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EDITORIAL NOTE

The role of a legislator as a link between the people whom he represents and the Legislature of which he is a member is of crucial importance. He must serve as a "Psychological bridge" and "a conduit of information about the various things that are done in the Legislatures, the measures which the Government of the day brings about on certain issues, the policies which are going to affect the lives of the people whom he represents". And, do to all this, the legislator has to keep himself abreast of the latest information and knowledge on various subjects. Professor G. G. Swell's scholarly article deals with the information needs of the members of Parliament with particular reference to their increasing responsibilities as representatives of the people in the context of the present-day world.

The Legislatures are entrusted with certain functions and to discharge those functions properly it is necessary that they should have certain privileges. Also, the Legislature cannot discharge its role without the unimpeded use of the services of its members, who should, therefore, enjoy certain rights and immunities such as the freedom of speech, freedom from arrest in civil cases etc. These rights and immunities which are enjoyed by each House of a Legislature collectively and by members of each House individually are known as parliamentary privileges. Shri C. K. Daphtary, a renowned legal luminary, dwells on the general aspects of the powers and privileges of Parliament and its members.

Professor H. N. Mukerjee in his thought-provoking article on "The Challenge before Parliament" feels that in the wake of the recent parliamentary elections held in March, careful thought needs to be given to the entire parliamentary process in the country and the manner in which it should develop, if the people's yearning for concrete improvement in their living conditions and advance towards basic changes is to be fulfilled. In his view it is time that the 'talking shop' now turns itself into 'a truly working body'.

Shri Hanumanthappa in his article examines in depth, with the aid of judicial decisions, both before and after the commencement of the Constitution, the law-making powers of the Governor. In his view, resort to the promulgation of ordinances should be had only in circumstances of emergency and that too when there is no possibility of the legislature meeting immediately and passing a Bill.

We offer our felicitations to Shri N. Sanjiva Reddy, the erstwhile Speaker of Lok Sabha on his election as the President of India, and to Shri K. S. Hegde who has succeeded Shri Reddy as Speaker of Lok Sabha. Soon after his election, Shri Hegde delivered two important addresses while inaugurating the Financial Committees of Parliament and the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. This issue includes two brief notes relating to the two inaugural functions.

Of the important 'Parliamentary and Constitutional Developments' included in this issue, mention may be made of the dissolution of Legislative Assemblies in nine States and the subsequent elections held in June 1977 to the State Assemblies and in some Union Territories.

Abroad, elections were also held to the national legislatures in Afghanistan, Algeria, Belgium, Denmark and Pakistan during the period February-April this year. In Afghanistan, a new republican constitution providing for a one party system of administration was adopted by the Parliament soon after the elections.

—AVTAR SINGH RIKHY

POSITION, ROLE AND INFORMATION NEEDS OF LEGISLATORS

G. G. SWELL

In India, we had two kinds of legislators—Members of Parliament and Members of the State Legislative Assemblies. There is, however, a qualitative difference in the position and the role of these two categories of legislators and it is difficult to lump them together and to make a meaningful observation of their respective positions and roles and respective information needs. The role of a person derives from the position he holds. The position of the legislators who are Members of Parliament may apply *mutatis mutandis* to the Members of the State Legislative Assemblies. The position of a Member of Parliament is relative to the position that Parliament occupies in the national set-up. How he functions, what recognition he wins for himself, what legal authority he exercises or what moral authority he wields are mostly his own achievements. Legally, he may be appointed a Minister of Government or a presiding officer of the House. There he has got somewhat of a different role to play from that of other Members of Parliament. This is what is meant by legal authority. But, moral authority is something which anybody can exercise. It stems from his knowledge, from his hard work, his personality and his character and various other things that go to the making of a person.

The Legislators' Role: The role of a legislator derives from the position he occupies as a Member of the Legislature and this role may be of four or five classifications, although these classifications can be misleading and petti-fogging; that is to say, sometimes they may befog a person rather more than they enlighten him.

Obviously, the first role of a legislator is to represent his constituency and as such he has to know his constituency; he has to know

his area; he has to know the kind of people who are in his constituency; he has to know their problems, he has to know the various factors that inhibit the society in which they live; and he should be able to articulate the needs of his constituents. He should be able to attend to their problems. This means a lot of travelling, meeting a lot of people; it means a lot of efforts to understand the problems of particular areas and so many other things that go along with it. An M.P. cannot just sit in Delhi, if he is to understand the needs of his constituency.

The second role of a legislator is to provide a link between the people whom he represents and the House of the Legislature of which he is a Member. He must serve as a psychological bridge and he has to be a conduit of information about the various things that are done in the legislature, the measures which the Government of the day brings about on certain issues, the policies which are going to affect the lives of the people whom he represents.

In this regard, it is necessary for a legislator to understand what is going on in his legislature, to keep following on, to know what kinds of laws are being enacted and their effects,—to know what kind of policies are being initiated by Government, to achieve certain objectives and to overcome problems. In short, he has to be being proposed. It means a lot of study, a lot of labour on his part.

His third role is to legislate. Either he brings forward a bill of his own and puts it before the House for its adoption or he comments on a legislative piece which the Government brings before the House. In making his observations and comments, of course, he has got to be knowledgeable; he has got to have the necessary knowledge of a particular subject and the legislative measure that is being proposed. It means a lot of study, a lot of labour on his part.

For instance, right from the beginning, India has been following the policy of a socialistic pattern of society. We have accepted the principle that the natural resources of the country, the means of production, distribution of wealth should vest with the people and, in line with this fundamental State policy which underlay our Constitution, the State has embarked on various economic undertakings, industrial and commercial. It has also entered the fields of distribution of essential commodities. All these things that used to be done by the private entrepreneurs are now being increasingly done by the State itself.

Who has to keep watch over the Government, over the bureaucracy that is entrusted with the task of discharging these various responsibilities? Obviously, it is the Legislature. And, therefore, we have various Committees designed to go into these various questions such as the Estimates Committee, the Public Accounts Committee, the Public Undertakings Committee etc. The Legislature has to act as a watchdog over the behaviour of the Government. A Committee of the House comprises members of that House and when the House acts as a watchdog, it means that the Members of the House have got to act as watchdogs over these various undertakings of the State. This is the fourth aspect of the role of a legislator.

Then, lastly, the legislator has got yet another role to play. In a country like India, a developing country, where seventy per cent. of people are illiterate, I think, a legislator has also the important role of a leader, as a source of information, as a guide to the people in his constituency. Everytime I go to my constituency I tell my constituents various things. I tell them about the important measures being taken. I speak to them and explain these and various other developments to them in a simple language. I feed them with information. A legislator has to shape and educate the people and in order to be able to do that he has to educate himself first.

Need for information: It will be impossible for the legislator to play these various roles effectively, if he does not have adequate knowledge. How does he acquire this knowledge? This is where the library comes in. No person is a walking encyclopaedia and today there is such a big explosion of knowledge—this expression may sound somewhat trite—but I think it is literally so compared to what the world was fifteen, twenty or twenty-five years ago. There has been a phenomenal output of knowledge that a legislator has to acquaint himself with, because of the diversified role that the State is expected to play in any country and because of the demands of development and progress which means that the State has to branch off into various undertakings—scientific, industrial, commercial and others—and all this knowledge in every field of human endeavour comes and impinges on the work of every legislator.

The question today is not of lack of information or lack of knowledge. It is more a question of which information to pick out. It is more a question of the management of knowledge and information. It is well-nigh impossible for any legislator to be able to manage all this wealth of knowledge which pours in on him endlessly from day to day. Before I took over as the Presiding Officer

in Lok Sabha and when I was an ordinary Member, I knew how endlessly books and publications kept coming to my house every-day. It was well-nigh impossible even to look at them, especially when one had to attend to so many other things. Some Members of Parliament are hard put to find time even to attend to their mail promptly and regularly and to classify different papers, not to speak of reading publications and books sent to them.

Library of Parliament: It is here that a category of people who are especially trained and are assigned for this particular job come in. Having been the Chairman of the Parliament Library Committee I know something about the Parliament Library in India. It has about 5,00,000 books in its shelves on various subjects and I am sure this number will keep on increasing from year to year. There is a demand for more and more books on various subjects by the Members. About Rs. 2 lakhs annually are being budgeted for the acquisition of new books and I do not think Parliament will grudge more money being given in order to build up its library. There are various other publications. The Parliament Library is a depository Library for the United Nations publications and the United Nations itself is a big factory producing all kinds of reports and publications. It is also a depository Library for the Government of India reports and publications. Besides, it receives publications from universities and legislatures within the country and outside the country on an exchange basis. Over and above, it has about 197 Indian and foreign newspapers and about 870 periodicals in English and Indian languages.

The library is more than a collection of books. Of course classification of books is very important, although in the matter of classification of books too, it has become a highly technical matter. Which books to acquire and which books not to acquire by itself presupposes a certain expertise. But more than the classification of books, making that knowledge and information contained in the books, newspapers, periodicals and journals that come to the library available to the members of the legislature in a precise form, digestible form and in time too is what is more important today. And, therefore, the concept of a library has changed a great deal. The duty of the persons in the library is not merely to look after books and issue books to the members; they also have to undertake the task of reference, the task of doing research and various other things and making this knowledge and information available to the mem-

bers. In the Parliament Library, certain things have been started on these lines although there is much yet to be done.

Parliament and the Legislatures are called upon to legislate on various matters touching the lives of the people in a very very wide and very very deep manner. Because of this, the knowledge that should be provided to the Members of the Parliament and of the Legislatures, is very very important. When we think about that, we realise the important role which the Library can play in this matter. There is an increasing realisation that the Library should be able to perform this kind of job. Certain amenities have got to be made available. There has to be an increase in the allocation of funds to the Libraries, so that they might be able to purchase the right type of books and sufficient number of books. The resources available to the various State Legislatures, at the moment, are hopelessly inadequate. Then there is the realisation that the conditions of service, salaries and other things pertaining to the Library staff should also be improved. They should be attractive in order to attract the right type of people. These are various aspects of the question. We have, what we call, a Presiding Officers' Conference every year where all kinds of problems of the Legislatures are discussed and a kind of national consensus can be evolved in that Conference with regard to the need for making adequate funds available to the Legislature Libraries, and with regard to the need for meeting their problems of service and salaries so as to give them the necessary incentive and attract the right type of people, etc. Once a consensus like that is arrived at, it should be easy, it should not be difficult, for the Presiding Officers to take up the matter with their respective Governments and to see that the necessary resources are given to them.

Subject specialisation: Today it is correct to say more than ever that it is an age of specialisation. Of course, a Member must have a good general background, general knowledge of various things so that he may be able to follow what is being talked about on various issues but it is not necessary for him to participate on every subject that comes before the House. It is wise for him to specialise in one branch of study or another. Various questions come up in the House and nobody, however, knowledgeable he may be, can pretend to be an encyclopaedia of knowledge. We have got to go and get the knowledge from somewhere.

Library, Reference, Research, Documentation and Information Service: In the Parliament certain honest efforts are being made in this direction. What is being attempted here is an attempt to

organise all this big wealth of knowledge that comes in—that is in possession of Parliament—so as to make it available to the Members through what they call the Library and Reference, Research, Documentation and Information Service. It is a service of the Library designed to manage all this knowledge. The Library is of course, a custodian of all the books of the Parliament. It catalogues those books, classifies them, stacks them and supplies them to the Members whenever they need them. But if some particular information is needed, there must be a section that keeps all this information at hand and knows where to lay its fingers. Then, there might be certain subjects on which a Member wants information and it cannot be easily made available to him because it is slightly complicated and it needs a little bit of research, a little bit of collection of material and things like that. For this, there is a Research Section. Further, there is the Documentation Section which classifies the documents and publications so that they may be easily identified and made available to the Members.

In its effort to serve the needs of Members the Library found it necessary to manufacture its own tools. To name some of them, there is the *Diary of Political Events*, which comes handy for future reference, to retrieve information about day-to-day happenings in the country and elsewhere in the world; the *Digest of Central Acts* and *Digest of Legislative and Constitutional Cases* which are of special importance because, in Parliament apart from various other things, emphasis is laid on the Constitution and on legislation; the *Journal of Parliamentary Information*; the *Abstracts of Books, Reports and Articles*; the *Information Bulletins* and the *Current Affairs Digests* on important topics of parliamentary interest. Besides, there is a well-organised Press Clipping Service containing clippings from daily newspapers, all classified under different subjects for the ready use of Members.

The importance of these various tools need not be emphasized. But unless Members themselves do a little bit of hard work and try to know what is in these tools they may find it to be somewhat confusing and overwhelming. There is, of course, room for streamlining this documentation and classification in order to avoid confusion and there may be room for reducing the number of papers that are brought out by the Service too.

To-day it has become a kind of a cliché to say that there is an explosion of knowledge and information. But one can realise this by taking up any subject at random and consider its dimensions.

Take for instance, defence. Defence is a very important subject for any country, but the parameters of defence in the world have undergone such a big change as to make most of us, who consider ourselves knowledgeable, sort of illiterate in the subject. For instance, the biggest problem between America and Russia—the two big powers—relates to defence and the question of reduction of arms. Now, what sort of questions are involved in a subject like this? When we speak of defence, most of us, I believe, think in terms of infantries, various kinds of rifles or tanks or air-craft, or, may be, some kind of rudimentary missiles and so on. Some years before, even the Super-Powers were talking mostly about the nuclear warheads, medium range ballistic missiles, intermediate ballistic missiles, inter-continental ballistic missiles and so on. These big missiles could destroy entire cities. An inter-continental ballistic missile could be hurled from New York to Moscow and that was thought to be the end of the matter. And yet, these talks of missiles in that sense have now become out of date. The talk now is about the Multiple Independently-targeted Re-entry Vehicles or MIRVs. What does this mean? Members of Parliament or State Legislatures might want to know about it. A reference has to be given. As different from a ballistic missile, a MIRV can carry on itself as many as 10 to 14 nuclear warheads which can be targeted and hurled at different points simultaneously.

Against a weapon like that, there is practically no means of defence. There is a continuing negotiation going on between the Super-Powers for disarmament and reduction of arms. It is called 'SALT'—Strategic Arms Limitation Talks. They have now got bogged down on the question of MIRVs and of finding an adequate defence system against weapons of that type, often called the Anti-Ballistic Missile System or ABM for short. But before these problems could be put out of the way, something else has taken place. There is the cruise missile. This is an interesting weapon. We are familiar with satellites. They are fired from the ground. It requires a lot of energy and boosting power to send them to space. The same principle is applied for sending a missile from one part of the globe to the other. But, here, we have a small, little weapon—a cruise missile of only 14 to 20 feet long and a circumstances of 21" It can be carried by an aircraft, or a ship or a submarine and it can be launched from anywhere in the world. It travels a distance of about 3000 miles, hugs the ground at only 150 feet to avoid radar detection and yet home in on a target with deadly accuracy.

When we talk about nuclear warfare, there are two concepts. One is the 'first strike' concept, that is, whichever country launches first,

it can destroy areas of the recipient country completely. Yet, the recipient country need not be defeated. That is where submarines, bearing nuclear missiles, come. These are being moved all over the world constantly and they can hurl their missiles from any place in the globe. When they do that in response to the first strike it is called 'a second strike'. In this concept of second strike, cruise missiles come in handy. Against them there is no corresponding anti-weapon.

There has been progress in satellite technology too. So far satellites sent up into space to spy on other countries and to photograph what is going on in the ground particularly deployment of armies, weapons etc. are visible even to the naked eye. But today a satellite is being developed in the United States that will be invisible. These sorts of developments are going on every day. When people today talk about defence parameters, Members of Parliament should be able to understand what is being talked about. This needs a lot of study. But Members of Parliament may not have the time to do all this. Who is then going to feed them with this knowledge?

I was once intrigued to know as to how the President of America is elected. The American Constitution is such that an American President is not technically elected by the majority of popular votes. It is quite possible that a candidate may have the majority of popular votes and yet he may not be elected because there is such a thing as an electoral college. Technically it is this college that elects the President and not the people directly. What happens if there is a tie in the electoral college. There is a provision that the winning candidate must get the majority of the total number of electoral votes, that is to say, if there are 500 electoral votes, unless he gets 251 votes he would not be elected. I wanted to check on this and be clear in my mind about the position. I sent a note to the Reference Section of the Library; and behold the information came within two hours! This is the kind of service that a Parliament library should render.

PARLIAMENTARY PRIVILEGES

C. K. DAPHTARY

The constitutional provisions relating to the powers and privileges and rights and immunities of Members of Parliament and those of its committees have been changed* by the Forty-second Amendment of the Constitution. The Constitution contains article 105 with reference to Parliament and article 194 with reference to State legislatures. Clauses (1) and (2) of these two articles provide for two specific rights. Clause (3) prior to this amendment provided that until Parliament defined its powers and privileges, they would be those of the House of Commons at the commencement of the Constitution. The amended clause has changed the wordings in the sense that reference to the House of Commons has been omitted. I suppose it was because it was felt that in our Constitution there should be no reference to a foreign constitution. But the same phraseology occurs in the South Australian Constitution and probably in the Constitution of Sri Lanka. In fact, even though we may eliminate the reference to the House of Commons, our Constitution still remains in essence framed on the British parliamentary system. So, it is merely a change of word. The other change is that the privileges enjoyed by Parliament up to the time of the commencement of the Constitution Forty-second Amendment Act shall continue until Parliament evolves these rights and privileges. The word 'evolve' is an unfortunate expression. Evolving is a long and indefinite process. Originally the word used was 'define' meaning 'define by law'. Up till now there has been no definition of the rights and privileges. That has been studiously avoided and is still

*Sections 21 and 34 of the Constitution (Forty-second Amendment) Act, 1976 by which the changes have been proposed in articles 105 and 194 of the Constitution have not yet come into force.—*Editor*.

being avoided for reasons which I shall mention later. The present position is that until Parliament evolves its own rights and privileges—and they will be unwritten presumably—those of the House of Commons apply.

The House of Commons has evolved its privileges over centuries, with the knack which the British have for taking something old and leaving it to develop on its own. Until it develops into something substantive, they have allowed things to go on as they were originally and gradually evolved from them new concepts, more definite concepts fitted to the times and qualitatively better. The origin of these privileges has a long history which requires a study at length. But one thing has to be remembered that the rights originate from the fact that it was originally the sovereign who summoned first the peers and then the representatives of the common people to his palace to instruct them and to consult them. The privileges that have been taken over are those of the Commons and not of the Lords. There is a good deal of difference between the two. For instance, the peers have individual rights which the Commons do not have. For instance, each individual peer is entitled to have access to his sovereign. The Commons can only do it as a body. There are other differences also originating from the fact that the Commons came into the picture later. Further, whereas the Lords had to fight only the King for their privileges, the Commons had to fight not only the King but also with the Lords. They had to wrest their rights and privileges from two authorities but fundamentally it is the King who is the granter of the privileges. They are given by him. Even today at the beginning of each session when the House of Commons sits, the Speaker prays to the sovereign to grant them the various privileges and rights which have been evolved till that time and the Lord Chancellor, as the representative of the sovereign, makes an announcement granting to them those rights. Until then presumably they have none. But these are all forms which the English with the love of tradition have maintained. They have a peculiar fondness for maintaining traditions.

We in India have also our own traditions and how these are built up with the passage of time will be clear from an instance. When I first went to a college, it was in a narrow street, there was a big gate, wooden gate, and inside the wooden gate there was a small gate. Every Monday the big gate used to be closed. I asked once why it was that the big gate was closed on Mondays. Oh, they said, there used to be a cattle market in the town and down this street people drove their cattle to the market and the cattle, seeing the green grass inside, used to wander in and be a nuisance and so they closed it on Mondays, and only the small gate was opened. I asked:

“how long is it since the market had been stopped?” “About 70 years”, they said. For all that the gate continued to be closed on Mondays, religiously.

Evolution of Privileges: It has to be borne in mind that the privileges and rights of Parliament have been evolved over a long course of years. We take them readymade as it were but it is not so easy as it sounds because to find out what is a particular privilege and what is the extent of it is a task in itself. They are contained in journals of the House of Commerce, rulings of the Speaker and various other documents, from time to time, resolutions in the House and so on. Happily we have a number of text books on the subject including particularly a treatise by V. G. Ramachandran—a book which it is worthwhile reading. It contains a detailed study of the privileges. Particularly interesting in that book is a foreword by Mr. Justice Subba Rao who discusses the conflict that arose in this country between the exercise of powers by the legislature and the fundamental rights listed in the Constitution.

Freedom of speech: The important privileges are: first, the right of free speech. Articles 105 and 194 provide for this.

Article 105 provides:

- (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.
- (2) No Member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.

Article 194 makes similar provision with regard to the State legislatures.

Article 19 also gives a citizen the right of free speech but articles 105 and 194 lay special emphasis on the right of free speech of members of the legislatures. Because under article 19, the right of free speech is subject to reasonable restrictions, for instance, the law of libel, an ordinary person who speaks something libellous is liable to be proceeded against, but a Member of Parliament speaking in the House or in one of its committees is immune from any attack on the ground that his speech was libellous or defamatory.

¹V. G. Ramachandran. *The Law of Parliamentary Privileges in India* Eastern Book Company, Lucknow, 1972.

One would think that the right would be limited to the spoken words. But privilege extends not only to what the member says as the words used in the article are "anything said or any vote given". The House of Commons privileges which apply here, go much further. They apply not only to the spoken word but what is written. The question arises: What are the 'proceedings of the House'?

Now there has been a good deal of literature on the subject. The question has arisen whether apart from the actual debate on any particular subject in the House, a question put at question hour is a proceeding; whether a question which is disallowed is a proceeding. Correspondence between Members, between a Member and the Chairman or the Speaker, correspondence between a Member and the officer of the House—can these be termed as 'proceedings'? Further, sometimes in the debate something is said which is objected to and the Speaker orders that to be expunged? Is that part of the proceedings? These subtleties need not keep us long. There is case law on the subject and it is unnecessary for me to go into it. But it only shows that the thing is not as simple as it looks. Freedom of speech is not only in Parliament; the article refers to 'any report, paper, votes or proceedings' in Parliament. That brings one to the question: to what extent proceedings in Parliament can be reported?

During the last Emergency we have heard that if somebody had said something in Parliament which was not good for the public, that was not published in the newspapers and if it was good for the public, it was put in the newspapers generally in an unsatisfactory way. I myself have personal objection on that score: The publication in the papers is by implied permission of the House because one of the privileges of the House is to prevent publication of its proceedings and in fact, it is ordinarily understood that publication of any proceedings in the House is prohibited. But by a long course of history and with the greater interest of the public in what goes on in Parliament and the improvement of mass media, television, radio, newspaper and so on and also the desire of the Members that what they say on a very important matter should be known to the public, the publication of proceedings is allowed. But it does not mean that the right to prohibition has been done away with. Actually it is still there and if the publication is incorrect or in such a manner as to bring the House into disrepute, then the privilege is still exercised and it is said that this should not have been printed. There was the *Searchlight* case many years ago, in which one Pandit M. S. M. Sharma of Bihar

had published a matter. The matter came to the Supreme Court and the main question asked there was whether the right of the House to punish anyone for contempt was subject to the fundamental rights and it was held in that case that the right was not subject to article 19(1). Subsequently, there was the *Keshav Singh case*¹ where a different view was held. So the publication is quite fairly prohibited. If a passage of a speech in Parliament which may be defamatory was published by a newspaper that was protected by a statute, though during the Emergency a law changing the position had been passed in this regard. This law has since been repealed.

The right of free speech includes also a right of the Members themselves to disclose or not to disclose to third parties what proceeds in Parliament. Strictly speaking, a Member of the House of Commons is not entitled to disclose to other people outside what happens in the House. That is, of course, academic because the newspapers now report everything. But these provisions still prevail and, of course, they have been violated as often as any other. For instance, when I was young, and was a Member of the Bar Association, I was told by my leader, "Youngman, you must attend every meeting of the Association; it is a duty and secondly, you must not say outside what has happened." That is observed more in the breach than in observance because anything which is said is immediately put in the newspapers. In fact, I know from my experience with the Government of India and the Government of Bombay that there is nothing confidential in Delhi. Once I was staying in Imperial Hotel. Early in the morning I met in the corridors a gentleman and I invited him to lunch. He said that the matter in which he was concerned was coming up before the Cabinet and he could not come with me to lunch because he had to go to see one of the Ministers to find out about it. Before lunch I met him again and I said: "Have you not gone there?" He said: "I know what has happened in this Cabinet." So, it is an academic right to disclose or not to disclose. Now, that is a right of secrecy and that goes along with freedom of speech.

