

# ***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)  
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## EDITORIAL NOTE

In a parliamentary democracy the interest of the people in the profiles of their representatives is natural. As usual, therefore, the Lok Sabha Secretariat has brought out a 'Who Is Who' of the Members of the Sixth Lok Sabha. Also, continuing our earlier analyses in this area, we publish in this issue an article on the socio-economic background of the Members of the Sixth Lok Sabha elected during the March 1977 General Elections.

Another article in this issue describes the composition, powers and functioning of the Australian Joint Committee on Public Works in the light of the recent proposals for reform of the Committee system in that country.

We offer our felicitations to Shri Jagannath Prasad, newly elected Deputy Speaker of the Legislative Assembly of Uttar Pradesh and to Shri Thangri-dema and Shri Chawngkunga, recently elected Speaker and Deputy Speaker respectively of the Mizoram Legislative Assembly.

—*Avtar Singh Rikhy*

## SOCIO-ECONOMIC BACKGROUND OF THE MEMBERS OF THE SIXTH LOK SABHA\*

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The Sixth Lok Sabha was constituted after the general elections held in March 1977. This study analyses the socio-economic factors such as age, education and prior occupation of members of the Sixth Lok Sabha and compares them with those of the members of the earlier Lok Sabhas.

*Age:* The minimum age laid down for the membership of Lok Sabha is 25 years. Though there is no constitutional requirement for an upper age limit, no person beyond the age of 85 years has so far been elected to Lok Sabha.

To analyse the data about age, members of various Lok Sabhas have been distributed in 12 different age-groups with a span of 5 years each, beginning from the age-group 25—30 years and ending with 81—85 years, as shown in Table 1.1.

As would be seen, the largest number of members (94) of the Sixth Lok Sabha are in each of the individual age-groups of 46—50 years and 51—55 years. The age-group of 81—85 years is represented by a solitary member. As many as 295 members out of the total of 519 members who supplied the information fall in the middle-age range of 46—65 years. This age range thus comprises 56.9 per cent of the total, while the younger members (age range 25 to 45 years) form 33.7 per cent and the elderly members (age range 66 to 85 years) 9.4 per cent.

A comparison of the age statistics of the members of all the six Lok Sabhas in Table 1.2 reveals that only a few members entered the Lok Sabhas below the age of 31 years or above the age of 70 years. The Table further reveals that the most popular age-group is that of 46—50 years.

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\*Contributed by LARRDIS, Lok Sabha Secretariat.

TABLE 1.1  
 DISTRIBUTION OF MEMBERS OF SIXTH LOK SABHA BY AGE-GROUPS  
 (Ages on election\* to Lok Sabha)

Age Groups	No. of Members	Percentage to Total
25—30 Years . . . . .	18	3.5
31—35 „ . . . . .	26	5.0
36—40 „ . . . . .	62	11.9
41—45 „ . . . . .	69	13.3
46—50 „ . . . . .	94	18.1
51—55 „ . . . . .	94	18.1
56—60 „ . . . . .	66	12.7
61—65 „ . . . . .	41	8.0
66—70 „ . . . . .	33	6.4
71—75 „ . . . . .	11	2.1
76—80 „ . . . . .	4	0.7
81—85 „ . . . . .	1	0.2
<b>TOTAL**</b> . . . . .	<b>519</b>	<b>100.0</b>
<b>Total No. of Seats</b> . . . . .	<b>544</b>	

\*Date of the first sitting of the Sixth Lok Sabha, i.e. March 25, 1977 has been taken into account for this purpose.

\*\*The total indicates the number of Members who supplied the information.

After the Second Lok Sabha, the individual age-group of 46—50 years accounted for the heaviest concentration of members in all the later four Lok Sabhas. However, the age-group of 51—55 years represented maximum number of members in the First Lok Sabha and shared this position of heaviest concentration with the age-group of 46—50 years in the Sixth Lok Sabha. In the Second Lok Sabha, this position of maximum concentration of membership was obtained by the age-group of 36—40 years. The lowest age-group of 25—30 years accounted for only a small percentage of the

total membership in all the Lok Sabhas, the highest (6.0 per cent) being in the First Lok Sabha and the lowest (2.3 per cent) in the Third Lok Sabha. The age-group of 81-85 years was never represented by more than one member in any of the Lok Sabhas and thus always accounted for a negligible proportion (0.2 per cent) of the total membership.

TABLE 1.2  
DISTRIBUTION OF MEMBERS OF FIRST TO SIXTH LOK SABHA BY AGE-GROUPS  
(in Percentage)

Age Groups	1st Lok Sabha	2nd Lok Sabha	3rd Lok Sabha	4th Lok Sabha	5th Lok Sabha	6th Lok Sabha
25—30 Years	6.0	2.6	2.3	4.2	3.1	3.5
31—35 Years	11.6	12.3	7.1	7.7	5.5	5.0
36—40 Years	12.5	18.7	13.5	13.2	12.3	11.9
41—45 Years	14.7	14.6	16.6	17.0	15.0	13.3
46—50 Years	16.0	13.1	15.4	17.2	19.6	18.1
51—55 Years	20.3	15.6	14.5	14.0	18.6	18.1
56—60 Years	10.1	14.4	12.2	11.0	11.3	12.7
61—65 Years	6.2	5.1	12.2	7.7	6.9	8.0
66—70 Years	2.1	2.4	4.4	5.0	4.9	6.4
71—75 Years	0.2	1.0	1.2	2.0	1.7	2.1
76—80 Years	..	..	0.2	0.4	0.4	0.7
81—85 Years	..	..	0.2	0.2	0.2	0.2

Table 1.3 shows the percentage distribution of members of all the Lok Sabhas in three age-ranges of 20 years each viz. 25-45 years, 46-65 years, 66-85 years, representing the young, middle-age and the elderly group of members respectively. It would be seen from this Table that in every Lok Sabha the age distribution has attained convexity in the middle of the life span. The 20 years span in the middle-age range has always accounted for the maximum percentage of members well above the other two 20 year-spans comprising the young and the elderly groups in all the six Lok Sabhas. Only in the Second Lok Sabha, the age range of the younger group (48.2 per cent) was very near the middle-age range (48.4

per cent). Among all the six Lok Sabhas, the Sixth Lok Sabha topped in this particular age-range (46-65) with as high as 56.9 per cent of membership, followed by Fifth Lok Sabha (56.4 per cent), Third Lok Sabha (54.3 per cent), First Lok Sabha (52.6 per cent), Fourth Lok Sabha (49.9 per cent) and the Second Lok Sabha (48.4 per cent).

Another interesting feature that emerges from Table 1.3 is that the 20-year age-range of the elderly group has had a consistent rise of membership in every subsequent Lok Sabha (except in the Fifth Lok Sabha when it came down slightly from 7.6 per cent to 7.2 per cent) and went up from a bare 2.3 per cent of the total in the First Lok Sabha to 9.4 per cent of the total in the Sixth Lok Sabha mainly at the expense of the 20-year age-range comprising the younger group, which recorded a fall of membership from 44.8 per cent of the total in the First Lok Sabha to 33.7 per cent of the total in the Sixth Lok Sabha.

TABLE 1.3  
AGE DISTRIBUTION OF MEMBERS OF FIRST TO SIXTH LOK SABHA BY AGE  
RANGE OF 20 YEARS  
(in percentages)

	25-45 years	46-65 years	66-85 years
First Lok Sabha	44.8	52.6	2.3
Second Lok Sabha	48.2	48.4	3.4
Third Lok Sabha	39.5	54.3	6.0
Fourth Lok Sabha	42.1	49.9	7.6
Fifth Lok Sabha	35.9	56.4	7.2
Sixth Lok Sabha	33.7	56.9	9.4

Table 1.4 below gives a comparative picture of the average age of members of the various Lok Sabhas. The average age of the members of all the six Lok Sabhas together was around 49 years, the lowest being in the First Lok Sabha (46.5 years) and the highest in the Sixth Lok Sabha (52.1 years). The average age of the members of Second, Third, Fourth and Fifth Lok Sabhas fluctuated in-between these two limits. A glance of Table 1.4 would thus indicate that the later Lok Sabhas were generally represented by older members when compared to the earlier Lok Sabhas.



TABLE 1.4  
AVERAGE AGE OF MEMBERS OF FIRST TO SIXTH LOK SABHA

Lok Sabha	Average age (in years)
First Lok Sabha . . . . .	46.5
Second Lok Sabha . . . . .	46.7
Third Lok Sabha . . . . .	49.4
Fourth Lok Sabha . . . . .	48.7
Fifth Lok Sabha . . . . .	49.2
Sixth Lok Sabha . . . . .	52.1

*Education:* The Constitution does not prescribe any educational qualifications for being elected as members of Lok Sabha.

Table 2.1 indicates the educational background of members of the Sixth Lok Sabha. As would be seen, out of the total number of 530 members who supplied the information, as many as 205 are graduates constituting about two-fifths of the total strength. The under-graduates and post-graduates, who each number 132, constitute about one-fourth of the total. 9 members possess doctorate or other high academic qualifications. 52 members constituting one-tenth of the total membership are under-matriculantes. The education table further reveals that 346 members (constituting about two-thirds of the total number) possess graduate and even higher qualifications.

TABLE 2.1  
DISTRIBUTION OF MEMBERS OF SIXTH LOK SABHA ACCORDING TO THEIR EDUCATIONAL BACKGROUND

S.No.	Educational Background	No. of Members	Percentage to total
1	Under Matriculates . . . . .	52	9.8
2	Matriculates/Higher Secondary or Intermediate Certificate Holders . . . . .	132	24.9
3	Graduates . . . . .	205	38.7
4	Post-Graduates (including technical qualifications) . . . . .	132	24.9
5	Doctorate degree or other high academic qualification holders . . . . .	9	1.7
	TOTAL* . . . . .	530	100.0
	Total No. of Seats . . . . .	544	

\*The Total indicates the number of Members who supplied the information.

Table 2.2 presents a comparative picture of the educational background of members of all the six Lok Sabhas. The two common features that can be discerned from the table are that the graduates have the heaviest representation and those possessing doctorate or other high academic qualifications the smallest representation in each of the six Lok Sabhas. Among the various Lok Sabhas, the graduates from the maximum percentage, (38.7) in the Sixth Lok-Sabha, followed by First (37.1), Fourth (35.4), Fifth (34.6), Second (33.9) and Third (32.0) Lok Sabhas.

TABLE 2.2

EDUCATIONAL BACKGROUND OF MEMBERS OF FIRST TO SIXTH LOK SABHA (in Percentages)

S. No.	Category	LOK SABHA					
		1st 1952-57	2nd 1957-62	3rd 1962-67	4th 1967-70	5th 1971-77	6th 1977-
1	Under Matriculates . . .	23.2	25.4	28.7	11.5	23.1	9.8
2	Matriculates/Higher Secondary or Intermediate Certificate Holders . . .	18.4	19.1	17.7	22.1	16.0	24.9
3	Graduates . . . . .	37.1	33.9	32.0	35.4	34.6	38.7
4	Post Graduates (including Technical Qualifications)	17.8	19.5	20.0	24.7	24.7	24.9
5	Doctoral Degree or other than high academic qualification holders . . . . .	3.5	2.1	1.6	6.3	1.5	1.7

Under-matriculates accounted for about one-fourth of the total in the First, Second, Third and Fifth Lok Sabhas. Their proportion, in the Fourth and Sixth Lok Sabha was, however, considerably reduced to a bare one-ninth (11.5 per cent) and one-tenth (9.8 per cent) of the total respectively.

Majority of members in all the six Lok Sabhas had attained the level of graduation or more than graduation. The Fourth Lok Sabha topped in this list with as many as 66.4 per cent of members who were graduates and above, followed by Sixth (65.3 per cent), Fifth (60.8 per cent), First (58.4 per cent), Second (55.5 per cent) and Third (53.6 per cent) Lok Sabhas.

*Occupation:* As would be evident from table 3.1, members of the Sixth Lok Sabha, represent one or the other of the following eleven categories of occupations: (i) Agriculturists, (ii) Political & Social Workers, (iii) Lawyers, (iv) Traders & Industrialists, (v) Teachers & Educationists,

(vi) Journalists and Writers, (vii) Civil and Military Service (viii) Medical Practitioners, (ix) Engineers & Technologists, (x) Former Rulers, and (xi) Industrial Workers. Where a member is engaged in more than one occupation, the one that is predominant in his career has been taken into consideration. As many as 417 members out of a total of 525 members (i.e. more than two-thirds of the total) who supplied the information are drawn from the first three categories viz., agriculturists, political and social workers and lawyers. Agriculturists (189) alone account for more than one-third of the total strength of the House. Members belonging to the remaining eight categories of occupations put together (108) constitute only about one-fifth of the total.

TABLE 3.1

DISTRIBUTION OF MEMBERS ELECTED TO SIXTH LOK SABHA BY THEIR PRIOR OCCUPATION\*

Prior Occupation	Number Percentage	
	of Members	to total
1. Agriculturists . . . . .	189	36.0
2. Political and Social Workers . . . . .	105	20.0
3. Lawyers . . . . .	123	23.4
4. Traders and Industrialists . . . . .	17	3.3
5. Teachers & Educationists . . . . .	44	8.4
6. Journalists & Writers . . . . .	11	2.1
7. Civil & Military Service . . . . .	9	1.7
8. Medical Practitioners . . . . .	10	1.9
9. Engineers & Technologists . . . . .	5	0.9
10. Former Rulers . . . . .	3	0.6
11. Industrial workers . . . . .	9	1.7
TOTAL** . . . . .	525	100.0
Total No. of Seats . . . . .	544	

\*Some Members had more than one prior occupation. For the sake of this table, however, the profession which appeared to predominate in the Member's career has been taken into account.

\*\*The total indicates the number of Members who supplied information about their prior occupation.

Table 3.2 shows the comparative occupational pattern of members of all the Lok Sabhas.

The agricultural accent in the representative character is reflected in each House of Lok Sabha. Except the First and Second Lok Sabhas, agriculturists are more in number than others in all the remaining Houses. Also, the representation of agriculturists has shown an upward trend in every successive Lok Sabha (except, however, in the Third Lok Sabha where a slight fall was recorded) thus increasing the percentage of agriculturists from 22.4 in First Lok Sabha to 36.0 in the Sixth Lok Sabha.

In the First and Second Lok Sabhas lawyer members outnumbered others. In the Third, Fifth and Sixth Lok Sabhas, members belonging to the legal profession obtained second position and in the Fourth Lok Sabha, the third position of predominance. The percentage representation of lawyers has, however, been reduced from 35.6 in the First Lok Sabha to 23.4 in the Sixth Lok Sabha.

There has been a substantial reduction in the number of members belonging to the professions of 'Traders and Industrialists' and 'Journalists and Writers'. This trend of decline in their proportion is generally discernible in every subsequent Lok Sabha. A net, though uneven, fall has also been recorded in the categories of 'Civil and Military Service', 'Medical Practitioners', and 'Former Rulers'. The category of 'Teachers and Educationists' has, by and large, retained its representation in each Lok Sabha without much fluctuation. Similarly, the category of 'Political and Social Workers' has not shown any significant variation in the Third to Sixth Lok Sabhas.

The last four categories of occupations detailed in Table 3.2, it would be seen, had either no representation or very small representation in the various Lok Sabhas.

TABLE 3.2  
DISTRIBUTION OF MEMBERS BY PRIOR OCCUPATION (in Percentages)

Prior Occupation	1st Lok Sabha	2nd Lok Sabha	3rd Lok Sabha	4th Lok Sabha	5th Lok Sabha	6th Lok Sabha
1	2	3	4	5	6	7
1. Agriculturists . . . . .	22.4	29.1	27.4	30.6	33.2	36.0
2. Political & Social Workers	..	..	18.7	22.9	19.0	20.0
3. Lawyers . . . . .	35.6	30.5	24.5	17.5	20.5	23.4

	1	2	3	4	5	6	7
4. Traders & Industrialists .		12.0	10.2	10.3	7.7	6.8	3.3
5. Teachers & Educationists .		9.9	11.3	5.8	6.5	7.1	8.4
6. Journalists & Writers .		10.4	10.2	5.8	4.8	6.3	2.1
7. Civil & Military Service .		3.7	4.0	0.9	3.2	3.4	1.7
8. Medical Practitioners .		4.9	3.5	3.0	2.8	1.7	1.9
9. Engineers & Technologists.		..	..	0.9	1.4	1.2	0.9
10. Former Rulers . .		1.1	1.4	2.1	1.4	0.4	0.6
11. Industrial Workers .				0.2	0.2	..	1.7
12. Religious Missionaries .				0.2	0.8	0.4	
13. Artists . . . . .		..	..	..	0.2	..	..

*Women Members:* Table 4.1 gives the number of women Members and their percentage representation in each of the six Lok Sabhas. On an average, 5 per cent of the total strength of all the six Lok Sabhas was constituted by women members. As would be seen from table 4.1, numerically as well as proportionately the Third Lok Sabha had the maximum and the Sixth Lok Sabha the minimum representation of women Members.

TABLE 4.1

NUMBER OF WOMEN MEMBERS ELECTED IN FIRST TO SIXTH LOK SABHA.

	Total No. of Seats	No. of Women Members	Percentage to the total
First Lok Sabha . . . . .	499	22	4.4
Second Lok Sabha . . . . .	500	27	5.4
Third Lok Sabha . . . . .	503	34	6.7
Fourth Lok Sabha . . . . .	523	31	5.9
Fifth Lok Sabha . . . . .	521	22	4.2
Sixth Lok Sabha . . . . .	544	19	3.4

**Conclusion:** The following conclusions emerge from this study.

In each of the sixth Lok Sabhas, members who were graduates were more in number than those who were either undermatriculates or undergraduates.

The members in the 46-65 years age-range outnumbered the members in the age ranges of 25-45 years and 66-85 years in each of the six Lok Sabhas. Among all the six Lok Sabhas, their number was maximum in the Sixth Lok Sabha.

Occupationally, as in the earlier Lok Sabhas, the agriculturists have preponderance over others in the Sixth Lok Sabha followed by lawyers and political and social workers. There has been continuous reduction in every subsequent Lok Sabha in the number of members belonging to the professions of 'Traders and Industrialists' and 'Journalists and Writers'.

The representation of women members in the Sixth Lok Sabha has been lower as compared to the earlier Lok Sabhas.

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## THE AUSTRALIAN JOINT COMMITTEE ON PUBLIC WORKS\*

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The Parliamentary Standing Committee on Public Works is a Joint Committee appointed by the Houses of the Commonwealth Parliament in accordance with the provisions of the Public Works Committee Act. The Committee was first appointed in 1913.

### *Functions of the Committee*

The Public Works Act, as it now stands, provides that a motion may be moved in either House of Parliament that a public work be referred to the Public Works Committee for consideration and report<sup>1</sup>. However, every Commonwealth public work the estimated cost of which exceeds two million dollars must be referred to the Committee before work thereon is commenced. The two exceptions to this rule are: (i) where the House of Representatives resolves that because of the urgent nature of the work it is expedient that the work be carried out without being referred to the Committee; or, (ii) where the Governor-General declares that the work is for defence purposes and that reference to the Committee would be contrary to the public interest<sup>2</sup>.

Works of statutory authorities are subject to examination by the Committee only where a work is carried out by the Commonwealth or its agent—the Department of Construction—and where the money to be paid for the work is appropriated by Parliament and placed under the control of the Department of Construction. But where money to pay for a work carried out for a statutory authority is drawn from funds vested in the authority itself and not under the control of the Department of Construction, then that work is not subject to the scrutiny of the Public Works Committee.

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\*Contributed by the LARRDIS, Lok Sabha Secretariat.

<sup>1</sup>Prior to 1969 the power of reference resided in the House of Representatives only.

<sup>2</sup>Public Works Committee Act, Section 18(1) and (8).

In 1972, Senate Estimates Committee C drew the attention of the Senate to the fact that works undertaken by statutory bodies such as the National Capital Development Commission do not come under the scrutiny of the Public Works Committee. The Committee reported that it did not consider this avoidance of Parliamentary scrutiny of major public works desirable either in the national or the States' interests.

In 1973 the Senate proposed an amendment to the Public Works Bill which would require the Public Works Committee to examine all capital works in excess of \$2m undertaken by statutory authorities as well as Government departments. Following an assurance by the Government that an in-depth examination would be made of the full range of works undertaken by all arms of the Government, with a view to drawing up a more rational method of selecting works for reference to the Committee, the Senate's amendment to the Public Works Bill 1973 was not further proceeded with<sup>3</sup>.

In considering and reporting on a public work, the Public Works Committee is required by statute to have regard to:

- (a) The stated purpose of the work and its suitability for that purpose;
- (b) The necessity for, or the advisability of, carrying out the work;
- (c) The most effective use that can be made, in carrying out the work of the moneys to be expended on the work;
- (d) Where the work purports to be of a revenue-producing character, the amount of revenue that it may reasonably be expected to produce; and
- (e) The present and prospective public value of the work.

The Committee may, in its report on a public work, recommend any alterations to the proposals for the work that, in its opinion, are necessary or desirable to ensure that the most effective use is made of the moneys to be expended on the work<sup>4</sup>.

Upon the moving of a motion for reference of a work to the Public Works Committee in either House of Parliament, a Minister shall furnish to the House in which the motion is moved: (a) a statement in relation to the public work (including the purpose of the work); and (b) such plans, specifications and other particulars as the Minister thinks necessary.

<sup>3</sup>Odgers, J.R. : *Australian Senate Practice*, Fifth edition 1976), pp. 528—30.

<sup>4</sup>Public Works Committee Act, Section 17(2).  
1488 LS—2.



A public work that has been referred to the Committee shall not commence unless, after the Report of the Committee has been presented to both Houses of Parliament, the House of Representatives has resolved that it is expedient to carry out the work<sup>5</sup>.

The Act also authorises the Governor-General, to refer a public work to the Public Works Committee for consideration and report. The Governor-General may, however, do so only at times when Parliament is not in session or the House of Representatives is adjourned for a period exceeding one month or for an indefinite period<sup>6</sup>.

### *Composition and Procedure*

The Public Works Committee is appointed at the commencement of the first session of every Parliament, and is composed of three Senators and six Members of the House of Representatives. Ministers of State, the President of the Senate, the Speaker of the House of Representatives, and the Chairman of Committees of either House of Parliament, are ineligible for appointment as Members of the Committee. The composition of the Committee is five Government and four Opposition party members. Each House appoints its own members to serve on the Committee. Members of the Committee hold office during the pleasure of the House of the Parliament by which they are appointed. The Chairman and Vice-chairman of the Committee are elected by Members of the Committee<sup>7</sup>.

The Public Works Committee is required to take all evidence in public Provision is, however, made that evidence relating to secret or confidential matter may be taken in private, and where that is done at the request of a witness the evidence shall not be disclosed without the consent of the witness.

The quorum of the Public Works Committee is five Members. There is no stipulation in the Act as to the necessity for the presence of a Senator in the make-up of that quorum. Thus, the quorum can consist exclusively of Members of the House of Representatives. All questions arising in the Committee are decided by a majority of votes of the Members present, and when the votes are equal the Chairman has a second or casting vote.

Minority reports are not allowed by the Public Works Committee, but a member may have his dissent recorded in the minutes and in the Committee's report.

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<sup>5</sup>*Ibid.*, Section 18(7).

<sup>6</sup>*Ibid.*, Section 18(4).

<sup>7</sup>*Ibid.*, Section 7 and Odgers *op. cit.*, pp. 528—30.

In addition to reports on works referred to it, the Act provides that the Committee shall make an annual report to each House of the Parliament within 15 sitting days of that House after each 31st day of December. Prior to 1969, the Committee was required to report to the House of Representatives only, although in practice reports were made to both Houses<sup>8</sup>.

#### *Powers of the Senate in regard to approval of Public Works*

Over the years it has been suggested that consideration should be given to amending the Public Works Committee Act in order to give to the Senate concurrent power with the House of Representatives in relation to the approval of works. The Government was not prepared to agree to this proposal but, when the Public Works Committee Bill 1969 was under consideration in the Senate, an amendment was moved by the Minister for Works the effect of which was to give to the Senate the power to express an adverse view on a work, which had to be considered by the House of Representatives, but the House could over-ride the Senate. The amendment was not proceeded with. The view was taken that the procedures of the Senate already provided ample opportunities for the expression of adverse views on proposed works and it would be contrary to the best interests of the Senate to write into statute law a provision that its views could be over-ridden by the Lower House. Such a provision would be a dangerous precedent.

The position, therefore, is that after a report of the Committee of Parliament a work shall not proceed unless the House of Representatives passes an affirmative resolution that it is expedient to carry out the work. While the Senate has no like statutory authority by virtue of the Act, the Act contains no provisions which could deprive the Senate of the ordinary authority which it has under its Standing Orders to express any view that it thinks appropriate upon a report. Any expression of Upper House disagreement would be significant and persuasive, because ultimately the Senate could veto the provision of funds for any work. Thus, in effect, the present arrangement recognises that public works are matter of Executive initiation and administration, subject to appropriation by both Houses of the Parliament<sup>9</sup>.

#### *Recent Proposals for reform of the Committee System*

Commenting on the usefulness and relevance of the Public Works Committee in the context of present day requirements and needs, the Joint

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<sup>8</sup>Odgers, *op. cit.*, pp. 528—30.

<sup>9</sup>*Ibid.*

Committee on the Parliamentary Committee System has observed in its recent Report<sup>10</sup>.

“The concept of a Public Works Committee is somewhat anachronistic as the value of public works considered by the committee represents a very small percentage of government expenditure. It is probable that this was not the case in 1913 when the committee was first appointed. Today, there are many government programmes, involving expenditure on new items, which have far greater cost. Only rarely are any of these other government projects effectively scrutinised by the Parliament.

The Committee has heard arguments supporting the retention of a Joint Committee on Public Works. Notwithstanding the value of its work in the past the Committee is unable to support the proposition that a committee of 9 members of the Parliament continue to supervise such a limited area of government expenditure”.

With a view to strengthening financial control by Parliament, the Joint Committee has recommended, *inter alia*, that the House of Representatives appoint a Standing Committee on Public Administration which would concern itself with scrutiny of government efficiency and economy and whose jurisdiction would encompass all government funded instrumentalities or organisations, not only Departments of State<sup>11</sup>. However, the recommendations of the Joint Committee have not been implemented so far.

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<sup>10</sup>Report of the Joint Committee on the Parliamentary Committee System, Canberra, 1977, paras 141 and 142.

<sup>11</sup>*Ibid.*, paras 164—167.

## THE CIVIL SERVICES

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### 1. THE REPORT OF THE EXPENDITURE COMMITTEE

The Expenditure Committee of the House of Commons of the United Kingdom recently examined the different facets of the machinery of the Government as well as many aspects affecting the efficiency of the British Civil Services including recruitment, training, pay, pensions etc., and made some fundamental recommendations.\* The Committee conducted an extensive enquiry taking oral evidence at 28 meetings from a large number of witnesses including two former Prime Ministers—Mr. Edward Heath and Sir Harold Wilson—and the Secretary to the Cabinet and also visited Paris and Washington. This review has taken place after a lapse of 104 years—the last time being in 1873 by the Select Committee on Civil Services Expenditure. The Committee has recommended that in future various aspects of the civil service should be regularly reviewed by appropriate Committees of the House. Some of the important recommendations of the Committee be summed up as follows:

*Recruitment:* Charges had been made during the evidence before the Committee alleging that three biases existed in the recruitment to the civil services, namely, a preference for graduates from Oxford and Cambridge, a preference for former pupils of free-paying schools and a preference for arts rather than social or natural science graduates. The Committee recognised that while the pro-Oxford and Cambridge bias may be expected if the Civil Service Commission “is seeking to recruit the most able” graduates, it was clear that, by not keeping statistics which would show whether the other two biases were just traditional and irrational or had a rational basis the Commission had laid itself open to a charge of

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\*Eleventh Report from the Expenditure Committee, Session 1976-77, The Civil Service, House of Commons, July 1977, 95 pages. The Report was presented to the House of Commons on July 25, 1977.

prejudice which it could no more refute from its statistics than others could prove it. This showed that there might be something wrong with the constitution of the Commission whose all the four existing members were civil servants in the Civil Service Department of Deputy or Under Secretary rank. This made the Commission rather inbred. The Committee, therefore, recommended that the Commission should be expanded by adding outside part-time Commissioners to the existing full-time civil service membership, so that these outsiders formed a majority in the new Commission. The Committee also observed that the Final Selection Boards who were appointed by the Commission and at present composed of three civil servants and two outsiders should include a sufficient proportion of non-civil servants.

*Training:* The Committee recommended the abolition of the existing Administration Training Scheme. In its place, graduates should be recruited and given jobs in the services so that their abilities, other than the solely academic ones tested by their university, could be assessed. Then they should compete on even terms with others in the service, graduates and non-graduates for entry in a course designed to train those who would reach the highest management levels of the service.

The Committee also recommended the establishment of a higher management training course and that it should be the normal practice that no one would be promoted beyond the rank of Assistant Secretary or equivalent unless he or she had completed it. There would be some exceptions to this normal practice, *e.g.*, high level recruits from outside the service and people with outstanding experience and abilities in specialist fields, but such exceptions should very definitely be minority.

The Committee recommended a few courses for higher ranges, comprising of the following four principal activities:

- (a) academic courses;
- (b) 'on the job' training;
- (c) seminars on the subjects primarily determined by the students; and
- (d) problem-solving case studies.

*Career management:* The Committee would like to see more transfers between the civil service and industry though it recognised that in such cases there was insufficient pension transferability and that precautions must be taken against conflicts of interest. Though the Committee's recommendations about pay should reduce the number of high civil servants seeking jobs in private industry, in a free society one could not prevent them from doing so after retirement. There had been public criticism implying that the prospect of such outside jobs could be dangled before them as an influence

upon them before they left service. For these reasons, civil servants of Under Secretary rank and above are required to obtain the assent of the Government before accepting (within two years of resignation or retirement) offers of employment in business or other bodies with close financial links with Government. The Committee were surprised to learn that there was no legal sanction whatsoever for this practice. The Committee suggested that there should be a contractual relationship requiring individuals to do this, or if necessary, legislation which might penalise companies which appoint ex-civil servants on specific jobs without obtaining the concurrence of Government.

*Pay and Pensions:* The Committee felt that the method of staffing of the Pay Research Unit (PRU) which made actual comparisons of pay of civil servants with the current remuneration of outside staff on broadly comparable work, taking account of differences in other conditions of service, should be changed. The Unit should be made responsible to a board which, though it might well include the present members of the Steering Committee of the National Whitley Council to which it was currently responsible, should also include outside appointees. The new board should choose the Director and recommend their choice to the Prime Minister for appointment by him. The Director and the staff chosen by him, should not in future be civil servants. The Committee has also favoured publication of PRU reports.

In regard to top salaries the Committee observed that like other People, top civil servants should be paid the rate for the job and the Top Salaries Review Body to determine it should compare them with top executives in other organisations. It should not cut down on the levels it believed to be fair but should leave that to Government to do as they felt necessary.

*Reducing costs by policy changes:* The Committee observed: "To a certain extent, Parliament is directly responsible for the size of the civil service. The civil service exists to implement the legislation enacted by Parliament. The expansion of Government intervention, the increasing complexity of new legislation combined with the proliferation of amending legislation and administrative circulars has resulted in a corresponding increase in the number of civil servants."

The Committee felt perturbed that the financial and manpower estimates accompanying Bills did not seem to be checked subsequently against eventual costs and staffing. It recommended that more emphasis should be given to this work in future by the Exchequer and Audit Department. The Committee also observed that there should be more serious investigation of the possibilities of reducing costs through administrative simplification. It recommended a programme of regular surveys on the possibilities of reducing costs through policy changes. Parliament should be regularly informed of potential savings from policy changes in order that it may have sufficient

knowledge for informal debate and criticism. The Government should devise methods by which it could continually report the options in this respect to Parliament.

*Machinery of Government:* The Committee were convinced that the civil service could be managed better and that responsibility for efficiency and control of expenditure should be vested in a single Central Department. The control of public expenditure must be combined with responsibility for efficiency and public expenditure must remain within the Treasury. In its view only the control of efficiency should be transferred from the Civil Service Department to the Treasury. Personnel, appointments, recruitment, training, pay and pensions should however, remain in the Civil Service Department.

The Committee recommended a determined drive to introduce accountable units in all areas of executive work and, where possible, in administrative work. Accountable units in Government should be scaled down to the size most conducive to effective informal control by the Officer-in-charge.

*Accounting to Parliament:* In the Committee's opinion, the advantage of a complete re-construction of the present system of accounting to Parliament would outweigh the disadvantages. The supply procedure should not be adhered to simply because it had always been there. In its view:

“There are reasons for arguing that as a method of ensuring Parliamentary control of public expenditure, it is anachronistic, if not obsolete, that the accounts that the Parliament is presented with simply do not correspond to the realities of public expenditure and as an instrument of control they are useless.”

The Committee recommended that the accounts presented to Parliament should correspond with the accountable units. Further, Parliamentary scrutiny would be much improved if analyses were presented to Parliament which showed the objectives of individual spending programmes and the results of past programmes. Also, the Treasury should undertake research into the possibility of such a development in consultation with the General Sub-Committee.

An accurate system of management information should be buttressed by comparisons with the private sector, though these were intended simply as yardsticks, as checks on efficiency. The Committee recommended that comparisons with the private sector should be normal practice in whatever areas of the civil service they are feasible.

*Incentives:* The system of incentives and the general attitude towards work in the civil service should be reviewed. An important factor in the efficiency of the civil service was the motivation of individual civil servants.

The Committee was impressed by some of the techniques used by the United States Government to motivate its civil servants. In its view, productivity indices could be used to measure the performance of individual civil servants and such performance ratings could be related to their pay and promotion, though the considerable risks involved in judging performance by purely quantitative measures were there. The Committee recommended that more research might be done in the country to investigate the possibilities of so-relating pay and promotion to performance.

*Ministers and Civil Servants:* All civil servants naturally say that they exist solely to serve the Government and that they take their policy instructions automatically from Ministers. Ministers, on the other hand, say that they find on their coming into office that some Departments had firmly-held policy views. When they were changed, the Department would often try and reinstate its own policies through the passage of time and the erosion of Ministers' political will. Many Departments were large and it was not difficult to push forward policies without a Minister's knowledge, particularly if there was lack of clarity in defining demarcation lines between different Ministers' responsibilities. Further, it was often said to be extremely difficult to launch a new policy initiative which was not to the liking of a Department. Delay and obstruction were said to be among the tactics used, together with briefing Ministers in other Departments to oppose the initiative in Cabinet or Cabinet Committee. The work load on Ministers was immense and procrastination or repetition of the difficulties of a policy would be tactics that Ministers would find difficulty in overcoming.

The Committee considered these allegations and recommended that while the Minister was expected to have regard to the legitimate expectations of civil servants, the Permanent Secretaries should be entirely responsive to the wishes of their Ministers in relation to the management of the Departments and should only invoke the ultimate responsibility of the Head of Civil Service and the Prime Minister in the most extreme circumstances. It should be normal practice for the Minister's wishes in these respects to be implemented.

If a Minister-in-Charge of a Department wished to make organisational changes, he should undoubtedly be free to do so after due consultation with the Permanent Secretary and the Trade Unions.

*Special Advisers:* The Committee agreed that there was merit in the system of Ministers bringing in a limited number of special advisers from outside the civil service. They might help Ministers as politically committed experts on particular subjects or act as links with outside organisations and could assist him to chase up progress and secure that his political will prevailed. The Committee believed that the installation of special advisers should become an accepted feature of administration.



