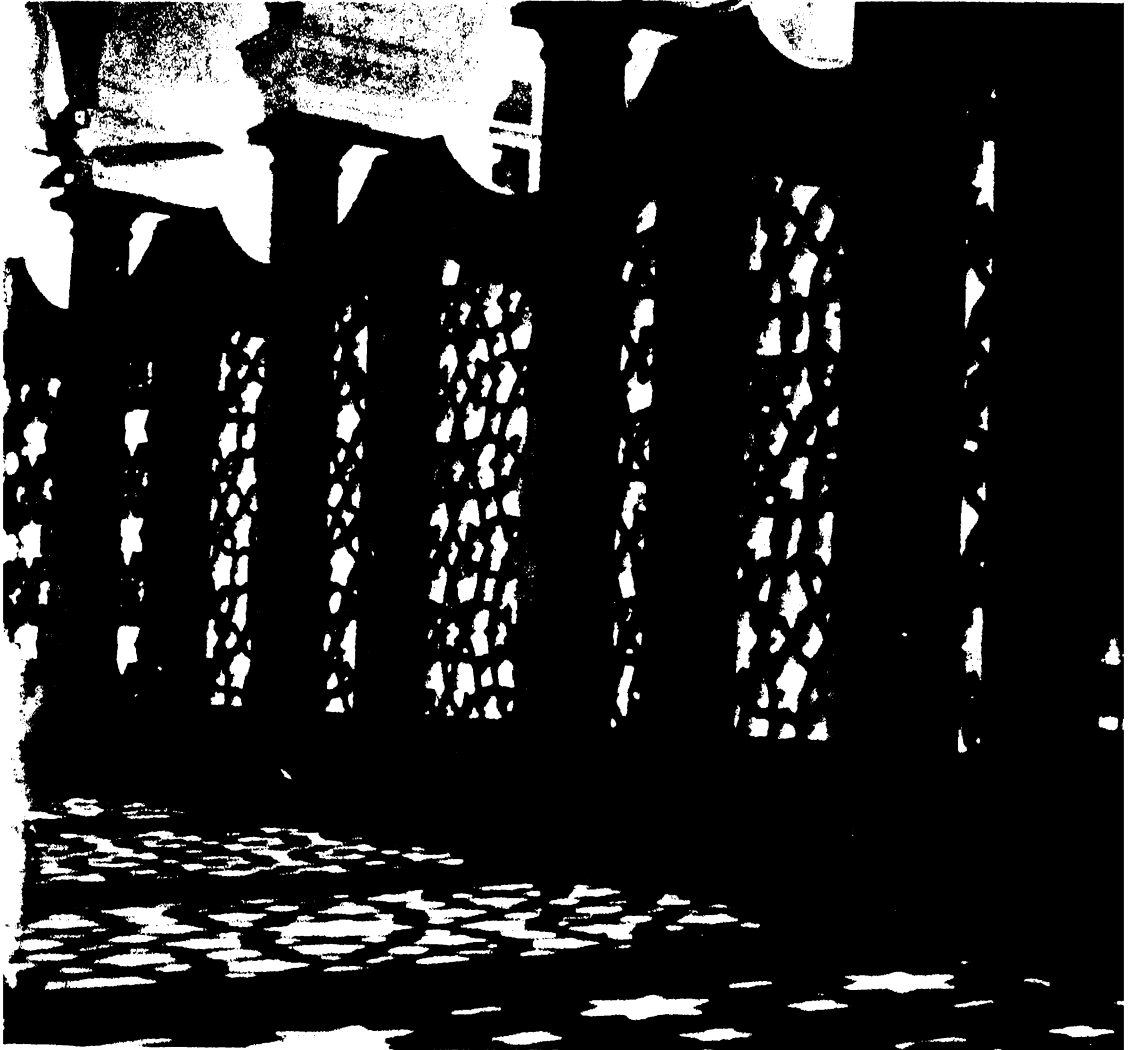


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OUR COVER

An Interior View of
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PRESIDING OFFICERS' CONFERENCE

Chairman's Address

[The Thirty-third Conference of the Presiding Officers of Legislative Bodies in India was held in New Delhi on the 6th and 7th April, 1966. This emergent Conference was called to discuss the functions and powers of the Presiding Officers of Legislatures in India in view of the happenings in West Bengal and the Punjab. Reproduced below is the text of the Inaugural Address delivered by Dr. N. Sanjiva Reddy, Chairman of the Conference.—*Editor.*]

FRIENDS,

I welcome you to this emergent conference which, as you know, has been called to discuss the functions and powers of the Presiding Officers of Legislatures in the light of recent events in West Bengal and the Punjab. At the outset, I would like to urge upon you to approach the task before us in an entirely constructive manner. Informed opinion all over the country is today genuinely exercised over the developing danger to democratic institutions from the very persons who are expected to uphold the rights and privileges of the legislatures. We owe it to our people to allay these apprehensions and to assure them that whatever others might do, we, the Presiding Officers of the Legislatures, shall unwaveringly adhere to the solemn pledge that binds us "to bear true faith and allegiance to the Constitution" and to discharge faithfully the duties which the Constitution, both in letter and spirit, enjoins on us; that we shall under no circumstances do anything that may imperil the future of our young democracy.

Friends, the country expects a positive lead from us in regard to the vital matters that we have set down for discussion in this Conference. Let us not lose time in fault-finding or academic discussions, thus diverting ourselves from our paramount objective, namely, of finding practical ways and means of ensuring the smooth working of the Constitution.

I may now recall briefly the main developments in the States of West Bengal and Punjab which have given rise, among other things, to the current controversy about the functions and powers of the Presiding Officers of Legislatures.

Developments in West Bengal

In West Bengal, a United Front Ministry under the leadership of Shri Ajoy Mukherjee was sworn in on March 2, 1967. On November 2, 1967, the State Food Minister, Dr. P. C. Ghosh, with seventeen other members of the State Assembly, resigned from the ruling United Front and informed the Governor, in writing, of this fact. As there was a doubt whether the Ministry enjoyed the confidence of the majority, the Governor desired the Chief Minister to call a session of the Assembly as early as possible to seek a vote of confidence. The Chief Minister advised the Governor that the Assembly might be called to meet on December 18. The Governor's advice to the Chief Minister was to advance the date of convening of the Assembly, but the latter expressed his inability to do so. On November 21, 1967, the Governor dismissed the Ajoy Mukherjee Ministry. Simultaneously, the Governor appointed Dr. P. C. Ghosh as the Chief Minister.

Summoned on the advice of the new Chief Minister, the Assembly met on November 29, 1967. Immediately after the Assembly met, the Speaker made a statement *suo motu* and adjourned the House

sine die on the triple ground that the dissolution of the United Front Ministry, the appointment of Dr. P. C. Ghosh as Chief Minister and the summoning of the House on Dr. Ghosh's advice were "unconstitutional and invalid". Thereafter, the Governor prorogued the Assembly.

On January 29, 1968, the Governor summoned the West Bengal Legislature to meet on the 14th February, 1968. By a judgment delivered on February 6, the Calcutta High Court upheld the validity of the West Bengal Governor's action in appointing Dr. P. C. Ghosh as the Chief Minister. Meanwhile some Members of the Legislative Assembly defected from the Congress Party.

When the Legislature met on the 14th February, as scheduled, the Governor amidst great pandemonium read out only a portion of his address to the members of both the Houses of the Legislature. Thereafter the Legislative Assembly met at about 4.30 p.m., the time for the House to meet, and the Speaker immediately adjourned the Assembly *sine die*.

This was followed on the 20th February, 1968 by a Proclamation under Article 356 of the Constitution, introducing President's rule in West Bengal and dissolving the West Bengal Assembly and also suspending the operation of various Constitutional provisions relating to the Speaker, such as the second proviso to Article 179.

Punjab Events

In the Punjab, the United Front Ministry, headed by Shri Gurnam Singh, tendered its resignation to the Governor on November 22, 1967, following the defection from the United Front of Shri Lachman Singh Gill who along with 16 other Front Members, formed the new Punjab Janta Party. A new Coalition Ministry with Shri Lachman Singh Gill as the new Chief Minister was sworn in on November 27, 1967. The Chief Minister himself had been sworn in on November 25.

On the 6th December, 1967, the Speaker of the Punjab Legislative Assembly rejected an Opposition plea that the Gill Ministry was neither constitutional nor legal. "If it is felt that the Governor had misused his discretionary powers, the remedy lies with the President and not with the Speaker", the Speaker ruled.

On March 6, 1968, in a dramatic development in the Punjab Assembly two motions of no-confidence were admitted against the Speaker. I may briefly narrate the sequence of events leading to this development. The House was on that day debating a censure motion against a Deputy Minister in the Gill Government, which led to unprecedented unruly scenes. At the height of the pandemonium, the Speaker named an Opposition member of the United Front and ordered the Sergeant-at-arms to remove him from the House. Subsequently, however, on an assurance of good conduct from the deputy leader of the United Front, the Speaker agreed to drop the matter. The pandemonium, however, continued and the Speaker adjourned the House for 15 minutes.

As the House re-assembled, a Congress member asked the Speaker to consider the motions of no-confidence against the Speaker which had been drafted in the meanwhile. The Speaker read out the two identical motions. The motions expressed lack of confidence in the Speaker for his failure (1) to maintain the dignity and decorum of the House and (2) to have his orders duly implemented in the House. Among the orders referred to was obviously the one relating to the suspension of a United Front member, which the Speaker had later decided not to enforce. Both the motions were admitted and the Speaker observed that he would fix a date for the discussion on the motions and inform the leader of the House about it.

When the House met on the 7th March, 1968, points of order were raised and the Speaker in a ruling said that the no-confidence motions against him, admitted on

the previous day, were "violative of Article 179(c) of the Constitution and should be deemed to have not been moved at all". Explaining the Constitutional position, he observed that there could be no motion of no-confidence against the Speaker; there could only be a resolution for his removal from the office. But such a resolution could not be moved unless at least 14 days' notice had been given of the intention to move it. The Speaker's ruling angered some members including the Treasury benches. There was pandemonium in the House and the Speaker adjourned it for fifteen minutes. However, when the situation worsened after the break, the Speaker said, "The House is extremely disorderly and members are displaying frayed tempers and so the House stands adjourned for two months with effect from today".

The Speaker's decision to adjourn the House for two months created a serious crisis in Punjab as the budget for the year 1968-69 was yet to be passed by the Assembly. Subsequently, certain measures were taken by the Punjab Governor with a view to remedy the situation created by the Speaker's decision which had blocked the passing of the Budget in time. Thus, on the 11th March, 1968, the Governor ordered the prorogation of the State Assembly. Two days later, he promulgated an Ordinance laying down that the sitting of neither House of the State Legislature would be adjourned without consent of the concerned House until completion of the financial business. Then, on March 14, the Governor summoned the Punjab Assembly to meet on March 18, 1968.

The Punjab Assembly met on March 18. After about three hours' discussion on a point of order raised by the leader of the Opposition, the Speaker held that the Governor's Order summoning the House to meet on the 18th March was "illegal, unconstitutional and void", and that the Ordinance of the 13th March was also "null and void". He then reaffirmed his earlier decision announced on March 7, adjourning the House for two months and left the

House. The House continued its sitting, the Deputy Speaker took the Chair and the Assembly transacted its business.]

Role of Governors and Speakers

Now, it appears to me that the crises both in West Bengal and the Punjab were not unavoidable. It is at least arguable that the West Bengal Governor need not have precipitated matters by insisting on the Chief Minister to convene the Assembly earlier than the scheduled date when the interval between the two dates was only a few days. It can also be said that it is not the Governor who should decide from day to day whether or not a party or a coalition of parties has a majority in the Assembly, particularly when defections are unhappily the order of the day. The proper place to decide the issue is the floor of the House. At the same time, I feel that despite this the Speaker of West Bengal should have avoided entering the controversy. Further, by adjourning the House *sine die*, he rendered the very House which could take a decision in the matter ineffective. It is the first duty of the Speaker to enable the House to function and not to shut it out.

The constitutional provision which makes the Ministry collectively responsible to the Lower House constitutes the very core of parliamentary democracy. It means that the Ministry is answerable to the House and must enjoy its confidence if it is to continue in office. If a controversy arises as to whether a Ministry is 'legal' or not the proper forum to settle the matter is the Court. But the House is not helpless; for, even if the Court upholds the appointment of the Chief Minister and the other Ministers, the House can vote them out of office if it wants. The Speaker does not come into the picture at all, and if he takes upon himself to pronounce on the legality of the Ministry and precludes the House from expressing its views in the matter, he is arrogating to himself the functions of the House and the Courts. Not only that, if the Speaker just does not allow the House to

function, he is, in effect, releasing the Ministry from its obligations and responsibility to the House.

As regards the Punjab, the Speaker's action in revising his ruling regarding the removal of a member led to the subsequent developments. However, the Speaker was within his rights to change his order in the changed circumstances. We have also to remember that the office of the Speaker is an august one. He is the one who should be shown all respect by every section of the House. In fact, he cannot discharge his onerous responsibilities effectively if he is denied such respect. It follows that motions or resolutions for the removal of the Speaker should not be brought forward in a light-hearted manner. There are constitutional provisions, rules and conventions in this regard which should be followed scrupulously.

I am constrained to say that the manner in which the no-confidence motion against the Punjab Speaker was brought forward was most unfortunate. The Speaker reacted by adjourning the House for two months on the ground that the House was extremely disorderly and members were displaying frayed tempers. But let me quote the relevant rules of the Punjab Assembly dealing with adjournment. Rule 16 provides:

"Subject to the provisions of the Constitution and these Rules the Assembly may be adjourned from time to time by its own order:

Provided that a motion for the adjournment of the Assembly to a day or *sine die* shall not be made except in consultation with the Speaker:

Provided further that the Speaker may, if it is represented to him by the Ministers that the Assembly should meet at any earlier time during the adjournment and if he is satisfied that the public interest does so require, give notice that he is so satisfied and call a meeting of the Assembly before

the day to which it has been adjourned or any time after it has been adjourned *sine die*."

Rule 105 reads:

"In the case of grave disorder arising in the Assembly, the Speaker may, if he thinks it necessary to do so adjourn the Assembly or suspend any sitting for a time to be named by him."

The crucial question we have to consider is whether the Speakers have an unlimited and unfettered right to adjourn the House and prevent it from functioning, for whatever period they like, and on whatever grounds they may deem fit in the exercise of their discretion. The question of the Speaker's powers, I submit, is not a question of politics. It is basically a question whether the Speaker is the guardian of the privileges and the rights of the House and its spokesman or whether he has any rights independent of the House. The answer to this question lies in a correct understanding of the precise role and functions of the Speaker and his relationship with the House in a parliamentary democracy—the type of democracy that we have in this country under our Constitution.

Constitutional Provisions

The Constitution itself contains but a few provisions dealing with the office of the Speaker and other Presiding Officers of legislative bodies. Briefly, the Constitution provides that a new Lok Sabha or State Assembly, as the case may be, shall, as soon as may be, choose two members of the House to be respectively Speaker and Deputy Speaker thereof. The Speaker or the Deputy Speaker may be removed from his office by a resolution of the House passed by "a majority of all the then members of the House", but no resolution for this purpose shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution. The Constitution also lays down that the Speaker (or as the case may be the Deputy Speaker) shall not preside over the House at any

sitting while any resolution for his removal is under consideration.

The Constitution also prescribes certain of the Speaker's duties: he is empowered to adjourn the House or to suspend its sitting in the event of absence of quorum, and he is authorised in his discretion, to permit any member, who is unable to express himself in the language or languages prescribed for use in the Legislature, to address the House in his mother-tongue. In addition, under the Constitution, it is the Speaker of the Lok Sabha or the State Assembly who determines what matters are 'money' matters as these fall within the exclusive purview of the Lower House.

It is interesting to note that the Constitution does not attempt a comprehensive definition of the powers and functions of the Speaker. These are detailed in the Rules of Procedure and Conduct of Business which each House has been empowered to make under Article 118 or Article 208 with, of course, the condition that such rules shall be "subject to the provisions of the Constitution". The question arises why the framers of the Constitution did not spell out the functions and powers of the Speaker in the Constitution itself, but left these to be determined by the House by Rules which are liable to change. The obvious answer is that, broadly speaking, they considered the Speaker to be an Officer, albeit an honoured officer, of the House, who derived the bulk of his powers from the House. In fact, having outlined the broad features of the parliamentary system in the Constitution, both at the Centre and in the States, our Founding Fathers presumed that the office of the Speaker in our country would automatically develop on the right lines, on the basis of rules, practices and conventions. Unless such conventions are established in this country, it is not beyond the realm of possibility that anyone even from among the panel of Chairmen might make the functioning of the House impossible and prevent the Legislators from exercising their normal

rights in the proper discharge of their duties.)

Essential Features of Speakership

Let us then consider the essential features of Speakership as known to us since parliamentary institutions began to function in this country.

The outstanding qualities of a Speaker are his detachment from any party affiliation, independence and impartiality. Once a Speaker is appointed, he divests himself of his party character both within and without the House. It is well-known that within the walls of the House the Speaker's authority is supreme. But, it is equally well to remember that this authority is based on his absolute and unvarying impartiality. His primary duty or fundamental function is to preside impartially over the sittings of the House so as to enable it to function smoothly.

As regards adjournment, let me first deal with the position in Britain. The present practice in the House of Commons is that except on occasions when a quorum of the House is not present, or when the Speaker, in pursuance of a Standing or other order, adjourns the House without question put, the House can only be adjourned upon a question put from the Chair. When it is intended that the House should be adjourned to a day beyond the next sitting day, a motion is made, by a member of the Government, that the House do "now", or at its rising, or at the rising on a future day, adjourn until the specified day. However, in the event of grave disorder arising in the House, the Speaker may adjourn the House without question put if he thinks it necessary to do so, or he may suspend the sitting for a time to be named by him. Similar provisions have been made in the rules of the Legislative Assembly of the Punjab.

I may now briefly describe the position in regard to 'Adjournment of the House' in the Lok Sabha. Under the Rules of the House, unless the Speaker otherwise directs, sitting of the House on any day ordinarily

concludes at 6 p.m. Normally, whenever any change is to be made in the hour of adjournment it is done by the Speaker with the consent of the House. The Speaker determines whether a sitting of the House is to be adjourned *sine die* or to a particular day, or to a later hour on the same day. The Speaker may also, if he thinks fit, call a sitting of the House before the date or hour to which it has been adjourned or at any time after the House has been adjourned *sine die*. In the Lok Sabha, the Speaker is not required to put the question every time when the House is adjourned, as is the practice in the U.K. It was thought that such a practice would tend to be routine and monotonous. The question was left to the good sense of the Speaker and for healthy conventions to develop, and I may say that there are firm conventions which have worked well.)

For want of time I shall not attempt to enumerate the numerous powers and functions of the Speakers and other Presiding Officers in our country. Suffice it to say, that the principal function of the Speaker is to preside over the deliberations of the House, regulate its business and ensure that the proceedings are conducted undisturbed. As I have already indicated, under our Rules the Speaker has considerable discretion in regard to adjourning the House, but this discretion has to be exercised within reasonable limits and in a manner so as not to obstruct the working of the House, particularly if it has been summoned to transact a particular business. No Presiding Officer can ignore that it is the privilege of the House and the House alone to decide how long it should sit and what business it should transact.

Reaction in Press and Parliament

Friends, as you are aware there has been fierce reaction in Parliament and in the Press to the actions of the Speakers of West Bengal and Punjab. There is a growing demand that the powers of the Speakers, particularly in regard to such vital matters as adjournment, should be strictly defined so that there is no scope left for abuse of

these powers to the detriment of our cherished democratic institutions. Suggestions have been made as to how best this objective can be achieved. Some feel that amendments to the Constitution may be necessary; others advocate adoption by Parliament and various State Legislatures of new and uniform set of rules. Then, there are those who urge that the development of healthy conventions may provide a better and more effective solution. To my mind, there is no serious lacuna in the Constitution or Rules which has led to these events. The malady is deeper; it flows from the poison of defections which has virulently affected many political parties, thus weakening Governments, which are unable to hold their own in the State Legislatures. The situation has further been aggravated by the unnatural coalition of parties differing in ideologies, methods of approach and programmes, solely with a view to form Governments which have proved to be quite unstable, thus weakening the whole fabric of administration and parliamentary system of functioning. Unfortunately in this political turmoil some of the Speakers have been caught in the whirlwind of struggle for power by the contending political parties. To say the least, the Speakers have been accused of losing their balance and lending support indirectly to minority opinions at the cost of smooth functioning of the House. In the tragic events which have taken place, every one—the Governors, the Governments and the Speakers have all, if I may say so, had a hand in usurping the powers of the Assemblies which alone could pronounce judgments on the various issues which have arisen. If permanent solutions have to be found, they should be made at political level and by adoption of sound conventions rather than by amending the Constitution and the Rules.

Need for Healthy Conventions

Personally, I would rather lay greater stress on the development of healthy conventions. No Constitution or Rules can provide a ready answer to every situation.

On the other hand, if they are too elaborate they might even hamper the smooth working of democratic institutions by introducing undue rigidity. Now, so far as the office of the Speaker is concerned, we know what are the conventions that have developed over the last half a century in making a success of this institution. Let me repeat that the most essential features of Speakership are its impartiality and independence. Secondly, the first and foremost duty of the Speaker is to enable the House to function at all times. All the powers vested in him are intended to enable him to discharge this duty. Under the Constitution, the House is the master of its procedure and business. The House is paramount, not the Speaker who, it may be added, can claim no inherent right to override or bypass the House or to arrogate to himself powers and functions which properly belong to the House. To inspire confidence in his impartiality it is not enough that the Speaker should formally renounce membership of the party to which he belonged. He should also scrupulously refrain from entering into political controversies or giving an impression that he is helping one section of the House, even though it may be a minority section, in their struggle for power. }
}

In this connection, permit me to strike a personal note. As you know, immediately after my election as the Speaker of the Lok Sabha, I resigned my membership of the Congress to which I had the honour to belong for 34 years. I thought this was a necessary corollary to my commitment to the House not only to be impartial and judicial in the conduct of my work but also to appear so. I am glad to say that I have been amply rewarded for this act of faith in the form of willing cooperation from all sections of the House in the discharge of my duties.

We, in India, are developing our own parliamentary procedure and I have no doubt that our firm commitment to parliamentary democracy will help us to develop the right type of conventions. Events such

as those that have happened in West Bengal and Punjab may occur in a formative period. Just because two Speakers have acted in a certain manner, it would not be proper to infer that there is something wrong with the institution of Speakership itself. We should not forget that there were other Speakers who kept up the traditions of their office in the midst of changing political scenes and pressures. I refer to the Speakers of Madhya Pradesh, U.P. and Bihar Legislative Assemblies. The Speaker of Madhya Pradesh Legislative Assembly was bold enough to decline to adjourn the House when the then Chief Minister requested, even pressed him, to do so. The Speaker of U.P. Legislative Assembly was prompt in informing the new Chief Minister that he was prepared to vacate his office consequent on the change in the Government when the Congress Ministry lost its majority last year. We know too well the events in Bihar where three Ministries have changed during the last one year. The Speaker has so conducted himself that he has earned the esteem and confidence of the Assembly in all the changing patterns. We are proud of them that in the midst of rapidly changing situations they have kept their balance, cool judgment and acted impartially. Therefore, it is not true to say that there is a general deterioration in the standard expected of a Speaker. }
}

But, certainly we have to consider as to how best parliamentary institutions can be nurtured and developed by building up sound conventions. This Conference may not be able to present cut and dried solutions to the problems posed by the events in West Bengal and the Punjab. This Conference has no legal or constitutional powers to enforce its decisions on anyone. It does not even pass any resolutions of a binding character. It functions on a voluntary basis and is a self-regulating body. Nevertheless it has a standing of the last 46 years which is a long period for any organisation to survive. It has thus acquired prestige and a binding force among the Presiding Officers of all the Legislative

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Bodies in India. What it discusses has a tremendous influence on its members and is regarded as a guiding factor in the conduct and work of all Presiding Officers. What it says has a tremendous moral effect much more than any Rules of Procedure could enjoy. Our deliberations here will exert influence on all concerned, *viz.*, the various political parties, Governments and Members. I do hope, therefore, that we shall be able to arrive at a broad consensus as to the conventions and practices that need to be developed to ensure harmonious relations between the Speaker, the House and other constitutional functionaries in the interest of the smooth working of parliamentary institutions.

Specific issues and their solution

In conclusion, I should like to raise the following specific issues for your consideration and deliberation:

- (1) Whether a Governor should insist that a Chief Minister should summon the Assembly on a date other than the one recommended by the Chief Minister?
- (2) Whether a Governor should dismiss a Ministry on the sole ground that it has lost its majority without awaiting the verdict of the Assembly?
- (3) Whether a Speaker should take upon himself to pronounce by a ruling in the House whether a particular Government has been legally dismissed or constituted?
- (4) Whether a Speaker should, without any point being raised in the House, take up such issues on his own and decide them without giving an opportunity to members to express themselves on them?
- (5) Whether there are any limits on the power of the Speaker to adjourn the Assembly and if so, what they are or should be?

- (6) Whether it is proper for Members, particularly those of the Ruling Party, to table Motions of no-confidence in or removal of the Speaker on flimsy grounds?

There may be other issues which this Conference may like to raise.

[From the analysis of the situations which I have described in the preceding paragraphs, my preliminary reactions to these are summed up below:—

(1) The Constitution gives a right to a Chief Minister to recommend to the Governor the date on which the House should be summoned. This right of the Chief Minister or the Cabinet is absolute. I understand that in some States, as in Lok Sabha, the Chief Minister fixes the date after consulting the Speaker. I should like this convention to be extended to other States where it does not exist at present.

The Governor may suggest an alternative date but it should be left to the Chief Minister or the Cabinet to revise their decision or not. It may be argued that a Ministry which has lost its majority in the Assembly may try to avoid the summoning of the Assembly for the maximum period of six months allowed to it under the Constitution and both the Governor and the Assembly may find themselves powerless to intervene in the matter. To overcome such a contingency, as arose in West Bengal, I feel that a convention should be adopted that in case a majority of Members make a request in writing that the Assembly should be summoned on a particular date, the Chief Minister shall advise the Governor accordingly. Such a procedure will deter a Ministry from recommending prorogation of an Assembly if it recommends such a course in anticipation of or fearing the loss of its majority in the Assembly. If it becomes absolutely necessary, the Constitution may be amended suitably. I am, however, clear that a situation in which the Governor is allowed to override the advice of the Chief Minister in this respect should be avoided.

Presiding Officers' Conference

(2) The question whether a Chief Minister has lost majority in the Assembly or not should at all times be decided by the Assembly. In no circumstances it should be left to the Governor to determine whether a Chief Minister continues to enjoy the support of the majority of Members or not, even if the Members make their opinion known to the Governor in writing. It is the prerogative of the Assembly to decide this issue. The Governor can dismiss a Ministry if the Assembly has passed a vote of no-confidence in the Ministry and the Ministry does not immediately tender its resignation. A no-confidence in a Ministry is passed only after the matter is discussed and the grounds on which such confidence is withdrawn are fully stated during the debate. A Ministry which has lost its majority in the Assembly after the session is over, may continue in office, until another session is summoned, and if it fails to summon a House within a reasonable period, the remedy which I have suggested in the preceding para will apply; that is to say that the majority of Members may force the Chief Minister to summon the Assembly on a date suggested by them.

(3) The Speaker does not give rulings on legal issues. His function is to decide points of order which relate to the interpretation of rules of procedure and articles of the Constitution relating to procedure. In all other cases, he leaves the matters to be decided by the House.

(4) The Speaker does not himself raise any policy or legal issues. It is for the members to raise them on points of order if they fall within the cognizance of the Speaker or by any other appropriate proceedings if they fall within the sphere of responsibilities of the Council of Ministers. The Speaker before giving his ruling on a point of order may hear other members including the views of the Ministers and in complex and important matters those of the Advocate-General or Attorney-General.