Freedom from arrest: The next important privilege is that of freedom from arrest. Now that arose because the leaders of the common people from the various boroughs used to come to London to the king's palace in order to be consulted by the king and in order to get their instruction and it was essential that they and their

servants should be protected. So, a privilege arose of freedom from arrest while they were going to the king's palace. In India, Section 135A of the Civil Procedure Code provides 14 days for freedom from arrest in civil cases. In England, it is 40 days because in the old days, it took a considerable time for a person who was living a hundred miles away in the north of England, to come to London and settle down and then go back. Now, it is done in two hours. But the privilege of 40 days still remains notwithstanding the fact that communication today is much easier and much faster. There is case law on that subject also. But that is, comparatively speaking, a privilege which is not often broken.

There is one thing in connection with arrests which we should know. I am sure, most of us know it. If a Member of Parliament or of a State Legislature is arrested, information must be given at once to the Presiding Officer of the House by the person arresting him. If he does not do so it is a contempt of the House for which he is liable to be punished.

It is usual for us, when attending the House to find among the sheaf of papers and in the proceedings of the House information that so and so has been arrested, or Mr. X or Mr. Y has been detained under some specific provision for a specific offence. That information is given to all the Members. When they are let on parole, that information is also given to all the Members. Likewise, if a Member's arrest or detention is terminated, it is done.

Performance of duties without hindrance: The third privilege is protection to the Members from interference by other persons in performing their duties. These rights or privileges are inherent in all legislative bodies, and it has been said that they are particularly inherent and inseparable from Parliaments and Legislatures framed on the English pattern.

It is essential that the representatives of the people should be free and unhampered in the performance of their duties. They are elected to Parliament, and they adopt and discuss most important issues, issues which affect the whole of the people. Though a Member of Parliament is elected by a constituency, once he is elected, he does not represent that constituency alone; he represents the whole country. It is, therefore, necessary that they should be able to perform their duties without let or hindrance. When a Member of Parliament knows something which may affect the legislation to be carried out, or affect the rights of the people, he should make

it known to the whole of the Houses; it may be lifeless or may be scandalous. It is his duty. The House has to get all the information, good or bad, in order to enable it to come to a proper decision. Therefore, freedom from arrest and freedom of speech are all essential to parliamentary life.

It is not only the Members who are to be protected. There are others also who come for giving personal evidence before the Committees—counsels who appear for persons before the Commons or Lords in privilege cases or cases which come before the Commons. For instance, suppose a particular Bill is to be passed, say, an Electricity Bill of a particular locality. The House may call for evidence to be given and counsels may come for the complainant as also the objector. They are all heard and they are all protected not only from arrests but from what they may say, and no one is to interfere with those duties.

Interference can be in more than one way. One can physically interfere with a person and prevent him from going to the House or prevent him from talking. But there are other ways in which a person may be prevented from doing his duty strictly as he ought to do. Take, for instance, bribery. A Member is bribed in a particular way to support a particular measure or to oppose it. He may do it of his own accord, but that is a different matter. If he has been bribed, that amounts to a contempt of the House.

'Privilege' and 'Contempt':—I should mention here that there are two notions—one is 'privilege' and the other is 'contempt of the House'. The two do not necessarily coincide. But, broadly speaking, a breach of privilege is contempt and contempt may include a breach of privilege. But contempt goes farther than a breach of privilege. For instance, take the case of throwing of leaflets from the gallery into the House itself and interrupting the proceedings. We in India have evolved for ourselves new ways of interfering like 'gheraos' and 'dharna'. Some people may sit outside a person's door or may gather outside the portals of Parliament and prevent the legislators from entering or functioning. These are unknown in England. We have developed them ourselves. I have no doubt personally that they will learn these things from us, as they are learning in fact a lot of things. Take, for instance, labour disputes or industrial disputes. Labour disputes in this country arise on various matters which have been unheard of in England until recently. Now they are arising there, but we were the first to discover them.

Similarly, 'gheraos' and other such things are our inventions. But they still go under the general heading of 'contempt of the

House' and are punishable as such. Then there is bribery and intimidation. There are other ways of preventing a legislator from doing his duty. Threats and bribes can take all kinds of shape.

There was a case in the Lok Sabha in 1951 viz *The Mudgal* case, where a Member from Bombay (Shri H. G. Mudgal) accepted gratification in the way of certain facilities to him as a journalist, if he supported a particular measure in the House in a particular manner. This was found out and an enquiry was held by a Committee of the House. He was found to be guilty of improper conduct and though he had resigned his membership of the House to circumvent the effect of the motion for expelling him from the House, a motion was ultimately adopted by the House that Shri Mudgal deserved expulsion from the House and further that the terms of his letter of resignation to the Speaker constituted a contempt of the House which only aggravated his offence.

Codification of privileges:—As regards the need for some enacted precision in the matter of privileges, this question came up some years ago before the House of Commons in England and Mr. Morrison, who was then, I think, the Home Secretary, appointed a Committee to go into the question, and the Committee made a lengthy report. One of the things it mentioned was rather interesting. It recommended that the word "privilege" should be done away with. It said that the word leads the public to believe that the Members of the House claim to be a privileged class—of course, they do, that is between you and me, but they are not so actually—and therefore it should be done away with. It also recommended that the privilege of 'freedom from arrest' should be done away with. Of course, there are other privileges apart from the ones that I have mentioned, minor ones, like immunity from serving as a juror, from being called as a witness and other smaller matters, but other people had that immunity before. For instance, ambassadors have it, princes had it in the old days; *pardanashin* women have certain privileges; but they were not called a privileged class because of that. But today the meaning of privileged classes has been extended considerably. 'Privileged classes' now area all those who are other than the 'unprivileged classes' Words, as they go on in history, change their meaning.

For instance, we know the meaning of the word 'monopoly', but it is being applied here to things which are not 'monopolies'. 'Palatial', for example, is another word. A house with 20 rooms, although

may be only eight feet by eight feet is a palatial house; whereas a house with 8 rooms which are very big ones twenty feet by twenty feet, is not a palatial house. If one has two motor cars, it is ostentations living; if he walks, it is not ostentations and so on. All these words change their meaning as we go on.

So, that Committee recommended that the word 'privilege' should be done away with, but the main thing which it recommended was that there should be no codification of the privileges and rights of the House. This has been a matter of controversy. What is said against codification is: firstly, that what is codified becomes a law within the meaning of article 13 of the Constitution and so automatically subject to the fundamental rights. Secondly, once there is codification, it would tie down the privileges and prevent any more from being added. I do not quite see that because suppose one or two more privileges are evolved, nothing prevents another law being made to supplement the earlier one. But what is meant is that once the privileges are codified no further privileges can come into existence at all.

The Press Council of India made a report some years ago recommending that the privileges should be codified because it felt that the newspapers and the public do not know where they exactly stand in relation to Parliament. At any time they may unwittingly tread on the toes of Parliament without knowing it and, therefore, it is desirable that they should be put into a code. This is a matter on which Mr. Justice Subba Rao had a good deal to say at one stage because he was one, who was all for the fundamental rights. He gave a leading judgement in a case which has stuck in the teeth of Government all this time. He was in favour of codification.

Non-codification leads to certain difficulties. The view has been taken by the Supreme Court in one case that privilege is law. It is enacted by the Constitution. In the *Searchlight* case, the court held that the exercise by the legislature of its right was not subject to article 19(1) and decided accordingly. In the U.P. reference, to which I now refer, it was decided the other way. That reference came by way of the President's Reference to the Supreme Court for its opinion. It arose from an interesting set of facts. A gentleman (Keshav Singh) was committed by the U.P. Legislative Assembly for contempt of the House. He filed a writ in the Allahabad High Court which came

before two learned judges who not only admitted the writ but granted interim bail. The House took that order as an affront to itself, as a contempt of the House and issued warrants to the two judges to answer to the House about their conduct.

Thereupon, the Chief Justice constituted a full Bench. That full Bench consisted of 28 judges whereas, in the same High Court if there was a full Bench now it would consist of 48 judges. That full Bench of 28 judges did solemnly meet. There arose a confrontation between the judiciary and the legislature. The President then made a reference to the Supreme Court. As a consequence of that reference, the majority view was that the exercise of these powers was subject to article 21. It was said that that was subject to a fundamental right. In *M. S. M. Sharma's case*³ (the Searchlight case), it was found that that was not subject to article 19. Though the two articles were different, the writ must apply to both. So, the presupposition in one case was that it was not subject to article 19 and in another case it was found that it was subject to article 21.

One of the reasons given by the majority judgement—the minority judgment commented upon it—was that the House of Commons exercised these powers because it was a court. The House of Commons was not, in fact, a court. The House of Lords was a court and continues to be a court still—it is the highest court of Great Britain. The minority judgement given by Justice Sarkar commented upon this view at some length and pointed out that it was not so. Though it came to the same conclusion finally on the ultimate result, as the majority judgement did, I think, it was a matter of argument on which there was a considerable comment. Anyway, the position is that the conflict still remains.

It is better to leave it in that situation. Apparently, the Constitution as amended by the Constitution (Forty-Second Amendment) Act, 1976 is in favour of leaving it in that position because it says that privileges shall be as evolved by the House, not as enacted by the House. So, we must still go on with the position that we faced of unspecified, unlisted number of privileges and an unlisted number of rights. They are still unspecified and, therefore, present a danger.

In regard to the freedom of speech and the mass media, in England, notwithstanding the rights of the House, there is a certain

amount of criticism of what is said in Parliament. So long as the comment is bona fide, fair and reasonable, no objection can be found to it. But in the United States, the papers go much further than what we would consider proper or they would consider proper in Britain. In my opinion there should be freedom of comment on proceedings in Parliament. Of course, during the Emergency the situation was quite different. But now with the Emergency having come to an end we have come back to normal times and the press has been made free again to comment. I myself sit in the House and I listen and see many things which require comment and criticism. I think we ought to observe and arrive at some mean between the British level and the American level and allow free comment on what is said and done in the House.

THE CHALLENGE BEFORE PARLIAMENT

HIREN MUKERJEE

The March 1977 elections to the Sixth Lok Sabha have been something of a phenomenal event. It was the accumulated anger of the people, particularly in the northern states of India, at the often hideous way in which the administration had operated its powers under the 'emergency', which found strident expression at the polls. The Congress party, ruling at the Centre for more than thirty years, got a shattering blow which felled it down, as it were, and plunged it into a near-collapse from which it will take time to recover. From the Janata alliance now apparently organised into a party, which now occupies the seat of authority, there has grown, inevitably, popular expectations of parliamentary performance that will justify itself by results or face again the people's displeasure. Careful thought, therefore, needs to be given to the entire parliamentary process in the country and the manner in which it should develop if the people's yearning for concrete improvement in living conditions and advance towards basic change is to be fulfilled.

In India, inevitably, by reason of our former connection with Britain, much of our political schooling has come from that country. Indians, thus, have taken to the parliamentary set-up almost like ducks to water—somewhat humourlessly perhaps and without the easy *e'tlan* which marks British parliamentary proceedings, but with a predilection for verbal exercise which we perform too often in a foreign language with notable proficiency. Our penchant for Parliament however, is more than a hang-over from British times. Words have a certain value with us, and words are the only instruments of discussion. Government to be sensible must be based on discus-

sion at many levels, and in so far as the parliamentary system postulates, invites and organises unimpeded and principled discussion, as preparatory to decision, in regard to matters of state, it has a real relevance for our country. Certain forms and practices, needless to say, will change, but the basic parliamentary idea if all goes well deserves to stay. Since the world is so situated today that without the shake-up, somewhat catastrophic but nonetheless cleansing, of revolution, big changes can and are likely to take place, Parliament in India can look forward to a fair lease of life. The task is to see that its pitch is not queered and trials and tribulations that are excessively irksome can be avoided. In many ways we are at the crossroads of history and Parliament to whose making the sufferings and sacrifices of struggling people have made such large contribution, will help rather than hinder the march towards a better life.

In the *Journal of Parliamentary Information* Jawaharlal Nehru is found to have observed, *inter alia*: "In other countries real full-blooded political democracy came after a good deal of education had spread, because of the economic revolution and all that which had prepared the ground for it, which had added to the resources of the country and thereby made it easier to fulfil the demands made by the people in those countries. In most Asian countries, on the other hand, and particularly in India, we have taken a huge jump to hundred per cent political democracy, without the wherewithal to supply the demand which a politically conscious mass electorate makes... There is a hiatus now between desires and their non-fulfilment and all our political life is really concerned with how rapidly to bridge this gulf—this hiatus..."²

This is why he said we needed such things as our Five Year Plans and to evolve real links with socialism—in a broad sense, the consensus-objective of the India policy. Nehru had, in the speech just cited, even countered the idea that parliamentary democracy involved a system of private enterprise, saying pungently; "I do not see what parliamentary democracy has got to do with private enterprise. I do not see any connection between the two except the connection of past habit and past thinking... I would venture to

²Parliamentary Democracy in the New Age (Speech by Shri Jawaharlal Nehru on December 6, 1957), *J.P.I.*, Vol. IV, April 1958, p. 8.

say that there is going to be an increasing conflict between the idea of parliamentary government and fullfledged private enterprise".²

There may be views powerfully contrary to this, but it will be in the actual social process that the truth will be established. Meanwhile, the question of the adequacy of the parliamentary system, with its delays and technicalities and the ways of the permanent civil service which are its concomitant features, to the tasks imperative in long-suffering countries like India is continually cropping up. In January 1960, for instance, *Kurukshetra*, a monthly journal published by the Government of India, printed certain observations of the then *doyen* of United States political columnists Walter Lippmann, who wrote during a visit of this country: "What troubled me was the disparity between the revolutionary objectiveness of the Third Five Year Plan and the mildness, almost Victorian mildness, and the normality of the Indian political system. I asked myself whether the gigantic economic revolution can be carried out by parliamentary politicians and civil servants without the dynamism and the discipline of an organised mass movement. I do not know the answer to this question but I have no doubt that it is the crucial question... I do not see how this revolution, which must go deeply into the Indian social system and the Indian culture, can be brought about by the persuasion of experts alone. I would suppose that it would require the organised pressures of a popular movement under government leadership so dynamic and so purposeful that it can inspire people to do voluntarily the kind of things that in communist China are done by compulsion."

Whatever one's ideas or views about 'compulsion' or cooperation in China, the problem is here posed sharply and clearly by an American liberal who was by no means a fire-brand but a moderate writer of eminence and world-renown. Jawaharlal Nehru's attention was drawn to it at a press conference where he said: "We have to face gigantic problems but the question comes up whether this apparatus of ours is adequate. I think the basic (parliamentary) apparatus is adequate or can be made adequate, but we must realize that the way in which it is functioning at present is not adequate." The then Prime Minister further added that the administrative machinery, inherited from British times needed to

²*Ibid*, p. 2.

³Quotation in Hiren Mukerjee *Indian and Parliament* New Delhi 1962, pp. 147-48.

be made quick-moving and capable of tackling the complicated problems of the day.

The issue then posed continues to be just as pressing, perhaps more pressing indeed, at the present time. Having born so much our people must no longer be having only the infinite right of expectation that is never fulfilled.

Some years back, Gunnar Myrdal, eminent Swedish economist calculated that in India the national income per head was perhaps only a third or even a fifth of what it had been in the developed countries today, when a hundred or more years ago they started on the career of economic advancement. As a friend of India, Myrdal felt constrained to remark that India was "a soft state" unable or unwilling to take hard decisions called for by her situation. How indeed, to infuse in our people that essential minimum of concerted determination to forge quickly ahead—for time is of the essence—and at the same time that minimum of disciplined endeavour without which economic development cannot be achieved? How, indeed, to set alight in Indian hearts what Nehru in 1946 called in a beautiful phrase 'the glow of freedom' which will not just glimmer for a moment and then die away? How to make our people welcome hard work, even, if necessary, some more privation, for without discipline and conscious self-abnegation to make sure of a better future we cannot progress? How, today, to secure that there is no repetition of the farcical failure of community development and national extension schemes at one time advertised as a silent revolution? How indeed, to work our entire system from Panchayats to Parliament in a manner that the initiative of our masses becomes the key motive power that runs the engine of the State?

The mandate of our people in 1977 has been a phenomenon. If that is to be respected, and it must be, close thought has to be given to the problems of administration at every level. Let Parliament improve its own techniques, setting up more Standing Committees, turning our 'talking shop' into a truly working body. Let links with the people from the grass-roots upward be thoughtfully evolved and earnestly utilized.

LAW MAKING POWER OF THE GOVERNOR: ORDINANCES

T. HANUMANTHAPPA

Law-making is an important function of the Legislature. A State Legislature in India consists of the Governor and the Legislative Assembly and, in case of a State having two Houses, the Legislative Council also. Legislative proposals are brought in the form of Bills. Every Bill to become law has to be approved by each House and then assented to by the Governor. There is, however, an exception to this. The Governor is empowered by the Constitution to make laws under certain circumstances. Such laws made by the Governor are called ordinances.

In the United Kingdom the Parliament consisting of the Queen, the House of Commons and the House of Lords makes laws. But the Crown is also empowered by the Emergency Powers Act, 1920 to make a proclamation of emergency and then make regulations.

In India, the Indian Councils Act, 1961 empowered the Governor-General of India, in case of emergency, to promulgate ordinances which were to remain in force for not more than six months (S. 23).

Under the Government of India Act, 1919 also the power to make ordinances in case of emergency continued. Section 72 of the Act provided that the Governor-General may, in case of emergency, make and promulgate ordinances and that any ordinance so made shall, for the space of not more than six months from its promulgation, have the same force as an Act passed by the Legislature.

The Government of India Act, 1935 conferred enormous legislative powers on the Governor-General. Section 42 empowered him to promulgate ordinances during the recess of the Legislature.

The Governors of Provinces were also given similar powers under section 88.

Under the Constitution, the legislative powers of the President and the Governor have been enumerated in articles 123 and 213 respectively. The ordinance-making power of the Governor is similar to that of the President except that the Governor cannot promulgate an ordinance without instructions from the President in the circumstances mentioned in sub-clauses (a) to (c) of article 213(1).

The President can promulgate an ordinance on subjects included in the Union List and the Concurrent List. But if a State is under President's rule then the President can promulgate an ordinance even on subjects included in the State List, when Parliament is not in session. But if the legislative powers have been delegated to the President by the Parliament, then the President can promulgate ordinances even when the Parliament is in session.

Objections to ordinance-making power: Though it has been conceded that the ordinance-making power will be necessary in times of emergency it has been objected to often as to the manner in which it has been exercised.

Shri G. V. Mavalankar, President of the Central Legislative Assembly, observed at the Presiding Officers' Conference in January 1947 that it was obviously a wrong convention for the executive government to promulgate ordinances merely because of shortage of time. He added that the power was to be exercised only when there was an emergency and the Legislature could not meet and that it was not a desirable precedent to promulgate ordinances for want of time, as inconvenient legislation might also be promulgated in that manner. He recognised that legally the Speakers could do nothing so long as the Ministry had the support of the House and was acting within the law. He, however, felt that a vote of censure could only come after a very long time when there was widespread discontent in the Assembly which would normally be constituted on party lines and that as Presiding Officers they had not only to correctly interpret the law and the rule, but also to give a lead to the Ministers and the House in democratic methods. In his opinion, such matters should not be allowed to drift on undemocratic lines and that the real question was how the Presiding Officers should act in the interests of the best traditions of democracy and help in the formation of healthy conventions. He was definitely of opinion that Speakers should use their influence

with the Government of the day and the Legislature, where they felt that the extraordinary power of legislation had not been properly exercised by the Government and if the Presiding Officer felt strongly on any particular matter it was always open to him to force the issue by threatening resignation.

The Constituent Assembly thought that it was necessary to empower the President and the Governors to promulgate ordinances and, therefore, made provisions in the Constitution accordingly (articles 123 and 213). Justifying this step Dr. Ambedkar observed:

"It is not difficult to imagine cases where the powers conferred by the ordinary law existing at any particular moment may be difficult to deal with a situation which may suddenly and immediately arise. The executive must have the power to issue an ordinance as the executive cannot deal with the situation by resorting to the ordinary process of law because the legislature is not in session."

He further explained that the ordinance-making power during the recess of Parliament was similar to the power of the Crown to make a proclamation of emergency and then make regulations.

Some members of the Constituent Assembly expressed their apprehension that the executive might postpone the reassembling of the Legislature for an indefinite period by resorting to ordinance-making power. Dr. Ambedkar assured the Assembly that there was no ground for such apprehension as the exigencies of the Government would not permit such an action and that even if the Legislature was prorogued and an ordinance was promulgated, the Legislature had to be summoned soon as six months should not intervene between the last day of the sitting in one session and the date appointed for its first sitting in the next session.

On November 25, 1950 Shri Mavalankar wrote to the Minister of Parliamentary Affairs as follows:

"The procedure of the promulgation of ordinances is inherently undemocratic. Whether an ordinance is justifiable or not, the issue of a large number of ordinances has psychologically a bad effect. The people carry an impression that the Government is carried on by ordinances. The House carries a sense of being ignored and the Secretariat perhaps gets into the habit of slackness and an impression is created that it is desired to commit the House to a particular legislation as the House has no alternative but to put its seal on matters that have been legislated upon by ordinances. Such

a state of things is not conducive to the development of the best parliamentary traditions.”

Prime Minister Nehru sent the following reply in his letter dated the 13th December, 1950 to Shri Mavalankar:

‘I think all of my colleagues will agree with you that the issue of ordinances is normally not desirable and should be avoided except on special and urgent occasions. As to when such an occasion may or may not arise, it is a matter of judgment...Not only the Government of a State but private members of Parliament are continually urging that new legislation should be passed. Parliamentary procedure is sufficient to give the fullest opportunities for consideration and debate and to check errors and mistakes creeping in. That is obviously desirable. But all this involves considerable delay. The result is that important legislation is held up. Every Parliament in the world has to face this difficult problem and various proposals have been made to overcome it.’

In February 1954, some members of Lok Sabha suggested that a Parliamentary Committee could be constituted so that Government could consult it before an ordinance was issued or review an ordinance which had been issued. But the Government did not accept the suggestion. The Government maintained that during the inter-session period there might be occasions on which the President must, in public interest, act and if he did not, public interest would suffer.

Again in July 1954, Shri Mavalankar wrote to the Prime Minister on the same subject as follows:

‘The issue of an ordinance is undemocratic and cannot be justified except in cases of extreme urgency or emergency.

...We, as first Lok Sabha, carry a responsibility of laying down traditions. It is not a question of present personnel in the Government but a question of precedents; and if this ordinance-issuing is not limited by convention only to extreme and very urgent cases, the result may be that, in future the Government may go on issuing ordinances giving Lok Sabha no option but to rubber-stamp the ordinances.

I may invite your attention to one more aspect (namely, the financial aspect) involved in the amendment (to the Indian Income Tax Act, 1922). It is not directly a taxation measure, but it is intended for the purpose of collection of taxes. Indirectly it affects the finances and it would be a wrong precedent to have an ordinance for such a purpose.'

Prime Minister Nehru replied to that letter as follows:

"We have been reluctant to issue ordinances and it is only when we have felt compelled to do so by circumstances that we have issued them. You will appreciate that it is the responsibility of the Government to decide what steps should be taken in a particular contingency. The Constitution itself has provided for the issue of ordinances where such necessity arises and that direction has to be exercised by Government.

We have issued in the past a very limited number of ordinances and we have always placed before Parliament the reasons for having issued each one of them.

I am myself unable to see why this should be considered undemocratic. Of course, this power, like any other power, may be abused and Parliament will be the ultimate judge as to whether the use of this power has been right or wrong."

The Governor's satisfaction: It is clear from article 213 that the power to promulgate ordinances can be exercised by the Governor under certain circumstances. Firstly, the Governor must be satisfied that circumstances exist which render it necessary for him to take immediate action. Secondly, the Governor can promulgate an ordinance at a time when the Legislature is not in session, that is, where there is only one House of the Legislature that House is not in session and where there are two Houses of the Legislature, then one or both the Houses is or are not in session. Thirdly, the Governor cannot promulgate an ordinance without instructions from the President in the circumstances mentioned in sub-clauses (a) to (c) of article 213(1).

Article 213 of the Constitution corresponds to section 88 of the Government of India Act, 1935. Some of the ordinances issued either under section 88 of the Government of India Act or under articles 123 and 213 of the Constitution of India have been challenged in various courts. Some of the important decisions of the High Courts before and after the Constitution came into force and of the Federal Court and the Supreme Court are narrated here.

According to clause (1) of article 213 (which corresponds to sub-section (1) of Section 88 of the Government of India Act, 1935) the Governor must be satisfied that circumstances exist which render it necessary for him to take immediate action. The satisfaction of the Governor regarding the existence of circumstances that render it necessary for him to take immediate action is a subjective matter which cannot be questioned in a court of law

The West Bengal Security Act (Amendment) Ordinance VIII of 1948 which, among other things, dealt with preventive detention of persons, was challenged and the Calcutta High Court held¹ that the satisfaction contemplated by section 88 was the satisfaction of the Governor, the Court could not go into the question whether such circumstances existed as to render it necessary for the Governor to promulgate an ordinance, even if the Governor stated the reasons which satisfied him that urgent legislation was necessary. The Court also said that the satisfaction must be the satisfaction of the Governor and there was nothing to suggest that the Court would be entitled to question the grounds upon which the Governor was satisfied. And, further, it added that if the Court could not question the sufficiency of the grounds upon which the Governor was satisfied that urgent legislation was necessary, it would be difficult for any Court to say that the Ordinance was not passed in good faith.