*Parliamentary Surveillance:* In the Committee's view the present system of public audit was out of date. It recommended that the Exchequer and Audit Department Acts should be amended and should state as a principle that E&AD might audit any accounts into which public money went, even if such public money was not the bulk of receipts into such accounts. Where public money was the bulk of receipts into an account, the E&AD should always audit them, subject only to such specific exceptions as were made in the amended Act. Further, the Exchequer and Audit Department should be empowered to conduct audits of the management efficiency and effectiveness of all that it audits financially. The Committee observed: "The Comptroller and Auditor General is appointed by the Head of the Civil Service and the Prime Minister almost invariably from amongst high Treasury civil servants. Both the method of appointment and the field of recruitment seem to us to be unduly limited." It suggested that future appointments to this office should only be made after consulting the relevant Select Committee of the House of Commons (at the present time the Public Accounts Committee) and that other possible sources of recruitment should be considered.

*Parliamentary Staff:* The Staff of Parliament was akin to the service of the judiciary in its impartiality and gave equal service to all members of its House, whether they were Ministers or backbenchers on the Government or opposition side. In the Committee's view it would be undesirable that final control over such parliamentary staff should be vested in the Treasury. The Bottomley Committee had already recommended the setting up of a House of Commons Commission. The proposed new House of Commons Commission should discharge in relation to the services of the House the functions discharged by the Treasury in relation to other estimates.

The C&AG and the staff of the Exchequer and Audit Department should be placed under the House of Commons Commission so that it became clear that they should initiate enquiries if so requested by the House or one of its Committees.

*Parliamentary Committees:* The Committee observed that the House unfortunately did not possess a comprehensive set of Committees relating to each Department of State as in the U.S.A. and E.E.C. Countries. The nearest thing to such Committees were the sub-Committees of the Expenditure Committee, upon which less than 10 per cent of Members of the House sat. The Committee recommended for backbenchers sitting on Committees specially related to the Departments of State. It also recommended that those Committees should have an adequate specialist staff and should be required to consider appropriations in detail thus enabling the House to regain control of the process of appropriating expenditure.

## II. GOVERNMENT'S OBSERVATIONS ON COMMITTEE'S REPORT

Government's observations on the Expenditure Committee's report were presented to Parliament by the Prime Minister and Minister for the Civil Service in March 1978.\* Government agreed with many of the Committee's recommendations and where they did not, reasons have been fully set out. Throughout, the Government "considered the recommendations against the background of their belief that the interests of the country will continue to be best served by a non-political, permanent Civil Service working under the close policy supervision of the Government of the day." It distinguished between the responsibility of the Civil Service to the Government and the responsibility of the Government to Parliament. In the Government's view:

"Ministers alone are responsible to Parliament for policy, and any extension of the accountability of civil servants must recognise the overriding responsibility of the Departmental Minister for the work and efficiency of his Department. The Government do not therefore favour developments which would detract from the principle that the advice tendered to Ministers by Civil servants should be confidential and objective, or require civil servants rather than Ministers to defend Government policies before Parliamentary Committees. Within this framework, however, the Government recognise the great importance of enabling Ministers to ensure, and Parliament to check, that public expenditure is properly and efficiently deployed."

The observations of the Government on some of the important recommendations of the Expenditure Committee are mentioned below:

*Review of Civil Service:* Government take note of the views of the Select Committee that the various aspects of the Civil Service should be reviewed regularly by appropriate Committees of the House.

*Recruitment:* The Commissioners agree to collect and publish statistics to show the type and class of degree of applicants and recruits in terms of school and university attended. Such statistics will provide useful information on the background of Administration Trainees (ATs). But the Government do not accept that academic performance is the only factor to be taken into account in recommending candidates for appointment in administration.

The Government agree that the addition of some part-time Commissioners from outside the Civil Service would enlarge the storehouse of experience on which the selectors could draw, and will recommend the appointment of two such Commissioners.

In all the recruitment carried out by the Commission the proportion of interviewers from outside the Civil Service is high and at some of the stages outsiders are in the majority....

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\*See Comnd. Paper No. 7117.

The Final Selection Board (FSB) normally comprises the First Commissioner (or one of his colleagues) in the Chair, two serving civil servants and two outsiders. One of the outsiders is an academic and the other is drawn from a general panel, many of whose members have extensive experience of industrial and commercial management or of trade unions. Interviewers need to know something of the work done and the qualities of the staff needed by government departments; how far this is compatible with a widening of outside membership will be discussed with the new part-time Commissioners, as recommended. The suggestion that there should occasionally be more outside members than civil servants will be implemented in the 1978 recruiting season.

Setting aside the question of whether the CSSB procedure (formerly known as Method II) is or is not satisfactory as a means of selecting the most meritorious candidates the Committee considered that it was almost bound to inspire criticism, since it depended "more on interviewing applicants than on written examinations". They believed it should be modified in order that it could be seen to be fair.

In fact, the CSSB procedure depends more on written examinations than on interviewing. It is an extended procedure developed in recognition of the limitations of the traditional interview as a method of selection, and in the process of selecting an AT, which occupies rather more than 18 working hours, only 14 per cent of the time is spent on interviews. If the group discussion and the Committee exercises are included, the figure rises to 24 per cent. In other words, at least three-quarters of the procedure consists of written tests and exercises. But this is certainly not to say that the oral work and interviews are of secondary importance. The CSSB system is a blend of oral and written work, based on experience of over more than thirty years and the professional advice of occupational psychologists, and is one that has been widely copied by outside organisations.

The Commissioners will nevertheless reassess the extended selection procedure, both in its substance and appearance. In doing so, they will also wish to take account of any observations which the committee which is now reviewing the AT scheme may make in respect of the procedures for selecting ATs or such special intakes of graduates as might be required if the present scheme were to be abolished. But they would not wish to pre-judge the outcome of their reassessment by committing themselves at this stage to changing the procedure. They have pointed out that the selection procedure was scrutinised in detail as recently as 1969 by a Committee of Inquiry, under the chairmanship of Mr. J G W Davies, OBE, whose membership of five included three professional selectors and psychologists and only one civil servant (an administrator)\*. The procedure examined and approved by the Davies Committee, and subsequently modified in a few particulars to take account of their recommendations, is the procedure in use today.

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\*See Comnd. Paper No. 4156.

*Training:* The Expenditure Committee is already aware, and has mentioned in its Report, that the working of the Administrative Training scheme is at present being reviewed by an inter-departmental committee. The AT Review Committee will be considering not only the question of graduate recruitment into the Administration Group but also the related aspects of the identification and development of high potential among those already within the Service. In its deliberations and in framing its recommendations, it will take fully into account the views expressed by the Expenditure Committee.

The Government endorse the general principle of mid-career developmental training for both specialists and generalists expected to go to the highest levels in the Service. The Government will also consider how any new developments in mid-career training might provide opportunities to improve Civil Service knowledge of outside sectors, and *vice versa*. With these principles in mind, the Service will be developing proposals for mid-career training. In this it will wish to take account of the role which could usefully be played by other training institutions.

The Government do not believe that it is desirable to make the completion of a higher management training course a necessary condition of promotion beyond the rank of Assistant Secretary. This would be too expensive in resource terms and very unfair to many able and experienced civil servants who achieve and fully justify promotion to this level in the service only late in their careers.

The Government's underlying objective is to develop the talents and improve the skills and performance of the upper reaches of the Service—and to do so as quickly as the necessary training resources can be made available, bearing other demands in mind. Both the absence from duty of senior officers while undergoing lengthy training and the provision of the training itself are very expensive in resource terms the cost of building up a system to an optimum level would be substantial.

*Careers Management:* The Government agree with the Select Committee that individuals should be told by their superiors of the latest assessment of their performance so that they may know clearly where they stand and take steps to remedy any weaknesses which have been identified. On the other hand, experience indicates that confidentiality in the context of annual reporting begets impartiality and honesty: to show people their annual reports tends to result in reports becoming less specific assessments of performance and future potential. The system of annual confidential reports is very important in personnel management: anything which blurs the sharpness of the picture drawn by reports makes it more difficult to differentiate between individuals, and therefore damages the standards of staff development and selection for transfer and promotion.

In regard to the Committee's recommendations that "some means of reporting on prospective top Civil Service managers is also needed", the Government observes that such arrangements already exist. Written reports or assessments have long been made annually on

almost all non-industrial civil servants. The Standards report form, which is used generally for staff at Assistant Secretary level and below, provides not only for detailed information to be given about performance in the current job but also for an indication of training needs and of future potential. Reports on staff in the Open Structure (*i.e.* Secretary level and above) are less formal, but cover as much of the same ground as is relevant.

These basic reporting arrangements are complemented by a standing procedure under which Departments are asked by the CSD each year to carry out a special exercise to identify and report on staff with special potential, *i.e.* likely to become top managers in the Service. The procedure applies equally to administrators and specialists, but in the latter case Departments identify both those who are deemed to have the potential for promotion inside their particular specialism, and those who could perform well in a wide range of posts, *e.g.* general management or in administrative posts. This information, supported by individual assessments, is held within CSD and is used for career development and succession planning. It forms the basis of discussion during annual visits arranged for these purposes by senior CSD officials to all Heads of Departments.

The Committee referred to the existing rules which already require all officers of the rank of Under Secretary (or, in the Diplomatic Service, Counsellors) and above, and of equivalent ranks in HM Forces, to obtain the assent of the Government before accepting, within two years of resignation or retirement, offers of employment in business or other bodies. The rules cover business or other bodies:

- (a) which are in contractual relationships with the Government;
- (b) which are in receipt of subsidies or their equivalent from the Government;
- (c) in which the Government is a shareholder;
- (d) which are in receipt from the Government of loans, guarantees or other forms of capital assistance; or
- (e) with which Services, or departments, or branches of Government are, as a matter of course, in a special relationship;

as well as semi-public organisations brought into being by the Government or Parliament. In addition, there are posts of a special or technical nature below the rank of Under Secretary to which Departments must apply a similar requirement.

The Government are advised that agreements which restrict the right of an individual to take up employment are normally invalid as being in restraint of trade, and that it cannot be said that a contractual condition requiring a civil servant to obtain the Government's assent before taking up new employment falls within any of the recognised exceptions. Furthermore, even if it did, enforcement would often be impracticable if the person concerned had already entered into a contract of employment with a new employer. Legislation would, therefore, seem to be necessary before an effective

legal obligation could be imposed on an officer to obtain such assent.

In practice, disciplinary action could not be applied to a civil servant who had resigned or retired. The present statutory provisions for forfeiture or abatement of pension could not apply to a refusal by a civil servant to accept the withholding by the Government of assent to a business appointment.

The Government will continue to watch how the existing rules, which have only recently been changed, are working.

*Pay:* The Government have agreed to reactivate the Pay Research Unit (PRU) as soon as possible. Negotiations with the Civil Service unions were begun in July 1977 with a view to effecting changes in the pay research arrangements very much along the lines recommended by the Committee. The results of these negotiations were announced in Parliament on 21 November, 1977.

The agreement included the proposal to establish a Pay Research Unit Board, with an independent Chairman and members. Subject to the observance of certain restrictions on confidentiality, it was also agreed that there would be greater openness about the work of the PRU through the publication of an annual report by the new Board. In addition, it was agreed that future appointments to the post of Director would be on the basis of the best candidates available regardless of whether he or she was a civil servant, and that the remaining staff of the Unit should include a proportion of non-civil servants. On the basis of this agreement, the Government have authorised the restoration of pay research for the settlement due from 1 April 1979 subject to any requirements of incomes policy at the time. This is the first date by which it is technically feasible for full pay research evidence to be collected and made available by the PRU.

The Government recognise that much in the Committee's recommendations is directed to the independent Review Body on Top Salaries, which has the responsibility for advising the Prime Minister on the remuneration of senior civil servants. For their part, the Government have undertaken to accept the Review Body's recommendations unless there are clear and compelling reasons for not doing so. The Government will be ready to co-operate in any examination of range pay which the Review Body wishes to undertake. The Government have always accepted the need for continuous scrutiny of the grading of open structure posts through the normal process of manpower control.

*Reducing Costs by Policy Changes:* The Government would welcome any greater emphasis which the Comptroller and Auditor General feels able to give to checking outturns against the financial and manpower estimates published with Bills.

The Committee's recommendation for "a programme of regular surveys on the possibilities of reducing costs by policy changes should be inaugurated and Parliament should be regularly informed of

potential savings from policy changes" is one of several recommendations which bears upon the relationship between Parliament and the Executive and not upon the Civil Service. The business of government entails a constant series of choices between policies and between various possible versions of a given policy. Administrative cost is one important criterion for policy decisions and economy in administration is a major objective. But it is not the sole criterion or the overriding objective which Ministers have to take into account.

There is a constant process of review of policies, and cost factors feature prominently in all policy reviews. The Government do not believe that there would be much advantage in undertaking a series of regular special surveys directed at the possibility of finding policy changes which would reduce administrative costs without regard to the other consequences. There is, however, advantage in reviewing particular areas from time to time—e.g. operational tasks on which large numbers of staff are employed and where there might be scope for simplification—with this objective in mind.

As the Government have frequently stated, their intention and their developing practice is to move towards more open government. Publication of the facts and considerations which are relevant to major policy decisions which will need to be taken, fall within the existing practice on Green Papers. The Government's Policy on the publication of background factual matter on decisions already taken was referred to in the Prime Minister's statement of 24 November 1976. Information on surveys in operational areas referred to in the preceding paragraph can similarly be made available.

*Machinery of Government:* The Committee's recommendations in this regard is a question of the division of responsibilities between Ministers and is therefore a matter for the Prime Minister. He has considered this part of the Committee's Report very carefully. While he welcomes the emphasis which the relevant section of their Report places on efficiency, he has not yet reached any view on this particular recommendation and will therefore continue to study the issues involved.

*Accounting to Parliament:* The Government agree with the emphasis the Committee has put on accountability: the need to inculcate at every level of management a concern for clear objectives and priorities; effective and economical control of resources; and the importance of monitoring and improving levels of performance achieved with the resources over which the manager has control. Every manager should be accountable to his superior manager in this sense. Much has been achieved over the last 10 years, but there is still much to do. One of the most important aspects of this is the development of management of information and accounting systems appropriate to each kind of work, i.e., systems to provide the necessary basis for sound decision-taking, effective control and the proper assessment of performance.

In the absence of the common private sector yardstick of profitability, the development of these systems needs much care and uses up scarce skilled resources; further progress is unlikely to be fast. But the aim remains important and the Government will press ahead as fast as resources permit.

Accountable units are a special case of this general problem. They imply a form of organisation in which a particular unit of management has a sufficiently discrete task to make it sensible to isolate it within the structure and give its manager both clear and measurable objectives and control over the resources needed to achieve them. The objectives of Government Departments are complex and inter-related in a way and to an extent which limit the number of tasks to which this approach can successfully be applied, although the responsibilities of individual managers should always be established as clearly as possible. As with accountability itself, accountable units can be identified at a number of levels within an organisation.

The Committee comments that the present system of Parliamentary accounting does not provide adequate management information. There is, however, distinction between accounts presented for the purpose of financial control and audit, and information gathered for other managerial purposes. No single form of published accounts could provide all the information needed by management. Any attempt to expand the supply estimates to incorporate further information of this kind would risk making them unmanageable, and departments already publish a great deal of management related information in other forms. If the Committee considers that there are specific items of managerial information which Parliament needs in addition to those already published, the Government will be glad to consider the Committee's suggestions.

The Government note the Committee's view that the accounts presented to Parliament should correspond with accountable units. The form of these accounts has been adapted and developed over time in response to views expressed by the House and its Select Committees. Major reforms in the structure of Parliamentary Estimates and Appropriation Accounts were made in 1973. Following these reforms, which the Expenditure Committee and the Public Accounts Committee welcomed, the Estimates have been presented primarily on a "functional" or "programme" basis, in line with the programme plans set out in the annual Public Expenditure White Papers. Major accountable units are shown separately in Parliamentary Accounts where possible. The Treasury are already reviewing the scope for assimilating cash limits and Estimates, and will take account of the views expressed by the Committee and by the Public Accounts Committee.

The Government have, in addition, set up trading funds, under the Trading Funds Act 1973, for PSA Supplies in the Property Service Agency, the Royal Mint and the Royal Ordnance Factories. Accounts for these funds are presented to Parliament. If it is desired to finance other quasi-commercial services through trading funds, the Government's intention will be to adapt the existing accounts,

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and/or present new accounts as necessary, to ensure that Parliament is kept fully informed.

The Government agree in principle that the cost of Civil Service operations should be compared with the private sector wherever useful.

*Incentives:* The Government accept that further research is desirable on these issues and when pay policy allows propose to discuss with the unions, with whom any changes would need to be negotiated, what research might be mounted into the effectiveness of flexible pay systems as a means of improving performance in the Civil Service. The possibility of relating pay to performance has been considered from time to time in the past in a number of guises, including "merit pay", "recognition grants", "long service increments", and "flexible increments" (the additional increment accelerated in relation to performance). The common theme in each of these is that pay might be more closely related to the individual and what he does *i.e.* "the rate for the man" as against "the rate for the job". The "rate for the job" is the underlying principle of Civil Service pay, and the Staff side have been opposed to any change in this principle. The resource implications of relating pay to performance, particularly any system which involves appeal arrangements of the kind recommended by the Committee, also pose problems, and will be a feature the Government will want to explore in any research programme.

*Ministers and Civil Servants.*—Within the framework of the collective responsibility of the Cabinet as a whole, the Minister in charge of a department is responsible to Parliament for its policies, its organisation and its management. The staff of a department are Crown servants, the conditions of whose employment are governed by many factors, some a matter of law, some long established conventions and practical arrangements, endorsed either explicitly or implicitly by successive Governments. . . . The Prime Minister decides senior appointments and machinery of government questions himself, after consultation as appropriate with his colleagues and the Head of the Home Civil Service. Some major questions (*e.g.* the having off of bodies or the creation of new ones, and pay policy) are normally decided by Ministers collectively. Collective Cabinet authority also governs the expenditure limits and staffing controls which are exercised by the central departments and to which the Committee rightly attaches importance. None of these are matters on which civil servants take the final decisions, although their advice will normally be sought when appropriate.

Within this general framework, the Minister and his Permanent Secretary work together in running the affairs of the department. By long-established agreement between all political parties that the Civil Service should be a non-political, permanent, career Service, Ministers delegate to their Permanent Secretaries the managing and career development of departmental staff. The Permanent Secretaries in turn operate within a structure of rules and guidelines, including conditions of service, which are centrally prescribed and many of which have resulted from negotiation with staff sides. For

a very few functions, a total independence from Ministerial control has been laid down, for example, in order to prevent patronage, the functions of the Civil Service Commission in selecting and certifying persons for permanent appointment. In practice, Ministers find it necessary for the effective running of departments to delegate authority to a series of management levels. Generally speaking, the organisation is tried and tested over a period but it is open to the Minister to make changes if he wishes, with the concurrence of the Treasury of the CSD if there are financial and economic implications on the one hand, or manpower and efficiency implications on the other; and it is the general practice that the Permanent Secretary consults his Minister about all matters of major importance, whether of organisation or staffing. In addition to the responsibilities delegated to him by his Minister, the Permanent Secretary, as Accounting Officer, has his own responsibility to Parliament for efficient management. In practice, the Minister and the Permanent Secretary work very closely together to ensure, within the department, the responsiveness of the Civil Service to the needs and wishes of the Government of the day. Accordingly, should the Minister request a staffing change, this would generally be possible following consultation with the Permanent Secretary.

The Head of the Home Civil Service is responsible for advising the Prime Minister on all the various appointments in the Home Civil Service on which the decision rests with the Prime Minister. The initiative normally lies with him and in this sense neither he nor the Prime Minister is invoked by departments; but Ministers in charge of departments are always consulted about such appointments in their departments. The CSD, of which he is the Permanent Secretary, is responsible for agreeing the establishment votes of departments, and for seeing that general rules of guidance, including mandatory terms and conditions of service, are observed.

The Government agree that special advisers should become an accepted feature of administration. They work directly to the Minister, and are not career civil servants. The working rule of the present Administration is that Cabinet Ministers should normally appoint no more than two special advisers, but this rule is not immutable.

*Parliamentary Surveillance:* If the Committee's recommendation were adopted without qualification, the Comptroller and Auditor General (C&AG) could take over the audit of local authorities, nationalised industries, and other public bodies engaged in operations of a commercial nature, as well as a large number of private sector bodies and companies to which the Government provides assistance. The Government do not agree that such an extension of the C&AG's audit would be sensible....

In the case of the nationalised industries, the Government believe that the main question is whether the auditors appointed in accordance with current statutes possess the professional skill and experience in commercial accounting as well as independent status for their task; and that the answer to this question is "yes". The Government do not believe that the cost of reinforcing the resources of the Exchequer and Audit Department on the scale necessary to

take over this work would be justified. Whenever new public sector or quasi-public sector bodies are set up, either under legislation or otherwise, the Government will continue to consider carefully whether the C&AG should audit or have access to their accounts.

It might be suggested that whatever may be the decision on the extent to which the C&AG should audit the accounts of various bodies receiving public funds, he should be empowered to have access to the books and records of all recipients of public funds for the purpose of any specific enquiry. The Government recognise that to ensure an adequate degree of accountability to Parliament there may be circumstances where it would be appropriate to afford the C&AG access to the books and records of such bodies. But the Government doubt whether it would be possible to define in advance the circumstances in which a specific right of access for the C&AG would be appropriate and how it might be secured, and they consider that each case must be judged on its merits. In reaching a decision on such cases, the Government would seek the views of the Committee of Public Accounts and of the C&AG.\*

The Government welcome the intention of the C&AG to develop further his operations in the fields of efficiency and value for money, while recognising that this should not take him into policy consideration for which only Ministers can answer to Parliament. The Exchequer & Audit Department Acts do not preclude him from operating in a wider way beyond financial audit and he has been doing so for some time. If, for example, it appeared as a result of financial audit that expenditure had not been cost effective because of shortcomings in management, the C&AG would make reference to this in his reports. Moreover, if he considered that the expenditure, although properly committed in terms of an agreed policy, was greater than had been estimated, or that it was failing to meet the stated policy objective, or that the objective was being met more slowly than had been reported to Parliament, that, too, could become a subject for report.

The C&AG is appointed by the Sovereign by Letters Patent. The Prime Minister advises Her Majesty on the appointment and, before doing so, consults the Head of the Home Civil Service. The Government's view is that the best fitted available person, from whatever source, should be appointed.

To take account of the Expenditure Committee's recommendation, the Prime Minister intends to arrange, when next the post comes to be filled, that the Chairman of the Public Accounts Committee should be consulted about the experience and qualities desirable

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\*The Select Committee of the House of Commons, Session 1977-78, considered this question and recommended in its First Report (July 17, 1978, H.C. 588) that new legislation should establish the principle that the accounts of all bodies in receipt of funds voted by Parliament should be subject to examination by C&AG with the proviso that he may authorise alternative audit procedures in respect of individual bodies to whose accounts he has a right of access. (p. cii).

in candidates; any names the Chairman wishes to recommend at that stage will be taken into consideration. At a later stage the Chairman will be shown the short list of two or three names from which the Prime Minister intends to make his recommendation to the Queen, and subsequently, before the announcement is made, the Chairman will be given in confidence the name of the person selected. Such an arrangement must, however, be subject to the wishes of the Prime Minister of the day, and in giving his final advice to the Queen he would, in any event, retain a real element of choice.

*Parliamentary Staff:* The Government accept the Committee's recommendation that the proposed new House of Commons Commission should exercise the role now discharged by Treasury Ministers in relation to expenditure on the services and staff of the House. This change will be incorporated in legislation, which will be introduced as soon as Parliamentary time is available, to implement the recommendations of the Committee under the chairmanship of Mr. Arthur Bottomley, MP, which made proposal in 1975 for the future administration on the House of Commons under the new Commission.\*

The Government consider it to be of cardinal importance that the C&AG should not be subject to directions from any quarter in the exercise of the duties laid on him by statute to undertake an effective audit and scrutiny of the expenditure of the executive. He and his staff are, and should remain, in a different position from that of the staff of Parliament. The Government do not accept, therefore, that the legislation referred to above should alter the status of the C&AG and his staff.†

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\*The House of Commons (Administration) Act, 1978 (enacted on July 20, 1978) provides for a body of Commissioners, named the House of Commons Commission, consisting of the Speaker, the Leader of the House, a Member nominated by the Leader of the Opposition and three other Members appointed by the House, which shall appoint all staff in the House Departments, excepting the Clerk of the House, any Clerk Assistant, Serjeant-at-Arms or Mr. Speaker's personal staff and shall determine their numbers and the remuneration and other terms and conditions of service. The Commission shall ensure that the complementing, grading and pay of staff in the House Departments and other conditions of service, so far as consistent with the requirements of the House of Commons, are kept broadly in line with those in the Home Civil Service.

†The Select Committee on Procedure, *op. cit.*, agreed with the recommendation of the Expenditure Committee that the Audit staff should be regarded as servants of the House. In its view, Government's reply on this point was 'misleading' since it ignored the extent to which the C&AG was at present subject under the statutes to directions from the Executive whose accounts he was required to audit. This situation was clearly 'unsatisfactory'. It believed that implementation of the recommendation "would require the most careful safeguards in order not to undermine the effectiveness of the audit operation." (p. civ).

*Parliamentary Committees:* The Expenditure Committee's recommendations would involve a fundamental change in our parliamentary system and in the relationship between the Executive and Parliament. The Terms of Reference of the general review currently being undertaken by the House of Commons Select Committee on Procedure include consideration of the future structure of the House select committee system and its methods of working. That Committee will no doubt have noted the Expenditure Committee's recommendations on these subjects.

The Government propose, therefore, to defer any observations on the Expenditure Committee's recommendations until the views of the Select Committee on Procedure are available.

### III. CIVIL SERVICES EXAMINATION IN INDIA—THE KOTHARI COMMITTEE'S REPORT

The Committee on Recruitment Policy and Selection Methods (known as the Kothari Committee) set up by the Union Public Service Commission in February 1974 submitted its report on March 29, 1976 covering the entire field of Civil Services Examination. Its findings and recommendations may be summed up in the context of the U.K. Expenditure Committee's recommendations.

The Committee came to the conclusion that the system of selection for the civil service now in use in the U.K., called Method II, was fundamentally different from the pre-war system, now referred to as Method I. The Committee did not regard Method II (or its equivalent) as feasible or particularly advantageous for India. It recommended that recruitment to the All India and Central Services (Class I) should be on the basis of a unified scheme of examination common to all services. The proposed scheme consists of three sequential stages, each making a significant and specific contribution to the total process. These are:

- (i) Civil Services Preliminary Examination (Objective Type) for the selection of candidates for the main examination;
- (ii) Civil Services Main Examination (Written and Interview) to select candidates for entry to the National Academy of Administration; and
- (iii) Civil Services Post-Training Test to be conducted by the Union Public Service Commission, on completion of the Foundation Course at the Academy, to assess personal qualities and attributes relevant to the civil services.

In the Committee's view there was need to devise a single Preliminary Examination to serve as a screening test for the large number of candidates wishing to compete at the Civil Services Examination; the marks obtained

at this examination would have no function or weightage in the selection process. This examination should at the same time be used to substantially widen the base of recruitment. It, therefore, recommended that the proposed Preliminary Examination should be held at a large number of centres dispersed throughout the country, say 100 centres, to begin with.

In the Committee's view, the number of candidates admitted to the Main Examination should be about ten times the total number of vacancies to be filled in a year in the All India and Central Services. This should determine the standard of the Preliminary Examination. The main Examination would consist of written papers (2700 marks) and interview (300 marks). The Interview Test should be regarded as a component of the Main Examination but no minimum qualifying marks may be fixed for this test.

The Committee observed that it would be a distinct advantage to have members of the Interview Board, representing a diversity of background and age spectrum. It would also be desirable to include women members on the Board. Apart from experts and senior civil and foreign service officers, as far as possible, only serving members of the Union Public Service Commission might be appointed on the Board. It was important that the members of the Boards were not required to sit on the Interview Boards for too long a period. The Committee felt that the total period for interviews for any one board should not exceed one month. The members of the Interview Board should be briefed on the techniques of interview so as to achieve a high degree of objectivity and uniformity in assessment.

The Committee further observed that there should be a continuing review, by the Commission and the Personnel Department, of the standard of recruitment for the various services, using appropriate indices and statistical methods. If there was a noticeable lowering of standards, special steps should be taken by the Union Public Service Commission and where necessary by the Government, to remedy the situation.

In the Committee's view, a selection process or method used by the Union Public Service Commission should satisfy certain basic requirements. These were :

- (i) It should command the complete confidence and trust of candidates, of the Government and the public generally, Integrity was of the utmost importance.
- (ii) It should provide to the maximum possible extent equality of opportunity to promising candidates irrespective of their assessment of relevant intellectual and personal qualities and attributes/motivations, irrespective of social status, region and the university degree subjects.

(iii) It should be such as would encourage candidates with appropriate attributes and qualities to offer themselves for selection. Deliberate effort should be made by the Commission to widen continually the base of recruitment with special attention to deserving candidates belonging to the weaker sections of the community.

(iv) Candidates should have option to choose any of the Eighth Scheduled languages or English for the medium of the Union Public Service Commission Examinations (written).

(v) The various tests of knowledge, skill and personality should make full use of new developments techniques in the methods of assessment. Each part of the selection process should make a significant contribution towards the final selection.

More than ordinary care was necessary with regard to the appointment of examiners and interviewers. They should be outstanding in their respective fields.

(vi) It should be clearly recognised that there were certain essential qualities which defied description in words but which a "good judge of men" could usually assess with a fair degree of reliability. An interview by competent board was an indispensable element of the selection process.

(vii) The method should be under continuous review and evaluation; continuing improvements in the light of experience and new developments was essential.

The Committee also stressed the need to have a Standing Advisory Committee appointed by the Commission whose advice would be of great value regarding policy and action on question of examination reform, personality test, expansion of the base of recruitment and improvement in the opportunities open to promising candidates belonging to backward community and areas. The Chairman of the Commission should be the chairman of the Committee and the members, about 15, should be drawn from universities, industry and public life. The term of membership should be three years, a third of the members retiring every year.

In the opinion of the Committee, the National Academy of Administration requires a complete reorganisation and the process should be taken in hand immediately. In its view, the Academy should be a high level professional institution having links with the Government at the highest level. It would be of great value to the Academy if the Prime Minister were associated with it as its Chancellor. The governing body of the Academy should have the Cabinet Secretary as its President and include senior officers of the All India and Central Services and eminent public men drawn from education, industry and public life. The membership of the governing body should be about 12 and the period of membership be of three years (one third retiring every year).

## BIENNIAL ELECTIONS TO THE RAJYA SABHA, 1978\*

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In accordance with the provisions of article 83(1) of the Constitution of India, as nearly as possible, one-third of the members of the Rajya Sabha retire on the expiry of every second year. Accordingly, 77 members of the Rajya Sabha including four members nominated by the President, became due for retirement on the 2nd, 9th and 12th April, 1978, on the expiry of their term of membership. A notification was issued by the Ministry of Law, Justice and Company Affairs (Legislative Department) on March 8, 1978, regarding biennial election to the Rajya Sabha in the States of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal, and Delhi, for electing 73 members. The process for the biennial election was completed during the months of March and April 1978 and 73 members were declared elected and four members were nominated to the Rajya Sabha. The majority of the newly elected/nominated members made and subscribed the oath/affirmation on April 24, 1978 and took their seats in the Rajya Sabha.

Consequent on these biennial elections, the complexion of the Rajya Sabha underwent a substantial change. The Janata Party, which had a strength of 42 before the elections, now emerged as the single largest party with 69 members in the House. The Congress (I) now had 65 members as against 72 prior to the elections and the Congress a strength of 50 instead of the earlier 64. The strength of the other parties in the House after the elections was CPI 9 as against 11 and CPI(M) 8 as against 5 earlier. The number of independent members increased from 13 to 15. Two vacancies, however, remained to be filled in.

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



## PARLIAMENTARY EVENTS AND ACTIVITIES

### CONFERENCES AND SYMPOSIA

*Vth Inter-Parliamentary Symposium.*—The Fifth Inter-Parliamentary Symposium was held in Geneva, from April 27 to 29, 1978. The subject for discussion at the Symposium was as under :

#### “PARLIAMENTS AND THE UNITED NATIONS

*Item 1.*—The reasons for and significance of the relationship between the activities of the organisations of the United Nations system and those of Parliaments—

- (a) The relevance of the work on the international organisations for the exercise of the parliamentary function;
- (b) The influence of national Parliaments and their members on international organizations.

*Item 2.*—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.”

Shri P. G. Mavalankar, M.P. attended the above Symposium from India as one of the Key note speakers. The other Key note speakers who launched the debate on the above subject were Mr. Edmand Osmanczyk, M.P. (Poland); Mr. Erkki Liikanen, M.P. (Finland); Mr. Stephane Hessel, Ambassador, Permanent Representative of France to the United Nations in Geneva; Mr. George-Henri Martin, Chief Editor of the *“Tribune de Geneve”*, Geneva and Mr. Albert Tevoedjre, Director of the International Institute of Social Studies, International Labour Organisation, Geneva.

*Meetings of the Executive Committee of Commonwealth Parliamentary Association:* Meetings of the Executive Committee of the Commonwealth Parliamentary Association were held in Penang (Malaysia) from March 23 to 26, 1978. Shri Godey Murahari, Deputy Speaker, Lok Sabha attended the meetings.

*IPU Spring Meetings:* The Spring Meetings of the Inter-Parliamentary Union were held in Lisbon (Portugal) from March 28 to April 2, 1978. Led by Shri Satyendra Narain Sinha, M.P., the Indian Delegation to the meetings was composed of Shri Sunder Singh Bhandari, M.P., Shri Eduardo Faleiro, M.P. and Shri S. S. Bhalerao, Secretary-General, Rajya Sabha who was Secretary to the Delegation. The Indian delegates also attended the meetings of the Inter-Parliamentary Council held there.

The following subjects were discussed at the Study Committee meetings in Lisbon:—

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 the United Nations in this connection.
2. The role of Parliaments in the study and elaboration of means to combat international terrorism.
3. The fixing of fair prices for primary commodities supplied mainly by developing nations, the maintenance of the purchasing power provided by their exports, and the alleviation of their external debts.
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 continuation of most strenuous efforts towards the complete elimination of colonialism in the world.

#### FOREIGN PARLIAMENTARY DELEGATIONS IN INDIA

*Visit of Soviet Parliamentary Delegation:* In response to an invitation from India, a nine-member Soviet Parliamentary Delegation led by H.E. Mr. Alexei Pavlovich Shitikov, Chairman of the Soviet of the Union of the Supreme Soviet of the USSR visited India in April, 1978. The delegation watched the proceedings of Lok Sabha on April 10, 1978. A meeting between the delegation and Members of Parliament was held on April 11, 1978. The Speaker, Lok Sabha, hosted a dinner party in their honour on April 10, 1978. Besides Delhi, the delegates visited some places of cultural and industrial interest, viz., Hardwar, Agra, Bombay and Srinagar.

#### BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period from April to June, 1978, the following seminars/courses were organised by the Bureau of Parliamentary Studies and Training :

*Seminar for Members of Parliament on "Parliament at Work: The Question Hour":* The Seminar on "Parliament at Work: The Question Hour"—the second 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 April 19, 1978 from 3.00 to 6.00 P.M. Shri Dinen Bhattacharya, M.P., one of the Panel Speakers, was in Chair. The following spoke at the Seminar:

- \*1. Smt. Margaret Alva, M.P.
- \*2. Shri Dinen Bhattacharya, M.P.
- \*3. Dr. Murlji Manohar Joshi, M.P.
- \*4. Shri H. V. Kamath, M.P., Chairman, Committee on Petitions
- \*5. Shri Ramanand Tiwary, M.P.
6. Shri Dhirendranath Basu, M.P.
7. Shri K. Lakkappa, M.P.
8. Dr. Sushila Nayar, M.P.
9. Prof. P. G. Mavalankar, M.P.
10. Shri Indradeep Sinha, M.P.
11. Shri Mrityunjay Prasad, M.P.

Shri K. D. Chatterjee, Chief Examiner of Questions, Lok Sabha Secretariat, and Shri K. Dayal, Chief Examiner of Questions, Rajya Sabha Secretariat, were the Officers-in-Attendance at the Seminar.