(5) The power of the Speaker to adjourn the Assembly is circumscribed by well-

established conventions and precedents. As regards the normal daily adjournments, if the rules of the House do not provide for adjournment by the House itself, the Speaker has to adjourn the House at the fixed hour of termination of a sitting. In case the House has to be adjourned either before or after the fixed hour, it must be done with the consent of the House either by a formal motion or by taking the sense of the House. Adjournment of the House *sine die* or for a period is always done on the proposal of the Leader of the House. In a grave disorder, a sitting may be suspended or adjourned by the Speaker in his discretion for a part of the day or at the most for a day at a time. Orders of adjournments which take place otherwise than on the principles mentioned above can be regarded as null and void by the House and it will be perfectly in order if the House decides to continue to sit and transact its business with the Deputy Speaker or other member competent to preside, in the Chair. If the order of adjournment is deemed null and void by the Assembly and it continues to function, it is the duty of the Secretary and the staff of the House to discharge the duties and functions under the orders of the House because ultimately the House is the master of the secretarial staff. Should the Conference agree with these conclusions, it may decide to recommend to all Legislatures to incorporate these conventions in the rules in order to put the matter beyond any doubt or dispute. X

(6) The office of Speaker is invested with great dignity, authority, and position. A great responsibility devolves on all members and in particular on members of the Ruling Party to uphold the authority of the Speaker. Tabling of motion of censure or no-confidence or removal from office are acts which are fraught with grave consequences. If such notices have to be given they should be submitted after due deliberation and with care and not on the slightest provocation or with a view to

threaten the Speaker or to express anger at or dissatisfaction with his ruling or order in a particular case. Such notices lose their impact if they are given on flimsy grounds. The occasion for tabling a motion of this nature must be real and serious and the grounds should be adequate. And then I would say that in such circumstances it would be honourable for the Speaker to quit his office even before the House at the initiative of the Ruling Party has debated or adopted such a motion.

Friends, these are my thoughts which I have shared with you. I have stated them to stimulate discussion and other thoughts and reactions. Our discussions are free and frank. We should not hesitate to indulge in self-introspection. We should endeavour to arrive at decisions which will help us in our difficult task ahead and in strengthening further the democratic institutions in this country.

Thank you. }

We must remember that it is not the completeness of any code of Laws of Constitutions that will make for the best or the most democratic government of a country; but it is the spirit and outlook of the men who work the Constitution that will largely take us to the desired goal.

—G. V. MAVALANKAR,

EMPEROR OF ETHIOPIA'S ADDRESS TO MEMBERS OF PARLIAMENT

His Imperial Majesty Haile Selassie I, Emperor of Ethiopia, arrived in New Delhi on April 28, 1968, on a three-day State visit. On April 30, he visited the Parliament House and addressed members of both Houses of Parliament assembled together in the Central Hall.

The Ethiopian Emperor, in his address affirmed the close relations between India and Ethiopia which were not only based on their partnership in the Afro-Asian and non-aligned community of States but also, vividly manifested in their practical bilateral cooperation in various fields. He outlined Ethiopia's policy to live in peace and harmony with her neighbours and with all countries, near and distant. He called for restraint when misunderstandings and differences developed among states and also emphasized that they should refrain from undertaking hasty measures and follow a policy of consultation and direct contact for resolving differences.

Earlier, welcoming the Emperor, the Chairman, Rajya Sabha, Shri V. V. Giri, said that the people of India had watched with admiration and interest how the Constitution, the Emperor gave to his people, had during the past 57 years shaped Ethiopia's political character. Shri Giri also noted Ethiopia's friendly relations with most of the countries of the world and its important role in promoting the idea of African unity. The Speaker of Lok Sabha, Dr. N. Sanjiva Reddy, while proposing the vote of thanks paid a glowing tribute to the sagacity and statesmanship of the Emperor.

Reproduced below are important excerpts from the texts of the welcome address by Shri V. V. Giri, the Address delivered

by the Ethiopian Emperor and the speech of Dr. N. Sanjiva Reddy.

WELCOME ADDRESS BY CHAIRMAN, RAJYA SABHA

Your Majesty: On behalf of the two Houses of Parliament I have very great pleasure in extending to your Imperial Majesty a warm and affectionate welcome. Your Majesty is no stranger to us, for you visited us before in 1956 and we recall with immense delight that happy occasion.

Yours is an ancient country dating back to the wise King Solomon and the Ethiopian people have a history which is more than 5,000 years old. Your Majesty's thirty-eight years of reign has seen the evolution of modern Ethiopia. Your Majesty has been the unifying force that has brought considerable stability and progress to the country.

It was under Your Majesty's aegis that the Ethiopian Constitution of 1951 was first introduced. It is a fact of history that this Constitution was given by Your Majesty 'unasked for' and of your 'own free will'. Truly have you decreed in the Constitution to safeguard such prosperity as based on the laws and "that the Constitution will be a source of well-being for Ethiopia, that it will contribute to the maintenance of your Government and to the happiness and prosperity of your well-beloved people and that it will give satisfaction to all." Thus was created the country's first Parliament and the Senate. Again, in 1955 further significant progress took place when the revised Constitution was promulgated by Your Imperial Majesty on the 21st Anniversary of Your Majesty's Coronation. Rightly has the preamble to the Constitution set

forth the purpose to be served as "being desirous of consolidating the progress achieved and of laying a solid basis for the happiness and prosperity of the present and future generations of our (Ethiopian) people."

It was through these vital instruments that the modern political evolution of Ethiopia has taken shape. Like many others, we in this country have watched with admiration and interest how during the past thirty-seven years this Constitution has under your leadership shaped the country's political character and has become the sheet-anchor of the material conditions of the Ethiopian people. Ethiopia today, apart from being a closer unit economically, socially and politically, is also a respected member of the world community of nations. Your Majesty's regime has provided an extended horizon for Ethiopian nations to rise from stage to stage on the ladder of culture and enlightenment.

Ethiopia has been maintaining friendly relations with most of the countries of the world and has been playing a particularly important role in promoting the idea of African Unity. Your Majesty has been one of the prime movers in the establishment of the Organisation of African Unity in May 1963. I am confident that under the leadership and guidance of eminent personages like Your Majesty we will not only be able to solve successfully the Rhodesian issue but also the issues relating to West Asia and Vietnam...

Like you, we in India, also base our faith in non-alignment and ceaselessly follow an independent and unbiased approach to international problems. By tradition and temperament we in this country have very close affinities with the peoples of African nations. The well-being and prosperity of the emerging African nations is as much dear to us as it is to their people. We have in our own humble way tried to assist in the furtherance of that cause and we are happy that there is an awareness and recognition of this fact among the African nations. The people of Ethiopia and the people of our country have constant sources

of useful contact, culturally and economically. We have growing trade relations to our mutual benefit, and I am glad that Your Majesty envisages a wider area of co-operation through trade, educational contacts and technical know-how. I am sure with the visit of Your Majesty the ties of friendship and flow of trade will become strengthened to the advantage of both the nations.....

ADDRESS BY THE EMPEROR OF ETHIOPIA

Mr. Chairman, Mr. Speaker, the Honourable Prime Minister and Members of Parliament:

We are happy to be again in this friendly and sister country, the Republic of India. During our first visit to this great country and people twelve years ago, we were highly privileged and honoured to be received by our close colleagues and contemporaries, the late President Rajendra Prasad and the late Prime Minister Jawaharlal Nehru. It is with profound grief that today we feel the absence of these two leaders and of the late Prime Minister, Lal Bahadur Shastri, with whom also we have had the good fortune to be acquainted at the non-aligned Conference held in Cairo in 1964.

Although it was the will of the Almighty that these great statesmen should depart from us, they will always be remembered for their valuable contribution to the world. They have for ever left behind them a glorious example of outstanding statesmanship for others to emulate. As they had ably led India along the noble path set forth by their predecessor, Mahatma Gandhi, so have they been worthily succeeded by a generation of able Indian leaders and statesmen. Being their colleagues in the Afro-Asian and the Non-aligned world, we can pay these great men of our time no better tribute than rededicating ourselves to the noble task of pursuing, and bringing to full realisation the noble ideals and principles laid down at the Bandung Conference and reinforced by the succeeding conferences of the Afro-Asian and Non-aligned States.

Indo-Ethiopian Relations

We feel highly elated and honoured to day to take this rare opportunity given to us to address the Members of the Indian Parliament. We are confident that this event and our visit to this country will further strengthen the close ties already existing between our two countries and peoples. The relations between India and Ethiopia are not based only on our partnership in the Afro-Asian and the Non-aligned community of States. They are vividly manifested in our practical bilateral cooperation in various fields. Educators from India have reinforced the teaching staff of our schools and are contributing a great deal to the progress of education which has been receiving our full attention during our reign. The Military Academy in Harar is functioning with the assistance of military officers from India. Indian businessmen have invested in Ethiopia and their participation in the economic activities of our country has added impetus to the economic development of our Nation. Yet another link between our two countries in recent times is the air link between our capitals. All these are good reasons justifying our belief that the relationship between our countries has a good foundation and is, therefore, bound to grow ever stronger.....

Adherence to Fundamental Principles

We are aware that in this August Assembly great principles of national and international import have been enunciated and resolutions to give them effect have been adopted. Foremost among these are:—

- (i) The principles of inter State relations, widely known in this part as "Panch Shilla";
- (ii) The policy of non alignment and Afro Asian solidarity;
- (iii) Principles relating to the concepts of unity in diversity and understanding among nations, irrespective of the system of government or ideology;

(iv) The will and dedication to struggle for the complete emancipation of the subjugated peoples of the world; and

(v) Dedication to the maintenance of world peace in the interest of all nations, big and small, the haves and have-nots, who should work together, pool their resources and transform all available scientific genius and technological advance for the well-being of man.

Ethiopia subscribes and adheres to these fundamental principles.

Neighbourly Relations

Ethiopia's policy is to live in peace and harmony with her neighbours and with all countries, near and distant. Misunderstandings and differences may occasionally arise in the process of developing active relations among States. Ethiopia is no exception to this. Under such circumstances, the basic policy of States should be to refrain from undertaking hasty measures. On the contrary, they must exercise restraint so that during the time gained an amicable solution satisfactory to all sides could be found. In the pursuit of such an approach, Ethiopia and her neighbours have adopted a policy of consultation and direct contact as the best means of resolving differences and of promoting close cooperation among themselves. Joint Consultative Committees at ministerial level have been established by Ethiopia and Kenya, and the Republic of the Sudan and Ethiopia and Ethiopia and the Republic of Somalia. Judged from the work of these three organs, the experiment of Joint Consultative Committees has proved useful in removing certain misunderstandings and misapprehensions and, at the same time, in further strengthening the relations existing between Ethiopia and these neighbouring States.

However laudable and useful these committees may be, certain important aspects have to be borne in mind in order to arrive at a broader understanding among States

Each independent state in the world has adopted a certain system of government, ideology and economic structure in the light of its culture, tradition, history of nationhood and basic requirements of political stability and needs of social and economic advancement of its people. Whether such system of government, ideology and economic structure prevailing in a given independent state are right or wrong can be judged and appreciated substantially in terms of the interest of the people whom they are established to serve. With whatever pride and esteem a given state looks upon its system of government, it should not interfere in the internal affairs of another independent state. On the other hand, it should, if possible promote understanding and cooperation.

Unity in Diversity

Diversity in ethnic composition, religion and language within a state should not be exploited to get pretexts for interference from outside. These diversities are characteristics of not only large but small states as well. Unity must be forged in this diversity.

Ethiopia on her part is proud to be a united country in spite of diversities. All sections of her population have played their part in the making of the history of Ethiopia. All are equal and there is no question of a majority group dominating a minority. They derive their unity from the fact that they are one people, from centuries of partnership in the state, from common sacrifice of blood in the defence of their common interest and from the deep-rooted consciousness that the country belongs to them all. The existence of such diversities within a state should not, therefore, give ground for conflict and discord. On the contrary, these diversities should be bridged to promote close cooperation and understanding with the peoples and governments of other states. Discovery of similarities in diversity by one state with another would help the state concerned to analyse the issues in a better perspective and would

also contribute to the strengthening of relations among states.

Affront to Humanity

It is an affront to humanity that millions of our brethren in Africa still languish under the yoke of colonial rule and *apartheid* while the rest of the states in the world enjoy the fruits of liberty.

African liberation movements in Angola, Mozambique, Portuguese Guinea, Rhodesia, South-West Africa and South Africa, had sought to attain their independence through an orderly process of negotiation without resort to violence. But Portugal and the racist regimes in Rhodesia and South Africa answered by imprisoning and executing African nationalist leaders and freedom-fighters and unleashing a series of oppressive measures. Finding no other alternative, Africans have now taken to arms.

The struggle which is now going on in the southern part of Africa is not essentially a struggle between races-blacks fighting whites. It is a struggle for human freedom. The aim of this struggle is not the destruction of the white settlers who are in control of the archaic power structure of colonial rule but the achievement of human dignity, equality and justice by African people under majority rule.

The struggle of these people is not the sole responsibility of the independent African States. It is the responsibility of all freedom-loving people throughout the world. The African freedom struggle is irreversible. However small their resources may be, independent African States are committed to liberate their continent from *apartheid* and all traces of colonialism. This liberation struggle can develop into a threat to international peace and security. Therefore, the world has to rise and live up to its obligations and responsibilities and act soon, lest it be too late.

Peace Prospects in the World

All states in the world, big and small alike, have a common cause for peace. The

developing nations seek peace in order to devote their energy and resources to promote the well-being of their peoples. Likewise, the developed countries do not wish a total war to shatter the high standard of living they have achieved. There is this common cause but that has not brightened, the prospects of achieving lasting peace in the world.

Enormous amounts of money and other resources are being spent by nations, particularly the Great Powers, on armaments. Humanity is longing for the day when these resources will be directed towards improvement of the living standards of millions of suffering people, thus narrowing the frightening gap between the haves and the have-nots.

As far as the Great Powers are concerned, it is apparently futile for them to rely so much on their capability to invent weapons of more destructive power and on the defence systems they keep on perfecting every day. The same scientific genius that they possess can also produce weapons capable of penetrating through the defence systems that have been believed to be impregnable. Therefore, rather than end up in a stalemate of endless armament race, with no prospect of an eventual victor, the Great Powers will do well to cease competing in armaments with each other, work out formulae to ensure lasting peace in the world, and bring to a halt the creation of international tensions aimed at drawing the rest of the world to their respective camps and spheres of influence.

We see some ray of hope that the conflict in Vietnam may move in the direction of settlement through negotiations. Let us hope that no obstacle will thwart the planned talks between the parties directly concerned.

VOTE OF THANKS BY SPEAKER, LOK SABHA

Your Imperial Majesty, Mr. Chairman and Friends:

Your Imperial Majesty has expressed friendly and warm feelings for our country

and our people. I thank you for the same and assure you that that friendship and warmth is reciprocated by all of us.

Your Majesty is no stranger to us. We hold you in high regard as the architect of modern Ethiopia, a steadfast supporter of the cause of justice and peace in every part of the world, a devout individual and a sagacious ruler dedicated to the welfare of your people.

Friendship between Ethiopia and India dates back to the hoary past. Since India became free, this bond has been reinforced by the community of interests and ideals between the two countries. In many matters coming within the purview of foreign policy and international relationship, we hold common views. Our countries are firmly committed to the ideals of world peace and co-existence. In international forums our countries have consistently expressed support for general and complete disarmament under effective international control as vital to the peace and progress of the world. Our countries have also been united in their adherence to the principle of non-alignment, in promoting Afro-Asian solidarity and opposing racialism and colonialism. We also share the conviction that religion is too sacred a thing to be made a handmaid of politics, whether at the national or international level. I may recall in this connection that in the Joint communique issued at the end of President Radhakrishnan's visit to Ethiopia in October 1965, Your Majesty and the President of India were pleased to declare "that religion should not be allowed to influence politics anywhere in the world."

Modern Ethiopia and India hold the ideals of world peace, co-existence and the brotherhood of man dear, because these ideals are deeply rooted in the long history of our peoples and their way of life. Since the dawn of history our two countries have been the meeting point and the home of many races and religions and languages. In their wisdom our ancients recognised and agreed that all these diverse groups have to live together in harmony. Tolerance and

respect for the religions and cultures of others came naturally to them, and there was no attempt to secure uniformity by imposing the way of life or religion of the dominant group on the smaller or weaker groups. This is how the two countries have come to be a veritable mosaic of races, tribes and linguistic groups.

Your Majesty's first visit to our country provided a powerful stimulus to the traditional friendship between our two countries. As a result of that visit, over the years there has been increasing cooperation between the two countries in various fields of activity. Today, there is a sizeable Indian community in Ethiopia consisting of businessmen, teachers, technical experts and others. It is, indeed, a tribute to Your

Majesty's liberal policies and the hospitality of the Ethiopian people that our compatriots living in Ethiopia have come to regard your country as a second homeland. I hope our Ethiopian brethren who happen to come to India also feel the same in our country.

We, in India, are deeply interested in the all-round progress of Ethiopia. The stability and prosperity which Ethiopia has attained in the post-war period are eloquent witnesses to the ability of the Ethiopian people and the foresight and enlightenment of Your Majesty's leadership. During Your Majesty's rule, Ethiopia has emerged, as it were, from the Middle Ages to the atomic era. This transformation has been all the more remarkable in that it was free from strife and upheavals.....

What the world needs today is not a juxtaposition of competing States, but friendly partners working for the one supreme cause of making the world a happy home for humanity. We should look upon ourselves not as rivals, but as friends with a common purpose in view.

—S. RADHAKRISHNAN.

SPEAKER MAVALANKAR: AN APPRECIATION

—N. G. RANGA

(Speaker Mavalankar is acknowledged to be the Father of the Lok Sabha and as the best Speaker we have had, whether in the States or at the Centre. He was the personification of quiet dignity, coming into any circle with all smiles and innate self-confidence. He looked the part in every movement of his benign visage.)

It is interesting to recall how he came to be chosen as the Speaker of the then Central Assembly. The British Government knew how strong, yet upright, a Speaker he was in the Bombay Assembly but they did not want the Congress to win in that key-election; especially soon after the epochal 1942 Quit-India Movement. They also knew their advantages in the Central Assembly with Jinnah's League Party thirsting for the blood of the Congress and with their nominated members also. So they backed Jinnah's candidate. But Sardar Patel did not like to give up the fight. He came to Delhi to use his good offices and wanted us to risk the chance. Sarat Bose was our Leader. We escaped defeat by the skin of our teeth. We owed our success to the support given by the Maharaj Kumar of Vizianagaram and to the brave neutrality adopted by Himmat Singjee of Navanagar. From the moment he became the Speaker, Shri Mavalankar, who was not till then known to be such an eloquent orator, proved to be the most successful Speaker and even when he had to give a ruling against the British Government, he did so gracefully and cushioned it by such choice expressions of decorum and precedent that it went well with the vanquished.

Shri Mavalankar took his Speakership of the Provisional Parliament as entirely a Parliamentary mission and was bent upon building healthy conventions to strengthen the private Members, control and chasten the all-too-easy proneness of the Ministry to assume too much power and custodianship of public interest and also helping the Ministry to state their case freely, fully and effectively. He was bent upon making Parliament an efficient and effective critic of the Government, a custodian of public interests and a powerful and dharmic wielder of Parliamentary authority over ministers and the ministries.

He knew the weaknesses of the twentieth century British House of Commons and wanted to help our Parliament to avoid those weaknesses. It was a heroic fight for him—but he loved it—to chasten members on one side and coax and control the Ministry on the other. It was because of this influence that he succeeded in establishing the powerful Estimates Committee with its non-official chairman. The Public Accounts Committee has also come to have a non-official chairman and the convention has thus grown of having non-official chairman for most of the Joint Select Committees. Shri Mavalankar realised how in a Parliament with a very weak opposition, the well known parliamentary weapons of vote of no-confidence and adjournment motions could not be so freely or usefully utilised. So, he adapted to our conditions the French device of "Interpellations" and the British device of "Asking for Papers," and thus causing a half-an-hour special discussion on any important question.)

He used to tell us quite often how essential it is in the national democratic interests, for Parliament to learn to place any minister, however great he may be, in his proper place, properly chastened, decently honoured but fully conscious of his subordination to Parliament. He was so discreet and decent that he never gave any indication of a private smile of satisfaction when he scored a triumph over any intransigent minister, for, he knew the triumph was that of the Parliament. After he became the Speaker of Lok Sabha, I could hear about his great and numerous triumphs only from other members and through the Press. I was, however, privileged to have many talks with him, while we were together on the Indian Parliamentary Delegation to the Commonwealth Parliamentary Conference at Ottawa in 1952. He used to say that Parliament should become a businesslike and disciplined institution; that members should learn to study more assiduously and to aid, guide and control ministers and look upon their Parliamentary work as one of the most essential national responsibilities.

On seeing how the Parliamentary Chambers of every state in the U.S.A. and Chanda were decorated with pictures, paintings, and frescoes of glorious events in their respective history, Speaker Mavalankar wanted our Parliament too to be similarly decorated. And he did quite a lot in this direction on his return. We found many conveniences and facilities provided to members of Parliament in U.S.A. and Canada, such as adequate salaries, daily allowances, office-rooms, stationery, free passage and secretarial assistance and even pensions. Shri Mavalankar was keen to provide similar facilities to our M.Ps too, consistent of course with our comparatively poorer conditions. It might be of interest to know that he was never happy over the high British-scale of salary allowed to our Speaker and considered the salaries of the Secretariat bosses as too high and deprecated the manner in which the riches of our industrial and commercial magnates were being squandered. He

very much wanted M.Ps to study public problems diligently, and use all the privileges and powers bestowed on them, quite scrupulously in order to promote public interest and to strengthen the masses in their attempt to gain the ear of the Administration. For this purpose he desired that M.Ps, who were the best public servants, should be given the minimum facilities to discharge their duties.

Shri Mavalankar's affection for Members of Parliament was proverbial. He had a soft corner in his heart for me. When I failed to get elected to the First Lok Sabha, I promptly sent in my resignation from the membership of the Provisional Parliament, even though I could continue as a member until the new Lok Sabha assembled. Many such Members who had similarly lost the elections continued to attend the Provisional Parliament. Shri Mavalankar wrote an affectionate letter to me in which he deprecated my unnecessary resignation and assured me of the Parliament's regard for my presence and services. And to show his affection and sense of recognition of my parliamentary services, he chose me for the parliamentary delegation in 1952 although I was then in the Opposition and in the Rajya Sabha. What is more, he further asked me to head India's delegation on the most important discussion at Ottawa on "Foreign Affairs". This showed the catholicity of his conception of patriotism and its votaries, whether they belonged to the party in power or the opposition. I felt certainly very grateful to him, because such a display of Gandhian affection has not yet become a general feature of our public life, as it ought to. We realised later that his choice had proved to be very wise, for when the head of the Australian delegation accused India as having been indifferent to opposition parties like several other democratic countries, I was able to spring a surprise on him by saying that our very presence in the Indian delegation countered his accusation. When later I sponsored India's case for 'Non-Involvement' in international policies, coming as it did from a

Speaker Mavalankar: An Appreciation

leader of the Indian Parliamentary Opposition, it carried great weight with the conference. Such was Mavalankar's faith in me, though I belonged to the opposition, that I was chosen for that signally important role and he was happy that it yielded good dividends for India.

(It is not so generally known what a great impression he used to create on international conferences. A piquant situation arose at the Ottawa Conference, when the representatives of Pakistan interposed, contrary to all rules of decency and decorum, their controversy over Kashmir and the Punjab Water-dispute, while we were discussing the South African Malan Regime. Shri Mavalankar rose to intervene in that debate and raised the level of outlook of the conference so high and dealt with Pakistan's and Commonwealth's responsibilities so magnanimously that the whole conference regretted Pakistan's uncalled for intervention. My interpretation of India's foreign policy as one of "Non-Involvement" as between the two great rival blocs came in for repeated and unfriendly comments from different delega-

tions, but Mavalankar stood by me like a rock and with his determined but smiling support made others realise the seriousness of India's decision.)

Mavalankar's public activities were not confined to Parliament alone. He set an example to ordinary M.P.s. too by his scrupulous devotion to extra-parliamentary duties. His contribution to the Kasurba Fund and Gandhi National Memorial Fund is unique, in that he displayed truly Gandhian attention to democratic decisions, scrupulous use of every rupee to the best purpose and the choice of the most acceptable public workers as their agents. He died of a heart-attack during his tour of the Andhra undertaken in connection with collection of these funds. It may be of considerable interest to note that while Parliament chose him as the Speaker, Bapu chose him for the Kasurba Fund and Sardar Patel for the Gandhi Fund, for he was such a trusted colleague of both Bapu and Sardar. As for his happy relations with the late Prime Minister Nehru, Pauditji's eloquent tribute is on the records of Lok Sabha.

I know not how a representative assembly can more usefully employ itself than in talk, when the subject of talk is the great public interests of the country, and every sentence of it represents the opinion either of some important body of persons in the nation, or of an individual in whom such body have reposed their confidence.

—J. S. MULL

WORKING OF COMMITTEES IN THE U. P. VIDHAN SABHA

—D. N. MITTAL

The committee system has of late become an integral part of the parliamentary mechanism though its scope and field of operation may differ from one democratic country to another. It is generally accepted that discussion of details is not possible at a large unwieldy meeting of a legislature where only matters of broad principles can be debated. The careful and detailed inquiry, the examination and weighing of evidence are functions which the legislature has neither the capacity nor the inclination to perform. Thus in order to have the matter better dealt with by a smaller group of members, the device of parliamentary committees has been adopted in all democratic legislatures. With the growth of parliamentary business in Legislatures both at the Centre and in the States in recent years, the utility and number of committees appointed has also increased.

In the Uttar Pradesh Vidhan Sabha, the appointment, constitution or election of different Committees is governed by the Rules of Procedure and Conduct of Business of the House. Among other things, these rules provide that at the commencement of the first session after each general election and thereafter before the commencement of each financial year or from time to time when the occasion otherwise arises, different Committees for specific or general purposes shall either be elected or constituted by the House or nominated by the Speaker.

Each such Committee consists of such number of members as is specifically provided therefor in the Rules. The term of

office of members of these Committees is one financial year, but a Committee continues in office till such time as a new Committee is constituted in its place. Casual vacancies in a Committee are filled by election or nomination, as the case may be, and any member elected or nominated to fill such vacancies holds office for the unexpired portion of the term for which the member in whose place he is elected or nominated would have held office. Proceedings of a committee are, however, not held up on the ground that casual vacancies have not been filled. Barring the Chairman of the Public Accounts Committee, the Chairmen of all other parliamentary committees are appointed by the Speaker from amongst the members of respective Committees. The Deputy Speaker, if he is a member of a Committee, becomes the *ex-officio* Chairman of that Committee. The Public Accounts Committee elects its own Chairman from amongst its members.*

All questions at any meeting of these Committees are determined by majority of votes of members present and voting. In case of an equality of votes on any matter, the Chairman of the Committee may exercise a second or a casting vote. Under the rules, these Committees may appoint one or more sub-committees, each having the powers of the undivided Committee, to examine any matter referred to them. The reports of such sub-committees are later considered by the whole Committee and they are deemed to be the report of the whole Committee when approved by it.

*In Lok Sabha, it is the Speaker who nominates the Chairman of the P.A.C. also.

Meetings of these Committees are ordinarily held at the Vidhan Bhawan, Lucknow, on such days and at such hours as the respective Chairmen of the Committees decide, but if at any time it becomes necessary to change the venue of the meetings outside Vidhan Bhawan, the matter is referred to the Speaker whose decision in this regard is final.

The Committees have the power to take evidence or call for papers, records or documents. It is in the discretion of a Committee to treat any evidence tendered before it as secret or confidential. A document once submitted to a Committee cannot be withdrawn or altered without the knowledge and approval of the Committee. The Committee have the power to take evidence on oath and to require attendance of persons or the production of such papers or records which are considered necessary for the discharge of their duties. The Government may, however, decline to produce a document on the ground that its disclosure would be prejudicial to the interest and safety of the State. In such cases a certificate from the Minister concerned to that effect has to be produced before the Committee.

These being the salient features of the working of parliamentary committees in the State Legislature, details regarding the working and achievements of some of the important Committees of the Third U.P. Vidhan Sabha are given below:

Business Advisory Committee

The legislative programme of the Vidhan Sabha is generally overcrowded and it becomes necessary to plan the entire business in such a manner that it is transacted within the time available to the House. The Business Advisory Committee was first constituted in U.P. in September, 1954. The Committee recommends the time that should be allocated for discussion of the stage or stages of such Government Bills or other Government business, as the Speaker, in consultation with the Leader of the House, may direct for being referred

to the Committee. It consists of not more than 15 members including the Speaker and the Deputy-Speaker and is nominated by the Speaker who is also the *ex-officio* Chairman of the Committee. It generally meets at the beginning of each session and as often thereafter as may be necessary. During the life of the Third Vidhan Sabha, the Committee held 39 meetings and recommended definite time table in regard to Bills or groups of Bills and other business referred to it.

FINANCIAL COMMITTEES

In a democratic set-up, financial control is one of the most effective means by which Legislature exercises control over the Executive. The Executive cannot incur any expenditure without obtaining the sanction of the Legislature. Before the commencement of a new financial year, the Legislature is required to vote the budget which authorises the Government to incur expenditure during that year. The gap between the presentation of the formal budget and its final passing by the Legislature being always very short, the legislature is always left with insufficient time for examining the budget estimates in detail and can only lay down broad policies for the Executive to carry out. But merely passing the budget and leaving the execution thereof to the Executive without any control by the Legislature is not conducive to the spirit of democracy. A system of Financial Committees has, therefore, been evolved to have an effective financial control over the Executive. Two such Committees, *viz.* the Public Accounts Committee and the Estimates Committee are constituted every year for this purpose.