On the same question the Patna High Court has held² that an ordinance promulgated by a Governor was valid if it dealt in its 'pith and substance' with an item of the Provincial Legislative List, though it might incidentally trench on matters reserved for the Federal Legislature. The 'satisfaction' within the meaning of section 88(1) of the Government of India Act must be the satisfaction of the Governor and his discretion could not be questioned in any court. It was the Governor and Governor alone who must determine for himself whether the circumstances existed which entitled him to promulgate the ordinance. It was not competent for the courts to question the grounds upon which the Governor was satisfied and investigate the question whether circumstances in fact existed which rendered it necessary for the Governor to promulgate the Ordinance. The Court was not concerned with policies or politics; it was only concerned with the question whether the ordinance was within the constitutional power of the Governor,

¹*Jnan Prasanna V. the Province of West Bengal* (1949), 53 CWN 27: AIR 1949 Cal. 1.

²*Bhutnath V. the Province of Bihar*, AIR. 1950 Pat. 35.

and if so whether the ordinance was in whole or part a valid exercise of that power. The Court further held:

“Learned advocate pointed out that as soon as the Bihar Act V of 1947 was declared invalid by the Federal Court, the Governor of Bihar promulgated Ordinance II of 1949 and when the latter was declared invalid by the High Court the Governor of Bihar enacted the impugned Ordinance (IV of 1949) with the same provisions. But it is impossible to infer from this circumstance that the Governor had acted in bad faith. On the contrary, the ordinary rule that everything is presumed to be rightly and duly performed until the contrary is shown, must apply... There is a general presumption of law that in the absence of proof to the contrary credit should be given to public officers who have acted *Prima facie* within the limits of their authority for having done so with honesty and with discretion... It is obvious that in the present case there is no material to suggest that the Governor acted *mala fide*...”

The Bihar Maintenance of Public Order Ordinance, IV of 1949 was questioned before the Federal Court of India. The Court held in *Lakhi Narayan V. the Province of Bihar*³ as follows:

“The language of section 88 of the Government of India Act, 1935 shows clearly that it is the Governor alone who has got to satisfy himself as to the existence of circumstances necessitating the promulgation of an ordinance. The existence of such necessity is not a justiciable matter which could be called, upon to determine by objective test. The language of section 88 postulates only one condition, namely the satisfaction of the Governor as to the existence of justifying circumstances and as the preamble to the Ordinance expresses in clear terms that this condition has been fulfilled, it cannot be said that there is any contravention of that section.”

Again, the Patna High Court in *Ratan Roy V. State of Bihar*⁴ held that article 213 (1) did not require that the ordinance to be promulgated by the Governor had to state in so many words that the Governor was satisfied as to a certain state of affairs. In the second place, all the paragraphs of the preamble read together would show that the Governor was satisfied in terms of article 213(1). If the full force of the word ‘therefore’ in para 3 of the preamble was considered, it incorporated the matters on which the Governor was satisfied, namely (1) the existence of circumstances necessitating immediate action and (2) provision for preventive detention leading up to the making of the Ordinance in exercise of the powers conferred by clause (1) of article 213. If the word ‘therefore’ were

³1950 S.C.J. Vol. XIII, 32.

⁴A.I.R. 1950 Patna 322.

given its full force, it became absolutely clear beyond a shadow of doubt that the Governor was promulgating the Ordinance in question on having been compelled by the necessity of circumstances to do so.

The Madras High Court in *In re. Veerabhadrayya*⁵, where it was contended that no circumstances existed which justified immediate action and the issue of an ordinance, has held that the Governor should be satisfied that circumstances existed which rendered it necessary for him to take immediate action and of this necessity the Governor was the sole judge and the satisfaction was that of the Governor and it was not open to the Court to canvass and find out whether in fact there could or could not have been the satisfaction.

The Calcutta High Court has also held in *Haran Chandra V. The State of West Bengal*⁶ that it was the satisfaction of the Governor as to the existence of circumstances for promulgating an ordinance that was necessary and such satisfaction was conclusive and that the validity of the West Bengal Ordinance 3 of 1948 could not therefore be questioned on the ground that there was no necessity or occasion for promulgating the Ordinance and that the Ordinance was not *ultra vires* on that ground, as the Governor felt the necessity of promulgating it in order to incorporate certain villages in the district of 24 Parganas and to secure their representation on the District Board.

Similarly, the Allahabad High Court in *Viswanath V. State of U.P.*⁷ dealing with the satisfaction of the Governor held that the satisfaction was not of the Court or of any other person. It was subjective satisfaction and the Court was, therefore, not entitled to enquire into the reasons for that satisfaction or into the sufficiency of those reasons. The Court further observed as follows:

“No doubt, the question whether the Governor was in fact satisfied or not as to the existence of circumstances mentioned in article 213 is a justiciable issue. But the statement in the Ordinance in question ‘whereas the Governor is satisfied that circumstances exist which render it necessary immediately to amend the U.P. Sales Tax Act, 1948 is presumptive proof of the factum of satisfaction.’”

In *Prem Narain V. State of Uttar Pradesh*⁸ the Allahabad High Court held that the validity of an ordinance promulgated by a

⁵A.I.R. 1950 Mad. 243

⁶A.I.R. 1952 Cal. 907.

⁷A.I.R. 1956 All. 557.

⁸A.I.R. 1960 All. 205.

Governor on the ground that there was sufficient reason for promulgating the ordinance could not be questioned in a court of law. By article 213 it was the Governor, who was to be satisfied that circumstances existed which rendered it necessary for him to take immediate action and the Court could not substitute the satisfaction of the Governor with the satisfaction of the Court.

While interpreting article 123 the Allahabad High Court has held in *Babu Ram Sharma V. State*⁹ that the satisfaction of the President regarding the existence of circumstances that rendered it necessary for him to take immediate action was a subjective matter, which could not be probed or questioned in a court of law and the precise nature of the action that he might decide to take in such circumstances was also left to his discretion and could not be challenged.

The Bombay High Court as held in *S. Vasudevan V. S. D. Mital*¹⁰ that.....'it is open to the High Court to examine the constitutionality of an ordinance issued by the President under article 123 relating to the conditions of service of Central Government servants'.

The Legislature in Session: The Governor can promulgate an ordinance at a time when the Legislature is not in session. This is because if the Legislature is in session, then it can itself pass a Bill and after the Governor gives assent to it, it becomes law. If there is only one House that House should not be in session and if there are two Houses, one or both Houses should not be in session. For example, when the Lok Sabha was in session and the Rajya Sabha was not in session the President of India promulgated the Essential Services Maintenance Ordinance in 1957.

In some cases, the Houses have been prorogued just to enable the Governor to promulgate an ordinance. The Courts have held in these cases that the action of the Governor in proroguing the legislature simply for the purpose of promulgating an ordinance cannot be challenged. The Governor of Madras prorogued the Madras Legislature on August 2, 1949 and promulgated an ordinance on August 11, 1949. The Ordinance was challenged by a petition before the Madras High Court. It was urged that the Ordinance was promulgated by the Governor by fraudulent exercise of the power vested in him as the Governor who intentionally prorogued the Legislature while in session with a view to clothe himself with

⁹1961 A.L.J. 837.

¹⁰A.I.R. 1962 Bom. 58.

the power of issuing the Ordinance. The Madras High Court held as follows:

'It is open to the Governor to prorogue the Legislature at any time he pleases. We do not see anything wrong in the Governor proroguing the Assembly and the Council with a view to enable himself to issue an Ordinance... It was a well-known fact that the Legislature which is democratically constituted is very slow to move in the matter of legislation, having regard to the rules of procedure laid down in that behalf and if urgent action is necessary, at any rate, when the Governor has reasons to believe that immediate action is necessary it will be more expedient to have resort to the power of issuing an ordinance rather than approach the Legislature for the necessary legislation'

Prorogation of Legislature: It was contended in *Viswanath V. State of U.P.*¹² that the satisfaction of the Governor originated at a time when the two Houses of Legislature were in session. The Allahabad High Court held that the mere fact that satisfaction had come into existence earlier was immaterial and that all that article 213 required was that the satisfaction of the Governor must, exist at the time mentioned in the article namely, when either both or one of the Houses of Legislature were or was not in session.

It was further contended in that case that the prorogation of the Legislative Council on March 24, 1956 was done fraudulently with a view to enable the Governor to promulgate the Ordinance on March 31.

The Court observed that no evidence had been adduced to show that the Council was prorogued *mala fide* and that under article 174 the Governor was authorised to prorogue the Council at any time that he thought fit and by proroguing the Council on the 24th March the Governor acted within his jurisdiction and the mere fact that the Ordinance was promulgated on the 31st March could not lead to the necessary inference that the action of the Governor in proroguing the Council a few days earlier was actuated by the desire to create an opportunity of exercising the power to promulgate the Ordinance.

The Court further observed that it should be remembered that the general presumption was in favour of good faith of an officer

¹¹ *In re. Veerabhadrayya*, AIR 1950 Mad. 243.

¹² A.I.R. 1956 All. 337.

when he exercised the power vested in him and that the presumption applied with all the greater force to a dignitary so high as the Governor of a State who was charged by the Constitution with the duty of seeing that the provisions of the Constitution were faithfully observed.

The Court further added that assuming, however, that the Assembly was prorogued deliberately with a view to enable the Governor to promulgate the Ordinance in question, even so the exercise of the power by the Governor could not be dubbed as fraudulent, colourable or *mala fide*.

The Allahabad High Court has also held in *Prem Narain Tandon V. State of Uttar Pradesh*¹³ that the action of the Governor in proroguing the Legislature simply for the purpose of making an ordinance could not be challenged. It may be mentioned that the Governor of Punjab prorogued the Punjab Legislature just to promulgate an ordinance.

As stated earlier the ordinance-making power of the Governor arises as soon as either House is prorogued. But if an ordinance is promulgated before the order of prorogation is notified, the ordinance is void. The Patna High Court has held in *Bidya Choudhary V. Province of Bihar*¹⁴ that the Bihar Maintenance of Public Order Ordinance, 1949 issued under section 88 of the Government of India Act, 1935 on June 3, 1949 was *ultra vires* and invalid, as the same had been issued when the Houses of Legislature were in session. In this case the Houses of Legislature were prorogued only on June 6, while according to section 88 the Governor could issue an ordinance only when the Legislature was not in session.

President's Instructions or Consent: The Governor cannot promulgate an ordinance without instructions from the President, if (a) a Bill containing the same provisions would under the Constitution have required the previous sanction of the President for the introduction thereof in the Legislature; or (b) the Governor would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; or (c) an Act of the Legislature of the State containing the same provisions would under the Constitution have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President.

¹³ A.I.R. 1960 All. 205.

¹⁴ A.I.R. 1950 Patna 19.

The Ordinance-making power of the Governor is co-extensive with the legislative powers of the Legislature. Accordingly, the Governor may promulgate ordinances on subjects in Lists II and III of the Seventh Schedule. Where a law made by the Legislature of a State with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter then the law so made by the Legislature shall prevail if it has been reserved for the consideration of the President and has received his assent. Similarly, the Governor can promulgate an Ordinance on subjects in the Concurrent List with previous instructions from the President, if the provisions of the ordinance are repugnant to an Act of Parliament on the same subject. In the case of legislation the President gives his assent after the Bill has been passed by the Legislature, whereas in the case of an ordinance the President's instructions are necessary before the ordinance is promulgated.

The West Bengal Security Act (Amendment) Ordinance VIII of 1948 which was promulgated by the Governor of West Bengal was challenged on the ground that it did not receive previous instructions from the Governor-General. The Calcutta High Court held in *Jnan Prasanna V. The Province of West Bengal*¹ as follows:

"If the subject matter of a piece of legislation falls wholly within an item in Provincial Legislative list then the legislation is valid and no question of repugnance can arise under section 107 (i) of the Government of India Act, 1935, even if the legislation trenches incidentally upon items in the Concurrent List....."

The amendment Ordinance is entirely concerned with preventive detention, persons subjected to such detention public order and jurisdiction of the Courts in respect thereof.... These matters fall within items 1 and 2 of the Provincial Legislative List, that is matters upon which the Provincial Legislature is alone competent to legislate.... That being so, the Ordinance which deals with these matters could be promulgated without the previous instructions of the Governor-General and the proviso to sub-section (1) of section 88 of the Government of India Act can have no application."

The Bihar Maintenance of Public Order Ordinance IV of 1949 which was promulgated by the Governor of Bihar was challenged on the ground that it had not received previous consent of the

¹1949, 53 C.W.N. 27; A.I.R. 1949 Cal. 1.

Governor-General. The Federal Court in *Lakhi Narayan V. The Province of Bihar*¹⁶ held as follows:—

“To attract the operation of section 107 read with section 88(1), two things have got to be established. In the first place, the impugned enactment and those of an existing law must be in respect of the same subject-matter and the subject-matter must be covered by one of the items, in the Concurrent List. In the second place, there must be repugnancy between the two provisions. The Bihar Maintenance of Public Order Ordinance is covered entirely by items (1) and (2) of the Provincial List and as for no part of these provisions it is necessary to have recourse to the concurrent power provided for in List III, the question of repugnancy under section 107(1) does not arise at all and the Ordinance cannot be said to be ultravires because the previous consent of the Governor-General was not obtained.”

If an ordinance has been promulgated in pursuance of instructions from the President, further reservation of the ordinance for the assent of the President would not be required. The Nagpur High Court has held in *Laxmibai V. State of Madhya Pradesh*¹⁷ that the fiction in the proviso to section 88 was that though the ordinance was not in fact reserved for the consideration of the Governor-General it was to be treated as if it had been so reserved. The fiction placed an ordinance on par with an Act in so far as section 107 of the Government of India Act, 1935 was concerned and dispensed with the necessity of reserving it for the consideration of the Governor-General. By obtaining the instructions of the Governor-General the Governor bridged over the bar of the *non obstante* clause.

The Governor of Mysore promulgated the City of Bangalore Improvement (Amendment) Ordinance 1960, the Mysore Ordinance No. 1 of 1960, without instructions from the President. The Mysore High Court held in *Achiah V. State of Mysore*¹⁸ that the Ordinance was invalid because it had been made without receiving the instructions of the President as required by the proviso to article 213(1).

The question whether under the proviso to article 213(1) an ordinance requires previous instructions from the President has to be determined with reference to the nature of its provisions and not by the fact whether an earlier or subsequent Act dealing with the matter covered by the ordinance and other matters was enacted with

¹⁶1950 SCJ Vol. XII 32.

¹⁷A.I.R. 1951 Nag. 94.

¹⁸A.I.R. 1962 Mys. 218.

the assent of the President. In *Nalini Mohan V. District Magistrate Malda*¹⁹ it was argued that the West Bengal Security (Second Amendment) Ordinance, 1950 was subsequently replaced by the West Bengal Security Act, 1950 which had received the assent of the President; that as the said Act required the assent of the President, therefore, the Ordinance could not have been passed without instructions from the President; and that as no instructions were given the Ordinance was invalid. The Calcutta High Court held as follows:—

“The whole argument is fallacious because it proceeds on the basis that State legislation on an item included in List III. Schedule 7 of the Constitution is invalid, without the President's assent. Such legislation is only invalid in so far as it is repugnant to Central legislation or existing law. A State may legislate on an item in List III and such legislation will be perfectly valid if it does not conflict with a piece of legislation of Parliament or with existing law as defined by the Constitution... (There is no) piece of existing law which can be said to be repugnant to the provisions of Ordinance XIV of 1950. Therefore, that Ordinance is valid though the previous instructions of the President were not obtained. The fact that a subsequent Act required and obtained the assent of the President is by no means conclusive because the subsequent Act deals with many matters which were not covered by the Ordinance and some of those matters undoubtedly required the assent of the President to make the legislation valid.”

It is evident from the above decision that the question whether under the proviso to article 213(1) an ordinance requires instructions from the President before it is promulgated has to be determined with reference to the nature of its provisions and not by the fact whether an earlier or subsequent Act dealing with the matter covered by the ordinance and other matters was enacted with the assent of the President.

The decision of the Calcutta High Court was cited by the Madhya Pradesh High Court in *C. J. Patel & Co. V. State of Madhya Pradesh*²⁰ where it was contended that the Madhya Pradesh Tendu Patta (Vyapar Viniyaman) Niyamavali Sansodhan Adhyadesh, 1965 (Ordinance) was invalid on the ground that either it had been promulgated without receiving instructions from the President or it

¹⁹A.I.R. 1951 Cal. 346.

²⁰A.I.R. 1966 M.P. 116.

was a colourable piece of legislation in as much as it affected the rule-making power under the Act; also that it being retrospective was beyond the power of the legislature or that it purported to do indirectly what could not be done directly. The Court held as follows:

“The Ordinance was not repugnant to any existing law and before its promulgation it did not require the instructions of the President. The question whether any ordinance promulgated by the Governor requires, under article 213(1), previous instructions of the President has to be determined solely with reference to the provisions of the ordinance. This is made clear by the use of the expressions, ‘A bill containing the same provisions’ and ‘an Act of the Legislature of the State containing the same provisions’ in the three clauses of the proviso to article 213(1). The fact that the Act itself was reserved for consideration of the President and received his assent is not decisive. The Ordinance does not amend any provision of the Act or of the Rules made thereunder with respect to any matter falling in the Concurrent List.... The Ordinance cannot also be described as a colourable legislation. It does not purport to do indirectly what could not be done directly. It is also not repugnant to existing law being within the competence of the State Legislature. The motive which impelled the Legislature has therefore no bearing to determine its validity. The power to validate is ancillary to the power to deal with the subject of the Act which also, in this case happened to be specified in the Lists in the Seventh Schedule of the Constitution. The Ordinance does no more than this.”

Amendment of existing legislation: The legislative power conferred on the Governor under article 213 is very wide and the ordinance is as effective as an enactment of the State Legislature. There is no restriction put on this legislative power of the Governor except as to its duration. An ordinance may amend an ordinance already issued. It is also well settled that an ordinance can amend an Act of the Legislature.

The Calcutta High Court has held in *Haran Chandra Vs. The State of West Bengal*²¹ that it could not be contended that there was no power in the Governor to provide by an ordinance for the dissolution of the Board and thus affect the provisions of a permanent

21 A.I.R. 1952 Cal. 907.

Act like the Bengal Local Self-Government Act, 1919 by an ordinance which was a temporary legislation. The Court further added that it could not also be contended that the proviso to section 6 of the West Bengal Ordinance 3 of 1948, by which the term of office of members of the District Board was extended upto two years, was *ultra vires* on the ground that the Governor was not empowered to make a provision by an ordinance which would endure beyond the life of the ordinance.

It was argued in *Jnan Prasanna V. Province of West Bengal*²² that an ordinance could not directly repeal or amend a Provincial Act unless the provisions in that Act were repugnant to existing provincial legislation. But the Court did not agree with this argument and it held that an ordinance could directly repeal or amend an existing legislation.

Retrospective effect: In the same case it was also contended that an ordinance could not be given retrospective effect. The Court held that if the Governor could legislate in proper circumstances and such legislation was to have the same effect as if passed by the Legislature then it appeared that the Governor was entitled to give retrospective effect to an ordinance which he promulgated. In this context the Court cited the decision of the Federal Court in the "*The United Provinces V. Mst Atiqa Begum*"²³ where it had been held that the right to legislate retrospectively was inherent in the right to legislate.

It was argued in that case that the Governor had no right to promulgate an ordinance if the Legislature was in session and that being so, he could not, by promulgating an ordinance when the legislature was not in session, give it effect as from a date when the Legislature was actually in session. The Court held that if the Governor had power to legislate retrospectively then it was immaterial whether the legislation was made to take effect from a time when the Legislature was in session and that the important point of time was the date of promulgation of the ordinance.

Circumvention of Judicial Decisions: An ordinance could be issued in order to prevent the High Court from pronouncing a decision which would be unwelcome to the Provincial Government. The Calcutta High Court in *Jnan Prasanna V. Province of West Bengal*²⁴ held the impugned ordinance to be valid on the ground that the Court was not competent to enquire into the circumstances

22 1949, 53 C.W.N. 27; A.I.R. 1949 Cal. 1.

23 1940 F.C.R. 110.

justifying the promulgation of the ordinance even though the full Bench disapproved in strong terms such an executive policy to circumvent judicial decision. The Supreme Court also held in *State of Orissa. V. Bhupendra*²⁵ that the argument that the Governor was not competent to issue an ordinance with a view to override the judgment delivered by the High Court in its jurisdiction under article 226 of the Constitution was untenable and observed:

“The Governor was competent to issue an Ordinance with a view to override the judgment delivered by the High Court in its jurisdiction under article 226 of the Constitution.

It is true that the judgment delivered by the High Court under article 226 must be respected but that is not to say that the Legislature is incompetent to deal with problems raised by the said judgment if the said problems and their proposed solutions are otherwise within their legislative competence. It would be erroneous to equate the judgment of the High Court under article 226 with article 226 itself and confer upon it all the attributes of the said Constitutional provision...

Having regard to the object of the Ordinance and to the right created by the validating provisions it would be difficult to accept the contention that as soon as the ordinance expired the validity of the elections came to an end and their invalidity was revived. The rights created by this Ordinance must be held to endure and last even after the expiry of the Ordinance. The Ordinance has in terms provided that the order of the Court declaring the elections to the Cuttack Municipality to be invalid shall be deemed to be and always to have been of no legal effect whatever and the said elections are thereby validated. That being so, the said elections must be deemed to have been validly held under the Act and the life of the newly elected Municipality would be governed by the relevant provisions of the Act and would not come to an end as soon as the Ordinance expires.’

The Governor Vs. the Legislature:

As regards the powers of the Governor in issuing an ordinance *vis-a-vis* the power of the Legislature to legislate, the Supreme Court has held as follows:

“The power of legislation by ordinance is as wide as the power of Legislature of the State. Article 213(2) provides that an ordinance promulgated under that article has the same force as an Act of the Legislature of the State assented to by the Governor except that it must be laid before the

²⁴(1949) 53 CWC 27; A.I.R., 1949 Cal. 1.
²⁵A.I.R. 1962 S.C. 945.

Legislative Assembly of the State and the Legislative Council (where there is one) and expires after the expiration of six weeks or earlier if it is withdrawn by the Governor or disapproved by the Legislature of the State. Counsel argued that the power of the Governor is only to pass a law under the second and third of the Legislative lists and not under article 209. We see no force in this submission which is not supported by any provision of the Constitution or authority of this Court. In fact, the powers of the Legislature are expressly indicated in article 209 and the Governor must therefore possess an equal power unless there be an expression of intention to the contrary in the Constitution. There is no such expression of intention and none can be implied from articles 245 and 246 in the face of the special provisions of article 213(2). The Ordinance was therefore validly enacted under the power derived from articles 209 and 213.²⁶

Every Ordinance shall be laid before the Legislative Assembly or where there is a Legislative Council before both the Houses. Though the word 'shall' has been used it has been held that the requirement of laying before the Legislature is directory. Non-compliance with this requirement does not affect the initial validity of the ordinance.²⁷

Similarly, the only consequence of non-compliance with the requirement of laying the ordinance before the Legislature is that the ordinance will cease to operate at the expiration of six weeks from the reassembly of the Legislature and it does not affect the initial validity of an ordinance.

An ordinance may be disapproved by the Legislature by passing a resolution to that effect. A resolution for the disapproval of an ordinance has to be approved by both Houses in the case of States which have two Houses. The resolution is moved first in the Legislative Assembly and after it is approved it is transmitted to the Legislative Council for its agreement. If the Legislative Council also agrees with the resolution on the ordinance will cease to operate.

In the case of Parliament the resolution may be initiated in either House but it has to be agreed to by both the Houses for the ordinance to cease to operate.

26 *State of Punjab V. Satya Pal*, A.I.R. 1969 S.C. 908.

27 See *Krishnan V. Secretary R. T. Authority*, A.I.R. 1956 A.P. 129.

The resolution of disapproval of an ordinance cannot be considered as a censure of the President. The Speaker of Lok Sabha ruled as follows in 1957:

“The President, when the House does not meet, has got a right as much as this House; he is also one of the parts of the Legislature of this country. He has got a right to pass a law and therefore he cannot be censured. There cannot be any censure of the President by this House for having passed an Act under the Constitution. Therefore, under article 123 no power is given to this House to condemn the President for having passed an Act.’

If the Government want provisions of an ordinance to be continued then they will bring a Bill to replace the ordinance. But if the Assembly has refused leave to introduce a Bill incorporating the provisions of the ordinance it does not amount to a resolution disapproving the ordinance within the meaning of article 213 (2) (a) and it cannot be contended that the ordinance ceased to be operative from the date when leave to introduce the Bill was refused. In this connection it would be pertinent to cite an Orissa case.