The Seminar, which was attended by 33 Members of Parliament, evoked lively discussion.

*Seminar for Members of Parliament on "Parliament at Work: Privileges of the Legislatures"*: The Seminar on "Parliament at Work: Privileges of the Legislatures"—the third in the series—was held in Committee Room (Main), Parliament House Annexe, on May 10 and 11, 1978, from 3.00 to 6.00 P. M. and 9.00 to 11.00 A.M., respectively. For the first time, two representatives from each State Legislature of the country were invited to attend the Seminar.

In the absence of the Speaker, Lok Sabha, Shri K. S. Hegde, the Seminar was inaugurated by the Deputy Speaker, Lok Sabha, Shri Godey Murahari. The following spoke at the Seminar:—

- \*1. Dr. Henry Austin, M.P.
- \*2. Shri Somnath Chatterjee, M.P., Chairman, Committee on Subordinate Legislation
- \*3. Shri Ram Jethmalani, M.P.
- \*4. Shri Shyamnandan Mishra, M.P.

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\*Panel Speaker.

- \*5. Shri Shanti Bhushan, Minister of Law, Justice and Company Affairs
- \*6. Dr. Subramaniam Swamy, M.P.
7. Shri Manubhai Patel, M.P.
8. Shri B. N. Banerjee, M.P.
9. Shri Radhanandan Jha, Deputy Speaker, Bihar Legislative Assembly
10. Shri V. S. Krishna Iyer, MLC, Karnataka
11. Shri Ashok Basu, MLA, West Bengal
12. Shri Kundan Lal Dholakia, Speaker, Gujarat Legislative Assembly
13. Shri Kiron Chandra Bezbaruah, MLA, Assam
14. Shri Premodher Bora, MLA, Assam
15. Shri Bhabani Mukherjee, Minister of Parliamentary Affairs, West Bengal
16. Shri B. P. Agarwalla, MLA, Government Chief Whip, Orissa Legislative Assembly
17. Shri Divi Kondian Choudhary, Speaker, Andhra Pradesh Legislative Assembly
18. Shri A. Chengal Reddy, MLC, Andhra Pradesh
19. Shri Manilal G. Gandhi, MLA, Gujarat
20. Shri Abdul Sattar Sait, MLC, Karnataka
21. Dr. Bhagat Singh, MLA, Punjab

The Chair was taken in turn by Dr. L. Chandramani Singh, Speaker, Manipur Legislative Assembly, Shri Kundan Lal Dholakia, Speaker, Gujarat Legislative Assembly and Shri B. N. Banerjee, M.P. on May 10, 1978 and by Dr. Subramaniam Swamy, M.P. and Shri Divi Kondian Choudhary, Speaker, Andhra Pradesh Legislative Assembly on May 11, 1978.

Shri J. R. Kapur, Chief Legislative Committee Officer, Lok Sabha Secretariat and Shri L. S. Gandhi, Chief Examiner of Bills, Motions and Resolutions, Rajya Sabha Secretariat, were the Officers-in-Attendance at the Seminar.

The Seminar was attended by 30 Members of Parliament and 35 Members of the State Legislatures.

*Study visit by Members of Arunachal Pradesh Legislative Assembly:* Eight members of the Arunachal Pradesh Legislative Assembly, led by their

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\*Panel Speaker.

Deputy Speaker, Shri Tadik Chije, paid a study visit to the Lok Sabha Secretariat from April 25 to 30, 1978. They were accompanied by the Secretary and Under Secretary of the Arunachal Pradesh Legislative Assembly.

In all, three lectures, of one hour duration each, were arranged for the visiting MLAs. Professor H. N. Mukerjee, Honorary Adviser, who welcomed them on the opening day, delivered a talk on "Role of Members inside and outside the Legislature". Shri K. D. Chatterjee, CEQ and Shri J. R. Kapur, CLCO, spoke to the MLAs on "Salient Features of Parliamentary Processes and Procedures" on April 26 and 28, 1978, respectively.

*Training Course in Hindi Shorthand/Typewriting:* The Course, which first commenced on September 14, 1977, continued during the Fourth Session as well as during the inter-session period following it. It ended on July 7, 1978.

*Training Course for Upper Division Clerks etc. of Lok Sabha and Rajya Sabha Secretariats:* A training Course for candidates of Lok Sabha and Rajya Sabha Secretariats who were eligible for the Combined Departmental Examination to be held on June 14 and 15, 1978 for formation of a panel for appointment to the grade of Assistant was held from May 15 to June 3, 1978.

The Course, which was optional, was attended by 109 candidates, in two batches of 55 and 54, respectively. The training classes were of 1½ hour duration each day.

*Refresher Course for Financial Committee Assistants:* A Six-day Refresher Course for Financial Committee Assistants of the Lok Sabha Secretariat was held from May 23 to 29, 1978. Ten FCAs participated in the Course. The Course sought to provide some background knowledge and practical hints to participants to make them better equipped for dealing with the work of the Financial Committees, such as the preparation of Questionnaire, drafting of Minutes and Reports, etc.

There were in all ten talks and one Question-Answer Session in this Course.

Professor H. N. Mukerjee, Honorary Adviser, delivered the inaugural talk on "Role, scope and importance of Financial Committees of Parliament". The participants were also addressed by Joint Secretary and Senior Officers of Financial Committees Service of the Lok Sabha Secretariat.

*Training Course for Junior Stenographers (English):* A Training Course for Junior Stenographers (English) of Lok Sabha and Rajya Sabha

Secretariats, who were candidates for the Combined Departmental Examination for formation of a Panel for appointment to the grade of stenographers, was held from May 23 to June 24, 1978.

The Course, which was optional was attended by twenty-five Junior Stenographers (English). The training classes, of one hour duration, were held on all working days.

*Appreciation Courses (Tenth and Eleventh) in Parliamentary Processes and Procedures for Officers of the rank of Deputy Secretary and Under Secretary of the Government of India:* The above Courses, designed to provide to Senior Officers of the Government of India an exposure to the institutions of Parliament at work and an opportunity for a closer look at the operational dynamics of the House and Committees of Parliament and the organisation and working procedures of their Secretariats, were conducted from June 12—17, 1978 and June 26—July 1, 1978. These Courses were attended by 10 and 21 officers, respectively. There were 10 talks and a Question-Answer Session in each of these Courses. The participants in the Tenth and Eleventh Appreciation Courses were also provided with the opportunity to watch the proceedings of the Committee on Public Undertakings and Public Accounts Committee, respectively.

*First Appreciation Course in Parliamentary Processes and Procedures for Indian Customs and Central Excise Service Probationers:* The five-day Course, held from July 11 to 15, 1978 at the request of the Directorate of Training, Customs and Central Excise, New Delhi, was attended by thirty-one Indian Customs and Excise Service Probationers. During the Course, there were in all 12 talks and a Question-Answer Session. The Minister of State in the Ministry of Finance, Shri Satish Agarwal, addressed the participants on July 14, 1978. Others who spoke to the participants on various subjects included Shri Satyendra Narayan Sinha, M.P., Chairman, Estimates Committee; Prof. M. L. Sondhi, Jawaharlal Nehru University; Shri S. S. Bhalerao, Secretary-General, Rajya Sabha; Shri G. Ramachandran, Finance Secretary, Sarvashri S. P. Ganguly and Sudarshan Agarwal, Additional Secretaries, Rajya Sabha Secretariat; and Shri K. N. Row, Joint Secretary (Budget), Ministry of Finance. The participants also had an opportunity to watch for sometime the proceedings of the Public Accounts Committee.

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## PRIVILEGE ISSUES

## LOK SABHA

*Alleged misrepresentation of members' party affiliation by a newspaper:*  
 On March 22, 1978, Shri Vayalar Ravi drew attention of the Speaker, Shri K. S. Hegde, in the House to a news report published in *The Hindustan Times* of that date under the caption "Congress-I MP's words 'undignified'", in which his name and that of Shri Saugata Roy, another member, had been clubbed in the group of Congress-I. While raising the matter, Shri Vayalar Ravi stated *inter alia* as under:

"...Sir, it has been mentioned that certain remarks made were undignified. I have not made any undignified remark on the floor of the House and putting my name and the name of Mr. Saugata Roy gives an impression that we have also made certain remarks on the floor of the House which were undignified. No other paper has given this. Sir, this kind of false and misleading reports should not appear and this affects the prestige and honour of the members of this House....".

The Speaker then observed as follows:—

"I have already directed that the list of members belonging to each group or party must be made available to the Press. I am calling .. for an explanation from the correspondent of the *Hindustan Times*."

The matter was taken up with the Editor of *The Hindustan Times*, New Delhi, and he was asked to state what he had to say in the matter. In his letter dated the 24th March, 1978, the Editor stated as follows:

"On inquiry, I find that the party affiliations of Mr. Vayalar Ravi and Mr. Saugata Roy were wrongly printed. The error is deeply regretted.

I assure you that there was not the slightest intention to cause offence or show disrespect to the honourable members.

I have instructed the Editorial Department to exercise utmost care while printing news relating to parliamentary proceedings. Please reassure the Honourable Speaker on this point."

A copy of the above letter was given to Shri Vayalar Ravi and the matter was, thereafter, closed.

#### RAJYA SABHA

*Alleged disrespect shown to the House by a Minister by leaving in the midst of a discussion on a matter relating to his Ministry:* On March 21, 1978, during the course of the discussion on a calling attention matter regarding the reported ruthless lathi charge and use of tear-gas by the police on demonstrators at the Prime Minister's residence in New Delhi on the 19th March, 1978, the Minister of Home Affairs, Shri Charan Singh, who had intervened in the discussion, left the House while the matter was still being discussed. Shri Bhupesh Gupta, while bringing it to the notice of the Chair, stated *inter alia* as follows:

"... Sir, the matter is under discussion. The Home Minister was replying to the questions that were being put to him. He has partly replied and suddenly I found that he got up in the midst of the discussion and left the House even without seeking your permission. Sir, this is a very arrogant attitude. May be he has got some urgent business, but he could have sought your permission. It is an insult to the House. Sir, I would like to have your observations on the conduct of the Home Minister in regard to this matter."

Some other members also supported Shri Bhupesh Gupta and sought to have a motion of censure against the Minister of Home Affairs.

The Leader of the House, Shri Lal K. Advani, while apologising to the House, stated *inter alia* as follows:

"...practically all the members who were to speak from the various parties had spoken and the Home Minister himself had replied to all the points that had been raised. It was only when Mr. Shahj was speaking, at that stage he said that Mr. Patil (Minister of State in the Ministry of Home Affairs) was there, he had been dealing with it right from the start, and from that point of view he went away. And if this is sought to be made issue, I feel, as the Leader of the House and also as member of the Government, it is my duty to see that something that has been done is without any disrespect to the House, without the slightest disregard, disrespect or discourtesy. If there were any questions left, I am sure he would have been here. It would be fair for me to say that there is not the slightest intention of giving any disrespect to the House or to the Chair... Nevertheless if the members feel that disrespect has been committed, I on behalf of my Government and party apologise and express my regrets."

The matter was, thereafter closed.



## PROCEDURAL MATTERS

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### LOK SABHA

*Raising Matters under rule 377:* On April 4, 1978, after Shri Syamandan Mishra raised the matter regarding the reported purchase of deep penetration aircraft, several members submitted that Shri Mishra's remarks about the possibility of the passing of slush money in the transaction were allegatory and damaging in nature. The Speaker observed that the last part of the statement which contained certain inferences should not have been made. The Minister of Information and Broadcasting, Shri L. K. Advani, stated that as the member's impugned remarks had gone on record, the Minister of Defence had communicated his readiness to make a statement on the subject.

Later, a paragraph was issued in Bulletin Part II\* requesting members (i) to invariably give the full text of the statement to be made by them in case permission to raise a matter under rule 377 was granted by the Speaker; (ii) that the statements proposed to be made should be brief and specific to the matter proposed to be raised; and (iii) to specially note the requirements and provisions of rule 353 (which lays down the procedure regarding allegation against any person) while raising matter under this rule. The members' attention was also drawn to the fact that words, phrases and expressions which were not permitted, if spoken, would not form part of the proceedings of the House.

On April 5, 1978, the Minister of Defence, Shri Jagjivan Ram, made a statement in the House to clarify the position in regard to the matter raised by Shri Mishra on the previous day.

*Calling Attention Notices—Asking of clarificatory questions:* On April 3 1978, when clarificatory questions were being asked on the statement

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\*Lok Sabha Bulletin Part II, April 4, 1978, para 499.

made by the Minister in response to the Calling Attention Notice regarding reported influx of refugees from Dandakaranya and Bangladesh into West Bengal and a member, Shri Jyotirmoy Bosu, whose name did not appear against the Calling Attention Notice in the List of Business, sought to ask a clarificatory question from the Minister, the Speaker observed that under the rules he could not permit the member to seek the clarification. When Shri Bosu persisted in asking the question, the Speaker directed that his remarks need not be recorded in the proceedings.

Again, on April 5, 1978, when clarificatory questions on the Calling Attention statement regarding reported robbery in the Ajmal Khan Road Branch of the Syndicate Bank, New Delhi on April 3, 1978 were being asked, Shri P. Venkatasubbaiah, whose name did not appear against the item, raised a point of order that when a Minister gave an unsatisfactory answer any member could stand and seek a clarification from the Minister. Ruling out the point of order, the Speaker observed that only those members whose names appeared against the Calling Attention Notice in the List of Business were entitled to ask clarificatory questions.

Earlier, on March 30, 1978 the Speaker observed that he could not compel a Minister to furnish reply to each and every clarificatory question asked on a Calling Attention.

*Calling Attention Notices—Admissibility of:* On April 19, 1978, after the Question Hour, Shri Vasant Sathe made a submission that if the *suo motu* statement to be made a little later on that day on the serious train accident near Bombay on April 18, was made in response to the Calling Attention Notice, then both the Minister and the members would get an opportunity to express their views. The Speaker observed that even after a *suo motu* statement was made, it was upto him to admit a Calling Attention Notice on the same subject if he thought it proper to do so. Later, the Minister of State for Railways, Shri Sheo Narain, made the *suo motu* statement on the Railway accident.

On April 22, 1978, the Speaker admitted a Calling Attention Notice on the same subject for April 24, 1978 and the Minister of Railways, Professor Madhu Dandavate, made a statement in response thereto and also replied to clarificatory questions from Members.

*Point of Order:* It is a well established procedure that while formulating a point of order, a member should quote the specific rule or the provision of the Constitution which has been ignored, neglected or violated. This was reiterated by the Speaker on April 17, 1978 when several members sought to raise points of order in the House. He said that the Speaker

was entitled to ask the member to quote the rule or article of the Constitution which had been violated. The authority of the Speaker must be final for the benefit of the House.

*Raising of Point of Order during Question Hour:* On April 6, 1978, during supplementaries on Starred Question No. 620, when a member, Dr. Sushila Nayar, sought some clarification from the Minister, the Speaker observed that there would be no further discussion on the Question. When the member sought to raise a point of order for not having been permitted to seek the clarification, the Speaker further observed that it was the firm rule of the House that there was no point of order during the Question Hour.

*Laying of papers on the Table:* Under the Commissions of Inquiry Act, 1952, any report, interim or final, may be laid on the Table of the House by the Government. No report can, however, be laid on the Table unless Government has considered it and arrived at some conclusions thereon. Therefore, a memorandum containing Government's conclusions is absolutely necessary to lay the report on the Table. Accordingly, the Speaker ruled on March 9, 1978 that the Interim Report of the Alva Commission on treatment of Shri Jayaprakash Narayan which was not accompanied by a memorandum embodying Government's conclusions thereon, could not be laid on the Table.

*Laying of papers on the Table—reasons for delay:* On April 6, 1978, the Speaker observed that under the rules whenever there was delay on the part of the Government in laying documents on the Table of the House, the Minister must explain the reasons for delay at the time of laying the papers on the Table. It had been the standing practice of the House that the Minister explained the reasons for delay, if any, while laying papers on the Table.

*Expunction:* Upholding a member's point of order on April 11, 1978 on the Minister's answer to a clarificatory question on his statement made in response to a Calling Attention Notice, regarding reported firing by Police at Bailadila Iron Ore Mines in Bastar District, Madhya Pradesh on April 5, 1978, the Speaker observed that the Minister should not refer to individuals by name because the incident was under judicial enquiry and that the Chair would remove from record any reference to any individual alleged to have incited the incident. Later the Speaker expunged the remarks which referred by name to individuals involved in the incident.

On a point of order raised by Shri Kanwar Lal Gupta on April 17, 1978 that he did not see any rule empowering the Speaker to direct 'nothing will go on record', the Speaker observed that under the rule no one could

speak in the House without the Speaker's permission and the power of the Speaker came in when a member spoke without such permission.

The Speaker reiterated this in the House on April 19, that if a member spoke without the permission of the Chair, he could direct the Reporters not to record the member's remarks. Preparation of a full report of the proceedings of the House under this rule meant a report of "what is permissible to be said in the House."

*Introduction of Bills:* On April 19, 1978, after the Minister of Home Affairs moved the motion for leave to introduce the Maintenance of Internal Security. (Repeal) Bill, Shri Jyotirmoy Bosu tried to make some observations seeking an assurance from the Minister regarding certain provisions of the Bill. The Speaker did not permit him to speak and observed that under the rules a member could speak only if he opposed introduction of the Bill.

*Adjournment motions—admissibility of:* On March 9, 1978, the Speaker withheld his consent to the moving of the adjournment motion given notice of by Shri Saugata Roy and Shri K. Lakkappa regarding the reported statement by the Prime Minister about the merger of Sikkim with India. In his ruling the Speaker observed that although the Prime Minister had reportedly opined that the merger was not a wise step, at the same time he had made it clear that there was no question of undoing the merger already effected. Any expression of opinion, right or wrong, which involved no consequences could not be considered a matter of urgent public importance to justify the adjournment of the House. The Speaker further observed that he had admitted a Calling Attention notice on the subject for the next day and the matter could also be raised during the general discussion on the Budget which was going on.

*Adjournment motion—Government responsibility to provide protection to MPs:* On March 21, 1978, notices of three adjournment motions had been tabled by Shri K. Lakkappa, Shri Vasant Sathe and Shri P. Rajagopal Naidu regarding lathi charge made at Lucknow on some Members of Parliament along with the Kisans and Congress workers of U.P. on March 17, 1978. The Speaker gave his consent to the notice of Shri P. Rajagopal Naidu, which was appropriately worded. As Shri Naidu and Shri Sathe had written to the Speaker that they had amongst themselves agreed that Shri Sathe would ask for leave to move the adjournment motion, the Speaker permitted Shri Sathe to ask for leave of the House. When objections were raised to the admissibility of the adjournment motion on the ground that law and order was a State subject, the Speaker observed that he had disallowed those adjournment motions which mainly raised the law and order aspect but adjournment motions had been allowed earlier which

involved the question that sufficient protection had not been given to Members of Parliament.

When leave of the House to move the adjournment motion was granted to Shri Sathe, the Minister of Parliamentary Affairs suggested that in view of the urgent financial business at hand, discussion on the adjournment motion might be postponed to the next day. After further submissions a motion moved by Shri H. V. Kamath for suspension of Rule 61 in its application to the adjournment motion to be moved by Shri Sathe was adopted, and the Speaker declared that the motion would be taken up on the next day at 16.00 hrs.

On March 22, 1978, when the adjournment motion was taken up and several members raised points of order with regard to its wording and admissibility, the Speaker observed that protection to Members of Parliament like protection of Scheduled Castes and Scheduled Tribes was an indirect responsibility of the Central Government and he had admitted the adjournment motion after Shri Rajagopal Naidu had told him that he (the member) had been stopped and assaulted while leading a procession at Lucknow. As for the wording of the adjournment motion, the Speaker further observed that the motion that would be put to vote would be 'that the House do now adjourn'. Thereafter the motion was discussed and negatived.

*Presence of Ministers in the House:* On March 13, 1978, during the General Discussion on the Budget, the Speaker observed that the presence of one Cabinet Minister in the House was sufficient in view of the collective responsibility of the Council of Ministers.

#### JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY\*

*Legislative competence of the House:* On April 1, 1978, Shri Abdul Rashid Kabli, MLA and H. L. Bhagotra, MLA raised a point of order regarding the legislative competence of the House to consider the Maintenance of Public Safety Bill. After hearing the arguments from both sides the Speaker observed as under :—

"The question of vires has been debated on several occasions in the Parliament. It is revealed in the book *Practice and Procedure* by Kaul and Shakhder that before 1942, whenever a question was raised in the Central Legislative Assembly as to whether a Bill, clause or amendment fell outside the competence of the House to enact, the Speaker took upon himself to uphold or rule out the point of order after hearing arguments on both sides. Ruling that a question of

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\*Contributed by the J. & K. Legislative Assembly Secretariat.

Legislative competence of the Assembly should be decided by the House itself, Speaker Abdur Rahim observed as under :—

'A question relating to the legislative competence of the Assembly which may often involve much difficulty and complexity should not be summarily settled by the Chair on a point of order. In fact, the Federal Court has been established for the very purpose of dealing with these questions and the Chair has really not the facilities or the time and the material on which to come to a satisfactory conclusion on a point of this character so as to be able to hold finally whether the Assembly should or should not consider the particular legislative proposal. I, therefore, hold that this is not a question which should, be settled by a ruling of the Chair on a point of order.'

It is an established practice in Lok Sabha that whenever such question arises whether a Bill or its clauses are constitutionally within the legislative competence of the House or not the Speaker does not give any ruling thereon. The House also does not take decision on the question of vires of a Bill. It is open to members to express their views on the matter and advance arguments for and against the vires for consideration of the House. The members take this into account in voting on the motion for leave to introduce the Bill or on subsequent motion on the Bill in the House.

Keeping this long established practice in view, I do not think it fit to decide the question of legislative competence of the House to consider the Public Safety Bill or its clauses as debated by Messrs. Bhagotra and Kabli. The objection raised is decided accordingly."

*Demands for Grants:* After the motion for consideration of the Demands for Grants was moved, Shri H. L. Bhagotra raised a point of order that in the printed copy of the Demands for Grants the amount proposed under "Reserve with Finance Department" was not included and the Demands should not as such be discussed. He wanted the Government to include this sum in the printed Demands for Grants as according to him the Government would have no authority to utilise the sums reserved with the Finance Department.

Giving his ruling, the Speaker drew attention of the House to statement No. 1 at page 1 of the Budget which provided figures of the Budget at a glance. In the disbursement column of this Statement the expenditure within Revenue Account for the year 1978-79 was estimated to be Rs. 19853.57 lakhs. The break-up of this estimated expenditure had been indicated in statement IV of the Budget at pages 9 to 15. Below section D of this statement the estimated expenditure included a sum of Rs. 1220.00 lakhs as "Reserve with Finance Department". Further study of the Budget revealed that the sum under this heading had been split up in all Demands for Grants. From the financial point of view it was this statement which had to be voted by the House in the shape of various Demands for Grants

for providing appropriations out of the Consolidated Fund of the State. In view of this he felt satisfied that the sum in question was sufficiently covered and included in the Demands for Grants.

In regard to the objection that this sum did not appear in the printed copy of the Demands for Grants, keeping in view the principle of financial control as well the nature of this grant, the Speaker would not deem it to be an omission though it should have appeared in the printed copy of the Demands for Grants. In his view, basically, a sum voted on a particular grant was appropriated to that Grant alone. Subsequent re-appropriation of sums should as usual be left to be decided by the Finance Department under the Budget Manual etc. because the Legislature could not exercise control over details. He said :

“The sum under “Reserve with Finance Department” is not to be utilized by the Department like other sanctioned grants. The reserve is meant to meet unforeseen expenses during the course of the year. Nevertheless, the Department is called upon to provide all necessary details in Budget documents for information of the Hon’ble Members. In future care should be taken that the printed Demands for Grants contain all the details of total expenditure to be voted by the House.”

Overruling the point of order, the Speaker drew the attention of the House to sub-rule (2) of rule 219 of the Rules of Procedure and Conduct of Business in the J. & K. Legislative Assembly which empowered the Finance Minister to present the Budget in such form as he might settle. He said that the present form of the Budget had been recommended by the Estimates Committee of the House in its report presented to the House in 1973 and hoped that the Government would implement the recommendations of the Committee in toto.

#### MEGHALAYA LEGISLATIVE ASSEMBLY\*

*Censure Motion:* On November 30, 1977, the Speaker announced that he had received a communication from Shri M. N. Majaw to the effect that he wanted to seek the leave of the House to move a censure motion under Rule 133 of the Rules of Procedure and Conduct of Business against Shri E. Bareh, Minister for Public Works (Roads and Buildings) and Food and Civil Supplies and Shri D. D. Lapang, Minister of State for Co-operation, Jails and Civil Defence (including Home Guards etc.)

A protracted discussion ensued as to the propriety of moving the censure motion on the last day of the Session *vis-a-vis* the question of its admissibility. The Minister for Parliamentary Affairs submitted that since the House had rejected the move of the members from the Opposition on

\*Contributed by the Meghalaya Legislative Assembly Secretariat.

the previous day to extend the present session, this was only another attempt towards this end through another process. He quoted various provisions of the Assembly Rules to justify his stand. The Minister maintained that since the present session was scheduled to be prorogued the next day, the motion was out of order insofar as, under the rules, the motion, if at all admitted, could be discussed only on a date and period after the expiry of 24 hours beginning from the time of granting leave to move the motion till the lapse of ten days.

The Speaker observed that the Rules of Procedure were silent on the point whether a censure motion could be taken up on the last day of a session or not. He stated that under the circumstances he was only confronted with the question of granting leave to Shri Majaw to move the motion. The option to grant leave rested entirely with the members of the Assembly. But the fixation of date and time for discussion of the motion keeping in view the provisions of Rule 133 entirely rested with the Speaker and the Leader of the House. He therefore, ruled that the point raised by the Minister for Parliamentary Affairs was not relevant to the issue and asked the members in favour of granting leave to rise. Accordingly, 12 members stood up and the Speaker announced that leave had been granted to Shri Majaw to move the motion on a date to be fixed by the Speaker in consultation with the Leader of the House. Later in the day, the Speaker announced that the motion would be taken up for discussion at 10 A.M. on Thursday, December 1, 1977.

#### TAMIL NADU LEGISLATIVE ASSEMBLY\*

*Governor's Address:* The Sixth Assembly after the Sixth General Elections held in June, 1977 met on July 4, 1977. The first session had two meetings, one between July 4 and 15, 1977 and again from July, 23 to August 29, 1977 and this session was then prorogued. The Second Session of the Sixth Assembly was convened to meet on December 28, 1977. The first meeting of the second session after discussing the havoc caused by the cyclone and also after discussing the 'No-confidence Motion' against the Ministry adjourned on January 10, 1978.

The Budget Session of the Tamil Nadu Legislative Assembly normally commences in the third week of February each year and goes right upto the first week of April. In a normal year, the Budget is voted before the commencement of the next financial year thereby avoiding a Vote on Account.

Article 176 of the Constitution provides for a Governor's Address in the first session after the General Election and at the first session of each

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\*Contributed by the Tamil Nadu Legislative Assembly Secretariat.



calendar year. As the House had its second session from December 28, 1977 till January 10, 1978 and the session was not prorogued, the second meeting of the second session was convened on February 20, 1978 by the Speaker. Immediately after the convening of the second meeting of the second session by the Speaker, the main Opposition, namely, the D.M.K. Party questioned the propriety of having a budget session without a Governor's Address in a new year. The Government through the Leader of the House, countered the criticism by pointing out that it was not a constitutional necessity to have the Governor's Address as the session which started in the previous year 1977 was continued and the session was not a new session of the new year. Precedents from the Centre and the States were also cited in this regard.

Soon after the presentation of the Budget for the year 1978-79, notices of privilege against the Government were given for not having given an opportunity to the Opposition to discuss the policy of the Government through the Governor's Address. On March 2, 1978, the Speaker after hearing both the Government and the Opposition gave a ruling to the effect that the meeting of the Assembly that was convened on February 20, 1978 was only the second meeting of the Second Session which commenced on December 28, 1977, namely, the previous year and hence this was not a new session of the new year, namely, 1978, requiring a Governor's Address. He also said that there was no constitutional impropriety in not having a Governor's Address for the House sat till about January 10, 1978 for discussing the havoc caused by the cyclone and also the No-confidence Motion against the Ministry tabled by the Opposition. Further, he said the House itself was constituted only on July 4, 1977 and in the circumstances it was for the Government to decide whether to have a Governor's Address after proroguing the session and summoning the House afresh in 1978. He further mentioned that the opportunity to discuss the Governor's Address would be available to the House as soon as the second session of the Sixth Assembly was prorogued by the Governor and a new session was summoned in 1978. The Speaker, therefore, ruled that there was no breach of privilege committed by the Government in this matter.

*Allegations against a Member:* In a ruling given on March 28, 1978, the Speaker laid down the following guidelines for the members when they wanted to level charges against another Member :

"That in future if any Member desired to make in the House any allegation against another Member or Minister, the Member should show the same to the Hon. Speaker and obtain his permission for the same before he brings the matter in the House. Without such permission and without accepting responsibility for such matters, no Member would be allowed to speak on such matters on the floor of the House."

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PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS  
(May 1, 1978 to June 30, 1978)

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DEVELOPMENTS AT THE CENTRE

INDIA

*Resignation by Ministers:* Shri Charan Singh, Home Minister and Shri Raj Narain, Minister of Health and Family Welfare tendered their resignations from the Union Cabinet on June 30. Four Ministers of State viz. Shri Janeshwar Mishra, Minister of State in the Ministry of Petroleum, Chemicals and Fertilisers, Shri Ram Kinkar, Minister of State in the Ministry of Works, Housing, Supply and Rehabilitation, Shri Jagbir Singh, Minister of State in the Ministry of Information and Broadcasting and Shri Narsingh Yadav, Minister of State in the Ministry of Law, Justice and Company Affairs, also resigned from the Union Council of Ministers.<sup>1</sup>

AROUND THE STATES

*The Constitution (Forty-fourth Amendment) Bill, 1977:* Following ratification by the requisite number of State Legislatures, the Constitution (Forty-fourth Amendment) Bill, 1977 as passed by the two Houses of Parliament [with the title of the Bill changed to "The Constitution (Forty-third Amendment) Bill, 1977"] was assented to by the President on April 13, 1978.<sup>2</sup>

HARYANA

*Reconstitution of Ministry:* On May 10, the Chief Minister, Shri Devi Lal tendered the resignation of his Ministry in order to reconstitute his Council of Ministers. He was later sworn in, on the same day, as the Chief Minister by the State Governor, Shri H. S. Brar. The final allocation of portfolios among his 12-member Council of Ministers was as follows:

Shri Devi Lal, Chief Minister : *General Administration, Home (only CID), Transport, Public Relations, Cultural Affairs,*

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1. *The Economic Times*, July 1, and *National Herald*, July 12, 1978.

2. Based on information furnished by the State Legislature Secretariat.

*Planning. PWD (Border and Roads), PWD (Public Health), Health (Ayurveda only) and Civil Aviation; Dr. Mangal Sein: Industries, Industrial Training and Home (excluding CID); Shri Ran Singh : Agriculture, Animal Husbandry, Forests, Fisheries, Wild Life Preservation. Town Planning and Urban Estates; Shri Virendra Singh: Irrigation and Power, Cooperation and Dairy Development; Shri Bir Singh : Finance and Housing; Shri Preet Singh : Revenue, Rehabilitation, Consolidation, Welfare of Scheduled Castes and Backward Classes and Social Welfare; Shri Lachhman Singh: Development and Panchayat, Technical Education and Architecture; Shrimati Kamla Devi : Health (excluding Ayurveda), Printing and Stationery and Works; Shri Ram Lal Wadhwa: Local-self-Government. Colonisation. Parliamentary Affairs; Shri Hira Nand: Education, Languages, Archaeology. Sports, Labour and Employment; Shri Baldev Tayal : Excise and Taxation, Jails and Administration of Justice; Shri Gajraj Nagar: Food and Supplies, Tourism and Elections.<sup>3</sup>*

#### HIMACHAL PRADESH

*New Minister:* Shri Rup Singh Thakur, Chief Parliamentary Secretary, was sworn in as Minister of State on June 8. He was allocated the Departments of Parliamentary Affairs, Welfare and Prisons<sup>4</sup>.

#### MEGHALAYA

*Recognition of Opposition Party:* On June 13, the Speaker of the State Assembly, Shri Winstone Syiemoing recognised the Meghalaya United Legislative Front (MULF) under the leadership of Captain Williamson Sangma, as the official Opposition Party<sup>5</sup>.

#### ORISSA

*Recognition of Leader of the Opposition:* Consequent to the Congress (I) Legislature Party mustering a strength of 15, Shri Brundaban Nayak was declared the Leader of the Opposition in the State Assembly. Subsequently, 4 other members of the Congress Party also joined the Congress (I), raising its strength to 19<sup>6</sup>.

#### RAJASTHAN

*Bye-election:* The Janata Party candidate, Shri Kalyan Singh Kalvi won the Banera Assembly seat on May 22, defeating his nearest Congress (I) rival Shri Ram Prasad Laddha<sup>7</sup>.

<sup>3</sup>. *Tribune*, May 11, 1978 and *Patriot*, May 22, 1978

<sup>4</sup>. *Times of India*, June 9, and July 6, 1978

<sup>5</sup>. *National Herald*, June 14, 1978.

<sup>6</sup>. *Information supplied by the State Legislature Secretariat.*

<sup>7</sup>. *Hindustan Times*, May 23, 1978.

## TAMIL NADU

*Expansion of Ministry:* The 14-member All India Anna D.M.K. Ministry headed by Shri M. G. Ramachandran was expanded on May 6 with the swearing-in of four new Ministers. The portfolios of Ministers were reallocated as follows:

Shri M. G. Ramachandran, *Chief Minister* : *Public, General Administration, Indian Administrative Service Officers, District Revenue Officers, Deputy Collectors, Police, Passport, Prohibition, Prevention of Corruption, Large Scale Industries, and Mines and Minerals*; Shri K. Manoharan : *Finance, Planning and Legislation*; Shri S. Ramachandran : *Electricity, Public Works (Buildings), and Iron and Steel Control*; Shri K. A. Krishnaswami : *Cooperation, and Registration*; Shri S. D. Somasundaram : *Revenue, Commercial Taxes and Excise*; Shri G. R. Edmund : *Food, Fisheries, Youth Service Corps, Backward Classes, Elections, and Ex-Servicemen*; Shri R. M. Veerappan : *Information and Publicity, Film Technology, Tourism Development Corporation, Cinematograph Act. Hindu Religious and Charitable Endowments, Forests and Cinchona*; Shri K. Narayanaswami Mudaliar : *Law, Courts, Prisons, Legislation on Weights and Measures, Legislation on Money Lending, Legislation on Chits and Registration of Companies*; Shri C. Aranganayagam : *Education, including Technical Education, Official Language and Employment and Training*; Shri K. Kalimuthu : *Municipal Administration, Community Development, and Panchayats and Panchayat Unions*; Shri S. Raghavanandam : *Labour, Housing, Slum Clearance Board, Statistics, Tamil Nadu Water Supply and Drainage Board, Town Planning, and Accommodation Control*; Shri P. Soundaranandian : *Harijan Welfare, Stationery and Printing, Government Press, Newsprint Control, Hill Tribes and Bonded Labour*; Shri C. Ponnaivan : *Transport. Nationalised Transport, Motor Vehicles Acts, Highways and Ports*; Shri P. Kulandaivelu : *Agriculture, Agriculture Refinance, Agricultural Engineering Wing, Agro-Service Cooperative Societies, and Irrigation, including Minor Irrigation*; Shri K. Raja Mohammad : *Rural Industries, including Village, Cottage and Small Industries, and Milk and Dairy Development*; Shri R. Soundaraian : *Health*, Kumari P. T. Saraswathi : *Social Welfare, including Women and Children Welfare, Animal Husbandry, Beggar Home, Orphanages, Indians Overseas; Refugees and Evacuees and correctional Administration*; Shrimati Subbalakshmi : *Handlooms Khadi, Textiles and Yarn.*<sup>8</sup>

*New Parliamentary Secretaries:* The institutions of Parliamentary Secretaries was revived in the State after a break of 25 years, with the

<sup>8</sup>. *The Hindu*, May 7, 1978.

swearing-in, on June 26, of the following 8 Parliamentary Secretaries by the Chief Minister, Shri M. G. Ramachandran :

Shri Nanjil M. Vincent: *attached to the Finance Minister*; Shri M. Vellairchamy: *Education*; Shri A. Jagdisan: *Cooperatives*; Shri Musiri Puthan: *Revenue*; Shri Isari Velan: *Information*; Shri M. A. Jayavelu: *Law*; Shri P. G. Kittu: *Transport*; and Shri R. Arunachalam: *Health*<sup>9</sup>.