Committee on Public Accounts

The Comptroller and Auditor-General of India has been statutorily assigned the duties and power to audit and examine Government Accounts. He examines the annual accounts thoroughly and satisfies himself that Grants have been applied to the purpose for which they were intended and that amounts have been spent accord-

ing to law and the treasury regulations. Before he submits his reports, the accounts are certified by him as correct subject to such reservations as he may choose to make. His comments cover technical matters of accounting or financial principles which might have been violated, transactions involving heavy losses, expenditures on new services and departures from settled precedents and procedures. He thus offers his comments not only on defective budgeting and financial irregularities but also on wasteful and nugatory expenditure and inefficiency. These reports are caused to be laid before the Legislature under article 151(2) of the Constitution of India.

The increasing bulk of these reports, the complex and technical nature of Government accounts, and the paucity of time make it difficult for the Legislature to examine these accounts in a thorough and detailed manner and in their proper perspective on the floor of the House. It is for this purpose that the State Vidhan Sabha has set up the Public Accounts Committee, as at the Centre. The Committee examines in detail the reports of the Comptroller and Auditor-General on behalf of the Legislature.

The primary function of the Public Accounts Committee is to scrutinize the reports of the Comptroller and Auditor-General relating to the annual Appropriation Accounts, the annual financial accounts or such other accounts or financial matters of the State as are referred to the Committee or which it deems necessary to scrutinize. While scrutinizing the Appropriation Accounts and the reports of the Comptroller and Auditor-General the Public Accounts Committee has to satisfy itself:

- (i) that moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;
- (ii) that the expenditure conforms to the authority which governs it; and

- (iii) that every re-appropriation has been made in accordance with such rules as may be prescribed by the competent authority.

It is also the duty of the Committee:

- (i) to examine the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes and projects together with the balance-sheet and statements of profit and loss accounts which the Governor may have required to be prepared under the provisions of the statutory rules regulating the finances of a particular corporation, trading concern or project and the report of the Comptroller and Auditor General thereon;
- (ii) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor General of India either under the directions of the Governor or by a Statute; and
- (iii) to consider the report of the Comptroller and Auditor General in case where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock.

To enable the Committee to discharge its functions effectively, it has been given adequate powers whereby it can require the attendance of representatives of the departments concerned and to summon the officers more directly responsible for examination, whenever necessary.

The Public Accounts Committee was first constituted in U.P. in 1921 in accordance with rule 33 of U.P. Legislative Council Rules. With the progress of constitutional changes in the country, the Committee has not only gained in importance and stature but has also developed into a powerful forum and mouthpiece of the State Legislature. On the Government of India Act, 1935 coming into force and following the installation of popular ministry in the State, a convention was laid down that the Leader or the Deputy Leader of the Opposition would be unanimously elected as the Chairman of the Committee. This convention, although adopted in the pre-Independence era, is being followed in this State to this day.

Working of Committees in the U.P. Vidhan Sabha

Till 1958 the Committee used to elect one of its members as the Secretary of the Committee and the secretarial assistance used to be rendered by the Finance Department. But with the coming into force of the revised Rules of Procedure and Conduct of Business of the U.P. Vidhan Sabha in 1958, the secretarial work of the Committee was taken over by the Vidhan Sabha Secretariat on May 20, 1959 and since then the Secretary to the House has been functioning as the *ex-officio* Secretary of the Committee.

Under Rule 229 of the Rules of Procedure of the U.P. Vidhan Sabha, the Committee on Public Accounts consists of not more than 21 members elected by the House from amongst its members. Since 1961, the Committee in addition to having 21 elected members of the Vidhan Sabha has also 5 members of the Vidhan Parishad, elected from amongst its members, to work on the Committee as associate members. The term of the Committee is one financial year.

The report of the Committee is presented to the House by its Chairman. The Committee keeps a watch on the implementation of the recommendation by the Administration through the Vidhan Sabha Secretariat, which prepares a statement of action taken thereupon for being placed before the Committee from time to time.

During the life of the Third Vidhan Sabha, four Committees on Public Accounts were constituted for (i) 1962-63 and 1963-64 (ii) 1964-65; (iii) 1965-66; and (iv) 1966-67. The Committee considered the Appropriation Accounts and the Audit Reports thereon for the years 1960-61, 1961-62, 1962-63, 1963-64 and 1964-65 and presented its reports on the accounts for all these years.

Some important Recommendations

The Public Accounts Committee at its meeting held on June 11, 1960 decided to take up the examination of the Finance Accounts of the State for the first time and accordingly some points relevant to the

Finance Accounts 1958-59 were raised by the Chairman of the Committee. Explanations on these points were submitted by the Accountant General and the Financial Department. The Committee restricted its scope to only a few points and made recommendations on the following important points:

- (1) Audit of the sources of revenue;
- (2) Classification of Heads of Account;
- (3) Separation of balances of the Consolidated Fund and the Public Accounts;
- (4) Limits on borrowings and giving guarantees; and
- (5) Commitments and Liabilities.

Addressing the Conference of Chairmen of Public Accounts Committees at New Delhi on March 15, 1959, late Prime Minister Nehru had observed that although audit was essential to see that money was spent according to rules, yet it fails to see to what extent the money spent has produced results. In other words, he suggested that there should also be an audit of achievements. Acting on the suggestion, the Conference approved that the Public Accounts Committees should devise ways and means to develop a system whereunder it should be possible for them to report to their respective legislatures from time to time about the manner in which these achievements are being recorded in the process of making an audit of achievement.

The need for examining the accomplishments of each project was also stressed by the then Speaker of the U.P. Vidhan Sabha, Shri A. G. Kher, at a meeting of the Public Accounts Committee for 1960-61. In pursuance of the Speaker's direction, the Committee decided to undertake work-audit of selected items and projects out of those mentioned in the Appropriation Accounts 1958-59 and Audit Report 1960. In consultation with the Accountant General, the Mata Tila Dam Project on which certain irregularities had already been pointed out in the Audit Report, 1960 was selected for a broader examination from the point of view of work-audit.

The first work-audit report was placed in the House on April 4, 1961. The Committee later undertook some more important items from the Audit Reports, from time to time, and conducted their work-audits. So far, it has submitted seven such reports and has thus done fruitful work towards the safeguard of public money.

The Committee has noted with concern that large amounts of grants remaining unutilised for long periods has become a regular feature. For the last several years, the Committee has been suggesting suitable steps for proper and timely utilizations of these grants but there is no satisfactory improvement in the State of affairs.

On the basis of an audit objection referred to in the Audit Report 1964, regarding an infructuous expenditure amounting to about Rs. 5 lakhs in the purchase of 706 Ajanta Hindi Typewriters, the Committee, in its report based on that Audit Report, condemned in strongest possible terms the action of all those who were concerned with that doubtful deal and recommended that the strictest possible action against all those, whoever they might be, should be taken and the loss that accrued to the State on account of the deal should be realised from the persons concerned.

The Government appointed a one-man commission to investigate into the entire case. Although the Commission has recommended that the matter need not be pursued further in the public interest, yet the Committee is still of the view that the matter is a serious one and should be discussed in the House.

Committee on Estimates

The Estimates Committee came into being in Uttar Pradesh in September 1962 on the pattern of its counter-part in Lok Sabha where it was first set up in 1950. It consists of not more than 25 members who

are elected by the Vidhan Sabha from amongst its members according to the principle of proportional representation by means of single transferable vote. The term of office of the members of the Committee is one year. The Chairman of the Committee is appointed by the Speaker from amongst its members.

The functions of the Committee are :

- (i) to report what economies, improvements in organisation, efficiency or administrative reforms consistent with the policy underlying the estimates may be effected;
- (ii) to suggest alternative policies in order to bring about efficiency and economy in the administration;
- (iii) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
- (iv) to suggest the form in which the estimates shall be presented to the Assembly.

The Committee examines such of the estimates as it may deem fit or as are specifically referred to it by the House. At the beginning of each financial year the Committee selects a few departments whose estimates are taken up for examination during the year under review. The Committee transacts its business mostly through sub-committees appointed for the purpose.

In the life time of the Third Vidhan Sabha, four Committees on Estimates were appointed which functioned during 1962-64, 1964-65, 1965-66 and 1966-67. These Committees held in all 534 meetings including the meetings of various sub-committees and made on the spot study tours and submitted twenty-three reports to the Vidhan Sabha during this period.

Committee on Government Assurances

The Committee on Government Assurances is nominated by the Speaker. Its functions are to scrutinize the assurances, promises, undertakings e.c., given by Ministers from time to time on the floor of the House and to report on the extent to which such assurances, promises,

undertakings etc. have been implemented and whether such implementation, if any, has taken place within the minimum time necessary for the purpose.

In the Vidhan Sabha this Committee was first set up in 1955 and has since been functioning regularly. The Committee consists of not more than 15 members who are nominated by the Speaker. The term of office of the members of the Committee is one year. The Committee meets from time to time and scrutinizes the reports received from Government Departments about implementation of the assurances, etc. The decisions of the Committee are included in its reports which are presented to the House by its Chairman.

The first Committee on Assurances of the Third Vidhan Sabha appointed for the year 1962-63 held 40 meetings and presented four reports to the House. The second Committee appointed for the year 1963-64 held 41 meetings and presented seven reports. The third Committee held 64 meetings and presented five reports. The fourth Committee which functioned during the year 1965-66 held 37 meetings and presented four reports. The fifth Committee held 45 meetings and submitted two reports.

Committee on Petitions

The Committee on Petitions is one of the important Committees of the House and functions as a link between the public in general and the Government. The Rules provide that petitions may be presented or submitted with the consent of the Speaker on :

- (i) A Bill which has been published or which has been introduced in the House;
- (ii) Any matter connected with the business pending before the House; and
- (iii) Any matter of general public interest provided that it is not one—
 - (a) which falls within the jurisdiction of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or a quasi-judicial body or a commission;

(b) which can be raised on a substantive motion or resolution; or

(c) for which remedy is available under the law, including rules, regulations, bye-laws made by the Union or State-Government or an authority to whom power to make such rules, regulations, etc., is delegated.

Every petition after its presentation, stands referred to the Committee for examination. The Committee may, after examining every such petition, recommend to the Speaker the rejection of the petition if it is not in conformity with the rules and in that case the Speaker rejects it. It may direct circulation of the petition in extenso or in a summary form. After circulation and after evidence, if any, the Chairman of the Committee or any member of the Committee reports to the House the specific complaint contained in the petition and its suggestions for remedial measures for the particular case or to prevent such cases in future.

The Committee on Petitions is constituted every year and it consists of not more than 15 members who are nominated by the Speaker.

During the life time of the Third Vidhan Sabha five Committees on Petitions were constituted. These Committees held three meetings in 1962, two in 1963, thirteen in 1964, eight in 1965 and six in 1966. During this period, the Committee presented ten reports to the House.

Committee on Delegated Legislation

The rule-making power under specific Acts is either delegated by the Legislature itself or is conferred, in certain matters, by the Constitution upon the Executive. There is no doubt that arbitrary exercise or abuse of rule-making powers by the Executive may constitute a threat to the liberty of the citizen. To obviate the alleged danger and secure adequate parliamentary control of delegated legislation, Committees on Delegated Legislation have been constituted both at the Centre as well as in the States. These Committees scrutinize and report to their respective

Houses whether the powers to make rules, regulations, sub-rules, bye-laws, etc., conferred by the Constitution or delegated by the Parliament or the State Legislature concerned are being properly exercised within such delegation.

In U.P., the Delegated Legislation Committee was first constituted on May 22, 1956. It has since been functioning regularly each year.

The Committee consists of not more than 15 members nominated by the Speaker. Since 1960, the Committee has, in addition to the members of the Vidhan Sabha, also associated 4 members of the Vidhan Parishad who are nominated by the Chairman of that House to work on the Committee. No Minister is appointed as a member of the Committee and if any member of the Committee is appointed a Minister, he ceases to be a member of the Committee from the date of such appointment. The terms of reference of the Committee, as laid down in the rules are to consider :

- (i) whether the delegated legislation is in accordance with the general objects of the Constitution or the Act pursuant to which it is made;
- (ii) whether it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of Legislature;
- (iii) whether it contains imposition of any tax;
- (iv) whether it directly or indirectly bars the jurisdiction of the Court;
- (v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (vi) whether it involves expenditure from the Consolidated Fund of the State or the Public Revenue;
- (vii) whether it appears to make some unusual or un-expected use of the powers conferred by the Constitution or Act pursuant to which it is made;
- (viii) whether there appears to have been any justifiable delay in its publication or laying it before the Legislature; and
- (ix) whether for any reason, its form or purport calls for any amendment.

If the Committee is of opinion that any such legislation should be annulled wholly or in part, or should be amended in any respect, it reports that opinion and the grounds thereof to the House. If the Committee is of opinion that any other matter relating to any rule, regulation, etc., should be brought to the notice of the House, it may report that opinion and matter to the House.

In the life time of the Third Vidhan Sabha, five Committees on Delegated Legislation were constituted. The Committee held 28 meetings in 1962-63, 23 meetings in 1963-64, 71 meetings in 1964-65, 52 meetings in 1965-66 and 25 meetings in 1966-67. During this period it presented seven reports.

The Committee has made many useful recommendations which owe their origin to considerations of the public good and the legitimate bounds of subordinate legislation. Through this Committee, Parliamentary control over delegated legislation has been effective.

It will not be out of place to mention here one or two of the more important recommendations that the Committee had made in its reports. In their first Report, they had recommended that the amendment in the rules should be drafted in such a manner that the draft may contain the existing rule as well as the amended rule side by side so as to have no ambiguity and facilitate the understanding of the effect of the proposed amendment. The Government had accepted this proposal of the Committee and the same is being strictly followed by the departments.

In their Third Report, the Committee had observed that the classification of services as envisaged in Rule 14 of the Civil Services (Classification, Control and Appeal) Rules is not consistent with the different provisions of the Constitution and even the nomenclature of some of the State services is not in keeping with the spirit of the Constitution. All posts, besides those mentioned in Article 236 to

form "Judicial Service" created by means of rules made under Civil Services (Classification, Control and Appeal) Rules or any other provisions of the Constitution particularly Article 309, do not, in the opinion of the Committee, seem to be consistent with the provisions of the Constitution and seem to be *ultra vires* thereof.

Rules Committee

Under Article 208 (1) of the Constitution, each House of the State Legislature has been given the power to frame rules for regulating its procedure and conduct of its business.

The Rules Committee of the U.P. Vidhan Sabha consists of not more than 15 members including the Speaker and the Deputy Speaker. The members of the Committee are nominated by the Speaker who is also the *ex-officio* Chairman of the Committee.

The functions of the Committee are to consider matters of procedure and conduct of business in the House and to recommend any amendment or additions considered necessary to these rules. The Committee is appointed for one year, but it continues to hold office until a new Committee is appointed.

The recommendations of the Committee are laid on the Table of the House. Any member may give notice of any amendment to such recommendations within a period of 14 days.* Upon such notice, the amendments stand referred to the Committee which after considering them, may make such changes in their recommendations as are considered necessary. The final report is again laid on the Table of the House. Thereafter, on a motion made by a member of the Committee, the House adopts the report and then the amendment as approved by the House, is incorporated in the Rules. When no notice of amendment to the recommendations of the Rules Committee are given, the recommendations are

deemed to have been approved by the House and such recommendations are incorporated in the Rules after the expiry of 14 days.† The amended rules come into force as soon as adopted by the House.

In the life of the Third Vidhan Sabha, the Rules Committee held 67 meetings. It presented three reports recommending in aggregate 189 amendments to the Rules of Procedure and Conduct of Business of the Uttar Pradesh Vidhan Sabha.

Committee on Privileges

At present under Article 194(3) of the Constitution, the powers, privileges and immunities of each House of State Legislatures and of the members and Committees thereof are the same as those of the British House of Commons. Disregard of these rights and immunities constitutes a breach of privilege which is punishable by the Legislature. Such a breach of privilege of the Legislature is referred by each House to its Committee on Privileges for a thorough examination of all the issues involved, to determine whether there has been any breach in the case and to report to the House with its recommendation for action.

Under the Rules a question of breach of privilege may be referred to the Committee on Privileges either by the Speaker himself when he holds that a complaint in respect of a breach of privilege is in order or upon a motion adopted by the House.

The Committee on Privileges of the U.P. Vidhan Sabha consists of ten members, including the Deputy Speaker, who are nominated by the Speaker. The Deputy Speaker is the Chairman of the Committee. The quorum to constitute a meeting of the Committee is five.

On a reference being made to the Committee, a notice along with a copy of the

* Previously, the notice period for such amendments was only 7 days.

† Previously the expiry period was only 7 days.

complaint is issued to the person complained against to appear before the Committee on a specified date and time. If the said person admits his guilt or tenders an apology, the Committee makes a report forthwith with such recommendations as it may deem fit.

The Committee examines the question referred to it in the light of the evidence and the circumstances leading to it and makes its recommendations.

During the life of the third Vidhan Sabha, the Committee on Privileges held 75 meetings and presented 21 reports to the House.

The report of the Committee on Privileges on the famous Keshav Singh's case of 1964 and the events that followed the presentation of this report aroused a wide interest and proved to be of "great constitutional importance and far-reaching implications as regards the powers and privileges of Parliament and State Legislatures."*

*For details regarding this case, see *Journal of Parliamentary Information*, Vol. XI, (1965), pp. 6—12 and pp. 31—40.

Parliamentary control is not the stop switch, it is the tuning, the tone and the amplifiers of a system of communication which tells governments what the electorate want (rightly or wrongly) and what they will stand for (rightly or wrongly), and tells the electorate what is possible within the resources available (however much opinions will vary on what is possible).

—BERNARD CRICK.

SPECIALIST SELECT COMMITTEES OF THE HOUSE OF COMMONS (U. K.)*

(There has recently been a demand from the Leaders of the Opposition parties in the Indian Parliament to set up Parliamentary Standing Committees patterned after the Ministries/Departments of the Government, with requisite statutory powers to examine the working of concerned Ministries/Departments. They had suggested that to begin with such Committees might be set up for the four major spending Ministries—Defence, Commerce, Industrial Development and Works, Housing and Supply. It was argued that the Committees, composed of members of various parties would tend somewhat to cool down party spirit, promote a strong corporate sense and help consideration of governmental activities on their merits objectively, rather than on party lines. They would also tend to promote an element of specialisation among members. It was, therefore, contended that such Committees could usefully examine how the Ministries/Departments had shown their performance within the resources available to them.

In the context of the present controversy of setting up such Parliamentary Standing Commons on the 23rd November, 1967. The present article reviews the work done by these United Kingdom set up two specialist Select Committees in December 1966—one on the Department of Agriculture and the other on the subject of Science and Technology. A similar Select Committee on Science and Technology was again appointed by the House of Commons on the 23rd November, 1967. The present article reviews the work done in these specialist Select Committees of the House of Commons.—*Editor*]

As a measure towards effective Parliamentary control of the Executive through the committee system and also with a view to experiment in giving to the back-bench Members a share in the investigation of administration and even of the policies of the Government, the House of Commons (U.K.) introduced a new procedure when it, on motion¹ adopted on the 14th December, 1966 in that behalf, appointed two specialist Select Committees—one on the Department of Agriculture and the other on the subject of Science and Technology.

A similar Select Committee on Science and Technology² has again been appoint-

ed by the House of Commons on the 23rd November, 1967 on a motion adopted in that behalf.

Membership of the Committees—Both the Select Committees³ appointed on the 14th December, 1966 and the Select Committee on Science and Technology⁴ appointed on the 23rd November, 1967 consisted of 14 members each.

Terms of Office—The term of office of each of the Select Committees⁵ appointed in 1966 was for the duration of the Session 1966-67 and that of the

*Prepared by Committee Branch-I of the Lok Sabha Secretariat.

¹ H. C. Deb., 14-12-1966, col. 478-612.

² Votes and Proceedings of the House of Commons (U.K.), dated the 23rd November, 1967, Item No. 18.

³ First Special Report of the Select Committee on Agriculture (1966-67); First Special Report of the Select Committee on Science and Technology (1966-67).

⁴ Votes and Proceedings of the House of Commons (U.K.), dated the 23rd November, 1967, Item No. 19.

⁵ H. C. Deb., 14-12-1966, col. 611-12.

Select Committee on Science and Technology¹ appointed on the 23rd November, 1967, is for the duration of the Session 1967-68.

Quorum—The quorum to constitute a sitting of each of these Select Committees² was fixed to be four. The quorum for each of the Sub-Committees³ appointed by the Select Committees on Science and Technology was fixed to be three.

Appointment of Sub-Committees—The Select Committees on Science and Technology for 1966-67 and 1967-68 were empowered⁴ to appoint Sub-Committees and to refer to such Sub-Committees any of the matters referred by the House to the main Committees. Accordingly, the Select Committee on Science and Technology (1966-67), appointed the following three Sub-Committees:—

- (1) Sub-Committee on Coastal Pollution⁵ consisting of six members out of which three were nominated by the House.
- (2) Sub-Committee 'A' to visit the United States of America⁶—consisting of three members.
- (3) Sub-Committee 'B' to visit Europe⁷ consisting of five members.

Likewise, the Select Committee on Science and Technology (1967-68) have appointed a Sub-Committee on Coastal

Pollution⁸ and it consists of six members out of which three have to be nominated by the House of Commons.

Venue of sittings—The Select Committees⁹ were to sit notwithstanding any adjournment of the House and they could adjourn from place to place.

Visits abroad—The Select Committee on Agriculture (1966-67) were authorised to hold their sittings in Brussels¹⁰. Likewise Sub-Committee 'A' and Sub-Committee 'B' of the Select Committee on Science and Technology (1966-67) were authorised to hold their sittings in the United States of America and in Europe, respectively¹¹.

Powers of the Committees¹²—These Select Committees were given powers to send for persons, papers and records and to admit strangers during the examination of witnesses unless they otherwise ordered¹³. Besides the official and non official witnesses, Ministers also appeared before the Select Committee on Agriculture and the Select Committee on Science and Technology¹⁴ (1966-67).

The Select Committees on Science and Technology for 1966-67 and 1967-68 were given powers to report from time to time the Minutes of the Evidence

¹ First Special Report of the Select Committee on Science and Technology (1967-68).

² H. C. Deb., 14-12-1966, cc. 611-12; Votes and Proceedings of the House of Commons (U.K.), 23-11-1967, item No. 18.

³ Fifth Special Report of the S. C. on Science and Technology (1966-67); Votes and Proceedings of the House of Commons (U.K.), dt. 23-11-1967, item No. 18.

⁴ *Ibid.*

⁵ Fifth Special Report of the S. C. on Science and Technology (1966-67).

⁶ Sixth Special Report of the S. C. on Science and Technology (1966-67).

⁷ Fifth Special Report of the S. C. on Science and Technology (1966-67); votes and Proceedings of the House of Commons (U. K.), dated 23-11-1967, item No. 18.

⁸ Special Report of the S. C. on Science and Technology, (1967-68).

⁹ H. C. Deb., 14-12-1966, C.C. 611-12; Votes and Proceedings of the House of Commons (U.K.), 23-11-1967, item No. 18.

¹⁰ Report of the Select Committee on Agriculture (1966-67), Vol. I, para 29.

¹¹ Eighth and Ninth Special Reports of the Select Committee on Science and Technology (1966-67).

¹² H. C. Deb., 14-12-1966, C.C. 611-12; votes and Proceedings of the House of Commons (U.K.), 23-11-67, item 18

¹³ Proceedings of the sittings of the S.C. on Agriculture held on June 27 and 28, 1967, (Report of the Committee, page six); Fifth Special Report of the S. C. on Science and Technology (1966-67).

Specialist Select Committees to the House of Commons

taken before Sub-Committees and reported by them to the main Committee, and to appoint persons with technical or scientific knowledge for the purpose of particular inquiries, either to supply information which was not readily available or to elucidate matters of complexity within the Committees' order of reference".

Subjects Selected for Inquiry.—The terms of reference of the Select Committee on Agriculture were to examine the activities in England and Wales of the Ministry of Agriculture, Fisheries and Food and to report thereon". The Committee, however, chose the following subject" for their inquiry.

"The scope and adequacy of the inquiries made by the Ministry of Agriculture, Fisheries and Food concerning the effects of possible entry into the European Economic Community on Britain's agriculture, fisheries and food."

Under the terms of reference of the Select Committee on Science and Technology for 1966-67, the Committee were to consider the subjects of Science and Technology". The Committee, however, decided to examine first the nuclear reactor programme and all the attendant issues". In their future main line of inquiry, after the present investigation of the nuclear reactor programme was concluded, the Committee decided to hold

an early inquiry into defence research establishments, with particular reference to the employment by those establishments of qualified scientific and technical staff".

Besides these subjects, the House, on a motion adopted on April 10, 1967, referred to the Select Committee on Science and Technology (1966-67)" the question of future measures against the pollution of shores in the light of the experience gained from the wreck of the *Torrey Canyon*.

The same terms of reference were given to the Select Committee on Science and Technology appointed for the year 1967-68".

Reports Presented.—The Select Committee on Agriculture (1966-67) presented one special Report" and one main Report" to the House.

The Select Committee on Science and Technology (1966-67) presented ten Special Reports" and one main Report" to the House.

The Select Committee on Science and Technology (1967-68) presented their First Special Report to the House on November 30, 1967.

¹ Fifth Special Report of the S. C. on Science and Technology (1966-67); Votes and Proceedings of the House of Commons (U.K.); 23-11-1967, Item No. 18.

² *H. C. Deb.*, 14-12-1966, c. 611.

³ Report of the S. C. on Agriculture (1966-67), para 3.

⁴ *H. C. Deb.*, 14-12-1966, c. 612.

⁵ Second Special Report of the S. C. on Science and Technology (1966-67).

⁶ Sixth Special Report of the S. C. on Science and Technology (1966-67).

⁷ Fourth Special Report of the S. C. on Science and Technology (1966-67).

⁸ Votes and Proceedings of the House of Commons (U.K.), 23-11-1967, Item No. 18.

⁹ First Special Report presented on the 12th February, 1967.

¹⁰ Presented on the 27th July, 1967.

¹¹ First to Tenth Special Reports presented on the 1st and 16th February, 23rd March, 19th and 27th April, 4th May, 6th June, 6th and 13th July, and 24th October, 1967, respectively.

¹² Presented on the 24th October, 1967.

I—SELECT COMMITTEE ON AGRICULTURE
(1966-67)

Main Conclusions/Observations

(a) Impressions and Conclusions re:
Subject of Inquiry

- (1) Despite active and repeated attempts, it proved impossible for the Committee to obtain adequate evidence from the consumers' viewpoint. In the Committee's opinion, the inadequacy of machinery for ascertaining consumers' views is not confined to this issue but is a problem facing the Ministry as a whole²¹.
- (2) Apart from a short White Paper on the legal implications of membership of the European Economic Community (E.E.C.) for Britain (Command, 330), the assessment by the Ministry of Agriculture, Fisheries and Food is the only one to have been presented to Parliament and it appeared first as a memorandum submitted to the Committee. Thus, full information on the possible effect of joining the E.E.C. on Britain's agriculture, fisheries and food has been assembled and, moreover, published, unlike that on other aspects of the economy. The Committee consider that it is perhaps doubtful whether this would have happened, if they had not been appointed²².

(b) Observations on the Procedural Aspects

Issue of Press Communiqué

- (3) With a view to bring the inquiry of the Select Committee to the notice of the public at the outset, the Committee recommended that following the example of

Royal Commissions and some Departmental Committees, it might be useful to advertise in the press that anyone wishing to give evidence should get in touch with the Clerk to the Committee²³.

Future Work of the Committee

- (4) The Committee pointed out that under their present terms of reference they had to complete their work during a Parliamentary Session which might cause more difficulty in a future Session if the Committee undertook a longer inquiry. Some of the subjects which the Committee felt should be investigated were: the Price Review system; the import saving policy in relation to agriculture; Government agricultural advisory services; the use of chemicals in agriculture and food and the representation of consumer interests in the Ministry. All these subjects might require more time to complete and also the extension of the Committee's terms of reference to include the activities of the Department of Agriculture for Scotland. With this possible alteration, the Committee considered that a step should be taken towards establishing the Select Committee on Agriculture on a more permanent basis by following the example of the Public Accounts and Estimates Committees of the House and constituting the Committee by Standing Order²⁴.

Staffing of the Committee

- (5) The Committee recommended that two Clerks with supporting staff should be allocated to the

²¹ Report from the Select Committee on Agriculture (1966-67); H. C. 376 XVII (1966-67), para 20.

²² *Ibid.*, para 20.

²³ *Ibid.*, para 4.