The Governor of Orissa promulgated on January 15, 1959 the Orissa Municipal Election Validation Ordinance, 1959. On March 2, 1959 a Bill entitled the Orissa Municipal Election Validating Bill, 1959 whose term were practically identical with those of the Ordinance was sought to be introduced in the Orissa Legislative Assembly but was defeated by a majority of votes. A writ petition was filed before the Orissa High Court for declaring the Ordinance as void as the refusal of the Assembly to grant leave for introduction of the Bill was tantamount to its expression of the disapproval of the Ordinance and that by virtue of sub-clause (2) of article 213 the Ordinance had ceased to be operative from that date.

The Court held that the consequence of refusal of leave by the Legislative Assembly to introduce the Bill would only be that such a Bill be removed from the list of Bills for one session of the Assembly and that the argument that the refusal was tantamount to passing a resolution disapproving the ordinance seemed to be somewhat far-fetched. The Court added that the Assembly rules made a sharp distinction between ‘Bills’ on the one hand and ‘Resolutions’ on the other and such a distinction was also found in sub-clause (a) of clause (1) of article 213 and in sub-clause (a) of clause (2) of that article and that the expressions ‘Bill’ and ‘Resolution’ have thus been given different meanings both in the Assembly rules and in the Constitutions. The Court further observed

that the procedure for the introduction of a Bill was different from that required for moving a resolution and it would not be proper for the Court to hold that by refusing leave to introduce a Bill, the Assembly had, in substance, passed a resolution disapproving of the Ordinance and that consequently the Ordinance ceased to be operative from February 21, 1959".

If there is a resolution for the disapproval of an ordinance and also a motion for the consideration of a Bill seeking to replace the ordinance they are discussed together. The resolution for disapproval is put to vote first. If the resolution is adopted the ordinance ceases to operate. The motion for consideration of the Bill cannot also be proceeded with further.

According to the provisions of article 213, an ordinance ceases to operate at the expiration of six weeks from the reassembly of the Legislature. When the Houses of Legislature having a Legislative Council are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates.

The Government may continue the provisions of an ordinance for a longer period or may like to make it permanent. In such a case a Bill to replace the ordinance is brought by the Government. Whenever a Bill seeking to replace an ordinance with or without modification is to be introduced in the House the Government has to place before the House along with the Bill a statement explaining the circumstances which necessitated immediate legislation by ordinance. The Governor may promulgate an ordinance to enforce the provisions of a Bill already passed by one House but not yet passed by the other House. Whenever an ordinance, which embodies wholly or partly or with modification the provisions of a Bill pending before the House, is promulgated a statement explaining the circumstances which necessitated immediate legislation by ordinance should be laid on the Table of the House at the commencement of the session following the promulgation of the ordinance.

The Constitution does not provide any fixed period of duration of an ordinance. The duration depends upon the reassembly of the Legislature. If an ordinance is promulgated immediately after prorogation then the Legislature has to be summoned within six months, as six month should not intervene between two sittings. The ordinance continues for another six weeks from the reassembly of the Legislature. Thus an ordinance can be in force for a maximum period of seven and half months.

²³ *Bhupendra V. State of Orissa*, A.I.R. 1960 Ori. 46.
1934 LS—4.

Withdrawal of Ordinance: The Governor has power to withdraw an ordinance by an order. It may not be necessary to issue an ordinance to repeal an ordinance. The Patna High Court in *Tabarak Khan V. Province of Bihar* observed that it was "argued that once an Ordinance was enacted by the Governor he could neither repeal nor amend it but he could only withdraw it under clause (c) of sub-section (2)." "The Court had that "the power to enact laws in a legislative authority contains within it the inherent power to repeal or amend an enacted law. Clause (c) of section 88(2) is merely an enabling provision by which the Governor could by some order withdraw an Ordinance duly promulgated by him without having recourse to promulgating a fresh Ordinance, repealing the previous Ordinance. This does not mean that if the Governor wished to amend an Ordinance already promulgated by him, it was not within his competence to do so by duly promulgating an Ordinance under Section 88 of the Government of India Act"."

In this case the Court agreed with the decision in *Jnan Prasanna V. Province of West Bengal* where an ordinance was amended by another ordinance. But the Governor cannot extend the life of an ordinance by promulgating another ordinance.

Ordinance and the Budget: The Governor cannot promulgate an ordinance for the appropriation of any money out of the Consolidated Fund. But if the relative demands for grants have been placed and considered and assented to, then an ordinance may be promulgated for appropriating the money. All the same, in February 1967, after the resignation of the Orissa Ministry the Governor promulgated an ordinance approving the Budget. This matter was discussed at various levels as to his competency and the opinions expressed were divided. Later, after the administration of the State was taken over by the President, the Budget of Orissa was approved by Parliament.

The Budget of the erstwhile State of Travancore-Cochin was presented to the Lok Sabha. After the Demands for Grants (Vote on Account) had been passed the Appropriation (Vote on Account) Bill, 1959 was passed. Since Rajya Sabha was not in session it was summoned. In the meanwhile, an ordinance containing the provisions of the Appropriation Bill was promulgated by the President. When Rajya Sabha met subsequently, it returned the Bill

⁹⁰A.I.R. 1950 Raj. 228.

recommending an amendment for the insertion of a new clause for the repeal of the Ordinance which was accepted by the Lok Sabha. But ordinances have been issued by the President on money matters also, e.g. ordinances to amend the Income tax Act in 1950, and to reduce Betting Tax in Bengal in 1952.

Conclusion: Members of Parliament have been objecting to the frequent resort to the power to promulgate ordinances and have expressed the view that ordinances might be promulgated only when it is absolutely necessary. On November 15, 1971, when thirteen ordinances were laid on the Table of the House, several members of Lok Sabha complained. The Speaker, Dr. G. S. Dhillon then observed:

“I agree with you that so many ordinances should not have been issued. . . I personally think it is not a light matter to be ignored. Certain observations have been made by my predecessor Shri Mavalankar based on some judgment. I would invite the attention of the Government to see that there is real emergency or urgency justifying the issue of an ordinance. There should not be much of a hurry about those ordinances that can wait for the session of Parliament.”

When the same matter was raised in Lok Sabha a week later the Speaker observed that if the members thought that there should be some distinction between financial and non-financial, tax and non-tax ordinances, there was nothing in his knowledge on which he could base his ruling. All he could say was that he did not approve of an ordinance just at the time when the House was about to meet.

Thus it is desirable that an ordinance should not be promulgated merely because of shortage of time. It should be issued only when there is an emergency and there is no possibility of the Legislature meeting immediately and passing a Bill.

ELECTION OF THE NEW PRESIDENT*

The Office of the President of India fell vacant on the sudden death of Shri Fakhruddin Ali Ahmed on the 11th February, 1977.

Article 62(2) of the Constitution of India provides that an election to fill a vacancy in the office of President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than six months from, the date of occurrence of the vacancy. Thus, the election of the new President was required to be completed latest by the 10th August, 1977.

As in the case of elections to Parliament and to the Legislature of every State, the superintendence, direction and control of elections to the offices of President and Vice-President vest in the Election Commission of India.¹ The process regarding election of the new President was set in motion by the Election Commission on the 25th June, 1977, when the Commission appointed, in consultation with the Central Government, Secretary to the Lok Sabha (Shri Avtar Singh Rikhy) to be the Returning Officer and Shri J. R. Kapur, Chief Legislative Committee officer, Lok Sabha Secretariat, to be the Assistant Returning Officer for the Presidential election. The Election Commission also appointed by another notification dated the 25th June, 1977, Secretary to the Legislative Assembly of each State as Assistant Returning Officer for this election.

As required under Section 4(1) of the Presidential and Vice-Presidential Election Act, 1952, the Election Commission issued on the

*Contributed by the Lok Sabha Secretariat.

¹Vide article 324(1) of the Constitution.

4th July, 1977, a notification fixing the following programme for the Presidential election:

- | | |
|--|--------------|
| (i) Last date for making nominations | .. 18-7-1977 |
| (ii) Date for the scrutiny of nominations | .. 19-7-1977 |
| (iii) Last date for the withdrawal of candidatures | .. 21-7-1977 |
| (iv) Date of Poll, if necessary | .. 6-8-1977 |

On issue of the above-mentioned notification by the Election Commission, the Returning Officer issued on the 4th July, 1977, a public notice of the intended election inviting nominations of candidates for the Presidential election and specifying his office in the Parliament House as the place where nomination papers could be delivered. The public notice was published in an extraordinary issue of the Gazette of India dated the 4th July, 1977, and it was republished in the extraordinary issues of the Official Gazettes of all the States/Union Territories in the language or languages in which statutory notifications issued by them were published in their respective Gazettes. In accordance with the directions given by the Election Commission, the public notice was also given wide publicity through the press, All India Radio and Television.

The Presidential and Vice-Presidential Elections Act, 1952 provides that for election to the office of President each nomination paper completed in the prescribed form³ and subscribed by at least ten electors⁴ as proposers and at least ten electors as seconders and also by the candidate as assenting to the nomination should be delivered to the Returning Officer at his office between 11 A.M. and 3 P.M. by the candidate or any of his proposers or seconders on or before the last date for making nominations. Each nomination paper should also be accompanied by a certified copy of the entry relating to the candidate in the electoral roll for the parliamentary constituency in which the candidate is registered as an elector. Under Section 5C of the aforesaid Act, a candidate is not deemed to be duly nominated for the Presidential election unless he deposits or causes to be deposited a sum of Rs. 2500/-.

³Election Commission Notification Nos. S.O. 514 (E) published in the Gazette of India Extraordinary Pt. II, sec. 3 (ii), dated 4-7-1977.

³Vide rule 4 of the Presidential and Vice-Presidential Elections Rules, 1974.

⁴Under article 54 of the Constitution, the President of India is elected by the members of an electoral college consisting of all the elected members of both Houses of Parliament and all the elected members of the Legislative Assemblies of the States.

By 3 P.M. on the 18th July, 1977, which was the last date for making nominations for this election, 26 nomination papers were delivered to the Returning Officer in respect of 22 candidates. Four nomination papers proposing the name of Shri Neelam Sanjiva Reddy, proposed and seconded by the members of electoral college belonging to the major political parties, were delivered to the Returning Officer. The requisite deposit of Rs. 2,500 was made by six candidates only.

On the 19th July, 1977, at the time of scrutiny of nomination papers, the Returning Officer found all the four nomination papers presented in respect of the candidature of Shri Neelam Sanjiva Reddy as valid and accepted them. In the case of the other 21 candidates, their nomination papers were found to be not complying with the mandatory provisions of Section 5B and/or Section 5C of the Presidential and Vice-Presidential Elections Act, 1952 and therefore all those nomination papers were rejected by the Returning Officer. As a result of the scrutiny by the Returning Officer, Shri Neelam Sanjiva Reddy was the only candidate who was validly nominated for this election.

Section 8(a) of the Presidential and Vice-Presidential Elections Act, 1952 provides that if after the expiry of the period within which candidatures may be withdrawn, there is only one candidate who has been validly nominated and has not withdrawn his candidature in the manner and within the time specified in section 6(1) of that Act, the Returning Officer shall forthwith declare such candidate to be duly elected to the office of President. Accordingly, after the expiry of the period prescribed for withdrawal of candidatures, i.e. 3 P.M. on the 21st July, 1977, the Returning Officer made the following declaration⁵ in his office, Room No. 18, in Parliament House in the presence of Members of Parliament, press correspondents, A.I.R. etc.:—

“In pursuance of the provisions contained in clause (a) of section 8 of the President and Vice-Presidential Elections Act, 1952 (31 of 1952), I, Avtar Singh Rikhy, the Returning Officer for the Presidential Election, hereby declare that Shri Neelam Sanjiva Reddy, Nagabihar, Lakshminagar, Anantapur (Andhra Pradesh), being the only candidate who has been validly nominated and who has not withdrawn his candidature in the manner and within the time specified for the purpose, has been duly elected to the office of President of India”

Thus, for the first time in the history of free India the election to the office of President of India went uncontested.

The swearing in ceremony of the President-elect was held in the Central Hall of Parliament House on the morning of the 25th July, 1977. The Chief Justice of India (Shri M. H. Beg) administered the oath of office of President to Shri Neelam Sanjiva Reddy in the presence of a distinguished gathering consisting of the Prime Minister, Ministers, Members of Parliament, members of the diplomatic corps, high officials and other dignitaries.

GENERAL ELECTIONS TO THE STATE ASSEMBLIES, 1977*

Shri B. D. Jatti Vice-President acting as President, signed on April 30, on the advice of the Union Cabinet, 9 proclamations under article 356 of the Constitution dissolving the Legislative Assemblies of the States of Bihar, Haryana, Himachal Pradesh, Madhya Pradesh, Orissa, Punjab, Rajasthan, Uttar Pradesh and West Bengal and took over the administration of these States till the completion of fresh elections to be held in the middle of June, 1977.

The elections to the Legislative Assemblies of the ten States (including Tamil Nadu, which was already under President's rule) and the two Union territories, of Goa Daman & Diu and Pondicherry and also to the Metropolitan Council of Delhi were held on the following dates:

Goa, Daman and Diu	June 1, 1977
Himachal Pradesh and Orissa	June 10, 1977
Haryana, Punjab and Delhi	June 12, 1977
Madhya Pradesh and Rajasthan	June 10 and 13, 1977
West Bengal	June 11 and 14, 1977
Bihar and Uttar Pradesh	June 10, 12, and 14, 1977
Tamil Nadu	June 12 and 14, 1977
Pondicherry	June 14, 1977

The number of contestants and the seats gained by the various parties or Independents in these elections (including the Kerala Legislative Assembly to which elections had been held on March 19, 1977 along with the elections to Lok Sabha) are shown in Table I and the number of votes polled by the different parties as well as the Independents is given in Table II.

*Contributed by the Research and Information Division, LARRDIS, Lok Sabha Secretariat.

According to the provisional figures released by the Election Commission of India, there were, in all 15407 candidates who contested the elections to the 2475 seats in the Legislative Assemblies of the 11 States (including Kerala) and 3 Union Territories (including the Delhi Metropolitan Council). Out of these, the number of Independent contestants was 9177 and they gained only 111 seats—the bulk of the seats being from Uttar Pradesh, West Bengal and Bihar. The number of contestants belonging to the national parties were: Janata Party—2255; Congress—2209; CPI 361 and the CPI(M)—401, against their gains of 1308 or 58.9 per cent; 390 or 17.6 per cent; 70 or 19.1 per cent; and 222 or 55.1 per cent respectively.

It will be seen from Table I that in eight States, *viz.* Bihar, Haryana, Himachal Pradesh, Madhya Pradesh, Orissa, Punjab, Rajasthan and Uttar Pradesh the Janata party secured two-thirds majority or more seats. In the Union Territory of Delhi, the party secured 46 seats out of 56 seats to the Delhi Metropolitan Council. In Punjab, where the Janata Party had an alliance with Shiromani Akali Dal and the CPI(M), the three-party alliance captured 90 seats in a House of 117. While in West Bengal it was the CPI(M)—led Left Front which won an absolute majority, in Tamil Nadu the All-India ADMK emerged as the ruling party.

No party secured an absolute majority in the Union Territories of Pondicherry and Goa, Daman and Diu. The AIADMK and the Maharashtra Gomantak Party emerged as the single largest parties in Pondicherry and Goa, Daman and Diu respectively.

The Congress party's gains were 84 seats in Madhya Pradesh in a House of 320 seats, 41 out of 200 in Rajasthan, 26 out of 147 in Orissa, 57 out of 324 in Bihar, 3 out of 90 in Haryana, 9 out of 68 in Himachal Pradesh, 17 out of 117 in Punjab, 27 out of 234 in Tamil Nadu, 46 out of 425 in Uttar Pradesh and 20 out of 294 in West Bengal. In the Union Territories of Delhi (Metropolitan Council), Goa, Daman and Diu and Pondicherry, the Congress party secured 10, 10 and 2 seats respectively.

As regards poll percentage, the Janata party received 34.96 per cent of the total votes polled in all the State Assemblies taken together as against 26.62 per cent received by its main rival the Congress party. These were followed by the Independents getting 14.26 per cent and the regional parties 12.99 per cent.

TABLE I. SEATS CONTESTED AND WON BY PARTIES AND INDEPENDENTS

Name of the State/Union Territory	No. of seats	Janata	Cong.	CPI	CPI(M)	State Parties	Regd. Parties	Ind.
I	2	3	4	5	6	7	8	9
Bihar	324 (a) (2973)	214 (285)	57 (75)	21 (75)	4 (16)		I (b) I (c) (89)	25 (2198)
Haryana	90 (671)	75 (90)	3 (83)	.. (14)	.. (4)	5 (d) (31)		7 (439)
Himachal Pradesh	68 (330)	53 (68)	9 (57)	.. (8)	.. (3)	..		6 (194)
Kerala	140 (569)	6 (27)	38 (54)	23 (27)	17 (68)*	47 (e) (80)(f)		9 (313)
Madhya Pradesh	320 (1994)	230 (319)	84 (320)	.. (48)	.. (4)	..		6 (1303)
Orissa	147 (604)	110 (147)	26 (146)	1 (25)	1 (4)	..		9 (282)
Punjab	117 (g) (663)	24 (40)	17 (95)	7 (18)	8 (8)	58 (h) (70)		2 (432)
Rajasthan	200 (i) (1146)	150 (199)	41 (185)	1 (10)	1 (14)	..	.. (15)	6 (723)
Tamil Nadu	234 (1390)	10 (233)	27 (198)	5 (32)	12 (20)	178 (j) (430)(k)	I (l) (12)	1 (465)
Uttar Pradesh	425 (m) (2978)	351 (420)	46 (393)	9 (28)	1 (35)	..	.. (126)	16 (1976)

West Bengal	294(n) (1594)	29 (288)	20 (292)	2 (62)	178 (224)	45(o) (59)(p)	19 (639)
Delhi (Metropolitan Council)	56 (249)	46 (56)	10 (52)	4 (4)	1 (1)	..	136 (136)
Goa, Daman and Diu	30 (145)	3 (30)	10 (27)	2 (2)	..	15(q) (27)	2 (57)
Pondicherry	30 (131)	7 (28)	2 (22)	1 (8)	..	(17)(r) (53)(s)	3 (20)
TOTAL :	2469(t) (15,407)	1308 (2255)	390 (2209)	70 (361)	222 (401)	365 (752)	3 (9177)

SOURCE : Election Commission of India (Provisional Figures)

NOTE 1— Figures in brackets indicate the number of contestants.

NOTE 2— (a) Poll in 283—Nirsa Assembly Constituency countermanded.

(b) Forward Block.

(c) Jharkhand Party.

(d) Vishal Haryana Party.

(e) The figure includes Kerala Congress—20; Kerala Congress (Pillai Group)—2; Muslim League—13; Muslim League (Opposition)—3; and Revolutionary Socialist Party—9.

(f) Kerala Congress—22; Kerala Congress (Pillai Group)—15; Muslim League—16; Muslim League (Opposition)—16; and RSP—11.

(g) Poll in 66—Anandpur Sahib (Ropar) Constituency countermanded.

(h) Shiromani Akali Dal.

(i) Poll in 190—Phalodi Constituency countermanded.

(j) DMK—48; and AIADMK—130.

(k) DMK—230; and AIADMK—200.

(l) Forward Block.

(m) Poll in 2 constituencies viz. — 102—Lucknow East and 134—Ayodhya countermanded.

(n) Poll in 23—Arsa Assembly Constituency countermanded.

(o) Forward Block—25; RSP—20.

(p) Forward Block—36; RSP—23.

(q) Maharashtrawadi Gomantak Party.

(r) DMK—3; AIADMK—14.

(s) DMK—26; AIADMK—27

(t) Excluding the six seats—elections to which were countermanded.

TABLE II.—PARTY-WISE VOTES POLLED AND PERCENTAGE

Name of State/U.T.	No. of seats	Total Valid Votes polled	National Parties			CPI	C.I.M.	State parties	Regd. parties	Ind.
			Janata	Cong.						
			4	5	6	7	8	9	10	
1. Bihar . . .	324 (a)	17,343,402	7,418,774 (42.78)	4,082,272 (23.54)	1,225,736 (7.07)	158,734 (0.92)	309,628 (1.77)	4,148,258 (23.92)		
2. Haryana . . .	90	3,780,959	1,765,566 (46.70)	648,622 (17.15)	29,196 (0.77)	23,161 (0.62)	225,478 (b) (5.96)	6,124 (0.16)	1,082,782 (28.64)	
3. Himachal Pradesh . . .	68	1,152,071	564,635 (49.01)	319,558 (27.74)	27,462 (2.38)	2,053 (0.18)			238,363 (20.69)	
4. Kerala . . .	140	8,761,962	687,574 (7.85)	1,756,240 (20.04)	872,405 (9.96)	1,936,508 (22.10)	2,475,776 (c) (28.26)	..	1,033,459 (11.79)	
5. Madhya Pradesh . . .	320	11,708,000	5,535,806 (47.28)	4,200,717 (35.88)	114,980 (0.98)	5,230 (0.05)			1,851,267 (15.81)	
6. Orissa . . .	147	5,144,252	2,532,939 (49.24)	1,595,103 (31.01)	183,393 (3.57)	45,213 (0.88)	..		787,604 (15.30)	
7. Punjab . . .	117 (d)	5,611,355	831,731 (14.82)	1,887,543 (33.64)	372,711 (6.64)	198,144 (3.53)	1,776,602 (c) (31.67)		544,624 (9.71)	
8. Rajasthan . . .	200 (f)	8,209,306	4,138,296 (50.41)	2,578,702 (31.41)	91,640 (1.12)	61,682 (0.75)		31,823 (0.39)	1,307,163 (15.92)	
9. Tamil Nadu . . .	234	17,108,070	2,851,879 (16.69)	2,994,534 (17.53)	49,955 (2.90)	477,835 (2.79)	9,453,642 (55.25)	68,845 (0.39)	764,380 (4.45)	

10. Uttar Pradesh	425(h)	23,387,067	11,308,624 (48·36)	7,548,729 (32·28)	605,643 (2·59)	131,591 (0·56)	229,533 (0·97)	3,562,947 (15·24)
11. West Bengal	294(i)	14,335,391	2,898,492 (22·22)	3,283,595 (22·91)	368,885 (2·57)	5,105,662 (35·62)	..	1,420,924 (9·91)
12. Delhi Metropolitan Council	56	1,490,895	783,873 (52·58)	538,974 (36·15)	47,340 (3·17)	2,238 (0·15)	..	118,470 (7·95)
13. Goa, Daman & Diu	30	302,237	69,823 (23·10)	87,461 (28·94)	592 (0·20)	116,339(k)	..	28,022 (9·27)
14. Pondicherry	30	225,698	59,705 (26·45)	39,343 (17·43)	12,464 (5·52)	..	..	13,872 (6·15)
TOTAL :	2475	118,560,665	41,447,717 (34·96)	32,561,393 (26·62)	4,449,102 (3·75)	8,148,081 (6·88)	645,953 (0·54)	16,902,135 (14·26)

Source : Election Commission of India (Provisional Figures).

(a) Poll in 283—Nirsa Assembly Constituency countermanded.

(b) Vishal Haryana Party.

(c) The figure includes Kerala Congress — 7,34,701 (8·39); Kerala Congress (Pillai Group) — 3,97,652 (4·54); Muslim League—5,84,642(6·67); (Muslim League (Opposition) 3,90,139; and Revolutionary Socialist Party—4,68,642 (4·71).

(d) Poll in 66—Anandpur Sahib (Ropar) Constituency Countermanded.

(e) Shiromani Akali Dal.

(f) Poll in 190—Phalodi Constituency countermanded.

(g) The figure includes DMK—4,258,767 (24·89); and AIADMK—5,194,875 (30·36).

(h) Poll in two constituencies viz. 102—Lucknow East and 134—Ayodhya Assembly constituencies countermanded.

(i) Poll in 23—Arsa Assembly Constituency countermanded.

(j) The figures included Forward Block —7,22,108,(5·03); and Revolutionary Socialist Party—5,36,025374

(k) Maharashtra Gomantak Party.

(l) DMK—30,441 (13·49) and AIADMK—69,873 (30·96).

PARLIAMENTARY EVENTS AND ACTIVITIES

(A) LOK SABHA*

ELECTION OF NEW SPEAKER OF LOK SABHA

Shri K. S. Hegde was chosen the Speaker of Lok Sabha on July 21, 1977. There was only one motion before the House proposing his name for the office. It was unanimously carried. The motion was moved by the Prime Minister, Shri Morarji Desai and supported by the Leader of the Opposition, Shri Y. B. Chavan.

The Deputy Speaker, Shri Godey Murahari, congratulating Shri Hegde on his unanimous election said, "He can be sure of all the cooperation that is available and that should be given. I can assure him that in the conduct of his Speakership he will find me a very helping hand."