#### UTTAR PRADESH

*Independent MLAs join Janata Party*: On May 1, eight independent members of the State Assembly viz., Shri Dukhi Prasad, Shri Inder Mani Baroni, Shri Gunjeshwar Tripathi, Shri Tej Bhan Singh, Shri Braj Ballabh Singh, Shri Kanhai Singh, Shri Babu Singh and Shri Sheoraj Singh joined the Janata Party, raising its strength from 351 to 359 in the 426-member House<sup>10</sup>.

*Expansion of Ministry*: The State Ministry was expanded by the Chief Minister, Shri Ram Naresh Yadav, who announced on May 2 the addition of seven new Ministers and promotion of another seven from Deputy Ministership to the rank of Ministers of State.

On the same day, the Governor, on the advice of the Chief Minister, relieved Shri Satya Prakash Malviya, Local-self Government Minister from the Ministry<sup>11</sup>.

On June 30, the Governor, Shri G. D. Tapase, on the advice of the Chief Minister, reallocated some of the portfolios among the Ministers of State and Deputy Ministers as follows:

#### *Ministers of State :*

Shri Avadhesh Prasad: *Animal Husbandry and Prohibition, attached with Co-operation and Labour and Excise Minister*; Shri Mukhtar Anis: *Home Guards and Civil Defence, attached with Home Minister*; Shri Aziz Mohammad: *Waqf and Jail, attached with PWD Minister and Law and Jail Minister*; Shri Laxmi Sahai Saxena: *Forest, attached with Forest Minister*; Shri Raj Bali Tiwari: *Education, attached with Education Minister.*

#### *Deputy Ministers :*

Shri Bhagwati Singh: *Information and Housing, attached with Chief Minister*; Shri Babu Lal Verma: *Area Development, attached with Agriculture Minister*; Shri Sheo Das Tiwari: *Tourism, attached with Transport Minister*; Shri Chhottey Lal

<sup>9</sup>. *Hindustan Times*, June 27, 1978.

<sup>10</sup>. *Indian Express*, May 2, 1978.

<sup>11</sup>. *Hindustan Times*, May 3, 1978.

Yadav: *Rural Development and Minor Irrigation, attached with Rural Development Minister*; Shrimati Malti Verma: *Basic Education and Adult Education, attached with Education Minister*; Shri Tej Singh: *Sugar Mills, attached with Sugarcane Minister*; Shri Maqbool Hussain Khan: *Medical and Health, attached with Health Minister*; Shri Dina Nath Sewak: *Harijan and Social Welfare, attached with Harijan and Social Welfare Minister*.<sup>12</sup>

*New Deputy Speaker*: Shri Jagannath Prasad, leader of the Pragatisheel Vidhayak Dal was elected unopposed Deputy Speaker of the State Assembly on May<sup>13</sup>.

*By election*: On May 9, the Congress (I) candidate Shrimati Mohsina Kidwai won the Azamgarh Parliamentary seat, defeating her nearest rival, Shri Ram Bachan Yadav of the Janata Party. The Congress (I) candidates also won the two other Assembly seats of Soraon and Manakpur, defeating the Janata nominees<sup>14</sup>.

## UNION TERRITORIES

### MIZORAM

*General Election*: In the elections to the 30-member Assembly in the Union Territory of Mizoram held on May 17 and 20, the People's Congress led by Brig. T. Sailo secured an absolute majority securing 23 seats. The final party position was: People's Congress 23; Janata Party 1, Congress 4 and Independents 2<sup>14</sup>.

An year of President's rule ended in the Union Territory on June 2, with the installation of a 2-member Ministry headed by Brig. T. Sailo. His lone Cabinet colleague Shri Lalhmingthanga was allotted the portfolio of Finance. The Cabinet was expanded on June 15 with three more Ministers of Cabinet rank *viz.*, Shri F. Malsawwma, Shri Zairemthanga and Shri P. B. Rosanga sworn in by the Lt. Governor Shri N. P. Mathur<sup>15</sup>.

*Election of new Presiding Officers*: Shri Thangridema and Shri Chawngkunga of the People's Conference were unanimously elected Speaker and Deputy Speaker respectively of the Assembly on June 21<sup>16</sup>.

<sup>12</sup>. *Statesman (New Delhi)*, July 1, 1978.

<sup>13</sup>. *National Herald*, May 14, 1978.

<sup>14</sup>. *Times of India*, May 31, 1978.

<sup>15</sup>. *Hindustan Times*, June 16, 1978.

<sup>16</sup>. *Statesman*, June 22, 1978.

## DEVELOPMENTS ABROAD

## BANGLADESH

*First elected President:* In the first-ever elections for the Presidency held on June 3, Major General Ziaur Rahman was elected President of Bangladesh. He was sworn in by the Chief Justice of the Supreme Court, Mr. Kamaluddin Hussain on June 12<sup>17</sup>.

A 29-member Presidential Council of Ministers was sworn in on June 29, abolishing the Council of Advisers which had been assisting in the administration of the country since November 1975<sup>18</sup>.

## COMORO

*Deposition of President:* President Ali Soilih who ruled the Indian Ocean Republic since it became independent from France in 1975 was deposed in a military *coup* on May 13<sup>19</sup>.

## EGYPT

*Reshuffle of Cabinet:* Egyptian Prime Minister, Mr. Mamdouh Salem reshuffled his Cabinet on May 7, to overcome discontent over food shortages, mounting prices and deteriorating public services. Some key Ministries dealing with domestic affairs were put under new Ministers or divided for greater efficiency. Two of the four Deputy Premiers were also dropped<sup>20</sup>.

*Dissolution of Political Party:* In a national referendum held on May 20, the Egyptian people gave a strong approval by 98.29 per cent votes to President Anwar Sadat's plans to curb left and right wing critics, ban Communists from official jobs and discipline the Press. On June 3, Egypt's largest opposition group, the Conservative New Wafd Party, dissolved itself in protest against the measures to purge Communists and old-guard politicians, which were legalized by the People's Assembly (Parliament) on June<sup>21</sup>.

## ITALY

*Resignation by President:* Mr. Giovanni Leone resigned from Presidency on June 15. He handed over his resignation to the Presidents of the two Houses of Parliament and to the Prime Minister Mr. Giulio Andreotti<sup>22</sup>.

<sup>17</sup>. *Times of India*, June 13, 1978.

<sup>18</sup>. *Economic Times*, June 30, 1978.

<sup>19</sup>. *Amrit Bazar Patrika*, May 14, 1978, and *Statesman (New Delhi)*, May 30, 1978.

<sup>20</sup>. *Hindustan Times*, May 8, 1978.

<sup>21</sup>. *Hindustan Times*, May 22, and the *Statesman (Calcutta)* June 4, 1978.

<sup>22</sup>. *Hindustan Times*, June 16, 1978.

## LEBANON

*Reinstatement of Cabinet:* The Cabinet headed by Prime Minister Mr. Salim-El Hoss, which had resigned 36 days ago, was reinstated by the President Mr. Elias Sarkis on May 17<sup>23</sup>.

## NORTH YEMEN

*Assassination of President:* The President of North Yemen, Lt. Col. Ahmed Hussain Al-ghashmin was assassinated on June 24<sup>24</sup>.

## PERU

*Declaration of emergency:* On May 19, the Military Government declared a state of emergency throughout the country and suspended constitutional right<sup>25</sup>.

## PHILIPPINES

*New Prime Minister:* President Ferdinand Marcos was sworn in on June 12, as the Philippines' first Prime Minister at the opening of the country's new legislature after nearly six years of rule under Martial Law.<sup>26</sup>

## SEYCHELLES

*Declaration of Emergency:* A state of emergency was declared in Seychelles on May 7, giving the Government and President of the country emergency powers to deal with the post-coup situation<sup>27</sup>.

## SOUTH YEMEN

*Execution of President:* President Salem Robaya Ali was overthrown and executed after being arrested at the end of a day of heavy fighting on June 26<sup>28</sup>.

## ZAMBIA

*New Prime Minister:* President Kenneth Kaunda announced a major Government reshuffle on June 15, with Mr. Daniel Lisulo, Attorney-General taking over as Prime Minister. The outgoing Prime Minister, Mr. Mainza Chona was made Secretary-General of the ruling United National Independent Party (UNIP)<sup>29</sup>.

23. *Indian Express*, May 18, 1978. . . . .

24. *Deccan Chronicle*, June 25, 1978.

25. *The Mail*, May 21, 1978.

26. *Times of India*, June 13, 1978.

27. *Hindustan Times*, May, 8, 1978.

28. *The Hindu*, June 28, 1978 and *Assam Tribune*, June 27, 1978.

29. *Times of India*, June 17, 1978.



## SESSIONAL REVIEW

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 JOINT SITTING OF THE HOUSES OF PARLIAMENT

A Joint Sitting of Lok Sabha and Rajya Sabha was held in the Central Hall of Parliament House on May 16, 1978 to consider the Banking Service Commission (Repeal) Bill, 1977. The Joint Sitting of the Houses was called by the President under article 108 of the Constitution as the Bill earlier passed by Lok Sabha on December 5, 1977, was rejected by Rajya Sabha on December 8, 1977.

The Joint Sitting was presided over by the Speaker, Shri K. S. Hegde.

Welcoming the Members of the two Houses of Parliament, the Speaker, Lok Sabha, Shri Hegde said that it was the second occasion in the history of the Indian Parliament when such a Joint Sitting had been called. The first occasion when both the Houses were summoned to a Joint Sitting was in May, 1961 to deliberate and vote upon the Dowry Prohibition Bill.

The Minister of Finance, Shri H. M. Patel moving that the Bill be taken into consideration for the purpose of deliberating on the Bill said that the Government was firmly of the view that a system of recruitment of personnel in public sector banks based on the concept of a single centralised recruitment agency would make the recruitment process inefficient, unwieldy and cumbersome. It would seriously affect fair and balanced representation of rural areas, particularly of persons belonging to the more vulnerable sections of the society, for employment in the banking industry. Having regard to the vast extension of branches in rural areas, the Government had to ensure that rural branches were staffed by clerks and officers who were proficient in the language of the area they were working in.

The Finance Minister termed wholly mischievous the allegation made by members during discussion in Lok Sabha that the Bill was a prelude to de-nationalisation of Banks and said that the Government was committed

to the social and economic objective for which the banks were nationalized.

Opposing the Bill, the Leader of the Opposition in Lok Sabha, Shri C. M. Stephen said that the measure was a retrograde and reactionary step because it would make a recruitment arrangement without ultimate accountability to Parliament and without the possibility of its extension to the other banks. It was a backdoor method of putting their own people into banks and was in effect de-nationalisation of banks.

The Leader of the Opposition in Rajya Sabha, Shri Kamalapati Tripathi said that besides being retrograde and reactionary, the measure was politically motivated. It was the third attempt by the Janata Government to undo the Banking Service Commission Bill enacted in 1975. It would retard the progress of the country. It would have been better if the Government had accepted the decision of Rajya Sabha which had rejected the Bill.

Shri A. Bala Pajanon, supporting the Bill hoped that the Government would be able to tackle the basic economic problems of the people.

Opposing the Bill, Shri Bhupesh Gupta (Rajya Sabha) said that it was no decentralisation; it was distribution of patronage, favour, leverage to the monopoly capital and their representatives who would be sitting in the various Boards of Directors and determining the policy of recruitment.

Shri P. Ramamurti (Rajya Sabha) said that it would not have been possible for one Central Commission to recruit people all over the country. As far as the appointment of the boards was concerned, he suggested that a certain percentage must be reserved for Harijans and the weaker sections of the community. The Constitution of statutory boards should be taken outside the purview of the management of the banks and placed in the hands of both the Central and State Governments concerned.

Shri Dajiba Desai opposing the measure said that it envisaged abolition of the control of the Government on the recruitment of banking personnel.

Intervening in the discussion, the Minister of Industry, Shri George Fednandes recalled that the Banking Commission had suggested the formation of a Central Commission for recruitment in 1972, but no action was taken till June, 1974 and it was in August, 1975 that a legislation was enacted and only a Chairman, a retired I.C.S., was appointed on February 21, 1977.

The assets of 21 monopoly houses in the country increased from Rs. 2500 crores to Rs. 4500 crores during the period between 1969 and 1975. The money collected by Government from rural areas was invested

in urban areas—Delhi, Bombay, Calcutta, Bangalore, Hyderabad, Madras and other big cities. The policy of the Government now was to take the money concentrated in urban areas to rural areas so that those areas were developed.

Replying to the discussion, the Finance Minister, Shri H. M. Patel said that there was no question of the ceasing of the accountability to Parliament. The Parliament, he assured, would become aware of everything that was done under the new procedure.

On the motion for consideration for the purpose of deliberating on the Bill, a Division took place: Ayes 439, Noes 208. The motion was accordingly adopted and clause-by-clause consideration of the Bill was taken up.

After the various clauses of the Bill were adopted, the motion that the Bill be passed was moved by Shri H. M. Patel, Professor P. G. Mavalankar took part in the debate which ensued. Thereafter the Bill was passed as amended at the joint sitting.

#### SIXTH LOK SABHA—FOURTH SESSION

A resume of some of the discussions held during the Fourth Session of the Sixth Lok Sabha was published in April-June issue of the Journal. A resume of some other discussions held and the business transacted from April 1, 1978 onwards is given below.

#### A. DISCUSSIONS

*Atrocities on Harijans:* Moving a motion on the subject on April 4, 1978, Shri Ram Vilas Paswan pleaded that the subject of Scheduled Castes and Scheduled Tribes be included in the "Concurrent List" so that the Central Government could take effective steps to tackle the problems of Harijans. Concrete action should be initiated for the uplift of the Harijans, who had been suppressed for centuries.

The discussion on the motion continued for three days in which 27 Members took part.

Shri Ram Dhan speaking on the motion, pointed out that land disputes and the caste system were the root causes of atrocities on Harijans. The Government should appoint a Parliamentary Committee or a Commission to go into the problem of Harijans.

Participating in the discussion on April 7, 1978, the then Leader of the Opposition, Shri Yeshwantrao Chavan said that the problems of Scheduled Castes and Scheduled Tribes required certain 'special social conscience' of the nation. The political parties should sit together and accept certain

responsibilities. The Prime Minister should evolve a national programme for implementation by the nation and the political parties.

Shri C. M. Stephen said that it was a national problem and had to be looked at from the national perspective. He pledged full support to any efforts that might be made to solve the problem constructively.

Intervening in the discussion on April 7, 1978 the Prime Minister, Shri Morarji Desai observed that the incidents of atrocities on Harijans were not confined to only one State. It was a 'blot on the whole of India.' The present Government 'has not been able to remove this scourge in a year's time'. It had, however, been taking steps to bring the criminals to book wherever the incidents happened.

Shri Desai exhorted the members not to give a political turn to the matter but to go into it thoroughly and take remedial steps. The creation of a separate State for Harijans was not going to benefit them and there was no sense of proportion in saying that the matter would be taken to U.N.O. The Government was taking steps to prevent the atrocities against the Harijans.

Dealing with the problem of land, the Prime Minister informed the House that he had written to the Chief Ministers that no one should be dispossessed of land until an alternative suitable land was provided to him. At the same time, nobody should be allowed to take away land by force whatever might be the reasons. He assured the House that the Government were trying to take all necessary steps to ensure that the problem was settled as quickly as possible. It was not a question of Government or the Opposition, but was a matter for all.

Replying to the discussion, Shri Ram Vilas Paswan reiterated that the Constitution should be suitably amended so that both the Central and the State Governments were held responsible for giving protection to the Harijans. The Government should deal strictly with those who committed atrocities on Harijans and prepare a five-year plan for providing employment to Harijans.

The motion was withdrawn by leave of the House.

*Law and Order situation in the country:* On April 20, 1978, moving a motion, seeking consideration of the law and order situation in the country, the Leader of the Opposition, Shri C. M. Stephen said that the last one year was marked by complete break-down of the law and order machinery arising both from public distrust in the police as well as severe demoralization among the police force itself. There were growing cases of criminals attacking the citizens. The trouble was not being engineered by any political party, but it was due to the erosion of the faith of the people in the policies of the Government and in its capacity to solve basic problems. He

urged the Government to institute an enquiry into the police firing at Pantnagar under the Commission of Inquiry Act.

The discussion continued for two days in which eight members participated. During the discussion, Shri M. N. Govindan Nair blamed the Home Minister for the atrocities on Harijans and wanted him to resign. Shri Mohd. Shafi Qureshi asked the Government to give serious thought as to how the growing incidence of heinous crimes could be checked and Shri Dinen Bhattacharya attributed the commission of such crimes to the policy of the Janata Party.

Intervening in the discussion, the Minister of Home Affairs, Shri Charan Singh conceded that law and order situation was not good, but it was not so alarming as had been painted. He pointed out that certain incidents in different parts of the country during the last month or so constituted only a temporary aberration which would pass off soon. It would, therefore, be wrong to generalize and contend that the whole country was burning. The increase in the number of crimes in Delhi had special reasons. It was proposed to introduce the Police Commissioner system in Delhi after enacting legislation to that effect. As compared to the other cities of the world, the number of crimes in Delhi was less, although it was more than in the other parts of the country. The number had, however, decreased in 1977 as compared to 1974. He said that all the political parties were equally responsible for preaching breach of law in the country and added that the question of law and order should not be made a partisan issue, otherwise violence would spread.

Speaking on the motion on April 24, 1978 on behalf of the Home Minister, who had been taken ill, the Prime Minister, Shri Morarji Desai admitted that the question of law and order and the growing violence was the concern of the Government. But the Government could be blamed only if it had done something to encourage violence or had not taken action where violence took place. He made it clear that law and order was the responsibility of the States and the Government of India's responsibility was only to help them.

The Prime Minister further said that there was no justification for the kind of violence that had occurred near Amritsar involving the Nirankaris and some Akalis and Sikhs. In his view, "if Nirankaris wanted to follow their faith, they have a right to follow it, but no faith has a right to run down any other faith. That is the meaning of equal respect for all religions and that is the policy which this Government has been following for the last 30 years". In Sambal also the situation was dealt with in such a way that violence did not spread to other areas, he said. Shri Desai regretted the happenings in Pantnagar and said that it was the height of irresponsibility on the part of a member to call it a mini-Jallianwala Bagh.

Underlining the importance of the right to protest in a democratic system, the Prime Minister said that the Government "cannot deny the right of either labour or any other sections of the people to make protest against any injustice that they think they have incurred". But the protest, he added, must be non-violent and "in the manner Gandhiji taught us". If it was so, the Prime Minister assured the House, the police would not interfere in any violent manner.

The Prime Minister expressed Government's intention of holding a conference of leaders of all sides, "to find out what best we can do to see that this disappears for ever. . . . This is the task on which we are engaged. Let us, therefore, talk today calmly and find out ways and means and methods to do it".

Replying to the debate, Shri C. M. Stephen urged upon the Government to institute a high-level judicial inquiry into the Amritsar incident.

*No-confidence Motion in the Council of Ministers:* Moving the Motion on May 10, 1978, the Leader of the Opposition, Shri C. M. Stephen said that taking the totality of the situation, there was no area where the Janata Party had succeeded since it came to power thirteen months ago. Social tensions were mounting and a new phenomenon of tension had arisen between the Centre and the States. The Government had gone back on their promises to protect the right of democratic protest and democratic resistance. They had defalcated from their national foreign policy and had come in as a repressive machinery against the working people, the agriculturists, students and the down-trodden people. The new planning strategy of the Government was aimed at bringing in multi-nationals against the indigenous industries and wiping out the industrial sector. The picture of cohesion displayed by the Janata Government a year ago had now gone. They had behaved in such a manner as to make the people lose their credence in the capacity of the Government to govern and run the country. Therefore, the sooner the Government quit, the better for the country.

The discussion continued for two days in which 25 members participated.

Participating in the discussion, Shri Shyamnandan Mishra said that the root cause of the no-confidence motion lay in the presentation of two interim reports by the Shah Commission. The Government was not vindictive and blood-thirsty, but no Prime Minister who had put the entire country into a prison house would have escaped as lightly as the ex-Prime Minister.

Shri Hitendra Desai said that the idea in bringing the motion was clearly to show that there were problems which had not been solved by the present Government.

Shri Samar Mukherjee said that the Janata Party Government was pursuing the same policy which the Congress Government had pursued for so many years. If the present Government did not change its basic policies in relation to monopolies, landlordism, money lenders and the vested interests, multi-national corporations, labour, employees and the common man, it would also meet the same fate as the Congress Party.

In a brief intervention, the Minister of Steel and Mines, Shri Biju Patnaik asserted that it was the first time in 30 years that the country had the most democratic Cabinet and Government. The Janata Party had problems as it had brought ten parties together into a united party and it would take time to fuse them into one powerful party. He further said that the Janata Government had decided not to depend for any critical item on any particular power. Even in the case of heavy water, it had been decided to make arrangement for it in India no matter whether the Americans gave it or not.

The Minister of Defence, Shri Jagjivan Ram intervening in the discussion on May 11, 1978 said that the Janata Party was a living institution and difference of opinion would continue to be there so long as there were intellectuals in the Party. But that would not give any benefit to the Opposition.

The problem of Harijans was not a new problem; it was a national problem and its solution had to be sought with a national approach. Similarly, the problem of unrest among students and the closure of educational institutions or universities were matters of concern for all the parties.

Shri M. N. Govindan Nair asserted that the right of economic equality should be enshrined in the Constitution.

Shri Dajiba Desai supporting the motion said that he saw no difference in the *modus operandi* of the Congress Government and the Janata Government. The latter was trying to continue the economic policies of Indira Gandhi's Government.

The Prime Minister, Shri Morarji Desai speaking on the motion said that "there could not be a more fantastic statement than that my Principal Private Secretary is running the whole show" and "as there was a caucus before, there was a caucus now and that my son is also doing something like this" . . . "The Principal Private Secretary has nothing to do with the selection of Officers. The appointments of Officers emanate from the Ministries concerned and the decision is made by three persons, the Minister concerned, the Home Minister and myself . . . There is no question of my Principal Private Secretary trying to influence me in any way . . . If he tried to do so, he would not remain in office."

Shri Desai said that there was nothing wrong with the Janata Party. No party could claim that there were no differences within it. The Janata Government had brought about many changes in the country. There was complete freedom for the press and everybody was free to say what he liked throughout the country. For the first time, in the elections, the Opposition had the facility of speaking on the radio as much as the ruling party. The Leader of the Opposition had been recognized fully. The Opposition was being consulted.

The Prime Minister admitted that prices had not come down but Government had succeeded in halting the rise in prices which was a regular feature for the last 10 years excepting, of course, six months of the emergency.

After Shri C. M. Stephen had replied to the debate, the motion was put to vote and negatived.

*Draft Five Year Plan 1978—83:* The Draft Five Year Plan 1978—83, was laid on the Table of the House on April 26, 1978. On May 3, 1978, the Prime Minister, Shri Morarji Desai moved a motion seeking consideration of the Plan by the House. Initiating the discussion, the Prime Minister said that the Fifth Five Year Plan was terminated a year before its scheduled time because it was desired that when the Government was fixing new priorities and giving new directions in the matter of rural development, a year was not wasted in the Plan.

It could not be said that the earlier Plans had not led to development, but they had not been able to reduce growing unemployment; the fruits of planning and development had not reached more than 60 per cent of the people. The concept of the Rolling Plan had been introduced to see that there was simultaneous assessment of planning and to ensure proper implementation.

The Plan gave priority to rural development and some of the Plan targets included availability of drinking water to all the problem villages and a scheme to benefit 13 million slum dwellers and 8 million landless workers. Primary school education programme would cover 90 per cent of the children of the age group 6-14. An additional 17 million hectares would be brought under irrigation and 18,500 megawatts of power would be added. The public sector was being strengthened and made more effective. Industries, whether heavy or medium or light were not being neglected. More attention would, however, be paid to the rural and cottage industries especially in the rural areas.

The debate on the motion continued for four days in which 53 Members took part.



Speaking on the motion, the Leader of the Opposition, Shri C. M. Stephen regretted that before it was presented to the National Development Council, preliminary exercise of subjecting the Sixth Five Year Plan document to thorough and deep scrutiny had not been gone through. While shifting the emphasis back to agriculture, the demand of heavy industry should not be bypassed. The basic scheme was most retrograde and reactionary and aimed at hitting the country and putting it back to the colonial age, throwing away self-sufficiency and opening the frontiers for multi-nationals. The basic approach would be resisted by every political party.

Shri Samar Mukherjee felt that unless landlordism and feudalism were removed, the money spent for improvement or for the development of the poor people would not go to them. The dependence on foreign aid to the extent of 12 per cent of the total amount would open the door for multinational corporations.

Shri Dajiba Desai said that a remunerative price assured to the cultivator would give fillip to agricultural production. The Government should not discriminate between agriculture and industry in matters like electricity charges and in other fields of economic development.

Speaking on the Motion on May 4, 1978, the Minister of Agriculture and Irrigation, Shri Surjit Singh Barnala said that the draft Five Year Plan 1978-83 had given a place of primacy and supreme importance to agriculture and rural development. The thrust in the new plan was to stabilize production and improve the yield per unit. It would be ensured that agricultural production increased at least by four per cent as against 1.85 per cent in the last decade. Efforts were being made for providing cropping intensity or use of high-yielding varieties, larger application of inputs, better water management etc. Full attention was being given to land reforms. The process of correcting land records and re-distribution of land surpluses was proposed to be completed within five years. The Plan also aimed at generating employment particularly in the rural areas. It was hoped that total employment would be provided in large parts of the country within the next five years.

Shri M. N. Govindan Nair, on May 5, 1978, called for establishing a proper public distribution system for essential commodities. Similarly, there was a need to have a proper machinery to ensure that wages of the workers increased in proportion to the production.

The Minister of Commerce and Civil Supplies and Co-operation, Shri Mohan Dharia, participating in the discussion on May 6, 1978 said that one of the basic principles of the Plan was to ensure continued progress towards self-reliance. The Government was very clear about the role of

the public sector, which should operate as an effective instrument for the socio-economic transformation of the country. As regards the industrial sector, it was the first time that the Government had taken a very realistic approach. The rate of industrial growth envisaged in the Sixth Plan was seven per cent as against less than four per cent in the earlier Plans.

Winding up the discussion on May 8, 1978, the Prime Minister observed that the Plan was made in conformity with the declared policy of the Government and would be fully implemented.

Dealing with the criticism that the Plan was capitalistic, the Prime Minister said that the Government pursued the policy of mixed economy in which both private and public efforts were required. 'We do not believe in the *laissez fair policy*. . . . We do believe in socialism of Gandhian concept'. The public sector had a vital role to play and the public sector undertakings had to make more profits and had to be more efficient than the private sector. There was need for healthy competition between the two.

He said that it was for the first time that the State Plans together were larger than the Central Plan. If the demand for autonomous financial powers to the States was met how could the Central Government take note of the backward areas, he asked. The Constitution had been properly framed so that the needs of the country were taken care of fully, as between the Centre and the States. The Finance Commission periodically took into account the distribution of the resources between the States and the Centre.

While it would be disastrous to nationalize foreign trade completely, it could not be left free either. A proper *via media* had got to be evolved and that was being done. He assured the House that the present import liberalisation would be allowed in respect of those items which were in short supply and were not indigenously manufactured.

Commenting on the role of Panchayats in implementing the Plans effectively and properly, the Prime Minister said that "We must not make the panchayats again the battle ground of politics." The village prosperity, he added, depended on working together of all the people. And, therefore, unless "from the panchayats the party system is eliminated I do not think, the panchayats will ever come to their own."

*Import-Export Policy, 1978-79:* In a statement made on April 3, 1978, the Minister of Commerce, Civil Supplies and Cooperation, Shri Mohan Dharia said that the new Import-Export Policy evolved after extensive consultations at various levels would subserve the planning priorities in terms of creation of employment opportunities, expansion of small scale

sector, and attainment of self-reliance. It aimed at "simplification of procedures and decentralisation of decision making" and "adequately safeguards the interests of small-scale, tiny and cottage sectors in keeping with the Government's Industrial Policy." The items which were now reserved for such sectors will generally be banned for imports.

All entrepreneurs setting up small scale units would be entitled to get import licences upto Rs. 3 lakhs. Similarly the new units set up in backward areas by Scheduled Castes and Scheduled Tribes or by those who were technically qualified, could get licences for imports upto Rs. 5 lakhs for starting their enterprises.

Recognised hospitals, Research and Development institutions, Universities and other centres of higher education would be allowed full freedom to import their genuine requirements of technical items which were not available indigenously. Individuals doing scientific and research work on their own would be entitled to import such requirements upto Rs. 10,000 or even more with a view to encourage such efforts. The work of issue of licences would now be completely decentralised, except for capital goods of value of more than Rs. 10 lakhs.

As a part of Government's export promotion efforts, the industrial units which had exported at least half of their production in 1977-78 would get supplementary licences to the extent of one-half of their automatic licences.

The list of canalised items of imports and exports, had been carefully drawn up according to the set criteria, in order to serve the public interest.

*Independence Silver Jubilee Time Capsules:* On April 10, 1978, the Minister of Education, Social Welfare and Culture, Shri Pratap Chandra Chunder laid on the Table of the House (i) the Report of the Committee of Members of Parliament, under whose supervision and guidance, the Independence Silver Jubilee Time Capsule at Red Fort was retrieved and the contents thereof taken out, (ii) a copy of the 10,000-word account of the history of India from 1947 to 1972 which bore the title "India since 1947", and (iii) a copy of some information on copper plates containing what had been called "Calendar of Events: 1947-1972." He said that the narrative was an account of some sort but could not be termed a historical document. It was something "like a scrappy, inaccurate administrative report devoid of the historical perspective". By way of background, there was only one sentence which made mention of India's struggle for freedom by saying that "it was led since 1920 by Mahatma Gandhi who believed in non-violence". It was rather surprising that what purported to be a historical document should have referred to the important armed conflicts which the country had to face in 1962 and in 1965 by making only a passing mention thereof, and by referring to the Soviet offer of

mediation in the Indo-Pakistan conflict of 1965 without even mentioning the great service rendered and the sacrifice made by the then Prime Minister, Shri Lal Bahadur Shastri. The entire account appeared to be “insipid, unbalanced and jejune. It looks like a command performance with the sole object of projecting how the government of the times were continuously successful in carrying the nation forward with no light thrown on the shortcomings that existed, the challenges that had to be met and the leeway that had to be made up.” The entire narrative thus appeared to be “an amateurish effort to project the then ruling party and its government of the day”.

As regards the calendar of events, the Minister said that one would have expected that only events of some importance from the national or international angle would be included. On the other hand, it looked like a catalogue of haphazardly collected captions from popular year books; glaring mistakes would be found in the correlation between the happening and the year in question.

*Procurement policy for wheat for 1978-79:* Making a statement on April 12, 1978, the Minister of Agriculture and Irrigation, Shri Surjit Singh Barnala informed the House that the Government had carefully considered the recommendations of the Agricultural Prices Commission on the price and procurement policy for wheat for 1978-79 Rabi marketing season and had also discussed them with the Chief Ministers, Food Ministers and Agriculture Ministers of the wheat producing States and had taken a decision in the light of those discussions. Keeping in view the need to maintain the incentive for securing increased production of wheat, it had been decided to fix the procurement price of wheat of fair average quality at Rs. 112.50 per quintal for all varieties as against the level of Rs. 110.00 per quintal fixed in the previous year. The issue price for wheat for stocks released from the Central Pool for the public distribution system would be maintained at Rs. 125.00 per quintal.

In order to ensure easy open market availability for consumers as well as to enable the farmer to get a price higher than the procurement price, if possible, the policy of free movement of wheat throughout the country, introduced last year would be continued, he added.

*Salal Hydro-electric Plant:* Making a statement on April 14, 1978, the Minister of External Affairs, Shri Atal Bihari Vajpayee informed the House that the Salal Hydro-electric Project on the Chenab in the State of Jammu and Kashmir planned by the Central Water and Power Commission would on completion generate 345 megawatts of power and provide significant increase in the availability of power to the State of Jammu and Kashmir and other States of the Northern Region. The design of the plant was

first sent to the Pakistan Commissioner for Indus Water in 1970, who raised various objections saying that it was not in accordance with the provisions of the Treaty. It was also pointed out that it would give India the capacity to manipulate the flows of the river which might cause harm to Pakistan. As a consequence, discussions had been going on in the Permanent Indus Commission since 1974. During his visit to Pakistan in February, 1978, the Pakistan Government had indicated their willingness to resume the negotiations on the plant. As a result of the discussions held recently, it had been possible to reach and sign an agreement on the design of the Salal Hydro-electric Plant on April 14, 1978. With the signing of the agreement an important and most difficult problem which had been bedevilling relations between the two countries had been resolved to the satisfaction of both the countries.

*Reported planting of nuclear device by the C.I.A. at Nanda Devi:* Making a statement in response to a Calling Attention Notice by Shri Dalpat Singh Paraste, the Prime Minister, Shri Morarji Desai informed the House on April 17, 1978 that in the light of international situation prevailing at that time and scientific developments which were taking place both far and near, it was decided by the Government of India and the Government of United States of America at the highest level that a remote sensing device with nuclear power-pack should be installed near the highest point of Nanda Devi with the object of securing information about missile developments.

According to the records it was clear that at that time all aspects of safety, including the possible hazards to the operating hands and general public, were taken into account and conclusion was reached that no undue hazard existed. The tests, which had been carried out by the United States, indicated that even under extremely unlikely conditions of complete instantaneous fuel exposure to water, there was little, if any, possibility of pollution attaining unsafe limits.

The Government proposed to appoint a committee of scientists to study and assess the problem and with the help of all possible expert advice, to recommend such further action as might be considered necessary to safeguard against further hazards to the environment and to the people. Concluding, the Prime Minister assured the House that "to our knowledge, no other device of this kind exists on Indian soil and no such operations which carried potential national hazards would be permitted by us".

*Take-over of the management of Swadeshi Cotton Mills Company, Kanpur:* Making a statement on April 17, 1978, the Minister of Industry, Shri George Fernandes informed the House that the Government had taken over the management of the entire group of Swadeshi Cotton Mills Company Limited, Kanpur. The National Textile Corporation Ltd. had been

appointed as the Authorised Person under the Industries (Development and Regulation) Act. The intention behind the take-over of mills numbering six in Uttar Pradesh, Rajasthan and Pondicherry was to afford a clean and efficient management of these mills in public interest. The units would not be handed over back to the erstwhile management.

*Reported U.S. decision re: Non-supply of enriched uranium to India:* In a statement made in response to a Calling Attention Notice by Shri Pradyumna Bal, the Prime Minister, Shri Morarji Desai informed the House on April 25, 1978 that India's application for export licence of 7.6 tonnes of enriched uranium for Tarapur Atomic Plant was referred by the U.S. Administration to the U.S. Nuclear Regulatory Commission on January 26, 1978.

The Commission had considered the matter but had been unable to come to a decision on account of equality of votes and had referred it back to the U.S. Administration. The matter now rested with the U.S. President. According to the U.S. law, however, even after the President of the United States authorised the export, the matter would have to be laid before the U.S. Congress for sixty working days and it was open to the Congress if it so decided to annul President's action.