²⁴ *Ibid.*, para 5.

Specialist Select Committees of the House of Commons

future similar Select Committee. (The Select Committee was provided with the services of only one senior Clerk with virtually no supporting staff²¹.)

Recording of Information

- (6) In future, power should be given to the Committee to dispense from time to time with the rule requiring a complete shorthand note to be taken of the evidence before the Select Committee with a view to permit a confidential aside. The witness, subject to the consent of the Committee, be permitted to speak off the record and the Committee be permitted to experiment with mechanical methods of recording the evidence, *i.e.*, on a tape recording²².

Supply of Documents

- (7) The refusal by the Foreign Secretary to produce before the Committee the official correspondence about the staffing of the British Delegation to the E.E.C. at Brussels and the time taken to deal with their request for these documents were, in the Committee's view, evidence of unwillingness on the part of the Foreign Office to assist the Committee in their work²³.

Visit to Brussels

- (8) The Committee drew attention to apparent nervousness about the activities of the Committee

displayed by the Foreign Office to a much more marked extent and with more serious effect on the work of the Committee while taking strong objections to, and unjustified delays in dealing with, the Committee's request to visit Brussels²⁴.

Procedure relating to the moving of motion in the House

- (9) The Committee questioned the procedure requiring that only the signatory to a motion could move it in the House. The Committee felt that little could be gained by its application to routine, procedural motions and the inconvenience was considerable. Moreover, Members of the Government were not liable to its restrictions for the reasons that the Government acted as a united body. The Committee considered it a little hard that there should be one rule (or rather the absence of a rule) for roughly ninety Members of the house and another for the remaining five hundred and forty, who had in any case many difficulties not shared by the comparatively privileged ninety in moving motions in the House. The Committee recommended that the Select Committee on Procedure should examine the procedure relating to moving of motions in the House²⁵.

²¹ *Ibid.*, Pages 6-7.

²² *Ibid.*, Pages 9-10.

²³ *Ibid.*, Pages 13-16.

²⁴ *Ibid.*, Pages 17-21.

²⁵ *Ibid.*, Page 25.

This recommendation of the Committee arose from the fact that a motion for authorizing the Committee to hold their sittings in Brussels appeared on the Order Paper for July 7, 1967 in the name of the Chairman of the Committee. Due to unavoidable absence of the Chairman, the motion was not moved and it lapsed. With a great difficulty, the motion was re-introduced on the Order Paper for Monday, July 10, 1967. After staying up all night, the Chairman was able to move it on Tuesday, July 11, 1967 when it was agreed to by the House. Less than four hours later, the Committee had to rush to the London Airport to begin their visit to Brussels.

The above rule does not apply to Government motions which can be moved by any Member of the Government, from the Prime Minister down to an assistant Whip. The Committee pointed out that the rule in question not enforced even for private Members' motions, and there had been precedent for this non-enforcement earlier in the same week when a motion in the name of another Committee Chairman, was moved in his absence by a Government Whip on this behalf.—See *Ibid.*, Pages 22-23.

Visits Abroad

(10) The Committee also questioned the whole procedure of requiring the leave of the House to be given each time a Committee wished to make a visit abroad. The Committee desired that the proposed Committee of Chairmen of Select Committees be entrusted with the task of devising a system of arranging for and authorising a Committee to make visits abroad during an inquiry. The Committee felt that some improvement could and should be made in the present laborious procedure without jeopardizing the legitimate right of the Executive to safeguard public funds⁴⁰.

(c) *Departmental Observations on the Report from the Select Committee on Agriculture (Session 1966-67)*

The observations⁴¹ by the Departments concerned stating their position on the observations and recommendations contained in the Report of the Select Committee on Agriculture (1966-67) were presented to Parliament by the Secretary of State for Foreign Affairs and the Minister of Agriculture, Fisheries and Food in November, 1967.

II. SELECT COMMITTEE ON SCIENCE AND TECHNOLOGY (1966-67)

The main Report of the Select Committee on Science and Technology was presented to the House on the 25th October, 1967 and ordered to be printed

by the House of Commons on the 27th October, 1967⁴².

(a) *Subject selected for enquiry*

The Committee selected the subject of the nuclear reactor programme for their first investigation, because it was of prime national importance and involved large sums of public money. Moreover, it was widely accepted that changes in public policy were required to accommodate technical and organisational evolution⁴³.

(b) *Sittings in Public*

The House had empowered the Committee to hold hearings in public at their discretion. In the course of their enquiry the Committee held 13 public sittings at Westminster at which evidence of several authorities, including the Minister of Power and the Minister of Technology, was taken. The large number of strangers who regularly occupied the public seats at these hearings confirmed the opinion of the Committee that the House must benefit from the activities of Select Committees whose inquiries are relatively unrestricted both as to subject-matter and freedom of movement⁴⁴. While one sub-Committee of this Select Committee was allowed to hold sittings in the United States of America, another was allowed to hold similar sittings in Europe.

(c) *Observations/Recommendations of the Committee*

The Committee made a number of observations/recommendations regarding

⁴⁰ *Ibid.*, Paras 27-28.

⁴¹ *Cmd.* 3479.

⁴² The cost of preparing for publication the shorthand Minutes of Evidence taken before the Committee was £843-14s. 0d.

The cost of printing and publishing this volume (the Report) is estimated by Her Majesty's Stationery Office at £1,985.

⁴³ Report from the Select Committee on Science and Technology (1966-67) H. C. 381-XVII (1966-67), Para. 1.

⁴⁴ *Ibid.*, Paras 3 and 9.

the re-organization of the nuclear industry in England and the structure of the Atomic Energy Authority. The Committee, *inter-alia*, observed:

- (i) The Committee are not satisfied that, between them, the Minister of Power and Minister of Technology are adequately equipped to assess the value and significance of what the Atomic Energy Authority are doing. The Committee, therefore, recommend the establishment of a technical assessment unit capable of advising the Government on the merits and prospects of particular projects proposed to be undertaken by the Authority⁴⁴.
- (ii) The Committee's discussions with members of the American Congressional Joint Committee on Atomic Energy, which has direct control, on behalf of the Congress, of the Atomic Energy Commission, have impressed them by revealing how a specialist Parliamentary body can follow the affairs of a highly technical industry and

exercise general supervision of such an industry without interference with day-to-day management. The Committee recommend that a study be made of the possibility of the establishment, within the framework of the British system of Government, of a similar body to deal with all aspects of energy policy, and provided with adequate expert staff for the purpose⁴⁵.

(d) Sub-Committee on Coastal Pollution

The Select Committee on Science and Technology (1966-67) in their tenth Special Report presented to the House on the 25th October, 1967, reported that their Sub-Committee on Coastal Pollution had not been able to conclude their enquiry. Such a Sub-Committee was, therefore, reappointed by the Select Committee on Science and Technology for the Session 1967-68.

⁴⁴ *Ibid.*, Para 187.

Corrigendum to Vol. XIII No. 2 (October, '67 issue) of the Journal

The following two articles included in Vol. XIII No. 2 (October, '67 issue) of this Journal were originally delivered as lectures during the Parliamentary Course for University Students conducted by the Maharashtra Branch of the Commonwealth Parliamentary Association in September, 1966 and July, 1967, respectively:

- (1) *Parliamentary Etiquette and Conventions* by Shri K. K. Rangole.
- (2) *Committee System in Parliament* by Shri R. K. Khadilkar.

JUDICIAL CONTROL AND THE PARLIAMENTARY PROCESS

Minister's Responsibilities in Relation to Decisions which Parliament has Delegated by Statute—Case of Harper & Another *vs.* Secretary of State for the Home Department*.

[In the United Kingdom, there is a wholesome tradition, which has been quietly consolidated since the conflicts of jurisdiction in the eighteenth century, that Parliament and the courts respect one another's special functions and need a very strong case to be presented before they will interfere with one another's proceedings. There was however such an interference in 1954 when in "Harper and Another *vs.* Secretary of State for the Home Department", the High Court granted an interim injunction restraining the Home Secretary from submitting Orders approved by both Houses to the Queen in Council for assent. The episodes which followed this action provoked a discussion in unusually dramatic terms of the relation of the courts to the administrative and parliamentary process. A detailed study of this interesting case in which ultimately the Court of Appeal set aside the injunction granted in the lower court appears in the present article—*Editor.*]

I. BACKGROUND TO THE CASE

Pursuant to Section 2(1) of the House of Commons (Redistribution of Seats) Act, 1949, the Boundary Commission for England submitted to the Secretary of State for the Home Department their first periodical report, dated November 10, 1954, showing the constituencies into which they recommended that England should be divided in order to give effect to the rules set out in Schedule 2 to the Act of 1949. On November 18, 1954, the Secretary of State laid before Parliament

the report and draft Orders in Council giving effect to the recommendations contained therein¹.

In two cases, the validity of the Commission's recommendations was challenged in the courts by voters in the constituencies affected.

On December 14, 1954, the day before the House of Commons was due to debate the Boundary Commission's reports and the draft Orders, the Borough Councils of Hammersmith and Fulham sought

* Prepared by Library, Reference and Information Service (Reference Wing) of the Lok Sabha Secretariat.

¹ House of Commons (Redistribution of Seats) Act, 1949, Section 2(4) reads:

At any time after a Boundary Commission have submitted a report to the Secretary of State under this Act, he shall lay the report before Parliament together, except in a case where the report states that no alteration is required to be made in respect of the part of the United Kingdom with which the Commission are concerned, with the draft of an Order in Council for giving effect, whether with or without modifications, to the recommendations contained in the report.

from the High Court a mandatory injunction against Boundary Commissioners which would require them to inform the Home Secretary that their proposals for Hammersmith and Fulham were based on a consideration not in accordance with the provisions laid down in the House of Commons (Redistribution of Seats) Act, 1949. The plaintiffs contended that the Commission had disregarded the rule providing that the electoral quota should be based on the electorate of Great Britain, not of England, and that they had violated the rule that Boroughs should, as far as practicable, not be divided between two constituencies.

In Hammersmith Borough Council *vs.* Boundary Commission for England, Mr. Justice Harman refused the application, on the ground that, even if the Commissioner had disobeyed the rules, redress lay in Parliament where the orders could be debated and could be accepted or rejected: the matter was "entirely unsuited to judicial intervention". The learned Judge said:

This is not a matter in which I ought to be asked to interfere or in which any good purpose would be served by my seeking to do so. I do not think questions of jurisdiction really need be debated at this stage. I shall assume that I can, if necessary, express an opinion as to the proceedings of the Boundary Commission, without going beyond the functions of this Court, but I am satisfied that I should certainly serve no useful object by doing so, and that the machinery set up under this Act does not leave any room which makes it appropriate for the court to intervene either at this or at any other stage.

On December 17, 1954, after the House of Commons had approved the draft Order relating to Manchester, the Lord Mayor of Manchester had one of his City Councillors sought an injunction to prevent the Home Secretary from submitting the Order to the Queen for approval on the ground that the report upon which it was based did not conform with the Statutory Rules; the grievances were the same as in the previous case—the Commission's changes of electoral quota and their violation of Borough boundaries. As the Attorney-General explained that he had not been briefed to oppose, Mr. Justice Roxburgh, after hearing an *ex parte* statement by the plaintiffs' counsel, ruled that there was a *prima facie* case that the report did not give effect to the rules set out in the Act. The learned Judge said that it was quite plain that the Commission had not approached the problem along the lines laid down in the rules but along the lines they had stated. He reached the *prima facie* conclusion that the report was not made in order to give effect to the rules, and was not one which could properly be laid before Parliament or Her Majesty. Accordingly, he granted an interim injunction.

In his judgment, Mr. Justice Roxburgh observed that it would be a work of supererogation to say that the Boundary Commission did lay the report before Parliament and that it was approved by resolution. If, therefore, it was a draft which complied with the requisites of the Act of 1949 it was the duty of the Secretary of State under the Act to submit it to Her Majesty, and if he did and

* *The Times*, 16th December, 1954.

* (1955) 1 All E.R. 331-49 (339).

* The interim injunction did in fact impinge immediately upon parliamentary procedure. The Speaker ruled on December 20, 1954 that the House would not be deterred from continuing its discussion of the Order not yet debated by a decision that the reports were *ex parte*. It was decided, however, that the remaining Orders would not be presented until the legal position had been clarified and that no steps would be taken to submit to the Queen-in-Council the Orders already approved. Nevertheless the Government did not, in the words of the Leader of the House, accept the view that the matter was a justifiable one, rather than a matter to be decided by Parliament itself.—*H. C. Deb.*, 20-22-1954, cc. 2641, 2642, 2643.

if she made an order in terms of the draft, it could not be called in question in any legal proceedings whatever.

The Judge derived certain general conclusions from that; one was that it was contemplated that that procedure would be subject to the jurisdiction of the Courts until Her Majesty had made an Order in Council. Nobody doubted that Parliament was supreme and that Parliament could repeal or enact any law, but it could only do that by passing enactments. This was a species of delegated legislation, and he thought it appeared from the form of the Act that it was intended that the Courts should intervene in a proper case up to the time when Her Majesty made an Order in Council. Secondly, it appeared to him that the Secretary of State, if and when he submitted a draft Order to Her Majesty in Council, was not doing so in his general capacity as Secretary of State but as a person to whom the duty of so doing was expressly delegated by the provisions of the Act which contained the machinery which was to be used, and he did not, as at present advised, think that the Crown Proceedings Act had any bearing on the present case. If he were wrong in that conclusion he hoped to be excused.

It seemed to the Judge that the Secretary of State was not entitled to do anything unless and until the Boundary Commission had submitted a report under the Act and he did not think that that entitled them to submit any kind of a report but one in compliance with the Act, that was, to give effect to the rules set out in the second schedule. If anyone had intervened at an early stage it might have been possible to prevent the Secre-

tary of State from laying the report before Parliament, but fortunately that was a thing of the past and Justice Roxburgh did not think that he was in danger of running into conflict with Parliamentary procedure. If he arrived at the conclusion that the report was not made in compliance with the Act, it would not be a proper draft for the Secretary of State to lay before Her Majesty, and it would not be affected by the resolutions of the two Houses¹.

As it was inconvenient to postpone the submission of the draft Order to Her Majesty-in-Council to a day later than December 21, 1954, the defendant applied to the Court of Appeal to discharge the Order of Mr. Justice Roxburgh, granting the injunction.

Three days later (December 20, 1954), the Court of Appeal reversed Mr. Roxburgh's decision. Finding himself in agreement with the view that had obviously commended itself to Mr. Justice Harman, Sir Raymond Evershed, M. R. (with whose judgment Jenkins and Hodson, L.JJ. concurred) *inter alia* held:

My reading these rules² and of the whole Act³ is that it was quite clearly intended that in so far as the matter is not within the discretion of the Commission, it was certainly to be a matter for Parliament to determine. I find it impossible to suppose that Parliament contemplated that on any of these occasions when reports were presented, it would be competent for the court to determine and pronounce on whether a particular line which had commended itself to the Commission was one which the court thought the best line or the right line—one thing rather than another to be regarded as practicable, and so on. If it were competent for the courts to pass judgments of that kind on the reports, I am at a loss to see where the process would end and what the function of Parliament would then turn out to be.

¹ *The Times* (London), December 18, 1954.

² Rules for redistribution of seats.

³ The House of Commons (Redistribution of Seats) Act, 1949.

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If that is the right view, then, as I think, everything else follows. Counsel for the plaintiffs indeed conceded that unless one could say that the report was vitiated by misdirection of themselves by the Commissioners, so as to be in effect no report at all, then his cause of action was *in limine* destroyed. I find it unnecessary to say what the court would say or should do if the Commission on the fact of a report made recommendations which were manifestly in complete disregard of the Act of 1949 and of the rules thereunder. I find it difficult to think that Parliament would pass them by unnoticed; but, if Parliament nonetheless adopted them, I find it unnecessary to say what view the court might take.

As regards the question of the defendant to this action, the learned Judge observed as under:

I have said that the defendant is "the Secretary of State for the Home Department"—sua, that is to say, by his official title as a Minister of the Crown. It is said by counsel for the plaintiffs that, since the report disregarded the rules in the Act of 1949, therefore, it is not a report within the meaning of the Act, and that the Secretary of State has neither the duty to the House or to anyone else nor the power or authority to take this proposed Order in Council to Her Majesty. I am not satisfied that counsel for the plaintiffs is not in this respect on the horns of a dilemma. If the whole thing is a nullity and all he seeks to do is to restrain a particular individual, who happens at the moment to be the Secretary of State, I am not satisfied that he ought not to sue him in his personal capacity as for an ordinary wrong—that in that case it would not be clear to me what breach of duty to the plaintiffs he was engaged on committing. On the other hand, if he does sue him, accordingly sues him, in his capacity as Secretary of State, when I am not satisfied, though I express no final view on it, as we have not heard full argument, that the case is one which, having regard to the terms of the Crown Proceedings Act, 1947, will lie. Moreover, I am not satisfied, having regard to Section 21^o of that Act, that on this alternative the plaintiffs could in any event obtain an injunction; but I find it unnecessary to do more

than mention that caution on this point, for, in my judgment, the answer to this case is that the plaintiffs have not established a *prima facie* case to my satisfaction that the report which was presented and which has formed the basis of all that subsequently happened was otherwise than in accordance with the powers vested in the Boundary Commission; and more particularly that the resolutions which the House of Parliament passed and under which the Secretary of State has acted and is purporting to act contained in them, so to speak, any intimation of invalidity. Therefore, I think that this *ex parte* injunction ought not to have been granted and I would allow the appeal against it.

II. MEANS OF REDRESS: AN APPRAISAL

Normally, there are three means of redress against the recommendations of the Boundary Commission, namely—

- (1) Redress from the courts;
- (2) redress from the Home Secretary; and
- (3) redress from Parliament.

As regards the first means of redress, the courts have declared themselves incompetent to interfere however much the Commissioners might have departed from their statutory instructions. As things stand, there can be no appeal to the courts from the decision of the Commissioners.

Even when an interim injunction was issued by a Judge of the High Court in the matter of the *vires* of the reports issued by the Boundary Commission, the Government did not accept the view that this was a justifiable matter and not for Parliament itself^o.

^o The Crown Proceedings Act, 1947, Section 21(2) reads:

The court shall not in any civil proceedings grant any injunction or make any order against an officer of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown which could not have been obtained in proceedings against the Crown.

^o *Murphy and Another v. Secretary of State for the Home Department*, (1965), 1 All E. R. 581—60 (380-80).

^o H. C. Deb., 20-12-1964, c. 2641; and 21-12-64, c. 2697.

Under the 1949 Act, the Home Secretary is required to lay recommendations of the Boundary Commission before Parliament in the form of draft Orders "with or without modification". The Home Secretary, in theory, provides a court of appeal; but in practice, however, objectionable, the proposals may be, it would be still more objectionable, according to David Butler, if the Home Secretary or the Cabinet actually tried to vary the decisions of the Boundary Commission, as such a course would give rise to suspicion of partisanship. In the opinion of Butler, only in the trivial case of misprints or in the inconceivable case of gross malfeasance by the Commissioners, would it be tolerable for the Home Secretary to modify their proposals¹¹.

When the draft Orders were being discussed in the House of Commons, the Home Secretary himself made the following observations:—

It is obviously open for the House to make what rules it likes, and the rules under which the Commission is working are all rules prescribed by the House. It is not the fault of the Commission that its recommendations were departed from. One of the things that I would deplore would be vast changes in the recommendations made by an independent body. The rules the Commission worked under were those made by this House, and if they are not satisfactory to the House then it is for the House to change them. No one can challenge the fact that the Commission proceeded according to the rules laid down by this House under statute¹².

Parliament is, in law, a sovereign body with complete liberty to act as it pleases,

in any matter laid before it. However, it is, hardly an institution suited to acting in a judicial capacity, particularly on matters affecting the fortunes of political parties and individual members. To quote Butler again, the difficulties were plainly demonstrated when Parliament came to debate the draft Orders giving effect to the 1954 Recommendations of the Boundary Commissioners; every single Order was approved, irrespective of anything said in the course of the debate, the Government having put on the whips¹³. It has been said that the debates on the reports of the Commission and on the individual Orders, which took place in the House of Commons, suffered from one handicap. The criticism was not frank because members felt embarrassed due to the fact that the Speaker had served as the Chairman of the Boundary Commission. They ran the risk of being out of order. The Speaker also ruled:

"So far as my own part in the Commission is concerned, I must remind the House of the ancient and salutary rule, that any criticism implied or expressed, of the Chair should be put down in the form of a motion."¹⁴

The Speaker later observed that his part in the Commission was a small one¹⁵, in this connection a member had made some pertinent observations:—

"If, in future, legislation is introduced to deal with this problem of the work of the Boundary Commission, I suggest for consideration that it might be less awkward if nominal Chairman is someone other than Mr. Speaker, because we all know his heavy duties make it impossible for him to give detailed consideration to these questions."¹⁶

¹¹ *Public Administration*, (U.K.) Spring 1955, page 138.

¹² H. C. Deb., Vol. 333, c. 1784-85, 15-12-1954.

¹³ The Opposition divided the House on 16 of the Orders. In a few instances the Conservative Members directly affected by the Orders voted against them or abstained. But the number of rebels did not exceed two or three on any single Order.

¹⁴ H. C. Deb., 18-12-1954, c. 1916.

¹⁵ H. C. Deb., 20-12-1954, c. 2443.

¹⁶ H. C. Deb., 18-12-1954, c. 2119.

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According to Mr. Butler, the futility of the debates on the draft Orders lay in the procedural difficulty that would have been involved in making any amendment; under the rules of the House, a draft Order can only be accepted or rejected. The Home Secretary could have withdrawn individual orders and could have resubmitted them in an amended form but the procedure might have been cumbersome and involved some delay¹⁷.

However, there was a near unanimity in the debates that it was undesirable to have general redistribution every five years or so. Members of Parliament quoted cases of areas that had been in as many as 4 different constituencies in 10 years and gave touching and convincing description of the personal dislocation, the destruction of gradually established loyalties which were involved in every boundary change¹⁸.

¹⁷ Public Administration, *op cit*, pages 162-63.

¹⁸ For instance, see *H. C. Deb.*, 15-12-1954, c. 1022-23.

The essential aspects of democracy are the freedom of the individual, within the framework of laws passed by Parliament, to order his life as he pleases, and the uniform enforcement of tribunals independent of the executive.

—WINSTON CHURCHILL—

Short Notes

(a). PARLIAMENTARY EVENTS AND ACTIVITIES

Parliamentary Delegations from Abroad

Visit of the President of the House of Representatives of Cyprus and Party to India

H.E. Mr. Glafkos Clerides, President of the House of the Representatives of Cyprus, his wife and daughter visited India in December 1967—January 1968. Besides Delhi, they were taken to some places of cultural and industrial importance in the country like Jaipur, Nagpur, Bhilai, Hyderabad, Madras, Bangalore and Bombay.

The Party watched the proceedings of Lok Sabha and Rajya Sabha on December 20, 1967. A dinner by the Speaker, Lok Sabha was also arranged in honour of the party.

Visit of Laos Parliamentary Delegation to India

A three member Laos Parliamentary Delegation led by H.E. Dr. Tiao Singkham, Member of Parliament, Vice-President of the King's Council visited India in April-May 1968. Besides Delhi, the delegates were taken to some places of cultural and industrial importance in the country like Agra, Bhakra Nangal, Chandigarh, Bhopal, Sanchi, Bombay, Calcutta and Gava.

The delegation watched the proceedings of Lok Sabha on April 22, 1968. A dinner by the Speaker, Lok Sabha was also arranged in honour of the delegation.

Emergent Conference of Presiding Officers of Legislative Bodies in India, New Delhi, 1968

The Thirty-third Conference of Presiding Officers of Legislative Bodies in India was held in New Delhi on the 6th and 7th April, 1968. This Emergent Conference was called to discuss "the functions and powers of Presiding Officers of Legislative Bodies in India in the light of recent events in West Bengal and the Punjab". Dr. N. Sanjiva Reddy, Speaker of Lok Sabha presided. Besides the Deputy Chairman of Rajya Sabha and the Deputy Speaker of Lok Sabha, 38 Presiding Officers i.e., Speakers, Chairmen, Deputy Speakers and Deputy Chairmen of State Legislatures attended the Conference.

In his opening Address to the Conference, the Chairman, Dr. Sanjiva Reddy, outlined the developments in the States of West Bengal and the Punjab and stated that in the tragic events which had taken place, every one, the Governors, the Governments and the Speakers included, had a hand in usurping the powers of the Assemblies, which alone could pronounce judgments on the various issues which had arisen. He, therefore, urged that if permanent solutions had to be found, those should be at political level and by adoption of sound conventions rather than by amending the Constitution and the Rules.*

*For text of the Chairman's address, see under "Addresses and Speeches", pp. 1-10.

Parliamentary Events and Activities

At the end of its deliberations on the 7th April, 1968, the Conference adopted the following Resolution:

Text of the Resolution

THIS CONFERENCE OF PRESIDING OFFICERS held at New Delhi on the 6th and 7th April 1968.

REVIEWING the recent political developments in the States of West Bengal and the Punjab leading to constitutional deadlock which made it impossible for the Legislatures to function;

NOTING that the situation that arose in the aforesaid States is of an all-India character and may arise in future in any other part of the country;

FEELING that these developments could not be considered in isolation divorced from the political conditions that emerged after the Fourth General Election and which still continue;

OBSERVING that the executive authority was exercised in a manner that was not always in keeping with the constitutional propriety so as to inspire confidence in the people;

CONSIDERING that the nature of political struggle for power and its impact on the Presiding Officers could not altogether be ignored;

IS OF OPINION—

- (a) that it is imperative to view the problems in the integrated manner so as to cover the whole range of relationship, as envisaged by the Constitution, between the Governor and the Council of Ministers, the President and the Governors, the Governors and the Presiding Officers, Presiding Officers and the Chief Ministers, and the Presiding Officers and the Houses;
- (b) that the lasting solutions to these problems can be discovered only if a binding code of

conduct is evolved to govern the relationship between the Executive and the Legislature so as to ensure the independence of the Presiding Officers;

EXPRESSES its deep sense of gratitude to Dr. N. Sanjiva Reddy, Speaker of Lok Sabha and Chairman of the Conference, who took prompt initiative in calling an emergent session of the Conference and provided guidelines in his opening Address;

AGREES generally with the approach envisaged in the Address of the Chairman;

CONSIDERS that it is the duty of the Presiding Officers to allow the Houses to function in spite of any obstruction and further that the Rules of Procedure of the Houses of Legislatures may be so amended as to provide that a Resolution for the removal of a Presiding Officer from his office shall be brought before the House, notwithstanding an order of adjournment made by a Presiding Officer contrary to the rules;

APPEALS to all Members of Legislatures and more particularly to all the Political Parties —

- (a) to take effective steps to stop defections which are used as a weapon to topple Governments and to bring about stability in Legislatures to help in their smooth functioning; and
- (b) to ensure that due respect and cooperation are extended to the Presiding Officers and notices of removal of Presiding Officers from office are not tabled without due deliberation and adequate grounds;

REQUESTS the Government of India to take urgent and suitable steps to evolve conventions in regard to the powers of

Governors to summon or prorogue the Legislatures and to dismiss Ministries in the light of the following observations:—

- (a) That a Governor shall summon or prorogue the Legislature on the advice of the Chief Minister. A convention shall be developed that the Chief Minister may fix the dates of summoning and prorogation after consulting the Presiding Officer concerned. The Governor may suggest an alternative date but it shall be left to the Chief Minister or the Cabinet to revise their decision or not. Where, however, there is undue delay in summoning a Legislative Assembly and the majority of members of the Legislative Assembly desire to discuss a motion of no confidence in a Ministry and make a request to that effect in writing to the Chief Minister, the Chief Minister shall advise the Governor to summon the Assembly within a week of such request.
- (b) The question whether a Chief Minister has lost the confidence of the Assembly shall, at all times, be decided in the Assembly; and

EARNESTLY DESIRES that keeping in view the need of self-introspection and the objective assessment of the situation, the Governments both at the Centre and in the States, the Political Parties, and the Members of Legislatures may take all the necessary steps in regard to all the matters referred to above with a view to strengthening the democratic institutions in the country.

Conference of Secretaries of Legislative Bodies in India (Chandigarh—1968)

The Fourteenth Conference of Secretaries of Legislative Bodies in India, was held on January 20 and 21, 1968 in the Vidhan Bhawan, Chandigarh. Besides the

Secretaries of Rajya Sabha and Lok Sabha, 15 Secretaries of State Legislatures attended the Conference.