Offering his felicitations to the Speaker, the Prime Minister said:

"You have shown remarkable intellectual integrity in all the work that you have done and have also left a distinct mark in the legal world by making sacrifice, when required, without any hesitation. We are also fortunate that not only you have eminent judicial experience but you have also the experience of a legislator. Therefore, this happy combination of the two, I am sure will convert this Chair, which was described as a Chair of thorns into a Chair of roses. Of course, the roses are never without thorns, but those thorns will not touch you. I have no doubt in my mind."

The Prime Minister assured the Speaker on his own behalf and on behalf of the whole House full cooperation in his work.

*Contributed by the Research and Information Division, LARRDIS, Lok Sabha Secretariat.

Associating himself with the felicitations, the Leader of the Opposition, Shri Y. B. Chavan said:

“You are not a new person to any high office because in your life you have held very many important offices. Now you have been chosen to another distinguished office of democratic India and I think this is perhaps a unique honour any citizen of India can aspire for.”

Recalling Shri Hegde's association with the work of the legislature, Shri Chavan said:

“Apart from your experience of the last two months in this House, you have got experience for a longer period as a Member of Parliament in the other House. Therefore, we are sure that we will not only have a judicious approach to the work that you will be doing but also you will have the political understang of the problems and the political methods of dealing with the political beings here.”

Other members who offered their felicitations to Shri Hegde were Shri Samar Mukherjee, Shri A. Bala Pajanor, Shri M. N. Govindan Nair, Shri K. Raghuramaiah, Shri P. K. Deo, Shri George Mathew, Professor P. G. Mavalankar, Shri A. E. T. Barrow, Shri Tridib Chaudhuri, Shri Chitta Basu and Shri N. Sreekantan Nair.

Replying to the felicitations, the Speaker, Shri K. S. Hegde thanked the members for the confidence reposed in him by unanimously electing him to the high office and said:

“From now onwards I belong to the whole House and every section of the House has a claim on me. I request your willing cooperation, understandnig, even your indulgence sometimes, but above all your firm support to preserve and sustain the Chair's authority not because it is desirable but because it represents your collective will.”

He assured the members that he would make no distinction between a member and a member, between a party and a party and between a region and a region and said:

“I shall hold the balance even. I shall discharge my duties without fear or favour, affection or illwill. My past record as a Judge is a guarantee for this assurance.”

Shri Hegde added that it was an occasion to look back to the traditions of the House and beyond it. The House had eminent Speakers like Shri Vitthalbhai Patel of the Central Assembly days

to his immediate distinguished predecessor, Dr. N. Sanjiva Reddy. Assuring the House of his unfailing devotion and loyalty to the service of the House he said:

“Let us all march together from progress to progress and let this Parliament be a model for others. Let us try to achieve the dream of the greatest man of this century. Gandhiji. God help us in this direction.”

Shri K. S. Hegde—A Life Sketch

Son of Shri Kawdoor Subayya Hegde, Shri Hegde was born on June 11, 1909 at Kawdoor village in the erstwhile Mysore state. He had a brilliant academic career, having his education at St. Alosius College, Mangalore, the Presidency College, Madras and the Madras Law College, Madras.

Primarily an agriculturist, Shri Hegde possesses a rich and varied judicial and legislative background. He is a jurist of eminence having served both at the Board and on the Bench with conspicuous distinction.

Shri Hegde entered the legal profession in 1933 and was Government Pleader and Public Prosecutor during the period 1947—51. He was, thereafter, associated with the Congress Party and was elected to the Rajya Sabha on its initial constitution in 1952. He served as its member until 1957 and made outstanding contributions to its deliberations. He was a member of the Panel of Chairmen, member of the Public Accounts Committee and of the Rules Committee.

In 1954, Shri Hegde was chosen as an alternate delegate to the Ninth Session of the United Nations and served on its Second Committee with distinction. He was also a member of the Railway Corruption Enquiry Committee and of the Governing Body of the Indian Council of Agricultural Research.

Shri Hegde entered the judiciary in 1957 when he was appointed a Judge of the Mysore High Court. He served on the bench of this Court till 1966, when he was elevated to the Delhi and Himachal Pradesh High Court as its first Chief Justice. His tenures in these High Courts were memorable for his bold and independent judgments which came to be regarded as landmarks in judicial exposition. In 1967 he was appointed by the President as a Judge of the Supreme Court, which post he resigned in 1973.

Shri Hegde was elected to the Sixth Lok Sabha from the Bangalore South Constituency in Karnataka on the ticket of the Janata Party. He was appointed by the Speaker, Shri Sanjiva Reddy to be the Chairman of the Committee of Privileges of the House and he occupied this position till July 20, 1977.

LAYING DOWN OF OFFICE BY SPEAKER SANJIVA REDDY

Shri Neelam Sanjiva Reddy laid down the office of the Speaker of Lok Sabha in the forenoon of July 13, 1977 on the eve of filing his nomination papers for the Presidentship of India. Speaking in the House on the occasion he observed that what always remained uppermost in his mind was "the imperative necessity of preserving the unity and integrity of India", which had been achieved with "the blood and sweat and sacrifices of millions of the countrymen". This unity, he stressed, needed to be preserved and strengthened. He said:

"In the world today there is a growing desire to come closer and build bridges of understanding between peoples. We in India are very fortunate that behind the apparent diversity of a vast land stretching from the mighty Himalayas to the thundering waters of the Indian Ocean, from the sun and sands of Saurashtra to the snows of Kanjanga in Sikkim lies an essential unity—a unity of soul, a unity of mind, a unity of shared experiences, a unity of rich heritage and culture, a unity of purpose of determination to eradicate poverty and wipe tears from the eyes of those who are deprived and under-privileged. We have to build the India of Gandhiji's dream, where human beings do not suffer from pangs of hunger and want and where in the words of a great poet 'the mind is without fear and the head is held high'."

Shri Reddy expressed his thankfulness to all members of the House for the love and affection and the courtesies and cooperation extended to him during his tenure and pointed out how keen he was to afford opportunities to all sections of the House to express their views freely and frankly on all issues of importance. Members of the front, middle and back benches were, he said, given a chance to make their valued contribution and enrich the proceedings. He acknowledged the ready help and understanding which had been extended to him in the discharge of his onerous responsibility by the Leader of the House, the Leader of the Opposition, the Leaders of the Parliamentary Groups, the Deputy Speaker, the distinguished members of the Panel of Chairmen, unattached Members etc. He

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also paid a tribute to the Press represented in the Press Gallery of the House observing that "these distinguished and learned members of the Fourth Estate are instrumental in conveying the discussions within the four walls of this House to the people outside and giving them, as it were, a sense of participation in the great task of nation-building and governance of the country. With their characteristic independence, objectivity and candour, the Press has been covering all issues of importance and providing the Members with valuable information. We acknowledge their role and contribution in sustaining the functioning of democratic institutions."

Paying his tributes to the outgoing Speaker on behalf of himself as well as all sections of the House the Prime Minister, Shri Morarji Desai, said that Shri Reddy had 'won the respect and cooperation of the whole House without any exception which is no small achievement.' He added that although the House would be sorry by his leaving, a 'feeling of happiness preponderated' as he was doing so 'in the larger interest of the country'.

Associating himself with the tributes paid by the Prime Minister, the Leader of the Opposition, Shri Y. B. Chavan referred to the success and skill with which Shri Reddy conducted the proceedings of the House. He said that Shri Reddy had added 'magnanimity and dignity' to the Office of the Speaker and hoped that his work would be a guide 'to those who stepped into your shoes in this House henceforward'. He praised the fine mix of flexibility and firmness with which he had handled the House.

Recalling incidents in Shri Reddy's long political and parliamentary career, Shri Jyotirmoy Bosu, Leader of the CPI(M), praised him for his independence and fearlessness as a leader and 'his tact, commonsense and presence of mind' as Speaker.

Professor P. G. Mavalankar, Shri M. N. Govindan Nair, Shri V. Arunachalam, Shri Tridib Chaudhuri, Shri G. M. Banatwalla, Shri Chitta Basu and Shri A. E. T. Barrow also joined in the tributes paid to the outgoing Speaker.

JOINT INAUGURAL MEETING OF FINANCIAL COMMITTEES OF PARLIAMENT

A joint inaugural meeting of the Public Accounts Committee, the Estimates Committee and the Committee on Public Undertakings of the Sixth Lok Sabha was held on August 6, 1977 in Parliament.

House. The Speaker of Lok Sabha, Shri K. S. Hegde, inaugurated the meeting.

In his inaugural address, the Speaker said:

“One of the essential functions of Parliament is to oversee and scrutinise the way in which the Executive functions. Due to various factors such as the growing magnitude of state activities, the pressure on Parliamentary time, the size of the House, its operational procedures etc., it is difficult, if not impossible, for Parliament as a body to undertake a thorough scrutiny of the varied and complex details of a modern administration. Experience of Parliaments in all parts of the world has shown that the solution lies in the development of integrated system of Standing Committees of Parliament with adequate power to scrutinise the working of various Government departments and organisations on a continuing basis.”

The Speaker added that the “importance of Parliamentary Committees was recognised very early in India and ever since the commencement of the Constitution the Committee structure in our Parliament has been strengthened and rationalised steadily so that we have now a well-knit Committee system”. Among the standing committees of Parliament, the three Financial Committees “constitute a distinct class by themselves and keep an unremitting vigil over governmental spending and performance.”

Describing the three Financial Committees as ‘watch-dog Committees of Parliament’, the Speaker stated that “they oversee the administration, focus light on areas of weaknesses, give constructive suggestions to eliminate wastes and gear up machinery and procedures to render more economical and efficient service to the people.”

Considering that these Financial Committees have to gather detailed information from Government Departments and Public Undertakings and take evidence of Secretaries and Chief Executive before they come to any conclusion, the Speaker said:

“...It is, therefore, in the own interest of these Committees to create such an atmosphere at the meetings that the Secretaries and Chief Executives while appearing as witnesses feel at home and encouraged to volunteer all the useful information without any fear or hesitation.”

The Speaker further observed:

"The Government have always shown great regard and respect for the Reports of the Financial Committees for they are unanimous and based on varified facts and contain objective appraisal of the working of the Departments and Undertakings. These Committees have acquired a reputation of working in an atmosphere of complete cordiality in which the various shades of opinion represented on the Committee try to find out the maximum area of agreement. While there is and should be absolute freedom of thought and expression in the deliberations of the Committees, it is desirable that when these Committees report, they speak in one voice reflecting the widest consensus reached amongst them. The strength and effectiveness of these Committees lie in the non-partisan approach which they bring to bear on the issues remitted to them and the unanimity of their conclusions."

Expressing his appreciation of the "great regard and respect" which Government have always shown for the Reports of the Financial Committees, he stated that it was because they are unanimous and based on verified facts and contain objective appraisal of the working of the Departments and undertakings."

Referring to the approach of the Committees, Shri Hegde observed:

"The approach of these Committees is positive and constructive and their main emphasis is on suggesting the remedial steps and inspiring the Government Departments and Undertakings to rectify the faults which have come to their notice and make greater efforts in the fulfilment of the roles assigned to them."

Stressing the vital role of the Chairman of the Committees in bringing about deep involvement and active participation of the largest number of members of the Committees, the Speaker stated:

"...The more they (Chairman) can inspire the Members to delve deep into data and express themselves in moderate but precise language, the more purposeful will be the Committees' deliberations and the more incisive the examination of the witnesses. And out of this will emerge Reports which will be richer in content and wider in sweep and create a deeper, impact on the Government and the undertakings."

Earlier, welcoming the Speaker, Shri Satyendra Narayan Sinha, Chairman, Estimates Committee, said:

"...The Committee has over the years grown into an effective instrument for enforcing parliamentary accountability. It has been functioning as the eyes and ears of the Parliament. In the course of the last 27 years the Committee has presented as many as 588 reports on diverse aspects of the working of the various Departments and Organisations of the Government of India. The Committee has been pointing out the Organisational deficiencies, wastages and delays in various areas of administrative activities and suggesting measures for effecting economy, efficiency and improvements in organisation, etc., so as to ensure expeditious implementation of national policies and programmes."

Highlighting the judicious blend of new as well as old parliamentarians in the Estimates Committee (1977-78), the Chairman added:

"I am sure that whole old Parliamentarians would give the benefit of their accumulated experience to the Committee, the new members would bring a freshness of approach to its deliberations to keep it in tune with the urges and aspirations of the people. The Committee is also fortunate in having some of the experienced administrators as its members and I have no doubt that their experience in the ministerial offices which they have held would enable the Committee in examining the working of the Government departments and suggesting measures which will go a long way in improving their working and effecting economies."

Describing the cordial atmosphere prevalent during the deliberations of the Committees the Chairman stated:

"The Committee works as a team, as an objective panel rising above party considerations. The recommendations of the Committee reflect the Committee's consensus of opinion. It is because the Committee has been working as a united team in the people's interest that it has been able to make some very valuable and constructive recommendations. This constructive approach of the Estimates Committee has been appreciated by the different Ministries and Departments and it is being increasingly realised that the Committee is more a guide than a critic.

In his welcome speech Shri Jyotirmoy Bosu, Chairman of the Committee on Public Undertakings, stated that "the country decided to go in for the public sector and the wish of the people was to cover as many basic and core industries as possible in order to enable the

Government and its planning apparatus to have greater control over the operation of production." He expressed the opinion that "the public sector in order to make planning effective should have grown much bigger in size." Referring to the object and approach of this Committee, Shri Bosu observed:

"The Parliament after providing funds for their (public undertakings) establishment has set up the Committee on Public Undertakings to ensure accountability with regard to the performance of such public enterprises to Parliament and through it to the public...The examination of the public undertakings by the Committee is generally in the nature of an evaluation of the performance of the undertakings covering all aspects like production, contribution to general economy, generation of employment, development of ancillaries, etc. and safeguarding Indian consumers' interests."

The Chairman added:

"The task before the Committee is different from that of the other two Financial Committees in as much as the criteria for the appraisal of the performance of a public undertaking has to be different from those applied to the working of a Government Department. Not only this, the same criteria could not be applied uniformly to judge the performance of all the public undertakings—for the nature of their activities is distinct; some are manufacturing enterprises; others are trading and financial institutions...The Committee has therefore, to keep an open mind and try to appraise an undertaking in its proper perspective with reference to its role and social responsibilities."

Proposing a vote of thanks to the Hon'ble Speaker on behalf of the Chairmen and the Members of the three Financial Committees, Shri C. M. Stephen, Chairman of the Public Accounts Committee, thanked the Speaker "for preserving the convention of appointing a Member of the Opposition as the Chairman of the Public Accounts Committee." He assured the Speaker that he and his colleagues in the Public Accounts Committee "many of whom bring a rich background of parliamentary experience" in their collective endeavour will be able to "uphold and continue the fine traditions established by the Committee of dedicated work and service in furtherance of the principle of public accountability of the Executive to Parliament and so, to justify to the best of our ability, the faith reposed in us by the House to be their 'eyes and ears' in the special field assigned to us.

INAUGURAL MEETING OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

The inaugural meeting of the Committee on the Welfare of scheduled Casts and Scheduled Tribes (1977-78) was held on August 5, 1977 in Parliament House. The Speaker of Lok Sabha, Shri K. S. Hegde, presided.

After welcoming the newly elected members of the Committee, the Speaker said:

"The Constitution of India has provided a number of safeguards for Scheduled Castes Tribes which between them form about 22 per cent of the total population of India. All these safeguards have been provided to facilitate the implementation of the Directive Principles contained in article 46 of the Constitution which relates to the promotion of education and economic interests of the weaker sections of the people and, in particular, of the Scheduled Castes and Scheduled Tribes. These safeguards include, *inter alia*, the representation of Scheduled Castes and Scheduled Tribes in public services."

The Speaker further said:

"The influence that Parliament exercises over the Executive stems from the basic principle that Parliament embodies the will of the people and it must, therefore, be able to oversee the manner in which public policy is carried out. It is the responsibility of the Parliament to oversee that the executive functions in a manner in consonance with the aspirations of the people."

Referring to the performance of the 'essential and challenging work' by the Committee, the Speaker stated:

"...It holds a watching brief on behalf of the House to see that the measures taken by Government for the amelioration of the conditions of Scheduled Castes and Scheduled Tribes are adequate and that the moneys and resources sanctioned for their economic uplift are being properly and fully utilised to achieve the underlying objectives."

About the system of grant of scholarships to students coming from the Scheduled Castes and Scheduled Tribes, the Speaker observed:

"...it has been there for years but what needs to be done is that the sanctions of scholarships are issued in time

and the requisite scholarship money becomes available to the students on assured and timely basis so that they can pursue their studies without experiencing any suspense and anxiety....As a result of the efforts made by the Parliamentary Committee, Government have raised the quantum of post-matric scholarships provided to Scheduled Castes and Scheduled Tribes students."

Expressing his concern at the 'lack of adequate employment opportunities for Scheduled Castes and Scheduled Tribes' he said:

"No doubt the problem is to be viewed in the context of the present employment position in the country but nevertheless concerted efforts have to be made to provide Scheduled Castes and Scheduled Tribes with jobs at least according to the quotas reserved for them as per the directives of Government. Side by side, the question of drawing up a comprehensive scheme for encouraging Scheduled Castes and Scheduled Tribes to set up cottage and small-scale industries should be given urgent consideration. The intake of Scheduled Caste and Scheduled Tribe students in Industrial Training Institutes requires to be augmented so that more and more Scheduled Castes and Scheduled Tribes students acquire the necessary skills for different trades.

Another aspect which required attention is the setting up and running of pre-examination Training Centres to upgrade the knowledge and competence of the students coming from Scheduled Castes and Scheduled Tribes to enable them to compete successfully in All-India Services Examinations. The Committee may well review the working of these Centres and see what further improvements could be effected to achieve the objective underlying them."

The Speaker expressed his happiness that "an Integrated Area Planning for tribal areas in the shape of Sub-Plans has been drawn up for implementation during the Fifth Five Year Plan" and hoped that "the Committee will keep a watch as to how the pilot projects in the Sub-Plan areas function to the betterment of the tribal population."

Referring to the significant impact made by the Committee on Government and the Public Sector Undertakings in the socio-economic development of the Scheduled Castes and Scheduled Tribes, the Speaker stated:

'An awareness has been created that there is a watch-dog Committee of Parliament to keep surveillance on the imple-

mentation of the constitutional safeguards for Scheduled Castes and Tribes. I have been informed that Government also show great regard and respect to the Reports of the Committee, for they are unanimous, based on, verified facts and contain the objective appraisal of the work executed by the Departments/Ministries."

Expressing his happiness that the Committee has set up a very high tradition of functioning as a united team and judging every issue on merit irrespective of the party affiliation', he requested them to "sustain and strengthen this tradition, for united and constructive recommendations of the Committee are bound to command the respect of all sections of the House and make for their implementation by the executive."

Earlier, welcoming the Speaker, the Chairman of the Committee, Shri Ram Dhan said:

"The Committee on the Welfare of Scheduled Castes and Scheduled Tribes was first set up in December, 1968 on the demand of the Members of Parliament belonging to Scheduled Castes and Scheduled Tribes because they felt that although a lot had been done to ameliorate the conditions of the Scheduled Castes and Scheduled Tribes, but much more remained to be done in this regard."

Describing the functions of the Committee as 'very wide', the Chairman stated:

"It reports to both Houses of Parliament as to the measures which should be taken by the Union Government for the welfare of Scheduled Castes and Scheduled Tribes. It also examines the measures taken by the Union Government to secure due representation of the Scheduled Castes and Scheduled Tribes in services and posts under its control including appointments in the public sector undertakings, etc. It also considers the Report submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under article 338(2) of the Constitution and reports to both the Houses as to the measures that should be taken by the Union Government in respect of matters falling within the purview of the Union Government, including the Administrations of the Houses on the action taken by the Union Government and Administration of the Union Territories on the measures proposed by the Committee."

Referring to the Reports presented by the Committee since its inception in 1968, the Chairman observed:

"Some of the important subject on which the Committee has reported and presented its Reports to Parliament con-

cerning the welfare of Scheduled Castes and Scheduled Tribes relate to reservations for them in Public Services, including services under Public Sector Undertakings, Nationalised Banks, Life Insurance Corporation, Posts and Telegraphs and Railways etc. The Committee has also reported on the admission facilities for Scheduled Castes and Scheduled Tribes students in educational institutions, Post-matric scholarships for Scheduled Castes and Scheduled Tribes, Plan allocations for various welfare schemes and housing facilities for Scheduled Castes and Scheduled Tribes. The Government have been giving careful consideration to the recommendations made by the Committee."

SHRI S. L. SHAKDHER AS CHIEF ELECTION COMMISSIONER

According to a notification issued by the Central Government on June 14, 1977, the President of India appointed Shri S. L. Shakhder, Secretary-General, Lok Sabha as Chief Election Commissioner with effect from June 18, 1977.

On June 17, 1977 the Speaker, Shri N. Sanjiva Reddy informing the Lok Sabha about the relinquishment of office by Shri Shakhder from the next day, said that he had been the Secretary-General of Lok Sabha for the last 13 years. He was in the Lok Sabha Secretariat as an Officer of the House since 1950. His contribution to adaptation and changes in parliamentary procedure with a view to help the efficient functioning of the House was commendable. His rich knowledge and wide experience in parliamentary field were symbolised by his treatise *Practice and Procedure of Parliament*, not to speak of his numerous other publications. His advice was always available to members irrespective of their party affiliations. The Speaker further said:

"Shri Shakhder is a familiar and much liked figure in the parliamentary circles the world over. He has been a member of several parliamentary delegations and has availed of every occasion to acquaint himself firsthand with the developments in parliamentary processes and procedures in different Parliaments of the world. He has been associated with international parliamentary bodies like the Inter-parliamentary Union, Commonwealth Parliament Association, Associations of Secretaries-General of Parliaments. His unanimous election in 1973 as President of the Association of Secretaries-General of Parliaments to which references were made in Lok Sabha on November 12, 1973, is evidence of his popularity and standing among Secretaries-General of Parliaments of the world.

Shri Shakhder's appointment as Chief Election Commissioner comes as a fitting tribute to his distinguished service to the House as also the position he commands as an expert on constitutional matters and parliamentary procedures. We shall miss him. We wish him well in his new assignment.

In appreciation of his long and devoted service to this House and following past precedent, I have appointed him as Honorary Officer of the House."

The Prime Minister, Shri Morarji Desai, joining the Speaker, in his "well-deserved appreciation of the services of Mr. Shakhder" said that he had been an active but silent witness of 20 years of the latter's service to the House out of 27 years. It was a fairly long experience and he could say without any fear of contradiction that he found his work to be in the "true democratic spirit and he did his work to the satisfaction generally of the whole House".

Offering his felicitations to Shri Shakhder, the Leader of the Opposition, Shri Y. B. Chavan, said that Shri Shakhder was not only a scholarly person but an expert on the matter of legislation. He had been very silent in applying his scholarly information and knowledge about the functioning of Parliament, which naturally reflected the mood of the country—sometimes it was calm and quiet and sometimes it became tempestuous. To see his calm and quiet figure sitting in the House, it looked as if he had to help silently, but at the same time he was resourcefully helping the Speaker to control the House, which was a very important function of the Secretary-General. Shri Chavan spoke of his personal experience on many parliamentary committees where he found Shri Shakhder's advice and guidance to be very useful. He was sorry for the 'loss to Parliament' at the leaving of Shri Shakhder, but was happy that it was a 'gain to the nation' as it was 'a very appropriate selection for the office of the Chief Election Commissioner' because for the first time, a person associated with legislative work was going to work as the Chief Election Commissioner, which was a very right thing. Offering his best wishes, Shri Chavan further said:

"Though we will miss you here, we will meet you on some other ground because, though you are changing the place and the position, you are certainly going to an assignment with which all Members of legislatures are connected. So far you were only connected with Members of Lok Sabha but now you will be connected and concerned with the problems of all the people contesting the elections and desirous

of becoming Members... Ultimately the test of success of a Chief Election Commissioner is the fact that the voter has been satisfied. Therefore, it is a very important national institution, and the fact that an experienced person is going there is a matter of joy for us."

Other Members who joined in offering felicitations to Shri Shakhder were Shri Samar Mukherjee, Shrimati Parvathi Krishnan, Shri Ebrahim Sulaiman Sait and Shri P. K. Deo.

NEW SECRETARY OF LOK SABHA

Consequent on the appointment of Shri S. L. Shakhder, Secretary-General, Lok Sabha, as the Chief Election Commissioner, the Speaker of Lok Sabha, Shri N. Sanjiva Reddy, announced in the Lok Sabha on the 17th June, 1977, the appointment of Shri Avtar Singh Rikhy as Secretary of Lok Sabha with effect from the 18th June, 1977.