The Prime Minister expressed the hope that the United States President actuated by high moral purpose and in conformity with his obligation under the Agreement and Contract and in fulfilment of his promise would reach an early decision. But the requirements of laying his decision before the Congress would delay the supplies at least for another three months. The situation in itself was not alarming because the present stocks of fuel would be sufficient to operate one of the two units upto about 1980 and another a little beyond 1980. This also gave India sufficient time to evolve alternative methods of making up for any default of U.S. Government, should that become a lasting feature of the implementation of the Agreement and the Contract. The Atomic Energy Commission had been asked to examine every alternative avenue to keep up the supplies of fuel for the Tarapur plant in case the uncertainties of supplies from United States became a permanent feature.

Answering questions, the Prime Minister stated that if the United States made a breach of the agreement it was no use going to the Court; that would again delay matters further. He reiterated that India would follow its own policy of developing atomic energy for peaceful purposes.

*Amendment of the Aligarh Muslim University Act and Statutes:* In a statement made on May 4, 1978, the Minister of Education, Social Welfare and Culture, Dr. Pratap Chandra Chunder, said that it had been alleged that the amendments to the Aligarh Muslim University Act enacted in 1965

and 1972 had affected the basic and historical character of the University and abridged its autonomy. There had also been a persistent demand both in and outside the Parliament for restoration of the historical character of the University and its democratic functioning. A Committee appointed by the Executive Council of the University itself to make suggestions for amendment of the Aligarh Muslim University Act and other Statutes had submitted its Report to the Government in April, 1977. The Government had considered the whole question in the light of the recommendations of this Committee as well as of the Beg Committee and had come to the view that by and large the position created by the amending Acts should be rectified and, substantially, the position which obtained in 1951 should be restored. In addition, the special feature of the University viz., to promote especially the educational and cultural advancement of the Muslims of India, was proposed to be brought out clearly in the amending Bill. The definition of the term "University" was proposed to be amended so as to bring out clearly the fact that the erstwhile MAO College, Aligarh, which was established by the Muslims in India, was incorporated as University by an Act of Legislature in 1920.

#### B. LEGISLATIVE BUSINESS

*Reserve Bank of India (Amendment) Bill, 1978:* Moving that the Bill be taken into consideration, the Minister of Finance, Shri H. M. Patel said on May 8, 1978 that it sought to amend the Reserve Bank of India Act, 1954 primarily to enable the Reserve Bank to deploy a part of the foreign exchange reserve to the best advantage. The Bill, among other things, empowered the Reserve Bank to open gold accounts abroad, invest in foreign securities guaranteed by a foreign Government, open accounts with foreign branches of Indian banks and invest in the shares and securities of international or regional banks or financial institutions formed by foreign governments, or principal currency authorities. The Reserve Bank would give loans to scheduled banks and certain specified financial institutions to enable them to purchase foreign exchange from the Reserve Bank for financing the import of capital goods and for other approved purposes.

Opposing the Bill, the Leader of the Opposition, Shri C. M. Stephen said that the Government was seeking to get powers for utilisation of foreign exchange in an arbitrary, uncontrolled and unregulated manner and completely to the detriment of the national interest.

Replying to the brief discussion, which ensued, Shri Patel said that India's foreign exchange reserves had increased sizeably. Also, the reserves were outside and not within the country. The intention was to get maximum possible return from those reserves. There was no question of throwing away foreign exchange reserves meaninglessly. They were all going to be used purposefully. A certain amount of those reserves might

also be held in gold. Gold Accounts meant that the interest was also paid in gold and the amount was also to be returned in gold.

The Bill, as amended, was passed.

*Finance Bill, 1978:*\* Moving that the Bill be taken into consideration, the Minister of Finance, Revenue and Banking, Shri H. M. Patel said on April 27, 1978 that after carefully considering the suggestions received from various quarters, it had been decided to modify some of the original proposals relating to the levy of direct and indirect taxes. The relief in respect of indirect taxes would amount to Rs. 16.19 crores and in the case of direct taxes to Rs. 8.8 crores. The total effect for the whole year would be Rs. 17.43 crores for indirect taxes and Rs. 10.5 crores for direct levies.

Shri R. Venkataraman welcoming some provisions in the Finance Bill felt that the sale of gold was an ill-conceived proposition and would fritter away the resources which had been accumulated over 30 years. The indirect taxes, he said, were going to hurt the national economy and would lead to a great deal of price spiral and accentuate the sufferings of the common man. The levy on coal and electricity was also improper.

The discussion continued for two days in which 22 members took part. Replying to the discussion on April 29, 1978, Shri Patel claimed that there had been no indication that the wholesale prices had gone up after the presentation of the Budget.

The question of utilisation of the Government foreign exchange reserves was not a simple matter. It involved certain basic changes in the national economic policy and also presupposed stimulation of investment in the country both in the private and public sectors. The Government had endeavoured to achieve precisely this through the budget. The foreign exchange reserves, which at present represented about 8 to 9 months value of imports would be utilized fruitfully and purposefully and in direct relationship to the investment needs of the country. The sale of gold was intended primarily to fight and end the evil of smuggling. The gold sale policy was sound and would be pursued in substantial manner. The COFEPOSA would be used "for the purposes for which it was intended", namely to deal strongly with smuggling and anti-social elements.

Defending the duty imposed on electricity and coal, Shri Patel said that investment on power during the current year amounted to Rs. 2000 crores. It was reasonable that the beneficiaries should make contributions towards the investment. He further said that it would be the prime concern of the

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\*The Bill was introduced on February 28, 1978.



**Government to bring about higher standards of administrative and managerial efficiency in the country.**

The motion for consideration of the Bill was adopted. Thereafter the Bill, as amended, was passed.

The Bill was, however, returned to Lok Sabha by Rajya Sabha with certain recommendations. On May 11, 1978, the Minister of Finance, moving that the recommendation made by the Rajya Sabha in the Bill, be taken into consideration and be rejected said that the recommendation sought to withdraw the Central Excise duties on "Coal" (excluding lignite) and "Coke not elsewhere specified" and "Electricity". The amendment, if accepted, would entail sacrifice of revenue amounting to Rs. 128.20 crores on electricity and Rs. 57.37 crores on coal. It would not be expedient to allow the budgetary gap to be widened further.

Speaking on the amendment, the Leader of the Opposition, Shri C. M. Stephen said that the levy on electricity was an encroachment on the capacity of the States for raising revenues. The States were deliberately avoiding to impose tax on the sale or consumption of electricity as that would result in increase in the burden on the consumer which in turn would affect the industries.

Replying to the brief discussion, Shri Patel observed that there were occasions when burdens had to be imposed and had to be borne. The present was one such occasion. He appealed to the House to reject the amendment.

The amendment recommended by Rajya Sabha was rejected.

Earlier, the Demands for Grants for the year 1978-79 were considered and passed by Lok Sabha. The discussions commenced on March 27 and lasted till April 26, 1978. During the period, the Demands pertaining to the Ministries of Defence, Industry, Petroleum and Chemicals, Shipping and Transport; Information and Broadcasting; Works and Housing, Commerce, Civil Supplies and Co-operation; Health and Family Welfare; Education and Social Welfare and Culture; Labour; External Affairs; Agriculture and Irrigation and Home Affairs were voted in full.

The Demands for Grants (both Revenue Account and Capital Account) in respect of Ministries of Communications; Energy; Finance; Law, Justice and Company Affairs; Planning; Steel and Mines; Tourism and the Departments of Atomic Energy; Electronics; Science and Technology; Space; Parliamentary Affairs; Lok Sabha; Rajya Sabha and the Secretariat of the Vice-President, were submitted to the vote of the House on April 26, 1978 and were voted in full.

After all the Demands for Grants had been voted, the Appropriation Bill, 1978 was introduced by the Finance Minister and passed by the House.

### C. THE QUESTION HOUR

During the Fourth Session of Sixth Lok Sabha, 28,078 notices of questions (22,705 Starred, 4,612 Unstarred and 761 Short Notice Questions) were received. Out of these questions, 1108 Starred, 10,334 Unstarred and 9 Short Notice Questions were admitted. After the Lists of Questions were printed, 25 Starred and 187 Unstarred Questions were transferred from one Ministry to another.

*Daily Average of Questions in the List of Questions and Questions orally answered:* Each of the Lists of Starred Questions contained 20 questions except those of February 28, March 1, 3, 6, 20, 22, 28 and 29, April 19, 25 and 28 and May 2, 3, 9 and 15, 1978, which contained 21 questions each; those of March 23 and April 24, 1978 contained 22 questions each; and those of March 31, April 5 and 12, 1978 contained 23 questions each. On an average 6 questions were orally answered on the floor of the House daily. Maximum number of questions orally answered was 9 on March 22, 31, April 3, 10, 11, 19 and 26, May 3 and 9, 1978 and the minimum number of questions answered orally was 4 on February 21 and 22, 1978, March 8, 9, 14 and 17, 1978. The average of questions in Unstarred List comes to 188 as against the prescribed limit of 200 questions.

### D. HALF-AN-HOUR DISCUSSIONS

In all, 228 notices of Half-an-Hour Discussions were received during the Session. Out of these, only 8 could find place in the ballot and were discussed in the House.

## RAJYA SABHA\*

### HUNDRED AND FIFTH SESSION

The Hundred and Fifth Session of the Rajya Sabha was held from April 24, to May 18, 1978. Some of the important items of business transacted during the Session are briefly mentioned below:—

#### A. DISCUSSIONS

*Welcome to New Members:* Welcoming the new members on the opening day, the Chairman said that coming from various regions and different sections of the society and with their varied experiences the members, it

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

was hoped would make substantial and useful contribution while participating in debates and discussions in the House. The old concept of the legislature devoting its time primarily for law-making was fast changing. The legislatures were becoming more and more conscious of their authority over the day-to-day functioning of Government. Thus for a member who took his work in Parliament seriously, there were plenty of opportunities for serving his constituency. A vigilant member who could raise a matter in the House objectively and pursued it could be assured of achieving positive results.

The Chairman added that the unfettered freedom of speech which the members would enjoy must be regarded as an asset to them to draw Government's attention towards multiple problems with which the nation was confronted. If used properly and cautiously, the freedom of speech had an undoubted value in keeping the Government alert and in tune with the changing developments, political as well as economic. A speech was most effective when it was made with dignity and decorum. Strong viewpoints could be expressed without any ill-will or bitterness. Strength of conviction need not be confused with violence of expression, because a good cause might suffer due to bad advocacy. By dispassionate discussion in the House and with goodwill and willingness to understand each other's point of view, it was possible to achieve the objectives better.

The Rajya Sabha had a rich tradition and a standard of conduct of which any Parliament could be proud. The Chairman expressed the hope that the members who had now joined the Rajya Sabha would breathe the atmosphere of the House and contribute to the working and implementation of the ideals to which they had expressed their allegiance.

Associating himself with the views expressed by the Chairman, Shri Lal K. Advani, Leader of the House and Minister of Information and Broadcasting said that many of the new members were effective speakers, scholars and experienced persons. He was sure that with their help the House would be able to make more effective contribution towards strengthening democracy in the country and play its important role in the service of the nation.

*Supply of enriched uranium for Tarapur Atomic Power Plant:* On April 24, 1978, Shri Sitaram Kesri called the attention of the Prime Minister to the reported decision of the U.S. Nuclear Regulatory Commission to refuse licence to supply enriched uranium for the Tarapur Atomic Power Plant and the steps Government proposed to take to keep the Tarapur Plant functioning.

Making a statement on the subject, Shri Morarji R. Desai, Prime Minister, said that the U.S. Nuclear Regulatory Commission had not refused licence for the supply of enriched uranium for the Tarapur Plant but they had referred it back to the U.S. Administration saying that on account of equality of votes they had been unable to come to a specific decision. The matter now rested with the American President. The question of supply of enriched uranium was regulated by an Agreement for Cooperation between the two Governments dated the 25th October, 1963, followed by a Contract dated the 17th May, 1966 between the U.S. Atomic Energy Commission and the Government of India. The Prime Minister stated that under the provisions of these documents the United States Government was bound to supply fuel for Tarapur upto 1994 and at the same time India was bound not to obtain the required fuel for Tarapur from any other source during that period. Under the provisions of the contract neither the domestic laws nor the domestic policies of the U.S.A. could affect the supply of Tarapur Plant's requirements of enriched uranium and consequently both the delay in and refusal of its supply for purposes of Tarapur Plant would be a breach of the Agreement. The procedure regarding reference to the Nuclear Regulatory Commission should have been resorted to in full recognition of the need for timely compliance with India's requisitions. India had held patience for so long and even the promise of the President of the United States, made within the precincts of the Parliament House in January last, did not appear to have weighed with the Nuclear Regulatory Commission in their deliberations over this matter. One had no doubt that the American President, actuated as he was by high moral purpose and in conformity with his obligation under the Agreement and the Contract and in fulfilment of his promise, would take an early decision. But the statutory requirements of laying his decision before the U.S. Congress for a certain period of time would delay the supplies at least for another three months.

Clarifying the fuel position at the Tarapur Plant, the Prime Minister assured that the situation in itself was not alarming because the present stocks were supposed to be sufficient to operate one of the two units upto about 1980 and another a little beyond 1980. For the time being, however, India had to wait for such action as the American President might take in order to clear India's pending requisitions. Meanwhile, the Atomic Energy Commission of India had been asked to examine every alternative avenue to keep up the supplies of fuel for Tarapur Plant in case the uncertainties supplies from the United States became a permanent feature.

*Working of the Ministry of Petroleum, Chemicals and Fertilisers:* On April 24, 1978, Shri Shyam Lal Yadav, initiating the discussion on the working of the Ministry of Petroleum, Chemicals and Fertilizers,

said that India today was the fifth country to start exploitation of oil resources. That was an important achievement. But the condition of the petroleum dealers had been deteriorating. Their federation had put up several demands which included a revision of the pattern of licence fees and a review of the existing pattern of discounts allowed to them. Petroleum products had been put under the pressure of unnecessary taxes and imposts. This was causing inconvenience to the consumers.

Though the country had great potentialities for oil exploitation, yet the need to explore energy should not be lost sight of. The recommendations made in this regard by the Expert Committee appointed in 1974, which had been rejected by the Ministry, should be reconsidered.

As regards fertilizers, Shri Yadav said that with a view to developing agriculture and increasing food production in the country it was necessary to have requisite supply of fertilizers. Since 1950, the production of various fertilizers had increased manifold, yet there was need to further expand the production capacity of the fertilizer units as the consumption of fertilizers had been going up. At present 20 per cent of farmers of the country were using up 80 per cent of the total supply of fertilizers while the remaining 80 per cent farmers had to be content with only 20 per cent of fertilizers produced in the country. Such a situation amply proved the need to augment the supply of fertilizers in the country.

Shri Yadav added that the pharmaceutical industry in the country had made significant progress in recent years. It was good that certain recommendations of the Hathi Committee had been implemented. However, the efforts should be to keep the multinational companies under check. These companies were more interested in producing formulations as compared to the bulk drugs because the production of the former earned huge profits for them.

Replying to the discussion, Shri H. N. Bahuguna, Minister of Petroleum, Chemicals and Fertilizers, said that the policy of the Janata Party Government in relation to exploration and exploitation of oil and its basic strategy continued to remain the same as was laid down by Pandit Jawaharlal Nehru. The Government believed that the public sector had, and should have, the total responsibility for indentifying the oil availability in the country, as well as the responsibility to process and distribute it and to make it available to the common man at the cheapest possible price. There was therefore, no question of India bartering away its oil to others. Last year had been very favourable and sizeable new fields had been found not only on B-37 structures of the Bombay High but in the southern sector as well. There were some reasonable expectations of oil and gas in the Nagaland and Tripura areas. So, whether it was eastern

India or western India oil exploration had been taken up and very promising oil fields had been found. More oil was expected in the Bay of Bengal, by the side of the Andamans, in the west coast of Kerala, in the Godavari belt, in the Cauveri basin and in the Ganga basin.

Referring to the drugs, Shri Bahuguna assured the House that drugs were very important and Government could not allow the multinationals to play with the lives of the people by producing drugs and then changing their names or doing anything they liked. Therefore, in the field of drugs, the Government had done something which was completely new and which was not even thought of by the Hathi Committee. The Government had laid down conditions that particular intermediates would have to be produced by them in India, if they wanted to remain here. They could no longer live in India producing formulations and not producing basic drugs.

Regarding fertilizers, the Minister said that the Government's intention was to provide fertilizers and chemicals at the cheapest possible rates to the peasants. He conceded that the present situation was that about 20 per cent peasants consumed about 80 per cent of the fertilizers and 80 per cent peasants did not have the capacity to use more than 20 per cent of the fertilizers. Therefore, the Government had to restructure the rural society and also the industrial policy in a manner that the big farmers did not become bigger.

*Working of the Ministry of Education and Social Welfare and Department of Culture:*

Professor Ramlal Parikh, initiating the discussion on the working of the Ministry of Education and Social Welfare and the Department of Culture on April 25, 1978, said that one was very happy that with the advent of the Janata Government the Ministry of Education had been working very actively and particularly it had tried to set the priority of education in the right direction. The last year's working of the Ministry showed the earnestness of its effort and the sincerity and determination with which it was pursuing the two highly neglected aspects of the educational system—(i) primary or elementary education, and (ii) adult education.

The Ministry had also come up with the resolve to wipe out illiteracy from the 15—35 age group in five years. The present Government had pledged that it would achieve universal, free and compulsory primary education by the end of the Sixth Plan. These were two very important positive pledges and if they succeeded, they would change the educational scene in India.

For ages the country had been accustomed to book-based education and for the first time now there was a clear-cut recommendation, and a

**commitment by the Ministry, as well as by the Prime Minister and the Education Minister, that they wanted a socially useful, productive work to be the central core of the educational system.**

Basically, the member observed, the Kothari Commission was wrong in saying that 50 per cent of the students would be branched off to the vocational courses and the rest would go in for higher education. No Government could do that. All the branches of learning must have equal importance, equal gainfulness and equal honour. The system of dividing the students in that way would create disaster. So, this distinction between the technical and the non-technical courses must be given up. Instead of having the secondary and the higher education and making artificial divisions, each division having its own vested interests, Government must have four or five years' school system in which there should be an integrated programme, providing within it hundreds of options and hundreds of alternatives.

The public schools might continue if they wanted to. But these public schools should be required to impart at least the primary education in the children's mother tongue and secondly, they should not be allowed to charge heavy fees.

Professor Parikh further said that the recent events of violence in the university campuses had pained all sober people and Government must evolve a consensus among the political leaders that the university campuses are not used for political purposes. The Minister should not have too many unwieldy organisations in the Ministry like the National Council of Educational Research and Training which did not justify itself.

Dr. Pratap Chandra Chunder, Minister of Education, Social Welfare and Culture, replying to the discussion, said that education was a subject on which there was bound to be a difference of opinion. So, the problem had to be looked at as a whole and efforts had to be made to see how the Government could direct its attention to the place where it was most required. On April 5, 1977, an indication had been given that the priorities of the educational pattern should be changed and more emphasis should be laid in the coming five years on adult education and non-formal education for drop-outs. That did not mean that Government would neglect higher education. On the other hand, it wanted to consolidate whatever advantages had been derived from higher education rather than to expand higher education indiscriminately. The Government had followed this up by holding a series of conferences, setting up committees and having discussions with different groups of people and this had helped it in formulating priorities for its educational policy.

The major priorities that had been indicated had been accepted by and large by the Planning Commission and also by the representatives of the States and as a result, the allocation for elementary education, had been raised from 32 per cent to about 50 per cent in the coming Plan. Thus better results were expected in the sense that there would be some possibility of expanding and improving elementary education.

In the sphere of adult education, whereas in the last Plan only Rs. 18 crores had been provided, in the coming Plan Rs. 200 crores had been provided, and the Planning Commission had assured that money would not be a constraint if good results could be shown. A target to make ten crores of adults between the ages of 15 and 35 literate within five years had been fixed. It was a gigantic but not an impossible task.

The Minister added that the Kothari Commission submitted its report in 1966. The national policy on education which adopted the 10 plus 2 pattern recommended by the Commission was accepted by both the Houses of Parliament in 1969. The Commission wanted that the adoption of this system should be spread over a period of 20 years but all of a sudden an attempt had been made to impose it before the teachers were trained and before the books were ready and inputs were brought in. The result was that there was a great deal of haphazard development in different parts of the country. The Minister denied that the 10 plus 2 system was an absolute system of education which was in force throughout the country or that it was a uniform pattern adopted throughout the country. If a new suggestion came, it would be for the States to accept or reject the same.

Referring to the student violence in the Campuses, the Minister said that the Chief Ministers and the Vice-Chancellors had been asked to set up bodies for negotiation with the students so that they did not feel that their legitimate grievances were being ignored.

*Working of the Ministry of Industry:* The Rajya Sabha discussed the functioning of the Ministry of Industry on April 27, 1978. Initiating the discussion, Shri Kalyan Roy congratulated the Minister of Industry for showing courage to take over the Jaipuria empire. He said that the Jute Corporation of India had not been able to deliver the goods, not because of some inherent weakness, but because of the big houses, the Birlas, the Mafatlals, the Jains and the Bajorias and others who controlled the jute industry. Now they were creating a big crisis in raw jute and were threatening to close down the jute mills once a week. And also, the very people who made the textile mills sick, who were guilty of misappropriation and nepotism, had been put in charge of the various national textile mills in



West Bengal and Tamil Nadu and other places. While charging the Government for issuing more licences to multi-national companies and monopoly houses since it came into power the member wanted to know why the monopoly houses were being allowed to flourish and what steps had been taken by the Government to expedite the work of the Sarkar Commission?

Shri Roy further said that the Mining and Allied Machinery Corporation (MAMCO) was set up in order to produce mining equipment so that the country did not have to import mining equipment from abroad. The mine-owners tried to sabotage it. Out of the orders for Rs. 242 crores, MAMCO got orders worth only Rs. 20 crores. And now a plant which was employing nearly 20,000 workers, was on the verge of closure.

Shri George Fernandes, Minister of Industry, replying to the discussion, said that although the present policy made a complete departure from the 1956 Industrial Policy, it did not mean that the country was being taken 500 years back or even 30 years back. It had been consistently made clear that there was room for the large, medium and small industries. But the thrust of the Government's policy was on the small, cottage, household, and rural industry.

In the policy statement it had been said that no new licences would be given at any moment to an entrepreneur unless he wanted to set up an industry, or to invest his money in an industry or to expand an industry in the rural areas and smaller towns. Eighty per cent of the people of India lived in places where the industrialists, the managers and the officials did not want to go because of the facilities available in the urban areas. Therefore, the Government had decided that there would be no more appeals and no more requests. It was the law and it was the rule. For the first time all the 460 districts in the country would be covered by the district industrial centres. It would be the concern of the Central Government to provide the necessary infrastructure to have industries within the district which would function under the overall jurisdiction of the State Government. By the end of the current year 400 centres would become operational.

Regarding handlooms and handicrafts, the Government had decided that there would be no additional loomage in the organised sector including the power looms. In the next five years the effort would be to see that the production in the handloom sector went up to at least 3,600 million or 3.700 million metres.

The Janata Government had inherited a smugglers' economy as far as watches were concerned. It did not take six months to put an end to the extent possible to the smuggling of watches. In two years from now, the

HMT would be producing 3 million watches. Rs. 30 crores were being spent on the HMT in this year, and 16 watch assembling plants were coming up in 16 different States of the country in the next 12 months.

Referring to multi-nationals the Minister said that they had been here for quite some time and the present Government wanted them to function on its own terms. Once they brought down their equity to 40 per cent, there was nothing wrong in allowing them to continue as Indian companies as long as they conformed to the laws and stayed within the perimeters prescribed for them.

It had been stated that 1976-77 was the great year in the history of the country because industrial production went up by 10.6 per cent. The industrial production last year was 5 per cent. But the gross national income in the year 1976-77 had gone up only by 2 per cent whereas in the first year of the Janata administration, the gross national product of the country went up by almost 6 per cent, though it was desired that the growth of industrial production had been ten per cent. But it was not possible for a variety of reasons. However, due to the efforts made by the Government in the agricultural sector it had been possible to register a gross national product increase of 6 per cent as against the 2 per cent increase in 1976-77.

*Strike by medical students of Delhi:* On May 2, 1978, Dr. V. P. Dutt called the attention of the Minister of Health and Family Welfare to the situation arising out of the strike by the medical students of Delhi in support of their demands and the reported decision of the resident doctors of the local hospitals to join that strike.

Making a statement on the subject Shri Jagdambi Prasad Yadav, Minister of State for Health and Family Welfare said that the students of the medical colleges in Delhi had been on strike from the 17th April, 1978. From that day onwards they had also been offering dharna outside the Health Minister's residence. The Health Minister, the Health Secretary and senior officers of the Ministry had met the representatives of the students at different points of time, but the latter had adopted an adamant attitude in regard to the settlement of their demands. The representatives had also been assured that such of their demands as were reasonable would be considered sympathetically.

The students demanded that the amount of the stipend for interns should be raised from Rs. 350 p.m. to Rs. 500 p.m. The Government also felt that the stipend might be raised up to Rs. 450 p.m. but it would be possible to give effect to that only when the students ended their strike and resumed their studies.

The second demand was that during the period of internship there should be provision for 'sick leave' and 'leave without pay'. The Medical Council of India had been approached in this connection and some arrangement would be made to accommodate this demand.

It was not possible to accept the demand that house job should be given to all medical graduates. House surgeoncy or the first year junior residency, as it was called now, was obligatory only for those who wanted to go in for post-graduate studies. It was just not possible that everyone of the 12000 medical graduates coming out every year should be made post-graduate, nor did this country need anything like this number of post-graduates. The Government felt that the house jobs in Dr. Lohia Hospital should be filled only on the basis of merit on an all-India pattern.

The students also wanted that in the All-India Institute of Medical Sciences, New Delhi, one-third of the post-graduate seats should be kept reserved for graduates from the Institute. This Institute is an all-India institution and the effort was always to select the most meritorious medical graduates in the country. At present the policy was to see that at least 25 per cent of the post-graduate seats went to the graduates of the Institute, but it would be altogether wrong if some of the seats were designated and kept reserved solely for them.

Another demand was that all post-graduate seats under the Delhi University should be reserved for the graduates of the medical colleges in Delhi and no one should be allowed to come from outside. The Delhi University was a federal University and the Government's view-point was that students of other States should also be able to get at least some of the seats there. The post-graduate seats of the Delhi University were filled by the University itself and the Health Ministry was in no way concerned with these admissions.

The students had further demanded that they should be given representation on the decision-making bodies of their colleges. The Government had no objection to this and was ready to advise the colleges that they might associate student-representatives on their staff councils.

In spite of all these gestures, the students and the interns were continuing in their obstinacy and were trying to bring pressure on the Government. The Minister appealed to the members of the House to use their good offices and persuade the students and interns to call off their strike.

*Increase in the price of the DMS milk:* Shrimati Saroj Khaparde, on May 3, 1978, called the attention of the Minister of Agriculture and Irrigation to the substantial increase in the price of milk supplied by the Delhi

Milk Scheme with effect from the 2nd May, 1978 and consequential resentment among the common people.

Making a statement in response thereto, Shri Surjit Singh Baranala, Minister of Agriculture and Irrigation, said that the Delhi Milk Scheme (DMS) was established as a departmental undertaking of the Government in November, 1959 to supply wholesome milk to consumers at reasonable prices and at the same time to ensure a reasonable return to the rural milk producers. The Scheme was intended to run on a no-profit-no-loss basis. Since its inception in 1959, the DMS had been running at a loss and the loss for the current year (1977-78) had been estimated to be Rs. 808.60 lakhs.

The selling price of both toned milk and double toned milk had been revised by the DMS from time to time. The last revision took place on November 5, 1973 when the selling price of toned milk was fixed at Rs. 1.30 and double toned milk at Rs. 0.70 per litre. Since 1973, there had been increases in the prices of raw materials such as milk, skimmed milk powder and butter oil. Indeed, the cost of raw materials alone accounted for about 81 per cent of the total cost of production. Additionally, there had been escalation in the prices of petroleum products since 1973 which also had contributed to substantial increases in the cost of processing and distribution of milk by the DMS. Due to upward revision of salaries and wages of the employees, based on the Pay Commission's recommendations, there had been further increases in the cost of production. In order, therefore, to enable the Delhi Milk Scheme to run on a no-profit-no-loss basis, it had become necessary to revise the sale price of milk with effect from the 2nd May, 1978. The Minister observed that price of DMS milk was the lowest in the country because it was heavily subsidised.

The Minister added that complaints about alleged mismanagement were being looked into. The Government would go into all the aspects of the working of the various departments of the DMS so that it could supply good quality milk to the people of Delhi. For the time being, since it was a Cabinet decision, the Government was not going to reduce the price of the milk.

*Draft Five Year Plan 1978—83:* The Draft Five Year Plan 1978—1983 laid on the Table of the Rajya Sabha on April 27, 1978 was discussed Minister, Shri Morarji R. Desai, Shri Desai said that this Plan had come by the House on May 10 and 11, 1978 on a motion moved by the Prime into existence as a result of the new Government taking charge last year. The Government pursued a policy of giving priority to those quarters which really needed priority but were not given before. Accordingly, the Gov-

ernment had laid more emphasis on some aspects of development which had not been given that much emphasis before. It was, therefore, necessary to end the Fourth Five Year Plan at the end of the fourth year so that the Government did not have to waste one year in planning with new methods to achieve the goals.

The concept of the rolling plan was not a new concept at all. The main purpose of the change was that when the Plans were prepared earlier, they were prepared for five years. An assessment of the Plan was not done at the end of every year as it should have been done, with the result that the implementation was not as it should have been. It was, therefore, because of this that the Government had decided that the plan should be assessed at the end of every year to see what deficiencies had crept in. So it would be a continuous plan. It was for five years at a time. The first year's Plan had been discussed with the States to their satisfaction. The Plan for the other four years could not be discussed with them because there was not much time. However, the Government would do this in the next few months. In the meanwhile, assessments would go on with the States about the Plan.

Explaining the broad features of the Plan, Shri Desai said that this Plan laid greater emphasis on rural development because that sector had not been attended to as much as it should have been in the past. Eighty per cent of the people lived in villages. Unless those 80 per cent of the people got a square deal, it was not possible for the country to claim that it had developed properly. The prosperity of the country also depended on the prosperity of agriculture because that was India's basic industry. The allotments for agriculture made in the present Five Year Plan were more than ever before. The Government had provided far more for power generation and irrigation. In the matter of energy also the Government was increasing the production by 18,500 MW. It was about 76 per cent or so more than what was already being generated. But it did not mean that the Government was neglecting industries. Industries were also being developed more purposefully. The public sector was going to be strengthened more and made more effective and efficient.

Replying to the discussion on the next day, Shri Desai said that the Plan was a national document and there must be a national consensus and endeavour to make it successful. It was not correct to say that self-reliance was being given a go-by in the Sixth Five-Year Plan. The net percentage of foreign aid in the Sixth Plan was less than half nearly—one-third of what was in the past. The Government wanted to see that India was self-reliant technologically. In the matter of imports, the idea was

to import what was deficient in the country. The Government did not want the imports at the cost of the country's own capacity for production.

Concluding, the Prime Minister said that in spite of all intentions to remove disparities they had not been removed. What the Government sought to achieve was that there must be an equal opportunity to every person to advance himself or herself to the best of his or her capacity and that no impediments were put in the way. Besides, necessary help should be given to them and there should be no exploitation of anybody in the country. To do that, the Government had to remove poverty. It could not be done merely by law but by given necessary strength to the people through planning and that was precisely what the Government was seeking to do through the Plan.

*Report of the Working Group on Autonomy for Akashvani and Doordarshan:* On May 18, 1978, Rajya Sabha discussed the report of the Verghese Committee regarding autonomy for Akashvani and Doordarshan. Initiating the discussion Shri Shrikant Verma, said that in 1948, the late Shri Jawaharlal Nehru had envisaged an autonomus set-up for the All-India Radio and had said that it would be better if the A.I.R. was made a corporation on the pattern of the B.B.C. Shri Nehru had also said that freedom would not come from the heaven since it was the conscience and the wisdom of a man which gave rise to freedom.

Autonomy did not merely mean immunity from Government interference but it also meant a realisation of one's existence. Therefore, the Government would have to create such circumstances in which the A.I.R. and the Television could become autonomous in the true sense.

The Verghese Committee had envisaged a Trust for the A.I.R. and the Television. The members of the Trust were proposed to be appointed out of a panel prepared by the Lokpal and the Judges of the Supreme Court. The employees of the A.I.R. and the Television had opposed the proposal about sending the panel to the Prime Minister. Since a Prime Minister was a political entity, the panel should be sent to the President directly, Shri Verma suggested.

In the Board of Trustees, experts belonging to universities, trade unions, student unions, akademis, writers' organisations etc. should be taken because they would be able to understand the cultural and social needs of the country but retired political leaders should not be included in the Board.

Concluding his speech, Shri Verma observed that even after 21 years of its existence, the Television had not yet acquired any maturity. The

importance of this media had not yet been realised by the Government. There should be a training institute for training telecasters and broadcasters. The A.I.R. and the Television should also have their own correspondents to give more independence to the media.

Replying to the discussion, Shri Lal K. Advani, Minister of Information & Broadcasting said that the Verghese Committee submitted its Report to the Government on March 3, 1978 and it was placed on the Table of both the Houses of Parliament on March 9, 1978. Since then a number of seminars had been organised by the people connected with the media and also by some other institutions on this subject. The discussion in the Rajya Sabha had also made a unique contribution in that regard. Every member had tried to give constructive suggestions according to his own view-point.

The Verghese Committee had done a marvellous job. However, it was not true to say that the Government was fully in agreement with the recommendations of the Committee. It would take some time to come to any decision on the recommendations.

Though much had been said about autonomy of the A.I.R., yet the words 'genuine autonomy' were used by the Janata Party for the first time in their manifesto. It was true that any institution could be an autonomous body and its autonomy might be in name only or might be genuine. The intention of the Government from the very beginning had been to give genuine autonomy to the media.

The recommendations of the Verghese Committee regarding autonomous status had, by and large, been welcomed by everybody. There had been some criticism by some people about the trustees of the proposed corporation and also whether there ought to be one or two corporations. All these things would be carefully looked into by Government.

The Government was committed to implement the concept of creating an autonomous corporation. It was not true to say that if the matter relating to the selection of the trustees was referred to the Prime Minister, then the autonomy of the Corporation could not be preserved. According to our Constitution, the President had no discretionary power. There was no distinction between the Government and the President.

The Government had not appointed any implementation committee. But a working group had been set up in the Ministry of Information and Broadcasting to process those recommendations of the Committee that were capable of being implemented immediately.

Shri Advani added that apprehension was expressed by some members that the corporation status would not allow it to exercise autonomy when

the financial viability of the corporation was doubtful. It was perhaps due to this that the Verghese Committee had recommended an increase in the annual licence fee for radio and television. The Government would also consider another recommendation of the Committee whether there could be one time licence fee with rebate for small transistor sets.

#### B. LEGISLATIVE BUSINESS

Some of the important Bills passed/returned by the Rajya Sabha during the Session were as under:

*The Finance Bill, 1978\**: On May 4, 1978, Shri H. M. Patel, Minister of Finance, moving the motion for consideration of the Bill, said that on a careful consideration of the valuable and constructive suggestions made by Members of Parliament prominent members of the public, chambers of commerce and trade and professional bodies, a number of modifications had been made in the proposals contained in the Finance Bill and these had been incorporated in the Bill as passed by the Lok Sabha.

Explaining the modifications made, the Minister said that in order to put a curb on extravagant and socially wasteful expenditure on advertisement, publicity and sales promotion at the cost of the Exchequer, the Bill provided for the disallowance of a part of such expenditure in the computation of taxable profits. Under the Bill as introduced, no disallowance was to be made in cases where such expenditure did not exceed Rs. 20,000 in a year. This exemption limit was felt to be unduly low. Therefore, it had been raised to Rs. 40,000.