2. After the welcome speech by Shri R. L. Nirola, Secretary, Punjab Legislative Council, Shri B. N. Banerjee, Secretary of Rajya Sabha (Chairman of the Conference) and Shri S. L. Shakhder, Secretary of Lok Sabha addressed the Conference. Thereafter the Conference discussed the following points on the Agenda:

Functions of the President/Governor

1. (a) What is the exact connotation of the expression "in the exercise of his functions" used in articles 74(1) and 163(1) of the Constitution?
- (b) Whether the President/Governor is bound by the advice given to him by the Council of Ministers in respect of his legislative and judicial functions?

Indian Parliamentary Association

2. The formation of the 'Indian Parliamentary Association'.

Legislature Secretariats—Committee to Determine Staff

3. The desirability of establishing a Legislature/Parliament Committee or Committees, to consider, determine and recommend from time to time the staff and other requirements of the Legislature/Parliament Secretariat and further secure their implementation promptly and expeditiously.

Public Accounts Committee—Discussion of Reports

4. Whether the Report of the Public Accounts Committee can be taken up for discussion in the Assembly?

Members—Direct Access to Head of State

5. (a) Whether individual Members of a House of Parliament or of the Legislature of the State can have direct access to the Head

of the State in respect of matters connected with the composition of the House or the strength of parties in the House, or in respect of matters affecting the State and the business of the House?

- (b) Conversely, whether the Head of the State can entertain such Members and meet them for such purposes without the approval of the House?
- (c) Whether such action would amount to breach of privilege?

Presiding Officers—Power to Adjourn House

- 6. (a) Can a Presiding Officer of a House of Legislature sit in

judgment over the action of the Governor in appointing the Chief Minister and the other Ministers, and if he disagrees with him, can he refuse to recognise the Chief Minister and his Ministry and adjourn the House and refuse to transact any business in the House?

- (b) Should we not adopt the practice obtaining in the House of Commons, namely, to adjourn the House everyday on a motion moved by a Member of the Government for that purpose and to empower the Presiding Officer to adjourn the House only when there is a grave breach of peace and order inside the House?

(b) PRIVILEGE ISSUES

Alleged insult to the House of Lords by a Peer's Newspaper Article

On the 7th March, 1968*, Lord Balfour of Inchrye raised a matter of privilege in the House of Lords over two passages in an article written by the Earl of Arran and published in the "Evening News" of the 6th March, 1968. The passages in the article which allegedly transgressed the dignity of the House were as under:

- (i) "For the hundred Peers who voted for the Government, I have nothing but contempt," and
- (ii) "We no longer have an Upper House for which one can have the slightest respect."

Lord Balfour submitted that the first passage went beyond "reasonable and fair criticism" and was "personally offensive" to 109 Members of the House who voted for the Government. The second passage was "a general insult to the House by one of its Members". He, however, added that if the noble Earl Lord Arran,

expressed regret for those words he would advise the House to drop the matter.

The Earl of Arran, the author of the article, however, maintained that it was his duty as well as privilege to express himself according to his principles. If in doing so, he had been guilty of any insult against the traditions or dignity of the House as a whole, or against the feeling of any individual Peers, then he was sorry.

The Lord Privy Seal (Lord Shackleton, Leader of the House) summed up the procedure for dealing with privilege cases, in the House of Lords as under:

"I do not think that any of us has any knowledge of how we would deal with a privilege case, because we have no clearly formulated policy. In another place (House of Commons) they have very strict rules and though I must be careful not to be in contempt of another place they enquire as far as possible not to discuss an alleged contempt until the Committee of Privileges has had a go at it."

*House of Lords Weekly Hansard, No. 623 dated the 7th March 1968, cc. 1421-1422.

The Lord Privy Seal was, therefore, of the view that it would best befit the dignity of the House of Lords to let the matter drop and suggested that the House with its "customary good sense" would feel inclined to let the matter go. To this suggestion Lord Balfour and other Peers agreed and accordingly the matter was dropped.

Throwing of pamphlets by persons from the Visitors' Gallery

In Lok Sabha

On December 15, 1967, at 5.05 P.M. when the House was discussing an adjournment motion, a person in the Visitors' Gallery shouted some slogans and threw pamphlets on the floor of the House. He was immediately apprehended and removed from the Visitors Gallery by the Watch and Ward staff and shortly thereafter, the

Minister of Parliamentary Affairs (Dr. Ram Subhag Singh) moved the following motion which was unanimously adopted by the House*:

"This House resolves that the person calling himself Shri Inder Dev Singh who threw pamphlets from the Visitors' Gallery on the floor of the House at 5.05 p.m. today and whom the Watch and Ward Officer took into custody immediately, has committed a grave offence and is guilty of the contempt of this House."

"This House further resolves that he be sentenced to simple imprisonment till 6 p.m. on the 16th December, 1967 and sent to Tihar Jail, Delhi."

In pursuance of the above resolution, the offender was taken by the Watch and Ward staff to the Central Jail at Tihar, Delhi, under a warrant of commitment** issued by the Speaker to the Superintendent, to serve his sentence of imprisonment.

*L.S. Deb., 15-12-1967, cc. 7430 and 7471-72.

**The Warrant of Commitment was as follows:—

"WARRANT OF COMMITMENT

Whereas the Lok Sabha had adopted the following motion today, the 15th December, 1967:—

[The text of the Resolution]

Now, therefore, I, N. Sanjiva Reddy, Speaker, Lok Sabha, in pursuance of the above decision of the Lok Sabha, by this Warrant of Commitment require the Superintendent, Central Jail, Tihar, to take into custody the said Shri Inder Dev Singh and to keep him safely in the Central Jail, Tihar till 6 p.m. on the 16th December, 1967.

Herein fail not.

Given under my hand at New Delhi, this 15th day of December, 1967.

S E A L

N. SANJIVA REDDY
Speaker, Lok Sabha

To

The Superintendent,
Central Jail, Tihar,
Delhi."

In Rajya Sabha

A few days later, on December 21, 1967, a similar incident took place in Rajya Sabha also, when two persons were taken into custody, for committing gross contempt of the House. It so happened that while the House was engaged in a discussion on the Official Language (Amendment) Bill, 1967, a person shouted slogans from the Visitors' Gallery and threw some pamphlets on the floor of the House at about 6.15 P.M. Shortly after he was removed from the Gallery by the Watch and Ward staff, the Leader of the House, Shri Jaisukhlal Hathi, moved a motion that the person, who gave his name as Baint Singh, had committed "a grave offence" and was "guilty of gross contempt of this House". He also moved that the contemner "be sentenced to simple imprisonment till the conclusion of the current session of Rajya Sabha and detained in the Tihar Jail, Delhi."

While the discussion on Shri Hathi's motion was still going on, yet another person in the Visitors' Gallery, who gave his name as Mahendra Pratap Singh, threw leaflets on the floor of the House at about 6.55 P.M. Shri Hathi, therefore, moved an other motion in connection with the second incident recommending the same punishment as was recommended for the previous contemner. Both the motions were put to the vote of the House and adopted on a division by 48 votes to 4 and 49 votes to 5, respectively.

The two persons were, thereafter, removed to Tihar Central Jail, Delhi, under Warrants of Commitment issued to the Superintendent of the Tihar Jail, by the Chairman, Rajya Sabha.

The Leader of the House informed the House on December 27, 1967, that the Superintendent of the Tihar Central Jail had asked the Secretary, Rajya Sabha, as to the date and time when the two persons who had been committed to prison till the conclusion of the Rajya Sabha session, were to be released from jail. He proposed that since the House was concluding its

session on that day, the Superintendent of the Jail might be instructed to release the persons concerned at 5 P.M. that day.

On this, Shri B. K. P. Sinha, a member, raised the point that the session would technically end only with its prorogation by the President and in view of the fact that the two persons concerned had been committed to prison by the House till the conclusion of the session, they could be released only after either the prorogation of the House or after adopting a resolution amending the earlier resolutions committing them to prison.

The Leader of the House, thereupon, moved and the House adopted a motion that "Sardar Baint Singh and Shri Mahendra Pratap Singh be released at 5.00 P.M. to-day."

The Jail Superintendent was instructed accordingly through a letter by the Secretary, Rajya Sabha and the two persons were released from jail on December 27, 1967.

Competence of the House to punish for contempt.—During the course of the discussion on the first motion moved by Shri Hathi, Shri Bhupesh Gupta from the Opposition had suggested that the matter should be referred to the Committee of Privileges for investigation and that the offender should not be convicted without being heard. In reply to this, the Leader of the House referred him to the practice in the House of Commons, U.K., where, in cases of contempt committed in the actual view of the House, the House proceeded at once to punish the offender without hearing him.

Reflections by a newspaper on the conduct of members and proceedings of Parliament

In Lok Sabha

On June 7, 1967, a member raised a question of privilege against the editor, columnist and proprietor of the *Hindustan Times* on the ground that certain passages of an article captioned "Shades of the Star

Chamber', published in the paper on June 4, 1967, cast reflections on the conduct of members and proceedings of both Houses of Parliament. The passages, he felt, constituted a breach of privilege and contempt of the House.*

The matter was referred to the Committee of Privileges after the House had adopted a motion moved to that effect by the member.

In their Fourth Report, presented to the House on December 12, 1967, the Committee stated, *inter alia*, that the editor of the *Hindustan Times* had been given an opportunity to make his submissions in writing and was later examined in person as well. The Committee were not, however, satisfied with the explanations offered by the editor either in his written reply or in the oral evidence.

The Committee, were further of the view that the use of the term 'Star Chamber' with reference to Parliament by the editor in his impugned article carried the insinuation that Parliament as an institution was a sort of an oppressive and irresponsible tribunal and that a large number of Members of Parliament functioned in a completely irresponsible manner, misbehaved and attacked the people without proof. The Committee did not agree with the contention of the editor in his evidence that in using the term 'Star Chamber' in his article with reference to Parliament, he was referring 'to the assumption of judicial functions more than to the oppressive part of it'. The editor had admitted before the Committee that he was aware of the background of the term 'Star Chamber'. According to the Committee, there was nothing in the impugned article to indicate that the editor was referring only to a few members of Parliament who, according to him, had used unjustifiable language in Parliament. On the other hand, the impugned article

gave the impression of condemnation of the institution of Parliament as such.

The Committee were, therefore, of the view that the article read as a whole and, in particular, the objectionable passages, cast grave reflections on the institution of Parliament as such and the members thereof and, therefore, constituted a gross breach of privilege and contempt of the House.

The Committee, however, felt that the penal powers of the House for breach of privilege or contempt of the House should be exercised only in extreme cases where a deliberate attempt was made to bring the institution of Parliament into disrespect and to undermine public confidence in and support of Parliament. In the present case the editor had repeatedly disclaimed before the Committee that he had any intention to bring the institution of Parliament into disrespect and contempt and had said that if that was the result produced by his article then he would be very sorry about it. While the Committee felt that the editor should have unhesitatingly and gracefully expressed an unconditional and unqualified regret, they were of the view that in the totality of circumstances, it would be better to ignore it, as that would add to the dignity of the House. The Committee, therefore, did not consider it proper to recommend any action to be taken against him.

The report of the Committee was adopted by the House on December 25, 1967.

Alleged breach of privilege of the Upper House by the Speaker of Madras Legislative Assembly.

The Speaker of the Madras Legislative Assembly used his discretionary powers** on June 24, 1967 and allowed the motion regarding Madras General Sales Tax (Amendment) Bill, 1967 to be made in the

*L. S. Deb. dt. 7-8-1967, no. 2514-25.

**Rule 122 of the Rules of Procedure of the Madras Legislative Assembly, lays down that:

"The Speaker may in his discretion, dispense with the provisions of this Chapter regarding notice, periods of notice, or interval between any two stages of legislation, and may, in his discretion, allow any motion regarding a Bill or any amendment to be moved without notice or after such shorter interval, as he may think fit."

House. When an opposition member wanted to know the extenuating circumstances or compelling reasons for the Speaker to use such powers, he stated:

The Hon. Member assumes that whatever we pass in this Assembly is automatically passed by the Upper House and returned in two days. Our experience is that Bills passed by this House have been held up by the other House to the maximum extent possible. The other House has power to obstruct non-money Bills to the extent of ninety days. They have not returned the Madras District Municipalities (Amendment) Bill, 1967, although two months and twenty-nine days have elapsed. They are waiting for the full three months, not even one day less.....They have got powers to hold up even Money Bills for fourteen days. I am unable to assume that the Upper House will pass even Money Bill within that period. I will only assume that the maximum length of time should be given to the other House.....

On a point of order raised by a member the Speaker, however, clarified:

What I mean is that the House has delayed the passing of this Bill. 'Obstructing' does not convey the meaning; I will substitute the word 'delaying'. What we actually see is that the Bill is detained in the Upper House to the maximum length of period.*

The Chairman of Madras Legislative Council announced in the House, on June 29, 1967, that he had received notice of a motion given by Shri R. Venkataraman, Leader of the Opposition, raising a matter of privilege regarding the remarks of the Hon. Speaker of the Legislative Assembly reported in the proceedings of the Assembly on June 24, 1967. As it was an important matter affecting the dignity and relationship of both the Houses, the Chairman reserved his ruling to a later date.**

In the meanwhile, on June 30, 1967, Dr. H. V. Hande raised a counter privilege issue in the Legislative Assembly, against the Leader of the Opposition and the Chairman of the Council in regard to the issue of privilege raised on June 29, 1967 in that

House.† The Speaker reserved his ruling at the time, but on July 18, 1967, ruled:

When it is alleged that a member of the other House has committed contempt against this House, this House cannot take any disciplinary action or privilege action against the member of the other House. But the Speaker is bound to write to the Chairman of the Legislative Council making a request that the Upper House may take action against the concerned member. But this could not be done in respect of the Chairman himself, against whom a privilege issue has been raised. There are two reasons for this: One is I cannot write to the Chairman asking the Chairman to take action against himself. Secondly, that House has no powers, so far as I could see, to take action against its own Chairman in the matter of privileges. For these two reasons I hold that no *prima facie* case has been made against the Chairman of the Legislative Council and I rule accordingly.

As regards the Hon. Member, Thiru Venkataraman, it is possible to write to the other House and send a communication asking the other House to take action against that Hon. Member. The procedure as laid down in the House of Commons is that when such a communication is sent, it should be accompanied by evidence that a breach of privilege has been committed. But I find that the Hon. Member, Dr. Hande, although he raised that issue, has not placed in my hands any evidence or document which I can send to the other House. Therefore, I hold that no further proceedings be taken in this matter and with due permission from this House, I decide to drop this matter of privilege.‡

On July 19, 1967, the Chairman, Madras Legislative Council, also ruled as follows:

Reflections, that is to say, derogatory references to or criticisms of the Legislature itself or any of its Houses are not permitted. It is quite obvious that the Legislature which makes laws for the people should not be brought into contempt by any utterances of its own members; it is also necessary that the two Houses, where they exist should not be brought into conflict by any derogatory references to any of them in the other.

Each House of a Legislature possesses equal powers, privileges, and immunities and one House is not in any way dependent on, or subordinate to, the other House.

*See Madras L. A. Deb, June 24, 1967, pp. 660-664.

**See Madras L. C. Deb, June 29, 1967, pp. 624-25.

†See Madras L. A. Deb, June 30, 1967, pp. 234-41.

‡Madras L. A. Deb, July 18, 1967, pp. 616.

The Parliamentary theory is that each House is ignorant of the speeches made in the other.

In the Madras Legislative Council in 1955, a Member gave notice of a privilege motion objecting to the remarks of the Hon. the Speaker of the Assembly. It was then ruled by the Hon. Chairman thus:

"As I am very anxious to maintain an atmosphere of cordiality and mutual understanding between the two Houses and their Presiding Officers, I have decided not to take any further action beyond making this statement."

Now, both the Houses of our State Legislature have maintained an atmosphere of cordiality and respected the privilege of the other. I am very anxious, and I hope my Hon. Colleague in the other House will agree with me in the matter of maintaining an atmosphere of cordiality, good relationship and mutual understanding between the two Houses.

In view of this, I am withholding my consent for raising this matter.*

Alleged disclosure of the recommendations of the Business Advisory Committee to the Press by a Member

In Gujarat Legislative Assembly

On July 12, 1967, Shri Sanat Kumar M. Mehta, a member of the Gujarat Legislative Assembly raised a question of breach of privilege in the House regarding alleged disclosure of the recommendations of the Business Advisory Committee to the Press by Shri Indubhai C. Patel, another member, before the report of the Committee was presented to the House. After the leave to raise the question was granted by the House, the Speaker referred the case to the Committee of Privileges for inquiry and report.

Shri Indubhai C. Patel, in a written statement to the Committee, admitted having

inadvertently disclosed certain decisions of the Business Advisory Committee to the Press and stated that had he known that premature disclosure of the decisions constituted an impropriety, he would never have disclosed them. He also tendered an apology for whatever had happened.

The Privileges Committee, in its second report, recommended that no action be taken in the matter in view of the apology tendered by Shri Indubhai C. Patel.

Alleged announcement of election programme by Government before amendments to Electoral Divisions could be discussed by Maharashtra Legislative Assembly

In Maharashtra Legislative Assembly

On July 13, 1967, Shri Navnit Shah, a member of the House gave notice of a breach of privilege. His contention was that before his amendments to the Thana Zilla Parishad (Electoral Divisions and Reservation of Seats) Rules, 1967, which had been admitted and circulated on July 11, 1967, could be considered by the House, the Collector of Thana issued a Notification dated July 13, 1967 to the effect that elections would be held on July 30, 1967 for the very electoral divisions, to which he had suggested amendments, and that the issue of the notification was a contempt of the House and a breach of privilege. The Speaker made a reference to the notice in the House on July 14, 1967 and reserved his ruling. Subsequently on July 17, 1967, he disallowed the notice of breach of privilege and ruled that the mere fact that a member "has given amendments does not mean that the existing rules cannot come into force."

(c) PROCEDURAL MATTERS

House of Commons: Report from the Select Committee on Parliamentary Privilege (December 1967)†

A Select Committee of the House of Commons (U.K.) was appointed on the 5th

July, 1966 to review the law of Parliamentary Privilege as it affected the House of Commons and the procedure by which cases of privileges were raised and dealt with in that House and to report whether any

*Hansard L. C. Deb. July 10, 1967, pp. 872-83.

†H. C. 26 (1967-68).

changes in the law of privilege or practice of the House were desirable. As the Select Committee could not complete their work before the prorogation of the 1966-67 Session of the House, it was reappointed with the same order of reference on the 6th November, 1967 and their Report on the subject was ordered by the House of Commons to be printed on the 1st December, 1967.

Throughout their enquiry*, the Committee have endeavoured to relate the role of "Parliamentary Privilege" to the basic requirements of a modern legislature and posed the questions: first, whether "Parliamentary Privilege" is justifiable at all in modern times, and secondly, what are the reasonable limits of protection and immunity which must be claimed if the legislature is to fulfil its proper functions, if its Members are to be able fearlessly to speak their minds and to pursue the grievances of those who elected them and if its officers are to be given the facility to carry out their several duties on behalf of the House and of its Members.

The Committee have reached the conclusion that the word "privilege" has in modern times acquired a meaning wholly different from its traditional Parliamentary connotation. In consequence its use could convey to the public generally the false impression that Members are, and desire to be, a "privileged class". It is out of keeping with modern ideas of Parliament as a place of work and of the status of its Members as citizens who have been elected to do with in that place of work their duty as representatives of those who elected them. The Committee have, therefore, strongly emphasized the fundamental principle that "privileges" are not the prerogative of Members in their personal capacities. In so far as the House claims and Members enjoy those rights and immunities which are

grouped under the general description of "privileges", they are claimed and enjoyed by the House in its corporate capacity and by its Members on behalf of the citizens whom they represent.

The principal recommendations of the Committee are as follows:—

(1) The expression "Parliamentary Privilege" in its customary sense should be abolished. The House should speak of its "rights and immunities" rather than "rights and privileges" and of "contempt" rather than "breach of privilege". The Committee of Privileges should be renamed "The Select Committee of House of Commons Rights".

(2) In the future exercise of its penal jurisdiction the House should follow the general rule that it should be exercised: (a) in any event as sparingly as possible; and (b) only when the House is satisfied that to exercise it is essential in order to provide reasonable protection for the House, its Members or its Officers, from such improper obstruction or attempt at or threat of obstruction as is causing, or is likely to cause, substantial interference with the performance of their respective functions.

(3) In the ordinary case where a Member has a remedy in the courts he should not be permitted to invoke the penal jurisdiction of the House in lieu of or in addition to that remedy. Nor should he normally be permitted to do so to defeat another's remedy. But the House should retain the ultimate power to punish improper obstruction or an attempt or threat of improper obstruction of its functions and those of its Members and Officers, whenever this may be essential in the public interest.

*The Select Committee held 34 sittings in all and received several written Memoranda, amongst others, from the Clerk of the House (Sir Barnett Cook), Mr. L.A. Abraham (former Principal Clerk of Committees, House of Commons), H. M. Attorney General, Sergeant at Arms, Lobby Journalists, Parliamentary Press Gallery Committee, Newspaper Proprietors' Association, Press Council, Law Society, General Council of the Bar and Members of Parliament. The Committee also heard oral evidence of Sir Barnett Cook, Mr. L.A. Abraham, Sir John Hobson, Q.C.M.P., Deputy Sergeant at Arms, representatives of the Press, Lobby Journalists and Press Gallery Committee.

(4) It should be open to the House, in deciding whether or not a contempt has been committed, to take into account either the truth of, or reasonable belief in the truth of, the allegations made, provided that they had been made only after all reasonable investigations had taken place, had been made in the honest and reasonable belief that it was in the public interest to make them and had been published in a manner reasonably appropriate to that public interest.

(5) Legislation should be introduced to extend and clarify the scope of the defences of absolute and qualified privilege which are available in the courts to actions brought against Members and others.

(6) The immunity of Members from arrest in civil suits should be abandoned and legislation should be introduced for this purpose.

(7) The Speaker should be informed whenever a Member is arrested in the course of civil litigation, in the same way that notification is given when a Member is arrested on a criminal charge.

(8) The immunity of Members (and Officers of the House) from jury service should be retained.

(9) The immunity of Members and Officers of the House from attendance as witnesses should be retained, to the extent only that Mr. Speaker upon being informed of the service upon a Member or Officer of the House of a subpoena to attend court as a witness should be empowered in the name of the House in appropriate cases to require the attendance of the Member or Officer at the House in priority to the requirements of the subpoena. Legislation for this purpose should be introduced.

(10) The use of the expression "freedom from molestation" should be discontinued insofar as it is used to

describe a right of Members separate and distinct from the rights which are protected by the ordinary penal jurisdiction in contempt.

(11) The right to impeach, which has long been in disuse, should be formally abandoned, and legislation should be introduced for this purpose.

(12) All resolutions prohibiting the reporting of proceedings of the House should be formally rescinded and all rules of practice analogous to them should be abandoned.

(13) The rules governing public admission to the House and its Committees and to other bodies established by or under authority of the House should be amended to provide that:—

(a) save in the case of the House itself or a Standing Committee, strangers should be excluded unless it is otherwise decided;

(b) unless the House specifically order otherwise in any particular case, the decision whether to permit strangers to attend should be made by a majority of those voting in the relevant Committee or other body concerned; and

(c) unless the House or the parent Committee or other parent body order otherwise in any particular case, the decision be made by a majority of those voting in the relevant Sub-Committee or other subordinate body concerned.

(14) (i) The reporting of the proceedings of the House or of any Committee or Sub-Committee of the House should not of itself be considered as capable of being a contempt if strangers are admitted to the proceedings; but (ii) the disclosure or publication without the required authority of reports of the proceedings of the House, its

Privilege Issues

Committees or Sub-Committees from which strangers are excluded should be capable of being held to be a contempt.

(15) The following conduct should not of itself be regarded as being capable of constituting a contempt of the House and the House should resolve accordingly:—

(a) to publish in advance of publication of the relevant Notice Papers:—

(i) how any Member in fact voted in a division;

(ii) the contents of any Parliamentary Question or Notice of Motion which has in fact been tabled; and

(b) to publish the expressed intention of a Member to vote in a particular manner (or to abstain from voting) or to table a particular Parliamentary Question or Notice of Motion.

(16) The House should retain its penal jurisdiction.

(17) Under the new system of dealing with complaints of contempt, investigations should be made by "the Select Committee of House of Commons Rights" (a new name for the Committee of Privileges).

(18) Legislation should be introduced to enable the Select Committee of House of Commons Rights to authorise legal aid in appropriate cases in dealing with complaints of contempt.

(19) Legislation should be introduced to empower the House to impose fixed periods of imprisonment and fines and to remit, suspend or vary any such penalty.

(20) A Member who speaks upon a specific topic in which he has a financial interest, whether direct or indirect,

out to disclose such interest; the fact that his failure to do so without good cause should be capable of being considered a contempt should be clearly understood by Members.

Lok Sabha: Sub-Committee of the Estimates Committee on Defence: Procedure followed in the presentation of an ad hoc special Report and implementation or recommendations contained therein by Government

In accordance with the provisions of Direction 101 (i) of the Directions by the Speaker, a Sub-Committee of the Estimates Committee is appointed under Rule 263(i) of the Rules of Procedure and Conduct of Business in Lok Sabha and entrusted with the task of examining the estimates of the Ministry of Defence. The Sub-Committee on Defence of the Estimates Committee (1965-66) approved at their sitting held on the 16th March, 1966, the draft report on the Ministry of Defence—Defence Research and Development Organisation—Defence Research and Development Laboratory, Hyderabad. In accordance with the prescribed procedure, the draft report was forwarded to the Ministry of Defence, for factual verification and for indicating the portions which might be treated as secret from the security point of view.

While returning the report after factual verification, the Ministry requested that the entire report should be treated as "secret" as it contained a lot of classified material. The Chairman, Estimates Committee, agreed to this and the report was not, therefore, placed before the whole Committee in terms of the proviso to Clause (viii) (a) of Direction 101 which lays down that—

"such portions of the report of the Sub-Committee as are considered by the Chairman to deal with confidential matters, which it is not advisable to make public in the interest of security, may not be placed before the whole Committee, but may be forwarded by the Chairman to the Speaker."

The report, treated as a special *ad hoc* report from the Chairman to the Speaker, was presented to the Speaker by the Chairman, Estimates Committee, on the 25th March, 1966 under Clause (ix) (b) of Direction 101* with the request that the same might be transmitted by him to the Government.

On the 28th March, 1966 after the Question Hour, Secretary, Lok Sabha, handed over in the Chamber a copy of the report to the Minister of Defence along with a forwarding D.O. letter from the Speaker and thereafter the Speaker made the following announcement in the House:—

"I have to inform the House that the Chairman of the Estimates Committee, Shri A. C. Guha, has under Clause (ix) (b) of Direction 101 of Directions by the Speaker presented to me a report of the Sub-Committee of the Estimates Committee on the Defence Research and Development Laboratory, Hyderabad, of the Ministry of Defence. The Sub-Committee at their sitting held on 16th March, 1966 approved the report. As in the view of the Sub-Committee the Report contains information of classified nature, the disclosure of which is likely to be prejudicial to national security, the Chairman has desired that the report may be treated as secret and has also requested me to forward the report to Government. I have accordingly forwarded the report to the Minister of Defence with a request that

the action taken thereon may, in due course, be intimated to the Chairman, Estimates Committee."

In his letter, dated the 29th March, 1966, addressed to the Speaker, the Minister of Defence stated that the recommendations contained in the report would be considered and action taken thereon intimated to the Chairman, Estimates Committee, in due course.

The Ministry of Defence subsequently furnished a statement showing the action taken on the recommendations/conclusions contained in the *ad hoc* report of the Sub-Committee. The replies of the Ministry were examined by the Chairman of the Estimates Committee (1967-68) and were accepted by him. The Chairman reported this fact to the Speaker who made the following announcement in the House on the 14th February, 1968:—

"I have to inform the House that the Chairman, Estimates Committee, has intimated to me that he has accepted the replies of Government indicating action taken on the recommendations/conclusions contained in the *ad hoc* secret report of the Sub-Committee of the Estimates Committee on Defence Research & Development Laboratory, Hyderabad, which was forwarded to the Minister of Defence on the 28th March, 1966."

(d) CONSTITUTIONAL AND LEGAL MATTERS

Oath by candidates at Elections

The Election Commission has recently revised and made more comprehensive the instructions for making and subscribing an oath of allegiance or affirmation by candidates at an election to Parliament or State Legislatures**.

Under the revised instructions, the Election Commission in pursuance of articles

84(a) and 173(a) of the Constitution has authorised the following, besides the returning officer and assistant returning officers of a constituency, as the persons before whom the candidate for election to fill a seat in either House of Parliament or in the State Legislatures, may make and subscribe the said oath or affirmation:—

(a) where the candidate is confined in a prison, the superintendent of the prison;

*Direction 101 (a) (b) and (c) lays down:

"(b) Such portions of the report as are forwarded by the Chairman to the Speaker under the provision (a) above may not be treated as a report of the Committee but shall be treated as a special and *ad hoc* report from the Chairman to the Speaker.