Shri Avtar Singh Rikhy—A Life Sketch

Born on December 23, 1923, Shri Avtar Singh Rikhy is a double M.A. in History and English from the Government College, Lahore and has stood third in order of merit in the Punjab University in M.A. (English) in 1945. He took out Diploma in Journalism in 1944 from the Punjab University and Diploma in Social Work (Welfare) from the Calcutta University in 1948 where he stood second in order of merit.

After being successful in the All India Combined Services Competitive Examination in 1945, he served in various administrative capacities in the government from December 1946 to February 1956 when he was appointed as Deputy Secretary in the Lok Sabha Secretariat. . . .

As Deputy Secretary (QC) from 1956—60 he assisted in the work of the Parliamentary Questions, Privileges Committee, Rules Committee, Petitions Committee, Committee on Government Assurances etc. From 1960—67, he assisted mainly the Committee on Estimates and from 1967—69 he looked after the work of the Committee on Public Accounts.

In February 1969 he was appointed as Joint Secretary which post he held till November 30, 1974. He was made Additional Secretary from December 1, 1974. During this period he assisted in the work of the three Financial Committees—Public Accounts Committee, Estimates Committee and Public Undertakings Committee. In addition, he assisted the Railway Convention Committee

and held overall charge of Library, Research & Information Service. He also looked after General Administration including Members Services and Amenities and Personnel Management.

On June 18, 1977 he was elevated to the office of Secretary, Lok Sabha.

As Secretary of Lok Sabha, Shri Rikhy is also Secretary of the Indian Parliamentary Group which is affiliated to the Inter-Parliamentary Union and the Commonwealth Parliamentary Association.

(B) RAJYA SABHA*

SILVER JUBILEE CELEBRATIONS OF THE RAJYA SABHA

The Rajya Sabha, which was constituted in April 1952 under the Constitution of India, met for the first time on May, 13, 1952. It celebrated its Silver Jubilee in May this year on the completion of 25 years of its life. The Rajya Sabha also completed its 100th Session during March/April, 1977.

The celebrations among other things included the following:—

- (i) Release of a Commemorative Volume by the Acting President;
- (ii) Release of a Commemorative stamp and the First Day Cover by the Prime Minister;
- (iii) A Parliamentary exhibition organised jointly by the Rajya Sabha and the Lok Sabha Secretariats;
- (iv) Talks by the Deputy Chairman and some members of the Rajya Sabha and others arranged on Radio and Television all over the country on various aspects of the parliamentary system and processes.

The Commemorative Volume entitled "*The Second Chamber—Its Role in Modern Legislatures*" which was released by the Acting President in the Central Hall of the Parliament House on the 21st June, 1977, contains articles on the various facets of the Second Chamber in general and the functioning of the Rajya Sabha during its first 25 years, in particular, written by the Presiding Officers, Clerks and Secretaries-General of Upper Houses in foreign Parliaments and Presiding Officers of State Legislatures in India, Members and ex-Members of Parliament (Rajya Sabha), eminent constitutional experts and scholars.

*Contributed by the Research Unit Rajya Sabha Secretariat.

The Commemorative postage stamp and the First Day Cover depicting the seat of authority in the Chamber of the Rajya Sabha and a view of the Parliament House respectively were released by the Prime Minister at the above mentioned function in the Central Hall on the 21st June, 1977.

The Commemorative Volume and the Commemorative postage stamp and First Day Cover were released at a simple, short but solemn ceremony held in the Central Hall. Welcoming the Acting President, the Prime Minister and other distinguished guests, the Deputy Chairman of the Rajya Sabha, Shri R. N. Mirdha said, *inter alia*:—

“A period of twenty-five years may not be a very long period in the history of a nation, nonetheless, the years since our Independence have been quite eventful for our country. It has seen many developments and vicissitudes during this period. The Rajya Sabha, as the Upper House of Parliament, has played all along this period, an effective role in the process of legislation, decision-making and policy formulation in national and international affairs.”

In his address while releasing the volume, the Acting President observed:—

“The piquant epigram of Abbe Sieyes that if a second Chamber dissents from the first, it is mischievous and if it agrees, it is superfluous, has lost its meaning and significance. Today a second chamber has become part and parcel of every constitutional government in all important countries, irrespective of its form.

In India, the case for a second chamber at the centre was considered advisable not only on grounds of historical necessity but also because of the special requirements of a federal system. The Rajya Sabha is today an indispensable part of the Parliament which is the repository of all legislative and Constituent power of the Union. The record of achievements of the Rajya Sabha during the last quarter of a century in the legislative, social and economic fields has been considerable taking into account the range and the volume of work done during these eventful years.”

While releasing the Commemorative stamp and the First Day Cover, the Prime Minister in his speech justified the utility of the Rajya Sabha in the following words:—

“We in India, have always believed in the virtue of second thoughts and this is precisely what our parliamentary

system also seeks to ensure. In our constitutional scheme, the Rajya Sabha, a body not subject to dissolution and perpetually renewing itself, symbolises the permanence and continuity of Parliamentary institutions. With a record of works, both in legislative and other spheres which is impressive, the Rajya Sabha, has more than fulfilled the role assigned to it under the Constitution and has vindicated its usefulness as an effective second chamber. The Rajya Sabha has had the distinction of some very eminent men presiding over it. Illustrious figures from different walks of our public life have been members of the House at one time or the other. Over the years it has established itself in public esteem as a coordinate constituent of our Parliament, fully worthy of our great democracy."

While thanking the Acting President, the Prime Minister and other distinguished guests, Shri Lal K. Advani, the Leader of the House in the Rajya Sabha, and Minister for Information and Broadcasting, traced the origin of democracy in the country from ancient days and said:—

"Democracy as an ideal and as a concept has always been ingrained in the genius of our people since ancient times, although some variations and modulations in its actual working were later adopted from the foreign countries. The Sabhas and the Samitis which existed in our country in the olden days were basically miniature parliamentary institutions. We have, as a nation, always accepted and lived up to the ideal of democracy for the functioning our representative bodies."

At the end of the function the Deputy Chairman of the Rajya Sabha was "AT HOME" to the Acting President, the Prime Minister and his Cabinet colleagues, the Speaker and Deputy Speaker of the Lok Sabha, other Members of Parliament, some ex-Members of the Rajya Sabha, other high dignitaries including some foreign diplomats, Secretaries to the Government of India and officers of the Secretariats of the two Houses of Parliament.

The next evening, i.e. on June 22, 1977, a Cultural Programme was organized at the Mavalankar Auditorium, Vithalbhai Patel House, New Delhi. The function was largely attended. Besides the Chief Guest Shri B. D. Jatti, Acting President, some Ministers, Presiding Officers of State Legislatures, Members of Parliament and Officers of the Secretariats of both the Houses of Parliament were present. The one-and-a-half hour programme consisted of choral songs, folk dances and classical dances both in Kathak and Kuchipudi style by well-known artistes.

A Parliamentary Exhibition organised by the Secretariats of both the Houses containing *inter alia* photographs charts and graphs depicting the activities of Parliament during the last 25 years was opened on June 27, 1977.

From June 20 to 24, 1977, there were several talks by the Deputy Chairman and some Members of the Rajya Sabha on T.V. and Radio both in Hindi and in English covering different aspects of the functioning of the Rajya Sabha during the last 25 years. In addition, both the T.V. and Radio gave a full coverage to the Central Hall function held on June 21, 1977, on the same day.

CONFERENCES AND DELEGATIONS*

Spring Meetings of the Inter-Parliamentary Union: The Spring Meetings of the Inter-Parliamentary Union were held in Canberra (Australia) from April 10 to 16, 1977. An Indian Parliamentary Delegation consisting of Shri Satyendra Narayan Sinha, M.P. as Leader of Delegation and Shri K. Suryanarayana, M.P., Shri Mulka Govinda Reddy, M.P. as members attended these meetings. Shri S. P. Ganguly, Additional Secretary, Rajya Sabha, acted as Secretary to Delegation. The Indian delegates also attended the meetings of the Inter-Parliamentary Council.

The following subjects were discussed at the Study Committee Meetings in Canberra:—

- (1) The role of Parliaments in furthering relaxation of international tensions and progress in the field of disarmament, including nuclear weapons and new weapons of mass destruction.
- (2) Continued study of a new international economic order and in particular
 - the contribution of the developed countries to the establishment of mechanisms for cooperation among the developing countries;
 - transfers of technology for development;
- (3) The law of the sea;
- (4) The inalienable right to self-determination and independence of peoples still under colonial and neo-colonial domination, and evaluation of the implementation of the resolution of the 63rd conference on "The situation in Southern Africa";

*Contributed by the Conference Branch, Lok Sabha Secretariat.

- (5) The provision of water and the control of the disposal of wastes as prerequisites to the development of the human environment.

Meetings of the Executive Committee of the Commonwealth Parliamentary Association: Mid-year Meetings of the Executive Committee of the Commonwealth Parliamentary Association were held in Freetown (Sierra Leone) from April 20 to 27, 1977. Dr. Henry Austin, M.P., who is a Regional Representative for Asia attended these meetings.

Visit of Parliamentary Delegation from Finland: In response to an invitation from India, a 6-member Parliamentary delegation from Finland led by Mr. Kunno Honkonen, M.P. visited India from April 5 to 9, 1977. During the visit, the delegation called on the Prime Minister, Foreign Minister, Minister of Parliamentary Affairs, and the Deputy Chairman of Rajya Sabha. The Delegation visited Parliament House and watched the proceedings of Lok Sabha and Rajya Sabha on April 5, 1977. The Speaker, Lok Sabha hosted a luncheon party in their honour on that day. Besides Delhi, the delegates were taken to some places of cultural and industrial interest viz., Varanasi, Agra and Madras.

Visit of President and Vice-President of the National Assembly of Tunisia: In response to an invitation from the Speaker, Lok Sabha, H.E. DR. S. Mokaddem, President and Mr. Zouhir Fethi, Vice-President of the National Assembly of Tunisia visited India from April 4 to 6, 1977. During their visit, they called on the Prime Minister, Foreign Minister and Minister of Parliamentary Affairs. The Speaker, Lok Sabha hosted a luncheon party in their honour on April 6, 1977. They visited Parliament House and watched the proceedings of Lok Sabha and Rajya Sabha on April 4, 1977. Besides Delhi, they also visited Agra.

PRIVILEGE ISSUES*

LOK SABHA

Making of an alleged policy statement by a Minister outside the House while it was in session: On April 6, 1977, Shri K. S. Dhondge a member, sought to raise¹ a question of privilege against the Minister of Health and Family Planning, Shri Raj Narain, for allegedly making a policy statement regarding payment of compensation to victims of forcible sterilisation, outside the House on April 3, 1977 when the House was in session. While raising the matter, Shri Dhondge stated, *inter alia*, as follows:—

“.....When the House is in session, all Government policies, economic or relating to family planning, should be first brought before the House. Mr. Speaker, it is a matter of regret that the hon. Minister of Health and Family Planning in a statement in Kanpur on the 3rd April, said that he had directed the State Governments to pay Rs. 5,000 to the victims of forcible sterilisation. He made several such announcements. Therefore, I feel that it is a gross contempt of this House not to make such statement here when the House is in session....This attitude is improper. He should have first made the statement here....I would request him to inform the House in the matter.”

The Minister of Health and Family Planning Shri Raj Narain, thereupon, made *inter alia* the following statement:—

“Sir, I shall read out the policy which was being followed upto now for the information of the Hon. Members....

*Contributed by Committee Branch I, Lok Sabha Secretariat.

¹L.S. Deb., April 6, 1977, cc. 121.122 (Original in Hindi).

This circular existed at the time of the Cabinet in which Babuji was a Minister. It is stated therein that if a person dies within ten days of sterilisation or loop insertion, Rs. 5000 shall be paid from this fund to his spouse or, in case the spouse is not alive, to his relatives, whatever may be the cause of his death. Even in cases where some complication arises within four weeks of sterilisation and the person concerned dies thereafter, Rs. 5000 shall be given as grant if it is established that the death occurred as a result of sterilisation or loop insertion. What I stated was the earlier policy and not a new policy."²

The Speaker, Shri N. Sanjiva Reddy, thereafter, disallowed the question of privilege and ruled³ that there was no question of privilege involved.

²*Ibid*, cc. 122—125.

³*Ibid*, c. 125

PROCEDURAL MATTERS

LOK SABHA*

Ex-tempore statements by Ministers: On April 4, 1977, when a member, Shrimati Parvathi Krishnan pointed out that she had not received a copy of the statement to be made by the Prime Minister, as usual, the Speaker observed that if a Minister wanted to make only a brief statement ex-tempore in response to Calling Attention, it was not obligatory or compulsory for him to supply copies of the statement in advance to members. Copies of the Statement are to be supplied in advance when the statement is long.

Presence of Minister in the House: On June, 30, 1977, a member, Shri Mani Ram Bagri, while raising a matter under rule 377 (which provides for raising a matter which is not a point of order) regarding shifting of the Pay and Accounts Office of the Defence Accounts Department from Mathura to Nasik Road Camp, pointed out that the Minister of Finance was not present in the House. The Speaker then observed that rule 377 did not compel a Minister to be present in the House to answer the point immediately other Ministers present in the House would take note of the point and convey to the Minister concerned. The concerned Minister might take time to study and examine the matter raised.

Statement by Minister: On April 7, 1977 a member, Shri Jyotirmoy Bosu, was permitted to raise a matter under Rule 377 regarding imposition of restrictions on the Association of Voluntary Agencies for Rural Development (AVARD). After the member had raised

*Contributed by the Table Office, Lok Sabha Secretariat.

the matter, the Speaker called the Home Minister, Shri Charan Singh, to reply. At this stage a number of members raised points of order and made submissions that the Minister could not make the statement under rule 377. The Speaker, thereupon observed:

"I think rule 377 is very clear in that sense. No reply from the Minister is anticipated in this rule. The Minister may make a statement, if necessary, later on. That is a different matter."

Later, during the day, the Home Minister sought permission to make a suo moto statement on enquiries against "AVARD" and some other organisations. He was permitted to make the statement. After the Home Minister made the statement, a member, Shri P. G. Mavalankar, enquired whether the Minister was replying to the point raised earlier by Shri Jyotirmoy Bosu. The Chairman observed that the Minister had made the statement suo moto and not in reply.

GUJARAT LEGISLATIVE ASSEMBLY*

Motion by Deputy Speaker: On July 17, 1975, a member, Shri Ashok Bhatt, raised a point of order and stated that Shri Manubhai Palkhiwala, Deputy Speaker, by moving a motion in respect of the 20-point programme had brought a party programme for discussion and thereby had committed grave and serious breach of propriety and that the Deputy Speaker should refrain from such activities. The member also cited paragraphs from Kaul & Shakhder and pointed out that three Lok Sabha Deputy Speakers had withdrawn even their questions which were tabled prior to their election as Deputy Speakers.

Shri Manubhai Palkhiwala, Deputy Speaker, explained that the Deputy Speaker enjoyed the same rights as any other member of the House and the various notices tabled by him were in pursuance of this right enjoyed by him in his capacity as a member.

While giving his ruling, the Speaker said that the point of order was substantial and correct. He referred to Kaul and Shakhder's book *Parliamentary Procedure* and observed that he was in agreement with the tradition in Lok Sabha that the Deputy Speaker should not table any question or motion. He further stated that in the present case the Deputy Speaker had already been allowed to move

*Contributed by the Gujarat Legislative Assembly Secretariat.

the motion and added that he had done so on the condition that it would not be allowed to be quoted as a precedent.*

Discussion on No-confidence motion: On March 24, 1977 the Leader of the House, Shri Madhavsinh Solanki cited proviso to Rule 106(4) of the Gujarat Legislative Assembly Rules and requested the Speaker that the no-confidence motion to which leave had been granted by the House on the previous day should be taken up for discussion on that day itself. After hearing the Leader of the Opposition and other members, the Speaker ruled that the word used in the proviso was 'may' and not 'shall' and added that for fixing the day, he had to take into consideration various aspects. After considering all aspects and particularly the pending financial business which had to be transacted, the Speaker rejected the proposal of the Leader of the House and fixed Monday the 28th March, 1977 for discussion on the motion.

Allocation of time for discussion on no-confidence motion: On March 28, 1977, when Shri Vallabhbhai Patel, MLA was speaking on the motion of no-confidence in the Council of Ministers, the Leader of the Opposition intervened in the debate and requested the Speaker to allot one more day for the discussion on the motion as the motion was an important one and many members wanted to participate in the discussion. The Leader of the House did not agree with this proposal but added that he was agreeable to sit for an hour more for discussion on the motion. The Speaker after hearing both the parties observed that since there was no agreement among both the parties with regard to the allocation of time for discussion on the motion, no change could be made in the time allocated and recommended by the Business Advisory Committee which the House had earlier approved.

The Leader of the House then moved a motion that the time of the sitting of the House may be extended by 1½ hours. The Leader of the Opposition moved an amendment to the motion that some other day might be allotted for discussion on the motion. After hearing both the sides the Speaker took the voice vote of the House on the amendment and said mistakenly that 'ayes' had majority and subsequently corrected his mistake. On this technical ground, the Opposition party staged a walk-out. The no-confidence

*Gujarat L.A. Deb., July 17, 1975, Part II Vol. 47, cc. 710—713

motion was put to vote. The ruling Congress party demanded division. The no-confidence motion was lost.

Resummoning of the House by the Speaker: As per the provisions of article 176(1) of the Constitution of India, the Governor of Gujarat had addressed the members of the Legislative Assembly, assembled for the Third Session of the Fifth Gujarat Legislative Assembly on Monday, the 21st March 1977. Two days were allotted for discussion on the Governor's Address and the discussion commenced on March 30, 1977. On the second day of the discussion, i.e. on March 31, 1977 when the House was discussing the Motion of Thanks on the Governor's address, the members of the ruling party including Front Bench Ministers stood up and started asking for adjourning *sine die* the sitting of the Assembly. The Opposition members were sitting silent in the House and the Speaker, therefore, adjourned the House *sine die* at 11.29 a.m.

On the same day, in the evening, the Janata Front Party staged a parade before the Governor to prove its majority. The Governor advised Shri Madhavsinh Solanki, the then Chief Minister, to request the Speaker to convene the sitting of the Assembly to complete the pending business including voting on the Motion of Thanks. Accordingly, Shri Madhavsinh Solanki, requested the Speaker on April 1, 1977 to summon the House to meet on April 11, 1977. Meanwhile, the Government resigned on April 8.

On April 11, 1977, Shri Sanat Mehta an MLA raised a point of order saying that only Government business had been shown in the Order Paper of that day. He said that the situation under which it was issued had totally changed and requested the Speaker to decide as to whether the Order of the Day survived or not. As the business which was pending for transaction on April 11, 1977 was brought by the Government which had resigned, the Speaker held that the said business did not survive and adjourned the House *sine die*. This was perhaps the first instance in Commonwealth countries, when the Motion of Thanks on Governor's Address could not be passed, as the Government which was in power when the Governor had addressed the House, had resigned before the said motion could be passed.

UTTAR PRADESH VIDHAN SABHA*

No-confidence Motion: On March 26, 1977 when the Speaker informed the House about the notice of No-confidence motion

*Contributed by the Uttar Pradesh Vidhan Sabha Secretariat.

against the Council of Ministers, given by the Leader of the Opposition, Shri Kashi Nath Misra raised a point of order whether the motion of No-confidence could be taken up while the demands for vote on Account had already been presented to the House by the treasury benches. The Speaker ruled that the motion of No-confidence could be brought at any time and should be given priority. He further said that in a democratic set-up if at any moment the Government was reduced to a minority then it had no right to stay in power.

Discussion on Motion of Thanks on Governor's Address: Usually, the practice has been to take up any business only after the Motion of Thanks on the Governor's Address has been disposed of and on a very few occasions only after the discussion thereon has commenced. But during the March 1977 session of the Vidhan Sabha, considering the circumstances obtaining at the time due to the late commencement of the Session on account of the Lok Sabha elections, a departure was made to take up the supplementary demands and the vote on account first on March 26, 1977 and then to take up the Motion of Thanks on Governor's Address on March 30 and 31. Here again, only two days were devoted for the discussion on the Governor's Address instead of 4 days as in the past. At the end of the discussion on the Governor's Address on March 31, 1977 an amendment to the Motion of Thanks was lost by 177 votes to 222 votes on a written division insisted by the Opposition.

Voting by members not entitled to vote: In the last Lok Sabha elections, 12 members of the Vidhan Sabha had been elected to the Lok Sabha and at the time of voting on the amendment to the Motion of Thanks on the Governor's Address an objection was raised from the treasury benches that some of such members were taking part in the voting. The Speaker referring to the provisions of Article 101 of the Constitution clarified the position and later on informed the House after verification that no such member had taken part in the voting.

During the voting on the said amendment, a member of the ruling Party whose election had been declared void by the High Court, but had obtained a conditional stay order from the Supreme Court and who was thus not entitled to vote, had also voted against the said amendment. This could not be detected at the time when the Speaker announced the amendment lost by 177 votes to 223 votes. However, after the House adjourned *sine die*, this mistake was detected and corrected by the orders of the Speaker. As the

House was not sitting and it was not possible to correct this mistake in the proceedings and the Journal by making a reference in the House itself, members were informed under the orders of the Speaker about it through a letter.

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS*

(February 1, 1977 to April 30, 1977)

INDIA

DEVELOPMENTS AT THE CENTRE

Acting President: Consequent on the death of Shri Fakhruddin Ali Ahmed, President of India, in New Delhi on February 11 after a massive heart attack, the Vice-President, Shri B. D. Jatti was sworn-in as Acting President by the Chief Justice, Shri M. H. Beg, on the same day.

Resignation of Shri Jagjivan Ram and formation of new Party: On February 2, the Minister of Agriculture and Irrigation, Shri Jagjivan Ram resigned from Shrimati Gandhi's Cabinet as well as from the Congress Party and announced the formation of a new party 'Congress for Democracy'. Besides Shri Jagjivan Ram, others who resigned with him from the Congress Party included the former Uttar Pradesh Chief Minister, Shri H. N. Bahuguna, the former Orissa Chief Minister, Shrimati Nandini Satpathy, the former Union Minister of State, Shri K. R. Ganesh, Shri D. N. Tewari, a veteran Congress member of the dissolved Lok Sabha, and Shri Raj Mangal Pande, a former U.P. Minister.

The 'Congress for Democracy' took formal shape on February 5 with the constitution of its *ad hoc* national committee headed by

*This feature, prepared by the Research and Information Division of LARRDIS, Lok Sabha Secretariat, is based primarily on reports appearing in the newspapers; as such no responsibility is accepted for the accuracy or veracity of information or views covered.

Shri Jagjivan Ram, with Shri H. N. Bahuguna and Shrimati Nandini Satpathy as General Secretaries. Fourteen other leaders from different States were nominated on the *ad hoc* Committee. The party fought the elections¹ to Lok Sabha in March 1977 in close alliance with the Janata Party².

Change of party affiliations: On April 26, three Congress members of the Rajya Sabha, viz., Shri Natthi Singh, Shri R. Narasimha Reddy and Shri Kota Punnaiah announced their decision to join the Janata Party.

Dissolution of nine State Assemblies: On April 30, on the advice of the Government, Shri B. D. Jatti, Vice-President acting as President, signed 9 proclamations under article 356 of the Constitution, dissolving the Legislative Assemblies of the States of Bihar, Haryana, Himachal Pradesh, Madhya Pradesh, Orissa, Punjab; Rajasthan, Uttar Pradesh and West Bengal and placed them under President's rule till the completion of fresh elections in the middle of June*. Consequently, the Ministries in the nine States vacated office. Earlier, on April 29, the Supreme Court had dismissed the suits and injunction applications filed by some States against the Assembly dissolution move.

AROUND THE STATES

ANDHRA PRADESH

New Governor: On April 19, Shrimati Sharda Mukherjee was appointed the Governor of Andhra Pradesh by Shri B. D. Jatti, Vice-President acting as President, in the vacancy caused by the resignation of Shri R. D. Bhandare who had resigned on February 16. She was sworn-in on May 5.

¹For details relating to the Sixth General Election, elections of the Presiding Officers of the two Houses of Parliament and formation of Janata Party Government at the Centre, See *J.P.I.*, April-June, 1977, p. 239.

²The 'Congress for Democracy' formally merged on May 5 into the Janata Party which had already been launched as an all-India party with the formal merger of its four constituent parties, viz. the Congress (O), the Jan Sangh, the Bharatiya Lok Dal and the Socialist Party, on May 1.

*For details of elections held on June 10 to 14, 1977 to the Legislative Assemblies of these States, see p. 426 *Supra*.