The Finance Bill as originally understood had sought to discontinue the grant of export markets development allowance in relation to expenditure incurred after the 31st March, 1978. It was, however, represented that this tax concession could play a very useful role in diversifying and stimulating exports and should, therefore, be retained. On a careful consideration of these representations, provision had been made in the Bill for continuing the scheme of export markets development allowance, with certain modifications. Under the amended provision, export markets development allowance would now be available only to recognised Export Houses, small-scale exporters and consultancy firms.

The Bill as introduced provided for a deduction, in the computation of taxable income, of 50 per cent of the amount invested by a tax-payer

\*The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on May 2, 1978.



in equity shares of new industrial companies. With a view to providing a stimulus to house building activity, the relevant provision had been amended to extend this concession to investment in equity shares of new companies established for providing long-term finance for the purchase or construction of residential houses in India. Investment in shares of such finance companies would be eligible for this concession only where the company was approved in this behalf by the Central Government.

The Bill sought to relax the test of residence in India in the case of Indian citizens employed outside India, who visited their home country in leave or vacation. The provision containing the restrictive condition had been deleted from the Bill.

The Minister said that it would be difficult for tax-payers who had newly set up a business or profession to make an accurate estimate of their current income early in the accounting year. The relevant provision had been amended to provide that new tax-payers might furnish an estimate of advance tax before the date on which the last instalment of advance tax was due in their case.

Shri Patel further said that the various modifications made in the provisions of the Bill relating to direct taxes would result in a loss of Rs. 10.5 crores in a full year and Rs. 8.8 crores in 1978-79. He added that he had proposed to reduce the basic excise duty on auto-rikshaw—rikshaws used as taxis—from 12½ per cent *ad valorem* to 10 per cent *ad valorem* subject to the condition that such auto-rikshaws were registered with the transport authorities as taxis for carriage of passengers on hire. It was urged that having regard to the fact that most of the auto-rickshaws in the country were used as taxis, the observance of this condition was a needless and irksome formality. This condition had, therefore, been removed. The modification in respect of the indirect taxes would result in a loss of Rs. 17.43 crores in a full year and Rs. 16.19 crores in 1978-79.

The Bill, with some amendments\* recommended by the Rajya Sabha, was returned to Lok Sabha on May 9, 1978.

*Deposit Insurance Corporation and Miscellaneous Provisions Bill, 1978\*\**: On May 15, 1978, Shri Satish Agarwal, Minister of State in the Ministry of Finance, moving the motion for consideration of the Bill as

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\*Amendments recommended by the Rajya Sabha in the Finance Bill, 1978 were not accepted by the Lok Sabha.

\*\*The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on May 2, 1978.

passed by the Lok Sabha said that the Bill sought to provide for the acquisition by and transfer to the Deposit Insurance Corporation of the undertaking of the Credit Guarantee Corporation of India Ltd. in order to serve better the need for providing credit guarantee to commercial banks.

The Deposit Insurance Corporation was established on January 1, 1962 by an Act of Parliament, with the object of giving a measure of protection to depositors, particularly small depositors, from the risk of loss of their deposits in the event of a bank's inability to meet its liabilities. When the Corporation was set up a major part of banking in India was in the private sector. The State Bank Group was also brought within the purview of the Corporation so that its membership and consequential support, by way of insurance premia, would ensure stability of the private sector of the banking system. Insured banks were required to pay to the Corporation a premium at the existing rate of 4 paise per annum for every hundred rupees of their assessable deposits. The present limit of insurance cover was Rs. 20,000 to a depositor in respect of all deposits held by him in an insurance bank.

The Credit Guarantee Corporation of India Limited was set up in January, 1971 under the Companies Act, 1956 to transact the business of guaranteeing and indemnifying of loans and advances granted by the commercial banks, co-operative banks and other financial institutions. One of the objectives of nationalisation of the 14 major private commercial banks was that bank credit should be available to the weaker sections of the society, namely small farmers, small industrialists, self-employed persons and small transport owners and workers, in a much greater degree than hitherto. While the scheme operated by the Credit Guarantee Corporation of India was optional, a bank wishing to join this scheme was required to bring its entire lending to the specific sectors within the scheme. All commercial banks had joined the scheme in view of its advantages.

As the objectives of the two corporations were cognate, inasmuch as both sought to protect banks and depositors and since the resources of the Deposit Insurance Corporation were relatively larger as compared to the risk carried by it, while that of the Credit Guarantee Corporation of India Ltd. was relatively smaller, it was considered advantageous to transfer the undertaking of the Credit Guarantee Corporation of India Ltd. to the Deposit Insurance Corporation which would be renamed as the Deposit Insurance and Credit Guarantee Corporation.

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

*The Customs Central Excise and Salt and Central Boards of Revenue (Amendment) Bill, 1978\**: On May 18, 1978, Shri Satish Agarwal,

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\*The Bill as passed by Lok Sabha was laid on the Table of Rajya Sabha on May 11, 1978.

Minister of State in the Ministry of Finance, moving the motion for consideration of the Bill, as passed by the Lok Sabha, said that three Acts had been sought to be amended by the present tiny Bill—the Customs Act of 1962, the Central Excises and Salt Act, 1944, and the Central Boards of Revenue Act, 1963. In 1962 and 1963 the Central Boards of Revenue were created under the Central Board of Revenue Act, 1963. In 1962-63 the revenue from indirect taxes was Rs. 844 crores. During the last 15 years it had risen to Rs. 7,160 crores. The revenue from direct taxes at that time was Rs. 422 crores and it had risen to Rs. 2,708 crores up to the end of 1978. During the last 15 years the work-load had so much increased that it was not possible for the Indirect Taxes Board, to cope with this phenomenal increase of work in the Secretariat as well as in the field formations. So it had been suggested that the strength of the two Boards should be raised from five to seven.

The Bill also provided that the minimum punishment which was now six months' imprisonment in the case of certain smugglers, should be raised to one year. It had also been provided that those persons who were importing goods against advance licences need not pay customs duty, and that they would not get the drawback when they exported the goods. So there would be only a book adjustment, thereby reducing harassment and unnecessary blocking of funds of the exporters.

It had been decided that there might be certain items, which were not available in sufficient quantities in the country and, which had to be imported. In those cases they were notified by the Central Government in the gazette. If a particular product contained some part of indigenous raw material also, and when that product was re-exported to other countries, then, in such cases there would be no weighted average and the whole material would be deemed to be an imported material.

An Assistant Collector at present exercised certain powers up to Rs. 10,000. Now his powers were being increased to Rs. 25,000. Similarly, about other powers, Excise officers were put on a par with customs officials.

The provisions of the Bill primarily aimed at boosting the exports, reducing harassment to the exporters, the importers, and to the assessee, streamlining the whole administration, decentralising certain administrative procedures, providing more stringent provision or punishment to the smugglers and increasing the strength of the two Boards. The Government in due course intended to bring forward comprehensive excise legislation with regard to all matters in order to simplify the procedures and rationalise the whole structure and to reduce all chances of harassment, victimisation and corruption in the Department.

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

## OBITUARY REFERENCES

The Chairman made reference to the passing away of Shri Nemi Chandra Kasliwal and Dr. Hriday Nath Kunzru, ex-Members. The House stood in silence for one minute as a mark of respect to the memory of the deceased.

## STATE LEGISLATURES

## HARYANA LEGISLATIVE ASSEMBLY

*Water (Prevention and Control of Pollution) Act, 1974:* On February 28, 1978 the Assembly adopted a resolution moved by the Minister of Irrigation and Power seeking amendment by Parliament of the Water (Prevention and Control of Pollution) Act, 1974 in view of the practical experience gained in the working of the Act.

*Extension of Term of the Committee on the Welfare of SC and ST:* On February 28, 1978 the Assembly adopted a resolution moved by the Revenue Minister seeking extension of the term of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes which expired on March 31, 1978, by a year.

*Constitution of a Committee on Public Undertaking:* On February 28, 1978 the Industries Minister moved the following resolution:

- “1. (a) That a Committee of the Haryana Vidhan Sabha to be called the Committee on Public Undertaking for the examination of the working of public undertakings be constituted consisting of nine members who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of single transferable vote.
- (b) That a Minister shall not be eligible for election as a member of the Committee and that if a member, after his election to the Committee, is appointed as Minister, he shall cease to be member thereof from the date of such appointment.
2. That the functions of the Committee shall be :
  - (a) to examine the reports and accounts of the Public Undertakings specified in the 'Schedule' and any such other public undertakings as may be referred to the Committee by the Speaker for examination;
  - (b) to examine the reports, if any, of the Comptroller and Auditor General on the Public undertakings;
  - (c) to examine in context of the autonomy and efficiency of the Public Undertakings whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices; and
  - (d) to exercise such other functions vested in the Committee on Public Accounts and the Committee on Estimates as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time.

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

- (i) matters of major Government policy as distinct from business or commercial functions of Public Undertakings;
  - (ii) matters of day-to-day administration;
  - (iii) matters for the consideration of which machinery is established by any special statute under which a particular public undertaking is established.
3. that the term of the office of the members of the Committee shall not exceed one year.
  4. that the quorum of a sitting of the Committee shall be four.
  5. that in all other respects the Rules of Procedure of the Legislative Assembly relating to the Committee shall apply with such variations and modifications as the Speaker may make."

The resolution was adopted by the House.

#### MADHYA PRADESH VIDHAN SABHA\*

*Announcement of Pay Committee:* The Speaker, Shri M. S. Newalkar, announced on April 26, 1978 the constitution of an eight-member Committee of the House to go into the pay scales set-up and other issues relating to the service conditions of officers and employees of the Madhya Pradesh Vidhan Sabha Secretariat. The members of the Committee are Shri Arjun Singh, Leader of the Opposition, Shri Ramhit Gupta, Finance Minister, Shri Naresh Joshi, Shri Brijmohan Mishra, Shri Sudhanwa Singh Netam, Shri Rajendra Dharkar, Minister of the State, Shri Sunderlal Patva and Shri Shyam Sunder Shyam. The Committee has been directed to submit its report within four months.

#### MEGHALAYA LEGISLATIVE ASSEMBLY\*

*Prevention and Control of Water Pollution:* On November 29, 1977, the Assembly adopted a Government Resolution seeking application of the Water (Prevention and Control of Pollution) Act, 1974 passed by Parliament, to the State of Meghalaya.

#### WEST BENGAL LEGISLATIVE ASSEMBLY

*Prevention and Control of Water Pollution:* On March 15, 1978, the Assembly discussed and adopted a Government resolution moved by Shri Nani Bhattacharya seeking amendment by Parliament of the Water (Prevention and Control of Pollution) Act, 1974 for removing practical difficulties in the working of the Act.

\*Contributed by the Madhya Pradesh Vidhan Sabha Secretariat.

\*Contributed by the Meghalaya Legislative Assembly Secretariat.

\*Contributed by the West Bengal Legislative Assembly Secretariat.

*Union-State Relations:* On March 25, 1978, the Chief Minister, Shri Jyoti Basu moved the following resolution in the House:

“Whereas a re-ordering of the political, financial and economic relations between the Centre and the States is crucial for the preservation of the unity and integrity of India with her linguistic, cultural and other diversities;

Whereas such re-ordering is also essential for accelerating the pace of economic development in the country as well as for a more even distribution of the fruits of such development;

Whereas the fundamental disequilibrium in the relationship between the Centre and the States is conducive of encouraging authoritarian political trends as recent experience has conclusively shown, and basic changes in the Articles of the Constitution are called for for the maintenance of the nation's democratic fabric;

And whereas a well-conceived devolution of power, by strengthening the States and the Union territories, would in fact further contribute to the strengthening, rather than the weakening, of the Centre;

Now, therefore, this Assembly records its approval of the stand taken by the Government of West Bengal on this issue as expressed in the Memorandum (copy enclosed)† on Centre-State Relations which the Government has recently circulated among Ministers of the Union Government, Chief Ministers of States, Members of Parliament, Members of the State Legislatures, jurists, educational and cultural institutions, mass organisations and other representative bodies;

This Assembly also takes note of the fact that the response to the Memorandum has been most encouraging, and records its hope that the aforesaid memorandum would serve as the starting point for detailed discussions and that an agreed set of recommendations would be arrived at through exchange of ideas at different national forums on this issue of overriding national significance.”

The resolution was discussed and adopted by the Assembly after a division: Ayes 115; Noes 14 and Abst. 4.

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†Not being reproduced here.

## BOOK REVIEWS

## SELECTION AND APPOINTMENT OF SUPREME COURT JUDGES

A Case Study By Rajeev Dhavan and Alice Jacob. N. M. Tripathi Private Limited, Bombay, 1978, 125 pages. Rs. 20.00

## SELECTION AND APPOINTMENT OF SUPREME COURT JUDGES

A Case Study is a presentation by the authors of a topic, which, of late, has not only been a subject-matter of undue interest to men who know little of the intricacies involved, but has also on account of their ignorance become a matter of controversy. Indeed, the authors' approach to the question posed by them appears to be founded on an assumption which may itself be doubted. The learned authors started with the observations : "Independent India has not paid enough attention to the selection of its Judges." The Indian Constitution has taken care to make provisions for the appointment of Judges of the Supreme Court, the High Courts, as also of the subordinate Courts. The scheme envisaged by the Constitution in regard to the organisation of the Judiciary and the manning of the judicial machinery is complete and satisfactory. Indeed, for two decades and a little more, since the commencement of the Constitution, the making of appointments of Judges to the Supreme Court and the High Courts did not give any cause for dissatisfaction. The Constitution-makers followed the British pattern and, considering the importance of the office of a Judge, wrote it in the constitutional charter itself. It is only when the appointing authorities departed from certain well-tried norms and conventions for reasons which, according to them, were justified under the conditions prevailing, that some sort of subversion took place, giving rise to controversies and raising doubts in the efficacy of the system of appointment. So long as the persons, in whom the power of appointment vested, worked on correct understanding and appreciation of the role of the judiciary, the machinery set up by the Constitution for appointment appeared to be working well. The question which is agitating the minds of publicmen, lawyers,

judges and politicians today is whether the system of appointment as laid down in the Constitution required any change. The learned authors have attempted in their book to place before the intelligentsia the causes which have generated the doubts and the controversy. They have also suggested some solutions.

When India became independent, it inherited an established system of Judiciary and our founding fathers rightly did not like to alter the system which had given entire satisfaction to the people for a period spread over almost a century. Since the appeals to the Privy Council were abolished, it was necessary to provide for an apex Court, whose decisions could be final. In India, before Independence, there was at the apex, the Federal Court, which had a limited jurisdiction. This limited jurisdiction was also extended when the appeals to the Privy Council were abolished. After the commencement of the Constitution, the Federal Court was replaced by the Supreme Court with the widest possible jurisdiction.

The appointment of the Judges to the High Courts and the Federal Court under the British rule was never considered to be a fit subject for public controversy and there never arose any occasion, unless it could be said that demands for more Indian Judges in the High Courts could be called a controversy. The power of appointment of High Court Judges was exercised so cautiously and carefully that it came to be regarded as a secret process beyond the pale of controversy except perhaps for a subdued comment in the Bar Associations; the appointments never aroused the curiosity of the common man. The same traditional methodology for the appointment of Judges to the High Courts and the Supreme Court worked satisfactorily for over two decades even after India became independent. Then why a hue and cry in the seventies? The authors have tried to analyse and evaluate the currents of thought and action in this sphere. They seem to be suggesting that blind adherence to the rule of seniority in the appointment of Chief Justices of the High Court and the Supreme Court will not always be conducive to the selection of the best. It appears that even in the past there has never been blind adherence to the rule of seniority in the matter of appointment of the Chief Justices. The appointing authorities had always been careful and circumspect and simply because the seniormost was found suitable for appointment, that would not mean that the appointment was, so to say, simply, based on the rule of thumb, *i.e.* of seniority.

The controversies in the seventies actually arose not because the seniormost Judge who could be appointed as the Chief Justice was not considered suitable on the basis of traditional norms, but because of altogether a new concept advocated, euphemistically described as the "social philosophy of the Judge". Now, this sort of concept so ephemeral and undefined in nature



necessarily would make the appointment suspect. A most powerful Executive Government, when selecting a person of its own linking, could always justify the selection on the ground that the social philosophy of the person selected conformed with the social philosophy of the times. But in a parliamentary democracy based on party system, so many ideas and ideologies are preached and remain current that it will be difficult to find one social philosophy acceptable to all.

If at all, it is the constitutional charter which is indicative of the social and economic norms on which the formulations of the principles of governance are to be founded. So long as a person who has a wise and clear understanding of the fundamental laws enshrined in the Constitution and other laws made under the Constitution is selected and appointed to the highest post in the judiciary of the country, it will always afford satisfaction. It is difficult to conceive of a better formulation of the machinery of appointment than what our constitutional charter offers. The various suggestions of elections or quasi-elections put forward by the learned authors appear to be mere palliatives and we will do well to adhere to the methodology as contained in the Constitution without doubting the bona fides of the appointing authorities. However, the learned authors deserve appreciation for focussing the attention of the common man on a subject hitherto regarded sacrosanct and secret.

—K. B. ASTHANA

INDIAN NATIONALISM AND THE EARLY CONGRESS. By John R. McLane. Princeton University Press, 1977.

INDIAN NATIONAL CONGRESS VERSUS THE BRITISH, Vol. I (1885—1918). By M. N. Das, Ajanta Publishers, Delhi, 1978.

Here are two careful studies, detailed and fairly analytical, of a period in our history which should be better known and reflected upon than perhaps it is at the moment. We are not a historically minded people and our memories, except in relation to immemorial things embedded in the mind, are very short. Professor McLane deals with the period between 1885 and 1905, concentrating on the Congress, which sought to build a national community, made mildly with a certain tenacity, demands on Britain for constitutional reforms, tried to achieve a balance between the then concepts of progress and of obscurantism and in spite of its largely unexciting programme of work which hardly enlisted in its ranks the great wide public of the land, turned out to be *bete norie* to the British India authorities. Professor Das' study, which will be continued in subsequent volumes, reaches up to a later point of time and refers, in its later sections, to some sensational happenings which, however, do not quite justify the book's

nomenclature, since the term 'versus' as between Congress and the Raj seems hardly applicable before the full emergence of Gandhi on the national scene, and most of the struggle till then, waged by our people in Bengal, Maharashtra, Punjab and elsewhere, had taken place outside the Congress orbit and without its imprimatur.

The present predicament of the Congress, still reeling from the people's rejection of its thirty-year dominance over independent India and unable yet to unify its forces and mend its own fences strongly, should be one reason for introspection and a review of its own past, which the two books under discussion should help to the extent they go. Professor Das puts it somewhat grandiloquently in his preface: "From prayer, petition and protest, to confrontation, agitation and revolution, the Congress advanced steadily and surely, bravely upholding national ideals, adapting them to suit different times". Professor McLane from his American distance takes a more detached view and finds during 1885—1905, not much really to make a song and dance about, so far as Congress activities were concerned, though to be fair he is by no means insensible of the Congress' special importance in the history of the time. His work, in spite of a certain in-built 'western' bias, is indeed, for the period it covers, the more perceptive of the two books, ferreting out truly significant material, which Professor Das, veering between high regard for British 'friends of India' (his book is dedicated to four of them, A. O. Hume, C. Bradlaugh, W. Wedderburn and H. Cotton) and the near-Anglophobia which became, as time went on, the necessary concomitant and foundation of Indian nationalism, sometimes declines into inappropriate rhetoric. It must be added, however, that there is some excuse for Dr. Das perhaps getting occasionally derailed on account of the provocative perpetration, on the theme of Indian nationalism, by some expatriate Indian scholars like Anil Seal who from his Cambridge 'heights' (actually Cambridge is situated on low fen-land!) has flung unworthy and unwarranted barbs at the "motivations" of Indian nationalism.

One should think Professor McLane right in his view that Congressmen in the pre-1905 era approached politics "without enough passion either to satisfy Hume or seriously frighten the English." This is a view which Dr. Das would not rebut, though of course, as an Indian who can get into the skin, as it were, of his subject, he stresses the other side of the picture. Neither, however, quotes (one must not expect our authors to quote everything of one's own choice!) what Surendranath Banerjee, Congress President in 1895, said with reference to a British paper's taunt about Bengali women having made Congress part of the Hindu pantheon: "God or no God, whether Congress has found a place in the Hindu pantheon or not, it is enshrined in the hearts of the educated community of India—it excites their deepest reverence, stirs their most earnest enthusiasm—it is the

God of their idolatry.” The phrase “educated” is significant and also to some extent ironic, indicating as it does the limitation, in quantity and in quality, of the movement represented by the Congress.

In both volumes one finds facts about the genesis of the Congress and of Hume’s (as well as the Viceroy Lord Dufferin’s) role in that event. Hume had his biographer in his friend Wedderburn but deserves a full-fledged Indian study. It is, by the way, a great pity that Dr. Das does not at all mention, and Professor McLane only sparingly, what Wedderburn had stressed, namely, the discovery by Hume, after close study of official documents and secret service reports from all over India, of the existence of stupendous discontent, the “extreme danger of a most terrible revolution”, that “poor men . . . wanted to do something . . . and that something meant violence . . .”, that “small bands would begin to coalesce into large ones, like drops of water on a leaf . . . [and] a certain small number of the educated classes, at the time desparately, perhaps unreasonably bitter against the Government, would join the movement, assume the lead, give the outbreak cohesion and direct it as a national revolt.” Thanks to McLane’s occasional hints, the existence still of these papers, perhaps largely destroyed, can be deduced. Dr. Das has done his research in India and in Britain, but he does not let fall one word about it; McLane also is virtually silent. This is queer, for there must be some significance to Wedderburn’s statement that India under Lord Lytton was “within measurable distance of a revolutionary outbreak and it was only in time that Mr. Hume and his Indian advisers were inspired to intervene [by helping set up the Congress in 1885]”.

McLane pinpoints the weakness of the Congress, with its limited social and professional background during the first three decades, the failure to rope in the Muslim community (which, of course, the British rulers succeeded beautifully in egging on with their Roman policy of ‘divide and rule’), the emergence, on its fringes, of the Hindu populism represented by cow protection and other slogans that meant a tangible impact on political life, the relationship of landlord and moneyed interests, often ambivalent, with the Congress. His conclusion is that its effort to balance itself between contending forces succeeded in just preserving the organisation which had never been solid but largely sapped its vitality, *pace* the breaking out, in the first decade of this century, of the moderate-extremist conflict which for a time bifurcated the Congress. He brings in a lot of incidental information which, if sensitively interpreted, would add richly to our understanding of the movement. McLane’s apparatus of scholarship is sophisticated and even where he provokes dissent he also incites constructive thinking.

Professor Das has brought together a mass of facts, his quotations sometimes being longer than warranted in a work of scholarship, and if one reads between the lines one gets to know much of the basic hypocrisy behind Valentine Chirol's claim that "British greatness" had been founded "on Indian happiness". Some very essential points seem, however, to be missed. The 1903 Congress presidential address by that now forgotten "political yogee" (Phirozeshah Mehta's words), Lalmohun Ghose, railed at the "Curzonoration *Durbar*", scathingly scorched that "pompous pageantry to a perishing people" and ridiculed Curzon's vision of "the hand of Providence in the extension of British rule over distant and different peoples". McLane ignores that classic of a speech and Das errs in citing mangled portions that miss the point. McLane has some important things to say about Maharashtra happenings in the last years of the 19th century—from Phadke to Chapekar is a powerful and pregnant story—but he misses the then Bengal scene and has too little to say about, for example, Vivekananda. Das, having written earlier a good book on the Morley-Minto performance, does offer valuable information on the theme, but he fails adequately to expose John Morley, lionised by an uncomprehending Indian elite but well deserving of Lenin's description of him as a "liberal and 'radical' scoundrel" to whom, in spite of his vaunted liberalism, India could never conceivably be worthy of political freedom. Das tells us a lot about the "command performance" by picked Muslim leaders, following on British goading, who demanded separate electorates and in 1906 started the Muslim League, but he does not think it necessary to stress that for all the obscurantist implications of certain things said and done by the great Muslim Leader, Sir Saiyid Ahmad and others, till the cup of India's agony in disunity was full, there had also been throughout what the Rowlatt report (1918) called a stream of "Muhammadan Discontent" with which Indian nationalism tried to come to terms only when Gandhi came powerfully on the scene and hardly ever earlier. One wishes that Dr. Das had noted that even in the address by Muslim leaders, with the Aga Khan in the vanguard and genuflecting before the Viceroy, Lord Minto, there was a passage which, stressing the loyalty of Muslims, added also: "Recent events have stirred up feelings, especially among the younger generation of Mohamedans, which might in certain circumstances and under certain contingencies easily pass beyond the control of temperate counsel and sober guidance". Irrespective of religious label, Indian, including Muslim, unrest was growing.

Perhaps professional scholars have certain inhibitions and also—at least many of them—certain in-built predilections, and one must not expect overmuch from academic, if also sometimes rather overcharged, writing—Perhaps foreign (and expatriate Indian) scholars' work, checked and constructively linked up with what might—unprofessionally—be called Indian

findings, turn out happy and meaningful studies of our history. McLane deserves some gratitude for fishing out unusual but striking facts, for instance, about the six-day strike by Bombay workers in 1908 after Bal Gangadhar Tilak's six-year conviction on a sedition charge. Das also has brought in first-hand reports called from many sources, *pace* the liberal Mantagu's tell-tale boast: "Our empire has won the war...[and] liberal principles will, thank goodness, survive". His survey of Indo-British relations during World War I could of course be improved upon, but, is good as far as it goes. If he was ready for some pruning, he could have done more justice to the massive discontents that were developing and in 1920-22 were, under Gandhi's direction, to astonish even ourselves.

When the Congress was first founded in 1885, it was a far cry from the time when the Congress would be the stormy petrel, proscribed by Government, hunted down by the police, but ensconced in the people's affection. Lord Dufferin who had helped and directed Hume to "conduct his flock" as a safety-valve for Indian aspirations, spoke of the Congress three years later as a "microscopic minority" and its very staid and limited goal as a "big jump into the unknown." In 1900, Lord Curzon wrote with typical exultation which proved vapid: "The Congress is tottering to its fall and one of my great ambitions, while in India, is to assist it to a peaceful demise." Like most of his "great ambitions", one of them that of being Britain's Prime Minister, this one also was not going to bring balm to the proud pro-consul's heart. As the major political instrument in India's struggle for freedom, however, the Congress, whatever its plight after three post-independence decades, deserves to have its annals (and the contemporary story of our people) earnestly understood. Within limitations, the two books noted here will be a considerable help in that task.

—HIRENDRA NATH MUKERJEE

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## SUMMARIES OF BOOKS

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**MR. SPEAKER, Sir.** By Selwyn Lloyd, Published by Jonathan Cape Ltd., 30 Bedford Square, London, 1976, 192 pages. Price £4.95.

This book by the former Speaker of the British House of Commons is an account of his time as Speaker from 1971 to 1976. His purpose in writing this book has been "to try to give an impression of the Speaker's day-to-day life while the House is sitting."

In the opening chapter of the book, the writer describes the series of events leading to his election to the office of Speaker on 12th January, 1971. In the speeches preceding his election, some back-benchers said that very few Members believed that they had been consulted while selecting the candidate for election to Speaker's office. References were also made to the custom of not electing a former Minister (like Mr. Lloyd was) to the office of Speaker. The author concedes that there was some substance in the point about consultation—every Member ought to be consulted in some way—but he disagrees with the argument that an ex-Minister should not become Speaker; only in his view, a Minister should not go direct from a ministerial office or from the Opposition front bench to the Speaker's Chair. In his own case, he had left the Opposition Front bench more than four and a half years before his election to the Chair and thus had had 'a sufficient period of quarantine.'

The Speaker's office has 700 years of tradition behind it, and the author traces its history from the year 1258. Parliaments were summoned on numerous occasions after 1258, but there are no records of the names of presiding officers until Sir William Thrusell in 1327.

It was during Richard II's reign that precedents relevant today were set by Speakers. Speaker Pickering asserted the right of free speech in the House. Guildesboro asserted the right of the Commons to control

public expenditure. Speaker Savage in 1404 demanded not only redress of grievances before granting money, but also immunity from arrest for debt or trespass. To Speaker Thomas Chaucer the King conceded in 1407 that it was Commons' right to be the initiators of financial measures. In 1414, under Speaker Walter Hungerford, the Commons were recognised as legislators and not just petitioners.

In James I's reign (1603—25) rules were made to guide the Speaker in the conduct of debates, giving him power to deal with obstruction and irrelevance. Hissing was forbidden. Speaker Richardson was told by Members, "Mr. Speaker is but a servant of the House, not a master, nor a master's mate." Speaker Lenthall also made the position of the Speaker absolutely clear when he told King Charles, "May it please Your Majesty, I have neither eyes to see nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here...."

James II succeeded in 1685. The only Parliament of his reign was strongly Tory. The Crown nominated Sir John Trevor as Speaker who was unanimously elected. For the first time the King's speech stating the reasons for calling the Parliament was not made until after the Speaker's election. This precedent has been followed ever since. After Trevor, the court's nominee was Sir Thomas Littleton, a Whig. The Tory majority in the Commons chose instead Paul Foley, and he was elected. This was a significant change. The Speaker was no longer to be a nominee of the Crown but, as the party system developed, of the majority of the House of Commons. He was also expected to be partisan and to manage the Commons in the interests of his party.

Arthur Onslow, chosen Speaker in 1728, must be accounted a great Speaker because he saw that the survival of Parliament as a reputable institution depended on the independence and impartiality of the Chair. He recognised that the Chair itself must set the example of high standards. His adherence to procedural details of the utmost triviality seemed to many overdone. He was a stickler for good manners in the House and proper respect for the Chair. Another Speaker Shaw-Lefevre (1839—57) was an undoubted success. When he had to rule and there was no precedent, he made one. If anyone then questioned the ruling, he would say firmly 'Order' Order, the point is already disposed of. Denison (1857—72) was the last Speaker to speak and vote in Committee. His views on the Speaker's casting vote led to the modern practice.

In 1880, When Brand was Speaker, a Standing Order was approved providing for suspension of any member named by the Speaker for wilfully obstructing the business of the House. In the following six years the House felt its way towards the rules which, broadly speaking, prevail

today. Mr Gully, a Liberal, was Speaker from 1895 to 1905. The precedent of a Party supporting the re-election of a Speaker, even though he is from the Opposition Party, was established by the Conservatives when, after emerging victorious in a general election, they proposed Gully's re-election as Speaker.

Speaker's first duty is to preserve the orders and dignity of proceedings in the House for which he has wide powers. It is very easy to criticise the Speaker for lack of discipline when violence occurs, yet when the House is in a tense and emotional mood it is frequently the Speaker's invoking of his "selective deafness" that helps him to steer the members into quieter waters. The Speaker continually has to be beware of taking action against his better judgment for fear that he will otherwise be thought weak.

Coming to the discretionary powers of the Speaker, the author feels that two of them, namely the discretion to allow a motion for closure of a debate or a motion to adjourn a debate to be put, is not difficult to exercise. But the important discretion given to the Speaker under Standing Order No. 9 was found difficult to exercise by him. Under this Order, from Monday to Thursday, a Member can at the commencement of public business move the adjournment of the House for the purpose of discussing a specific and important matter. The Speaker can then allow a debate upon it. The granting of an application inevitably disrupted the business already arranged and could be highly inconvenient and hence the difficulty. It was right that the House should from time to time have the opportunity of emergency debates, but the Speaker's decisions are not nearly so easy to make.

In deciding on the admissibility of a parliamentary question, the Speaker has to strike a balance between reaching a reasonable number of questions in the time available and permitting reasonable probing of the Minister's position.

Another important matter which lay within the Speaker's discretion was to allow a Member to make a personal explanation or statement. If a Member wished to correct an inaccuracy in something that he had said or was reported to have said, leave should always be given, provided there were no complications. But there were times when the decision was not easy. The Speaker must look at each case on its merits, and exercise his discretion without feeling himself too tightly bound by previous rulings.

If there is a tie, the Speaker must give a casting vote. The principles upon which the Speaker acts are now well recognised. In the event of a



tie he casts his vote so as not upset the status quo, *i.e.* in such a way as to allow for further consideration of the matter.

Perhaps the most important of the discretions entrusted to the Speaker is the power to select the amendments to be discussed. In the case of motions, or Bills at their Second Reading, Report stage or Third Reading, the Speaker has complete discretion in this regard. The author while he was Speaker, encouraged informal discussions between the Clerk who had functioned during the Committee Stage (of the bill) and the Opposition spokesmen, before selecting amendments. After discussing with the Clerk the amendments or new clauses tabled, and the length of the debates which would arise, he would try to find out the Opposition's priorities and then would probably select accordingly.

To prevent obstruction, the Speaker has a power under Standing Order No. 36, which is rarely used. A division can take upto fifteen minutes, and if a small group of Members persists in demanding divisions, that can amount to obstruction. Under Standing Order No. 36 he can, if he thinks that a division is unnecessarily claimed, and before naming the tellers, take the vote of the House by calling upon the Members who support his decision and those who challenge it to rise successively in their places. He can then either declare the determination of the House, or name the tellers and allow the division to proceed. The author used this power only once and was faced with a series of points of order to which he replied:

"One of the troubles of my position is that I am invested with great discretions, which I must administer as best I can, I think seldom to the satisfaction of everybody. This is a case in which I am exercising my discretion. I feel that we must get on."

The Speaker's task is to rule whether a motion relating to an alleged breach of privilege or contempt of the House should be given priority over other business. The modern custom is for him to take twenty-four hours to consider the matter. If the Speaker decides in the affirmative, a motion is usually moved that the matter be referred to the Committee of Privileges. But sometimes the matter is disposed of there and then by the House.

Finally, but high in importance, is the Speaker's duty towards minorities. For obvious reasons the big parties do not care for minority Parties. The Speaker is in fact the only effective protector of their rights. If their rights are not protected, a heavy and perhaps insupportable strain would be put upon the democratic machinery.

When accepting nomination for the Speakership in 1971, the author had not given a thought to what would happen at the next general election. On 7th February, 1974, Mr. Heath announced his intention of going

to the country, with polling day on 28th February. Then began the tenth and the keenest election campaign of the author's career.

The difficulty lay in explaining in sufficiently clear terms to the electorate the unique position of the Speaker; why on election as Speaker he need to become non-party; why he had to be re-elected as an M.P., whether, if he was, he would be re-elected Speaker and so on. An additional problem was the substantial change since 1970 in the boundaries of author's constituency in Wirral. The newly constituted Wirral Labour Party announced its intention of opposing him, on the ground that Wirral was in effect a new Constituency, and that the voters should have the chance to say whether they wanted someone else as their member. There was a precedent for it. There was a three-corner contest in the constituency and the final result was very satisfactory—Lloyd 38,452; Whip (Labour) 22,505, Gayford (Liberal) 14,123—the author winning by a majority of 15,847.

The general elections were held again in October 1974 and the campaign was conducted on much the same lines. The result was: Lloyd 35,705, Thomas (Labour) 22,217, Gayford (Liberal) 12,345; giving the author a majority of 13,488. In this second election, the Liberal contestant placed much more emphasis on the issue that the electors of Wirral were being disenfranchised by having Speaker as their Member, and that there ought to be a special or fictitious seat for the Speaker.

In each of the three Parliaments that the author presided, the House of Commons was a very different place. The first Parliament lasted from 29th June, 1970 to 8th February, 1974 and he was Speaker for just over three years at that time. The second Parliament lasted from 6th March to 31st July, 1974 (adjourned until 15th October but dissolved during the recess). Author's third Parliament as Speaker began on 22nd October 1974 and he was Speaker till 1976.

Looking down from the Chair for the last time at the House, the author had mixed feelings—nostalgic memories of the past thirty years in the House, gratification at the agreeable speeches being made, and thoughts for the future. Elected in 1945, he had had more than his share of good fortune. He was a Member of the Estimates Committee, the Committee of Privileges, the Brochure Committee and the Services Committee. As a Minister he served under Prime Ministers—Churchill, Eden, Macmillan and Douglas-Home.

