact we have to bear in mind. It is absolutely necessary to look to the interests of the country as a whole. Many times our attention is focussed on trivialities ignoring the major issues of the country. That is mainly due to the fact that we have mistaken our role. What is the role of a legislator? Is he a mere agent of his voters? Or does he represent them? Merely taking a proxy and voting in a general body meeting is done in a company. Here he has to have the goodwill of the people. Does he voice the grievances of his constituents? Does he speak for the people? This is an essential question that you have to consider. Many times we make mistakes about our own role. Whatever be the demand of a constituency, whether it is right or wrong, we fight for it irrespective of the fact that it may not be in the interest of the country. This is a wrong view of the matter. A representative is responsible not merely for voicing the views of the people of his constituency but in formulating the views in that constituency. You are the leader of the constituency. Your duty is not merely to just come and tell the House what your constituency demands. You have a duty to form your own views on the right lines. Democracy is not merely a form of government. It is a way of life. We have to so mould ourselves that we must be in a position to evolve the democratic system. You must remember that, in the ultimate analysis, our country gets the government it deserves. Therefore, you have to see that we deserve the democratic government. How can we deserve that democratic government? That is an essential question.

Our Constitution lays down guidelines. All that we have to see is that we follow these guidelines. If we do not follow them, then, there is no use of it. A democratic form of government is perverted on occasions. You must remember that democratic government means the government of the people, the voice of the people. A democratic form of government does not mean that it rests on an individual. The rights of the people are very sacred in a democratic government. If you allow the rights to be taken away, you will certainly be guilty in the eyes of the people. All of us are responsible to lapses, if there are any. In the past authoritarian trends had developed. For that we must all be held responsible. It is because we ignored our duties, and we failed in discharging those duties, that authoritarian trends had developed in the past in this country. So, the first and the foremost duty of every legislator is to see to it that he safeguards the democratic values in the country. Our democratic rights are enshrined in our Constitution. Freedoms are guaranteed in article 19; there are other freedoms which are enshrined in our Constitution. We must see that the rule of law succeeds.

There will be no democratic form of government unless there is a rule of law. No individual of this country should be allowed to be above the

law. Once you allow an individual to be above the law, there will be no democracy at all.

At one time in our Parliament a law was introduced to say that any offence committed by the Prime Minister, the Speaker of the House and the Vice-President of India whether before or during the office shall not be cognisable by a court. This is a complete negation of the rule of law. Certain measures were put forth before the Legislatures. It was far more tragic that we legislators passed that law. So, we have to warn ourselves and guard ourselves to see that no such situation will arise in future.

There could be no democracy without real equality in the country. How can we have equality in the country? It pre-supposes three things: One is political equality; the other is economic equality; and the third is social equality. Unless and until we have these three equalities prescribed in our Constitution, there could be no real democracy in this country.

In order to have political equality, it is necessary that the people of the country should be completely made fit to discharge their responsibility as a citizen of this country. Mostly, our people are uneducated even to day. How can you discharge this responsibility when more than two-thirds of our people are illiterates?

We have our limitations. One of the Directive Principles of our Constitution lays down that within 10 years after its coming into force, the government will impart free compulsory education to all children between the ages of 6 and 14. It should have been done by 1960. It is a matter of regret that even to day we have not implemented that. And so, to that extent, we have failed to safeguard that thing. What are the requirements of democracy? We all speak about Directive Principles. For this, we the legislators, must take the responsibility. We should have seen to it that the Executive implements that Directive Principle.

Article 38 of the Constitution lays down that the State shall see that the resources of the country are equitably distributed and that they are not concentrated in a few hands. What has happened in the last thirty years after we got Independence? Instead of having equitable distribution in the economic sphere, there has been only concentration of wealth in a few big families. They are monopolising the entire resources of the country. Here again we Members cannot afford to keep quiet. We cannot afford to be responsible for this sort of situation. We have to work sincerely and genuinely for the socialistic society about which only a great deal of lip service is paid by us. We say we are a socialistic country. We are having inequality of wealth. So, the resources of the country are to be distributed equitably amongst the people of this country. When we go to Delhi on the one side

we see people rolling in wealth and, on the other side, we see abject poverty prevailing. This is not consistent with the democratic set up.

Even when we go to the social side, still, we have not built up a secular society. We have failed to do that. Caste distinctions, class distinctions and religions distinctions are prevailing, even today, in a very large measure. And the political parties are exploiting this. Instead of seeing that all these distinctions are removed, they are only trying to encourage them. Here again the role of the Members of Parliament is very big.

You must remember one thing—that we have to hold ourselves responsible for any omissions and commissions that might be noticed in the country. If there is disorder, if there is communal disharmony and if there is no proper law and order in any part of the country, to a large extent, we legislators are responsible. There is a saying यथा राजा तथा प्रजा। All of us who are in the legislatures should be a source of inspiration to others. So long as we do not observe discipline in the House, we may not expect discipline among the students, among the labourers. Therefore, it is of utmost importance that we in the legislatures must behave in a disciplined manner. If we do so, we can expect a fairly good response from other sections of the people.

It is unfortunate that our newspapers today highlight the indiscipline in the House, and not so much whatever contributions may have been made there. Sometimes very valuable contributions are made and very eloquent speeches are made in the House and the papers report them in just two or three lines. But suppose a man shouts, that will be published in the headlines. So the papers also have to play a very constructive role, but all the same, it is very important that we should so conduct ourselves in the House that we enhance the dignity of the House. That is the substance of the speech of the Hon. Chief Minister. If we do not enhance the dignity of the House, we cannot raise our own dignity. There is a great deal yet to be done in the country. The democratic spirit is prevailing in our country. You have seen its force from the recent events, but that is not sufficient. We have to build a democratic society in this country. In this task, you have to play a very big role and, I am sure, all of us will dedicate ourselves in discharging our duty honestly and faithfully.

#### CONFERENCES AND SYMPOSIA

*Sixty-fifth Inter-Parliamentary Conference:* The sixty-fifth Inter-Parliamentary Conference was held in Bonn (Federal Republic of Germany) from September 5 to 13, 1978.

The delegation to the Conference from India was composed of Shri K. S. Hegde, Speaker, Lok Sabha and Leader of the Delegation; Shri Arjun

Singh Bhadoria, M.P.; Shri Asoke Krishna Dutt, M.P.; Shri Kalp Nath Rai, M.P.; Shri R. Mohanarangam, M.P.; Shri G. Lakshmanan, M.P.; Shri Vasant Sathe, M.P. and Shri Avtar Singh Rikhy, Secretary, Lok Sabha and Secretary to the Delegation.

The Conference discussed and adopted resolutions on the following subjects:—

1. The urgent need to end the arms race and to prohibit the production of weapons of mass destruction, taking into account the close inter-relationship between disarmament and economic development, and the support of Parliaments to the efforts of United Nations in this connection.
2. The Middle East question.
3. The fixing of fair prices for the primary commodities supplied mainly by the developing nations, the maintenance of the purchasing power provided by their exports, and the alleviation of their external debt.
4. The increase in illiteracy as a threat to world development and as a basic cause of poverty, hunger, disease and human misery.
5. The role of Parliaments in the study and elaboration of means to combat international terrorism.
6. The continuation of most strenuous efforts towards the complete elimination of colonialism in the world.

During the conference period, meetings of the Inter-Parliamentary Council and Standing Study Committees of the Inter-Parliamentary Union were also held. The Association of Secretaries-General of Parliaments also met in Bonn during this period. Shri Avtar Singh Rikhy, Secretary, Lok Sabha attended the meetings of the Association.

*Twenty-fourth Commonwealth Parliamentary Conference:* The Twenty-fourth Commonwealth Parliamentary Conference was held in Kingston (Jamaica) in September, 1978.

The Indian Delegation to the Conference was led by Shri K. S. Hegde, Speaker, Lok Sabha. The other members of the Delegation were Shri Godey Murahari, Deputy Speaker, Lok Sabha; Shri Bedabrata Barua, M.P.; Dr. Subramaniam Swamy, M.P.; Shri Bhupesh Gupta, M.P.; Shri Surendra Mohan, M.P.; and Shri S. S. Bhalerao, Secretary-General, Rajya Sabha and Secretary to the Delegation.

Shri S. A. M. Habibullah, Speaker, West Bengal Legislative Assembly; Shri S. V. Patil, Speaker, Maharashtra Legislative Assembly; Shri G. Swaminathan, Deputy Chairman, Tamil Nadu Legislative Council; Shri P. Venkataramana, Speaker, Karnataka Legislative Assembly; Shri Laxman

Singh, Speaker, Rajasthan Legislative Assembly; Shri Kundanlal Dholakia, Speaker, Gujarat Legislative Assembly; Shri D. Kondaiah Choudhry, Speaker, Andhra Pradesh Legislative Assembly; Col. Rao Ram Singh, Speaker, Haryana Vidhan Sabha; Shri Jogendra Nath Hazarika, Speaker, Assam Legislative Assembly; Shri Banarsi Das, Speaker, Uttar Pradesh Vidhan Sabha; Shri Sarvan Kumar, Speaker, Himachal Pradesh Vidhan Sabha; Shri Mukund Sakharam Newalkar, Speaker, Madhya Pradesh Vidhan Sabha; Shri P. K. Vasudevan Nair, Minister for Industries & Electricity, Kerala; Shri Radha Nandan Jha, Deputy Speaker, Bihar Vidhan Sabha; Malik Mohi-ud-Din, Speaker, Jammu & Kashmir Legislative Assembly; Shri Winstone Syiemiong, Speaker, Meghalaya Legislative Assembly; Shri Vitsoni K. Angami, Speaker, Nagaland Legislative Assembly; and Dr. L. Chandramani Singh, Speaker, Manipur Legislative Assembly also attended as delegates of their respective State Branches of the Commonwealth Parliamentary Association. Shri D. S. Khongdup, Secretary, Meghalaya Legislative Assembly attended the Conference as Secretary from State Branches.

The following subjects were considered:—

1. The current world situation & threats to peace
2. The value of a bicameral legislature
3. The effect of the EEC on the Commonwealth with special reference to trade and the Lome Convention
4. *Balloted Subjects:*
  - (a) The need for updating Medical Legislation on abortion in the Commonwealth;
  - (b) A new International Communication Order; and
  - (c) The role of opposition in a Parliamentary System.
5. Conflict of interests of MPs between their parliamentary, constituency, party and national responsibilities
6. The fight against international terrorism.
7. The smaller countries of the Commonwealth—their security and future.
8. Parliamentary scrutiny & control of public expenditure & methods for improving the estimates procedure
9. Control of Marine resources
10. The problems of ethnic groups within the Commonwealth
11. Unrest among youth with particular reference to unemployment and the problem of drugs
12. Calling the Executive to account by Parliament.

**Fifth Conference of Commonwealth Speakers and Presiding Officers :** The Fifth Conference of Commonwealth Speakers and Presiding Officers was held in Canberra (Australia) from August 28, to September 1, 1978. From India, Shri K. S. Hegde, Speaker, Lok Sabha, Shri Ram Niwas Mirdha, Deputy Chairman, Rajya Sabha and Shri S. Rangaswamy, Senior Research Officer, Lok Sabha Secretariat attended the Conference. The subjects discussed at the Conference were "The Speaker and party politics"; "The role and status of the Speaker", "Parliamentary privilege"; "The Working of the 'Westminster Model' "; "Parliament and the news media"; "Parliament as the redressor of public grievances", "Need for declaration of Member's personal pecuniary interests before participation in the House or in Committees"; "The Committee system"; and "Powers of the Chair" in respect of 'Control of speeches' and 'Members' dress in Parliament.'

*Inter-Parliamentary Conference on European Cooperation and Security:* The Third Inter-Parliamentary Conference on European Co-operation and Security was held in Vienna (Austria) from the 3rd to 9th May, 1978. From India, Shri R. Venkatraman, M.P. attended the above conference as Observer.

#### INDIAN PARLIAMENTARY DELEGATIONS ABROAD

*Visit of Indian Parliamentary Delegation to Democratic People's Republic of Korea and Mongolia:* In pursuance of an invitation from the Chairman of the Standing Committee of the Supreme People's Assembly of Democratic People's Republic of Korea and the Chairman of the Great People's Hural of Mongolia, an Indian Parliamentary Delegation led by Shri Ravindra Varma, Minister of Parliamentary Affairs and Labour visited the Democratic People's Republic of Korea and Mongolia from the 5th to 18th September, 1978. Besides the leader, the delegation consisted of Sarvashri Krishna Chandra Halder, M.P.; Surendra Mohanty, M.P.; Nathuni Ram, M.P.; T. S. Shrangare, M.P.; V. V. Swaminathan, M.P.; Madhav Prasad Tripathi, M.P.; and J. R. Kapur, Chief Legislative Committee Officer and Secretary to the delegation. On their way to and from the Democratic People's Republic of Korea and Mongolia, the delegation also visited Moscow.

#### FOREIGN PARLIAMENTARY DELEGATIONS IN INDIA

*Visit of Australian Parliamentary Delegation to India:* In response to an invitation from India, an 8-member Australian Parliamentary Delegation led by the Hon. R. J. Groom, Minister for Environment, Housing and Community Development visited India in July, 1978. The delegation watched the proceedings of Lok Sabha and Rajya Sabha on July 18, 1978. A meeting between the delegation and Members of Parliament was also held on that day. The Speaker, Lok Sabha, hosted a dinner party in their

honour on July 14, 1978. Besides Delhi, the delegation visited some places of cultural and industrial interest viz., Agra, Hissar, Jaipur, Ahmedabad, Bombay, Srinagar and Madras.

#### BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During August to November, 1978, the following seminars/courses were organised by the Bureau of Parliamentary Studies and Training:

*Seminar for Members of Parliament on "Parliament at Work : Amendments to the Constitution"*: The Seminar on "Parliament at Work : Amendments to the Constitution"—the fourth in the series of Seminars for Members of Parliament on various subjects of parliamentary interest was held in Committee Room (Main), Parliament House Annexe on August 5, 1978. Two representatives from each State Legislature were invited to attend the Seminar. The Chair was taken in turn by Smt. Leela Damodara Menon M.P. (Rajya Sabha) and Shri Dharendra Nath Basu, M.P., Lok Sabha. The Seminar was attended by 43 Members of Parliament and 54 Members of State Legislatures.

*Orientation Programme for New Members of Parliament*: An Orientation Programme, particularly for the benefit of new Members of Parliament to provide them opportunity to (i) discuss various aspects of parliamentary processes and procedures, and (ii) familiarise themselves more closely with the operational mechanics of parliamentary institutions was inaugurated by Shri K. S. Hegde, Speaker of Lok Sabha on August 8, 1978. The Programme consisted of a key lecture on a specified subject followed by discussion thereon, its main aim being to assist Members to be more effective in their parliamentary work. Two Discussion Sessions were held during this period. The Discussion Session on "The Question Hour" which was attended by 31 Members of Parliament was held in Committee Room (Main), Parliament House Annexe on August 8, 1978 and Professor P. G. Mavalankar, M.P. led the discussion. Another Discussion Session on "Notices under Rule 377, Adjournment Motions, Calling Attention Notices," attended by 18 Members of Parliament was also held at the same venue on August 11, 1978 and Shri Saugata Roy, M.P. led the discussion.

*Refresher Courses for Parliamentary Staff*: Two six-day Refresher Courses for Legislative Committee Assistants and other Assistants of equivalent grade in Legislative Services in Lok Sabha and Rajya Sabha Secretariats were held during the periods September 4—12, 1978 and September 28—October 5, 1978, and were attended by 35 and 38 participants, respectively. The courses sought to provide some background and practical hints to participants to make them better equipped for dealing with the work of Legislative Services in the two Secretariats.

There were in all 15 talks and one question-answer session in each Course. The participants were addressed by senior officers of Legislative Services of the Lok Sabha and Rajya Sabha Secretariats. The participants had a meeting with Secretary, Lok Sabha at the conclusion of the Second Course.

*Second Appreciation Course in Parliamentary Processes and Procedures for I.F.S. Probationers.* A six-day appreciation course held from September 18—23, 1978 at the request of the Ministry of External Affairs, was attended by 19 Indian Foreign Service Probationers. During the course, there were in all 15 talks and a Question-Answer Session. Among those, who addressed the participants were Dr. Karan Singh, M.P.; Shri Dinesh Singh, M.P.; Shri Avtar Singh Rikhy, Secretary, Lok Sabha, Shri U. S. Bajpai, Secretary, Ministry of External Affairs, Professor M. L. Sondhi, Jawaharlal Nehru University and Dr. R. B. Jain University of Delhi. The participants had also an opportunity to watch the proceedings of the Committee on Public Undertakings.

**Attachment Programme for foreign Parliamentary Officials :** Under the Special Commonwealth African Assistance Plan (SCAAP), an Attachment Programme was organised by the Bureau from October 9 to November 29, 1978 for four foreign parliamentary officials to provide them training in Indian parliamentary practices and procedures. They were Mr. Josiel Moriee Khaebana, Clerk Assistant, National Assembly, Lesotho; Mr. Charles Edward Hikeezi, Editor of Parliamentary Debates, National Assembly, Zambia; Mr. Charles Ntambakwa, Library Research Officer, National Assembly, Zambia; and Miss Beatrice Member, Assistant Librarian, National Assembly, Zambia. During the first week of their attachment, these officials attended the Orientation Programme, consisting of 8 lakhs which sought to acquaint them with the general background of the functioning of the Parliament of India and the essential aspects of its procedures and processes. From October 17, 1978 onward, they had attachments with various officers of the Parliament Secretariats and at two State Legislative Secretariats, viz. at Jaipur and Bangalore, for intensive training in the subjects of their respective field of work.

**Third Foundational Course for Section Officers :** A six-day Foundational Course for Section Officers (other than those holding charge of Parliament Sections) in the Ministries of the Government of India was held from October 23 to 28, 1978. The Course attended by 34 participants. consisted of 11 talks and one Question Answer Session. Besides Professor H. N. Mukerjee, Honorary Adviser, and Professor M. L. Sondhi of the Jawaharlal Nehru University, senior officers of the Lok Sabha and Rajya Sabha Secretariats addressed them. On the concluding day, the the participants watched for some time the proceedings of the Public Accounts Committee.



## PRIVILEGE ISSUES

## LOK SABHA

*Alleged casting of aspersions on a member by another member in a press statement regarding certain remarks made by the former in the House.* On July 17, 1978, Shri K. P. Unnikrishnan, made the following remarks in the House during a discussion:

“The Opposition Leader did not tell us the fact that his leader’s emissary Shri Bansi Lal visited Shri Charan Singh. We are also entitled to know that.”

On July 31, 1978, the Speaker, (Shri K. S. Hegde), informed the House that Sarvashri Vayalar Ravi and K. P. Unnikrishnan had given notices of a question of privilege against Shri Charan Singh, former Minister of Home Affairs in respect of the following news report published in *‘The Times of India’* dated the 19th July, 1978:

“Mr. Charan Singh said in a statement: ‘Whatever Mr. Unnikrishnan, M.P. has said on the floor of Parliament regarding a recent meeting between me and Mr. Bansi Lal is, to put it moderately, a deliberate and mischievous statement.’”

Disallowing the question of privilege, the Speaker ruled as follows:—

“I called for the comments of Shri Charan Singh. In his letter dated July 25, 1978, Shri Charan Singh has indicated that according to him, the allegations made against him are unfounded and defamatory, and hence his spontaneous reaction to the same was rather sharp. Obviously, he felt that his political integrity was impugned by that statement, and further, the same cast a serious aspersion on the character of his politics. He has further stated that in addition to the statement of Shri K. P. Unnikrishnan, the fact that the Leader of the Opposition did not contradict it has added to the gravity of the charge against him; all these facts were given wide publicity.

Shri Charan Singh has further explained that in view of his illness, he was not in a position to attend the sitting of the House, and

consequently he issued the statement in question. He ended his letter by saying that:

'I would, however, like to make it clear that I had no intention of imputing any motive to the Hon'ble Member. But if an impression has been so created, I regret it.'

Under the circumstances, I think I will not be justified in according my consent to the motion. This order should not be taken as a precedent. Any hon. member aggrieved by any observation in the House should explain his position in the House.

In the result, I withhold my consent to the motions in question."

The matter was, thereafter, closed.

*Allegations against Ministers:* On July 18, 1978, Shri K. P. Unnikrishnan and Shri Vayalar Ravi gave notices of a question of privilege against Shri Atal Bihari Vajpayee, Minister of External Affairs and Shri H. M. Patel, Minister of Finance. The allegation against the former was that in his statement made on March 2, 1978 in response to a statement by a member under rule 377 about two payments of \$ 5.5 million each sanctioned on March 15, and October 28, 1976 he had deliberately suppressed some important facts, while the later had included the aforementioned amount under the head 'Special Diplomatic Expenditure'—Demand No. 32, (though in fact it did not amount to such an expenditure), in the Supplementary Demands for Grants (General) for 1976-77. According to the Minister of External Affairs (Shri Vajpayee) these payments were in accordance with the terms of a commercial transaction between the Government of India and the Government of Iran, negotiated by the Department of Economic Affairs under the orders of the then Prime Minister, and that funds were provided under the head 'Special Discretionary Expenditure' in the budget of the Ministry of External Affairs.