GUJARAT

Formation of Janata Front Ministry: On April 11, a Janata Front Government† headed by Shri Babubhai Patel came into power in Gujarat following the resignation on April 8 of the Congress Ministry headed by Shri Madhavsinh Solanki. The allocation of portfolios was as follows:

Shri Babubhai Patel, *Chief Minister, General Administration, Planning, Finance, and all other subjects not allocated to any other Minister;* Shri Maneklal Gandhi: *Tribal Development, Panchayat, Forest and Rehabilitation;* Shri Keshubhai Patel: *Agriculture Fisheries, Irrigation and Public Works;* Shri Bhailalbai G. Contractor: *Industries, Electricity, Sports, Parliamentary Affairs and Youth Welfare;* Shri Navinchandra Barot: *Law, Judiciary, Town Development, Municipalities, Labour and Housing;* Shri Popatlal Vyas: *Home, Information, Cultural Affairs, Jails, Transport and Tourism;* Shri Lallubhai Sheth: *Civil Supplies, Sarvodaya, Prohibition, Social Welfare and Cooperation;* Shri Navalbhai Shah: *Education and Rural Housing;* and Shri Makarandbhai Desai: *Revenue, Health, Small Savings and Sports.*

Election of Speaker: Shri Kundanlal Dholakia, member of the ruling Janata Front, was unanimously elected Speaker of the Legislative Assembly on April 21.

HIMACHAL PRADESH

Cabinet expansion: On the advice of the Chief Minister, Shri Ram Lal, the Governor, Shri Amin-ud-din Khan sworn in a batch of fourteen Ministers on April 21 and allocated the portfolios as under:

Cabinet Ministers: Shri Ram Lal: *Chief Minister, General Administration, Home and Personnel, Planning, Public Relations and Cooperation;* Dr. Saligram: *Public Works, Power, Health and Family Welfare;* Shri Karan Singh: *Finance, Tourism, Education and Housing;* Shri Desraj Mahajan: *Revenue, Rehabilitation, Supplies and Law;* Shri Lal Chand Prarthi: *Industries, Labour, Employment and Training, Arts, Language and Culture;* Shri Sukhram: *Agriculture; Horticulture Animal Husbandry and Irrigation;* Thakur Sen Negi: *Forest, Farming, Local Self-Government and Fisheries.*

Ministers of State: Shrimati Sarla Sharma: *Rural Integrated Development;* Shri Vidyadhar: *Social Welfare,* Shri

Hardayal Choudhary: *Education*; Thakur Lekhram: *Panchayats*; Shri Guman Singh: *Transport*; Shri Vikram Singh Katoch: *Excise and Taxation*.

Deputy Ministers: Shri Mehnga Singh: *Agriculture and Irrigation*; Shri Sunder Singh: *Revenue*; Shrimati Chandresh Kumari: *Tourism*.

JAMMU & KASHMIR

Governor's rule: The withdrawal of the Congress support to the Government headed by Sheikh Abdullah resulted in the dissolution of the Legislative Assembly and proclamation of Governor's rule in the State on March 27.

KARNATAKA

Resignation by Minister: Shri Subhash Asture, Minister of State for Major and Medium Irrigation resigned from the Ministry on April 27.

KERALA

Assembly elections: Elections to the 140 Legislative Assembly seats took place on March 19, resulting in the ruling United Front gaining a total of 111 seats. The final party position was as follows:

Ruling Front: Congress—38; CPI—23; Kerala Congress—20; Muslim League—13; Revolutionary Socialist Party—9; National Democratic Party—5; Praja Socialist Party—3; Total—111.

Opposition Front: CPI (M)—17; Janata Party—6; Muslim League (Opposition)—3; Kerala Congress (O)—2; CFD—1; Total—29.

On March 25, Shri K. Karunakaran, leader of the Congress Legislature Party was sworn in as the Chief Minister of Kerala but he resigned on April 25 and Shri A. K. Anthony, President of the Kerala Pradesh Congress Committee was unanimously chosen by the Congress Legislature Party to succeed Shri K. Karunakaran. On April 27, a 15-member Ministry headed by Shri Anthony was sworn in by the Governor, Shri N. N. Wanchoo. All the Cabinet colleagues of Shri Anthony were members of the previous Ministry headed by Shri Karunakaran.

Election of Speaker: On March 28, Shri Chakkeeri Ahamed Kutty was elected as Speaker of the Legislative Assembly.

MAHARASHTRA

Appointment of new Governor: On April 19, Shri B. D. Jatti, Vice-President acting as President, appointed Shri Sadiq Ali, a former President of the Congress (O) and General Secretary of the undivided Congress, as the Governor of Maharashtra. He was sworn in on April 30.

Appointment of new Minister: Shri P. K. Sawant was sworn in as Minister in the State Cabinet on February 9.

Election of new Chief Minister: On April 16, Shri Vasant B. Patil was elected leader of the Congress Legislature Party. The new Ministry headed by him was sworn-in on April 21. The portfolios of the Ministers, announced on April 24, were as follows:

Cabinet Ministers: Shri Vasant B. Patil: *General Administration; Animal Husbandry and Dairy Development;* Shri S. K. Wankhede: *Industries and Sports;* Shri S.A. Solanke: *Public Works;* Shri M. D. Chaudhari: *Revenue;* Shri N. M. Tidke: *Energy, Planning and Legislative Affairs;* Shri N. K. Tirpude: *Tribal Development and Tourism;* Shri Y. J. Mohite: *Finance;* Shri B. G. Vartak: *Agriculture and Command Area Development;* Shrimati Pratibha D. Patil: *Education;* Shri S. B. Patil: *Labour and Rehabilitation;*

Shri Sharad Pawar: *Home and Youth Service;* Shri R. J. Deotale: *Forests;* Shri Ratnappa Kumbhar: *Urban Development;* Shri D. T. Rupavate: *Social Welfare and Cultural Affairs;* Shri K. M. Patil: *Rural Development;* Shri Shivajirao B. Patil (Nilangekar): *Irrigation;* Shri Shivajirao G. Patil: *Cooperation;* Shri S. D. Gedam: *Food and Civil Supplies;* Shri G. S. Sainayak: *Public Health and Family Welfare;* Shri Baburao J. Kale: *Transport and Jails;* Shri Hussain M. Dalwai: *Law and Judiciary Fisheries, Khar Lands and Protocol;* Shri Vasant R. Hoshing: *Housing and Bombay Metropolitan Regional Development Authority;* Dr. Shankarrao H. Rakh: *Prohibition and Excise.*

Ministers of State: Shri E. B. Nimbalkar: *Irrigation (excluding Minor Irrigation);* Shri Udayasingrao N. Kaikwad: *General Administration and Tourism;* Shri Sayyed Farooq Pasha: *Education and Wagf;* Shri Sushil Kumar Shinde: *Public Health and Family Welfare;* Shri Jagdish Desai: *Finance, Transport and Jails;* Dr. J. De'Souza: *Protocol, Prohibition and Excise;* Shri S. G. Gholap: *Minor Irrigation, Fisheries and Khar Lands;* Shri Uttamrao B. Rathod: *Revenue;* Shri Jamnalal S. Goenka: *Food and Civil Supplies;* Dr. (Shrimati) Sushila Balrai: *Urban Development;* Shri Raosaheb B. Jamakar: *Rural Development and Animal Husbandry;* Shri Baburao N. Madavi: *Public Works; Social*

Welfare and Tribal Development; Shri Malhar G. Mahulkar: *Energy, Planning and Legislative Affairs*; and Shri Sudhakar Naik: *Agriculture, Command Area Development and Dairy Development*.

NAGALAND

Extension of President's rule: President's rule was extended in the State for a further period of one year from March 26. A Bill to this effect was passed by the Rajya Sabha on March 1 and by the Lok Sabha on April 5.

ORISSA

New Governor: Shri Harcharan Singh Brar was sworn-in as the new Governor of Orissa on February 7.

Reduction in Congress majority: The strength of the ruling Congress party in the State Assembly was reduced to 64 in a House of 147 (with 9 seats vacant), with the withdrawal of the support by seven members to the Congress Ministry on April 29. Two other Congress MLAs had earlier resigned from the party on April 20.

RAJASTHAN

New Governor: On April 19, Shri Raghukul Tilak, former Vice-Chancellor of Kashi Vidyapeeth, was appointed Governor of Rajasthan by Shri B. D. Jatti the Vice-President acting as President. As Shri Joginder Singh the previous Governor had resigned on February 14 to take part in the Lok Sabha elections.

Resignation by Minister: Shri Tarun Kanti Ghosh who was Minister and Shri Banwari Lal, Minister of State tendered their resignations following their defeat in the Lok Sabha poll. On March 24, 9 Congress MLAs, including Shri Mohan Changani, Education Minister also tendered their resignations from the party.

TAMIL NADU

Extension of President's rule: President's rule in the State was extended for a further period of one year from March 10 according to a Bill passed by the Rajya Sabha on March 1. Lok Sabha adopted the Bill on April 5.

New Governor: On April 27, Shri Prabhu Das Patwari, was sworn-in as the new Governor of the State.

TRIPURA

Installation of new Ministry: The five-year old Congress Ministry in Tripura led by Shri Sukhomoy Sengupta resigned in Agartala on March 30. A 12-member CFD-CPI(M) coalition Ministry headed by Shri Prafulla Das, leader of the CFD group in the Assembly, was sworn-in on April 1. On April 4, the portfolios of Ministers were allocated as follows:

Cabinet Ministers: Shri Prafulla Kumar Das: *Home and other portfolios not allocated to any other Minister*; Shri Nripendra Chakraborty: *Finance*; Shri Anil Sarkar: *Industries*; Shri Baju Ban Ryang: *Animal Husbandry*; Shri Abdul Wazid: *Agriculture*; Shri Kalipada Banerji: *Education*; and Shri Jatindra Majumdar: *Public Works Department*.

Ministers of State: Shri Bidya Deb Barman: *Tribal Welfare*; Shri Samir Burman: *Law and Jails*; Shri Benoy Banerjis: *Forests*; Shrimati Laxmi Nag: *Social Education and Rural Water Supply*.

Deputy Minister: Shri Bulu Kuki: *Tribal Welfare*

UTTAR PRADESH

Resignation by Minister: Shri Ramjilal Sahayak, Minister for Community Development announced his resignation from the Cabinet and the Congress party on March 13.

Defection by 42 MLAs: On March 26, the 'Congress for Democracy' physically presented 43 members—3 Independents and 40 Congress members—before the Speaker of the Legislative Assembly alongwith their letters declaring that they belonged to CFD.

WEST BENGAL

Resignation by Minister: Shri Tarun Kanti Ghosh who was relieved of Home (Police) portfolio by the Chief Minister, Shri S. S. Ray on March 24, tendered his resignation from the Ministry on the same day.

UNION TERRITORIES

DELHI

Dissolution of Metropolitan Council: The Vice-President acting as President issued an order on April 21 under article 123 (2) (b) of the Constitution withdrawing the Delhi Administration (Amendment) Ordinance, 1977 which had extended the life of the Metropolitan Council from 5 to 6 years and announced the holding of fresh election.* As a result, the Chief Executive Councillor and other Executive Councillors ceased to hold office.

Appointment of new Lt. Governor: The Defence Secretary, Shri D. R. Kohli was sworn-in as the new Lt. Governor of Delhi on March 31 in the vacancy caused by the resignation of Shri Krishan Chand.

GOA, DAMAN AND DIU

Dissolution of Assembly: The Legislative Assembly which was prorogued on April 26, after the House had passed the Appropriation Bill, was dissolved by the Lt. Governor, Shri S. K. Banerjee on April 27.

PONDICHERRY

Extension of President's rule: The President's rule, which was imposed in the Union Territory on March 28, 1974 for six months and was renewed thrice for six months each and once for one year, was further extended for another year with effect from March 28.

DEVELOPMENTS ABROAD

AFGHANISTAN

Elections and adoption of new Constitution: Elections to the 220 elective seats of *Loya Jirga* (Grand Assembly) were completed on January 26. After the President on January 29 had appointed 15 officers of the armed forces and 115 others, representing the interests of farmers, workers, the enlightened and the youth, the *Loya Jirga* met on January 30 and the President submitted the new draft Constitution to it for debate and approval. The *Loya Jirga* adopted the republic's first Constitution on February 14. Later on

*For details of elections see p. 426 *supra*.

February 16, Mr. Mohammed Daud Khan was elected by and sworn in before the *Loya Jirga* as the President of the Republic.

According to the new Constitution, Afghanistan will be a republican, democratic, independent, unitary and indivisible state with Islam as its religion. Its administration will be based upon the principle of centralization with a one-party system.

The *Meli Jirga* (National Assembly) will consist of members who will be nominated by the party and elected by the people for a four-year term through free, universal, secret and direct elections. Fifty per cent of the members shall be farmers and workers. Its Executive Council shall be composed of a President, two Vice-Presidents, Secretary and Assistant Secretary elected from amongst its members at the beginning of the annual session for a period of one year. The voting age shall be 18 years.

The *Loya Jirga* (Grand Assembly) consisting of members of *Meli Jirga*, Central Council of the Party, Government and the High Council of the Armed Forces, Supreme Court and 5 to 8 representatives from each province shall be the paramount manifestation of the power and will of the people. In addition, 30 members shall be appointed by the President of the Republic who shall be its Chairman. The *Loya Jirga* shall be convened by the President under special circumstances as well as on occasions of great importance.

The President is to be elected for a period of six years by the *Loya Jirga*, by a two-thirds majority. He can dissolve the *Meli-Jirga* and decree new elections. He is also empowered to declare a state of emergency and to appoint a Vice-President or Vice-Presidents from amongst the members of the Party and Ministers from within and outside the party. He has also powers to dismiss and accept their resignations.

ALGERIA

Elections to National People's Assembly: As envisaged under the 1976 Constitution, elections were held on February 25, to the 261 seats of the National People's Assembly. Officials of the National Liberation Front (FLN). Algeria's sole legal political organisation had drawn up a list of 723 candidates (i.e. three for every seat) chosen from among several thousand applicants (e.g. some 1,600 for the 26 seats in Algiers), and included a high proportion of young people or newcomers to political life. The list of successful candidates, as officially published on February 27, included 9 of the 39 women candidates and also all the six Cabinet Ministers who had contested the

election. The members of the National People's Assembly were elected for a five-year term.

BANGLADESH

New President: Major General Ziaur Rehman, Chief Martial Law Administrator and Chief of Army Staff, took over as President of Bangladesh on April 21, following the resignation of Mr. A.S.M. Sayem on grounds of health.

BELGIUM

Dissolution of Parliament and announcement of election Following a crisis caused by the abstention on a budget vote in the Chamber of Representatives of March 3, 1977, by the members of the *Rassemblement Wallon* (RW)—one of the coalition partners—together with the Liberals and the Christian Socials, in the Government of M. Leo Tindemans, the two RW members of the Cabinet, Senator Pierre Bertrand. (Deputy Minister for Economic Affairs) and M. Robert Moreau (Minister of Pensions), were dismissed by King Baudouin at the Prime Minister's request. M. Tindemans announced on March 6 that he had appointed two new French-speaking Ministers—Count Charles Cornet d'Elzius, a Wallon Liberal Senator, as Deputy Ministry of Economic Affairs, and M. Marcel Plasman, representing the Trade Unions Wing of the *Party Social Chretien*, as Minister of Pensions.

Since the effective departure of the RW from the coalition government left the Government with the support of only 105 of the 212 members of the Chamber of Representatives M. Tindemans asked the Socialist Party to join his Government for a three-month period without commitment on general policy and for the sole purpose of enabling the first stage of the regionalization programme to be passed by Parliament but the socialists refused his request. M. Tindemans thereupon had consultations with the King on March 8 and 9, and on the latter date he announced that the King had ordered dissolution of Parliament and holding of general elections on April 17, 1977, i.e. a year in advance of the due date and only three years after the elections of March 10, 1974. In the general elections held on April 17, the Social Christians of M. Tindemans emerged as the largest single party, thus getting a vote of confidence. The final results of elections to the Chamber of Representatives were:

Social Christian 80; Socialists 59; Librariy 34; Valksunie 20; Front Democratique 10; Rassemblement Wallon 6; and Communists 4 Total 212.

DENMARK

General elections: In the general elections held on February 15 the Social Democratic Party, which had ruled as minority Government under Mr. Anker Jørgensen since February, 1975 again increased its representation in the *Folketing* (Parliament), enabling Hr. Jørgensen to form a new minority administration on February 25. A total of 12 parties had contested the 175 metropolitan seats in the *Folketing*, of which 11 secured representation. Two members each were also elected by Greenland on February 15 and the Faroe Islands on March 1, respectively.

EL SALVADOR

Election of President: Presidential elections were held on February 20, as a result of which the candidate of the ruling National Reconciliation Party (*Partido de Conciliación Nacional, PCN*) General Carlos Humberto Remero, was declared President, elect, to take office on July 1 on the expiry of the non-renewable five-year term of President Arturo Armando Molina. Dr. Julio Esnesto Astacio was elected Vice-President.

ETHIOPIA

Execution of Head of State: It was officially announced by Addis Ababa Radio on February 3, 1977 that Brigadier-General Teferi Benti, the Ethiopian head of state and a number of his colleagues on the ruling Military Council had been killed by other members of the Council in a battle at the Grand Palace in Addis Ababa after "a few counter-revolutionaries and reactionaries" had "attempted to overthrow the revolution by means of a fascist *coup d'etat*."

GAMBIA

Re-election of President: As a result of elections to the Gambian House of Representatives on April 4-5, 1977, the ruling People's Progressive Party retained power. As leader of the successful PPP, the President, Sir Dawda Jawara was automatically re-elected President for another five-year term, and on April 9, he formed a new Government.

GUINEA-BISSAU

Re-election of President: The second National Assembly convened on March 13, 1977 re-elected Mr. Luis de Almeida Cabral as Pre-

sident of the country and of the 15-member Council of State. Major Joao Bernardo Vieira, State Commissioner (Minister) for the Armed Forces, was confirmed as Vice-President of the country and President of the National Assembly. On March 18, the Council of State confirmed the Chief Commissioner (Prime Minister), Major Francisco Mendes, in his post (which he had held since 1973), and the latter then formed a new Government in which most of the State Commissioner retained their posts.

PAKISTAN

General elections: General elections held on March 7 (the first since 1970) resulted in an overwhelming victory for the ruling Pakistan People's Party (PPP), which won 155 of the 200 general seats in the National Assembly. The final results of the elections announced on March 9 were: Pakistan People's Party-155; Pakistan National Alliance-36; Qayyum Muslim League-1; Independents-8.

Immediately after the elections, two prominent opposition leaders—Maulana Mufti Mahmud, Chairman of nine opposition parties and Air Marshal Asghar Khan announced that the poll decision was unacceptable since the elections had been rigged. A nation-wide protest was called by the opposition as a result of which demonstrations and riots broke out in several parts of Pakistan. On March 25 several top opposition leaders were arrested. On March 26, Pakistan's major cities were paralysed by a strike called by the arrested opposition leaders. The Armed Forces were therefore called to maintain law order. The situation further aggravated when on April 14, Pakistan's Election Commission, investigating Poll rigging allegations, unseated a member of the Pakistan People's Party, Chaudhry Bashir Ahmed Khan from Lyallpur District constituency as his election was vitiated by "gave illegalities". Two weeks earlier, the Commission had annulled the election of a former Minister, Mr. Hafeezullah Cheema, on the same grounds.

As incidents of sporadic violence spread and the demand for fresh elections and the resignation of Mr. Bhutto mounted, more opposition leaders were arrested on April 24. On April 30, the acting leader of Pakistan's opposition alliance, the Pir of Pagaro was also detained.

Appointment of Minister: The former Army Chief, General Tikka Khan, was sworn in as Minister for Defence and National Security on April 17.

SIERRA LEONE

Proclamation of Emergency: A state of emergency was proclaimed on February 1, after the students had, on January 30, called for the resignation of President Siak Stevens as well as for a reduction in public expenditure, for measures against corruption, and for free elections, and some 500 demonstrating students had on January 31 clashed with pro-government demonstrators in Freetown.

SOVIET UNION

Change in leadership: Mr. Konstantin Katushev, Secretary of the Soviet Communist Party's Central Committee in charge of relations with Communist or Workers' Parties in power in other countries, was, as reported by the Soviet News Agency *Tass*, on March 16, appointed a Vice-Chairman of the USSR Council of Ministers and representative of the Soviet Union at the Council for Mutual Economic Assistance (COMECON) in place of Mr. Kikhail Lesechko.

TANZANIA

New Prime Minister: President Julius Nyerere appointed on February 13, Mr. Edward Sokoine, who had been Minister of Defence, as the new Prime Minister. In a major reshuffle of the Cabinet, Mr. Rashidi Kawana took over as Minister of Defence.

YUGOSLAVIA

New Prime Minister: Upon a unanimous decision by the collective Presidency, President Tito, on February 14, appointed Mr. Veselin Djuranovic, President of the Central Committee of the League of Communists of Montenegro since 1974, as the new Federal Prime Minister. The appointment was subsequently approved by the Federal Assembly on March, 15.

ZAMBIA

Reorganisation of Government: A major government reorganization was carried out in Kinshasa on February 23, involving the creation of the posts of two Deputy Chairman of the Executive Council, the replacement of nine state commissioners, and an exchange of portfolios between three others.

SESSIONAL REVIEW

LOK SABHA

The Second Session of the Sixth Lok Sabha commenced on June 11, 1977. A resume of some of the important discussions and legislative business transacted by the Lok Sabha upto June 30, 1977 is given below.

A. DISCUSSIONS

Railway Budget: The Railway Budget for 1977-78 was presented to Parliament by the Minister of Railways, Professor Madhu Dan-davate on June, 11, 1977. Initiating discussion on the Budget in the Lok Sabha on June 13, 1977, Shri T. A. Pai said that the Railway Minister had every reason to take credit for taking back all the employees who were victimised during the railway strike. But he asked the Janata Party to make it clear whether it would like to tolerate any indiscipline on the part of the workers in future. In the case of the Railways, discipline was absolutely essential. To believe that the Railways could function without a serious sense of discipline was entirely incorrect.

Replying to the three-day discussion on June 15, the Minister of Railways said that he differed from the bourgeois concept of discipline and that his was a revolutionary concept. After the reinstatement of the workers, he had found that they had a new gleam of life in their eyes and that they put in more work and there was more production. He had the fullest cooperation from all the trade unions in the Railways, whether they were recognised or unrecognised unions. He further said that there must be proper coordination bet-

*Contributed by the Research and Information Division of the LARRDIS, Lok Sabha Secretariat.

ween the road traffic and the rail traffic and even shipping. It might be possible to rationalise the entire transport system and the Government might after sometime have to go in for rationalisation.

The Minister assured the House that while considering the construction of new railway lines as an infra-structure, he would not consider infra-structure merely from the point of view of industrial development, but also for the agricultural development and for the movement of foodgrains from the surplus areas to the backward areas. That would be the general approach consistent with the rural-oriented approach of the ruling party.

As regards the re-structuring of the Railway Board, the Minister said that to the best of his ability he would try to fulfil the promises that he himself had demanded while he was in the Opposition earlier. The Government had broadly accepted the recommendations of the Administrative Reforms Commission and would be prepared to make the functioning of the Railway Board more effective on the lines recommended by the Commission.

The General Budget—General Discussion: The Minister of Finance, Revenue and Banking Shri H. M. Patel, presented the General Budget for 1977-78 to Lok Sabha on June 17, 1977.

Shri C. Subramaniam initiated the discussion on the Budget on June 20. Among other things, he claimed that the economy which his party had handed over to the present Government was free from many problems and difficulties and was much healthier and stronger than ever before.

Replying to the four-day discussion on June 23, 1977, Shri H. M. Patel said that the budget had to be prepared under certain limitations. The Government had inherited large commitments of expenditure on on-going schemes and any reduction in spending on those projects in midstream would have been extremely wasteful.

The Minister said that his party's programme laid emphasis on re-ordering the planning priorities so as to lay greater emphasis on rural development. Most of the activities relating to rural development were in the State plans and it had not been possible for him to undertake consultations with State Governments so as to modify them. Even then, he said, he had been able to effect savings worth about Rs. 267 crores and these had been reallocated to sectors such as agriculture, irrigation, rural water supply and other elements of infra-structure.

While no revenue had been raised through direct taxes last year, he had raised a sum of Rs. 92 crores and claimed that more money had been raised through direct taxes than through indirect taxes.

The current budget proposed a contribution of Rs. 2,192 crores as equity and loan to non-departmental public sector undertakings as compared to Rs. 1,832 crores provided in 1976-77 which exposed the complete hollowness of the criticism that the Government was lukewarm towards the public sector. In fact, the Government was firmly committed to the concept of mixed economy, in which the public sector played a commanding role. All the sectors, public, private and cooperative, would get equal and adequate attention from the Government.

A plan outlay, higher by 27 per cent, substantially increased outlay on agriculture, irrigation and rural infra-structure and extension of the investment allowance to substantial parts of industry would lead to more employment and this should prove that a definite effort had been made in the Budget to see that more employment was generated. The Budget thus represented a sincere and genuine effort to redirect the country's economy in line with the priorities laid down in the Janata Party's election manifesto. It must be seen as a first step forward in the Government's quest to work with dedication and speed for a progressive and just society.