As Leader of the House in 1963-64 the author was made aware of the hardships caused by underpayment to Members. He pressed for the setting up of the Lawrence Committee and was particularly anxious about some appropriate pension provision. Members should be reimbursed for

expenses properly incurred and be paid enough to be able, without hardship, to avoid yielding to direct or indirect financial inducements.

The author has always been in favour of an experiment in the broadcasting and television of the proceedings in Parliament. The public should hear and see more of what goes on in the House.

There are many aspects of the work of the House which require thought. There is a constant stream of complaints about the procedures and customs of the House. Outside critics do not realize the extent to which changes and improvements in procedure are constantly being made. What has happened in the last ten years proves this. Debates in the Whole House on a Bill can be restricted. Extra time has been found for Private Members' Bills. Standing Order No. 9 about emergency debates has been redrafted. And so it goes on, with constant attempts at improvement.

On day-to-day matters, Question time should, be extended and the form of questions which can be put to the Prime Minister should be reviewed. The Prime Minister should exercise more sparingly his right to transfer questions to other Ministries. One day a week he might answer for thirty minutes. The Chair should have discretion to enforce a limit on the length of speeches, in certain limited circumstances. Means of checking abuses of Standing Order No. 9 could easily be devised. Changes could also be made in the procedure under which the Speaker chairs conferences on electoral reforms. On the preparation of legislation the Renton Committee has made an excellent report which, the author feels, could be followed up vigorously.

An equally important thing would be to maintain and extend the system of Specialist Committees and make it mandatory that the Government's reactions to the reports of these bodies be published within a fixed period of four to six weeks and that the reports and departmental answers be debated within eight weeks thereafter.

There was, during the author's last year or two, a lot of talk about a research assistant for every Member, and some financial provision was made. The author feels that the need is there but he doubts the proposed remedy. He would prefer to see the resources of the House of Commons Library still further expanded and each Select Committee or sub-committee enabled to have for each particular inquiry more advisers technically qualified in the required field. Also, the Leader of the House should have no other government responsibilities. He should be left free to supervise, perhaps with an unofficial Committee of two or three others, all these extremely important House of Commons matters.

It is not the perfection of procedures or the excellence of facilities that really matters. It is the men and women who use them. Apart from constant scrutiny of the executive, a Member of Parliament has two roles to fulfil. He or she can mitigate hardship, prevent injustice, help individuals and act as a speedy means of communication between the ordinary citizen and the ministerial mandarins. Secondly, when some great issue presents itself, the House of Commons must function as the common jury of the nation. What is needed to sustain both these roles is character, common sense and judgment.

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE 4TH SESSION OF THE SIXTH  
LOK SABHA

1. Period of the Session	. 20th Feb. to 15th May 1978.
2. Number of meetings held	58
3. Total number of sitting hours	. 389 hours and 48 minutes.
4. Number of divisions held—	5
5. <i>Government Bills :</i>	
(i) Pending at the commencement of the Session	. . . . . 16
(ii) Introduced	. . . . . 33
(iii) Laid on the Table as passed by Rajya Sabha	. . . . . 2
(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	. . . . . 2
(vii) Reported by Select Committee	. . . . . Nil
(viii) Reported by Joint Committee	. . . . . Nil
(ix) Discussed	. . . . . 29
(x) Passed	. . . . . 24
(xi) Withdrawn	. . . . . 1
(xii) Negatived	. . . . . Nil
(xiii) Part-discussed	. . . . . 1
(xiv) Discussion postponed	. . . . . Nil
(xv) Returned by Rajya Sabha without any recommendation	10
(xvi) Motion for concurrence to refer the Bill to Joint Committee adopted	. . . . . 1
(xvii) Pending at the end of the Session	. . . . . 26
6. <i>Private Members' Bills :</i>	
(i) Pending at the commencement of the Session	. . . . . 83
(ii) Introduced	. . . . . 54
(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 . . . . .	8
(vii) Passed . . . . .	Nil
(viii) Withdrawn . . . . .	5
(ix) Negatived . . . . .	1
(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 . . . . .	1
(xvi) Pending at the end of the Session . . . . .	131

7. *Number of Discussions held under Rule 193 :*

(Matters of Urgent Public Importance)

(i) Notices received . . . . .	72
(ii) Admitted . . . . .	Nil
(iii) Discussion held . . . . .	Nil

8. *Number of Statements made under Rule 197 :*

(Calling attention to matters of urgent public importance)

Statements made by Ministers . . . . . 39

9. *Half-an-hour discussion held . . . . . 9*10. *Statutory Resolutions*

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

11. *Government Resolutions:*

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

12. *Private Members' Resolutions :*

(i) Received	.	.	.	.	.	17
(ii) Admitted	.	.	.	.	.	15
(iii) Discussed	.	.	.	.	.	6
(iv) Withdrawn	.	.	.	.	.	Nil
(v) Negatived	.	.	.	.	.	2
(vi) Adopted	.	.	.	.	.	1
(vii) Part-discussed	.	.	.	.	.	1
(viii) Discussion postponed	.	.	.	.	.	Nil

13. *Government Motions :*

(i) Notices received	.	.	.	.	.	3
(ii) Admitted	.	.	.	.	.	3
(iii) Moved	.	.	.	.	.	1
(iv) Adopted	.	.	.	.	.	Nil
(v) Discussed	.	.	.	.	.	1

14. *Private Members' Motions :*

(i) Received	.	.	.	.	.	506
(ii) Admitted	.	.	.	.	.	278
(iii) Moved	.	.	.	.	.	4
(iv) Adopted	.	.	.	.	.	1
(v) Discussed	.	.	.	.	.	4
(vi) Negatived	.	.	.	.	.	Nil
(vii) Part-discussed	.	.	.	.	.	1
(viii) Withdrawn	.	.	.	.	.	1

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

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

16. Number of Parliamentary Committees created, if any, during the session . . . . .
17. Total number of Visitors' Passes issued during the session . . . . . 44, 112
18. Maximum of Visitors' Passes issued on any single day, and date on which issued . . . . . 1,395 on 15-5-78
19. Number of Adjournment Motions :
- (i) Brought before the House . . . . . 1
- (ii) Admitted and discussed . . . . . 1
- (iii) Barred in view of adjournment Motion admitted on the subject . . . . . Nil
- (iv) Consent withheld by Speaker outside the House . . . . . 49
- (v) Consent given by Speaker but leave not granted by House Nil
20. Total number of Questions Admitted :
- (i) Starred . . . . . 1108
- (ii) Unstarred (including Starred Questions converted as Unstarred Questions) . . . . . 10334
- (iii) Short-Notice Questions . . . . . 9
21. Number of Reports of various Parliamentary Committees presented to the Lok Sabha.

Name of Committee		No. of meetings held during the period 1st Feb. to 30th April, 1978	No. of Reports presented during the Session
1	2	3	4
(i)	Public Accounts Committee . . . . .	..	..
(ii)	Committee on Public Undertakings . . . . .	18	11
(iii)	Business Advisory Committee . . . . .	9	8
(iv)	Committee on Absence of Members from the sittings of the House . . . . .	1	1
(v)	Committee on Subordinate Legislation . . . . .	6	5
(vi)	Committee on Petitions . . . . .	9	2
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	..	..
(viii)	Committee on Privileges . . . . .	16	1

1	2	3	4
(ix)	Committee on Rules . . . . .	2	..
(x)	Joint Committee on Offices of Profit .		
(xi)	Committee on Government Assurances .	..	..
(xii)	Estimates Committee . . . . .	12	12
(xiii)	General Purpose Committee . . . . .		..
(xiv)	House Committee . . . . .	2	..
(xv)	Railway Conventions Committee . . . . .	7	1
(xvi)	Joint Committee on Lok Pal Bill . . . . .	4	..

22. Number of Members granted leave of absence 8
23. Petitions presented 10
24. Name of Members sworn with dates and Constituencies :

S. No.	Name of Member Sworn	Date on which Sworn	Constituency
1.	Shri P. Venkatasubbaiah	6-3-78	Nandayal (A.P.)
2.	Shri G. Mallikarjuna Rao	6-3-78	Warangal (A.P.)
3.	Shri Mohinder Singh	6-4-78	Karnal (Haryana)
4.	Shri Kaiho . . . . .	8-5-78	Outer-Manipur (Manipur)
5.	Shrimati Mohsina Kidwai . . . . .	11-5-78	Azamgarh (U.P.)

25. *Motion of No-Confidence in Council of Ministers :*
- Notices received . . . . . Two
- Admitted and Discussed . . . . . One
- Barred . . . . . One



APPENDIX II

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

1. Period of the Session . . . . .	April 24 to May 18, 1978
2. Number of meetings held . . . . .	17*
3. Total Number of sitting hours . . . . .	107 hrs. and 2 mts.**
4. Number of divisions held . . . . .	2
5. <i>Government Bills :</i>	
(i) Pending at the commencement of the Session . . . . .	10
(ii) Introduced . . . . .	1
(iii) Laid on the Table as passed by Lok Sabha . . . . .	8
(iv) Returned by Lok Sabha with any amendment . . . . .	Nil
(v) Referred to Select Committee by Rajya Sabha . . . . .	Nil
(vi) Referred to Joint Committee by Rajya Sabha . . . . .	Nil
(vii) Reported by Select Committee . . . . .	Nil
(viii) Reported by Joint Committee . . . . .	Nil
(ix) Discussed . . . . .	12
(x) Passed . . . . .	7
(xi) Withdrawn . . . . .	Nil
(xii) Negatived . . . . .	Nil
(xiii) Part-discussed . . . . .	Nil
(xiv) Returned by Rajya Sabha without any recommendation . . . . .	1
(xiva) Returned by Rajya Sabha with recommendation . . . . .	1
(xv) Discussion postponed . . . . .	Nil
(xvi) Pending at the end of the Session . . . . .	9
6. <i>Private Members' Bills :</i>	
(i) Pending at the commencement of the Session . . . . .	14
(ii) Introduced . . . . .	2
(iii) Laid on the Table 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 . . . . .	Nil
(viii) Passed . . . . .	Nil
(ix) Negatived . . . . .	Nil
(x) Circulated for eliciting opinion . . . . .	Nil

\*On May 16, 1978, there was a joint sitting of both Houses of Parliament.

\*\* Excluding Lunch Break.

(xi) Part-discussed . . . . .	1
(xii) Discussion postponed . . . . .	1
(xiii) Motion for circulation of Bill negatived . . . . .	Nil
(xiv) Referred to Select Committee . . . . .	Nil
(xv) Pending at the end of the Session . . . . .	16

7. *Number of discussions held under Rule 176 (Matters of urgent public importance) :*

(i) Notices received . . . . .	17
(ii) Admitted . . . . .	1
(iii) Discussion held . . . . .	1

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

Statements made by Ministers . . . . .	10
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9. Half-an-hour discussion held . . . . . 2

10. *Statutory Resolutions :* Nil

11. *Government Resolutions :* Nil

12. *private Members' Resolutions :*

(i) Received . . . . .	9
(ii) Admitted . . . . .	9
(iii) Discussed . . . . .	Nil
(iv) Withdrawn . . . . .	Nil
(v) Negatived . . . . .	Nil
(vi) Adopted . . . . .	Nil
(vii) Part-discussed . . . . .	1
(viii) Discussion postponed . . . . .	Nil

13. *Government Motions :*

(i) Notices received . . . . .	2
(ii) Admitted . . . . .	2
(iii) Moved . . . . .	1
(iv) Adopted . . . . .	Nil
(v) Part-discussed . . . . .	Nil

14. *Private Members' Motions*

(i) Received . . . . .	17
(ii) Admitted . . . . .	10
(iii) Moved . . . . .	Nil
(iv) Adopted . . . . .	Nil
(v) Part-discussed . . . . .	Nil
(vi) Negatived . . . . .	Nil
(vii) Withdrawn . . . . .	Nil

15. *Motions regarding Modification of Statutory Rule :* Nil.
16. Number of Parliamentary Committees created, if any, during the session. (Joint Committee on the Press Council Bill, 1977).
17. Total number of Visitors' Passes . . . . . 2082
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued . . . . . 231 ; on May 17, 1978
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 . . . . . 420
- (ii) Unstarred (including Starred Questions) . . . . . 790
- (iii) Short-Notice Questions . . . . . 6
21. *Discussion on the working of the Ministries*
- (1) Ministry of Petroleum, Chemicals and Fertilizers . . . . . 3
- (2) Ministry of Education and Social Welfare and Department of Culture . . . . .
- (3) Ministry of Industry . . . . .
22. *Working of Parliamentary Committees*

Name of Committee		No. of meetings held during the period 1-2-78 to 30-4-78	No. of Reports presented during the Session
1	2	3	4
(i)	Public Accounts Committee;	4	17
(ii)	Committee on Public Undertakings	..	9
(iii)	Business Advisory Committee	4	..
(iv)	Committee on Subordinate Legislation	5	1
(v)	Committee on Petitions	6	3
(vi)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	..	7

(vii) Committee of Privileges . . . . .	Nil	Nil
(viii) Committee on Rules . . . . .	Nil	Nil
(ix) <del>Joint</del> Committee on Offices of Profit . . . . .		Nil
(x) Committee on Government Assurances . . . . .	3	Nil
(xi) General Purposes Committee . . . . .	Nil	Nil
(xii) Joint Committee on the Press Council Bill, 1977 . . . . .	1	Nil
(xiii) Railway Convention Committee . . . . .	..	2

23. Number of Members granted leave of absence . . . . .	Nil
24. Petitions presented . . . . .	3
25. Names and Number of New Members sworn with dates . . . . .	78

Sl.No.	Names of Members Sworn	Date on which sworn
1	Shri T. Anjiah . . . . .	24-4-1978
2	Shri B. Satyanarayan Reddy . . . . .	24-4-1978
3	Shri Buddha Priya Maurya . . . . .	24-4-1978
4	Shri Ghouse Mohiuddin Sheikh . . . . .	24-4-1978
5	Shri Chanlavada Venkatrao . . . . .	24-4-1978
6	Shri Dinesh Goswami . . . . .	24-4-1978
7	Shri Robin Kakoti . . . . .	24-4-1978
8	Shri Ajit Kumar Sharma . . . . .	24-4-1978
9	Shri Pranab Chatterjee . . . . .	24-4-1978
10	Shri Ram Laxhan Prasad Gupta . . . . .	24-4-1978
11	Shri Shiva Chandra Jha . . . . .	24-4-1978
12	Shri Dayanand Sahaya . . . . .	24-4-1978
13	Shri Anant Prasad Sharma . . . . .	24-4-1978
14	Shri J.K.P.N. Singh . . . . .	24-4-1978
15	Shri Yogendra Sharma . . . . .	24-4-1978
16	Shri Ibrahim Kalaniya . . . . .	24-4-1978
17	Shri Piloo Mody . . . . .	24-4-1978
18	Shri Ghanshyambhai Oza . . . . .	24-4-1978

Sl.No.	Name of Members Sworn	Date on which sworn
19	Shri Manubhai Motilal Patel . . . . .	24-4-1978
20	Dr. Sarup Singh . . . . .	24-4-1978
21	Shri Sujan Singh . . . . .	24-4-1978
22	Shrimati Mohinder Kaur . . . . .	24-4-1978
23	Shri Ramakrishna Hegde . . . . .	24-4-1978
24	Shri H. R. Basavaraj . . . . .	24-4-1978
25	Shri Satchindananda . . . . .	24-4-1978
26	Shri Maqsood Ali Khan . . . . .	24-4-1978
27	Shri Baleshwar Dayal . . . . .	24-4-1978
28	Shrimati Jamuna Devi . . . . .	24-4-1978
29	Dr. Bhai Mahavir . . . . .	24-4-1978
30	Shri Bhagatram Manhar . . . . .	24-4-1978
31	Shri Ladli Mohan Nigam . . . . .	24-4-1978
32	Shri Sadashiv Bagaitkar . . . . .	24-4-1978
33	Shri Ganapat Hiralal Bhagat . . . . .	24-4-1978
34	Shri B. D. Khobragade . . . . .	24-4-1978
35	Shri A. G. Kulkarni . . . . .	24-4-1978
36	Shri N. K. P. Salve . . . . .	24-4-1978
37	Dr. Rafiq Zakaria . . . . .	24-4-1978
38	Shri Ng. Tompok Singh . . . . .	24-4-1978
39	Shri Alexander Warjri . . . . .	24-4-1978
40	Shri Dhaneswar Majhi . . . . .	24-4-1978
41	Shri Harekrushna Mallick . . . . .	24-4-1978
42	Shri Surendra Mohanty . . . . .	24-4-1978
43	Shri B. C. Pattanayak . . . . .	24-4-1978
44	Shrimati Rajinder Kaur . . . . .	24-4-1978
45	Shri Harkishan Singh Surjeet . . . . .	24-4-1978
46	Shri Harishankar Bhabhda . . . . .	24-4-1978
47	Shri Bhim Raj . . . . .	24-4-1978
48	Shri R. R. Moraka . . . . .	24-4-1978
49	Shri M. Moses . . . . .	24-4-1978

Sl. No.	Name of Members Sworn	Dated on which sworn
50	Shri V. V. Swaminathan . . . . .	24-4-1978
51	Dr. (Shrimati) Sathiavani Muthu . . . . .	24-4-1978
52	Shri Era Sezhiyan . . . . .	24-4-1978
53	Shri V. Venka . . . . .	24-4-1978
54	Shri G. C. Bhattacharya . . . . .	24-4-1978
55	Shri Kalraj . . . . .	24-4-1978
56	Shri Laxhan Singh . . . . .	24-4-1978
57	Shri Jagdish Prasad Mathur . . . . .	24-4-1978
58	Shri Narendra Singh . . . . .	24-4-1978
59	Shri Rameshwar Singh . . . . .	24-4-1978
60	Shri Abdul Rehman Sheikh . . . . .	24-4-1978
61	Dr. M. M. S. Siddhu . . . . .	24-4-1978
62	Shri Kamlapati Tripathi . . . . .	24-4-1978
63	Shri Surendra Mohan . . . . .	24-4-1978
64	Shri Amarprosad Chakraborty . . . . .	24-4-1978
65	Shri Sourendra Bhattacharjee . . . . .	24-4-1978
66	Shrimati Kanak Mukherjee . . . . .	24-4-1978
67	Shri Syed Shahedullah . . . . .	24-4-1978
68	Shri Jagan Nath Rao . . . . .	24-4-1978
69	Shrimati Fathema Ismail . . . . .	24-4-1978
70	Dr. Malcolm Sathiamathan Adiseshiah . . . . .	24-4-1978
71	Shri Pandurang Dharmaji Jadhav . . . . .	24-4-1978
72	Shri Bhagwati Charan Verma . . . . .	24-4-1978
73	Shrimati Sushila Shanker Adivarekar . . . . .	25-4-1978
74	Shri K. C. Pant . . . . .	25-4-1978
75	Shri V. Gopalsamy . . . . .	25-4-1978
76	Shri N. P. Chengalraya Naidu . . . . .	27-4-1978
77	Shri Ananda Pathak . . . . .	27-4-1978
78	Shrimati Vijaya Raje Scindia . . . . .	10-5-1978

## APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURE DURING THE PERIOD JANUARY 1, 1978 TO APRIL 30, 1978.

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
Andhra Pradesh L.C.	17-3-78 to 31-3-78	10	(5)	..	240(73)	12(a)	127(20)(b)
Andhra Pradesh L.A.	15-3-78 to 31-3-78	12	5(5)	..	573(318)(c)	137(235)(d)	164(23)
Assam L.A.	21-3-78 to 4-4-78	10	3(3)	..	1055(778)	1(22)	308(90)
Bihar L.C.	14-3-78 to 30-3-78	9	(2)	..	3570(1750)	618(356)	111(22)
Bihar L.A.	9-1-78 to 1-4-78	..	..	..	349(284)	163(284)	..
Gujarat L.A.	1-1-78 to 15-5-78	43	28(26)	11	1302(882)(c)	172(133)	6(3)(f)
Haryana L.A.	1-1-78 to 1-1-78	17	18(18)	..	334(302)	105(63)	6(4)
Himachal Pradesh L.A.	27-3-78 to 20-4-78	17	15(15)	..	77(75)	2(1)	11(3)
Jammu & Kashmir L.C.	27-2-78 to 12-4-78	22	4(5)	3	370(370)	4(4)	2(2)
Jammu & Kashmir L.A.	27-2-78 to 10-4-78	32	20(20)	4(1)	4006(1060)(i)	117(2)	10(4)
Karnataka L.C.	27-2-78 to 10-4-78	13	5(9)(g)	..	4035(2515)	1674(276)	32(3)
Karnataka L.A.	17-3-78 to 4-4-78	14	6(10)(h)	..	80(62)	..	1(1)
Kerala L.A.	17-3-78 to 4-4-78	23	17(17)	..	125(114)	27(27)	1(1)
Madhya Pradesh L.A.	6-2-78 to 22-3-78	28	22(22)	1	696(402)	241(119)	10(3)
Madhya Pradesh L.C.	23-2-78 to 26-4-78	28	22(22)	..	2313(811)	275(500)	48(1)
Maharashtra L.A.	23-3-78 to 3-4-78	6	7(4)	..	268(177)	1(1)	(9)6
Manipur L.A.	14-3-78 to 4-4-78	11	6(6)	..	1091(574)	326(326)	127(33)
Meghalaya L.A.	14-3-78 to 20-3-78	9	7(6)	..	193(173)	10(24)(1)	37(9)
Nagaland L.A.	4-1-78 to 13-1-78	26(j)	13(10)	1	..	..	..
Orissa L.A.	6-3-78 to 31-3-78	30	17(17)	..	..	..	..
Punjab L.A.	28-2-78 to 7-4-78	30	17(17)	..	..	..	..
Rajasthan L.A.	4-1-78 to 13-1-78	39	(30)(k)	..	..	..	..
Sikkim L.A.	6-3-78 to 31-3-78	39	14(14)	..	..	..	..
Tamil Nadu L.C.	30-12-78 to 24-6-78	39	(30)(k)	..	..	..	..
Tamil Nadu L.A.	20-2-78 to 7-4-78	39	14(14)	..	..	..	..
Tripura L.A.	24-1-78 to 27-1-78	10	4(4)	..	..	..	..
	10-3-78 to 22-3-78	10	4(4)	..	..	..	..

Uttar Pradesh L.C.	17-3-78	to	25-5-78	22(m)	14(14)	867(723)	58(57)	90(62)	
Uttar Pradesh L.A.				39	30(30)	1186(737)	1002(610)	74(14)	
West Bengal L.A.	15-2-78	to	5-5-78			(n)	(o)		
<i>Union Territories</i>									
Arunachal Pradesh L.A.	21-3-78	to	22-3-78	5	2(2)	23(23)	4(4)	..	
Delhi Metropolitan Council	20-3-78	to	26-4-78	26	11(11)	1104(922)	49(40)	3(2)	
Goa, Daman and Diu L.A.						(q)			
Mizoram L.A.	22-3-78	to	13-4-78	18	5(5)	386(390)	95(133)(r)	3(1)	
Pondicherry L.A.									

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

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

(a) Received as Starred Questions but admitted as Unstarred Questions.

(b) Out of 127, 56 Short Notice Questions admitted as Starred Questions.

(c) Includes 82 Short Notice Questions admitted as Ordinary Starred.

(d) Includes 82 Starred Notices admitted as Unstarred Questions and 17 Short Notice Questions admitted as Unstarred Questions.

(e) Includes 51 classified as Unstarred Questions.

(f) Includes 1 Short Notice Question classified as Starred.

(g) 4 Bills introduced in Council and 5 Bills received from the Legislative Assembly were passed. Two Bills were negatived when put to vote.

(h) Includes 4 Bills received from the Legislative Council.

(i) Figure 4006 includes Unstarred Questions also.

(j) Includes 8 sittings of the Winter (Second) Session and 18 sittings of the Budget (Third Session) of the Assembly.

(k) In all 30 Bills were passed by the Legislative Council or returned to the Assembly, as the case might be.

(l) Out of 24, 22 were received as Starred Questions but admitted as Unstarred Questions.

(m) From January 1 to April 30, 1978.

(n) Including Short Notice Questions converted into ordinary Starred Questions.

(o) Including Short Notice and Ordinary Starred Questions Converted as Ordinary Unstarred Questions.

(p) Out of 3, two were introduced on October 14, 1977.

(q) Includes 89 admitted as Unstarred Questions.

(r) Including Starred Questions converted as Unstarred.





Meghalaya LA	..	..	..	..	..	(1)	..	..	..	..	2(1)	..	..
Nagaland LA	..	..	..	..	..	..	..	..	..	2	..	..	..
Orissa LA	..	..	..	..	..	..	..	..	..	..	1	..	..
Punjab LA	..	6(4)	11(1)	..	5(1)	11(1)	25(1)	..	17(4)(f)	2	9	9(2)	1
Rajasthan LA	..	4(4)	18(1)	12	..	26(2)	13(2)	13(g)	15(2)	10	6	22(1)	21(4) 11
Sikkim LA	..	..	..	..	..	..	..	..	..	..	..	..	..
Tamil Nadu L.A.	..	6	6	..	..	1	8(1)	3(2)	..	..	1	..	10(3) .. 1(h)
Tamil Nadu LC	..	6	3(3)	..	..	2	..	..	..	..	..	..	..
Tripura L.A.	..	..	..	..	..	..	..	..	1	1	1	..	..
Uttar Pradesh LC	..	6	27	3	..	5	..	..	..	..	6	..	5
Uttar Pradesh LA	..	..	..	..	..	..	..	..	..	..	..	..	7(i)
West Bengal LA	..	..	12(12)	8	2	..	3(1)	8	..	8	..	1	..
Union Territories	..	..	..	..	..	..	..	..	..	..	..	3	4(1) ..
Andhra Pradesh LA	..	..	..	..	..	..	..	..	..	..	..	..	..
Delhi Metropolitan Council	..	..	6	..	..	..	..	..	..	..	..	..	16(i)
Goa, Daman and Diu LA	..	..	2(1)	3(2)	1	..	..	4(1)	..	3	..	1	2(3) ..
Mizoram LA	..	..	..	..	..	..	..	..	..	..	..	..	..
Pondicherry LA	..	..	1	4(1)	..	..	..	..	..	..	..	..	27(4) 1(1) ..

NOTE: Figure in brackets indicate the number of Reports presented to the House

- (a) Amenities Committee
- (b) Miscellaneous Matters Committee
- (c) Select Committee on the Gujarat Public Libraries Bill, 1977
- (d) Press Gallery Committee
- (e) Includes (i) J&K Registration of Tourist Trade Bill, 1978—7(i); (ii) J&K Taxation Laws (Amendment) Bill, 1978—5(1); (iii) J&K Irrigation Bill, 1978—5(1); (iv) J&K Handicrafts (Quality Control) Bill, 1978—3(1); (v) J&K Wild Life (Protection Bill) 1978—5(1); and (vi) J&K Agrarian Reforms (Amendment) Bill, 1978—6(1).
- (f) Including two Reports on Supplementary Estimates
- (g) Committee on Scheduled Tribes Welfare—9; and Committee on Scheduled Caste Welfare—4.
- (h) Select Committee on Tamil Nadu Agricultural Income Tax (Amendment) Bill, 1978.
- (i) Committee on Compilation of Ruling
- (j) Includes Committee on the Delhi Police Bill, 1977—13 Reports; and Committee on the Resolution regarding Conversion of N.D.M.C. into an elected body—3 Reports.

## APPENDIX IV

**LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT  
DURING THE PERIOD 1ST FEBRUARY 1978 TO 30TH APRIL, 1978**

	Assent by the Presi- dent
1 The Merchant Shipping (Amendment) Bill, 1978 . . . . .	13-3-78
2 The Child Marriage Restraint (Amendment) Bill 1978 . . . . .	13-3-78
3 The Appropriation (Vote on Account) Bill 1978 . . . . .	28-3-78
4 The Appropriation (Railways) Bill 1978 . . . . .	28-3-78
5 The Appropriation (Railways) No. 2 Bill, 1978 . . . . .	28-3-78
6 The Appropriation (Railways) No. 3 Bill, 1978 . . . . .	28-3-78
7 The Appropriation Bill 1978 . . . . .	29-3-78
8 The Appropriation (No. 2) Bill, 1978 . . . . .	29-3-78
9 The Mizoram Appropriation (Vote on Account) Bill . . . . .	1978 29-3-78
10 The Mizoram Appropriation Bill, 1978 . . . . .	29-3-78
11 The High Denomination Bank Notes (Demonestisation) Bill, 1978 . . . . .	30-3-78
12 The Public Wakfs (Extension of Limitation) (Delhi Amendment) Bill, 1978 . . . . .	30-3-78
13 The Hindustan Tractors Limited (Acquisition and Transfer of Undertakings); Bill 1978 . . . . .	31-3-78
14 The Interest Bill, 1978 . . . . .	31-3-78
15 The Children (Amendment) Bill, 1978 . . . . .	31-3-78
16 The Public Sector Iron and Steel Companies (Restructuring) and Miscellaneous Provisions Bill 1978 . . . . .	30-4-78

## APPENDIX V

**BILLS PASSED BY THE STATE LEGISLATURE DURING THE PERIOD JANUARY 1 TO  
APRIL 30, 1978.**

### **ANDHRA PRADESH LEGISLATIVE COUNCIL\***

1. The Andhra Pradesh Appropriation (Vote on Account) Bill, 1978.
2. The Andhra Pradesh Appropriation Bill, 1978.
3. The Public Wakfs (Extension of Limitation) (Andhra Pradesh Amendment) Bill, 1978.
4. The Andhra Pradesh General Sales Tax (Amendment) Bill, 1978.
5. The Andhra Pradesh Payment of Salaries and Pensions and Removal of Disqualifications (Amendment) Bill, 1978.

### **ASSAM LEGISLATIVE ASSEMBLY**

1. The Assam Finance Bill, 1978.
2. The Assam Appropriation (I) Bill, 1978.
3. The Assam Appropriation (Vote on Account) Bill, 1978.

### **BIHAR LEGISLATIVE COUNCIL**

1. Bihar Viniyog (Lekhanudan) Vidheyak, 1978.
2. Bihar Viniyog Vidheyak, 1978.

### **GUJARAT LEGISLATIVE ASSEMBLY**

1. The Gujarat Municipalities (Amendment and Validating Provisions) Bill, 1977.
2. The Gujarat Ancient Monuments and Archaeological Sites and Remains (Amendment) Bill, 1977.
3. The Dharangadhra Municipalities (Imposition of Taxes) (Validation) Bill, 1977.
4. The Bombay Provincial Municipal Corporations (Gujarat Amendment) Bill, 1977.
5. The Gujarat Education Cess (Validation) Bill, 1977.
6. The Gujarat State Guarantees (Amendment) Bill, 1977.
7. The Bombay Land Requisition (Gujarat extension of duration) Bill, 1977.
8. The Gujarat Panchayats (Amendment) Bill, 1978.

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\*These Bills have also been passed by the State Assembly.

9. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Bill, 1978.
10. The Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Bill, 1978.
11. The Gujarat Co-operative Societies (Amendment) Bill, 1978.
12. The Motor Vehicles (Gujarat Amendment) Bill, 1978.
13. The Bombay Prohibition (Gujarat Amendment) Bill, 1978.
14. The Societies Registration (Gujarat Amendment) Bill, 1978.
15. The Gujarat Panchayats (Second Amendment) Bill, 1978.
16. The Gujarat Municipalities (Amendment) Bill, 1978.
17. The Gujarat Ayurved University (Amendment) Bill, 1978.
18. The Bombay Police (Gujarat Amendment) Bill, 1977.
19. The Gujarat Entertainments Tax (Amendment) Bill, 1977.
20. The Gujarat State Tax on Professions, Trades, Callings and Employments (Amendment) Bill, 1978.
21. The Gujarat Tribal Development Corporation (Amendment) Bill, 1978.
22. The Gujarat University (Amendment) Bill, 1978.
23. The Bhavnagar University Bill, 1978.
24. The Gujarat (Supplementary) Appropriation Bill, 1978.
25. The Gujarat Appropriation Bill, 1978.
26. The Gujarat Appropriation (Excess Expenditure) Bill, 1978.

#### HARYANA LEGISLATIVE ASSEMBLY

1. The Haryana Private Colleges (Taking over of Management) Bill, 1978.
2. The Punjab Instruments (Control of Noises) Haryana Amendment Bill, 1978.
3. The Punjab Borstal (Haryana Amendment) Bill, 1978.
4. The Punjab Agricultural Produce Markets (Haryana Amendment) Bill, 1978.
5. The Haryana Appropriation Bill, 1978.
6. The Haryana Appropriation (No. 2) Bill, 1978.
7. The Punjab New Mandi Townships (Development) Haryana Amendments Bill, 1978.
8. The Punjab Village Common Lands (Regulation) Haryana Amendment Bill, 1978.
9. The Haryana Urban (Control of Rent and Eviction) Amendment Bill, 1978.
10. The Haryana General Sales Tax (Amendment) Bill, 1978.
11. The Punjab State Aid to Industries (Haryana Amendment) Bill, 1978.

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\*The Bills are awaiting assent.

12. The Punjab Cooperative Societies (Haryana Amendment) Bill, 1978.
13. The Haryana Appropriation (No. 3) Bill, 1978.
14. The Punjab Sugarcane (Regulation of Purchase and Supply) Haryana Amendment Bill, 1978.
15. The Punjab Labour Welfare Fund (Haryana Amendment) Bill, 1978.
16. The Punjab Gram Panchayat (Haryana Amendment) Bill, 1978.
17. The Haryana Agricultural Credit Operations and Miscellaneous Provisions (Banks) Amendment Bill, 1978.
18. The Haryana Ceiling on Land Holdings (Amendment) Bill, 1978.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Himachal Pradesh Panchayati Raj (Amendment) Bill, 1978.
2. The Himachal Pradesh State Aid to Industries (Amendment) Bill, 1978.
3. The Himachal Pradesh Road Side Land Control (Amendment) Bill, 1978.
4. The Himachal Pradesh General Sales Tax (Amendment) Bill, 1978.
5. The Himachal Pradesh Appropriation Bill, 1978 (Bill No. 6 of 1978).
6. The Himachal Pradesh Appropriation Bill, 1978 (Bill No. 7 of 1978).
7. The Himachal Pradesh Land Preservation Bill, 1978.
8. The Himachal Pradesh Debt Reduction (Amendment) Bill, 1978.
9. The Himachal Pradesh Repealing Bill, 1978.
10. The Himachal Pradesh Water Supply (Amendment) Bill, 1978.
11. The Himachal Pradesh Cooperative Societies (Amendment) Bill, 1978.
12. The Indian (Himachal Pradesh Amendment) Bill, 1978.
13. The Himachal Pradesh Taxation (On Certain Goods Carried by Road) (Amendment) Bill, 1978.
14. The Himachal Pradesh Appropriation Bill, 1978.
15. The Himachal Pradesh Urban Rent Control (Amendment) Bill, 1978.

JAMMU & KASHMIR LEGISLATIVE ASSEMBLY

1. J & K Representation of People (Amendment) Bill, 1978.
2. J & K Wakfs Bill, 1978.
3. J & K Forest Corporation Bill, 1978.
4. J & K Motor Spirit & Diesel Oil (Taxation of Sales) (Amendment) Bill, 1978.
5. J & K State Evacuee's Property (Second Amendment) Bill, 1978.
6. J & K Good Conduct Prisoners (Temporary release) Bill, 1978.

7. J & K Public Safety Bill, 1978.
8. J & K Houses & Shops Rent Control (Amendment) Bill, 1978.
9. J & K Appropriation Bill. (1977-78).
10. J & K Appropriation Bill, (1976-79).
11. J & K Town Planning (Amendment) Bill, 1978.
12. J & K Co-operative Societies (Amendment) Bill, 1978.
13. J & K Taxation Laws (Second Amendment) Bill, 1978.
14. J & K Co-operative Societies (Second Amendment) Bill, 1978.
15. J & K Registration of Tourist Trade Bill, 1978.
16. J & K Taxation Laws (Amendment) Bill, 1978.
17. J & K Irrigation Bill, 1978.
18. J & K Handicrafts (Quality Control) Bill, 1978.
19. J & K Wild Life (Protection) Bill, 1978.
20. J & K Agrarian Reforms (Amendment) Bill, 1978.