Refusing his consent to the privilege motion against both the Ministers, the Speaker noted that the present Ministry took charge on March 25, 1977 when only the Prime Minister was sworn in; the Finance Minister was sworn in on March 26, 1977. The Supplementary Demands for Grants were made on March 20, 1977. Shri Patel had no occasion to doubt the genuineness of the record, nor were there any circumstances which could have indicated to him that the expenditure in question was not properly incurred. It was thus not possible to hold that the Finance Minister had deliberately included the expenditure in question under a wrong head. In the case of the Minister of External Affairs also, his (Speaker's) attention had not been drawn to any circumstances from which it could be inferred that the Minister had any interest to shield the previous Government. Moreover, the Minister had voluntarily made the statement and none of his statements had been proved to be incorrect.

*Alleged Misleading statement by Minister :* On July, 25, 1978, Shri K. P. Unnikrishnan and Shri Vayalar Ravi gave identical notices of a

question of privilege against Shri Biju Patnaik for misleading the House by his statement during the debate in Lok Sabha on July 19, 1978 on the MISA (Repeal) Bill. Giving his ruling on July 28, 1978, the Speaker said that the contention of Shri Biju Patnaik was that in effect what he had informed the House was that the Cabinet had decided to constitute a Special Court to try cases arising out of the Shah Commission's reports if the same was permissible under law and in that regard a decision had been taken to refer the matter to the Supreme Court to ascertain its opinion; but because of continuous interruptions he had not been able to clarify the position. Refusing his consent to the privilege motion the Speaker ruled that "despite the fact that Shri Patnaik was mixing up things during his observations, it cannot be said that he was deliberately trying to mislead the House by saying that the Government has finally decided to set up a Special Court. His repeated reference to consultation with the Supreme Court or the Chief Justice of India would have been wholly irrelevant if the Cabinet had taken a final decision to constitute a Special Court. All that can be said is that Shri Patnaik was repeatedly putting the cart before the horse."

*Seeking Supreme Court's opinion on a Bill before the House:* The Leader of the Opposition submitted to the Speaker on August 10, 1978 a privilege motion urging that the Council of Ministers had committed a breach of privilege of the House by seeking the opinion of the Supreme Court under article 143(1) of the Constitution on a Bill introduced by a private member Shri Jethmalani, M.P. According to him, the action taken by the Council of Ministers infringed the rights of the Members of Parliament, as any opinion given by the Supreme Court was likely to influence the opinion of the Members of Parliament during the discussion on the Bill. Refusing his consent to the privilege motion, the Speaker said that the opinion to be given by the Supreme Court would be advisory in character. The language of the article made it clear that the President might seek the opinion of the Supreme Court 'at any time'. This was a constitutional power conferred on the executive. It was not subject to any limitation. Further, expression of opinion as to the legality of a measure before the House by anyone could not be considered as an undue influence on the Members of Parliament.

*Allegations against a Member:* The Chairman, House Committee of Lok Sabha, gave notice of a question of privilege against a member for making certain unfounded allegations against him in the House on July 31, 1978, and also in a letter addressed by him to the Speaker on that date, regarding allotment of houses to members. The member was requested to furnish his comments on the matter for consideration of the Speaker and either to substantiate the allegations made by him or to express regret. On August 29, 1978, the Deputy Speaker, who was in the Chair informed the House that the member concerned in his reply had expressed his unqualified regrets to the Speaker and also to the Chairman of the House Committee.

In view of the unqualified regrets expressed by the member, the matter was treated as closed.

*Allegations against a Parliamentary Committee:* On July 31, 1978, during discussion on a 'point of order' regarding reported eviction of families of two members of Parliament, a member made certain serious allegations against the House Committee of Lok Sabha. The Speaker thereupon observed that if the allegations made by the member offended the Rules of Procedure of Lok Sabha, he would expunge them. The Speaker also observed that if the allegations made by the member were not proved, he would charge him with contempt of the House and refer it to the Committee of Privileges. Subsequently, the Speaker expunged the allegations made by the member from the proceedings of the House. The member concerned was also addressed to detail and substantiate the allegations made by him in Lok Sabha against the House Committee of Lok Sabha. As no reply was received from the member concerned, despite numerous reminders, he was informed that if the allegations made by him were not substantiated, the matter would have to be proceeded with on the basis that he had made the allegations without justification and the matter referred to the Committee of Privileges. As no reply was received from the member concerned, 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.

*Alleged criticism of the Conduct of certain members in the House in the meeting of a Parliamentary Party Executive:* On August 4, 1978, Shri C. K. Chandrappan, gave notice of a question of privilege against the Janata Parliamentary Party Executive and its leader, Shri Morarji R. Desai, Prime Minister, for criticising the conduct of Sarvashri Raj Narain and Mani Ram Bagri, members, in the House, in a meeting of Janata Parliamentary Party Executive held on August 1, 1978. In this connection, Shri Chandrappan referred to the following news report published in the *Patriot*, dated the 2nd August, 1978:—

“Former Health Minister Raj Narain’s conduct in Lok Sabha on Monday on the issue of the eviction of an M.P. from a bungalow came in for sharp criticism at the meeting. . . . . the Executive is also learnt to have deplored the conduct of Mr. Mani Ram Bagri, a close associate of Raj Narain, for raising the issue. . . . . Strongly disapproving such behaviour Prime Minister Morarji Desai is learnt to have given the full background of the incident.”

On August 7, 1978, when Shri Chandrappan sought to raise the matter in the House, the Speaker (Shri K. S. Hegde), ruled as follows:—

“I have disallowed it. . . . Normally the parties have the right to issue instructions. That is the basis of issuing whips. I have disallowed it. . . . . Democratic functioning is within party limits. . . . .”

The matter was, thereafter, closed.

*Alleged intervention by three members to prevent an ex-Minister from making a statement in the House regarding his resignation from the Council of Ministers:* On August 7, 1978, Shri Vayalar Ravi, sought to raise a question of privilege against Sarvashri Madhu Limaye, Rabi Ray and S. N. Mishra, members, for not allowing Shri Raj Narain, a member (former Minister of Health and Family Welfare) to make a statement in the House on his resignation from the Council of Ministers. In this connection, Shri Vayalar Ravi referred to the following reported statement of Shri Raj Narain, as published in the *Times of India*, dated the 6th August, 1978:

“He said his statement on his resignation in the Lok Sabha was dependent on the conditions that might follow. His friends, Mr. Madhu Limaye, Mr. Rabi Ray and Mr. S. N. Mishra, had persuaded him to delay his statement in the Lok Sabha and no date had been fixed for the same. His statement could be modified according to circumstances.”

The Speaker, (Shri K. S. Hegde), disallowed the question of privilege and ruled as follows:—

“It is open to a Minister who resigned from the Council of Ministers to make a statement under Rule 199. The discretion is entirely with him, but this is subject to the consent being given by the Speaker. But every member has a right to change his opinion or allow him to be persuaded by others. Unless there is a complaint that he is forcibly resisted, in which case it will amount to a breach of privilege, so long as the member himself is willing to be persuaded, no question of breach of privilege arises. It is up to him to decide it. So, the point of order is over ruled.”

The matter was, thereafter, closed.

#### RAJYA SABHA

*Alleged misreporting of proceedings of the House by a newspaper:* On May 10, 1978, the Chairman, (Shri B. D. Jatti), informed the House as follows:

“I have to inform the House that on the 3rd May, 1978, Shri Surendra Mohan, a member of this House, gave a notice of breach of privilege against the Editor of *National Herald* for publishing in the issue of the paper dated the 28th April, 1978 a misleading report of the proceedings of the Rajya Sabha relating to the speech of the Minister of Industry made by him while replying to the discussion on the working of the Ministry of Industry on 27th April, 1978. Shri Surendra Mohan in his notice and particularly objected to the misreporting of the Minister's observations on ‘Coca-Cola’, ‘I.B.M.’ and ‘Shri K. K. Birla’, under the caption ‘Elders critical of industrial policy.’ The report had stated that according to the Minister of Industry, the Coca-cola and the I.B.M. were closed because the Chairman of the Coca-cola had contested the Lok Sabha elections in 1977 and the I.B.M. was located in the building of *National Herald*; and that his Ministry would give consideration to Shri K. K. Birla's support to Shrimati Indira Gandhi while dealing with the Birla House from

time to time. On verification from the record of relevant proceedings of the House, it was found that the Minister of Industry had not given any such reasons about the closure of the Coca-cola and I.B.M. as attributed to him in the newspaper report; nor did he hold out any such threat while speaking on the Birlas.

The matter was referred, under my direction, to the Editor of the *National Herald*, New Delhi, enquiring from him if he had anything to say in this regard. The Editor in his letter dated 6th May, 1978, has submitted that the report of the proceedings of the Rajya Sabha of April 27, 1978, published in the *National Herald* of April 28, 1978, did give misleading impression and had explained the circumstances in which the impugned news item had been published in the paper. He has further stated that the distortion in the reporting of the Industry Minister's speech was not deliberate and he deeply regretted the inconvenience and embarrassment caused by the wrong impression created by the report.

The Editor has since published a correction in the *National Herald* of May 9, 1978 to the effect that Shri Fernandes did not give the reasons about Coca-cola and I.B.M. and also did not make the threat against Birlas as reported in the paper, and has regretted the mistake. In view of the expression of regret and correction of the proceedings of the House by the Editor, *National Herald*, if the House agrees, the matter may be treated as closed. However, I do hope that the press would exercise great care in reporting accurately the proceedings of the House so that such misreporting and distortion do not occur in future."

The matter was, thereafter, closed.

#### HOUSE OF COMMONS (U.K.)

*Threat by a Union to withdrawn its sponsorship to certain members on account of their voting in the House* : On May 24, 1977, Mr. Robert Adley, a member, sought to raise a question of privilege against the National Conference of the National Union of Public Employees for giving a threat to six members to withdraw the Union's sponsorship to them unless they gave an assurance that they would refrain from supporting the Government's policy of cuts in public expenditure. While raising the matter, Mr. Adley referred to the Press Association tape received by him and stated *inter alia* as follows:

"The quotation on the tape to which I seek to draw your attention, Mr. Speaker, is as follows:

'Six Labour Members of Parliament face losing their union sponsorship unless they agree to stop supporting public spending cuts. Delegates at the National Union of Public Employees Conference in Brighton decided today to demand assurances from the six that they will refrain from supporting

the Government's policy of cuts in public expenditure. The union executive was instructed to withdraw NUPE sponsorship of the Members of Parliament if the pledges were not made.'

The loss of sponsorship for these six Members would be tantamount to their losing their nomination as Labour candidates in their Parliamentary constituencies, and thus their membership of this House. This, I submit, is a direct and, indeed, a naked threat in respect of their voting behaviour in this House.

I therefore ask you to consider the implications for these six members in the light of what has happened, giving due precedence in your own mind as to the current political circumstances and not just relating to precedents."

The Speaker, (Mr. George Thomas), reserved his ruling till the next day. On May 25, 1977, he ruled *inter alia* as follows:

"I have considered this matter carefully, and I am satisfied that it is a proper case for me to allow a motion relating to it to have precedence over the Orders of the Day."<sup>2</sup>

The Leader of the House, Mr. Michael Foot, then moved the following motion:

"That the matter of the complaint made by the hon. Member for Christchurch and Lyminton be referred to the Committee of Privileges."<sup>3</sup>

The motion was adopted by the House after a brief discussion.

The Committee of Privileges, in their Fourth Report,<sup>4</sup> presented to the House on July 19, 1977, stated *inter alia* as follows:

- (i) "On 24 May the National Conference of the National Union of Public Employees passed the following Resolution:  
'This Conference calls on the Executive Council to take swift and positive action in respect of the Union's sponsored MPs who are supporting the Government's public expenditure cuts by voting with the Government to implement the cuts. Conference demands the executive Council to seek an assurance from the six MPs who are sponsored by NUPE that they will refrain from supporting the Government's policy of cuts in public expenditure. If such an assurance is not forthcoming the Executive Council is instructed to withdraw the Union's sponsorship of those MPs'."
- (ii) "The General Secretary of the Union supplied Your Committee with the following explanation of how the Resolution

<sup>2</sup>*Ibid.*, dt. 25-5-1978, c. 1417.

<sup>3</sup>*Ibid.*,

<sup>4</sup>H.C. (U.K.) (1976-77), 512.

came to be passed, and its status under the rules of the Union: "The circumstances in which the resolution that has caused the reference to your Committee came to be adopted by the Conference are as follows:

1. Two branches submitted resolutions for the agenda of the National Conference...
2. To expedite Conference business the two branches agreed to merge their separate resolutions in a composite resolution...
3. At the Conference the composite resolution was moved by the Dronfield and Eckington Branch and formally seconded from the body of the Conference. The vote was then called and the resolution was adopted *nem. con.* on a show of hands without further discussion.

It will be noted that the resolution is a call from the National Conference, the senior policy-making body of the Union... to the Union's Executive Council. It will also be noted that the substance of the resolution deals exclusively with the issue of public expenditure cuts which are, of course, of vital importance to the jobs and earnings of the Union's 650,000 members. The Executive Council has not yet had the opportunity of considering the resolution carried at the National Conference but they will be doing so, along with all the other resolutions adopted by the Conference.

They will be required, in the light of all the circumstances as perceived by the Executive Council, to exercise their judgement in deciding what action should be taken in furtherance of the resolution and in this connection it would be most helpful if you could let me have any comments your Committee might like to make so that these can be taken into account when my Executive Council are dealing with the issues in question."

- (iii) "Your Committee were in no doubt that the action called for in the Resolution of the Conference would have amounted to seeking to use contractual agreements with members as a means of controlling their conduct or punishing them for what they had done as Members. For the Union to take such action would, in Your Committee's view, constitute a serious contempt of the House."
- (iv) "Your Committee accordingly replied to the letter from the General Secretary of the Union in the following terms:

The Committee have considered your letter of the 2 June in which you explain the circumstances in which the National Conference of your Union passed the Resolution entitled "MPs and Public Expenditure Cuts" on 24 May. The Committee note that, under the terms of the Resolution, the Executive Council of the Union is instructed to withdraw the Union's sponsorship from Members of Parliament who do not give an assurance that they will refrain from supporting the Government's policy.



In your letter of 2 June you state that it would be helpful to know the Committee's view of the Resolution of 24 May in deciding what action the Executive Council should take.

The application of the privilege of freedom of speech in Parliament to the arrangements which Members sometimes enter into with outside persons or bodies, was considered by the House of Commons in 1947. The House then decided that there is nothing of itself improper in a Member receiving financial assistance from an outside body, so long as the arrangements do not involve the assertion or the exercise of any kind of control over the freedom of the Member concerned in Parliament. It was also decided that if such an outside body enters into a contractual relationship with, and makes payments to, a Member, it may be entitled to terminate that relationship where it considers it necessary for the protection of its own interests so to do. What an outside body is not entitled to do, the House decided, is to use the agreement or the payment as an instrument by which it controls or seeks to control the conduct of a Member or to punish him for what he has done as a Member.

The Committee of Privileges are in no doubt that the Resolution of your National Conference falls into the category of action which is not merely calculated to affect the course of Members' action in Parliament, but is one from which it is absolutely necessary that Members should be protected if they are to discharge their duties independently. Before reporting their opinion to the House, the Committee invite the Executive Council to consider their attitude to the Resolution in the light of the above decisions. The Committee are confident that the Executive Council will wish to ensure that the law of Parliament is not breached, appreciating that to withdraw, or threaten to withdraw, a Member's sponsorship in the circumstances set out in the Resolution would constitute a serious contempt of the House.

The Committee therefore trust that the Executive Council will decide that the Resolution cannot be implemented, and will assure the Committee of Privileges that the Members concerned are not under the constraint required by the Resolution, and will not be so placed."

- (v) "The following reply was received from the General Secretary of the Union:

'My Executive Council have now considered the content of your letter of 15th June, in which you set out the views of the Committee of Privileges towards the Resolution adopted by the Union's National Conference on 24th May and in the light of your clear comments they have decided to let that Resolution lie on the Table. This will mean that there will be no change in the existing relationship between the Union and its sponsored Members of Parliament.' "

- (vi) "In any conflict between the loyalty owed by a member to Parliament and that he might owe to some other person or organisation, the law of Parliament requires the Member's loyalty to Parliament to prevail. In Your Committee's opinion there is an obligation upon any person or organisation who enter into a contractual relationship with a Member of Parliament (just as there is upon the Member) to make themselves aware of the law of Parliament as it affects such relationships. They regret that the attention of the National Conference of N.U.P.E. was not drawn to the fact that the passing of the Resolution would involve a contempt of the House and that it would, therefore, be unlawful. In the event, the Conference may well have acted in ignorance of the position. Your Committee note with satisfaction that the Executive Council have now undertaken that no action will be taken upon the Resolution, and that there will be no change in the existing relationship between the Union and its sponsored Members of Parliament. In these circumstances, Your Committee do not consider that it is necessary for the House to take to any action in the matter."

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

## PROCEDURAL MATTERS

## LOK SABHA

*Statements by Ministers who resigned:* On July 17, 1978, when the Speaker called the Leader of the Opposition, Shri C. M. Stephen, to make a query about the Ministers who had recently resigned from the Council of Ministers\* but had not made any statement in the House with regard to their resignations, several members raised points of order that it was the discretion of the members who had resigned from the office of Minister to make statements with regard to their resignations, and other members had no *locus standi* under rule 199 to demand a statement from the former Ministers. The Speaker observed that on three occasions in the past, the then Speaker had permitted members to make a query under this Rule with a view to demand a statement from the member who had resigned from the office of Minister and ultimately the Speaker had decided that it was for the members who had resigned as Ministers to make or not to make such statements. If the member who had resigned from the office of Minister had the privilege under this Rule to make a statement in the House, by implication, it was open to other members to request him to exercise that privilege.

In his query, Shri Stephen *inter alia* stated that members who had resigned the office of Minister ought to make statements with a view to inform the House about their resignations particularly when the Prime Minister had introduced them to the House after they were sworn in as Ministers. He further contended that the word 'may' in this Rule should be read as 'shall' in view of the special circumstances of the case. The Speaker, however, ruled that his predecessors had decided earlier that the word 'may' in this Rule shall not be read as 'shall' and as such he could not compel the members who had resigned the office of Ministers to make statements in the House.

On August 17, 1978, the Speaker informed the House that Shri Raj Narain had informed him that he would not be making his statement in

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\*Sarvashri Charan Singh and Raj Narain had resigned as Ministers of Home Affairs and Health respectively.

explanation of his resignation from the office of Minister of Health and Family Welfare which had been listed in the List of Business for that day. When a number of members raised points of order opposing Shri Raj Narain's request, the Speaker observed that under the rules he had no power to compel a member to make a statement. The Speaker further held that the statement sent by the member to the Speaker had not become the property of the House. Subsequently, during the same session Shri Raj Narain wrote to the Speaker that he would make his statement under rule 199 on August 24, 1978 and sent therewith a copy of the statement which he had revised. The item was included in the Revised List of Business for that date. On that day when the item was reached, several members raised objections to allowing the former Minister to make the statement so late and after having declined to avail of the opportunity given to him earlier. The Speaker thereupon observed that whenever a Minister resigned either voluntarily or at the request of the Prime Minister it entitled him to make a statement in the House and no limitation whatsoever had been prescribed in this rule with regard to the time for making the statement. The Speaker further observed that if the statement had been unduly delayed, he might not have given his permission, but as it was being made during the session itself, he would not be justified in declining his permission to the member to make the statement. Thereafter, Shri Raj Narain made the statement in explanation of his resignation and then the Prime Minister also made a statement pertinent thereto.

*Calling attention notice—copies of Minister's statement:* When copies of the statement to be made by the Minister in response to a Calling Attention Notice are not received by the time the item is reached, the Speaker may direct that the item be taken up at a later hour on the same day. This procedure was followed on April 18, 1978, when a Calling Attention Notice regarding the reported death of 150 persons and injury to several others as a result of cyclone in Orissa was reached and several members complained that they had not yet received advance copies of the Minister's statement. The Speaker, therefore, directed that the item would be taken up at 13.00 hrs. Accordingly, the Calling Attention was taken up at 13.06 hrs. by interrupting discussion on the Demands for Grants relating to the Ministry of External Affairs.

Again on August 2, 1978, when a Calling Attention Notice regarding floods in various parts of the country was reached, and members complained that they had not yet received copies of the statement to be made by the Minister in response to Calling Attention Notice, the Speaker expressed his displeasure to the Minister. The Minister supplied a few copies of his

statement to the Officer at the Table and these were distributed to the members concerned immediately. The Speaker did not however, agree to take up the item and observed that the item would be taken up at 15.00 hrs., as the statement had not been made available to all members in time. Accordingly, the Calling Attention was taken up at 15.00 hrs.

*List of Business—Postponement of items:* The Business Advisory Committee in its Twenty-fifth Report adopted on August 17, 1978 recommended *inter alia* that there would be no Question Hour on August 21, 1978 in order to provide time for completion of clause-by-clause consideration of the Constitution (Forty-fifth Amendment) Bill. Questions listed for that day were also postponed to August 28, 1978. The items regarding papers to be laid on the Table and Shri Samar Guha's motion on the disappearance of Netaji Bose scheduled to be discussed on that day were also not included in the List of Business for August 21.