(c) The Speaker may transmit such *ad hoc* report to Government in such manner as he thinks fit and when he does so, he may inform the House of the fact of having sent the report to Government."

†L. S. Deb, 28 March, 1966, p. 6198.

**Statute Book: II, Sec. 2(4), S.O. 1111, dated 16th March 1966: This supersedes the instructions contained in the Election Commission's notification No. 2/2/66 dated the 26th April, 1967.

- (b) where the candidate is under preventive detention, the commandant of the detention camp;
- (c) where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause, the medical superintendent in charge of the hospital or the medical practitioner attending on him; and
- (d) where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorised by such diplomatic or consular representative.

The Election Commission has also taken general powers in its hands to authorise any other person for administering the said oath or affirmation if any contingencies should arise.

Interpretation of Article 359 : Mohd. Yakub and Others v. State of Jammu and Kashmir

The Supreme Court's ruling of November 10, 1967 in *Mohd. Yakub and Others v. State of Jammu and Kashmir* on the scope of the President's authority to suspend the enforcement of a fundamental right sets at rest the doubts created earlier by the Court's ruling in *Ghulam Sarwar v. Union of India*.¹ "The Order passed under Article 359", declared the Court, "cannot be tested under any of the provisions of Part III of the Constitution which it suspends."

Background: The question whether the President's Order suspending fundamental rights during the emergency could be attacked as violative of the guaranteed rights was raised in a group of *habeas corpus* petitions under Article 32 of the Constitution filed by Mr. Mohd. Yakub and 20 other residents of the State against the State of Jammu and Kashmir challenging their detention under Rule 30(1)(b) of the Defence of India Rules, 1962.

The petitions were heard by a Special Bench of seven judges of the Court.

Main Issues: The main attack of the petitioners was on the order of the Pre-

sident passed on November 3, 1962, as amended on November 11, 1962 under Article 359(1) of the Constitution. By that order the President declared that the right to move any court for the enforcement of the fundamental rights conferred by Articles 14, 21 and 22 of the Constitution would remain suspended for the period during which the Proclamation of Emergency issued under Article 352(1) was in force, if any person was deprived of such rights under the Defence of India Ordinance (later replaced by the Act) or any rule or order made thereunder.

It was contended that the President's Order under Article 359 suspending the enforcement of fundamental rights during the emergency was violative of Article 13(2) of the Constitution which enjoins that "the State shall not make any law which takes away or abridges any of the rights granted by Part III of the Constitution. As the President was an "authority" within the meaning of Article 12 and, therefore, was comprised within the definition of "State", President's Order under Article 359 was a law within the meaning of Article 13(2), and consequently, was liable to be tested on the anvil of the fundamental rights enshrined in Part III of the Constitution. And even if the President could suspend the enforcement of any fundamental right, his order under Article 359 being made in the context of an emergency must have a nexus with the reasons that led to the Proclamation of Emergency. In consequence, only the enforcement of fundamental rights relating to preventive detention and property rights as provided in Articles 22 and 31(2) of the Constitution could be suspended during the emergency.

A further challenge to the President's Order was that it violated the guarantee of equality under Article 14 of the Constitution by allowing the executive to choose

¹ Writ Petitions Nos. 100 to 114 of 1967, etc., decided on November 10, 1967.

² (1967) 11 S.C.R. 371.

arbitrarily to detain some persons under the Preventive Detention Act while others could be detained under the more stringent provisions of the Defence of India Act and the Rules made thereunder. In support of this plea reliance was placed on the judgment of the Court in *Ghulam Sarwar's* case where Mr. Justice K. Subba Rao, then Chief Justice, had held that even the President's Order could be tested by reference to Article 14 of the Constitution.

Judgment of the Court.—Chief Justice Wanchoo giving the judgment (on behalf of himself and Justices J. C. Shah, R. S. Bachawat, V. Ramaswami, G. K. Mitter and K. S. Hegde) declared that the President has the power to suspend the enforcement of any of the fundamental rights conferred by Part III and said:

It will be seen from the terms of Art. 359 that it gives categorical powers to the President during the period when a Proclamation of Emergency is in operation to suspend the enforcement of any of the fundamental rights conferred by Part III ... There is nothing in Article 359 which in any way limits the power of the President to suspend the enforcement of any of the fundamental rights conferred by Part III and there is nothing thereunder which makes any distinction between one fundamental right or another.

Once an order suspending fundamental rights had been made, the Chief Justice held, there was no scope for enquiry into the question whether the fundamental right, the enforcement of which had been suspended, had anything to do with the security of India, for

Art. 359 posits that it may be necessary for the President to suspend any of the fundamental rights in Part III for the security of India. Art. 359 (1) provides for the suspension of the enforcement of the fundamental rights in Part III of the Constitution only during the period of Emergency meaning thereby that suspension of the enforcement of any of the fundamental rights which the President considers necessary is for the security of India. Article 359 clearly shows that any fundamental right in Part III can be suspended during an Emergency and [the Court] cannot

limit Article 359 in the face of the unambiguous and express words thereof and say that only the enforcement of fundamental rights under Article 22 and 31(2) can be suspended thereunder. It may be that *prima facie* these two fundamental rights appear to have a clearer nexus with security of India; but it does not follow that other fundamental rights may not in an Emergency have such a nexus.

The Chief Justice further held that though an order passed under Article 359 may be assumed to be a law in its widest sense, it could not be considered to be a law for the purpose of Article 13(2) and tested thereunder, for if it were so, Article 359 would be made nugatory. Elaborating further the Chief Justice observed:

Article 13(2) and Article 359 being parts of the same Constitution stand on an equal footing and the two provisions have to be read harmoniously in order that the intention behind Article 359 is carried out and it is not destroyed altogether by Article 13(2).

"It followed, therefore", said the Chief Justice, "that an order under Article 359 derives its force from Article 359 itself and takes effect in accordance with its tenor and cannot be affected by Article 13(2) and cannot be tested under any of the provisions of Part III of the Constitution which it suspends."

Regarding the judgment given by Mr. Justice Subba Rao, former Chief Justice, in *Ghulam Sarwar's* case, wherein a distinction was made between the President's Order under Article 359 itself and the effect of that Order and it was observed that if the Order did not violate Article 14 it could validly take away the right to enforce the fundamental right under Article 14, the Chief Justice said that it was rather difficult to appreciate the reasoning and the distinction on which it was based. Clarifying this further he observed:

It is true that there is a distinction between Article 360 and Article 359(1). Article 360 by its own force suspends the fundamental rights guaranteed by Article 19; Article 359(1) on the other hand does not suspend any fundamental right of its own force but it gives power to the President to suspend the enforcement of any

fundamental right during the period of Emergency. But that can not mean that an Order passed under Article 359(1) suspending the enforcement of a particular fundamental right has still to be tested under the very fundamental right which it suspends. That would.....be arguing in a circle and make Article 360 com-

pletely nugatory. It seems that the majority in *Ghulam Sarwar's* case was also conscious of the fact that the reasoning on which it came to the conclusion that an order made under Article 360 could be tested under Article 14, though it suspended that Article, was open to the criticism that it was an argument in a circle.....

(e) MISCELLANEOUS

Bye-elections to Lok Sabha and State Assemblies and Biennial elections to Rajya Sabha

Four bye-elections to Lok Sabha and fourteen to the State Assemblies were held during the period—1st October 1967 to 31st March, 1968.

Of the four Lok Sabha seats, one each was won by the Swatantra, DMK, PSP and CPI. Of the fourteen Assembly seats, six went to the Congress, two to the Independent candidates and one each was taken by the DMK, PSP, Jan Sangh, Akali Dal Sant

Group, SSP and Maharashtrawadi Goman-tak.

Biennial elections to Rajya Sabha were also held recently. Out of the total of 68 candidates elected to Rajya Sabha, 33 belonged to Congress, 6 to Swatantra, 7 to Jan Sangh 5 to SSP, 2 each to CPI and CPI(M) and 13 were Independent candidates or belonged to other parties.

The tables that follow give a state-wise analysis of these bye-elections to Lok Sabha and State Assemblies and biennial elections to Rajya Sabha.

TABLE I

Analysis of

Results of Bye-elections held to the Lok Sabha and State Assemblies during the period from 1-10-67 to 31-3-68

(Position as on 31st March, 68)

(A) Lok Sabha

Name of State in which held	Total No. of Bye-elections held in States	No. of seats won by the different parties/Independents				
		Cong.	Swat.	DMK	PSP	Comm.
1. Bihar	1	..	1	..	..	..
2. Madras	1	..	..	1	..	..
3. Mysore	1	..	..	..	1	..
4. Uttar Pradesh	1	..	..	..	..	1
	4	..	1	1	1	1

TABLE II

Analysis of

Results of Biennial Elections held to the Rajya Sabha in 1968.

	Total No. of Members elected	Cong.	Swa.	J.S.	SEP	FSP	Comm	Comm (M)	Ind.	Others
Andhra Pradesh	6	4	1	..	..	..	..	..	1	..
Assam	3	1	..	..	1	..	..	..	..	..
Bihar	7	2	..	1	2	..	1	..	1	..
Gujarat	3	2	1	..	..	..	..	..	..	..
Jammu & Kashmir	1	1	..	..	..	..	..	..	..	..
Kerala	3	..	..	..	..	..	1	1	..	1 (RSP)
Nagaland	1	1	..	..	..	..	..	..	..	..
Madhya Pradesh	5	3	..	1	1	..	..	..	..	1 (LSD)
Madras	6	1	1	..	..	..	..	1	..	2 (DMK 2 ML 1)
Maharashtra	6	4	..	..	..	..	..	..	..	2 (RPI 1, RSP 1)
Mysore	4	3	..	..	..	..	..	..	1	..
Orissa	3	1	2	..	..	..	..	..	..	..
Punjab	3	1	..	1	..	..	..	..	..	..
Rajasthan	4	3	1	..	..	..	..	..	..	1 (BKD)
Uttar Pradesh	12	6	..	3	1	..	..	..	1	1 (BKD)
Delhi	1	..	..	1	..	..	..	..	..	..
Himachal Pradesh	1	1	..	..	..	..	..	..	..	..
Tripura	1	1	..	..	..	..	..	..	..	..
	68	33	6	7	8	..	2	2	4	9

Abbreviations used:

BKD	Bharatiya Krami Dal.
Comm.	Communist Party of India.
Comm (M)	Communist Party (Marxist).
Cong.	Congress.
DMK	Dravida Munnetra Kazhagam.
Ind.	Independent.
J.S.	Jan Sangh.
LSD	Lok Sevak Dal.
ML	Madia League.
FSP	Punjab Socialist Party.
RPI	Republican Party of India.
RSP	Revolutionary Socialist Party.
RSS	Ramprasad Mahasabha Samiti.
SEP	Sanyukta Socialist Party.
Swa.	Swatantra Party.

(Source—Rajya Sabha Secretariat.)

Obituary References

Two members of the Fourth Lok Sabha passed away during the period 1st January, 1968 to 30th April, 1968. They are : Shri Charanjit Rai (Dausa, Rajasthan—Swa.) and Shri Rupnath Brahma (Kokrajhar, Assam—Cong.).

Shri Charanjit Rai, had just begun his career as a legislator after having made a mark in the world of sport and of industry. He used to take an active part in the proceedings of the House and was a forceful speaker. He had evinced great interest in agricultural problems and in the welfare of kisan. He also championed the cause of Backward Classes. He passed away at Bombay on the 1st January, 1968 at the early age of 50.

Shri Rupnath Brahma, had rendered signal service to Assam, devoting his life to social work and speci-

ally to the uplift of the tribal people. He took active interest in the proceedings of the House particularly those pertaining to Assam. He was elected to Lok Sabha in the last general election but his seat became vacant as he did not resign his seat in the Assam Legislative Assembly within the prescribed period. He was re-elected to Lok Sabha in the bye-election so caused and had taken his seat in the House on November 13, 1967. He passed away in his own Constituency on the 23rd January 1968 at the age of 66.

When the House met for its Budget Session on February 12, 1968, references were made to the sad demise of Sarvshri Charanjit Rai and Rupnath Brahma by the Speaker, the Prime Minister and leaders of all sections of the House. The House then stood in mournful silence for a short while as a mark of respect to the memory of the departed souls and adjourned for the rest of the day.

The Critical Problems of the Indian Constitution by Justice P. B. Mukharji (of the High Court, Calcutta), Chimanlal Setalvad Lectureship Series, University of Bombay, 1968; pp. 195; Price Rs. 15.

According to Mr. Justice P. B. Mukharji, his book—"The Critical Problems of the Indian Constitution"—is not "a dissertation on the principles of constitutional law. It picks out areas and problems under the Indian Constitution which are showing the stress and strain of both constitutional and unconstitutional challenges". The author thinks "it is necessary to have periodic conventions on the Constitution to take stock of the working of the Constitution in the intervals of time, so that progress, achievements, failures and actual administration are periodically under critical scrutiny to keep the Constitution as the living and dynamic symbol of a growing and developing nation like India".

In the six spheres of the Constitution and its working, dealt in the "Chimanlal Setalvad Lectureship Series", delivered in November 1966, the author has covered lot of fresh ground and propounded several ideas, with which we may or may not agree, but we have to admit that he has put in lot of labour and advanced judicious arguments for the conclusions drawn by him.

Below is given a summary of the main points developed by him with remarks where necessary.

Chapter I deals with the executive power and institutions under the Indian Constitution.

The author feels that the powers of the bureaucracy are increasing while those of the President and Governors are diminishing. While discussing the nature and vesting of executive power in the President and Governors, the author endeavours to prove that the President and Governors can use personal discretion and individual judgment in exercise of their responsibilities.

The Indian President is not a figure-head as he is not chosen as a political party candidate and his diverse obligations show that he is to represent the executive power of the Union and the whole country and not merely the party in power. Further, Courts cannot enforce Directive Principles while the President can prevent their violation by the executive. He can also act otherwise than on ministerial advice—in the choice of a new Prime Minister; in dismissing a Prime Minister or Ministry or House of People; in determining whether a member of parliament has become subject to any disqualification; in giving or withholding of assent to a Bill; in sending messages to Parliament regarding bills; in promulgation of ordinances; in consulting the Supreme Court or the Attorney-General on a question of law or fact and to defend and protect the country.

The President's authority is also acute in the realm of external affairs. Parliament has power to make laws in respect of foreign affairs. But the entire executive power in relation to them must be vested in the President. In this regard the author appears to empower the President with more discretionary powers than warranted by the wording of the Constitution.

Further, if the President was not the real head there would be no constitutional significance in casting duty on the Prime Minister to communicate decisions of ministers to the President, etc.

The provision for the impeachment of the President also implies that there is personal responsibility for the President in certain spheres of action, otherwise there could be no question of his impeachment.

After discussing the vesting and exercise of executive power by the Governor, the author maintains that the Governor can exercise his discretion independently in spite of the aid and advice of his ministers under specified Articles of the Constitution.

He feels that constitutional confusion between the legislative and executive power, as in the case of the President, also marks the office of the Governor. The Indian executive, the author concludes, is thus authorised by the Constitution to be strong and effective. But by wrong action and wrong interpretation of the constitutional provisions it has been reduced to a degree of ineffectiveness which unless corrected is going to create not only constitutional problems but extra-constitutional problems which might spell disaster for the country.

Chapter II deals with the division of legislative power between the Union and the States which is peculiar to India. While describing the pattern of division of legislative power as prescribed in the three Lists given in the Seventh Schedule, the author maintains that the following six exceptions made in favour of Parliament to legislate has put the States in a subordinate position:

- (1) Powers of Parliament to make laws for establishing additional courts for better administration of laws made by Parliament.
- (2) Residuary powers of Parliament to make laws regarding matters not enumerated in Concurrent and State Lists.
- (3) Parliament's power to legislate with respect to matters in the State List on ground of national interest.
- (4) In case of inconsistency between laws made by Parliament under Articles 249 and 250 and the laws made by State legislature, the latter will be inoperative.
- (5) Power of Parliament to legislate for two or more States by consent.
- (6) Inconsistent law made by a State legislature to that of a law made by Parliament, which Parliament is competent to enact, shall be void.

Since legislative Lists are prolix and detailed, the author feels that new conflicts in exercise of legislative power can arise.

He discusses at length the various interpretations that the Courts have or might put in future regarding the division of legislative power according to the three Lists.

The various amendments made to the Constitution upto June 1964 have been discussed and the author deplors their frequency. He considers additions of entries to the Ninth Schedule through amendments, whereby constitutional protection has been given to infirm State acts, as an affront to the Constitution.

The majority judgment in *C. Golak Nath Vs. State of Punjab*, has been critically commented and the author maintains that the elaborate procedure prescribed in Article 368 is an inherent proof itself that it is not merely a procedure, but a charter for amendment of the Constitution, and Fundamental Rights cannot be made transcendental and unalterable.

Delegated legislation, its scope and extent, has been discussed at length and *inter alia*, Shri Mukherji refers to recognised constitutional limitations on legislative power, i.e., bar against *ex-post-facto* laws, double jeopardy for the same offence, prohibition against self-incrimination and the limitations imposed by the Fundamental Rights.

While analysing Articles 1, 2 and 3, State List II, etc., the author ably argues that the States have no right to secede or the Union to expel a State, because the Constitution is framed by 'people of India' and not by the States. He also examines the legal character and consequences of Resolutions passed by Parliament and State legislatures as provided in 16 constitutional provisions and concludes that the Constitution has accorded them legal force or effect.

The author considers resolutions passed under specific statutes and those controlling the proceedings of the House. He concludes by saying that Indian statutes are imitations, lack originality and are producing tensions. He suggests coordination and planning of laws at the Centre and States.

Chapter III on judicial power and judicial institutions starts with the premise that

justice is the very first objective of the Constitution and is 'social, economic and political' in its content. Thereafter a summary of the constitutional provisions regarding the Supreme Court and High Courts is given.

As regards the power of the President to consult the Supreme Court under Article 143, it is concluded that: (i) such opinion will not be immune from challenge; and (ii) the Supreme Court cannot refrain from giving opinion when consulted by the President.

With the increasing tendency to shift the struggles between political parties from the legislative arena to the Courts of justice, a judge, according to the author, has to function as a constitutional statesman. The author is at pains to help the judiciary by suggesting that the Supreme Court and High Court judges should have the same age of retirement—not less than 70; their salaries should be enhanced; their pensions should not be less than their salaries; they should be allowed to practise; transfer of High Court judges should be with their consent; different standards for determining the age of a judge of the Supreme Court and a High Court were undesirable; system of promotion of judges from subordinate judiciary to higher courts was detrimental to judicial independence. None of these above suggestions appear to be in the practical realm.

Chapter IV dealing with Federalism states that the Indian Constitution is neither federal nor unitary but a mixture of its own.

Part XI of the Constitution regarding relation between the Union and the States indicates a federal texture with balance in favour of strengthening the Federal Union as against the States. In a subsequent paragraph the author makes a contradictory remark that Chapter II of Part XI regarding Administrative Relations "is against all principles of federation known in constitutional law". He feels that this provision was perhaps a legacy from the Government of India Act, 1935, where it was necessary

in that context to encourage provincial autonomy.

According to the author the provisions in Part XII regarding finance are 'definitely anti-federal' since they make the States supplicant for favour of money grants from the federal power which jeopardises their position as federal units and encourages lobbying.

The three special features of the Constitution, *viz.*, (1) single citizenship; (2) All India Civil Service; and (3) a unified judiciary—which cut across the basic texture of federalism and are met with criticism from constitutional lawyers—have been justified by the author. He states that the Constitution has introduced a special new feature in federalism, *i.e.*, commissions for finding facts and solving tensions. Thereafter he describes Finance Commission, Public Service Commission, Election Commission, Commission re: backward classes, authorities for adjudicating disputes relating to water, trade, commerce, etc.

The observation of the author that conflicts are arising between the Federation and the States in regard to: (1) language; (2) taxation; (3) trade and commerce; (4) administration; and (5) legislation appears to be an exaggeration.

The author asserts that the tendency towards centralisation and acquisition of larger powers by the Union is creating anti-federal climate and over-assertion of local interests and passions for linguistic states. He rightly asserts that the provisions of Articles 29 and 30 are intended for defence and protection of language, religion, script or culture and are not to be used as springboards for claiming full fledged States.

To avoid tension between the Union and States, the author suggests that "governors should be appointed in a State from the members of that State".

To make parliamentary form of government a success, two party system—both at the Centre and the States—has been commended by the author.

The Constitution has adopted a secular policy with the result that enacted legislation has made bigamy a crime for the

Hindu while not for a Muslim, Hindu succession has been controlled but not division among Muslims. Secularism in India has meant a Hindu Code for the Hindus but that secularism has not brought the much needed Muslim Code.

Again, Article 28, laying down that no religious instruction shall be provided in any educational institution maintained out of State funds, has raised many far reaching controversies. Education has been crippled morally and socially, with resulting evil effects in faithlessness and indiscipline among students. The author suggests that such neutrality could have been maintained by providing that religious instruction will be according to the faiths or religions of the students. In that context he recommends amendment of the Constitution to change the federal approach to education and religion.

Chapter V starts with the proposition whether in the Indian Constitution, which is the largest in the world, there is any scope for conventions to grow. The author aptly remarks that the words of the Constitution can teach prohibition and separation but it is conventions alone which can teach cooperation. The author mentions a number of areas where conventions can grow with advantage:

to help the achievement of non-justiciable aspirations mentioned in Directive Principles of State Policy; President should not be elected beyond the second term; aid and advice by ministers; appointment of Prime Minister; furnishing of information to President; President's power to prorogue and dissolve the House; privileges and immunities of members; healthy and harmonious working of legislatures; President's relationship with State governors; collective and individual responsibility of ministers; size of ministries and cabinets.

A fertile field for conventions has been already growing in the area of rules and practices which influence and govern relations with members of Commonwealth and foreign states.

The author also adds a word of advice to the legislators, i.e., greater earnestness and

restraint and responsibility are necessary to preserve the forms of legislative institutions in a democracy. In this field healthy conventions should also grow to ensure that legislative forms and procedures are not dishonoured or disregarded.

In the last chapter, the author eulogizes rule of law and states that the Constitution enshrines some of the basic principles of the rule of law in the Fundamental Rights, namely that no tax shall be levied except by authority of law, etc. India being a welfare and service State, national life has to be regulated in diverse ways and spheres by creating special tribunals and courts outside the ordinary or constitutional laws like tax tribunals, company tribunals, industrial tribunals, etc. He suggests that these tribunals should be independent of the executive. One way to achieve that end would be to provide right of appeal on a point of law to a superior court.

The Constitution, in the opinion of the author, does not provide immunity to the State or the Government from the rule of law except for certain protections to the President and Governors, disputes relating to treaties and agreements, proceedings of Parliament, electoral matters, etc. Accordingly creation of institutions like the Lok Pal, Lok Ayukt and Vigilance Commission are serious infractions on the rule of law. The whole idea is impractical and will encourage a society of grumblers and critics and is bound to fail.

The rule of law is not a static concept but flexible. Its dimensions increase with the progress of mankind, complexity of government and time. It only insists that the powers and their mechanism must be exercised genuinely for the purposes conferred by legislature and if they are exercised in a way which is unreasonable, beyond the purpose and beyond the limits of the statutes, then the Courts and the processes of law should be able to effectively interfere. That is why the Constitution enshrines the aspiration of the people that the major disputes and controversies in the nation and the society must accept the discipline of the courts and the rule of law.

—A. L. RAI.

Readings in Parliamentary Procedure—
Edited by Naig A. Boonajian. Harper
and Row, 1968; pp. 264.

The book contains selected articles written by eminent authors on the Parliamentary Procedure. It is intended to be a supplementary reading to the already published books dealing with the mechanics of organising and conducting a meeting. These essays include the history of majority rule, evolution of parliamentary procedure, the history of the quorum, anti-parliamentary attitude and some of the important court decisions bearing on the procedural aspects. They are intended to help the student of parliamentary procedure in understanding the philosophy, history, law and rationale behind many of the parliamentary procedures. The chapter on 'Evolution in Parliamentary Procedure' gives in a nutshell the processes through which the important procedural rules like majority rule, concept of the quorum have evolved. Since the parliamentary form of government is based essentially on freedom of discussion, freedom of speech, freedom of the press, freedom to evaluate, to criticise, to protest, to act, or to rescind action and also on the recognition of the fact that no one member or group of members has rights or privileges that may be denied to one member or group of members, and that minorities have privileges as great as have majorities, it is necessary that the background to these basic requirements must be understood by those who have actually to practise and operate the parliamentary procedure in a democratic society. The selections included in this book are intended to achieve this end. The reader is further helped by the reference notes given at the end of each section and the study questions which follow these notes. The study questions have been framed in such a manner as to test the understanding of the reader about the topic which he has gone through. Though the topics dealing with parliamentary procedure are of general nature but the facts narrated to illustrate these principles mainly relate to the United States.

The article entitled 'The Legal Side of Parliamentary Procedure' by Paul Mason included in this book makes an interesting reading on the point that 'Parliamentary law is law'. According to Paul Mason, the basic requirements of a parliamentary law are: (1) that there must be a sufficient representation of a group to act for it, or that a quorum must be present; (2) that any action must be taken by a proper vote, usually a majority; (3) that the persons voting have the right to act for the group they purport to act for; (4) that the group has acted at a meeting properly called; and (5) that the action taken has not infringed upon any of the rights of the members. These basic requirements have been illustrated by court decisions.

Another article about 'The Quorum' by Robert Luce describes the philosophy of 'Quorum' and endeavours to trace the history behind the practice of having a quorum in order to come to a legal and binding decision made by an assembly.

The article 'History of the Majority Principle' by John Gilbert Heinberg traces the history of majority principle as it has come to be practised in modern democratic societies. As the author points out the "majority concept is subject to modification and even to antagonistic influences. The deliberations of the political body are constantly influenced by its more powerful and competent members. Decisions are often simply the determination of an individual or of a faction duly ratified. While it may not be supposed that a group will more certainly arrive at the truth than an individual, and while majority decisions are often erroneous or partisan, it would seem that there are several characteristics of group action that tend to further sound judgments. The practice of referring technical matters to select committees, opportunity for discussion and debate whereby minorities may be heard and may convince their opponents, together with the likelihood that members are selected by reason of special competence or interest—all these tend to promote sound decisions." The majority principle, the author points out,

is not absolute. Its content varies in so far as method of voting, power of presiding officers, electoral procedure and philosophical justifications for its use are concerned. The author points out that certain factors relating to the concept of majority appear frequently, viz., conditions permitting an accurate counting of votes; the presence of common interest or of group solidarity; an inclination to discuss, concede, and compromise; conviction of the need of concerted action. These factors are usually present whenever the principle of majority is acted upon. "The majority principle", as the author puts it, "is simply a convenient rule of law and has no inherent ethical validity. A theory may serve as the basis for procedure in deliberative assemblies, and without doubt a uniform method of reaching decisions is necessary, if business is to be transacted in an orderly and expeditious manner; but the achievement of wise decisions ultimately depends upon full utilisation of the best judgments of the individuals who compose groups. These may be assumed equal for the purpose of voting, but at least in some cases special attributes, such as ability and technical

knowledge, must be allowed to modify a rigid use of the majority principle."

At the end of the book a chapter entitled 'Court Decisions Related to Freedom of Assembly and Parliamentary Procedures' has been given. The cases of *De Jonge v. Oregon* (299 U.S. 353 1937) relating to the rights of free speech and peaceable assembly; *Christoffel v. United States* (338 U.S. 84 1949) dealing with the question of quorum; *Ostrom v. Greene* (55 N.E. 919 1900) dealing with the right of an association to make changes in its procedure, at will, at any duly constituted meeting if there are no written rules to the contrary; *Caffey v. Veale* (145 P. 2nd 961 1944) dealing with the question of abstention from voting—whether it amounts to a positive vote, etc., provide a good insight into the legal aspect of parliamentary procedure. On the whole, the book provides good reading material for those who want to be initiated to the working of parliamentary institutions. Thus, the book is a welcome addition to the existing ones which are intended to help in inculcating the spirit of democracy and its outward manifestation in the people.

—M. C. CHAWLA.

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APPENDICES

APPENDIX I

Statement showing the activities of the Houses of Parliament/State Legislature during the period 1st July to 31st December, 1967.