#### JAMMU & KASHMIR LEGISLATIVE COUNCIL

1. A Bill to amend the J & K Forest Act, Svt. 1987.
2. A Bill to amend the J & K Utilization of Lands Act Svt. 2010.
3. A Bill to amend the J & K State Evacuees (Administration of Property) Act, Svt. 2206.
4. A Bill to amend the Infant Marriages Prevention Act, Svt. 1985.
5. A Bill to amend the Code of Criminal Procedure Svt. 1989.
6. A Bill to amend the J & K Representation of People Act, 1957.
7. A Bill to provide for the improvement of Quality of Handicrafts of the J & K.
8. A Bill to provide for protection of wild animals and for matters connected therewith or ancillary or incidental thereto.
9. A Bill to amend the J & K Agrarian Reforms Act, 1976.
10. The Jammu and Kashmir Appropriation Bill, 1978.
11. The Jammu & Kashmir Appropriation Bill, 1978.
12. A Bill to provide for the registration of persons dealing with tourists and for matters connected therewith.
13. A Bill to provide for regulation of Irrigation and Drainage and for levy of assessment of water rates and matters connected therewith.
14. A Bill to amend the General Sales Tax Act 1962 and the Stamp Act, Svt. 1977.
15. A Bill to provide better administration and supervision of Wakfs in the State.
16. A Bill to provide for establishment of Corporation for better preservation, supervision and development of forests and better exploitation of forests produce within the State for matters connected therewith.

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Karnataka Rent Control (Amendment) Bill, 1978.
2. The Karnataka Radio-Electrical Manufacturing Company. (Acquisition of Shares) Bill, 1978.
3. The Mysore Porcelains (Acquisition of Shares) Bill, 1978.
4. The Public Wakfs (Extension of Limitation) (Karnataka) Amendment Bill, 1978 as passed by Legislative Council.
5. The Karnataka Appropriation Bill, 1978.
6. The Karnataka Appropriation (Vote on Accounts) Bill, 1978.
7. \*The Karnataka Co-operative Societies (Amendment) Bill, 1978.
8. The Karnataka Societies Registration (Amendment) Bill, 1978.
9. The Karnataka Civil Courts (Amendment) Bill, 1978.
10. The Karnataka State Universities (Amendment) Bill, 1978.

KARNATAKA LEGISLATIVE COUNCIL

1. The Karnataka Civil Courts (Amendment) Bill, 1978.
2. The Public Wakfs (Extension of Limitation) (Karnataka Amendment) Bill, 1978.
3. The Karnataka Societies Registration (Amendment) Bill, 1978.
4. The Karnataka State Universities (Amendment) Bill, 1978.
5. The Karnataka Rent Control (Amendment) Bill, 1978.
6. The Karnataka Radio and Electrical Manufacturing Company (Acquisition of Shares) Bill, 1978.
7. The Mysore Porcelains (Acquisition of Shares) Bill, 1978.
8. The Karnataka Appropriation Bill, 1978.
9. The Karnataka Appropriation (Vote on Account) Bill, 1978.

KERALA LEGISLATIVE ASSEMBLY

1. The Prohibition (Amendment) Bill, 1978.
2. The Irrigation Laws (Amendment) Bill, 1978.
3. The Valiamma Thampuram Kovilakom Estate and the Palace Fund (Partition) and Kerala Joint Hindu Family System (Abolition) Amendment Bill, 1978.
4. The Kerala Contingency Fund (Amendment) Bill, 1978.
5. The Kerala Private Forests (Vesting and Assignment) Amendment Bill, 1978.

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\*Awaiting assent.



6. The Kerala Panchayats (Amendment) Bill, 1978.
7. The Kerala Appropriation Bill, 1978.
8. The Kerala Municipalities (Amendment) Bill, 1978.
9. The Kerala Panchayats (Amendment) Bill, 1978.
10. The Kerala Land Reforms (Amendment) Bill, 1978.
11. The Guruvayoor Devaswom Bill, 1978.
12. The Kerala Municipal Councils (Extension of term of Office of Councillors) Bill, 1978.
13. The Trivandrum Municipal Corporation (Dissolution) Amendment Bill, 1978.
14. The Calicut Municipal Corporation (Extension of time for Reconstitution) Amendment Bill, 1978.
15. The Kerala Municipal Corporations (Amendment) Bill, 1978.
16. The Kerala Co-operative Land Mortgage Banks (Amendment) Bill, 1978.
17. The Kerala Appropriation (Vote on Account) Bill, 1978.

#### MADHYA PRADESH VIDHAN SABHA

1. The Court Fees (Madhya Pradesh Amendment) Bill, 1978.
2. The Madhya Pradesh Industrial Relations (Amendment) Bill, 1978.
3. The Madhya Pradesh Vritti Vyapar Ajivika Aur Sevayojan Kar (Sanshodhan) Bill, 1978.
4. The Madhya Pradesh Lok Abhikarno Ke Madhyam Se Bis Sutriya Karyakram Ka Karyanvayan (Nirsan) Bill, 1978.
5. The Madhya Pradesh Appropriation Bill, 1978.
6. The Madhya Pradesh Panchayats (Amendment) Bill, 1978.
7. \*The Code of Criminal Procedure (Madhya Pradesh) (Amendment) Bill, 1978.
8. The Madhya Pradesh Co-operative Societies (Amendment) Bill, 1978.
9. The Madhya Pradesh Krishi Upaj Mandi (Sanshodhan) Bill, 1978.
10. The Madhya Pradesh Vishwavidyalaya (Sanshodhan) Bill, 1978.
11. The Madhya Pradesh Appropriation (Votes on Account) Bill, 1978.
12. The Madhya Pradesh Lok Parisar (Be dakhali) Sanshodhan Bill, 1978.
13. The Madhya Pradesh Municipal Laws (Amendment) Bill, 1978.
14. The Madhya Pradesh Sthaniya Nidhi Sampariksha (Sanshodhan) Bill, 1978.
15. The Madhya Pradesh Appropriation (No. 2) Bill, 1978.
16. The Madhya Pradesh Land Revenue Code (Amendment) Bill, 1978.

\*Awaiting Assent.

17. \*The Madhya Pradesh Sahayata Upkram (Vishesh Upabandh) Bill, 1978.
18. \*The Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapkon Tatha Anya Karmcharyon Ka Sandaya) Bill, 1978.
19. The Madhya Pradesh Motor Vehicles (Amendment) Bill, 1978.
20. The Madhya Pradesh Gramodyog Bill, 1978.
21. The Madhya Pradesh Vidhan Sabha Sadasya Vetan Bhatta Tatha Pension (Sanshodhan) Bill, 1978.
22. The Madhya Pradesh Mantri Velan Tatha Bhalla (Sanshodhan) Bill, 1978.

MANIPUR LEGISLATIVE ASSEMBLY

1. \*The Manipur Official Language Bill, 1978.
2. \*The Manipur Ancient and Historical Monuments and Archaeological Sites and Remains (Amendment) Bill, 1978.
3. \*The Manipur Municipalities (Second Amendment) Bill, 1978.
4. \*The Lainingthou Sanamahi Temple (Amendment) Bill, 1978.

MEGHALAYA LEGISLATIVE ASSEMBLY

1. The Meghalaya Appropriation (No. 1) Bill, 1978.
2. The Meghalaya Appropriation (Vote on Account) Bill, 1978.
3. The Meghalaya Finance Bill, 1978.
4. The Meghalaya Finance (Sales Tax) (Amendment) Bill, 1978.
5. The Meghalaya Minister's (Salaries and Allowances) Bill, 1978.
6. The Meghalaya (Municipal Garo Hills Autonomous District) Bill, 1978.

NAGALAND LEGISLATIVE ASSEMBLY

1. The Nagaland Appropriation (No. 1) Bill, 1978.
2. The Nagaland Appropriation (No. 2) Bill, 1978.
3. The Nagaland Appropriation (No. 3) Bill, 1978.
4. \*The Arbitration (Extension to Nagaland) Bill, 1978.
5. \*The Nagaland Essential Services (Maintenance) Bill, 1978.
6. \*The Nagaland Khadi & Village Industries Board, 1978.

PUNJAB VIDHAN SABHA

1. The Punjab Agricultural Produce Markets (Amendment) Bill, 1978.
2. The Punjab Panchayat Samities and Zila Parishads (Amendment) Bill, 1978.
3. The Punjab Co-operative Societies (Amendment) Bill, 1978.
4. The Punjab General Sales Tax (Amendment and Validation) Bill, 1978.

\*Awaiting assent.

5. The Punjab Appropriation Bill, 1978.
6. The Code of Criminal Procedure (Punjab Amendment) Bill, 1978.
7. The Punjab Co-operative Societies (Second Amendment) Bill, 1978.
8. The Punjab Appropriation (No. 2) Bill, 1978.
9. The Indian Electricity (Punjab Amendment and Validation) Bill, 1978.
10. The Punjab Appropriation (No. 3) Bill, 1978.

#### RAJASTHAN LEGISLATIVE ASSEMBLY

1. The Rajasthan Appropriation (No. 1) Bill, 1978.
2. The Rajasthan Appropriation (No. 2) Bill, 1978.
3. The Rajasthan Finance Bill, 1978.
4. The Rajasthan Housing Board (Amendment) Bill, 1978.
5. The Rajasthan Commercial Crops Cess (Repeal) Bill, 1978.
6. The Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Bill, 1978.
7. The Rajasthan Agricultural Produce Markets (Amendment) Bill, 1978.

#### TAMIL NADU LEGISLATIVE COUNCIL

1. The Tamil Nadu Debt Relief Laws (Amendment) Bill, 1978.
2. The Tamil Nadu Cultivating Tenants (Protection from Eviction) Amendment Bill, 1978.
3. The Madurai City Municipal Corporation (Amendment) Bill, 1978.
4. The Madras City Municipal Corporation (Amendment) Bill, 1978.
5. The Tamil Nadu Municipal Corporation (Amendment) Bill, 1978.
6. The Coimbatore Municipal Council (Appointment of Special Officers) Amendment Bill, 1978.
7. The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) Amendment Bill, 1978.
8. The Tamil Nadu Panchayats (Extension of Term of Office) Amendment Bill, 1978.
9. The Tamil Nadu Panchayat (Amendment) Bill, 1978.
10. The Tamil Nadu Local Authorities' Laws (Amendment) Bill, 1978.
11. The Tamil Nadu Panchayats (Second Amendment) Bill, 1978.
12. The Tamil Nadu Nuclear Installations (Regulation of Buildings and use of Land) Bill, 1978.
13. \*The Tamil Nadu Ground Water (Control and Regulation) Bill, 1978.

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\*Awaiting assent.

14. The Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Temporary Relief) Bill, 1978.
15. The Tamil Nadu Appropriation Bill, 1978.
16. The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Bill, 1978.
17. The Tamil Nadu Appropriation (No. 2) Bill, 1978.
18. The Tamil Nadu Appropriation (No. 3) Bill, 1978.
19. The Tamil Nadu Appropriation (No. 4) Bill, 1978.
20. \*The Madras Metropolitan Water Supply and Sewerage Bill, 1978.
21. The Tamil Nadu Sales of Motor Spirit Taxation (Amendment) Bill, 1978.
22. The Tamil Nadu General Sales Tax (Amendment) Bill, 1978.
23. The Tamil Nadu District Municipalities (Amendment) Bill, 1978.
24. \*The Tamil Nadu Electricity Board (Recovery of Dues) Bill, 1978.
25. \*The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Bill, 1978.
26. The Tamil Nadu Urban Land (Ceiling and Regulation) Bill, 1978.
27. \*The Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Bill, 1978.
28. \*The Tamil Nadu Motor Vehicles Taxation (Amendment) Bill, 1978.
29. \*The Tamil Nadu Debt Relief Laws (Amendment) Bill, 1978.
30. \*The Perarignar Anna University of Technology Bill, 1978.

#### TAMIL NADU LEGISLATIVE ASSEMBLY

1. The Madras Metropolitan Water Supply and Sewerage Bill, 1978.
2. The Tamil Nadu Motor Spirit Taxation (Amendment) Bill, 1978.
3. The Tamil Nadu General Sales Tax (Amendment) Bill, 1978.
4. The Tamil Nadu Electricity Board (Amendment) Bill, 1978.
5. The Tamil Nadu Motor Vehicles Taxation (Amendment) Bill, 1978.
6. The Tamil Nadu Land Reforms (Fixation of Ceiling of Land) Bill, 1978.
7. The Tamil Nadu Urban Land (Ceiling and Regulation) Bill, 1978.
8. The Tamil Nadu Appropriation (No. 2) Bill, 1978.
9. The Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Bill, 1978.
10. The Tamil Nadu Appropriation (No. 3) Bill, 1978.
11. The Tamil Nadu Appropriation (No. 4) Bill, 1978.
12. The Tamil Nadu Agricultural Income Tax (Amendment) Bill, 1978.
13. The Tamil Nadu Debt Relief Laws (Second Amendment) Bill, 1978.
14. The Perarignar Anna University of Technology Bill, 1978.

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\*Awaiting assent.

## TRIPURA LEGISLATIVE ASSEMBLY

1. The Tripura Appropriation (Vote on Account) Bill, 1978.
2. The Tripura Appropriation (No. 2) Bill, 1978.
3. \*The Tripura Educational Institutions (Taking over of Management) (Second Amendment) Bill, 1978.
4. The United Provinces Panchayat Raj (Tripura Amendment) Bill, 1978.

## UTTAR PRADESH LEGISLATIVE ASSEMBLY

1. Uttar Pradesh Viniyog (1977-78 Ka Anupurak) Vidheyak, 1978.
2. Uttar Pradesh Pratisthani Majdoor Niyojan Vidheyak, 1978.
3. Uttar Pradesh Udyogik Shanti (Majdoori Ka yatha Sandaya) Vidheyak, 1978.
4. Uttar Pradesh Viniyog Lekhanudaan Vidheyak, 1978.
5. Uttar Pradesh Krishi Utpadan Mandi Vidhi Sanshodhan Vidheyak, 1978.
6. Society Registrikaran Uttar Pradesh Sanshodhan Vidheyak, 1978.
7. Uttar Pradesh Nagar Swayatya Shashan Vidhi (Dwiteeya Sanshodhan) Vidheyak, 1978.
8. Uttar Pradesh Shram Kalyan Nidhi Sanshodhan Vidheyak, 1978.
9. Uttar Pradesh Aabkaari (Sanshodhan) Vidheyak, 1978.
10. Uttar Pradesh Zamindaari Vinas aur Vidhiyon ka Sanshodhan Vidheyak. 1978.
11. Uttar Pradesh Bhoomi Vidhi Sanshodhan Vidheyak, 1978.
12. Uttar Pradesh Motor Spirit Diesel Oil tatha Alkohol Bikri Kradhan (Sanshodhan) Vidheyak, 1978.
13. Uttar Pradesh Kradhan Vidhi Sanshodhan aur Vaidhikaran Vidheyak, 1978.
14. Aawashyak Vastu Uttar Pradesh Sanshodhan Vidheyak, 1978.

## WEST BENGAL LEGISLATIVE ASSEMBLY

1. The West Bengal Molasses Control (Amendment) Bill, 1978.
2. The Registration (West Bengal Amendment) Bill, 1978.
3. The West Bengal Homoeopathic System of Medicine (Amendment) Bill. 1978.
4. The West Bengal Board of Secondary Education (Amendment) Bill, 1978.
5. The Netaji Nagar College (Taking over of Management) Bill, 1978.
6. The Sree Balaram Seva Mandir Acquisition Bill, 1978.
7. The Bidhan Chandra Krishi Viswa Vidyalaya (Temporary-Supersession) Bill, 1978.

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\*Awaiting assent.

8. The North Bengal University (Temporary Supersession) Bill, 1978.
9. The Burdwan University (Temporary Supersession) Bill, 1978.
10. The Calcutta University (Temporary Supersession) Bill, 1978.
11. The Kalyani University (Temporary Supersession) Bill, 1978.
12. The West Bengal Municipal Employees (Compulsory Retirement) Repealing Bill, 1978.
13. The West Bengal Panchayat Amending Bill, 1978.
14. The West Bengal Panchayat (Amendment) Bill, 1978.
15. The Bengal (Rural) Primary Education (Amendment) Bill, 1978.
16. The West Bengal Taxation Laws (Amendment) Bill, 1978.
17. The West Bengal Pre-University, University Entrance and Three-year Degree Course (Discontinuance of Admission for Prosecution of Study) Bill, 1978.
18. \*The West Bengal Highways (Amendment) Bill, 1978.
19. \*The West Bengal Restoration of Alienated Land (Amendment) Bill, 1978.
20. The West Bengal Colleges (Payment of Salaries) Bill, 1978.
21. \*The Calcutta Municipal (Amendment) Bill, 1978.
22. \*The West Bengal Estates Acquisition (Amendment) Bill, 1978.
23. \*The West Bengal Premises Tenancy (Amendment) Bill, 1978.
24. \*The Calcutta Thika Tenancy Stay of Proceedings (Temporary Provisions) Bill, 1978.
25. The West Bengal Appropriation, Bill, 1978.
26. The West Bengal Appropriation (No. 2) Bill, 1978.
27. \*The West Bengal Agricultural Produce Marketing (Regulation) (Amendment) Bill, 1978.
28. The Bengal Electricity Duty (Amendment) Bill, 1978.
29. The Indian Tolls (West Bengal Amendment) Bill, 1978.
30. \*The Motor Vehicles (West Bengal Amendment) Bill, 1978.

#### ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

1. Arunachal Pradesh Appropriation Bill, 1978.
2. Arunachal Pradesh Appropriation (No. 2) Bill, 1978.

#### GOA, DAMAN AND DIU LEGISLATIVE ASSEMBLY

1. The Goa, Daman and Diu Sales Tax (Amendment) Bill, 1978.
2. The Goa, Daman and Diu Excise Duty (Amendment) Bill, 1978.
3. \*The Goa, Daman and Diu Prevention of Cow Slaughter Bill, 1978.
4. The Goa, Daman and Diu Barge (Taxation on Goods) Bill, 1978.
5. The Goa, Daman and Diu Land Revenue Code (Amendment) Bill, 1978.

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\*Awaiting assent.

6. \*The Goa, Daman and Diu Municipalities (Amendment) Bill, 1978.
7. The Goa, Daman and Diu Supplementary Appropriation Bill, 1978.
8. The Goa, Daman and Diu Appropriation Bill, 1978.
9. \*The Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Bill, 1978.
10. The Goa, Daman and Diu Agricultural Indebtedness (Temporary Relief) (Amendment) Bill, 1978.
11. The Goa, Daman and Diu Appropriation Bill, 1978.
12. \*The Goa, Daman and Diu Mundkars (Protection from Eviction) (Second Amendment) Bill, 1977.
13. The Goa, Daman and Diu Buildings (Lease, Rent and Eviction Control) (Amendment) Bill, 1977.
14. \*The Goa, Daman and Diu Agricultural Tenancy (Amendment) Bill, 1978.

PONDICHERRY LEGISLATIVE ASSEMBLY

1. \*The Pondicherry Survey and Boundaries (Amendment) Bill, 1978.
2. The Appropriation (Vote on Account) Bill, 1978.
3. The Appropriation Bill, 1978.
4. The Appropriation (No. II) Bill, 1978.
5. \*The Pondicherry General Sales Tax (Amendment) Bill, 1978.

APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT DURING THE PERIOD 1ST FEBRUARY, 1978 TO 30TH APRIL, 1978 AND THE STATE GOVERNMENTS DURING THE PERIOD 1ST JANUARY, 1978 TO 30TH APRIL, 1978.

S. No.	Subject	Date of promulgation	Date on which laid before the House	Date of Cessation	Remarks
<b>CENTRAL GOVERNMENT</b>					
—NIL—					
<b>STATE GOVERNMENTS</b>					
<b>ANDHRA PRADESH</b>					
1.	The Public Wakfs (Extension of Limitation) (Andhra Pradesh Amendment) Ordinance, 1978.	6-1-78	17-3-78	25-4-78	Replaced by legislation.
2.	The Andhra Pradesh General Sales Tax (Amendment) Ordinance, 1978	Do.	Do.	Do.	Do.
<b>GUJARAT</b>					
1.	The Gujarat Minor Forest Produce, Trade Nationalisation Ordinance, 1978	7-4-78			
<b>HIMACHAL PRADESH</b>					
1.	The Himachal Pradesh Panchayat Raj (Amendment) Ordinance, 1978	20-2-78	27-3-78	20-4-78	Replaced by legislation.
<b>JAMMU &amp; KASHMIR</b>					
1.	J & K Representation of the People (Amendment) Ordinance, 1978	27-2-78	..	..	Replaced by legislation.
2.	J & K Public Safety Ordinance, 1978	27-2-78	..	..	Do.



Sl. No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
	<b>KARNATAKA</b>				
	<b>KEBALA</b>				
1.	Karnataka Contingency Fund (Temporary Amendment) Ordinance, 1978	8-3-78	18-3-78	2-4-78	
1.	The Valiamma Thampuram Kovilakam Estate and the Palace Fund (Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Ordinance, 1978.				
2.	The Kerala Contingency Fund (Amendment) Ordinance, 1978				
3.	The Kerala Essential Services Maintenance Ordinance, 1978				
4.	The Kerala Co-operative Land Mortgage Banks (Amendment) Ordinance, 1978				
5.	The Kerala Municipal Councils (Extension of Term of Office of Councillors) Ordinance, 1978				
6.	The Trivandrum Municipal Corporation (Dissolution) Amendment Ordinance, 1978				
7.	The Calicut Municipal Corporation (Extension of Time for Reconstitution) Amendment Ordinance, 1978				
8.	The Kerala Municipal Corporations (Amendment) Ordinance, 1978				
9.	The Kerala Additional Sales Tax Ordinance, 1978				
10.	The Kerala General Sales Tax (Amendment) Ordinance, 1978				
11.	The Local Authorities Laws (Amendment) Ordinance, 1978				
12.	The University Laws (Amendment) Ordinance, 1978				

MADHYA PRADESH

		13-1-78	27-2-78	Replaced by legisla- tion.
1.	The Madhya Pradesh Vishwa Vidyalaya (Sanshodhan) Adhyadesh, 1978 .			Do.
2.	The Madhya Pradesh Lok Parisar (Bedakhali Sanshodhan) Adhyadesh, 1978 .	25-1-78	Do.	Do.
3.	The Madhya Pradesh Panchayat (Sanshodhan) Adhyadesh, 1978 . . . . .	28-1-78	Do.	Do.

MEGHALAYA

1	The Meghalaya Municipal (Garo Hills Autonomous District) Ordinance, 1978 .	10-1-78	21-3-78	21-3-78
2	The Meghalaya Contingency Fund (Augmentation of Corpus) Ordinance, 1978 .	Do.	Do.	Do.
3	The Meghalaya Appropriation Ordinance, 1978 . . . . .	Do.	Do.	Do.
4	The Meghalaya Finance (Sales Tax) Amendment Ordinance, 1978 . . . . .	Do.	Do.	Do.

PUNJAB

		30-8-77	5-1-78	Replaced by legis- lation.
1	The Punjab General Sales Tax (Amendment and Validation) Ordinance, 1977 .			
2	The Punjab General Sales Tax (Amendment and Validation) Ordinance, 1977 .			
3	The Punjab Agricultural Produce Markets (Second Amendment) Ordinance, 1977 .	10-11-77	Do.	Do.
4	The Punjab Cooperative Societies (Amendment) Ordinance, 1977 . . . . .	16-11-77	Do.	Do.
5	The Punjab Panchayat Samities and Zila Parishads (Second Amendment) Ordinance, 1977 . . . . .	12-12-77	Do.	Do.
6	The Indian Electricity (Punjab Amendment and Validation) Ordinance, 1978 .	23-2-78	9-3-78	Do.

TAMIL NADU

1.	The Madurai City Municipal Corporation (Second Amendment) Ordinance, 1978	29-10-77	30-12-77	Do.
2.	The Madras City Municipal Corporation (Amendment) Ordinance, 1978 . . . . .	28-11-77	Do.	Do.

Sl. No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
3.	The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Ordinance, 1977	7-12-77	Do.	Do.	Do.
4.	The Tamil Nadu Municipal Councils (Appointment of Special Officer) Second Amendment Ordinance, 1977	26-12-77	31-12-77		Do.
5.	The Coimbatore Municipal Council (Appointment of Special Officers) Second Amendment Ordinance, 1977	Do.	Do.		Do.
TRIPURA					
1.	The Tripura Educational (Institutions Taking over of Management) (Second Amendment) Ordinance, 1978	10-2-78	10-3-78	After 6 weeks from 10-3-78	Do.
UTTAR PRADESH					
1.	Uttar Pradesh Aabkari Sanshodhan Adhyadesh, 1978	21-1-78	20-3-78		
2.	Uttar Pradesh Intermediate Shiksha (Sanshodhan) Adhyadesh	Do.	Do.		
3.	Uttar Pradesh Bhoomi Vidhi Sanshodhan, Adhyadesh, 1978	Do.	Do.		
4.	Uttar Pradesh Aabkari (Dwitiya Sanshodhan) Adhyadesh, 1978	7-2-78	Do.		
5.	Society Registrakaran Uttar Pradesh Sanshodhan Adhyadesh, 1978	27-2-78	Do.		
6.	Uttar Pradesh Motor Spirit Diesel Oil tatha Alcohol Bikri Kradhan (Sanshodhan) Adhyadesh, 1978	6-1-78	Do.		
7.	Aawashyak Vastu Uttar Pradesh Sanshodhan Adhyadesh, 1978	23-2-78	Do.		
8.	Uttar Pradesh Pratishthani Majdoor Niyojan Adhyadesh, 1978	3-1-78	20-3-78		
9.	Uttar Pradesh Nagar Yojna aur Vikas (Sanshodhan) Adhyadesh, 1978	30-12-77	Do.		
10.	Uttar Pradesh Kradhan Vidhi (Sanshodhan aur Viadhikaran) Adhyadesh, 1977	Do.	Do.		

11.	Uttar Pradesh Nagar Swayatiya Shashan Vidhi (Dwiteeya) Sanshodhan Adhyadesh, 1977	30-11-77	20-3-78	
12.	Uttar Pradesh Krishi Utpadan.Mandi Vidhi (Sanshodhan) Adhyadesh, 1977	29-12-77	Do.	
13.	Uttar Pradesh Shram Kalyan Nidhi (Sanshodhan) Adhyadesh, 1977	30-12-77	Do.	
WEST BENGAL				
1.	The West Bengal Homoeopathic System of Medicine (Amendment) Ordinance, 1977	23-11-77	16-2-78	29-3-78 Replaced by legislation.
2.	The West Bengal Panchayat Amending Ordinance, 1977	28-11-77	Do.	Do.
3.	The Bidhan Chandra Krishi Viswa Vidhyalaya (Temporary Supersession) Ordinance, 1977	8-12-77	Do.	Do.
4.	The West Bengal Municipal Employees (Compulsory Retirement) Repealing Ordinance, 1977	23-12-77	Do.	Do.
5.	The West Bengal Panchayat (Amendment) Ordinance, 1978	9-1-78	Do.	Do.
6.	The Calcutta University (Temporary Supersession) Ordinance, 1978	12-1-78	Do.	Do.
7.	The Burdwan University (Temporary Supersession) Ordinance, 1978	Do.	Do.	Do.
8.	The North Bengal University (Temporary Supersession) Ordinance, 1978	Do.	Do.	Do.
9.	The Kalyani University (Temporary Supersession) Ordinance, 1978	Do.	Do.	Do.
10.	The West Bengal Pre-University, University Entrance and Three-years Degree Course (Discontinuance of Admission For Prosecution of Study) Ordinance, 1978	13-1-78	Do.	Do.
11.	The West Bengal Board of Secondary Education (Amendment Ordinance) 1978	19-1-78	Do.	Do.
12.	The West Bengal Colleges (Payment of Salaries) Ordinance, 1978	3-2-78	Do.	Do.
13.	The Netaji Nagar College (Taking over of Management) Ordinance, 1978	14-2-78	Do.	Do.

## APPENDIX VII

A. PARTY POSITION IN LOK SABHA  
(As on July 1, 1978)

Sl. No.	Name of State/Union Territory	Seats	Janata	Cong. (I)	Cong.	CPI(M)	ALAD MK	Other Parties	Unattached	Total	Vacant
1.	Andhra Pradesh .	42	3	26	12	..	..	..	1	42	..
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 and Kashmir .	6	1	..	3	..	..	2(a)	..	6	..
8.	Karnataka	28	3	15	7	..	..	..	1	26	1
9.	Kerala .	20	..	2	9	..	..	9(b)	..	20	..
10.	Madhya Pradesh	40	37	1	..	..	..	1(c)	1	40	..
11.	Maharashtra .	48	17	6	13	3	..	7(d)	2	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	..	..	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	3	8	6	18	3(f)	1	39				39
20. Tripura . . . . .	2	1	..	1	..	..	..	2	..	..	..	2
21. Uttar Pradesh . . . . .	85	83	1	..	..	..	..	84	1	..	..	84
22. West Bengal . . . . .	42	16	1	2	17	6(g)	..	42		..	..	42
(ii) Union Territories												
23. Andaman & Nicobar . . . . .	1	..	1	..	..	..	..	1	..	..	..	1
24. Arunachal Pradesh . . . . .	2	1	..	..	..	..	1	2				2
25. Chandigarh . . . . .	1	1	..	..	..	..	..	1				1
26. Dadra & Nagar Haveli . . . . .	1	..	1	..	..	..	..	1				1
27. Delhi . . . . .	7	7	..	..	..	..	..	7				7
28. Goa, Daman and Diu . . . . .	2	..	..	1	..	..	1	2				2
29. Lakshadweep . . . . .	1	..	..	..	..	..	..	1				1
30. Mizoram . . . . .	1	..	..	..	..	..	1	1				1
31. Pondicherry . . . . .	1	..	..	..	1	..	..	1		..	..	1
Anglo-Indian . . . . .	2	1	..	..	..	..	1	2		..	..	2
<b>TOTAL</b> . . . . .	<b>544</b>	<b>303</b>	<b>75</b>	<b>67</b>	<b>22</b>	<b>19</b>	<b>37</b>	<b>540</b>	<b>17</b>	<b>3</b>	<b>3</b>	<b>540</b>

•Excluding the Speaker.

- (a) National Conference-2.
- (b) CPI-4, Kerala Congress-2, Muslim League-2, RSP-1.
- (c) RPI (Khobargad)-1.
- (d) Peasant & Workers Party-6, RPI (Khobargad)-1.
- (e) Akali Dal-9.
- (f) CPI-3.
- (g) RSP-3, FB-3.

## B. PARTY POSITION IN THE RAJYA SABHA (As on 1-7-1978).

State/Union Territories	Total Janata No. of Seats	Cong. (I)	AIA DMK	CPI (M)	ML (M)	DMK (M)	AKALI DAL (KB)	RPI FB	PWP RSP	KML IND.	NOM Vacan- cies
Andhra Pradesh .	18	4	7	7							..
Assam	7	2	2	2						1	
Bihar	22	6	7	3	3	..				3	..
Gujarat	11	7	4							..	..
Haryana . .	5	3	1							1	..
Himachal Pradesh	3	1	2							..	..
Jammu & Kashmir	4	1	2	2						1	..
Karnataka .	12	1	7	1	..	..				..	1
Kerala .	9		3	1	3	1				1	..
Madhya Pradesh	16	5	4	6	..	..	..	..		1	..
Maharashtra	19	2	7	6	..	..	1	1		2	..
Manipur .	1	1								..	..
Meghalaya	1									1	..
Nagaland .	1	1									..
Orissa	10	7	2	1		..	..	..			..
Punjab	7	..	1	3	1	..	1			..	..





## C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	C. PARTY POSITION IN STATE LEGISLATURES											Total Vacancies
	2	3	4	5	6	7	8	9	10	11	12	
	Seats	Janata	Cong. (I)	Cong.	CPI(M)	CPI	AIAD MK	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
Gujarat L.A. (As on 1-5-78)	182	109	32	10	..	..	..	..	4(e)	6(f)	181	1
Haryana L.A. (As on 22-5-78)	90	79	3	1	..	..	..	..	5(f)	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	..	16	..	..	..	..	11(i)	4	34	2
Jammu & Kashmir L.A. (As on 1-5-78)	76	13	8	2	..	..	..	..	53(j)	..	76	..
Karnataka L.C. (As on 1-5-78)	63	21	21	9	..	..	..	..	..	7	62*	4
Karnataka L.A. (As on 1-5-78)	225	59	149	2	..	3	..	..	3(k)	8	224*	..
Kerala L.A. (As on 30-4-78)	141	9	18	21	17	23	..	..	47(l)	..	140*	1
Madhya Pradesh L.A. (As on 30-4-78)	321	229	59	24	..	..	..	..	1(m)	7	320*	..
Manipur L.A. (As on 1-5-78)	60	53	..	..	..	4	..	..	..	3	60	..
Meghalaya L.A. (As on 1-5-78)	60	..	..	20	..	..	..	..	22(n)	8	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 28-4-78)	200	147	11	30	1	1	..	..	4(q)	4	198	2
Tamil Nadu L.C. (As on 1-5-78)	63	1	..	4	1	1	14	..	17(r)	8	46*	16
Tamil Nadu L.A. (As on 1-5-78)	235	10	..	27	12	5	125	..	55(s)	..	234*	..
Tripura L.A. (As on 30-4-78)	60	..	..	..	51	..	..	..	7(t)	2	60	..
Uttar Pradesh L.C. (As on 1-5-78)	108	30	43	15	..	2	..	..	13(u)	3	108	2
West Bengal L.A. (As on 1-5-78)	295	29	11	9	177(v)	2	..	..	61(w)	4	293	2

Union Territories

Arunachal Pradesh L.A. (As on 1-5-78)	33	24	..	..	..	..	8(x)	1	33	1.
Delhi Metropolitan Council (As on 1-5-78)	60	48	10	..	..	..	..	..	58	2
Goa, Daman and Diu L.A. (As on 1-5-78)	30	3	..	10	..	..	15(y)	2	30	..
Pondicherry L.A. (As on 1-5-78)	30	6	1	1	1(2)	1	11	6(z)	30	..

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

- (a) Progressive Democratic Front.
- (b) Majlis-Ittihad-ul-Muslimeen
- (c) Revolutionary Communist Party of India 4, PTC-4.
- (d) Teachers Group.
- (e) Congress Party (Non aligned).
- (f) Out of 6 Independents, 3 support to Janata Party
- (g) Vishal Haryana Party.

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

- (i) National Conference.
- (j) National Conference-49, Jamat-i-Islami-1, Janata Front-3.
- (k) Muslim League-1, RPI-1, Nominated-1.
- (l) Kerala Congress-20, Muslim League-12, RSP-9, National Democratic Party-4, Muslim League (o)-3, PSP-3.

- (m) Nominated-1.
- (n) APHLC-16 ; HSPDP-14, PDIC-2.
- (o) United Democratic Front-39, NCN-1.
- (p) One Member of the Shiromani Akali Dal has no right to vote.
- (q) Pragatishheel Dal.

- (r) DMK-13, United Party-2, Indian Union Muslim League-2.
- (s) DMK-48, Indian National Forward Block-2, Tamil Nadu Toilers Progressive Party-2, Forward Block-1, Muslim League-1, Nominated-1.
- (t) RSP-2, Forward Block-1, Upajati Juba Samiti-4.
- (u) Shikshak Dal-7, Nirdaliya Sangh-3, Rashtravadi Dal-2, Republican Party-1.
- (v) Including one Independent Member supported by CPI(M).
- (w) 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.

- (x) People's Party of Arunachal Pradesh.
- (y) Maharashtrawadi Gomantak Party.
- (z) Supporting AIADMK.
- (a) DMK.

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