On August 21, when clause-by-clause consideration of the aforesaid Bill could not be completed, the House agreed that there might be no question Hour on August 22, and that Questions listed for that day would be taken up on August 29. It was also decided that the Calling Attention selected for August 22, would be taken up on August 23. Accordingly, no Questions, Calling Attention and Papers to be laid on the Table were put down in the revised List of Business for August 22. When clause-by-clause consideration of the Bill was not concluded even on August 22, the House further decided that there would be no Question Hour on August 23, and the Questions listed for that date would be taken up on August 30. Accordingly, the Questions and Short Notice Questions were not included in the Revised List of Business for August 23. On that date, all other items including formal items like papers to be laid on the Table were included in the List of Business after the Constitution (Forty-fifth Amendment) Bill.

*Zero Hour:* During the Fourth and Fifth sessions of the Sixth Lok Sabha, the Speaker generally allowed several matters to be raised under rule 377 on the same day. During these sessions when several members sought to raise various matters without having tabled any notices under the rules, the Speaker categorically observed that there was no such thing as Zero Hour in the Rules of Procedure and Conduct of Business in Lok Sabha, that the Members who desired to raise matters of wide public importance might table notices under the appropriate rules, and that they should not raise matters without the specific approval and consent of the Speaker. The Speaker also reminded members that notices under rule 377 to the extent of five per day were being allowed to accommodate various submissions by members and accordingly solicited their cooperation in not raising matters without tabling notices and without Speaker's permission. Paragraphs to

this effect were also included in Bulletins Part II of April 24, 1978 and August 2, 1978.

*Prohibition of advance publicity to notices:* On August 28, 1978, a member, Shri Saugata Roy, on a point of order asked the Chair whether the motion of no-confidence in the Council of Ministers given notice of by the Leader of the Opposition, Shri C. M. Stephen was being moved on that day as reported in the newspapers. He also complained that the motion had not been circulated to members along with the list of business. The Deputy Speaker declined to divulge the information and observed that it was for the Party concerned to move or not to move the motion. When another member, Shri Vayalar Ravi, submitted that he had tabled a notice under rule 334A of the Rules of Procedure regarding the publicity given in the Press by Shri Raj Narain that he was going to move a privilege motion against the Prime Minister, the Deputy Speaker observed that he would give his decision only after going through the news-report in question. On August 31, 1978, the Deputy Speaker informed the House that it had been brought to his notice that advance publicity was being given in the Press to various notices given by members for raising matters in the House. Pointing out that such advance publicity was in contravention of the provisions of this rule, he sought the cooperation of the members and the Press in their observance.

*Laying of papers on the Table—reasons for delay:* On July 19, 1978, after the Minister of State in the Ministry of Finance, Shri Zulfikarulla, laid on the Table a copy of the Smugglers and Foreign Exchange Manipulators (Appellate Tribunal for Forfeited Property) Rules, 1977 published in Notification No. S.O. 179(E) in Gazette of India dated the 18th February, 1977, a member, Shri K. P. Unnikrishnan, made a submission that the Minister should be asked to explain the delay in laying the Rules on the Table of the House. On being asked by the Speaker to explain the reasons for delay, the Minister stated that he would submit the explanation on the next day. The Speaker observed that under the Rules the explanation regarding the reasons for delay should be laid on the Table along with the document itself and as such he would refer the case to the concerned Committee.

Later, when a communication was received from the Ministry that the Minister would make statement on July 20, 1978 explaining the reasons for delay in laying the aforesaid Rules on the Table, the Speaker did not permit the Minister to make the proposed statement in view of the decision on the matter already given by him in the House. The matter was referred to the Committee on Subordinate Legislation.

#### RAJYA SABHA

*Ruling re: Speaker's decision on a Bill:* On July 8, 1978, the Deputy Chairman announced in the House that he had received the decision of the

Speaker, Lok Sabha on the Pension Bill, 1977 for the introduction of which Shri Vithal Gadgil had moved a motion for the leave of the House on March 17, 1978. As an objection was raised that this was a Money Bill and as such it could not be introduced in the Rajya Sabha and since the matter was not free from doubt, the Chairman referred the matter to the Speaker, Lok Sabha for his decision in accordance with the provision of rule 186(6) of the Rajya Sabha Rules of Procedure. Since the Speaker's decision was that the Pension Bill, 1977, was a Money Bill, the Bill, in accordance with the provision of article 109(2) of the Constitution, could not be introduced in the Rajya Sabha.

#### BIHAR VIDHAN SABHA\*

*Laying of Papers on the Table:* On June 28, 1978, the Leader of the Opposition, Dr. Jagannath Mishra participating in the general discussion on the Budget referred to a news item in a local Hindi daily newspaper *Jan-shakti* that the present Chief Minister, some Members of Parliament and State Legislatures had demanded money from an Executive Engineer who had been arrested on corruption charges by writing letters to him on different occasions and also at the time of the Phulparas election.

The matter was again raised by Dr. Mishra on July 25, while speaking on the Appropriation Bill and during the course of his speech he read over the contents of two letters which were alleged to be photostate copies of the original letters written by the Chief Minister. He handed over the same to the Deputy Speaker who was then in the Chair. Shri Kapildeo Singh, Minister of Parliamentary Affairs challenged the admissibility of the letter and requested a ruling from the Chair on the matter. The Deputy Speaker kept the photostat copies and informed the House that he would give a ruling on the admissibility of the letters after due consideration. Later, the Chief Minister denied the allegations and requested the Chair to admit the two letters and treat them as the property of the House. He demanded that the genuineness of the letters may be examined by a Committee of the House.

Giving his ruling in the matter on August 10, 1978 the Speaker held that when a paper was laid on the Table of the House, it became part of the permanent record of the House and also became public. A paper so laid was open to discussion in the House, *i.e.* a member could give notice of a motion seeking discussion thereon. A member could lay a paper or document on the Table of the House only with the previous permission of the Speaker, who while according the permission takes, *inter alia*, the following factors into consideration, *viz.*, that the member had referred to the document in the House, read extracts thereof, that the document was important

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\*Contributed by the Bihar Vidhan Sabha Secretariat.

enough to be brought on the record of the House, contained nothing which was against the interest of the nation and the House was not being made a forum for expressing anything likely to lower its prestige of authority, that the contents of the document was in some way connected with the business of the House and that it was original and authentic. He also held that where its authenticity could not be verified, it could be laid only if the member endorsed a certificate thereon, as a member who authenticated a document was presumed to take full responsibility for its genuineness, correctness and authenticity.

The Speaker said that the photostat copies of the letters had been handed over to the Deputy Speaker without his prior permission and, further, they did not contain the certificate as required under the rules and in accordance with the parliamentary practice, and therefore held that the documents could not be permitted to be laid on the Table of the House.

As regards the proposal for constituting a Committee of the House, the Speaker referred to two relevant cases in Lok Sabha, viz., that of *Shri Prakash Vir Shastri vs. Humayun Kabir* and of *Shri Jyotirmoy Bosu vs. D. P. Dhar* in both of which the member and the Minister had submitted themselves to the Speaker's authority and had requested him to enquire into the allegations and to give his findings thereon. The Speaker further said that the present case was different and held that it was in the power of the House to constitute a Committee of this nature on a motion which had been properly moved, admitted by the Speaker, debated in the House and adopted by it, but as in this case no such proposal had been made either by the Chief Minister or any other member, there was no question of constituting any Committee.

#### MIZORAM LEGISLATIVE ASSEMBLY\*

*Playing of National Anthem:* During the term of the First Legislative Assembly, the practice of playing the National Anthem on the occasion of the Address by the Lt. Governor (Administrator) to the House was not in vogue. While making arrangements for the Administrator's Address at the commencement of the First Session of the Second Legislative Assembly, it was decided that, in consonance with the practice followed in Parliament and several State Legislatures, the National Anthem may be played on the occasion. Arrangement was accordingly made when the Administrator addressed the House on June 22, 1978.

*Seating of Deputy Speaker and the Leader of Opposition Group:* During the term of the First Legislative Assembly the Deputy Speaker was

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\*Contributed by the Mizoram Legislative Assembly Secretariat.



allotted the first seat in the front row on the left of the Chair and the Leader of the Opposition was allotted a seat in the same row next to the Deputy Speaker. At the commencement of the First Session of the Second Legislative Assembly the Speaker decided that the first seat in the front row on the left of the Chair be allotted to the Leader of the Opposition Group and the seat next to him to the Deputy Speaker. The seating arrangement was then made accordingly.

#### TRIPURA LEGISLATIVE ASSEMBLY\*

*Amendment of resolutions:* On June 16, 1978, after the House had discussed a Private Member's resolution regarding procurement of rice, pulses, wheat, oil, salt, clothes, medicines and other essential commodities at minimum rates from the producers and their distribution through the Fair Price Shops, the concerned Minister replying to the discussion informed the House that he would accept the resolution in an amended form if the amendments proposed by him were acceptable to the mover. A draft of the proposed amended form was also submitted by him to the Speaker. Though amendments at the concluding stage of the debate are not normally admitted, the Speaker, considering the situation in the House, in exercise of his residual powers, agreed to allow the amendments to be incorporated in the resolution, provided that the mover of the resolution agreed to accept such incorporation and that the resolution may be adopted *nemine contradicente* (i.e. if no one objects).

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\*Contributed by the Tripura Legislative Assembly Secretariat.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS  
(July 1, 1978 to September 30, 1978)

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INDIA

DEVELOPMENTS AT THE CENTRE

*New Supreme Court Judges:* On July 17, Justice Anand Dev Kaushal, Justice O. Chinnappa Reddy and Justice Anand Prakash Sen were sworn in as Judges of the Supreme Court by Justice Y. V. Chandrachud, Chief Justice of the Supreme Court.<sup>1</sup>

AROUND THE STATES

ANDHRA PRADESH

*New Governor:* Shri K. C. Abraham was sworn in on August 14 as the new Governor of the State by the Chief Justice of the High Court, Justice Avula Sambasiva Rao, in succession to Shrimati Sharda Mukherjee.<sup>2</sup>

GUJARAT

*New Governor:* On August 14, Shrimati Sharda Mukherjee was sworn in as Governor of Gujarat by Chief Justice of the High Court, Justice B. J. Diwan, in succession to Shri K. K. Vishwanathan.<sup>3</sup>

HARYANA

*Expansion of Ministry:* On July 26, Shri Bhajan Lal and Shri Gajraj Bahadur Nagar, were sworn in as Ministers, raising the strength of the

<sup>1</sup>*Indian Express*, July 17, 1978.

<sup>2</sup>*Deccan Chronicle*, August 15, 1978.

<sup>3</sup>*Hindustan Times*, August 15, 1978.

State Ministry to 14. The Governor, Shri H. S. Brar, on the advice of the Chief Minister, reallocated the portfolios, as follows:

Shri Devi Lal, *Chief Minister: General Administration, Home (only CID), Transport, Public Relations, Planning, Civil Aviation and Tourism*; Dr. Mangal Sein: *Industry and Industrial Training*; Brig. Ram Singh: *Agriculture, Fisheries, Wild Life Preservation, Town and Country Planning, Urban Estates and Colonisation*; Shri Virendra Singh: *Irrigation and Power and Home (excluding CID)*; Shri Gajraj Bhadur Nagar: *Food and Supplies and Elections*; Shri Bir Singh: *Revenue, Rehabilitation, Consolidation and Housing*; Shri Prit Singh Rathi: *Finance, Welfare of Scheduled Castes and Backward Classes and Social Welfare*; Shri Lachhman Singh: *Development and Panchayats, Technical Education, Architecture and P.W.D. (Health)*; Dr. (Smt.) Kamla Verma: *Health and Family Welfare (excluding Ayurveda), Printing and Stationery and Wakf*; Shri Ram Lal Wadhwa: *Local Government, Parliamentary Affairs and Legislative Business*; Shri Hira Nand Arya: *Education, Languages, Archaeology, Sports and Labour and Employment*; Shri Mehar Singh Rathi: *PWD (Border and Roads), Cultural Affairs and Forests*; Shri Sher Singh: *Excise and Taxation, Jails and Administration of Justice*; Shri Bhaian Lal: *Cooperation, Dairy Development, Animal Husbandry and Health (Ayurveda only)*.<sup>4</sup>

#### JAMMU & KASHMIR

*Resignation from Janata Party:* On September 6, Shri Abdul Gani Lone, MLA and Leader of the 12-member Janata Legislature Group resigned from the Janata Party. He launched a new party—Jammu & Kashmir People's Congress on September 7. He was succeeded by Shri Rishi Kumar Kaushal as the new Leader of the 11-member Janata Legislature Group on September 10.<sup>5</sup>

*Resignation by Chairman, Legislative Council:* Shri Syed Hussain, Chairman of the State Legislative Council, tendered resignation from his post on September 7. He was succeeded by Hakim Habib Ullah of the National Conference, who was unanimously elected as Chairman on September 16.<sup>6</sup>

*Resignation by Deputy Chief Minister and reallocation of portfolios:* Consequent upon the resignation, on September 25, by Mirza Afzal Beg, Deputy Chief Minister from the State Ministry, Chief Minister Sheikh Mohammed Abdullah reallocated the portfolios among his ministerial colleagues, as follows:

Shri Sheikh Mohd. Abdullah, Chief Minister: *General Administration, Home, Education and Medical, Tourism and Organisation and*

<sup>4</sup>*Tribune*, July 27, 1978.

<sup>5</sup>*National Herald*, Sept. 7, 1978; *Hindustan Times*, Sept. 11, 1978.

<sup>6</sup>*Statesman*, September 8, 1978; *India Express* September 11, 1978.

*Methods Departments, Information and Administration of Auqaqs;* Shri D. D. Thakur: *Finance, Planning, Industries and Commerce, Relief and Rehabilitation;* Shri Sonam Narboo: *Public Works, Power, Development and Ladakh Affairs;* Shri Ghulam Mohammad Shah: *Transport, Food and Essential Supplies and Social Welfare;* Shri Mohan Kishan Tikku: *Forests, Housing and Urban Development;* Shri Ghulam Nabi Kochak: *Revenue and Agriculture, Employment, Administrative Reforms and Inspections and Parliamentary Affairs;* Shri Ghulam Mohammad Baderwahi: *Local-self Government;* Shri Ghulam Qadir Mir: *Stationery and Printing and Labour;* Dr. Harbhajan Singh: *Health and Family Welfare;* Shri Bashir Ahmed: *Animal Husbandry;* Shri Mohammad Ashraf Khan: *Cooperation and Community Development;* Shri Mohammad Shafi: *School Education;* Shri Pramanand: *Public Health, Engineering;* Shri T. R. Atrica: *Law.*<sup>7</sup>

## KERALA

*New Home Minister:* Shri K. M. Mani, Chairman of the Kerala Congress, whose election to the State Assembly was upheld by the Supreme Court, was sworn in as the new Home Minister on September 16, in place of Shri P. J. Joseph, who tendered his resignation on September 14.<sup>8</sup>

## MADHYA PRADESH

*New Governor:* Shri C. M. Poonacha was sworn in on August 17, as the new Governor of Madhya Pradesh by Justice G. P. Singh, Chief Justice of the High Court, in succession to Shri N. N. Wanchoo.<sup>9</sup>

## MAHARASHTRA

*New Ministry:* Following the resignations from the Congress-Congress (I) coalition Ministry on July 12 by four Ministers, viz., Shri Sharad Pawar, Industries Minister, Shri S. A. Solanke, Public Works Minister, Shri Sushil Kumar Shinde, Minister of State for Finance and Public Health and Shri Datta Meghe, Minister of State for Civil Supplies and Housing and reported withdrawal of support to the Ministry by another 38 MLAs' Shri Vasantdada Patil, Chief Minister tendered the resignation of his Council of Ministers to the Governor on July 17.<sup>10</sup>

A six-member non-Congress coalition Ministry headed by Shri Sharad Pawar was sworn in on July 18, 11 Cabinet Ministers and 17 Ministers

<sup>7</sup>*Times of India*, Sept. 27, 1978.

<sup>8</sup>*Sunday Pioneer* (Lucknow), Sept. 17, 1978

<sup>9</sup>*Times of India*, August 18, 1978.

<sup>10</sup>*The Statesman*, Calcutta, July 13, 1978, *Tribune*, July 18, 1978.

of State were sworn in on August 3, raising the strength of the Ministry to 34. The allocation of portfolios announced on August 6, was as follows:

**Cabinet Ministers:**

Shri Sharad Pawar, Chief Minister: *General Administration, Home and Residual Matters*; Shri Uttam Rao Patil: *Revenue, and Rehabilitation*; Shri S. B. Chavan: *Finance, Planning and Energy*; Shri S. A. Solanke: *Industries, Animal Husbandry, Dairy Development and Fisheries*; Shri N. D. Patil: *Co-operation*; Shri Nihal Ahmad: *Employment and Manpower Development, Technical Education and Training*; Shri G. A. Deshmukh: *Agriculture and Rural Development*; Shri A. S. Kasture: *Social Welfare and Tribal Welfare*; Prof. S. S. Varde: *Education, Cultural Affairs, Youth Services and Sports*; Shri Hashu Advani: *Urban development and Bombay Metropolitan Regional Development Authority*; Shri Jagannath Jadhav: *Public Works and Legislative Affairs*; Shri Govind Rao Whadik: *Law, Judiciary, Irrigation, including Command Area Development Authority and Khar Lands*; Shri Sushil Kumar Shinde: *Labour and Tourism*; Shri Bhausaheb Surve: *Housing and Jails*; Dr. (Smt.) P. Ramilav Tople: *Public Health and Family Welfare*; Shri Hasasmukhbhai Upadaya: *Food, Civil Supplies and Transport*; Shri Chhedilal Gupta: *Forest, Prohibition and Excise.*

**Ministers of State :**

Shri Bhai Vaidya: *General Administration and Home*; Shri Vinayakrao Patil: *Industry, Cultural Affairs, Youth Services and Sports*; Dr. M. Ishaq Jamkhanwala: *Finance, Labour, Aukaf and Protocol*; Shri Shripatrao S. Bhondre: *Agriculture*; Shri Shivaji Rao B. Patil: *Irrigation, including Command Area Development Authority (CADA)*; Shri B. L. Patil: *Animal Husbandry, Dairy Development Khar Lands and Fisheries*; Shri Prataprao Bhosle: *Rural Development and Rehabilitation*; Shri Kishanrao Deshmukh: *Revenue and Planning*; Shri Datta Meghe: *Employment and Manpower Development, Technical Education and Training and Tourism*; Shri Shankar Rao D. Kale: *Cooperation and Education*; Shri Silwarsing Padvi: *Forest and Tribal Welfare*; Shri S. G. Nakhate: *Transport, Food, Civil Supplies and Legislative Affairs*; Shri Bhaurao Mulak: *Urban Development*; Smt. Shanti Naik: *Social Welfare and Housing*; Dr. Padamsinh Patil: *Energy, Prohibition and Excise*; Shri B. D. Dhakhne: *Public Works*; Dr. Namdeo Gadekar: *Public Health and Family Welfare.*<sup>11</sup>

**Formation of new Party:** On August 9, nine Congress (U) MLAs from Vidarbha severed their connections with the party and formed a new party—'Vidarbha Congress'.<sup>12</sup>

<sup>11</sup>National Herald, August 6, 1978

<sup>12</sup>Free Press Journal, August 20, 1978.

## NAGALAND

*Expansion of Ministry:* The State Ministry was expanded with the induction, on September 6, of two more Ministers viz., Shri Dallenamo (Minister of State) and Shri Longnyiem (Deputy Minister), raising its strength to 17.<sup>13</sup>

## PUNJAB

*Statutory recognition to Leader of the Opposition:* On September 6, the State Assembly passed the Salary and Allowances of Leader of Opposition in Legislative Assembly Bill, conferring Cabinet rank on the Leader of the Opposition, who now is entitled to a monthly salary of Rs. 1,500, a free furnished residence, an official car and telephone and other secretarial facilities.<sup>14</sup>

## RAJASTHAN

*Resignation by Ministers:* Two Ministers of State, viz., Shri Lal Chand (Home) and Shri Vigyan Modi (Transport) resigned from the State Ministry on July 3 in protest against the 'dropping' of Shri Charan Singh and Shri Raj Narain from the Union Cabinet.<sup>15</sup>

## UNION TERRITORIES

## LAKSHADWEEP

*New Administrator:* On August 1, Shri P. M. Nair took over as the new Administrator of the Union territory of Lakshadweep.<sup>16</sup>

## DEVELOPMENTS ABROAD

## AFGHANISTAN

*Arrest of Ministers:* Following discovery of an alleged plot to overthrow the new government of President Noor Mohammad Tarakki, General Abdul Khadir, Defence Minister was arrested on August 17. Two more Ministers, viz., Mr. S. Ali, Planning Minister and Mr. Mohamad Rafiq, Public Works Minister were subsequently arrested on August 23 on charges of conspiracy against the government.<sup>17</sup>

<sup>13</sup>*The Statesman*, September 7, 1978.