Sittings held	QUESTIONS												Committees that met	No. of Reports presented	
	Legislation			Starred			Unstarred			Short Notice					Names
	Govt. Bills passed	Pvt. Bills passed		Govt. Admt'd.	Recd. Admt'd.		Govt. Admt'd.	Recd. Admt'd.		Govt. Admt'd.	Recd. Admt'd.				
1	2	3	4	5	6	7	8	9	10	11	12				
	<i>Bojya Shabla</i>														
Two Sessions (i) 61st Session from the 24th July, 1967 to the 18th August, 1967 (28 sittings) (ii) 62nd session from the 29th Nov. 1967 to the 27th Dec. 1967 (28 sittings)	25	1	4,321	1,568*	411	2,908**	135	26	Committee of Privileges Committee on Petitions Business Advisory Committee House Committee Joint Committee on the Central Industrial Security Force Bill, 1966,	2	3				
	<i>Lot Shabla</i>														
Two Sessions (a) 62nd Session from 22nd May, 1967 to 12th August, 1967 (28 sittings from 1st July to 12th August, 1967). (b) 23rd Session from 19th November, 1967 to 23rd Dec. 1967 (21 sittings).	24		24,080	2,604†	2,796	14,534‡	2,953	64	Business Advisory Committee Committee on Absence of Mem- bers from the sittings of the House. Committee on Private Mem- bers Bills and Resolutions. Committee on Govt. Assurances	10	9	3	3		
									Committee on Petitions Committee on Subordinate Legislation. Committee on Privileges	10	10	8	7		

Appendices

Committee on Public Undertakings.	16	..
Estimates Committee	63	15
Finance Committee	1	..
Accommodation Sub-Committee.	1	..
Joint Committee on Salaries and Allowances of Members of Parliament.	1	..
Joint Committee on Unlawful Activities (Prevention) Bill, 1967.	5	1
Joint Committee on Officers of Profit.	7	1-
Joint Committee on the Constitution (Amendment) Bill, 1967 by Shri Neethi Pal, M.P.	8	..
Library Sub-Committee	6	..
Public Accounts Committee—		
(a) Main Committee Meetings	24	11
(ii) Sub-Committee Meetings	5	..
Raid Committee	5	1
Select Committee on the Essential Commodities (Control Amendment) Bill, 1967.	5	1

*Includes 2 short notice questions admitted as Starred Questions.

**Includes 204 Starred Questions admitted as Unstarred Questions.

① Includes the questions received during the entire Second and Third Sessions.

② Includes 41 Short Notice Questions admitted as Starred Questions.

③ Includes 12,209 starred Questions admitted as Unstarred Questions.

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	1	2	3	4	5	6	7	8	9	10	11	12
<i>Andhra Pradesh Legislative Council</i>												
One (15 days)		7	..	327	200	17	11	Assurances Committee	1	..
										Public Accounts Committee	22	..
<i>Andhra Pradesh Legislative Assembly</i>												
One—From 1st July, 1957 to 2nd August, 1957 (28 days) and from 11th September, 1957 to 23rd November, 1957 (11 days).		11	..	3,324	930	..	123*	605	136	Ad-Hoc Committee on Rules of Procedure.	3	..
									200**	Committee on Govt. Assurances.	7	1
										Estimates Committee	26	..
										Petitions Committee	1	..
										Privileges Committee	3	..
										Select Committee on Andhra Pradesh Land Revenue (Bihar-cesses) Bill, 1957.	8	1
										Subordinate Legislation Committee.	6	..
<i>Assam Legislative Assembly</i>												
Two—Budget Session From 21st May, 1957 to 6th July, 1957 (59 sittings) From 2nd to 6th July, 1957 (4 sittings)		14	..	601	500	369	245	1	1	Committee on Govt. Assurances.	2	2
										Committee on Petitions	5	2
										Public Accounts Committee	9	1
<i>Bihar Vidhan Sabha</i>												
One—From 20th May, 1957 to 21st July, 1957 (64 sittings)		7	..	4,063	2,277	779	745	803	634	Assurances Committee.	1	..
										Business Advisory Committee	7	7
										Estimates Committee	2	1
										House Committee	3	..
										Public Accounts Committee	11†	8
<i>Madhya Pradesh Vidhan Sabha</i>												
				516†	1	19	..	..	..	Committee on Govt. Assurances.	9	..
										Estimates Committee	10	..
										House Committee	2	..
										Library Committee	2	..
										Public Accounts Committee	15	..
										Subordinate Legislation Committee.	6	..

Appendices

One-From 2nd July, 1967 to 2nd July, 1967 (13 sittings)	2	3	4	5	6	7	8	9	10	11
<i>Bismarck Federal Legislative Assembly</i>										
	263	231	60	71						2
Committee on Govt. Amm-										11
Committee on Estimates										31
Committee on delegated										6
Legislation.										
Committee on Privileges										1
House Committee										3
Literary Committee										4
Public Accounts Committee										4
Rules Committee										1
										1
<i>Original Legislative Assembly</i>										
One-From 19th July to 2nd August, 1967 (28 sittings)	6	6	1,800	9	3	200	67			
Assurances Committee										4
Business Advisory Committee										2
Committee on Pay & Allow-										1
ances.										
Committee on Private Mem-										3
bers' Business.										
Estimates Committee										5
Member's Accommodation										1
Committee.										
Petitions Committee										1
Privileges Committee										7
Public Accounts Committee										5
<i>Joint and Ex-hibit Legislative Council</i>										
One-From the 24th August, 1967 to 24th September, 1967 (22 sittings)	34	230	200	75	70					
Assurances Committee										2
General Purpose Committee										1
Literary Committee										2
Rules Committee										1
<i>Kuala Lumpur Legislative Assembly</i>										
One-From 2nd June, 1967 to 2nd August, 1967 (24 sittings from 1st July, 1967 to 2nd December, 1967).	10	2,000	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Committee on Govt. Amm-										2
Committee on Private Mem-										2
bers' Bills and resolutions.										
Committee on Subordinate										6
Legislation.										
Committee of Privileges										2
Committee on Petitions										1
Estimates Committee										16
Public Accounts Committee										16

* Where questions submitted or answered without notice printed in ordinary starred questions.

† The Budget session, 1967 of the Volksraad was prorogued on the 27th June, 1967 and the 28th was dissolved by the President's Proclamation dated the 28th November 1967, under Art. 50 of the Constitution.

‡ All printing figures based on the circulation of the Volks Raads on 21.11.1967.

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	1	2	3	4	5	6	7	8	9	10	11	12
<i>Maharashtra Legislative Council</i>												
Total		41	..	1,140	838	5	70	133	74	Committee on Govt. Amm- rances.	7	3
(6) First session from 14th June, 1967 to 20th August, 1967 (29 sittings).									74	Committee on Private Mem- bers Bills and Resolutions (Council).	7	7
(6) Second session from the 7th November, 1967 to 24th November, 1967 (11 sittings).										Committee on Leave of Absence of Members from the sittings of the House.	1	1
<i>Maharashtra Legislative Assembly</i>												
Total		41	..	4,311	2,720	113	73	460	308	Accommodation Committee.	1	2
(6) First session from 14th June to 20th August, 1967 (29 sittings).									308	Business Advisory Committee.	11	2
(6) Second session from 7th November, 1967 to 24th November, 1967 (11 sittings).										Committee on Govt. Amm- rances.	5	3
										Committee on Leave of Absence of Members from the sittings of the House.	1	1
										Committee on Private Mem- bers Bills and Resolutions.	11	11
										Committee on Public Under- takings.	18	..
										Estimates Committee	19@@@	4
										Joint Committee on L.C. Bill No. 1 of 1967 (Maha- rashtra Agricultural Uni- versity Bill, 1967).	7	..
										Joint Committee on L.A. Bill No. XXXIII of 1967. (The Societies Registration (Maharashtra Amendment) Bill, 1967).	1	..
										Joint Committee on Salaries and Allowances of Members Library Committee	1	..
										Public Accounts Committee	19@@@	3
										Subordinate Legislation Committee.	4	2
<i>Madhya Pradesh Vidhan Sabha</i>												
Total		19	..	2,740	1,126	1,311	679	44	4	Business Advisory Committee	4	..
(6) First session from 2nd July, 1967 to 20th July, 1967 (14 sittings).									4	Business Advisory Committee	4	..

Appendix

Committee on Government Activities	6	1
Committee on Delegated Legislation	10	2
Committee on Estimates	6	1
Wages Committee	1	..
Library Committee	1	..
Committee on Private Mem- bers Bills and Resolutions	4	2
Committee on Public Accounts	11	..
Committee on Petitions	8	..
Committee of Privileges	6	2
Rules Committee	2	2

3 Business Advisory Committee	3	..
Committee on Govt. Ac- tivities	1	..
9 Committee on Government Activities	9	1
Committee on Estimates	27	1
Committee on Subordinate Legislation	5	1
Committee on Public Ac- counts	17	1
Committee on Rules	6	1
Houses Committee	1	..
10 Business Advisory Committee Public Accounts Committee	10	2

Madras Legislative Council

Two: First session from the 17th March, 1957 to the 26th September, 1957 (2 sittings)	..	1,810	972	264	5	5
17 Second session from the 26th November, 1957 to the 25th November, 1957 (6 sittings)	17	..	5,085	3,772	520	520
16 Third session from the 26th November, 1957 to the 25th November, 1957 (6 sittings)	16	..	5,085	3,772	520	520

Madras Legislative Assembly

Madras Legislative Council

19 From 26th June to 6th July, 1957 and 27th July 1957 to 6th August, 1957 (22 days)	19	2	123	26	26	16
From 7th Dec., to 21st Dec. 1957 (15 days)						

(14) Second session from 26th
July, 1957 to 21st July,
1957 (2 sittings).
(15) Third session from 14th
November, 1957 to 26th
November, 1957 (13 sittings).

Two: First session from the
17th March, 1957 to the 26th
September, 1957 (2 sittings)

(17) Second session from the
26th November, 1957 to the
25th November, 1957 (6 sittings).

One—From 26th November,
1957 to 26th November, 1957
(6 sittings).

Two—From 26th June to 6th
July, 1957 and 27th July 1957
to 6th August, 1957 (22 days).
From 7th Dec., to 21st Dec.
1957 (15 days)

* After deducting 21 classified as Unstarred and 22 bracketed.

† After adding 21 starred classified as Unstarred.

‡ Date of commencement.

§ Date of Termination.

¶ Out of which 65 sessions were received as Starred but were admitted as Unstarred Questions.

‡ Including 7 sittings of the study group.

§ Including 1 sitting of the sub-Committee.

	1	2	3	4	5	6	7	8	9	10	11	12
Two —From 26th June to 26th August, 1907 (28 days); From 26th August to 22nd December, 1907 (118 days)	19	2	680	674	115	108	4	133	59	Business Advisory Committee on Petitions Committee on Private Members' Bills and Resolutions Public Accounts Committee		4 1 3 3
One : From the 26th September, 1907 to the 15th September, 1907 (11 sittings).	2	128	129	33	29					Government Assurance Committee. Estimates Committee	1 1	
Two : (a) First session from the 19th June, 1907 to the 2nd August, 1907 (22 days) (b) Second session from the 4th December, 1907 to the 22nd December, 1907 (18 days).	17	2,740	1,924	687	565	680	145	Committee on Government Assurance. Committee on Estimates Committee on Privileges Committee on Public Accounts. Committee on Public Undertakings. Committee on Subordinate Legislation.	5 11 3 1 13 3		5 11 3 1 13 3	
One : From 22nd November, 1907 to 24th December, 1907 (13 sittings).	19	604	526	103	80	10	3	Business Advisory Committee on Government Assurance. Committee on Petitions Committee on Privileges Committee on Public Undertakings. Committee on Subordinate Legislation. Houses Committee Library Committee Rules Committee	5 15 3 4 18 9 7 4 9		5 15 3 4 18 9 7 4 9	
One : From 22nd November, 1907 to 15th December, 1907 (15 sittings).	12	631	464	55	39	2	1	Business Advisory Committee on Government Assurance. Committee on Estimates Committee on Privileges Committee on Subordinate Legislation.	4 8 20 9 6		4 8 20 9 6	

Appendices

Library Committee	1
House Committee	4
Public Accounts Committee	18
Rules Committee	1
	1
Committee on Government Accounts	24
Committee of Privileges	15
Committee on Petitions	27
Committee on Subordinate Legislation	26
Business Committee	20
House Committee	23
Public Accounts Committee	43
Rules Committee on the Business Committee and Legislative Committee and Industrial Premium Tax Bill, 1937	6

Benjamin Legislative Assembly

Jan 1 to 31 May, 1937 to 31 May, 1937 (71 sittings from 6th July to 21st July 1937).	2	2,780	1,007	100	64	140	25
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One:

Triguna Legislative Assembly

From 14th December, 1937 to 21st December, 1937 (8 sittings).	2	312	200	60	25	25	1
---	---	-----	-----	----	----	----	---

Two:

Other Pradesh Vidhan Parishad

On 27th session from March 17, 1937 to August 7, 1937	6	2,578	1,304	64	52	100	6
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(The sittings from December
14, 1937 to January 5, 1938.
(These sittings were held during
the period under report.)

Committee on Privileges	5
Committee on Business	10
Committee on Public Accounts	17
Committee on Petitions	2
Committee on Absence of Members from the Sittings of the House	1
Rules Committee	1
	1
Business Committee	27
Business Advisory Committee	7
	13
Completion of Rollings Com- mittee	4
Committee to examine the conditions given to Political officers).	15
Committee constituted regard- ing the grant of Study, Writing Material	5
Government Undertakings Committee	4
House Committee	2
Privileges Committee	9
Rules Committee	9

Journal of Parliamentary Information

	1	2	3	4	5	6	7	8	9	10	11	12	
<i>Upper Pradesh Vidhan Sabha</i>													
One: From 1st July, 1967 to 28th December, 1967 (twenty seven sittings).	7	..	..	2,915	1,122*	10	7	1,238	57†	Assurances Committees Business Advisory Commah. Delegated Legislative Com- mittee. Estimates Committee Privileges Committee Public Accounts Committee Rajee Committee	22 2 19 6 9 23 2	..	1
Two: From 28th June 1967 to 1st August, 1967 (19 sittings in July). From 28th Nov., 1967 to 26th Nov., 1967 (one sitting)	2	..	..	578	291	267	291	55	7	Business Advisory Committee Committee of Privileges Committee on Estimates Committee on Public Account	3 4 4 10	3	3
Three: One: From 2nd session—17 sittings. (a) 2nd session—13 sittings.	11	..	..	706	616	66	43	14	8	Assurances Committee Committee on Delegated Legislation. Estimates Committee Privileges Committee Public Accounts Committee Rajee Committee	3 2 6 4 4 1	..	..
One: Second Session from 19th to 26th Oct., 1967 (8 sittings).	..	..	..	..	..	..	..	..	..			3	3
One: From the 26th September, 1967 to the 26th October, 1967 (10 sittings).	5	..	..	55	55	6	6	1	1	Business Advisory Committee Committee on Public Accounts Committee on Estimates Committee on Government Assurances. Committee on Delegated Legislation. Committee on Privileges Select Committee	1 3 20 6 2 1 1 2	1	1

(*) 539 as starred questions.
(†) 208 as unstarred questions.
(‡) 37 as short notice questions.
(§) 415 as starred questions.
(||) 107 as unstarred questions.

APPENDIX II

List of Bills Passed by the Houses of Parliament and assented to by the President during the period 1st July to 31st December, 1967

Serial No.	Title of Bill	Date of Assent by the President
1	*The Appropriation (Railways) No. 2 Bill, 1967	2-7-67
2	The Appropriation (No. 2) Bill, 1967	20-7-67
3	The Finance (No. 2) Bill, 1967	5-8-67
4	The Tea (Amendment) Bill, 1967	12-8-67
5	The Public Works (Extension of Limitation) Amendment Bill, 1967	14-8-67
6	**Appropriation (Railways) No. 2 Bill, 1967	15-8-67
7	The Indian Official Secrets (Amendment) Bill, 1967	16-8-67
8	The Standards of Weights and Measures (Extension to Kohima and Mokokchung Districts) Bill, 1967	26-8-67
9	The Cotton Fabrics (Additional Excise Duty) (Repeal) Bill, 1967	1-12-67
10	The Taxation Laws (Amendment) Bill, 1967	16-12-67
11	The Court-fee (Dafni Amendment) Bill, 1967	16-12-67
12	The Cotton Textile Companies (Management of Undertaking and Liquidation or Reconstruction) Bill, 1967	20-12-67
13	The Haryana State Legislature (Delegation of Powers) Bill, 1967	20-12-67
14	The Indian Tariff (Amendment) Bill, 1967	20-12-67
15	The Appropriation (No. 3) Bill, 1967	20-12-67
16	The Appropriation (No. 4) Bill, 1967	20-12-67
17	The Manipur Appropriation Bill, 1967	20-12-67
18	The Haryana Appropriation Bill, 1967	20-12-67
19	The Essential Commodities (Second Amendment) Bill, 1967	20-12-67
20	The Unlawful Activities (Prevention) Bill, 1967	20-12-67
21	The Official Languages (Amendment) Bill, 1967	6-1-68

*The Bill was introduced in Lok Sabha as "The Appropriation (Railways) No. 2 Bill, 1967". The Short Title of the Bill was changed to "The Appropriation (Railways) No. 2 Bill, 1967" when passed by Lok Sabha.

**The Bill was introduced in Lok Sabha as "The Appropriation (Railways) No. 2 Bill, 1967". The Short Title of the Bill was changed to "The Appropriation (Railways) No. 2 Bill, 1967" when passed by Lok Sabha.

APPENDIX III

SUBJECT-WISE LIST OF BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD (1ST JULY, 1967 TO 31ST DECEMBER, 1967)

Administration

Assam

1. The Prisons (Assam Amendment) Bill, 1967.
2. The Societies Registration (Assam Sixth Amendment) Bill, 1967.

Bihar

1. Bihar Premises and Vehicle (Requisition) Bill, 1967.

Kerala

1. The Kerala Stay of Eviction Proceedings Bill, 1967.
2. The Cochin Abkari (Extension and Amendment) Bill, 1967.

Madhya Pradesh

1. Madhya Pradesh Government Employees (Superannuation Age) Bill, 1967.

Madras

1. Madras Essential Articles Control and Requisitioning—(Temporary Powers) Amendment Bill, 1967.

Maharashtra

1. The Maharashtra Village Police Bill, 1967.
2. The Bombay Police Bill, 1967.

Mysore

1. The Mysore Village Offices Abolition—(Amendment) Bill, 1967.
2. The Land Acquisition (Mysore Amendment and Validation) Bill, 1967.

Orissa

1. The Orissa Merged Territories (Village Offices Abolition Amendment) Bill, 1967.
2. The Indian Easements (Orissa Extension) Bill, 1967.

3. The Offices of Village Police Abolition (Amendment) Bill, 1967.

4. The Orissa Gram Rakshi Bill, 1967.
5. The Orissa Co-operative Societies (Amendment) Bill, 1967.

Punjab

1. The Punjab Requisition and Acquisition of Immovable Property (Amendment) Bill, 1967.
2. The Punjab Official Languages Bill, 1967.

Rajasthan

1. The Rajasthan Societies Registration (Amendment) Bill, 1967.

Goa, Daman and Diu

1. Prisons (Goa, Daman and Diu) Amendment Bill, 1967.
2. The Goa, Daman and Diu Registration of Births and Deaths (Amendment) Bill, 1967.
3. The Goa, Daman and Diu Weights and Measures (Enforcement) Bill, 1967.

Pondicherry

1. The Pondicherry Survey and Boundaries Bill, 1967.

Tripura

1. The Tripura Weights and Measures (Enforcement) Bill, 1967.

Education

Assam

1. The Assam Elementary Education (Amendment) Bill, 1967.

Madhya Pradesh

1. Indore University (Amendment and Recognition) Bill, 1967.

Appendices

Maharashtra

1. The Maharashtra Agricultural University (Kriishi Vidyapeeth) Bill, 1967.
2. The Maharashtra Universities (Amendment) Bill, 1967.
3. The Maharashtra Public Libraries Bill, 1967.
4. The Shroemati Nathibai Damodar Thackersey Womens' University (Amendment) Bill, 1967.
5. The Prince of Wales Museum (Amendment) Bill, 1967.

Mysore

1. The Bombay Primary Education (Mysore Amendment) Bill, 1967.
2. The Karnatak University (Amendment) Bill, 1967.

Orissa

1. The Orissa University Laws (Amendment) Bill, 1967.
2. The Orissa Governing Bodies of Non-Government Colleges (Validation and Extension of Term of Office) Bill, 1967.

Punjab

- The Punjab Local Authorities (Aided Schools) Amendment Bill, 1967.

Finance

Andhra Pradesh

1. The Andhra Pradesh Stamps (Increase of Duties) Bill, 1967.
2. The Andhra Pradesh Appropriation (No. 2) Bill, 1967.
3. The Andhra Pradesh Land Revenue (Enhancement) Bill, 1967.

Assam

1. The Assam Finance Bill, 1967.
2. The Assam Sales Tax (Amendment) Bill, 1967.
3. The Assam Finance (Sales Tax) Amendment Bill, 1967.

4. The Assam Agricultural Income-Tax (Amdt.) Bill, 1967.

5. The Assam (Sales of Petroleum & Petroleum Products), including Motor Spirit and Lubricants Taxation (Amdt.) Bill, 1967.

6. The Assam Appropriation (No. III) Bill, 1967.

7. The Assam Purchase Tax Bill, 1967.

8. The Assam Appropriation (No. II) Bill, 1967.

9. The Assam Tea Plantations Product Fund Scheme (Amendment) Bill, 1967.

10. The Indian Stamps (Assam Amendment) Bill, 1967.

Bihar

1. Bihar Appropriation (No. 3) Bill, 1967.

2. Bihar Contingency Fund (Amendment) Bill, 1967.

3. Bihar Appropriation (No. 2) Bill, 1967.

Gujarat

1. The Bombay Sales Tax (Gujarat Amendment) Bill, 1967.

2. The Gujarat Appropriation Bill, 1967.

3. The Bombay Inams (Kutch Area) Abolition (Amendment) Bill, 1967.

Kerala

1. The Kerala General Sales Tax (Second Amendment) Bill, 1967.

2. The Agricultural Income Tax (Amendment) Bill, 1967.

3. The Kerala Stamp (Amendment) Bill, 1967.

4. The Kerala Appropriation (No. 2) Bill, 1967.

5. The Kerala Appropriation (No. 3) Bill, 1967.

6. The Kerala Appropriation (No. 4) Bill, 1967.

7. The Kerala Plantations (Additional Tax) Amendment Bill, 1967.

8. The Kerala Motor Vehicles Taxation (Amendment) Bill, 1967.

9. The Kerala Motor Vehicles (Taxation of Passengers and Goods) Amendment Bill, 1967.

10. The Kerala Taxation Laws (Continuation & Validation of Recovery Proceedings) Bill, 1967.

Madhya Pradesh

1. Madhya Pradesh Appropriation Bill, 1967.

2. Madhya Pradesh Appropriation (Vote on Accounts No. 2) Bill, 1967.

3. Madhya Pradesh Appropriation (No. 3) Bill, 1967.

4. Indian Stamp (Madhya Pradesh Amendment) Bill, 1967.

5. Madhya Pradesh General Sales Tax (Amendment and Validation) Bill, 1967.

Madras

1. The Madras (Transferred Territory) Jennikaram Payment Abolition Amendment Bill, 1967.

2. The Indian Stamp (Madras Amendment) Bill, 1967.

3. The Madras Appropriation (No. 2) Bill, 1967.

4. The Madras General Sales Tax (Second Amendment) Bill, 1967.

5. The Madras Inams (Supplementary) Amendment Bill, 1967.

6. The Madras City Land Revenue and Revenue Recovery (Amendment) Bill, 1967.

7. The Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1967.

8. The Madras General Sales Tax (Third Amendment) Bill, 1967.

Maharashtra

1. The Maharashtra Appropriation Bill, 1967.

2. The Maharashtra (Second Supplementary) Appropriation Bill, 1967.

3. The Maharashtra (Third Supplementary) Appropriation Bill, 1967.

4. The Maharashtra Appropriation (Excess Expenditure) Bill, 1967.

5. The Maharashtra Appropriation (Second Excess Expenditure) Bill, 1967.

6. The Maharashtra Appropriation (Third Excess Expenditure) Bill, 1967.

7. The Maharashtra Appropriation (Fourth Excess Expenditure) Bill, 1967.

8. The Bombay Sales Tax (Amendment) Bill, 1967.

9. The Bombay Entertainment Duty (Amendment) Bill, 1967.

10. The Maharashtra Advertisements Tax Bill, 1967.

11. The Bombay Court-Fees (Amendment) Bill, 1967.

12. The Maharashtra Advertisements Tax (Amendment) Bill, 1967.

13. The Bombay Entertainments Duty (Second Amendment) Bill, 1967.

14. The Maharashtra Education (Cess) (Amendment) Bill, 1967.

15. The Bombay Public Trusts (Amendment) Bill, 1967.

Mysore

1. The Mysore (Abolition of Cash Grants) Bill, 1967.

2. The Mysore Appropriation (No. 2) Bill, 1967.

3. The Mysore Appropriation (No. 3) Bill, 1967.

4. The Mysore Sales Tax (Amendment) Bill, 1967.

5. The Mysore Appropriation (No. 4) Bill.

6. The Mysore Appropriation (No. 5) Bill.

7. The Mysore Appropriation (No. 6) Bill.

Appendices

Orissa

1. The Orissa Motor Spirit (Taxation on Sales) (Amendment) Bill, 1967.
2. The Orissa Agricultural Income Tax (Amendment) Bill, 1967.
3. The Orissa Contingency Fund Bill, 1967.
4. The Orissa Appropriation (No. 2) Bill, 1967.
5. The Court Fees (Orissa Amendment) Bill, 1967.
6. The Orissa Motor Vehicles Taxation Laws (Amendment) Bill, 1967.
7. The Orissa Appropriation (No. 3) Bill, 1967.
8. The Orissa Sales Tax (Amendment) Bill, 1967.

Punjab

1. The Punjab Appropriation (No. 5) Bill, 1967.
2. The Punjab Professions, Trade, Callings and Employment Taxation (Repealing) Bill, 1967.
3. The Punjab General Sales Tax (Amendment and Validation) Bill, 1967.
4. The East Punjab War Awards (Amendment) Bill, 1967.

Rajasthan

The Rajasthan Taxation Laws (Amendment) Bill, 1967.

Uttar Pradesh

1. The U.P. Appropriation (Second Vote on Account) Bill, 1967.
2. The Uttar Pradesh Appropriation Bill, 1967.
3. The U.P. Appropriation (Regularization of Excess Expenditure, 1965-64) Bill, 1967.
4. The U.P. Appropriation (First Supplementary, 1967-68) Bill, 1967.

5. The U.P. Contingency Fund (Amendment) Bill, 1967.

6. The U.P. Gift Articles Bill, 1967.

West Bengal

The West Bengal Appropriation (No. 2) Bill, 1967.

Goa, Daman and Diu

1. The Goa, Daman and Diu Appropriation. (Vote on Account) Bill, 1967.
2. The Goa, Daman and Diu Appropriation Bill, 1967.
3. The Goa, Daman and Diu (Extension of the Provincial Insolvency Act) Bill, 1967.
4. The Goa, Daman and Diu Motor Vehicles Taxation (Amendment) Bill, 1967.

5. The Indian Registration (Goa, Daman and Diu Amendment) Bill, 1967.

Himachal Pradesh

1. The Himachal Pradesh Appropriation Bill, 1967.
2. The Himachal Pradesh Appropriation (Excess Expenditure) Bill, 1967.

Pondicherry

1. The Pondicherry Motor Vehicles Taxation Bill, 1967.
2. The Pondicherry General Sales Tax Bill, 1967.

Tripura

The Appropriation (No. 4) Bill, 1967.

Health and Housing

Gujarat

The Gujarat Homoeopathic (Amendment) Bill, 1967.

Madras

The Madras Occupants of Kudiyiruppu (Protection from Eviction) Amendment Bill, 1967.

Maharashtra

1. The Maharashtra Medical Council (Amendment) Bill, 1967.

2. The Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) (Extension of Duration) Bill, 1967.

3. The Bombay Rents, Hotel and Lodging House Rents Control (Amendment) Bill, 1967.

Mysore

The Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions (Amendment) Bill, 1967.

Orissa

1. The Orissa Ayurvedic Medicine (Amendment) Bill, 1967.

2. The Orissa House Rent Control Bill, 1967.

Punjab

The Punjab Ayurvedic and Unani Practitioners (Amendment & Validation) Bill, 1967.

West Bengal

The Calcutta National Medical College and Hospital Bill, 1967.

Goa, Daman and Diu

The Goa, Daman and Diu Housing Board Bill, 1967.

Industry and Trade

Kerala

1. The Unregistered Cashewnut Factories Prohibition Bill, 1967.

2. The Kerala Khadi and Village Industries Board (Amendment) Bill, 1967.

Maharashtra

1. The Maharashtra Industrial Development (Amendment) Bill, 1967.

2. The Maharashtra Industrial Development (Second Amendment) Bill, 1967.

Labour

Madhya Pradesh

1. Madhya Pradesh Labour Laws (Amendment) Bill, 1967.

2. Madhya Pradesh Shops and Establishment (Amendment) Bill, 1967.

Maharashtra

The Trade Union and Bombay Industrial Relations (Amendment) Bill, 1967.