<sup>14</sup>*National Herald*, September 7, 1978.

<sup>15</sup>*Indian Express*, July 4, 1978.

<sup>16</sup>*The Times of India*, August 2, 1978.

<sup>17</sup>*The Times* (London), August 18 and *The Times of India*, August 24, 1978.

## AUSTRALIA

*Dismissal of Minister:* On August 7, Prime Minister, Mr. Malcolm Fraser dropped one of his senior-most Cabinet Ministers, Senator Reg Withers, because of a Royal Commission finding holding him guilty of improper intervention in an electoral redistribution.<sup>18</sup>

## BANGLADESH

*Formation of a new Party:* A new political party—Bangla Desh Jatiyota Badi Dal—was formed by President Ziaur Rehman under his own Chairmanship on September 1.<sup>19</sup>

## BOLIVIA

*Annullment of poll:* On July 29, the National Electorate Court annulled the results of the disputed general elections held on July 9, the first in 12 years, and called for a new vote within six months.<sup>20</sup>

*New President:* General Juan Pereda Asbun was sworn in as the new President on July 21. He named a 15-member Cabinet of military officers and right-wing supporters on July 24.<sup>21</sup>

## CHINA

*Cabinet reshuffle:* A ministerial reshuffle, with Mr. Yao Yi-lin taking over as Minister of Commerce replacing Mr. Wang Lei, was announced on August 18.<sup>22</sup>

## COOK ISLANDS

*New Prime Minister:* Dr. Tom Davis was sworn in as the new Prime Minister of the Cook Islands in the South Pacific on July 25.<sup>23</sup>

## GHANA

*Resignation by Head of State:* The Chief of State of Ghana, Col. I. K. Acheampong resigned on July 5 and was succeeded by Lt. Gen. Fred Akuffo, Chief of the Defence Staff and Second-in-command of the ruling Supreme Military Council.<sup>24</sup>

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<sup>18</sup>*National Herald*, August 9, 1978.

<sup>19</sup>*National Herald*, September 3, 1978.

<sup>20</sup>*Patriot*, July 21, 1978

<sup>21</sup>*The Tribune*, July 26, 1978.

<sup>22</sup>*The Times of India*, August 20, 1978.

<sup>23</sup>*The Statesman*, July 27, 1978.

<sup>24</sup>*Indian Express*, July 6, 1978.

## GUYANA

*Resignation by Minister:* Mr. George King, Foreign Trade Minister, tendered his resignation on August 6, following discovery of irregularities in his Ministry.<sup>25</sup>

## HONDURAS

*Military rule:* General Juan Alberto Melgar Castro, Head of the Central American State of Honduras, who came to power following a military *coup* in April 1975, resigned on August 7 and was replaced by a three member military junta headed by General Paz Gacia.<sup>26</sup>

## IRAN

*Cabinet reshuffle:* Prime Minister, Mr. Jamshed Amouzegar reshuffled his Cabinet on July 24 by dropping one Minister, appointing two new Ministers, and changing the portfolios of another two.<sup>27</sup>

*New Government:* A 22-member Cabinet headed by Prime Minister, Mr. Jaffar Sharif Emami, Chairman of the Senate and a former Prime Minister, was sworn in on August 27, replacing the government headed by Mr. Jamshed Amouzegar, who resigned that .<sup>28</sup>

*Resumption of political activities:* Following announcement by the new Prime Minister, Mr. Jaffar Sharif Emami permitting political activities by all parties except the Communists, fourteen political parties, including the National Front, which was banned following unsuccessful *coup* attempt in 1953, announced their return to political activity.<sup>29</sup>

## ISRAEL

*Resignation by Minister:* Mr. Yigal Horowitz, Industry Minister resigned on September 28, in protest against the approval by *Knessev* (Parliament) of the Camp David accord between Egypt and Israel.<sup>30</sup>

## ITALY

*New President:* The new Head of State, Mr. Sandro Pertini, a Socialist, was elected as the country's seventh President on July 8.<sup>31</sup>

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<sup>25</sup>The Times of India, August 8, 1978.

<sup>26</sup>National Herald, August 9, 1978.

<sup>27</sup>The Times of India, July 27, 1978.

<sup>28</sup>The Statesman, August 28 and Hindustan Times, August 28, 1978.

<sup>29</sup>The Statesman, September 6, 1978.

<sup>30</sup>Patriot, September 30, 1978.

<sup>31</sup>Hindu, July 9, 1978.



## KENYA

**Death of President:** Mr. Jomo Kenyatta, father of African nationalism and President of Kenya for the last 14 years died on August 22.<sup>32</sup>

## MALAYSIA

**Victory of ruling party:** In the elections to the 154-member *Dewan Rakyat* (Lower House of Parliament), the ruling National Front, heading a multi-racial coalition, returned to power securing 131-seats at the polls. on July 9, besides controlling all the 13 States in the Federation.<sup>33</sup>

## MAURITANIA

**Take-over by Army:** President Moktar-ould Daddah's 18-year rule was taken over by the Army in a bloodless *coup* on July 10. On July 11, Lt. Col. Mustapha Ould Salek, head of the ruling Committee formed a new 16-member government comprising 8 officers and 8 civilians.<sup>34</sup>

## NICARAGUA

**Declaration of Martial Law:** President Anastasio Somoza declared a state of Martial Law throughout the country on September 13, following a heavy fighting between his Red Guards troops and rebels trying to overthrow his Government.<sup>35</sup>

## NIGERIA

**Revocation of emergency:** The state of emergency in Nigeria was officially revoked on September 21 by the Head of the State, Lt. Gen. Olusegun Obasanjo.<sup>36</sup>

## NORTH YEMEN

**New President:** At a special meeting of the National Assembly on July 17, Lt. Col. Ali Abdallah Saleh, Commander-in-chief of the armed forces was elected President in place of Mr. Ahmad Al Ghashmi, who was assassinated on June 24.<sup>37</sup>

<sup>32</sup>*National Herald*, August 23, 1978.

<sup>33</sup>*Patriot*, July 18 and *The Times* (London) July 28, 1978.

<sup>34</sup>*The Times*, July 12, 1978.

<sup>35</sup>*Patriot*, September 15, 1978.

<sup>36</sup>*National Herald*, September 23, 1978.

<sup>37</sup>*The Rising Nepal*, July 18 1978.

## PAKISTAN

*New Ministry:* Chief Martial Law Administrator, General Zia-ul-Haq announced a 24-member Council of Ministers, consisting of civilians but headed by himself, on August 23.<sup>38</sup>

*Gen. Zia as President:* On September 16, the Pakistan Army Chief and Chief Martial Law Administrator, General Zia-ul-Haq took over as President, succeeding Mr. Fazle Elahi Choudhary, who relinquished his office on the same day under the 1973 Constitution.<sup>39</sup>

## PERU

*Declaration of emergency:* On August 21, the Government declared a state of emergency and suspended constitutional rights in the southern and central mining areas of the country, following an indefinite strike by miners.<sup>40</sup>

*Cabinet reshuffle:* Four new Ministers, all military-men, were sworn in on September 18, following a Cabinet reshuffle 'aimed at strengthening the Peruvian Government's unity on vital economic matters'.<sup>41</sup>

## PORTUGAL

*Resignation by Ministers:* On July 24, three Ministers belonging to the Democratic Social Centre (CDS) viz., Mr. Victor Sa Machado (Foreign Affairs), Mr. Rui Ferrera Rodrigues Pena (Administrative Reforms) and Mr. Basillio De Mendonca Horta (Trade Tourism), tendered their resignations from the coalition Cabinet headed by Prime Minister, Mr. Mario Soares.<sup>42</sup>

*New Prime Minister:* On July 27, President Antonio Ramalho Eanes dismissed the second constitutional government headed by Prime Minister, Mr. Mario Soares and appointed, on August 29, Mr. Alfredo Nobre da Costa as the new Prime Minister of the country.<sup>43</sup>

## RHODESIA

*Death of President:* Mr. John Wrathall, President of the country since January 1976, died in his sleep on August 30.<sup>44</sup>

<sup>38</sup>*The Statesman*, August 24, 1978.

<sup>39</sup>*Indian Express*, September 17, 1978.

<sup>40</sup>*National Herald*, August 23, 1978.

<sup>41</sup>*Patriot*, September 20, 1978.

<sup>42</sup>*National Herald*, July 26, 1978.

<sup>43</sup>*The Statesman*, July 28 and *The Times*, August 31, 1978.

<sup>44</sup>*Patriot*, September 1, 1978

**Declaration of Martial Law:** Prime Minister, Mr. Ian Smith announced on September 10, a form of Martial Law in the country.

#### SAN MARINO

**New Government:** A communist-led coalition government was installed in office in San Marino, one of the world's smallest states, on July 18.<sup>46</sup>

#### SOUTH AFRICA

**New President:** Consequent upon the death, on August 21, of President Nicolaas Diederichs, the South African Parliament elected the erstwhile Prime Minister, Mr. John Vorster as the new President of the Republic on September 29.

Mr. Pieter William Botha was elected as the new Prime Minister on September 28 to fill the vacancy caused by the resignation of Mr. John Vorster.<sup>47</sup>

#### SRI LANKA

**New Constitution:** The new Constitution of the country, with the rule of law, democratic freedoms and independence of the judiciary as its salient features, came into force on September 7, replacing the 1972 Republican Constitution promulgated during the previous 7-year regime of Mrs. Srimavo Bhandaranaike.<sup>48</sup>

**Passing of Civil Disabilities Bill:** The United National Party government of Sri Lanka passed on August 10, amidst opposition from the Tamil United Liberation Front (TULF) and the Sri Lanka Freedom Party (SLFP) of Mrs. Srimavo Bhandaranaike, the Local Authorities (Imposition of Civil Disabilities) Bill No. 1 and 2, providing for deprivation of civic rights of Mr. Felix Dias Bhandaranaike, former Justice Minister, Mrs. Bhandaranaike's nephew and close adviser, and 33 others.<sup>49</sup>

#### THAILAND

**Cabinet reshuffle:** Prime Minister, General Kriangsak Chamanan announced a Cabinet reshuffle on August 12, by bringing two senior officers of the armed forces into his military-backed government.<sup>50</sup>

<sup>46</sup>*The Ceylone Daily News*, July 19, 1978.

<sup>47</sup>*The Times*, August 28 and *The Times of India*, September 29 and 30, 1978.

<sup>48</sup>*Patriot*, September 8, 1978.

<sup>49</sup>*The Weekly Mail (Sri Lanka)*, August 12, 1978.

<sup>50</sup>*The Statesman (Calcutta)*, August 31, 1978.

U.S.S.R.

*Death of Minister:* The Deputy Defence Minister, Marshal Archil Gelovancy died on August 21.<sup>51</sup>

ZAMBIA

*Dissolution of Parliament:* President Kenneth Kaunda dissolved the Parliament on September 18, to pave the way for the general and presidential elections by the end of the year.<sup>52</sup>

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<sup>51</sup>*The Tribune*, August 23, 1978.

<sup>52</sup>*The Statesman*, September 19, 1978.

## SESSIONAL REVIEW

## SIXTH LOK SABHA

## FIFTH SESSION

The Fifth Session of the Sixth Lok Sabha commenced on July 17, 1978. It was scheduled to terminate on August 24, but was extended till August 31, 1978. A brief review of some of the important discussions and other business transacted during the session is given below.

## A. DISCUSSIONS

*Shortage of Coal:* Making a statement on July 17, 1978 in response to a Calling Attention Notice by Dr. Vasant Kumar Pandit, the Minister of Energy, Shri P. Ramachandran informed the House that a production of 113.5 million tonnes of coal had been planned for the current year. The Government had been keeping a close watch on the progress of coal production and despatches within the country and a machinery had been set up to promptly identify problems as and when they arose and to take effective steps for their solution. No power station had completely closed down due to shortage of coal. The steps taken to increase coal production included import of explosives, transfer of surplus power from Orissa to Bihar, increase in supply of railway wagons for transfer of coal, despatch of coal to the South by sea, etc.

*Prime Minister's visit abroad:* Making a statement on July 20, 1978 on his visit to Iran, Belgium, U.K. and U.S.A. during the period June 5 to 17, 1978, the Prime Minister, Shri Morarji Desai informed the House that his exchange of views with the Shahanshah of Iran had helped to harmonise "our understanding and reinforce our interest in the political stability of an economic cooperation amongst the nations of our region." His talks with the Belgian Prime Minister had in particular covered recent events in Zaire

and it was agreed that the problem of security of the area should be left to the Africans themselves under the overall guidance of O.A.U. In Brussels it was agreed that negotiations for the renewal of an agreement with the European Economic Community due to expire next year, should commence at a high level soon. It was also decided to set up appropriate centres for India and the E.E.C. in Brussels and New Delhi respectively.

While in his discussions with the British Government, the Prime Minister emphasised the necessity of avoiding any formula enabling Mr. Ian Smith to perpetuate the racist minority rule in Rhodesia, in Washington he had reiterated that India could not be asked to accept full-scope safe-guards by countries who themselves had nuclear weapons and who did not accept safe-guards on their own nuclear military establishments. He had explained India's point of view to members of the Senate Foreign Relations Committee and the House of Representatives Committee on International Affairs. The House Committee, which had held up its vote till it heard him, decided by an overwhelming vote the next day to clear the consignment of fuel for the Atomic Power Project at Tarapur. A few days later, similar action was taken by the Senate Committee.

*Commission for Scheduled Castes and Scheduled Tribes:* Making a statement on July 21, 1978, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal informed the House that the Government had decided to set up a high level Commission to investigate all matters relating to safeguards for Scheduled Castes and Scheduled Tribes under the Constitution. The Commission would ascertain the socio-economic and other relevant circumstances accounting for the commission of offences against persons belonging to Scheduled Castes or Scheduled Tribes and to recommend appropriate remedial measures. It would also inquire into individual complaints regarding denial of any safeguards provided to any person claiming to belong to Scheduled Castes or Scheduled Tribes. The Government had decided to appoint Shri Bhola Paswan Shastri, a Member of Rajya Sabha as Chairman of the Commission.

*Reconstitution of Minorities Commission:* In a statement on July 26, 1978, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal informed the House that consequent on the resignation of Shri M. R. Masani as Chairman, Minorities Commission, the Government had decided to reconstitute the Commission with Shri Justice M. R. A. Ansari as Chairman and Professor V. V. John, Dr. Miss Alooje Dastur, Shri Kushak Bakula and Air Chief Marshal Arjan Singh (Retired) as members.

*Ban on nuclear explosion:* Replying to a Half-an-Hour discussion raised by Shri Samar Guha on July 26, 1978, the Prime Minister, Shri Morarji Desai made it clear that India had not formulated her nuclear policy "at the dictation of any power." India would continue its nuclear research and also use nuclear energy for peaceful purposes for which an explosion was not necessary. In his view blasting for purposes of mining etc. was not nuclear explosion like that of Pokharan. As a matter of fact no research was necessary for use of nuclear energy for peaceful purposes by explosions.

*Growing student unrest in Universities:* Moving a motion on May 15, 1978, Shri Kanwar Lal Gupta had said that the problem of growing unrest in Universities and other institutions of higher education was so serious that it could pose a great danger to democracy and law and order situation in the country. The Government should, therefore, consider the matter seriously and take steps to solve the problem.

Speaking on the motion, Shri C. K. Chandrappan called for reforms in the examination system and Shri A. Bala Pajamor advocated students' involvement in finding out a solution to the problem.

Intervening in the resumed discussion on July 31, the Minister of Education, Social Welfare and Culture, Dr. Pratap Chandra Chunder said that the power of the Central Government was very much circumscribed but the Centre had no intention of taking advantage of the fact that Education was currently in the Concurrent List. It would be an exaggeration to say that almost half the Universities had remained closed; in fact only 13 out of more than 116 universities had been closed for sometime between September 1977 to February, 1978. In March a large number of Universities were closed in U.P. and Bihar mainly on the question of job reservation, which was a political problem and had nothing to do with the Universities. The Government was going to change the educational system by giving greater priority to education at lower levels.

After Shri Kanwar Lal Gupta replied to the discussion, the motion was adopted.

*Language Policy:* Moving a motion on August 1, 1978, Shri Vasant Sathé demanded a constitutional guarantee to "the right stand taken by Pandit Jawaharlal Nehru and followed by the Prime Ministers later on that Hindi should be imposed only when it is accepted by the non-Hindi speaking people and States."

Intervening in the brief discussion which ensued the Prime Minister Shri Morarji Desai reaffirmed that the Government stood by the provisions of the Official Language Act, 1967 and there was no question of trying to circumvent it in any way. He assured the House that lapses, if pointed

out, would be promptly rectified and nothing would be done to impose Hindi. It would be ensured that all examinations for the I.A.S., I.P.S. and I.F.S. were conducted in all the languages so that there was no fear of unequal competition anywhere. The discussion remained inconclusive.

*Conference of Foreign Ministers of Non-Aligned countries:* In a statement on August 3, the Minister of External Affairs, Shri Atal Bihari Vajpayee informed the House that India had been unanimously elected as Chairman of the Political Committee at the Conference of the Foreign Ministers of Non-Aligned countries held in Belgrade from July 25 to 29, 1978 and he had presided over the Drafting Committee set up by that Committee to finalise the Political Declaration. The general debate at the Plenary session covered a review of the international political and economic situation including the role the Non-aligned movement had played and should continue to play in strengthening peace and promoting cooperation on the basis of justice and equality. The Conference proved that no single country or group could deflect the movement in a narrow sectarian direction so long as the members adhered scrupulously to its fundamental principles.

*Incidents of violence in Marathwada:* Making a statement on August 7, 1978 in response to a Calling Attention Notice by Dr. Ramji Singh, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal informed the House that according to the information received from the Government of Maharashtra, there was a long-standing demand for a change in the name of the Marathwada University. Resolutions had been passed on July 27, by both Houses of the Maharashtra Legislature in favour of changing the name. An organisation called 'Vidyarthi Kriti Samiti,' had given a call for *bund* on that day in some towns of Marathwada. After it became known that the resolution had been passed, the demonstrations turned violent in Aurangabad and Parbani districts. A few incidents of clashes between caste Hindus and Harijans and even attacks on Harijan *bastis* had occurred. The police had to open fire at 13 places in dealing with the incidents between July 29 and August 5 as a result of which three persons were killed and eight injured. The agitation was suspended on the intervention of the Chief Minister of Maharashtra.

The matter was raised again in the House on August 14, through a motion moved by Shri D. G. Gawai who said that there was an urgent need to go into the causes of serious incidents that had taken place in the five districts of Marathwada and those who had indulged in arson and killings should be brought to book. Untouchability offences should be regarded as serious crimes and strict action should be taken against those found guilty.



Intervening in the discussion, Shri Mandal said that the question of appointing a judicial inquiry was a matter for the State Government to decide, as law and order was a State subject. The Government had, however, no objection to the Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes paying a visit to Marathwada. The question of naming the Marathwada University was the concern of the Maharashtra Government.

After Shri Gawai replied to the discussion, the House adopted the following substitute motion moved by Shri B. C. Kamble:

“This House having considered the situation arising out of the reported large-scale disturbances and some killings in Marathwada in Maharashtra State, expresses its great concern and directs the Parliament Committee on the Welfare of Scheduled Castes and Scheduled Tribes, to investigate into the causes of these incidents and to identify those who are responsible for such incidents, and suggest remedies to meet the present situation as well as to suggest such other remedies to prevent recurrence of such incidents in any part of India in future.”

*Report of Narmada Water Disputes Tribunal:* In a statement on August 16, 1978, the Minister of Agriculture and Irrigation, Shri Surjit Singh Barnala, informed the House of the important features of the Award of the Narmada Water Disputes Tribunal, constituted by the Government of India on October 6, 1976. According to the Award, out of the utilisable quantum of 28 million acre feet (MAF) of 75 per cent dependability, Madhya Pradesh was allotted 18.25 MAF, Gujarat 9 MAF, Rajasthan 0.5 MAF and Maharashtra 0.25 MAF. The party-States would get the same proportionate share in years of both excess and scarcity. Madhya Pradesh and Maharashtra were allotted 57 per cent and 27 per cent respectively of the electric power produced at Sardar Sarovar. The balance of 16 per cent was allotted to Gujarat. A two-tier machinery was directed to be set up to ensure implementation of the decisions of the Tribunal. The Award was subject to review at any time after a period of 45 years. Shri Barnala hoped that way was now clear for the speedy implementation of various projects of the Narmada river, which would provide irrigation to five million hectares.

*Pakistani infiltration in Jammu & Kashmir:* Making a statement in response to a Calling Attention Notice by Shri Mohd. Shafi Qureshi on August 17, 1978, the Minister of Defence, Shri Jagjivan Ram informed the House that the number of Pakistani infiltrations had been higher during the current year than last year—132 upto August 10, 1978 as against 106 in the entire year of 1977. There was, however, no cause for alarm, as all intelligence and security agencies had been alerted and utmost vigilance was being observed against any attempted sabotage or subversion as well

as against any infiltration. The Government would meet with a firm and befitting response any attempt to threaten national defence or security. The matter was also being taken up with the Pakistan Government with regard to Press reports of statements said to have been made by certain political figures of Pakistan-occupied Kashmir signifying hostile plans and intentions against India.

*Bonus to Workers:* In a statement of August 22, 1978, the Minister of Parliamentary Affairs and Labour, Shri Ravindra Varma informed the House that the demand for restoration of the minimum bonus which workers enjoyed before the Emergency came up as a natural consequence of the demand to right the wrongs of the Emergency and it was decided in August, 1977 to restore the minimum bonus of 8.33 per cent for the accounting year 1976, subject to the provisions of the Payment of Bonus Act which empowered the Government to protect marginal and sick units. Since then requests had been received from various quarters for amendment of the Payment of Bonus Act, 1965 in certain respects. It was the intention of the Government to study these proposals closely and to have consultations with the interests concerned before introducing permanent changes in the Act. Meanwhile, in view of the onset of the festival season, it had been decided that the *status quo* should be maintained for one more year. Accordingly, steps were being taken to continue the 8.33 per cent minimum bonus regardless of profit to be paid for the accounting year commencing on any day in the year 1977.

#### B. LEGISLATIVE BUSINESS

*Maintenance of Internal Security (Repeal) Bill:* On July 18, 1978, moving that the Bill be taken into consideration, the Minister of State in the Ministry of Home Affairs, Shri Dhanik Lal Mandal said that the repeal of MISA was one of the pledges in the election manifesto of the Janata Party.

During the discussion which continued for two days and in which 18 members participated, Shri Eduardo Faleiro sought an assurance from the Government that it would bring forward stringent legislation for dealing with economic offenders. Shri Om Prakash Tyagi and Shri Balwant Singh Ramoowalia called for creation of a special cell to deal with rehabilitation of persons who had been affected by MISA and Shri A.V.P. Asaithambi pleaded for a plan of financial assistance for the dependents of MISA and Emergency victims.

Replying to the discussion on July 19, Shri Mandal said that under a scheme enforced by the Government the dependants of detenus who had died either in jail or after release on parole would be getting Rs. 200

per month. He further said that in spite of the fact that the operation of mini-MISA laws was purely a State subject, the Central Government was advising the States to include proper safeguards in such laws. The Bill was passed.

*Taxation Laws (Amendment) Bill:* Moving that the Bill be taken into consideration, on July 25, 1978, the Minister of Finance, Shri H. M. Patel said that it had two limited objectives: to exempt, *inter alia*, certain incomes and the value of the assets of political parties from income and wealth taxes and to provide for the disallowance, in the computation of taxable profits, of contributions made to political parties for advertisements in souvenirs, brochures and the like published by them.

Initiating the debate, Shri S. R. Damani said that the Government should meet the election and other expenses of political parties and exempt the donations to political parties from income tax on the line of donations to Chief Minister's and Prime Minister's Relief Funds. Shri A. Bala Pujanor desired a comprehensive legislation dealing with the entire question of reforms of the electoral system and other relevant matters.

Replying to the brief discussion, in which 9 members participated, Shri Patel conceded that the Bill did not plug all loopholes but the ban on advertisements had become necessary owing to its abuse by the political parties in the past. The Bill was passed.

*Delhi Police Bill:* Moving the motion for consideration of the Bill on August 17, 1978 the Minister of State in the Ministry of Home Affairs, Shri S. D. Patil said that the Bill sought to amend and consolidate the existing laws relating to Police and was based mainly on the Bombay Police Act, 1951 with some modifications to suit the requirements of Delhi. It provided for appointment of a Commissioner of Police in Delhi who might exercise the powers and duties of an Executive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure as might be specified.

Replying to the two-day discussion on August 23, 1978, Shri Patil did not agree that the Police was being given more powers and dispelled the apprehension expressed by members that police would misuse them. The various suggestions about duties and pay scales of police personnel and other amenities were under consideration of the Government. The Bill, as amended, was passed.

*Constitution (forty-fifth Amendment) Bill:* Moving that the Bill be taken into consideration on August 7, 1978, the Minister of Law, Justice and Company Affairs, Shri Shanti Bhushan said that the most important provisions of the Bill were those which dealt with the promulgation of emergency. The expression "internal disturbances in the country" was

sought to be substituted by "armed rebellion". A definite requirement of written advice emanating from the Cabinet was also being provided. It would be open to Lok Sabha to adopt a resolution calling for revocation of emergency and the President would be bound to act thereon, but according to a proposed amendment it would not be open even to Parliament to authorise preventive detention of any person beyond the normal period prescribed by the Constitution without any reference to the Advisory Board. Certain provisions in the Bill sought to provide constitutional guarantee in regard to publication of Parliamentary proceedings; restoration of five-year term of Members of Lok Sabha and State Legislatures and of the powers of the judiciary; consideration of election petitions against the President by Supreme Court and against the Prime Minister or Speaker by the High Court; deletion of the right to property from the Fundamental Rights etc. The concept of referendum was sought to be introduced for constitutional amendments which might tend to deprive the people of their rights.

Participating in the discussion, Shri C. M. Stephen, Leader of the Opposition, pointed out that since some of its good features had been retained, the Forty-Second Amendment was not *ab initio* void and completely wrong. He welcomed the provisions about preventive detention and emergency in the Bill but expressed his opposition to the referendum provisions because in his view the entire democratic structure of the country depended upon the sovereignty of the House. Shri Samar Mukherjee demanded declaration of Emergency only in the case of aggression by a foreign country, deletion of the detention provision and of articles 356 to 360 from, and incorporation of the right to work in the Fundamental Rights Chapter of the Constitution. He also wanted strengthening of the provision for referendum by providing for a right of recall. Shri M. N. Govindan Nair felt that changes sought to be made with regard to President's rule were not enough and required improvement.

The discussion continued for three days in which 29 members participated.

Replying to the discussion on August 9, 1978 Shri Shanti Bhushan said that the Forty-Second amendment was a clear attempt for the establishment of an authoritarian polity in the country. It reflected complete distrust of the High Courts. Some of its provisions had been annulled by the Forty-Third amendment. Its other provisions which had the tendency to bring into existence an authoritarian polity, were sought to be annulled by the present Bill while others which were innocuous and slightly beneficial had been allowed to remain. The special powers of preventive detention might be necessary to protect the interests of the society in extraordinary situations. The provision regarding referendum was not impracticable.

The Motion for consideration of the Bill was adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting: Ayes 345, Noes 2. The Bill, as amended, was passed: Ayes 355, Noes Nil.

*Press Council Bill:* Moving that the Bill be taken into consideration, the Minister of Information and Broadcasting, Shri L. K. Advani said on August 24, 1978 that the Bill as adopted by Rajya Sabha was a great improvement over the earlier law and it was another major pledge in the field of Press freedom fulfilled by the new Government. It would go a long way in bringing self-discipline in the Press and it had also been ensured that the majority of representation on the Press Council was given to the language press so that the English press did not dominate.

Shri B. K. Nair initiating the discussion on the Bill suggested that the concentration of ownership of newspapers should be restricted and no one should be allowed to own more than two or three newspapers.

Replying to a four-day discussion, in which as many as 30 members participated, Shri Advani said on August 29, that the Bill included a new provision which empowered the Press Council to take objection and admonish the Government if it interfered with the freedom of the Press. The Government was alive to the ownership pattern, and, on its part, had taken steps to shed power which was concentrated in its hands. The Bill was thereafter passed.

### C. THE QUESTION HOUR

During the Fifth Session of Sixth Lok Sabha, 16,278 Notices of Questions (12,883 Starred, 2,913 Unstarred, and 482 Short Notice Questions) were received out of which 552 Starred, 5,338 Unstarred and 5 Short Notice Questions were admitted. After the Lists of Questions were printed 12 Starred and 90 Unstarred Questions were transferred from one Ministry to another.

*Daily Average of Questions:* Each Starred List contained 20 Questions except those of July 24, 26, August 4, 14, 16 and 17 which contained 21 Questions each. The List of August 28, and 29, contained 22 Questions each and of August 30, 23 Questions. On an average, 6 Questions were orally answered per day on the floor of the House. The maximum number of Starred Questions orally answered was 10 on August 28, and the minimum number was 3 on August 4. The average number of Questions in the Unstarred List was 198 as against the prescribed limit of 200 Questions.

*Half-an-Hour Discussions:* In all 365 notices of Half-an-Hour Discussions were received during the Session. Out of these, only 12 would find place in the ballot and were discussed in the House.

## RAJYA SABHA

## HUNDRED AND SIXTH SESSION \*

The Hundred and sixth session of the Rajya Sabha was held from July 17 to August 31, 1978. Some of the important items of business transacted during the session are briefly mentioned below.

*Increase in the prices of essential commodities:* On July 17, 1978, Shri Mohan Dharia, Minister of Commerce, Civil Supplies and Co-operation making a statement in response to a Calling Attention Notice by Shri Sitaram Kesari on the subject said that the recent increase in the prices of some essential commodities was seasonal. Pulses did present a problem as their production had remained stagnant over the last 15 years and import possibilities were negligible. The Government was no doubt, taking steps, to increase their production and productivity. The Government had also taken a series of steps to increase production of cement to ease its movement and to have strict vigilance on its distribution. As regards steel, taking all factors into account and to ensure a fair return to the steel industry, an average increase of Rs. 175 a tonne had been announced with effect from June 5, 1978. For ensuring easy availability of essential commodities a production-cum-distribution scheme had been finalised which was likely to be presented to the Cabinet for its approval soon.

*Proposed hunger strike by Shri M. N. Govindan Nair, M.P.s* On July 20, 1978 Shri Bhupesh Gupta called the attention of the Minister of Home Affairs to the proposed hunger strike by Shri M. N. Govindan Nair, M.P. in support of the demands, *inter alia* for curbing oppression of Harijans and holding a judicial inquiry into the police firing and other atrocities against Harijans in Agra in May, 1978, Shri Dhanik Lal Mandal, Minister of State in the Ministry of Home Affairs stated that the Government was firm in its resolve and determination that no efforts should be spared in curbing all forms of oppression of Harijans and weaker sections of the society. The Prime Minister, Shri Morarji Desai said that the Chief Minister of U.P. had told him that he had decided to appoint a Commission of Inquiry headed by a retired High Court Judge to inquire into the Agra incidents under the Commissions of Inquiry Act.

*Construction of Karakoram Highway:* Making a statement in response to a Calling Attention Notice on the subject by Shri Sitaram Kesri on July 26, 1978, Shri Samarendra Kundu, Minister of State in the Ministry of External Affairs, said that the "Karakoram Highway" had been constructed in accordance with two separate agreements reached between the Governments of Pakistan and China in 1966 and 1969. The road between Gilgit and Morkhun was completed in 1969 and the portion of the Highway from Mor Khun to Khunjerab, the agreement for which was signed on

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

October 21, 1969, reportedly became operational on June 18, 1978. As soon as the Government received confirmation report about the construction of the road, strong protests were lodged with both Pakistan and China on June 25, 1969 pointing out that the whole of Jammu and Kashmir was part of Indian territory and therefore, whatever action the two Governments were taking, singly or jointly, in respect of a part of Indian territory was wholly illegal. While no formal replies to the protest notes were received from either of these governments, an official spokesman of the Pakistan Foreign Office had stated in Islamabad on July 11, 1969, that India's complaint was not acceptable to them. The Government of India could not acquiesce in the legal implications of the construction of the road and was fully alive to the fact that this highway had serious security implications for India and for the entire region. At the same time, since India was trying to normalize its relations with both Pakistan and China it was only natural to express the hope that these countries would not try to use this communication link in any manner which was not in consonance with the search for stability and good-neighbourliness in this region.

Clarifying some of the points raised by the Members, Shri Jagjivan Ram, Minister of Defence assured the House that in its efforts to have good-neighbourly relations, the security and interests of the country would never be compromised by the Government. During his visit to China the Minister of External Affairs would discuss all the outstanding issues between the two countries, including the construction of the Karakoram Highway.

*Chinese-Balloons on the Indian territory:* Making a statement in response to a Calling Attention Notice by Shri G. C. Bhattacharya on July 28, 1978, Shri Dhanik Lal Mandal, Minister of State in the Ministry of Home Affairs, said that the Government had made inquiries in regard to the discovery of Chinese balloons in Indian territory and according to information received so far, the balloons had been found in Madhya Pradesh, Maharashtra, West Bengal and Orissa. They did not have any transmitters but carried some propaganda literature in Chinese describing the living conditions in Formosa and urging the people of the Chinese mainland to rise against the administration there. It was therefore presumed that they had originated from Taiwan and had strayed away from their course due to cross-currents of winds. No maps had been discovered from these balloons and therefore, the question of showing large areas of territories of India as Chinese territory did not arise. According to the information received from the Government of Manipur, there was no connection between the discovery of the balloons and the violent incidents in Manipur. The State Government had ordered intensive search operations to apprehend the culprits and also to recover the lost weapons.

*Prime Minister's observations about Nuclear Explosions:* Making a statement in response to a Calling Attention Notice by Shri Kalp Nath Rai

On July 31, 1978, the Prime Minister said that the House must appreciate that science had moved a long way since the first explosion of atomic bomb at Hiroshima. The world had progressively realised that the race for mutually destructive atomic weapons had in it the germs of termination of all life on earth itself. The question of nuclear science, in the context of this development, had therefore become not merely a scientific problem but a political and humanitarian problem also. The history of development of nuclear research had shown that the temptation to switch over from peaceful to non-peaceful purposes had proved difficult to resist on the part of those countries which considered it a matter of political and strategic advantage. India as a nation had been traditionally devoted to peace and had stood for certain spiritual and moral values. So far as the nuclear explosion at Pokharan in 1974 was concerned he knew from his "discussions with heads of foreign countries how much misunderstanding that explosion has created in their assessment of our devotion to the pursuit of this great scientific discovery of modern times. Nor am I convinced that we have gained information of scientific value for peaceful use which would justify the risk of such misunderstanding and consequential embarrassment in the international relationship on this issue."

*Government's Education Policy:* On August 16, 1978 Dr. Rafiq Zakaria initiating a discussion on behalf of Shri Bipinpal Das on the education policy of the Government of India said that the Kothari Commission had gone deep into all aspects of the educational system and had come out with its recommendations including the 10+2+3 system. It was an excellent formula but it was sought to be implemented in such a manner that created more confusion. This plus 2 system could not work unless sufficient resources for training teachers for that purposes, for text books and for equipment were made available. Replying to the discussion, Dr. Pratap Chandra Chunder, Minister of Education, Social Welfare and Culture said that the Government was actually following the National Policy on Education adopted in 1968. This had been reviewed and the Government had prepared a new national policy according to which the contents of education were proposed to be related to life.

*Correspondence between the Prime Minister and the former Home Minister:* The demand for laying the reported exchange of correspondence between the Prime Minister and the former Home Minister, Shri Charan Singh and an inquiry into the allegations of corruption made against the family of the Prime Minister and the family of the former Home Minister dominated the proceedings of the Rajya Sabha throughout this Session of the House in one form or another.

On July 19, 1978, the Prime Minister making a statement on the subject in response to a Calling Attention Notice by Shri A. P. Sharma said



that he presumed that Shri Charan Singh in his interview to a Calcutta Weekly on July 1, reportedly alleging that he was surrounded by corrupt persons was referring to his assessment of corruption in general and that there could be no difference of opinion about the need to root out corruption. Shri Desai further said that it was well recognised that communications between the Ministers were privileged documents. This was necessary for a free and frank exchange of views between the Ministers and this principle had been recognised in May's *Parliamentary Practice* also. He, therefore proposed to adhere to that inviolable principle in the transaction of government business.

The demand for laying the correspondence on the Table of the House continued to be made by members on two or three subsequent days and there were noisy exchanges leading to the adjournment of the House on a few days earlier than the scheduled time. Since this led to an obstruction in the disposal of regular business, the Chairman, in a bid to solve the tangle, offered on July 24, 1978 to try to contact the Leader of the House and see whether he could find out some solution acceptable to all.

On July 27, 1978 the Chairman informed the House that he had contacted the Leader of the House and discussed the matter with him thoroughly. He had advised the Government that it would be better if the Government placed this correspondence in the Chairman's Chamber for perusal by the Leader of the Opposition and Leaders and some members of other Parties and Groups in the House. The modality and procedure for the perusal of the said correspondence would be the same as was adopted in the matter of the Import Licences case in December, 1974. The Government had agreed to his suggestion. Meanwhile, a motion urging the Government that the allegations of corruption mentioned in the aforesaid correspondence should be referred to a Commission of Inquiry under the Commissions of Inquiry Act, 1952 was admitted by the Chairman. After it was moved by Shri N. K. P. Salve on August 10, Shri Bhupesh Gupta moved an amendment calling upon the Government either to seek forthwith the guidance and advice from a Committee comprising of fifteen members of the House to be appointed by the Chairman. Rajya Sabha, for appropriate and necessary action to be taken on the allegations, or alternatively, to straightaway appoint without delay, two separate Commissions of Inquiry under the Commissions of Inquiry Act, 1952.

Intervening in the discussion, the Prime Minister said that if he did not put the letters exchanged between him and the former Home Minister on the Table of the House it was not because he was worried by their contents but because he could not create a wrong precedent in the matter of working of the Government for future.

After Shri Salve had replied to the discussion the Motion, as amended, was adopted by the House.

On August 17, 1978 when a demand was made by some members of the Rajya Sabha for implementation of the Motion adopted by the House the Chairman observed that the Motion was a recommendation addressed to the Government and that the question of appointment of a Committee by him would depend on the indication as to which one of the alternatives was acceptable to the Government. Accordingly, he directed the Government to convey its reaction to him. The Prime Minister made a statement on August 24 and said that while the Government was not prepared to accept either of the two alternatives mentioned in the Motion, "in the event of any specific charges of corruption in the context of the Resolution being made to it in writing by any hon. Member since my Government took office, Government proposes to refer the same to the Chief Justice of India for being examined by him."

On August 29, when some members began to press the Chairman to appoint a Committee as envisaged in the Motion, the Chairman said that he had carefully gone through the statement made by the Prime Minister as well as the various views expressed by Members in the House in the matter. According to his reading of the Motion, constitution of the Committee by him was dependent upon the Government showing willingness to seek advice and guidance from it, which the Government had declined. The Motion also did not stipulate that the Committee should be appointed by him even if the Government declined to accept any of the two alternatives mentioned therein. He was therefore of the opinion that in the circumstances he was not called upon to appoint such a Committee in terms of the said Motion.

*Working of the Ministry of External Affairs:* On August 8, 1978 Shri Bipin Pal Das raising a discussion on the working of the Ministry of External Affairs said that he did not see any initiative or any indication of dynamism in the conduct of the foreign policy during the last 16 months. While the criteria for membership of the non-aligned club were laid down in the first Summit Conference in 1961 held at Belgrade a new concept of genuine non-alignment had been sought to be put forth.

Replying to the discussion, the Minister of External Affairs, Shri Atal Bihari Vajpayee, said that the policy of non-alignment was not a policy of an individual or a party. It had been evolved as a result of national consensus. The Government continued to stick to this policy because it was in the best interests of the country and of peace and prosperity. Non-alignment was not neutrality and India could never be neutral between peace and war. It was not correct to say that India was tilting towards one particular bloc.

Non-alignment did not mean that a country had to adopt a policy of equidistance. The foreign policy should be a field in which party considerations should not be allowed to vitiate the outlook. The preservation of national interests should be the foremost objective of a foreign policy. While India wanted a result-oriented foreign policy, it did not mean that principles were to be compromised for achieving certain results.

## B. LEGISLATIVE BUSINESS

*The Employment of Children (Amendment) Bill, 1978*: On July 25, 1978 Shri Ravindra Varma, Minister of Parliamentary Affairs and Labour, moving the motion for consideration of the Bill\* said that the Bill sought to prohibit the employment of children in some categories of employment not covered by the parent Act, namely, construction work, catering services, track and line work and clearing and picking of ash pits and cinder in the Railways, besides providing for legal action against employers for non-display of notice of certain particulars of child employment. The amendments empowered the competent authority to make rules and also provided for the laying of these rules before the Parliament. The Bill was passed by the Rajya Sabha on July 26, 1978.

*Taxation Laws (Amendment) Bill, 1977*: On August 1, 1978 Shri H. M. Patel, Minister of Finance while moving the motion for consideration of Bill\*\*, as passed by the Lok Sabha, said that the Bill had limited objectives, viz., to exempt certain categories of income derived by political parties from income tax and exempt the value of their assets from wealth tax. It also provided for the disallowance in the computation taxable profits of the expenditure incurred by tax payers on advertisements in souvenirs, brochures and the like published by political parties. Political parties were not expected to engage themselves in business or commercial activities. With a view to ensuring that they kept a proper account of their income and expenditure, the Bill provided that the exemptions from income-tax under the new provision would not be allowed unless the political parties maintained proper books of account, recorded the name and address of every person who made a voluntary contribution of more than Rs. 10,000 at a time and the accounts of the political parties were audited by a Chartered Accountant or other qualified auditor. "Every political party will be required to furnish a return of income if the total income of the party as computed, taking into account the exemption under the new provision, exceeds the maximum amount not chargeable to income tax."