Land and Agriculture

Andhra Pradesh

1. The Andhra Pradesh (Andhra Area) Tenants of Ryots Protection (Amendment) Bill, 1967.

2. The Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1967.

3. The Andhra Pradesh (Telengana Area) Tenancy and Agricultural Lands (Amendment) Bill, 1967.

Bihar

Bihar Agricultural Law (Amendment) Bill, 1967.

Kerala

The Kerala Irrigation Works (Execution by Joint Labour) Bill, 1967.

Madhya Pradesh

Madhya Pradesh Agricultural Produce Marketing Committee (Postponement of Election) Repeal Bill, 1967.

Madras

1. The Madras Land Revenue and Water Cess (Surcharge) (Repeal) Bill, 1967.

2. The Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1967.

3. The Madras Land Reforms (Fixation of Ceiling on Land) Amendment Bill, 1967.

Appendices

Maharashtra

1. The Maharashtra Felling of Trees (Regulation) Amendment Bill, 1967.

2. The Bombay Tenancy and Agricultural Lands Validation of Appointment as Mamlatdar Bill, 1967.

Mysore

The Mysore Land Reforms (Amendment) Bill, 1967.

Nagaland

The Nagaland Forests Bill, 1967.

Orissa

1. The Orissa Irrigation (Amendment) Bill, 1967.

2. The Orissa Land Reforms (Amendment) Bill, 1967.

3. The Orissa Bhoodan Yagna (Amendment) Bill, 1967.

4. The Orissa Live-stock Improvement (Amendment) Bill, 1967.

Punjab

1. The Punjab Land Revenue (Amendment) Bill, 1967.

2. The Punjab Cattle Fairs (Regulation) Bill, 1967.

Legal

Assam

The Bengal, Agra and Assam Civil Courts (Assam Amendment) Bill, 1967.

Orissa

The Angul Laws Regulation (Repeal) Bill, 1967.

Pondicherry

The Pondicherry Notaries Decree (Amendment) Bill, 1967.

Local Bodies

Andhra Pradesh

The Andhra Pradesh Municipalities (Postponement of Elections) Amendment Bill, 1967.

Bihar

Bihar Municipal Committee Survey (Amendment) Bill, 1967.

Bihar Municipal Committee (Amendment) Bill, 1967.

Gujarat

The Bombay Provincial Municipal Corporation (Gujarat Amendment) Bill, 1967.

Kerala

1. The Kerala Municipalities (Amendment) Bill, 1967.

2. The Kerala Panchayats (Amendment) Bill, 1967.

Madhya Pradesh

1. Madhya Pradesh Municipal Corporations (Amendment) Bill, 1967.

2. Madhya Pradesh Municipalities (2nd Amendment and Legal Recognition) Bill, 1967.

3. Madhya Pradesh Local Authorities (Postponement of Election) Repeal Bill, 1967.

4. Madhya Pradesh Panchayat (Amendment) Bill, 1967.

Madras

1. The Madras District Municipalities (Second Amendment) Bill, 1967.

2. The Madras City Municipal Corporation (Amendment) Bill, 1967.

Maharashtra

1. The Bombay Municipal Corporation (Temporary Amendment) (Extension of Duration) Bill, 1967.

2. The Maharashtra Municipalities (Second Amendment) Bill, 1967.

3. The Maharashtra Zilla Parishads and Panchayat Samities (Second Amendment) Bill, 1967.

4. The Maharashtra Zila Parishads and Panchayat Samities (Third Amendment) Bill, 1967.

5. The Bombay Provincial Municipal Corporations and City of Nagpur Corporation (Amendment) Bill, 1967.

6. The Maharashtra Municipal Corporations (Postponement of Elections during the Emergency) and the Bombay Provincial Municipal Corporation (Amendment) Bill, 1967.

7. The Maharashtra Municipal Corporations (Amendment) Bill, 1967.

Mysore

1. The City of Bangalore Improvement (Amdt.) Bill, 1967.

2. The Arsikora Town Municipality Bill, 1967.

3. The City of Bangalore Municipal Corporation (Amendment) Bill, 1967.

4. The Mysore Local Authorities (Postponement of Elections and Continuance of Administrative (Repealing) Bill, 1967.

Orissa

1. The Orissa Panchayat Samiti and Zilla Parishad (Second Amendment) Bill, 1967.

2. The Orissa Grampanchayat (Second Amendment) Bill, 1967.

Goa, Daman and Diu

The Goa, Daman and Diu Village Panchayats Regulation (Amendment) Bill, 1967.

Pondicherry

The Pondicherry Municipal Decree (Amendment) Bill, 1967.

Parliamentary Affairs

Madhya Pradesh

1. Madhya Pradesh Speaker and Deputy Speaker (Salaries and Allowances) (Amendment) Bill, 1967.

2. Madhya Pradesh Legislators' Salaries and Allowances Bill, 1967.

3. Madhya Pradesh Legislators' Prevention of Disqualification Bill, 1967.

4. Madhya Pradesh Members of Legislative Assembly (Salaries and Allowances) Amendment Bill, 1967.

Maharashtra

The Bombay Legislative Members' Salaries and Allowances (Amendment) Bill, 1967.

Mysore

1. The Mysore Legislative Salaries (Amendment) Bill, 1967.

2. The Mysore Ministers' Salaries and Allowances (Amendment) Bill, 1967.

Orissa

The Orissa Legislative Assembly Members' Salaries and Allowances (Amendment) Bill, 1967.

Punjab

1. The Punjab Legislative Council, Chairman's and Deputy Chairman's Salaries and Allowances (Amendment) Bill, 1967.

2. The Punjab Legislative Assembly Speaker's and Deputy Speaker's Salaries (Amendment) Bill, 1967.

Goa, Daman and Diu

The Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly (Amendment) Bill, 1967.

Appendices

Religious and Social

Kerala

1. The Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1967.
2. The Places of Public Worship Laws (Repeal) Bill, 1967.

Madhya Pradesh

Madhya Pradesh Prohibition Law Repeal Bill, 1967.

Madras

1. The Hindu Marriage (Madras) (Amendment) Bill, 1967.
2. The Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1967.

Maharashtra

The Bombay, Prevention of Gambling (Amendment) Bill, 1967.

Mysore

The Mysore Prohibition (Amendment) Bill, 1967.

Nagaland

The Nagaland Habitual Offenders Bill, 1967.

Orissa

1. The Orissa Freedom of Religion Bill, 1967.
2. The Orissa Dramatic Performance (Amendment) Bill, 1967.

Transport and Communications

Maharashtra

The Bombay High Ways (Amendment) Bill, 1967.

Mysore

The Motor Vehicles (Mysore Amendment) Bill, 1967.

West Bengal

The Calcutta Tramways Company (Taking over of Management) Bill, 1967.

APPENDIX IV

Ordinances Issued During the Period 1st July, 1967 to 31st December, 1967.

Serial No.	Subject	Date of Promulgation	Date on which laid before the Houses	Date of Cession	Remarks
1	2	3	4	5	6
<i>Union</i>					
1	The Taxation Laws (Amendment) Ordinance, 1967.	14-9-67	14-11-67	..	Replaced by Legislation.
2	The Essential Commodities (Amendment) Ordinance, 1967.	16-9-67	14-11-67		Do.
3	The Court-fees (Delhi Amendment) Ordinance, 1967.	7-10-67	14-11-67		Do.
4	The Essential Commodities (Second Amendment) Ordinance, 1967.	21-10-67	14-11-67	..	Do.
<i>Gujarat</i>					
1	The Bombay Provincial Municipal Corporations (Gujarat Amendment) Ordinance, 1967.	14-6-67	11-7-67		Do.
<i>Haryana</i>					
1	The Punjab Entertainment Tax (Cinematograph Shows) Haryana Amendment Ordinance, 1967.	11-7-67	..	..	These Ordinances could not be laid on the Table of the House as the President's Proclamation dissolving the Assembly had been issued under Art. 356 of the Const. on the 21st November 1967. These were however laid on the Table of the Lok Sabha.
2	The Haryana Land Revenue (Additional Surcharge) Ordinance, 1967.	14-7-67		..	Do.
3	The Indian Stamp (Haryana Amendment) Ordinance, 1967.	14-7-67		..	Do.
4	The Punjab Urban Immovable Property Tax (Haryana Amendment) Ordinance, 1967.	21-7-67		..	Do.
5	The Punjab Passengers and Goods Taxation (Haryana Amendment) Ordinance, 1967.	21-7-67			Do.

Appendices

1	2	3	4	5	6
6	The Punjab Motor Spirit Taxation of Sales (Haryana Amendment) Ordinance, 1967.	21-7-67	..	..	These Ordinances could not be laid on the Table of the House as the President's Proclamation dissolving the Assembly had been issued under Art. 206 of the Const. on the 21st November, 1967. These were however, laid on the Table of the Lok Sabha.
7	The Punjab Legislative Assembly Speakers and Deputy Speakers (Haryana Amendment) Ordinance, 1967.	11-8-67		..	Do.
8	The Punjab Cinemas (Regulation) Haryana Amendment Ordinance, 1967.	7-9-67		..	Do.
9	The Punjab Local Authorities (Aided Schools) Haryana Amendment Ordinance, 1967.	3-10-67		..	Do.
10	The Punjab General Sales Tax (Haryana Amendment and Validation) Ordinance, 1967.	13-11-67	..	..
<i>Jammu and Kashmir</i>					
1	The Jammu and Kashmir Criminal Law (Amendment) Ordinance, 1967.	..	7-8-67	..	Replaced by Legislation.
2	The Jammu and Kashmir University (Amendment) Ordinance, 1967.	22-7-67	7-8-67	..	Do.
3	The Jammu and Kashmir Tenancy (Amendment) Ordinance, 1967.	27-8-67	7-8-67	..	Do.
4	The Essential Supplies (Temporary Powers) Amendment Ordinance 1967	17-7-67	7-8-67	..	Do.
5	The Jammu & Kashmir Motor Vehicle, (Amendment) Ordinance, 1967	12-8-67	7-8-67	..	Do.
6	The Jammu & Kashmir Vaccination (Second) Ordinance, 1967	29-4-67	7-8-67	..	Do.
7	The Jammu & Kashmir Electricity (Amendment) Ordinance, 1967	26-7-67	6-8-67	..	Do.
<i>Kerala</i>					
1	The Kerala Essential Services (Maintenance) Ordinance, 1967	10-8-67	16-1-68		Not replaced by an Act of Legislature.
2	The Kerala Municipal Laws (Amendment) Ordinance, 1967	29-10-67	16-1-68		Replaced by Legislation.
3	The Kerala General Sales Tax (Third Amendment) Ordinance, 1967	26-11-67	16-1-68		Do.
4	The Indian Registration (Kerala Amendment) Ordinance, 1967	20-12-67	16-1-68		Do.
5	The Madras Preservation of Private Funds (Amendment) Ordinance, 1967	20-12-67	16-1-68		Do.

Journal of Parliamentary Information

1	2	3	4	5	6
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Madras

- | | | | | | |
|---|---|----------|----------|--|--------------------------|
| 1 | The Madras Sales of Motor Spirit Taxation (Amendment) Ordinance, 1967 | 15-11-67 | 24-11-67 | | Replaced by Legislation. |
|---|---|----------|----------|--|--------------------------|

Madhya Pradesh

- | | | | | | |
|----|---|----------|----------|---------|-----|
| 1 | Madhya Pradesh Ministers' Salaries and Allowances (Amendment) Ordinance, 1967 | 29-4-67 | 2-7-67 | 14-8-67 | Do. |
| 2 | Madhya Pradesh Speaker's and Deputy Speaker's Salaries and Allowances (Amendment) Ordinance, 1967 | 1-6-67 | 2-7-67 | | Do. |
| 3 | Madhya Pradesh Municipal Corporations (Amendment) Ordinance, 1967 | 25-8-67 | 14-11-67 | | Do. |
| 4 | Indian Stamp (Madhya Pradesh Amendment) Ordinance, 1967 | 30-9-67 | 14-11-67 | | Do. |
| 5 | Madhya Pradesh Prohibition Law Repeal Ordinance, 1967 | 30-8-67 | 14-11-67 | | Do. |
| 6 | Madhya Pradesh General Sales Tax (Amendment and Recognition) Ordinance, 1967 | 30-8-67 | 14-11-67 | | Do. |
| 7 | Madhya Pradesh Local Authorities (Postponement of Election) Repeal Ordinance 1967 | 22-9-67 | 14-11-67 | | Do. |
| 8 | Madhya Pradesh Government Employees (Superannuation Age) Ordinance, 1967 | 10-11-67 | 14-11-67 | | Do. |
| 9 | Indore University (Amendment and Legal Validation) Ordinance, 1967 | 10-11-67 | 14-11-67 | | Do. |
| 10 | Madhya Pradesh Municipalities (2nd Amendment and Legal Validation) Ordinance, 1967 | 17-10-67 | 14-11-67 | | Do. |
| 11 | Madhya Pradesh Panchayats (Amendment) Ordinance, 1967 | 18-10-67 | 14-11-67 | | Do. |
| 12 | Madhya Pradesh Municipalities (3rd Amendment) Ordinance | 28-10-67 | 14-11-67 | | Do. |
| 13 | Madhya Pradesh Agricultural Produce Marketing Committee (Postponement of Election) Repeal Ordinance, 1967 | 28-10-67 | 14-11-67 | | Do. |
| 14 | Madhya Pradesh Agricultural Insecticides and Fertilisers (Amendment) Ordinance, 1967 | 27-12-67 | 21-2-68 | | Do. |

Maharashtra

- | | | | | | |
|---|--|---------|--|---------|---------------------------------------|
| 1 | The Bombay Municipal Corporation (Temporary Amendment) (Extension of Duration) Ordinance, 1967 | 15-4-67 | 14-6-67 | 27-7-67 | Do. |
| 2 | The Maharashtra Industrial Development (Amendment) Ordinance, 1967 | 8-6-67 | 18-6-67 | 27-7-67 | Do. |
| 3 | The Maharashtra Municipalities (Amendment) Ordinance, 1967 | 10-6-67 | 18-6-67 | 27-7-67 | Do. |
| 4 | The Maharashtra Special Provision for Payment of Court Fees | 18-8-67 | 9-11-67
(Council)
16-11-67
(Assembly) | 1-11-67 | Replaced by Ordinance No. IX of 1967. |

Appendices

1	2	3	4	5	6
5	The Bombay Provincial Municipal Corporation and City of Karpur Corporation (Amendment) Ordinance, 1967	21-10-67	9-11-67 (Council) 10-11-67 (Assembly)	17-12-67	Replaced by Legislation.
6	The Maharashtra Special Provision for Payment of Court Fees (Repeal) Ordinance, 1967	1-11-67	9-11-67 (Council) 10-11-67 (Assembly)		Legislative
<i>Myore</i>					
1	The City of Bangalore Municipal Corporation (Amendment) Ordinance, 1967	7-12-67	7-12-67	11-1-68	Replaced by Legislation.
2	The Mysore Village Offices Abolition (Amendment) Ordinance, 1967	7-12-67	7-12-67	11-1-68	Do.
3	The Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners Miscellaneous Provisions (Amendment) Ordinance, 1967	7-12-67	7-12-67	11-1-68	Do.
4	The Karnatak University (Amendment) Ordinance, 1967	7-12-67	7-12-67	11-1-68	Do.
<i>Orissa</i>					
1	The Orissa Grama Panchayat (Second Amendment) Ordinance, 1967	24-4-67	19-6-67	20-7-67	Do.
2	The Orissa Land Reforms (Amendment) Ordinance, 1967	1-5-67	19-6-67	24-7-67	Do.
3	The Orissa Motor Vehicles Taxation Laws (Second Amendment) Ordinance, 1967	2-5-67	19-6-67	14-7-67	Do.
4	The Orissa Grama Rakha (No. 2) Ordinance, 1967	2-5-67	19-6-67	20-7-67	Do.
5	The Orissa Contingency Fund (No. 2) Ordinance, 1967	10-5-67	19-6-67	20-7-67	Do.
6	The Orissa Sales Tax (Amendment) Ordinance, 1967	12-11-67	5-12-67	5-1-68	Do.
7	The Orissa Panchayat Samiti and Eka Parishad (Amendment) Ordinance, 1967	24-9-67	5-12-67	4-1-67	Do.
8	The Orissa Co-operative Societies (Amendment) Ordinance, 1967	24-11-67	12-12-67	6-1-68	Do.
9	The Orissa University Laws (Amendment) Ordinance, 1967	5-11-67	5-12-67	20-12-67	Do.
<i>Punjab</i>					
1	The East Punjab War Awards (Amendment) Ordinance, 1967	20-6-67	5-12-67	2-1-68	Do.
2	The Punjab Professions, Trades, Calling and Employment Taxation (Repealing) Ordinance, 1967	20-6-67	5-12-67	2-1-68	Do.

Journal of Parliamentary Information

1	2	3	4	5	6
3	The Land Acquisition (Punjab Amendment) Ordinance, 1967	29-6-67	5-12-67	3-1-68	Replaced by Legislation.
4	The Punjab Public Premises and Land (Eviction and Rent Recovery) Amendment Ordinance, 1967	30-6-67	5-12-67	3-1-68	
5	The Punjab Municipal (Amendment) Ordinance, 1967	19-7-67	11-12-67 (Assembly) 5-12-67 (Council)	3-1-68	Do,
6	The PPSU Tenancy and Agricultural Lands (Amendment) Ordinance, 1967.	2-8-67	11-12-67 (Assembly) 5-12-67 (Council)	3-1-68	
7	The Punjab Security of Land Tenures (Amendment) Ordinance, 1967	2-8-67	11-12-67 (Assembly) 5-12-67 (Council)	3-1-68	
8	The Punjab State Legislative (Prevention of Disqualification) Amendment Ordinance, 1967	19-8-67	11-12-67 (Assembly) 5-12-67 (Council)	3-1-68	
9	The Punjab Passengers and Goods Taxation (Amendment) Ordinance, 1967	19-8-67	11-12-67 (Assembly) 5-12-67 (Council)	3-1-68	
10	The Punjab General Sales Tax (Amendment and Validation) Ordinance, 1967	25-9-67	11-12-67 (Assembly) 5-12-67 (Council)	3-1-68	Replaced by Legislation.
11	The Punjab Local Authorities (Aided Schools) Amendment Ordinance, 1967	1-10-67	11-12-67 (Assembly) 5-12-67 (Council)	3-1-68	Do,
12	The Punjab Cattle Fairs (Regulation) Ordinance, 1967	21-10-67	11-12-67 (Assembly) 5-12-67 (Council)	3-1-68	Do.
		<i>Rajasthan</i>			
1	The Rajasthan Tenancy (Amendment) Ordinance, 1967	27-8-67	..	..	..
2	The Rajasthan Sales Tax (Amendment and Validation) Ordinance, 1967	29-10-67	..	..	..
3	The Rajasthan Ministers' Salaries (Amendment) Ordinance, 1967	29-10-67	..	..	..
4	The Rajasthan Sales Tax (Second Amendment) Ordinance, 1967	23-11-67	..	..	..

Appendices

1	2	3	4	5	6
Uttar Pradesh					
1	The Uttar Pradesh State Legislative (Prevention of Disqualification) Ordinance, 1967	20-10-67	18-12-67	30-1-68	
2	The Uttar Pradesh Public Men Inquiries Ordinance, 1967	21-10-67	18-12-67	30-1-68	A Bill to replace the Ordinance has been introduced.
3	The Uttar Pradesh State Legislative (Prevention of Disqualification) Amendment) Ordinance, 1967	8-11-67	18-12-67	30-1-68	
4	The Uttar Pradesh Bikri Kar (Saneshodhan) Ordinance, 1967	27-11-67	18-12-67	30-1-68	A Bill to replace the Ordinance has been introduced.
5	The Kanpur and Meerut Universities (Saneshodhan) Ordinance, 1967	12-12-67	18-12-67	30-1-68	
West Bengal					
1	The Calcutta Thika Tenancy Stay of Proceedings (Temporary Provisions) Ordinance, 1967	26-8-67		10-1-68	Was to be laid before the Assembly on 20-11-67, but the House having been adjourned since then and subsequently prorogued the ordinance could not be laid.
2	The West Bengal Premises Tenancy (Amdt.) Ordinance, 1967	26-8-67		10-1-68	Do.
3	The West Bengal Utilisations of Land for Production of Food Crops Ordinance, 1967	14-9-67		10-1-68	Do.
4	The Calcutta University (Second Amendment) Ordinance, 1967	21-9-67		10-1-68	Do.
5	The Calcutta Thika Tenancy (Amdt.) Ordinance, 1967	21-9-67		10-1-68	Do.
6	The Court Fees (West Bengal) Ordinance, 1967	2-10-67		10-1-68	Do.
7	The West Bengal Taxation Laws (Amdt.) Ordinance, 1967	9-11-67		10-1-68	Do.
8	The West Bengal Land Reforms (Amendment) Ordinance, 1967	22-12-67			Prorogated after the prorogation of the House on 25-7-67.

APPENDIX V
Party Position in Parliament and State Legislative Assemblies

I—LOK SABHA

(As on 28th May, 1968)

State/Territory	No. of Seats																				TOTAL
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Andhra Pradesh			41	25	2	1															41
Assam			14	9	1	1		2				1									18
Bihar			43	24	5	5	1	1	5									6			58
Orissa			24	11	18													1			24
Kerala			9	7			1											1			9
Jammu & Kashmir			6	5								1									6
Karnataka			19	1	8	9								2				1			19
Madhya Pradesh			37	24			7											6			37
Madhya			39	8	6	4									25				1		39
Madhya Pradesh			45	37	1	2															45
Madhya			37	16	4																37
Madhya Pradesh			1	1																	1

II—RAJYA SABHA

(As on 1st June 1966)

	Seats									Others	
	1	2	3	4	5	6	7	8	9		
Andhra Pradesh	15	14	1	..	..	3	..	1	..	1	..
Assam	7	6	..	1	..	..	..	..	..	..	..
Bihar	23	14	..	4	1	1	..	1	..	1	..
Gujarat	11	7	3	..	..	..	..	1	..	1	..
Karnataka	4	2	..	..	..	..	..	..	..	..	..
Kerala	9	..	..	..	..	3	2	2	..	2	..
Madhya Pradesh	14	9	1	1	1	..	..	1	..	1	..
Madras	15	9	3	..	..	..	1	..	..	..	..
Madhya Pradesh	19	16	..	..	..	..	..	..	..	..	..
Mysore	12	9	1	..	1	..	..	1	..	1	..
Orissa	19	4	4	..	1	..	..	..	..	..	..
Punjab	7	3	1	1	..	..	..	..	..	..	..
Rajasthan	10	6	2	1	..	..	..	..	..	..	..
Uttar Pradesh	34	23	1	3	..	1	..	1	..	1	..
West Bengal	10	6	..	..	..	1	1	1	..	1	..
Jammu and Kashmir	4	4	..	..	..	..	..	..	..	..	..
Haryana	1	1	..	..	..	..	..	..	..	..	..
Delhi	3	2	1	..	..	..	..	..	..	..	..
Goa	3	3	..	..	..	..	..	..	..	..	..
Goa	3	3	..	..	..	..	..	..	..	..	..

Motives	1	1	..	..	..	..	..	..	..	..	..	..
Prohibition	1	1	..	..	..	..	..	..	..	..	..	..
Triguns	1	1	..	..	..	..	..	..	..	..	..	..
Motivated by Presi- dent	127		..	..	..	..	..	..	..	..	..	..

260 140 16 11 9 4 4 8 9 17-200 (including 15 nominated members)

Presentations—

Original 1
 Recopies 3
 Papers 1
 West Bengal 6

10

(Nominated Members are: Shri M. Ajmal Khan, Shri M. N. Kaul, Shri G. Ramachandran, Shri Jayasankar Dasgupta, Shri M. G. Somaiya, Dr. K. Ramiah, Shri N. Srinivasan, Shri P. V. Narayana Murthy, Shri Ganga Sharan Shaha, Dr. H. R. Bhattacharya, Shri G. Subbarao Karay, Shri Jacobson Aiyar, Dr. Balraj Ward Essar).

*Lab. Book: Nil

*Computer Publications: Nil

III—STATE LEGISLATIVE ASSEMBLIES

State	Seats			Cong. Res.			JB	CPI	SSP	PSP	Other			Muslim For-				Total
	1	2	3	4	5	6					7	8	9	10	11	12	13		14	15	16	17
Andhra Pradesh (As on 21-2-66)		267	188	..	3	10	9	3	..	2	54a	21	1	..	..	..	203b
Assam (As on 20-12-67)		126	73	3	..	7	..	3	5	..	10c	25	..	..	..	..	124d
Bihar (As on 15-6-66)		166	90	68	1	..	..	1	3	..	10e	5	..	..	..	..	168
Chhattisgarh & Jharkhand (As on 15-1-66)		61	48	3	7	..	..	..	..	..	14cc	9	..	..	..	..	61
Kerala (As on 15-1-66)		75	68	..	3	..	..	..	..	..	9f	3	..	..	..	..	78gg
Karnataka (As on 24-3-66)		124	9	..	..	20	54	19	..	..	14g	3	1	14	..	..	134
Madhya Pradesh (As on 2-3-66)		267	129	..	68	1	..	9	9	..	94h	3	1	..	..	..	266i
Madhya Pradesh (As on 2-3-66)		226	49	29	..	3	11	3	4	1	1j	2	..	3	1	137k	228l	
Madhya Pradesh (As on 15-3-66)		271	205	..	4	10	1	5	7	3	22m	10	1	1	3	..	271	
Madhya Pradesh (As on 20-12-67)		217	127	16	4	3	..	5	24	1	21n	15	..	..	..	..	216o
Madhya Pradesh (As on 16-3-66)		46	..	..	..	..	..	..	..	..	46p	..	..	..	..	..	46
Odisha (As on 17-3-66)		140	20	48	..	7	1	1	21	..	25q	5	..	..	..	..	138r
Punjab (As on 22-12-67)		104	43	..	9	5	3	1	..	3	21r	9	..	..	..	..	108s
Rajasthan (As on 20-12-66)		184	107	23	19	1	..	7	..	..	12v1	472	..	..	..	..	183v2
Union Territories																		
Mineral Development (As on 29-3-66)		63	69	..	6	..	3	..	..	..	..	13	3	..	..	..	68
Chandernagar & Diu (As on 11-7-66)		23	..	..	..	..	..	..	..	..	20y	2	..	..	..	..	21z
Goa (As on 23-7-66)		23	16	..	..	1	..	14	..	..	..	11	..	..	..	..	23
Andhra Pradesh (As on 15-3-66)		20	20	..	..	..	..	..	..	..	10z	..	..	..	..	..	20
Tamil Nadu (As on 14-3-66)		25	27	..	..	1	3	..	..	..	..	..	3	..	..	..	23

(e) Democratic Front - 39 and Peoples Democratic Party - 15.

- (4) Excluding the Speaker, 3 seats are vacant.
- (5) 9 seats belong to All Party High Leaders' Conference and one to RCFI.
- (6) 3 seats vacant.
- (7) Seats Fulfilled—1.
- (8) MKD—1, VHP—12.
- (9) All seats belong to National Conference.
- (10) Kambala Thekkilal Party—5, Kerala Socialist Party—1, Kerala Congress—5, and Revolutionary Socialist Party—6.
- (11) 3 seats vacant.
- (12) Lok Sanch Dal.
- (13) Two seats vacant.
- (14) The seat belongs to Tamil Arasu Katchagam.
- (15) Includes one affiliated member.
- (16) Includes the Speaker and one vacant seat.
- (17) 21 seats belong to Pennants and Workers Party and one to Hindu Sabha.
- (18) Janta Panch—14, L.S.S.—3 and M.R.S.—5.
- (19) Includes the Speaker and one seat vacant.
- (20) All seats belong to National Nationalist Organisation; this State did not take part in the Fourth General Elections.
- (21) All the seats belong to Janta Congress.
- (22) Includes the Speaker and one seat is vacant.
- (23) This includes the People's Janta Party—9, Abali Dal (East Group)—14, Abali Dal (Master Group)—1, Abali Dal (Hudlars Group)—3 and Peoples United Front—4.
- (24) Includes the Speaker.
- (25) Member of Janta Party.
- (26) Includes the Speaker.
- (27) Two seats vacant.
- (28) Assembly dissolved.
- (29) Mahasabharwal Gomastak Party—17 and United Ganga Party—12.
- (30) One seat vacant.
- (31) United Democratic Front.

The information on Mysore is based on Press reports, class Bihar, Uttar Pradesh and West Bengal are under President's rule, these have been omitted from the above Table.

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