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\*Introduced in the Rajya Sabha on May 17, 1978.

\*\*The Bill as passed by the Lok Sabha was laid on the Table of the Rajya Sabha on July 21, 1978.

Replying to the discussion on the Bill, Shri Patel said that it seemed to him that the Bill was really carrying out something which was already on the statute book, namely, banning the companies' donations. That particular provision was being circumvented and the loophole was being sought to be plugged. If income tax and other exemptions were to be given, it was desirable that the parties maintained accounts and that they were audited. The motion was adopted, and the Bill was returned on the same day.

*The Press Council Bill, 1977* : On August 3, 1978, Shri Lal K. Advani, Minister of Information and Broadcasting, while moving the motion for consideration of the Bill, as reported by the Joint-Committee said that the Press Council proposed to be established under the present Bill would be different in many respects from the earlier one. It would, for instance, be in a position to criticise the governmental action, be it of the Central Government or of a State Government, which in its opinion amounted to an interference in the freedom of the Press. The Government had accepted the recommendation of the Joint Committee for a nominating body of 3 Members consisting of the Chairman of Rajya Sabha, Speaker of Lok Sabha and one Member to be elected by the Press Council from amongst its Members for selecting the Chairman of the Council. The new Press Council would be a broad-based body and all the papers including the language papers—small, medium and big—would get proper representation. The Bill was passed with some amendments on August 7, 1978.

*The Delhi Police Bill, 1978* : On August 26, 1978 Shri S. B. Patil, Minister of State in the Ministry of Home Affairs moving the motion for consideration of the Bill\* said that it was felt that the duality inherent in the present police-magistracy system inhabited the police in quickly responding to situations and affected their efficiency in their primary task of crime control and maintenance of law and order. The change-over to the Police Commissioner was brought into force by promulgating the Delhi Police Ordinance, 1978 on July 1, 1978. The Bill sought to replace this Ordinance, besides seeking to amend and consolidate the existing laws relating to police. The Bill was passed by the House on the same day.

*The Constitution (Forty-Fifth Amendment) Bill, 1978* : On August 28, 1978, Shri Shanti Bhushan, Minister of Law, Justice and Company Affairs while moving the motion for consideration of the Bill\*\* as passed

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\*The Bill as passed by the Lok Sabha was laid on the Table of the Rajya Sabha on August 24, 1978. The statutory Resolution disapproving the Ordinance Tabled in the name of Shri Bhupesh Gupta was not moved in the House.

\*\*The Bill as passed by the Lok Sabha was laid on the Table of the Rajya Sabha on August 23, 1978.

by the Lok Sabha said that he had received great co-operation and help from all sections of the House. An effort had been made to see that while in certain circumstances special powers might be needed by the Government to overcome extraordinary situations which might pose a threat to the security of the country, it was necessary that there should not be the slightest possibility of those provisions being abused to the detriment of the people. It was, therefore, being provided that the ratification of the proclamation of Emergency would have to be made by the two Houses, firstly, within one month of the proclamation and further that it would require not merely the support of a bare majority in the two Houses but the support of an absolute majority of the total membership and, in addition, a two-thirds majority of those present and voting. Also, an exception was sought to be incorporated under article 359 that the right to life or liberty guaranteed under article 21 of the Constitution would not be capable of suspension during any kind of emergency. Another safeguard related to non-suspension of even article 20 of the Constitution.

The Bill was passed with some amendments with the requisite majority as required under article 368 of the Constitution on August 31, 1978.

#### C. OBITUARY REFERENCES

The Chairman made a reference to the passing away of Smt. Ammu Swaminathan, Shri Pratul Chandra Mitra, Dr. V. B. Singh and Shri V. Venkataramana, Ex-Members. The House stood in silence for one minute as a mark of respect to the memory of the deceased.

On August 30, 1978 there was a reference in the House regarding the kidnapping and murder of two children in Delhi and the House observed two minutes silence, as a mark of respect to the memory of the deceased children.

#### STATE LEGISLATURES

##### ANDHRA PRADESH LEGISLATIVE COUNCIL\*

*Crop and Cattle Insurance:* On June 29, 1978 the Council unanimously adopted a resolution moved by Shri K. Rosaiah recommending to the State Government to urge upon the Government of India to introduce crop and cattle insurance.

##### MANIPUR LEGISLATIVE ASSEMBLY\*\*

*Classification as backward classes:* On July 3, 1978 the Assembly discussed and adopted a private member's resolution moved by Shri R. K.

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\*Contributed by the Andhra Pradesh Legislative Council Secretariat.

\*\*Contributed by the Manipur Legislative Assembly Secretariat.

Ranbir Singh urging the State Government to classify the communities belonging to the Muslims (Meitei Pangal), Nepali and Meitei of Manipur by birth and domicile as backward classes immediately and that suitable steps be taken by it to communicate the feelings and sentiments of the House to the Government of India for appointment of a Commission to investigate into the conditions of these backward classes after their classification as such by the State Government.

#### MEGHALAYA LEGISLATIVE ASSEMBLY\*

*Adoption of the Central Warehousing Act:* On July 5, 1978, the Assembly adopted a resolution moved by Shri P. R. Kyndiah, Minister of Cooperation seeking adoption of the Warehousing Corporation (Supplementary) Act, 1965 (20 of 1965) in the State of Meghalaya in respect of the shortage of commodities other than those covered by the Warehousing Corporation Act, 1962 (58 of 1962).

#### TRIPURA LEGISLATIVE ASSEMBLY\*\*

*Inclusion of Nepali language in the Constitution:* On June 28, 1978 the Chief Minister moved a resolution requesting the Central Government to take immediate steps for inclusion of the Nepali language in the Eighth Schedule of the Constitution of India. The resolution was unanimously adopted by the House.

*Unemployment allowance:* On June 29, 1978, the House adopted a private member's resolution requesting the Central Government for allotment of funds for granting allowances to the unemployed persons in the State at the rate of Rs. 100 per month till provisions were made for their employment.

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\*Contributed by the Meghalaya Legislative Assembly Secretariat.

\*\*Contributed by the Tripura Legislative Assembly Secretariat.

## BOOK REVIEWS

**SOCIALIST THOUGHT IN INDIA: THE CONTRIBUTION OF RAM MANOHAR LOHIA.** By M. Arumugam. Sterling Publishers Pvt. Ltd., New Delhi, 1978. 166 pages. Rs. 35.

Shri M. Arumugam in his book "Socialist Thought in India, the contribution of Ram Manohar Lohia" has not merely added to the plethora of books that have recently appeared on Dr. Lohia's contribution to socialist thought, but nevertheless it can easily be said to his credit that his book has created an impact on the minds of readers, as a result of which enough food for thought would be available to them for a deeper understanding of Dr. Lohia's philosophy of life. Shri M. Arumugam says in the course of his remarks in the preface of the book that "the objective of this study is to make critical appreciation of the development of socialist movement in India with a view to give an analytical exposition of Indian socialism." He has tried to do justice to the goal he has himself set up for the writing of the book. Shri Madhu Limaye's tribute to Dr. Lohia, though not very long, has almost touched all the basic tenets of Dr. Lohia's philosophy that are very much necessary to be known by all those who are anxious to understand Dr. Lohia's thought process.

At a time when the Indian socialist movement is passing through one of the most critical periods of its history, this book is apt to remind all those who swear by the name of Dr. Lohia's concept of equality seriously, to ponder whether they still steadfastly adhere to the basic postulates of socialism or not. I would like to commend this book to the readers who are very much eager to develop egalitarian attitudes in both their individual and collective lives. Dr. Lohia acted as a friend, philosopher and guide to all those who had a passion for socialism. It is just possible that such persons may not have a critical approach so far as taking an overall view of the entire gamut of Dr. Lohia's ideas. I am glad that Shri M. Arumugam's book does not suffer from such deficiencies. He has tried his level best to become as much objective as possible. Dr. Lohia died at the age of fifty seven and during his short span of life he must have written almost

sixty thousand pages beginning from doctrinal foundations of socialism to architecture. The author must have felt it extremely difficult to discuss about the mind of Dr. Lohia on all relevant issues on which he had expressed his views. But nevertheless, he has done a good job of putting down the main contours of Dr. Lohia's thought process in a concise manner.

I recall Dr. Lohia's speech on doctrinal foundations of socialism, when he addressed the Panchmarhi Conference of the Socialist Party just after the serious debacle that the socialists had faced in the first general election in 1952. He had for the first time asserted that the twin doctrines of Capitalism and Communism were identical in many ways and hence they were equally irrelevant for the building of a new civilisation. He also said that he was neither pro-Marx nor anti-Marx, nor was he anti-Gandhi or pro-Gandhi. His originality in the sphere of throwing new ideas is well-known. I cannot help quoting certain very relevant passages from his writings which would enable the reader to have a perception of his original mind: "Mankind has ceased to think... In spite of the great ideological debates, there is fertility and fullness of the old theories and new slogans but a poverty of thought... Thinking has ceased to be creative. It is propagandist. Ideas are designed and tested for their value to one or the other of the two power blocs... Incidentally, the two rigid ideas of communism and capitalism so mortally in combat, bear a close kinship; both are doctrines of political and economic centralisation, of force, of technical and organisational efficiency, of seeing in any one people the image for others to follow, of environmentalism... Men will do mad things if their hunger for equality is not appeased... Industry must be socialised and economy planned. Social ownership and control must be decentralised to the maximum extent possible... In addition the enjoyment of human rights which are the basis of all equality, should not be interrupted... The inadequacy of liberal democracy has caused the challenge of proletarian dictatorship, the claims of either being rancorously raised, but neither is able to fulfil the human need which gave them birth. They cannot, for the frame of reference is common to them both... The world, liberal as well as proletarian, has hitherto known only two-pillar state. Constitutional theories are being evolved and their elaborate application continually reconstructed in order to achieve division of the state's functions and powers into its two limbs, the federating centre and integrating units. Democracy can bring warmth to the blood of the common man only when constitutional theory starts practising the State of four limbs—the village, the district, the province and the Centre... Organically covered by the flesh and blood of equalities already indicated, this constitutional skeleton of the four-pillar state can bring democracy joyous fulfilment. The time is ripe to add a fifth limb to the state, at least in theory, for a world centre is an urgent necessity."



Nobody can do justice to the growth of socialist thought and movement in India without mentioning the contribution that Dr. Lohia made to its growth process. Mr. Armugam by writing this book has fulfilled a long-cherished desire of all those forward-looking people who were pining to avail of such a book which without becoming voluminous and pompous would enable them to have a first-hand knowledge of socialist ideas within the Compass of a small book. Those researchers who would like to make further investigations into the vast treasure-house of Dr. Lohia's ideas would immensely be profited by this book

—RABI RAY

'A HUNDRED YEARS OF THE HINDU By Rangaswamy Parthasarathy. Kasturi & Sons Ltd., Madras, 1978, 842 pages. Price Rs. 70.

This book, sub-titled as "The Epic Story of Indian Nationalism", has been compiled by the assistant editor of "*The Hindu*" to mark the centenary of a deservedly celebrated newspaper which, ever since it was started, has in a quiet but elegant and civilized way won its place in the nation's life. Often lauded, not without reason, as India's best daily, and compared (somewhat gratuitously but almost inevitably on account of our intelligentsia's peculiar "craze for phoren") with the "*Manchester Guardian*" (its recent shift to London is, to those with a memory for things, an inconsequential sequel), run on allegedly implacable principles of journalistic probity by editors like C. P. Scott, "*The Hindu*" has had editors, like some other Indian editors also, who have been the peers of the best of their tribe anywhere abroad—perhaps even, in some respects, superior because of the inhibiting conditions in which Western-type journalism in a country, cast between two worlds and often unsure of perspectives, could be acclimatised. Born as a weekly in September 1878, the exigencies of national life and the enterprise of its sponsors brought about its conversion into a daily that is the country's staple journalistic fare and to some, not only in the South, almost, as this compilation prides itself "a way of life."

Somewhat like the London "*Times*", which in a paradoxical way, the "*Hindu*" appears, in certain respects, to resemble, this famous Indian daily is characterised by a kind of sanctimoniousness, perhaps also some horror for the common herd of newspaper readers, often avid, irritatingly to the elite, for sensationalism in the purveyal of news, and a sort of cultivated pride that its dissemination of news is entirely factual and non-partisan and fair (as if it could be in the conditions of class society). One must be thankful, however, for small mercies in our kind of set-up, and more than almost any of India's so-called 'national' newspapers, "*The Hindu*" is distinguished for its conscious avoidance of partisan prejudice in regard to most of its reporting, both in regard to home and foreign affairs. There is about the "*Hindu*"—and there has been over the years—an unmistakable

dignity (in the presentation both of its news and views) and a sedateness which sometimes borders on being a trifle irksome. Whether one is attracted to it or not, the paper has "character", and even a perfervid progressive does no more than smile to himself when he turns to the last page and finds reports of Hindu religious discourses and mythological expositions. These latter indicate a certain consistency in the paper's principled approach to life—whether those principles are right or wrong is a different matter—and its unashamed avowal, largely appropriate in the context of the history of our deep South, of this country's ancient lore and its continuing relevance as a pillar on which rests India's struggle for freedom from foreign bondage and for fulfilment of her own entity in the world's comity. To repeat, one might, on occasion, be amused or even irritated by the 'spiritual' pranks of the "*Hindu*", but one never feels even remotely like disrespect or indifference. The "*Hindu*", with its editors like G. Subramania Aiyer, S. Kasturiranga Iyengar, A. Rangaswami Iyengar and Kasturi Srinivasan—a roll of honour that no other newspaper can match—has been an Indian treasure, and it is no wonder that its "story" coincides with that of our national struggle. Whether the adjective "epic" is or is not a piece of vanity in rhetoric is, of course, another issue which, in the present rather disoriented state of our public life, can be endlessly debated.

While the editorial direction of the paper has been in the hands of a fortunately gifted family for a long succession of years, justice has been sought to be done by the compiler to the work done by devoted associates of the editor—'subs', reporters, correspondents' *et al*, among whom, also, there are notable names that should not be forgotten. It appears as if while other big Indian newspapers once launched by dedicated people have often floundered into being departments of business, the "*Hindu*", of course, only comparatively speaking, has succeeded in retaining something of the spirit of the founding (and nursing) fathers and the feeling also of the paper being an institution which, like the family, shelters and sustains all those who work for it.

Proud of our ancient Indian heritage, the "*Hindu*" never made any bones about an attitude, almost categorical in its imperative, of the avoidance of excess, in regard to problems of society and of the State. Ally of the Congress movement almost throughout its career, but with its own unique differentials of perception, the "*Hindu*" has been a powerful, if often somewhat muted, factor in India's public life. It could not, and did not, run ahead of our national movement when the staple of discourse in Congress sessions was not independence, not even representative government, but a slightly larger slice of the public service cake (the juiciest chunks of course, still ineluctably inaccessible!), a modest share in local self-government and such 'goodies' as separation of the executive and the judiciary. It felt long enough, like all our mentors from Rammohun

Roy to Gandhi, that British rule was a providential phenomenon for which benighted India should bless her stars. There was, in general, an allergy on the part of the "*Hindu*" towards all "excess" in politics and in life—the liberal 'Man in White' pointing censoriously at delinquency, even when it was in the very nature of social processes. For 'revolution', however one writes the first letter 'r', the "*Hindu*", if it denied any 'premeditated revolution', has almost always had keen distaste. In the fashion of 'liberals' the world over, the "*Hindu*" has shied away from thoughts of basic (and drastic) overturning of things that necessarily implies a heavy social cost. The idea, for instance, that there has to be death if there is to be resurrection has always appeared to the "*Hindu*" more than a trifle repulsive. With its predilection (apart from its own Hindu fixations) for the golden mean, this great paper has taken a stand which could for good or bad reason, be criticised and opposed from time to time, but could never be spurned or even disregarded because its views were always sought to be founded on a plank of principle.

Even so, it was the Indian National Congress, with which, from the days of its founder, the "*Hindu*" virtually made its home (except when, as recently, the Congress's vagaries and vulgarities rendered such association unsavoury and impossible). The "*Hindu*" for instance, never had any softness, though it was civilized enough not to show any unworthy personal animus for a Southern notable like the late Srinivasa Sastri. When the 'liberal' breakaway from Congress took place, the "*Hindu*" did not falter. Quite often, the "*Hindu*" objected to Mahatma Gandhi's bizarre ways but its stand was consistently alongside the country's undisputed leader. For revolutionary democrats when the British and their lackeys disdainfully dubbed as 'terrorists' and for 'revolutionaries' of various sorts (Communist and other), the "*Hindu*" had little patience but no nearly congenital revulsion—its treatment of Bengal, Maharashtra and Punjab 'terrorists' of an earlier day, or of Bhagat Singh and Surya Sen, or of the Meerut conspiracy prisoners, for instance, illustrates a certain breadth of comprehension not particularly usual in day-to-day journalism. With its own unashamed Hindu fundamentalism, the "*Hindu*" thus could be scrupulously fair in reporting Muslim League activities in the 'thirties and forties' and could write an obituary on Jinnah which is a model of journalistic excellence. At an earlier period the Khilafatists roused no special zeal in the "*Hindu*"'s heart, but in its reporting of the facts and in editorial comment, whether in relation to the Ali brothers or to the still maligned but momentous Moplah revolt (1921), the "*Hindu*" practised a brand of fairness that compels admiration. For the advance of socialistic idea in our national movement since the 'thirties' the "*Hindu*" had felt no kinship but its approach, not untouched, it must be said, with sanctimoniousness of a kind, was civilized enough to court angry annoyance. Once earlier in

this review a reference has been made to the London "*Times*". Many in India still think of that paper as a paragon—imperialism-sponsored concepts die very hard indeed! But while in some ways the "*Hindu*" has had affinities with that paper, one could never castigate it as William Hazlitt once did the "*Times*" as a paper which never helped the people's uphill struggle and was "always strong on the stronger side".

Mr. Rangaswami Parthasarathy's careful compilation plucks out of the "*Hindu*" files material not only eminently readable but also highly reflective of facets of our struggle for freedom (and for fulfilment afterwards). It will not be possible, for any selection would be invidious, to cull out of the 842-page volume material relative to so many events in our contemporary history. This book is a reminder, rather badly needed today, that once upon a time journalism in India was a dedication, at the least a vocation, and never *merely* a profession, a way among other ways, lousy or no, of making a living. A hundred years of the "*Hindu*" certainly calls for cheers from all sides in our public forums today.

—HIRENDRA NATH MUKERJEE

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## APPENDIX I

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE 5TH SESSION OF THE 6TH LOK SABHA

1. Period of the Session . . . . .	17th July to 31st August, 1978	
2. Number of meetings held . . . . .		32
3. Total number of sitting hours . . . . .		222 hours & 55 mts.
4. Number of divisions held . . . . .		36
5. <i>Government Bills</i> . . . . .		
(i) Pending at the commencement of the Session . . . . .		26
(ii) Introduced . . . . .		18
(iii) Laid on the Table as passed by Rajya Sabha . . . . .		4
(iv) Returned by Rajya Sabha with any amendment/recommendation and laid on the Table . . . . .		1
(v) Referred to Select Committee . . . . .		Nil
(vi) Referred to Joint Committee . . . . .		6
(vii) Reported by Select Committee . . . . .		Nil
(viii) Reported by Joint Committee . . . . .		1
(ix) Discussed . . . . .		20
(x) Passed . . . . .		13
(xi) Withdrawn . . . . .		Nil
(xii) Negatived . . . . .		Nil
(xiii) Part-discussed . . . . .		Nil
(xiv) Discussion postponed . . . . .		Nil
(xv) Returned by Rajya Sabha without any recommendation . . . . .		3
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted . . . . .		1
(xvii) Pending at the end of the Session . . . . .		35
6. <i>Private Members' Bills</i> : . . . . .		
(i) Pending at the commencement of the Session . . . . .		130
(ii) Introduced . . . . .		34
(iii) Laid on the Table as passed by Rajya Sabha . . . . .		Nil

(iv) Returned by Rajya Sabha with any amendment and laid on the Table . . . . .	Nil
(v) Reported by Select Committee . . . . .	Nil
(vi) Discussed . . . . .	2
(vii) Passed . . . . .	Nil
(viii) Withdrawn . . . . .	Nil
(ix) Negatived . . . . .	Nil
(x) Circulated for eliciting opinion . . . . .	1
(xi) Part-discussed . . . . .	1
(xii) Discussion postponed . . . . .	Nil
(xiii) Motion for circulation of Bill negatived . . . . .	Nil
(xiv) Referred to Select Committee . . . . .	Nil
(xv) Removed from the Register of Pending Bills . . . . .	Nil
(xvi) Pending at the end of the Session . . . . .	164
<b>7. Number of Discussions held under Rule 193 :</b>	
<b>(Matters of Urgent Public Importance)</b>	
(i) Notices received . . . . .	73
(ii) Admitted . . . . .	1
(iii) Discussion held . . . . .	1
<b>8. Number of Statements made under Rule 197 :</b>	
<b>(Calling-attention to matters of urgent public importance)</b>	
Statements made by Ministers . . . . .	22
<b>9. Half-an-hour discussions held . . . . .</b>	<b>12</b>
<b>10. Statutory Resolutions :</b>	
(i) Notices received . . . . .	1
(ii) Admitted . . . . .	1
(iii) Moved . . . . .	1
(iv) Adopted . . . . .	Nil
(v) Negatived . . . . .	1
(vi) Withdrawn . . . . .	Nil
<b>11. Government Resolutions :</b>	
(i) Notices received . . . . .	Nil
(ii) Admitted . . . . .	Nil
(iii) Moved . . . . .	Nil
(iv) Adopted . . . . .	Nil

12. *Private Members' Resolutions :*

(i) Received	. . . . .	8
(ii) Admitted	. . . . .	8
(iii) Discussed	. . . . .	4
(iv) Withdrawn	. . . . .	1
(v) Negatived	. . . . .	2
(vi) Adopted	. . . . .	Nil
(vii) Part-discussed	. . . . .	1
(viii) Discussion postponed	. . . . .	Nil

13. *Government Motions :*

(i) Notices received	. . . . .	4
(ii) Admitted	. . . . .	4
(iii) Moved	. . . . .	Nil
(iv) Adopted	. . . . .	Nil
(v) Discussed	. . . . .	Nil

14. *Private Members' Motions :*

(i) Received	. . . . .	487
(ii) Admitted	. . . . .	270
(iii) Moved	. . . . .	6
(iv) Adopted	. . . . .	2
(v) Discussed	. . . . .	9
(vi) Negatived	. . . . .	1
(vii) Part-discussed	. . . . .	3
(viii) Withdrawn	. . . . .	1

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

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

16. Number of Parliamentary Committees created, if any during the session . . . . .

17. Total number of visitors' Passes issued during the session . . . . . 28,463

18. Maximum number of Visitors' Passes issued on any single day, and date on which issued	1620 on 24-8-78
19. Number of Adjournment Motions :	
(i) Brought before the House	8
(ii) Admitted and discussed	Nil
(iii) Barred on view of adjournment Motion admitted on the subject	Nil
(iv) Consent withheld by Speaker outside the House	46
(v) Consent given by Speaker but leave not granted by House	Nil
20. Total Number of Questions Admitted :	
(i) Starred	552
(ii) Unstarred (including starred Questions)	5338
(iii) Short Notice Questions	5
21. Parliamentary Committees at Work :	

		No. of sittings held during the period May 1 to July 31, 1978	No. of Reports presented during the Session
1	2	3	4
(i)	Public Accounts Committee	..	..
(ii)	Committee on Public Undertakings	14	5
(iii)	Business Advisory Committee	4	6
(iv)	Committee on Absence of Members from the sittings of the House	1	2
(v)	Committee on Subordinate Legislation	5	2
(vi)	Committee on Petitions	4	1
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	3	12
(viii)	Committee on Privileges	12	..
(ix)	Committee on Rules	2	..
(x)	Joint Committee on Office of Profit	..	..
(xi)	Committee on Government Assurances	2	..
(xii)	Estimates Committee	18	2
(xiii)	General Purposes Committee	..	..
(xiv)	House Committee	2	..
(xv)	Railway Conventions Committee	..	..
(xvi)	Joint Committee on Lok Pal Bill, 1977	7	1
(xvii)	Joint Committee on the Mental Health Bill, 1978	3	..
(xviii)	Joint Committee on the Multi-State Cooperative Societies Bill, 1977	2	..
(xix)	Joint Committee of Chairman, House Committees of both the Houses of Parliament	1	..
22.	Number of Members granted leave of absence		8
23.	Petitions presented		3
24.	Name of new Members sworn with dates and Constituencies :		Nil

## APPENDIX II

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE HUNDRED-SIXTH SESSION OF RAJYA SABHA

1.	Period of the Session . . . . .	From 17th July, 1978 to 31st August, 1978.	
2.	Number of meetings held . . . . .		31
3.	Total Number of sitting hours . . . . .		209 Hrs. and 3 mts. (excluding Lunch break)
4.	Number of divisions held . . . . .		Twenty two
5.	<i>Government Bills :</i>		
	(i) Pending at the commencement of the Session . . . . .		9
	(ii) Introduced . . . . .		3
	(iii) Laid on the Table as passed by Lok Sabha . . . . .		10
	(iv) Returned by Lok Sabha with any amendment . . . . .		Nil
	(v) Referred to Select Committee by Rajya Sabha . . . . .		Nil
	(vi) Referred to Joint Committee by Rajya Sabha . . . . .		1
	(vii) Reported by Select Committee . . . . .		Nil
	(viii) Reported by Joint Committee . . . . .		1
	(ix) Discussed . . . . .		17
	(x) Passed . . . . .		11
	(xi) Withdrawn . . . . .		1
	(xii) Negatived . . . . .		Nil
	(xiii) Part-discussed . . . . .		1
	(xiv) Returned by Rajya Sabha without any recommendation . . . . .		3
	(xv) Discussion postponed . . . . .		Nil
	(xvi) Pending at the end of the Session . . . . .		7
6.	<i>Private Members' Bills :</i>		
	(i) Pending at the commencement of the Session . . . . .		16
	(ii) Introduced . . . . .		5
	(iii) Laid on the Table as passed by Lok Sabha . . . . .		Nil

(iv)	Returned by Lok Sabha with any amendment and laid on the Table . . . . .	Nil
(v)	Reported by Joint Committee . . . . .	Nil
(vi)	Discussed . . . . .	2
(vii)	Withdrawn . . . . .	1
(viii)	Passed . . . . .	..
(ix)	Negatived . . . . .	1
(x)	Circulated for eliciting opinion . . . . .	Nil
(xi)	Part-discussed . . . . .	1
(xii)	Discussion postponed . . . . .	Nil
(xiii)	Motion for circulation of Bill negatived . . . . .	Nil
(xiv)	Referred to Select Committee . . . . .	Nil
(xv)	Pending at the end of the Session . . . . .	19
7.	<i>Number of discussions held under Rule 176.</i>	
	(Matters of Urgent Public Importance) :	
(i)	Notices received . . . . .	26
(ii)	Admitted . . . . .	3
(iii)	Discussion held . . . . .	3
8.	<i>Number of statements made under Rule 180.</i>	
	(Calling-attention to matter of urgent public importance) :	
(i)	Statements made by Ministers . . . . .	25
9.	(ii) Half-an-hour discussion held . . . . .	4+4=8
10.	<i>(Statutory Resolutions) :</i>	
(i)	Notices received . . . . .	1
(ii)	Admitted . . . . .	1
(iii)	Moved . . . . .	Nil
(iv)	Adopted . . . . .	Nil
(v)	Negatived . . . . .	Nil
(vi)	Withdrawn . . . . .	Nil
11.	<i>Government Resolutions :</i>	
(i)	Notices received . . . . .	Nil
(ii)	Admitted . . . . .	Nil
(iii)	Moved . . . . .	Nil
(iv)	Adopted . . . . .	Nil

12. *Private Members' Resolutions :*

(i) Received	. . . . .	37
(ii) Admitted	. . . . .	10
(iii) Discussed	. . . . .	1
(iv) Withdrawn	. . . . .	Nil
(v) Negatived	. . . . .	Nil
(vi) Adopted	. . . . .	Nil
(vii) Part-discussed	. . . . .	Nil
(viii) Discussion postponed	. . . . .	Nil

13. *Government Motions :*

(i) Notices received	. . . . .	2
(ii) Admitted	. . . . .	2
(iii) Moved	. . . . .	Nil
(iv) Adopted	. . . . .	Nil
(v) Part-discussed	. . . . .	Nil

14. *Private Members' Motions :*

(i) Received	. . . . .	72
(ii) Admitted	. . . . .	61
(iii) Moved	. . . . .	1
(iv) Adopted	. . . . .	1
(v) Part-discussed	. . . . .	Nil
(vi) Negatived	. . . . .	Nil
(vii) Withdrawn	. . . . .	Nil

15. *Motions Regarding Modification of Statutory Rule :*

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

16. Number of Parliamentary Committees created, if any, during the session. Jt. Committee on Visva Bharati (Amendment) Bill, 1978.   
 One
17. Total number of Visitors' Passes . 4882



18. Maximum number of Visitors' Passes 452 issued on 10th August, 1978. issued on any single day, and date on which issued.
19. Number of Motions for Papers under Rule 175.
- |      |                          |     |
|------|--------------------------|-----|
| (i)  | Brought before the House | Nil |
| (ii) | Admitted and discussed   | Nil |
20. Total number of Questions Admitted
- |       |   |               |
|-------|---|---------------|
| (i)   | Starred                                 | 462+330=792   |
| (ii)  | Unstarred (including Starred Questions) | 1473+744=2217 |
| (iii) | Short-Notice Questions                  | 5+3=8         |
21. Discussion on the Working of the Ministries.
- A discussion on the working of the Ministry of External Affairs was held on 8th August, 1978.
22. Parliamentary Committees at Work

Name of Committee	No. of meetings held during the period May 1 to July 31, 1978	No. of Reports presented during the Session
(i) Public Accounts Committee	..	8 (plus one statement)
(ii) Committee on Public Undertakings	..	5
(iii) Business Advisory Committee	6	—
(iv) Committee on Subordinate Legislation	9	1
(v) Committee on Petitions	8	..
(vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes	..	1
(vii) Committee of Privileges	..	—
(viii) Committee on Rules	1	..
(ix) Joint Committee on Offices of Profit	..	..
(x) Committee on Government Assurances	7	1
(xi) Railway Convention Committee	..	..
(xii) Joint Committee on the Press Council Bill, 1977	9	..

23. Number of Members granted leave of absence . . . — Five
24. Petitions presented . . . . . — Nil
25. *NUMBER OF NEW MEMBERS SWORN WITH DATES :*

Serial No.	Name of Members Sworn	Date on which sworn
1.	Shri Ratan Tama (Arunachal Pradesh)	17-7-1978
2.	Shri Lalsawia (Mizoram)	17-7-1978

26. *Obituary References :*

Serial No.	Name	Date of reference
1.	Smt. Ammu Swaminathan (Ex-Member)	17-7-1978
2.	Shri Pratul Chandra Mitra (Ex-Member)	17-7-1978
3.	Dr. V. B. Singh (Ex-Member)	21-7-1978
4.	Shri Villuri Venkataramana (Ex-Member)	4-8-1978
5.	Reference to the Kidnapping and gruesome murder of two children in Delhi	30-8-1978

## APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD MAY 1, 1978 TO JULY 31, 1978

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
Andhra Pradesh L.C.	27-6-78to 30-6-78	4	(9)	..	592(227)	(61)	27(10)(a)
Andhra Pradesh L.A.	23-6-78to 30-6-78	6	16(9)	..	1283(361)(b)	227(498)(c)	56(10)
Assam L.A.	..	..	..	..	..	..	..
Bihar L.C.	..	..	..	..	..	..	..
Bihar L.A.	27-6-78to 14-8-78	34	1(4)	..	(3876)	(69)	(1178)
Gujarat L.A.	..	..	..	..	1146(639)	464(300)(d)	..
Haryana L.A.	..	..	..	..	132(97)	51(28)	..
Himachal Pradesh L.A.	..	..	..	..	..	..	..
Jammu & Kashmir L.C.	..	..	..	..	..	..	..
Jammu & Kashmir L.A.	..	..	..	..	..	..	..
Karnataka L.C.	26-6-78to 31-7-78	27	(3)	..	156(147)	30(28)	16(12)
Karnataka L.A.	12-6-78to 17-6-78 and 29-6-78to 31-7-78	32	11(2)	..	900(890)	60(60)	40(25)
Kerala L.A.	..	..	..	..	..	..	..
Madhya Pradesh L.A.	..	..	..	..	..	..	..
Madhya Pradesh L.C.	..	..	..	..	..	..	..
Maharashtra L.A.	..	..	..	..	..	..	..
Manipur L.A.	9-6-78to 5-7-78	25	4(2)	..	304(284)	2(2)	3(3)

		20	2(a)	20(17)	207(203)	2(a)
13-6-78 to 10-7-78	Meghalaya L.A.	..	..	..	..	..
..	Nagaland L.A.	..	..	..	..	..
..	Orissa L.A.	..	..	..	..	..
..	Punjab L.A.	..	..	218(149)	36(27)	..
..	Rajasthan L.A.	..	..	..	..	..
..	Sikkim L.A.	..	..	..	..	..
..	Tamil Nadu L.C.	..	..	..	..	..
..	Tamil Nadu L.A.	..	..	..	..	..
..	Tripura L.A.	..	..	..	..	..
..	Uttar Pradesh L.G.	..	..	..	..	..
17-3-78 to 17-5-78	Uttar Pradesh L.A.	36	27(20)	2878(1848)(f)	55(45)	1833(1567)(g)
..	West Bengal L.A.	..	..	..	..	..
<b>UNION TERRITORIES</b>						
17-5-78 to 19-5-78	Arunachal Pradesh L.A.	3	3(1)	45(45)	4(4)	..
..	Delhi Metropolitan Council	..	..	..	..	..
..	Goa, Daman and Diu L.A.	..	..	..	..	..
21-6-78 to 4-7-78	Mizoram L.A.	8	1(1)	..	..	5(4)
..	Pondicherry L.A.	..	..	..	..	..

**NOTES :**

(i) Figures in Cols. 4 and 5 indicate the number of Bills introduced followed by the number of Bills passed in brackets.

(ii) Figures in Cols. 6, 7 and 8 indicate the number of Notices received followed by the number of Notices admitted in brackets.

(a) 7 admitted as Starred Questions.

(b) Includes 17 Short Notice Questions admitted as Ordinary Starred Questions.

(c) Includes 372 Starred Notices and 8 Short Notice Questions admitted as Unstarred Questions.

(d) Includes 26 Notices received as Starred Questions but admitted as Unstarred Questions.

(e) Including 2 Bills pending from last session.

(f) Includes 926 Notices admitted as Unstarred.

(g) Includes 1025 Notices admitted as Starred and 323 Notices admitted as Unstarred.





## APPENDIX IV

**LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD MAY 1, 1978 TO JULY 31, 1978**

S. No.	Title of the Bill	Date of assent by the President
1.	The Port Laws (Amendment) Bill, 1978 . . . . .	4-5-78
2.	The Appropriation (No. 3) Bill, 1978 . . . . .	7-5-78
3.	The Finance Bill, 1978 . . . . .	12-5-78
*4.	The Banking Service Commission (Repeal) Bill, 1978 . . . . .	18-5-78
5.	The Deposit Insurance Corporation (Amendment and Miscellaneous Provisions) Bill, 1978 . . . . .	27-5-78
6.	The Coal Mines Nationalisation Laws (Amendment) Bill, 1978 . . . . .	27-5-78
7.	The Electricity (Supply) Amendment Bill, 1978 . . . . .	3-6-78
8.	The Reserve Bank of India (Amendment) Bill, 1978 . . . . .	3-6-78
9.	The Customs, Central Excises and Salt and Central Boards of Revenue (Amendment) Bill, 1978 . . . . .	6-6-78

\*Passed at a Joint sitting of the Houses of Parliament held on 16-5-1978.

## APPENDIX V

### BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD MAY 1, 1978 TO JULY 31, 1978

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#### ANDHRA PRADESH LEGISLATIVE COUNCIL

1. The Andhra Pradesh Gram Panchayats (Amendment) Bill, 1978.
2. The Andhra Pradesh Intoxicating Liquors (Prohibition of Advertisements) Bill, 1978.
3. The Andhra Pradesh Gram Panchayats (Second Amendment) Bill, 1978.
4. The Andhra Pradesh Municipalities (Second Amendment) Bill, 1978.
5. The Hyderabad Municipal Corporations (Amendment) Bill, 1978.
6. The Hyderabad Municipal Corporations (Amendment) Amending Bill, 1978.
7. The Andhra Pradesh Municipalities (Third Amendment) Bill, 1978.
8. The Andhra Pradesh Land Encroachment (Amendment) Bill, 1978.
- \*9. The Indian Partnership (Andhra Pradesh Amendment) Bill, 1978.

#### ANDHRA PRADESH LEGISLATIVE ASSEMBLY

1. The Andhra Pradesh Gram Panchayats (Second Amendment) Bill, 1978.
2. The Andhra Pradesh Intoxicating Liquors (Prohibition of Advertisements) Bill, 1978.
3. The Andhra Pradesh Land Encroachment (Amendment) Bill, 1978.
4. The Hyderabad Municipal Corporations (Amendment) Bill, 1978.
5. The Hyderabad Municipal Corporations (Amendment) Amending Bill, 1978.
6. The Andhra Pradesh Municipalities (Third Amendment) Bill, 1978.
7. The Andhra Pradesh Municipalities (Fourth Amendment) Bill, 1978.
- \*8. The Indian Partnership (Andhra Pradesh Amendment) Bill, 1978.
9. The Andhra Pradesh Gram Panchayats (Second Amendment) Bill, 1978.

#### BIHAR LEGISLATIVE ASSEMBLY@

1. Bihar Appropriation (No. 2) Bill, 1978.
2. The Premises and Vehicle (Acquisition) Bill, 1977.
3. The Bengal Ferry (Amendment) Bill, 1977.
4. The Jhariya Water Supply (Amendment) Bill, 1977.
5. The Bihar Appropriation (No. 2) Bill, 1978.

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\*Awaiting assent.

@Bills at Sl. No. 1 to 4 have also been passed by the Bihar Legislative Council.



**KARNATAKA LEGISLATIVE COUNCIL**

1. Karnataka Village Officers Abolition (Amendment) Bill, 1978.
2. City of Mysore Improvement (Amendment) Bill, 1978.
3. Karnataka Appropriation (No. 2) Bill, 1978.

**KARNATAKA LEGISLATIVE ASSEMBLY**

1. The City of Mysore Improvement (Amendment) Bill, 1978.
2. The Karnataka Appropriation (No. 2) Bill, 1978.

**MANIPUR LEGISLATIVE ASSEMBLY**

1. The Manipur Appropriation (No. 3) Bill, 1978.
- \*2. The Manipur Children Bill, 1978.
- \*3. The Manipur Flood Plain Zoning Bill, 1978.

**MEGHALAYA LEGISLATIVE ASSEMBLY**

1. The Meghalaya Appropriation (No. II) Bill, 1978.
2. The National Sports Club of Assam (Taking over of Management) Bill, 1978, was caused to be laid by Chief Minister, Shri D. D. Pugh.

**UTTAR PRADESH LEGISLATIVE ASSEMBLY**

1. Uttar Pradesh Industrial Peace (Timely Payment of Wages) Bill, 1978.
2. The Uttar Pradesh Employment of Substitute Workmen Bill, 1978.
3. The Uttar Pradesh Zamindari Abolition Laws (Amendment) Bill, 1978.
4. The Uttar Pradesh Land Laws (Amendment) Bill, 1978.
5. The Uttar Pradesh Appropriation (Supplementary, 1977-78) Bill, 1978.
6. The Uttar Pradesh Appropriation (Vote on Account) Bill, 1978.
7. The Uttar Pradesh Sales of Motor Spirit, Diesel Oil and Alcohol Taxation (Amendment) Bill, 1978.
8. The Societies Registration (Uttar Pradesh Amendment) Bill, 1978.
9. The Uttar Pradesh Krishi Utpadan Mandi Laws (Amendment) Bill, 1978.
10. The Uttar Pradesh Urban Local Self-Government Laws (Amendment) Bill, 1978.
11. The Uttar Pradesh Labour Welfare Fund (Amendment) Bill, 1978.
12. The Uttar Pradesh Urban Local Self-Government Laws (Second Amendment) Bill, 1978.
13. The Uttar Pradesh Excise (Amendment) Bill, 1978.
14. The Uttar Pradesh Taxation Laws (Amendment and Validation) Bill, 1978.
15. The Uttar Pradesh Urban Planning and Development (Amendment) Bill, 1978.

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\*Awaiting assent.

16. The Uttar Pradesh Education Laws Amendment Bill, 1978.
17. The Essential Commodities (Uttar Pradesh Amendment) Bill, 1978.
18. The Uttar Pradesh Entertainment and Betting Taxation (Amendment) Bill, 1978.
19. The Uttar Pradesh Appropriation Bill, 1978.
20. The Uttar Pradesh Legislative Chambers (Members' Emoluments and Pension) (Amendment) Bill, 1978.

UNION TERRITORIES

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

- \*1. The Arunachal Pradesh Freedom of Indigenous Faith Bill, 1978.

MIZORAM LEGISLATIVE ASSEMBLY

1. Mizoram Appropriation Bill, 1978.

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\*Awaiting assent.

## APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL AND STATE GOVERNMENTS DURING THE PERIOD  
MAY 1, 1978 TO JULY 31, 1978

S. No.	Subject	Date of promulgation	Date on which laid before the House	Date of Cessation	Remarks
<b>CENTRAL GOVERNMENT</b>					
1	The Delhi Police Ordinance, 1978 (No. 2 of 1978)	1-7-1978	17-7-1978	—	—
<b>STATE GOVERNMENTS</b>					
<b>ANDHRA PRADESH</b>					
1	The Andhra Pradesh Gram Panchayats (Amendment) Ordinance, 1978	6-6-78	23-6-78		Replaced by legislation.
2	The Andhra Pradesh Municipalities (Amendment) Ordinance, 1978	—do—	—do—		—do—
3	The Hyderabad Municipal Corporations (Amendment) Ordinance, 1978	—do—	—do—		—do—
<b>BIHAR</b>					
1	The Bihar Kollham Civil Justice (Regulation and Validation) Ordinance, 1978	—	27-6-78	24-8-78	
2	The Bihar Aid to Industries (Amendment) Ordinance, 1978		Do.	Do.	
3	The Bihar Hindu Religious Trust (Amendment) Ordinance, 1978		Do.	Do.	
4	The Bihar Motor Vehicle Taxation (Amendment) Ordinance, 1978 <sup>1</sup>		Do.	Do.	
5	The Motor Vehicle (Bihar Amendment) Ordinance, 1978		Do.	Do.	
6	Bihar Khadi and Village Industries (Amendment) Ordinance, 1978		Do.	Do.	

CORRIGENDA

- Page 515, line 10, for "subjects" read "subject".
- Page 517, line 16 insert full stop (.) and delete "all that I can say" after "own time."
- Page 517, line 13 from bottom, insert "all" between "in" and "important".
- Page 517, line 10 from bottom delete "the Government" after "and"
- Page 517, line 4 from bottom delete "very"
- Page 518, line 12 for "an" read "on".
- Page 520 .. last line for "their and gaveup". read "their country and gave up".
- Page 526, line 12, for "renaissauce" read "renaissance".
- Page 527, line 5, insert "a" between "It is" and "very"
- Page 527, line 9, for "along" read "long"
- Page 527, line 9 from bottom, for "noval" read "novel".
- Page 528, line 9, for "its" read "his".
- Page 529, line 3 from bottom, for "vazed" read "vexed"
- Page 569, for the existing folio heading read "Indian Parliamentary Delegations Abroad".

- Page 571, line 25, for "Miss Beatrice Member" read "Miss Beatrice Membe"
- Page 571, line 17 from bottom, for "8 lakhs" read "8 talks".
- Page 571 line 13 from bottom for "Legislative" read "Legislature"
- Page 575, line 25, for "an" read "and"
- Page 586, line 21, for "photostate" read "photostat".
- Page 590, line 6 for "Brig. Ram Singh" read "Brig. Ran Singh"
- Page 590, Line 21, for "Bhaian Lal" read "Bhajan Lal"
- Page 592, Line 19, for "Hourism" read "Tourism"
- Page 595 Line 7, under "IRAN" after "that" add "day"
- Page 595, Line 5, from bottom, for "Knessev" read "Knesset"
- Page 600, Line 3 from bottom, for "an" read "and"
- Page 604, Line 13, for "Parliament" read "Parliamentary".
- Page 622, line 27, for "trrorists" read 'terrorists'
- Page 622, line 10 from bottom, for 'thirties and forties' " read "thirties and forties"
- Page 626, for line 5, substitute fthe following line: "Hornby, Richard: Case for a stronger Parliament--"
- Page 638, against "Andhra Pradesh L.C." delete the figure (9) in col. 4
- Page 638, against "Karnataka L.C.", under Col.6, for "156" read "154"
- Page 656, against "Gujarat L.A." under Col.11, delete "(ff)" after the figure "6".

7	The Rajendra Agriculture University (Amendment) Ordinance, 1978 . . . . .	24-8-78
8	The Bengal Ferry (Amendment) Ordinance, 1978 . . . . .	Do.
9	The Bihar Land and Water Protection and Land Development Ordinance, 1978. . . . .	Do.
10	The Premises and Vehicle (Acquisition) Ordinance, 1978 . . . . .	Do.]
11	The Bihar Farmer and Village Area Development Agency, Ordinance, 1978 . . . . .	Do.
12	The Bihar Agriculture Production Market (Amendment) Ordinance, 1978 . . . . .	Do.
13	The Essential Commodities (Bihar Amendment) Ordinance, 1978 . . . . .	Do.
14	The Bihar Sugarcane (Supply and Purchase Regulation) Ordinance, 1978 . . . . .	Do.
15	The Bihar Panchayat Samiti and Zila Parishad (Second Amendment and Validation) Ordinance, 1978. . . . .	Do.
16	The Bihar Panchayat Raj (Second Amendment and Validation) Ordinance, 1978. . . . .	Do.
17	The Bihar District Board and Local Board (Control and Management) (Amendment) Ordinance, 1978. . . . .	Do.
18	The Bihar Secondary Education Board (Second Amendment) Ordinance, 1978. . . . .	Do.
19	The Bihar Inter-University Board Ordinance, 1978} . . . . .	Do.
20	The Patna University (Amendment) Ordinance, 1978 . . . . .	Do.
21	The Patna University (Second Amendment) Ordinance, 1978} . . . . .	Do.
22	The Bihar State Universities (Amendment) Ordinance, 1978: . . . . .	Do.
23	The Bihar State Universities (Second Amendment) Ordinance, 1978 . . . . .	Do. ]

1	2	3	4	5	6
24	The Bihar Cycle Rickshaw (License Regulation) Ordinance, 1978.		27-6-78	24-8-78	
25	The Bihar Private Medical College (Taking over Management) Ordinance, 1978.		Do.	Do.	
26	The Bihar Co-operative Society (Amendment) Ordinance, 1978.		Do.	Do.	
27	The Bihar Regional Development Authority Ordinance, 1978.		Do.	Do.	
28	The Bihar Sales—Tax Ordinance, 1978.		Do.	Do.	
29	The Bihar Corporation Ordinance, 1978.		Do.	Do.	
30	The Bihar Municipality and Patna Municipality Corporation (Amendment) Ordinance, 1978.		Do.	Do.	
31	The Jhariya Water Supply (Amendment) Ordinance, 1978.		Do.	Do.	
32	The Patna (Corporation Amendment) Ordinance, 1978.		Do.	Do.	
33	The Bihar Municipality (Second Amendment) Ordinance, 1978.		Do.	Do.	
34	The Bihar Medical Educational Institutions (Regulation and Control) Ordinance, 1978.		Do.	Do.	
35	The Bihar Excise (Amendment and Validation) Ordinance, 1978.		Do.	Do.	
36	The Bihar Irrigation, Field Channel (Amendment) Ordinance, 1978.		Do.	Do.	
37	The Bihar Irrigation Law (Amendment) Ordinance, 1978.		Do.	Do.	
38	The Bihar Forest Production (Trade Regulation) Ordinance, 1978.		Do.	Do.	
39	The Irrigation Development (Land Acquisition) Ordinance, 1978.		Do.	Do.	
40	The Bihar Electric Supply Undertaking (Acquisition) Ordinance, 1978.		Do.	Do.	

41	The Bihar Land Rent (Free from Payment) Second Ordinance, 1978. . .	27-6-78	24-8-78
42	The Bihar Public Land Encroachment (Amendment) Ordinance, 1978.	Do.	Do.
43	The Bihar Gramdan (Amendment) Ordinance, 1978. . . . .	Do.	Do.
44	The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Amendment Ordinance, 1978. . . . .	Do.	Do.
45	The Bihar Agricultural Operations and Miscellaneous Provisions (Banks) Ordinance, 1978. . . . .	Do.	Do.
46	The Chhotanagpur and Santhal Pargana Autonomous Development Authority (Amendment) Ordinance, 1978. . . . .	Do, <sup>7</sup>	Do.
47	The Bihar State Housing Board Ordinance, 1978. . . . .	Do.	Do.
48	The Bihar Cess (Amendment) Ordinance, 1978. . . . .	Do.	Do.
49	The Motor Vehicle (Bihar Second Amendment) Ordinance, 1978. . . . .	Do.	Do.
50	The Patna Corporation (Second Amendment) Ordinance, 1978. . . . .	27-6-78	24-8-78
51	The Bihar Panchayat Election's Rule and Supplementary list of Voters (Validation) Ordinance, 1978. . . . .	Do.	Do.
52	The Bihar Khadi and Village Industries (Second Amendment) Ordinance, 1978. . . . .	Do.	Do.
53	The Chhota Nagpur and Santhal Pargana Autonomous Development Authority (Second Amendment) Ordinance, 1978. . . . .	Do.	Do.
54	The Bihar University Service Commission (Amendment) Ordinance, 1978.	Do.	Do.
55	The Bihar Private Physical Training College and Private Primary Teachers Training College (Control and Regulation) Ordinance, 1978. . . . .	Do.	Do.
56	The Bihar Private Medical College (Acquisition) Ordinance, 1978. . . . .	Do.	Do.



1	2	3	4	5	6
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- |    |  |  |         |         |  |
|----|--|--|---------|---------|--|
| 57 | The Bihar Inter-University Board (Amendment) Ordinance, 1978.  |  | 27-6-78 | 24-8-78 |  |
| 58 | The Patna University (Third Amendment) Ordinance, 1978.        |  | Do.     | Do.     |  |
| 59 | The Bihar State University (Third Amendment) Ordinance, 1978.  |  | Do.     | Do.     |  |
| 60 | The Bihar Contingency Fund (Second Amendment) Ordinance, 1978. |  | 28-6-78 | Do.     |  |

**GUJARAT**

- |   |  |  |         |  |  |
|---|--|--|---------|--|--|
| 1 | The Bombay Provincial Municipal Corporation (Gujarat Amendment) Ordinance, 1978.               |  | 1-5-78  |  |  |
| 2 | The Gujarat Secondary Education (Amendment) Ordinance, 1978.                                   |  | 30-5-78 |  |  |
| 3 | The Gujarat University (Amendment) Ordinance, 1978.  |  | 14-6-78 |  |  |
| 4 | The Gujarat Homoeopathic (Regulations, Examinations, Degrees etc.) Validation Ordinance, 1978. |  | 3-7-78  |  |  |
| 5 | The Gujarat Panchayats (Amendment) Ordinance, 1978.  |  | 10-7-78 |  |  |
| 6 | The Gujarat Local Authorities (Extension of Term & Laws (Amendment) Ordinance, 1978.           |  | 11-7-78 |  |  |

**MADHYA PRADESH**

- |   |  |  |         |  |  |
|---|--|--|---------|--|--|
| 1 | The Madhya Pradesh Panchayats (Amendment) Ordinance, 1978. |  | 13-5-78 |  |  |
| 2 | The Madhya Pradesh Excise (Amendment) Ordinance, 1978.     |  | 30-6-78 |  |  |

**ASSAM**

- |   |  |  |        |         |        |
|---|--|--|--------|---------|--------|
| 3 | The National Sports Club of Assam (Taking over of Management) Ordinance, 1976. |  | 2-6-78 | 12-8-78 | 5-7-78 |
|---|--|--|--------|---------|--------|
- Replaced by legislation.

PUNJAB

1	The Punjab Agricultural Produce Markets (Amendment) Ordinance, 1978.	27-4-78
2	The Indian Stamp (Punjab Amendment) Ordinance, 1978.	2-5-78
3	The Punjab Entertainments Tax (Cinematographs Shows) Amendment Ordinance, 1978	Do.
4	The Punjab Entertainments Duty (Amendment) Ordinance, 1978.	Do.
5	The Punjab Municipal (Amendment) Ordinance, 1978.	12-5-78
6	The Punjab Panchayats Samities & Zila Parishads (Amendment) Ordinance, 1978.	7-6-78
7	The Punjab Gram Panchayat (Amendment) Ordinance, 1978.	7-6-78
8	The Punjab Good Conduct Prisoners (Temporary Release) Amendment Ordinance, 1978.	6-7-78
9	The Punjab Municipal Corporation (Amendment) Ordinance, 1978.	12-7-78
10	The Punjab Town Improvement (Amendment) Ordinance, 1978.	12-7-78
11	The Punjab Guru Gobind Singh Medical College Faridkot (Acquisition and Miscellaneous Provisions) Ordinance, 1978.	13-7-78
12	The Punjab General Sales Tax (Amendment) Ordinance, 1978.	19-7-78
13	The Punjab Water Supply and Sewerage Board (Amendment) Ordinance, 1978.	25-7-78

UTTAR PRADESH

1	The Uttar Pradesh Employment of Substitute Workmen Ordinance, 1978.	17-3-78
2	The Uttar Pradesh Sales of Motor Spirit Diesel Oil and Alcohol Taxation (Amendment) Ordinance, 1978.	Do.
3	The Uttar Pradesh Land Laws (Amendment) Ordinance, 1978.	Do.
4	The Uttar Pradesh Intermediate Education (Amendment) Ordinance, 1978.	Do.
5	The Uttar Pradesh Excise (Amendment) Ordinance, 1978.	Do.
6	The Uttar Pradesh Excise (Second Amendment) Ordinance, 1978.	Do.
7	The Essential Commodities (Uttar Pradesh Amendment) Ordinance, 1978	23-2-78
8	The Society Registration (Uttar Pradesh Amendment) Ordinance, 1978.	27-2-78

## APPENDIX VII

A. PARTY POSITION IN LOK SABHA  
(As on September 30, 1978)

Sl. No.	Name of the State/Union Territory	Seats	Janata	Cong (I)	Cong.	CPI (M)	AIADMK	Other Parties attached	Un-attached	Total Vacancies	
		1	2	3	4	5	6	7	8	9	10
STATES											
1	Andhra Pradesh . . . . .	42	3	24	12	..	..	..	1	40	2
2	Assam . . . . .	14	3	4	6	..	..	..	1	14	..
3	Bihar . . . . .	54	51	..	..	..	..	..	2	53	1
4	Gujarat . . . . .	26	15	5	4	..	..	..	2	26	..
5	Haryana . . . . .	10	10	..	..	..	..	..	..	10	..
6	Himachal Pradesh . . . . .	4	4	..	..	..	..	..	..	4	..
7	Jammu & Kashmir . . . . .	6	1	..	3	..	..	2(s)	..	6	..
8	Karnataka . . . . .	28	4	15	7	..	..	..	..	*26	1
9	Kerala . . . . .	20	..	2	9	..	..	9(b)	..	20	..
10	Madhya Pradesh . . . . .	40	36	1	..	..	..	1(c)	1	39	1
11	Maharashtra . . . . .	48	17	5	13	3	..	7(d)	3	48	..
12	Manipur . . . . .	2	1	..	1	..	..	..	..	2	..
13	Meghalaya . . . . .	2	..	..	1	..	..	..	1	2	..
14	Nagaland . . . . .	1	1	..	..	..	..	..	..	1	..
15	Orissa . . . . .	21	16	3	..	1	..	..	1	21	..
16	Punjab . . . . .	13	3	..	..	1	..	9(c)	..	13	..
17	Rajasthan . . . . .	25	24	..	1	..	..	..	..	25	..
18	Sikkim . . . . .	1	1	..	..	..	..	..	..	1	..
19	Tamil Nadu . . . . .	39	2	8	6	..	18	3(f)	2	39	..







## C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	Janata	Cong(I)	Cong.	CPI(M)	CPI	AIA DMK	Akali	Other parties	Ind.	Total	Vacancies
Andhra Pradesh L. C. (As on 1-5-78)	90	14	29	21	—	3	—	—	5(a)	1	73	17
Andhra Pradesh L. A. (As on 1-5-78)	295	60	194	15	7	6	—	—	3(b)	9	294	1
Assam L. A. (As on 1-5-78)	126	60	8	24	11	6	—	—	8(c)	9	126	—
Bihar L. C. (As on 1-5-78)	96	24	46	14	—	4	—	—	1(d)	6	95	1
Bihar L. A. (As on 31-7-78)	325	214	44	12	4	21	—	—	18(c)	10	323 <sup>e</sup>	1
Gujarat L. A. (As on 1-5-78)	182	109	52	10	—	—	—	—	4(f)	6(f)	181	1
Haryana L. A. (As on 8-8-78)	90	79	3	1	—	—	—	—	5(g)	2	90	—
Himachal Pradesh L. A. (As on 1-5-78)	68	54	—	9(h)	—	—	—	—	—	5	68	—
Jammu & Kashmir L. C. (As on 1-5-78)	36	3	33	16	—	—	—	—	11(i)	4	34	2
Jammu & Kashmir L. A. (As on 1-5-78)	76	13	7	2	—	—	—	—	54(j)	—	76	—
Karnataka L. C. (As on 24-8-78)	63	21	28	3	—	—	—	—	—	3	55 <sup>e</sup>	7

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Karnataka L. A. (As on 24-8-78)	225	59	151	1	—	3	—	—	2(k)	7	225 <sup>d</sup>	1
Kerala L. A. (As on 30-4-78)	141	9	18	21	17	23	—	—	31(l)	—	199 <sup>e</sup>	1
Madhya Pradesh L. A. (As on 1-8-78)	321	229	59	21	—	—	—	—	1(m)	9	319 <sup>e</sup>	1
Manipur L. A. (As on 3-8-78)	60	52	2	—	—	4	—	—	—	2	60	—
Mughalava L. A. (As on 29-9-78)	60	—	—	17	—	—	—	—	37(n)	6	60	—
Nagaland L. A. (As on 1-5-78)	60	—	—	15	—	—	—	—	40(o)	5	60	—
Punjab L. A. (As on 1-5-78)	117	25	15	2	8	7	—	58(p)	—	2	117	—
Rajasthan L. A. (As on 21-8-78)	200	148	11(q)	30(q)	1	4	—	—	4(r)	4(s)	—	1
Tamil Nadu L. C. (As on 1-5-78)	63	1	—	4	1	1	14	—	17(t)	8	46 <sup>e</sup>	16
Tamil Nadu L. A. (As on 1-5-78)	235	10	—	27	12	5	125	—	55(u)	—	234 <sup>e</sup>	—
Uttar Pradesh L. C. (As on 1-5-78)	108	30	43	15	—	2	—	—	13(v)	3	106	2
Uttar Pradesh L. A. (As on 1-5-78)	426	359	38	8	1	9	—	—	1(w)	8	424	2
West Bengal L. A. (As on 1-5-78)	295	29	11	9	177(x)	2	—	—	61(y)	4	293	2



State/Union Territory	Seats	Janata	Cong(I)	Cong.	CPI(M)	CPI	AIA	Akali	Other	Ind.	Total	Vacancies
<b>UNION TERRITORIES</b>												
Arunachal Pradesh L. A. (As on 1-5-78)	33	24	—	—	—	—	—	—	8(z)	1	33	—
Delhi Metropolitan Council (As on 1-5-78)	60	48	10	—	—	—	—	—	—	—	58	2
Goa, Daman & Diu L. A. (As on 1-5-78)	30	3	—	10	—	—	—	—	15(aa)	2	30	—
Mizoram L. A. (As on 1-7-78)	30	—	—	—	—	—	—	—	29(ab)	1	30	—
Pondicherry L. A. (As on 1-5-78)	30	6	1	1	1(ac)	1	11	—	3(ad)	6(ac)	30	—

\* Excludes the Speaker/Chairman who is not a Member of either party.

(a) Progressive Democratic Front.

(b) Majlis-Itihad-ul-Muslimeen.

(c) Revolutionary Communist Party of India-4, PTC-4.

(d) Teachers Group.

(e) All India Jharkhand-1, Samyukta Virodhi Morcha Vidhayak Dal-8, Lok Paksha Vidhayak Dal-7, Forward Block-1, and Nominated-1.

(f) Congress Party (Non-aligned)-4.

(ff) Includes 3 Independents with support to J. P.

(g) Vishal Haryana Party.

(h) No official information received by the Vidhan Sabha regarding their joining of Indian National Congress or Congress (I).

(i) National Conference.

(j) National Conference-50, Jamati-Islamia-1, Janata Front-3.

- (k) Muslim League-1, R. P. I-1.
- (l) Kerala Congress-20, Muslim League-12, R. S. P.-9, National Democratic Party-4, Muslim League (O) 3, P. S. P.-3.
- (m) Nominated.
- (n) APHLC-19, HSPDP-15, PDIC-2, JNU-1.
- (o) United Democratic Front-39, NCIN-1.
- (p) One Member of the Shiromani Akali Dal has no right to vote.
- (q) Correspondence is going on with the Congress and Congress (I) about their respective party-position.
- (r) Pragatishheel Dal.
- (s) Including Hon'ble Speaker.
- (t) DMK-13; United Party-2; Indian Union Muslim League-2.
- (u) DMK-18; Indian National Forward Block-2; Tamil Nadu Toolers Progressive Party-2; Forward Block-1; Muslim League-1; Nominated-1.
- (v) Shikhsak Dal-7; Nirdaliya Sangh-3; Rashtravadi Dal-2; Republican Party-1.
- (w) Nominated.
- (x) Including one Independent Member supported by CPI(M).
- (y) Forward Block-26; Revolutionary Socialist Party-20; Revolutionary Communist Party of India-3; Forward Block Marxist-3; Biplabi Bangla Congress-1; Socialist Unity Centre-4; CPI(ML)-1; Muslim League-1; Congress for Democracy-1; and Nominated-1.
- (z) People's Party of Arunachal Pradesh.
- (aa) Maharashtratrawadi Gomantak Party.
- (ab) People's Conference Party-23; Mizoram Congress Legislature Group-5; Mizoram Janata-1.
- (ac) Supporting AIADMK-3
- (ad) D.M.K.

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