Demands for Grants of the Ministry of External Affairs: Initiating the discussion on the Demands for Grants of his Ministry on June 29, the Minister of External Affairs, Shri Atal Behari Vajpayee, said that with the world accepting that peace and inter-dependence demanded international co-operation, India was well placed to pursue a policy of simultaneously safeguarding its own interests and supporting the enlightened goals of international social justice. While the Government would respect all inherited obligations it should not be mistaken for a policy of rigid immobilism. As a new Government with a fresh mandate from the people, he considered it his duty and responsibility to bring to bear a fresh scrutiny on the tasks and international problems as they might present themselves. The first priority must be to promote a relationship of cooperation and trust with the immediate neighbours and to forge, on the basis of geography, the sinews of economic cooperation in the sub-continent.

As regards China, the Government welcomed the normalisation of diplomatic relations and took the initiative to resume the severed

trade links with that country. The Government's aim was the forging of beneficial bilateral relations as was appropriate between the two large Asian countries based on the old Five Principles of peaceful co-existence.

Replying to the discussion, that followed on the same day, Shri Vajpayee said that no policy would ever be static; nor could one ever shut his eyes to the changed circumstances. It would be the Government's effort to give a new dynamism to India's foreign policy while retaining its basic tenets.

Demands for Grants of the Ministry of Commerce and Civil Supplies and Co-operation: Replying to the discussion on the Demands for Grants of his Ministry on June 27, the Minister of Commerce and Civil Supplies and Cooperation, Shri Mohan Dharia said, *inter alia*, that he had firm faith in the public sector and all efforts would be made to see that it attained greater heights. The shortcomings in the public sector would however, have to be removed. All the public sector undertakings would have to perform an effective role, as an important instrument towards achieving socio-economic transformation in the country. To that extent, whatever modifications were necessary would be made. But to condemn the very institution would be unfair.

Demands for Grants of the Ministry of Steel and Mines: In reply to the discussion on the Demands for Grants of his Ministry, the Minister of Steel and Mines, Shri Biju Patnaik said on June 28, that the 'dying steel plants' referred to by the members were not quite dead and necessary fiscal measures would be taken to see that they survived. The nation must have cheap steel. The steel companies in both the private and the public sectors must also have adequate profits for their own expansion. So, in further expansions, these must be located at places where the steel production would be the cheapest.

Negotiations were being held with Russia, Rumania and other countries for having a major aluminium installation and he would be able to give some hopeful information to the House within the next three months.

Commonwealth Prime Ministers' Conference: Making a statement on June 17, the Prime Minister, Shri Morarji Desai, said that it was his first trip abroad after the assumption of office by his Government. It was a matter of great satisfaction that following democratic elections and orderly change of Government the esteem and prestige of India had been demonstrably enhanced in the internatio-

nal community. He had assured all that the new Government of India, buoyed by the trust of the Indian people, was totally dedicated to the principles of democracy. In turn, he was told that the extraordinary courage and sagacity of the Indian people was an asset and an encouragement to like-minded people.

The Prime Minister said that he participated in the discussion on all subjects discussed at the Conference particularly on the international situation, Southern Africa and world economic problems. In the socio-economic context, he highlighted the relevance and significance of evolving and adopting technologies appropriate to the social and economic conditions obtaining in the developing countries.

Besides providing an opportunity for informal and bilateral contacts with many distinguished leaders of Commonwealth Governments, the visit vividly conveyed to him that almost every country sought not only India's friendship but rejoiced at its political triumph and economic achievements. There was no Commonwealth country which after understanding the policies to which the present Government was pledged, looked upon India with malice. He had wider options to develop beneficial relations with other nations than ever in the past. In the last three months since his assumption of office, within the framework of the positive thrust of non-alignment, he had assured old friends of India's abiding commitments and had repaired estranged relationships, both near and far, he added.

Atrocities on Harijans: Making a statement in response to a Calling Attention Notice by Shrimati Parvathi Krishnan on June 13, regarding the reported incident of 13 Harijans having been burnt alive and one shot dead in Belchi village of Patna District in Bihar on May 27, 1977, the Minister of Home Affairs, Shri Charan Singh said that according to the information received from the Government of Bihar, it was a case of a clash between two groups of hardened criminals having long-standing rivalry. In the incident 8 Harijans and 3 non-Harijans were killed in a clash between rival groups and the bodies of the dead were burnt by an armed mob of 50 to 60 persons. A number of victims of the incident were involved in murders of members of the rival group led by well-known hardened criminals involved in cases of murder and dacoity. The two groups had been attempting to eliminate one another and gain exclusive control of the area of their operations and there had been several encounters between them in the past involving use of fire-arms and murders. The incident had no caste, communal, agrarian

or political overtones and had nothing to do with atrocities on weaker sections of the society as reported in certain sections of the Press.

Interim relief to newspaper employees: Making a statement in response to a Calling Attention Notice by Shri Samar Mukherjee, on June 17, 1977 the Minister of Parliamentary Affairs and Labour, Shri Ravindra Varma said that in pursuance of his statement made in the House on April 1, 1977 notifications fixing interim rates of wages of working journalists and non-journalist newspaper employees had been issued. He had requested the State Governments to let him know the progress of implementation. From the Press reports and other sources he had come to know that a number of employers had yet to make the payments.

The Federation of newspapers' employees had given call for a token strike on June 16, 1977 to press their demand for implementation of the provisions of the notifications and for an indefinite strike from June 17, in those newspaper establishments where the interim payment had not been made. The Government was anxious that the notifications should be speedily implemented and the employees did not follow up the token strike with an indefinite strike. For that matter he had called a meeting of the representatives of the parties concerned and had made an appeal to the employees' organisations and he believed there would be no continuous indefinite strike.

Law and order situation in the country: Shri B. P. Mandal, on June 15, 1977 raised a discussion on deterioration in the law and order situation in the country. Replying to the discussion, the Home Minister, Shri Charan Singh said that it had been assumed that the number of crimes had increased in two months. The assumption was, perhaps, based on a few reports in the press about harassment of Harijans.

It was not correct to say that law and order situation in the States had worsened after the imposition of President's rule. In fact, after the President's rule the Centre had directed the State Administrations to enforce law and order by all means.

The Home Minister assured the House that all necessary steps would be taken to ensure free and fair poll in Jammu & Kashmir. A total of 421 persons had been taken into custody under MISA in that State.

Atrocities committed during internal emergency: Intervening in the discussion on a resolution moved by Shri Jyotirmoy Bosu on

June 24, 1977 regarding atrocities committed by the Government when the internal emergency was in force, the Minister of Home Affairs, Shri Charan Singh said that the basic complaint against the previous Government was that it had abolished the rule of law. He assured the members that all those found guilty of excesses during the emergency from the highest political authority to the lowest official would be dealt with under the law. The Government did not, however, want to act in a spirit of vindictiveness. The terms of reference of the inquiry commission appointed by the Government to go into the excesses committed during the emergency were very wide. In view of that, the Minister requested the mover to withdraw the resolution. The resolution was, accordingly, withdrawn by leave of the House.

B. LEGISLATIVE BUSINESS

The Presidential and Vice-Presidential Elections (Amendment) Bill, 1977: Moving the motion for consideration of the Bill introduced on June 16, 1977, the Minister of Law, Justice and Company Affairs, Shri Shanti Bhushan on June 18, 1977 said that the Constitution originally provided that if there was a dispute in regard to the validity of the Presidential or Vice-Presidential election, it had to be decided by the Supreme Court. The Constitution was amended by the previous Government in 1976 and the power was given to Parliament to specify the authority which would have the right to decide disputed questions relating to the election of the President and Vice-President. In February, 1977, an Ordinance was issued by the previous Government providing for such an authority consisting of nine members, three representatives each of Lok Sabha and Rajya Sabha and three persons to be nominated by the Speaker. The Government had allowed that Ordinance to lapse because it was of the view that there was no justification to replace the power of the Supreme Court by such a committee. The Bill had been moved broadly for the purpose of restoring the jurisdiction of the Supreme Court to decide any dispute about the validity of an election of the President or the Vice-President.

Replying to the discussion on the same day, the Minister said that after Independence it was realised that an independent court would be a proper forum to decide such disputes and to create confidence in the general public. That was the reason the power had been given to the Supreme Court and the High Courts. The motion was adopted and the Bill was later passed.

RAJYA SABHA

HUNDRED & FIRST SESSION*

The Rajya Sabha met for its Hundred and First Session on Saturday, the 11th June, 1977. Some of the important items of business transacted by it during the session are briefly mentioned below:—

A. DISCUSSIONS

Rising trend in the prices of essential commodities: Shri Mohan Dharia, Minister of Commerce and Civil Supplies and Co-operation, making a statement in response to the Calling Attention Notice moved by Shri Harsh Deo Malaviya on the opening day, said that the present Government assumed office at the Centre in the last week of March, 1977. The all-commodities wholesale price index for the week ending March 19, being higher by 12.5 per cent as compared to the corresponding week in 1976, the Government had, inherited a situation of price spiral which had been gathering momentum since the last week of March 1976. This inflationary trend was caused primarily by the phenomenal increase in money supply and also by shortfalls in the production of several agricultural commodities both in the Kharif 1976 and Rabi 1977 seasons. The commodities which had in particular been affected were oilseeds, raw cotton and pulses. The continuing gap between requirements and actual availability of power was also proving a drag on increased production both in agriculture and industry. This had in particular affected the production of cement and of late that of vanaspati. The Government fully shared the concern of the members over the rising trend in prices. During the past two months, it had taken several short-term, medium-term and long-term measures in order to curb this trend and to improve the availability of essential commodities.

*The Budget (Railways) 1977-78**:* Shri V. B. Raju initiating the discussion on the Budget (Railways) for the year 1977-78 on June 14, 1977, said that the Railways, being the lifeline of the nation's transport system, served for the unification of the country and also in physically binding it into a homogeneous core. In the running of trains the human factor was very important and, therefore, must be

*Contributed by the Research Unit, Rajya Sabha Secretariat.

**Laid on the Table of the Rajya Sabha on June 11, 1977.

given the highest priority in the management of the Railways. The multiplicity of the organisations in the Railways, function-wise or category-wise, should be tackled correctly so that the number of these organisations might be reduced to the minimum. Though a certain measure of discipline had come in the Railway Administration, there was some slackening now. The level of punctuality had gone down and in a period of about two or three weeks, there had been a number of accidents due to derailment. The people expected a comfortable and safe travel and sincere efforts should be made to provide that.

Professor Madhu Dandavate, Minister of Railways, replying to the discussion on June 16, 1977, said that within three days of accepting the responsibility of the Ministry of Railways and in the very first Interim Budget it had been unilaterally announced that all those who had been victimised in the 1974 strike would be reinstated, their seniority restored and their break in service condoned. Those who had been transferred from one place to another as a punitive measure would also be brought back. About 15,000 and odd workers had been able to get advantage of this announcement. If the productivity of the workshops had moved up, it was as a result of a better industrial climate that existed now.

The Minister added that though in the current Budget the Government had not increased the passenger fares and freight rates, even then it had projected a surplus of the order of Rs. 32.5 crores. Hitherto the Railways were considered as infra-structure for the building up of industries in backward areas. But now the needs and requirements of agricultural development, the movement of agricultural products from surplus areas to the backward and deficit regions would also be considered as additional criteria for the building up of the infra-structure.

*The Budget (General) 1977-78**: Shri Sankar Ghose, initiating the discussion on the General Budget for the year 1977-78, on June 21, 1977, said that there was a lot of expectation in the country that the Janata Party would take bold initiatives in economic matters for stimulating growth and for raising the lot of the common man. But the Budget expressed a lack of dynamism, the distrust of the State, lack of faith in the public sector and incapacity to wield the State machinery for the purpose of stimulating economic growth.

*Laid on the Table of the Rajya Sabha on June 17, 1977.

It was pre-eminently an accountant's budget and contained no policy for controlling inflation in the country. It stood still on the question of employment and did not reflect Government policy for increasing employment opportunities. It did not also contain any policy for the expansion of the public sector. It was only dynamic with regard to the concessions to the big industrialists. It was expected that the Finance Minister would formulate an anti-inflationary policy of the Janata Government. But nothing had been done in this regard in the Budget. For the last two and a half months of the Janata Government, the rate of inflation had been, at least, one per cent every month and at this rate alone it would be 12 per cent by the end of the year.

Shri Morarji R. Desai, Prime Minister, intervening in the debate on June 23, 1977 said that no one would say that the criticism regarding the Budget as lacking dynamism or being orthodox or looking more as an accounting exercise etc. was completely invalid. But it must be remembered that within three months the new Government could not be expected to produce a framework of proposals which would bring in dynamism in an economy which had been made absolutely sluggish during the last few years. The Government had to prepare the Budget from a muddled position. So much deficit had been provided in the Budget proposals which were made by the previous Government that to make it up was the first task. Otherwise the prices could never be brought under control. So much money had been injected that the prices had increased by 18 per cent. Now it had to be rectified. A society could not be transformed in a day or in a few months. The Government could not make an impact on unemployment immediately, but it had got to see within the current year that unemployment did not increase at any rate and that it began to decrease.

Shri H. M. Patel, Minister of Finance and Revenue and Banking, replying to the debate on June 27, 1977 said that it was proposed to effect savings worth about Rs. 267 crores in the Central plan and the amount had been re-allocated to sectors such as agriculture, irrigation, rural water supply and other elements of infra-structure which were high on the list of priorities.

Misgivings had been expressed about the proposal for a special borrowing of Rs. 800 crores from the Reserve Bank against drawal of foreign exchange reserves. The external reserves of the country had risen substantially in recent months. It was desirable to work

out effective mechanism to use these reserves to accelerate the tempo of economic activity and to stabilise prices. In pursuance of this objective, Government had liberalised substantially the import policy. Larger imports both of essential consumer goods and capital goods would add to the real resources available to the economy for development.

The objectives behind the tax proposals had been to reduce the disparities of income and wealth and to enlarge the pool of savings. More money had been raised this year through direct taxes. This was done with a view to wield fiscal policy as an instrument of change.

The substantially increased outlay on agriculture, irrigation and rural infra-structure such as electrification and roads would result in the generation of more employment. The reliefs given to small-scale and cottage industries would also provide significantly larger employment opportunities. A definite effort had clearly been made in the Budget to see that more employment was generated. The Government was also fully committed to a policy of holding the price line and would use every instrument at its disposal for this purpose.

Felicitations to Shri Bhupesh Gupta: On June 22, 1977, Shri Lal K. Advani, Leader of the House, felicitating Shri Bhupesh Gupta for his continuous 25 years' service to the Rajya Sabha said that Shri Bhupesh Gupta had been a member of the Rajya Sabha since its inception and had all along been taking very active part in the debates of the House. There would be very few members in various legislatures in India who were so sincere and alert about the proceedings of the House as Shri Bhupesh Gupta. He could speak with full knowledge on a variety of subjects, political, economic, cultural and international. He was well-known in the House for his sense of humour and repartees.

Shri Kamlapati Tripathi, Leader of the Opposition, associating himself with the Leader of the House said that it had rightly been said that Shri Bhupesh Gupta was not merely an individual, but had become an institution in himself. Through Rajya Sabha he had served the nation to the best of his ability. His contribution to the proceedings of the Rajya Sabha was unparalleled. He always stood for progressive measures being adopted by the Government. In the House he was always alert and attentive and never lost any occasion to oppose whatever he thought was wrong.

Offering his felicitations to Shri Bhupesh Gupta, the Deputy Chairman said that some of the country's ablest parliamentarians had sat on the opposition benches in the Rajya Sabha but the first name that came up before one's mind as one thought of the Opposition in the Rajya Sabha was that of Shri Bhupesh Gupta. Brilliant and indefatigable, Shri Bhupesh Gupta participated in almost every debate in the House. He flourished on interruptions and his contribution to the debate, in respect of both volume and quality, would always remain an outstanding record in the parliamentary annals of the country. A man of indomitable will and courage of his convictions, Shri Bhupesh Gupta made valuable contributions to the national life, both inside and outside the Legislature throughout this period.

Shri Bhupesh Gupta, replying to the felicitations said that for him it had been a privilege and honour to have belonged to this House for a quarter of a century. He had always tried, to the best of his ability, to serve the country, its great people, to uphold its cherished culture and its noble inheritance from an undying, ancient, civilisation. The words that were spoken were extremely kind words. But he had his own doubt whether he at all deserved them. Thanks to the genius of the people, the tradition of people's freedom movement, the wisdom of the members both inside and outside the House, and thanks to Dr. Radhakrishnan, Jawaharlal Nehru and others, the members in this House did not accept the position of being a House to echo what went on in the other House. This was a House which in its own right asserted its own individuality, personality and character as a vibrant living tribune of Parliament. It was one of the two Chambers which constituted Parliament.

The members of this House had built up some great traditions. They had always acted in a way which gave the impression that they were members of a family. That family-mindedness in the Chamber had been a great inspiration for all its members.

B. LEGISLATION

Some of the important Bills passed by the Rajya Sabha during the Session are briefly mentioned below:—

*The Presidential and Vice-Presidential Elections (Amendment) Bill, 1977**: On June 28, 1977, Shri Shanti Bhushan, Minister of Law,

*The Bill as passed by the Lok Sabha was laid on the Table of the Rajya Sabha on June 21, 1977.

Justice and Company Affairs, moving the motion for consideration of the Bill, said that the present Government felt that it would be proper to restore the jurisdiction of the Supreme Court in the matter of disputes in regard to the validity of the election of either the President or the Vice-President. It, therefore, decided to let the Ordinance lapse and introduce the present Bill to restore the jurisdiction of the Supreme Court in the matter of deciding such disputes. The Bill was passed by the Rajya Sabha on the same day.

*The Payment of Wages (Amendment) Bill, 1977**: Shri Ravinder Varma, Minister of Parliamentary Affairs and Labour, moving the motion for consideration of the Bill on June 28, 1977 said that this was a simple Bill to enable the introduction of an insurance scheme for Central Government servants. The scheme as recommended by the Third Pay Commission was discussed with the representatives of the staff side in the National Council of the Joint Consultative Machinery in 1973. The staff side did not favour the scheme on the ground that it would cover only the risk of death during service, and would not provide for any additional benefit on retirement. A modified scheme was, therefore, worked out and circulated to the staff side representatives. The modified scheme would be compulsory for all Central Government employees. For purposes of contributions and entitlement to benefits, the employees were divided into three groups depending on their age at the time of entry into the scheme. Each group was covered in a separate stage in the scheme. It was necessary to amend the Payment of Wages Act as proposed in the Bill without any loss of time so that the welfare of the employees might go into operation without any difficulty on July 1, itself. The Bill was passed by the Rajya Sabha on the same day.

*The Yoga Undertakings (Taking over of Management) Bill, 1977***: On June 28, 1977, Shri Raj Narain, Minister of Health and Family Welfare, moving the motion for consideration of the Bill said that the Vishwayatan Yogashram had been established at Delhi in 1958 with the main object of imparting training in and promoting the study of, various aspects of Yoga science. The Ministry of Education and Social Welfare gave recurring and non-recurring

*The Bill as passed by the Lok Sabha was laid on the Table of the Rajya Sabha on June 24, 1977.

**The Bill as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on June, 27, 1977.

grants to the two centres of Vishwayatan. The Ministry of Health and Family Welfare also gave grants with a view to studying the effect of Yoga on various diseases like diabetes, asthma etc. Later, more funds had also been advanced to these societies on different grounds. Now, several complaints with regard to the misuse of these funds had been received by the Government. Therefore, a departmental auditor was appointed to check the accounts of these societies. His report revealed that the Director of the Central Research Institute for Yoga, Shri Dhirendra Brahmachari, had been operating the funds without any authority.

Therefore, there was no other alternative but to take over the management of the undertakings of the two Yoga societies. The Bill sought to replace the Ordinance issued by the President in this regard. The Government had taken over these societies for a period of two years for the present, but in order to secure the proper management of the undertakings, it was expedient that such management should continue to vest in the Central Government after the expiry of the said two years for a maximum period not exceeding five years. The Bill was passed by the Rajya Sabha on the same day.

C. OBITUARY REFERENCES

The Deputy Chairman made references to the passing away of Shri H. S. Narasiah, a sitting member and Sarvashri M. Ruthnaswamy and B. S. Sanekar, ex-members. The House stood in silence for a minute as a mark of respect to the memory of the deceased.

STATE LEGISLATURES

MANIPUR*

Manipuri Languages On April 15, 1977 the Legislative Assembly unanimously adopted the following private member's resolution:

"Whereas the Manipuri language (Meiteilon) had been the lingua-franca or de-facto official language in Manipur, as it is till to-day; and

Whereas the Manipuri language has obtained the recognition of the Sahitya Akadami as one of the Indian languages in India; and

*Contributed by the Manipur Legislative Assembly Secretariat.

Whereas the Legislature of the State may by law adopt any one or more of the languages in use in the State as the language or languages to be used for all or any of the official purposes of the State as provided in article 345 of the Constitution;

The House is of the view that the Manipuri language shall be the official language of the State in addition to the English language, with a transitory period during which it shall be the duty of the State Government to promote the spread of the Manipuri language.

The House, therefore, urges that a language Bill need be initiated early by the Government of Manipur making Manipuri language as the official language and for rapid development of the tribal dialects with safeguards duly defined;

And the House further requests the Government of India to take steps for inclusion of Manipuri language in the Eighth Schedule of the Constitution of India."

High Court for Manipur: On April 22, 1977, the Assembly unanimously passed the following private member's resolution:

"Whereas under article 214 of the Constitution of India there shall be a High Court for each State;

Whereas there exists only a common High Court for all the North-Eastern States, viz., Assam, Nagaland Manipur, Meghalaya and Tripura;

Whereas the present arrangement causes great inconvenience to the people seeking justice as they have to rush to Gauhati to move their applications to the High Court for due admissions;

In order to remove this inconvenience and to ensure prompt justice with lesser expense the House is of the view that there should be a separate High Court for the State of Manipur and therefore urges the Government of India to take steps for setting up a separate High Court for Manipur."

BOOK REVIEWS

STATE AND NATION BUILDING. Edited by Rajni Kothari.
Allied Publishers Private Ltd., New Delhi, 1976. Rs. 55.

This is a book of collected articles, some of them written recently, some long while ago, which essentially deals with what the authors believe to be the "third world perspective". The editor, Dr. Rajni Kothari in his prefatory remarks has thus emphasized the need in this perspective to evaluate human choice against uniformity, individual freedom against dominance and authoritarianism. Continuing this theme, Dr. Satish Arora warns against the Western theoretical priorities of models and internal consistency, and advocates theories of nation building based on optimizing human values. Aside from these two basic ideas, there is very little else in this book that could be considered as food for thought. In general, authors in this book appear to shy away from any cogent or overall theory of nation-building. Dr. Kothari himself concedes this when he says:

"I do not intend to tie together the various threads of my analysis in the form of any neat theoretical model. I do *not* feel obliged to provide such a model."

The book may thus be read by students of political science or research scholars with ample time to spend, but active politicians and busy scholars might find the book a bit pretentious and unfocussed.

—DR. SUBRAMANIAN SWAMY

INDIVIDUAL LIBERTY AND THE LAW. By Sir Zelman Cowen. (Tagore Law Lectures). Eastern Law House Private Ltd., Calcutta, 1977. 203 Pages, Price Rs. 30, \$8, £5.

The fish is thirsty in the water. The span of civil liberty enjoyed by the individual has considerably widened in recent times. Indeed, at one time one feels one is riding on the crest of a wave of almost unbelievable "Individual liberty" without which one cannot function as a useful member of a free, democratic society; yet, however, at other, one feels awed and dwarfed at the growing need for legal restraints to rebuild and reform society along cherished principles. The individual is, therefore, restless; and the human society is in almost ceaseless search of a happy and harmonious reconciliation between the two apparently conflicting but mutually complementary demands of individual liberty and the law.

This is the theme of the book which comprises the Tagore Law Lectures of the author. The author critically examines the present spectacular challenge to the authority of law and its administration—challenge not simply by criminals but by public figures. For, discretion to disobey has assumed new perspectives. The author observes:

"Whereas at an earlier time those who asserted the right to disobey at the same time accepted the penalty, seeing in both disobedience and acceptance of punishment a public demonstration of the case for re-examining the law, there is a contemporary doctrine which asserts the right to disobey free of any penalty."

The violator of law is viewed as an innocent victim or as some sort of a hero. The author's remark in this context is very significant that "such attitudes are reinforced by cynical and hypocritical attitudes to law on the part of the governments and those placed highly within them."

As the author puts it, he seeks "to explore the contending claims to liberty: the claims of the media to freedom to publish, to know and to make known, and the countervailing claims to valued rights; to the protection of reputation and to privacy, to the assurance of due process to assure a fair trial uncontaminated by prejudicial publicity." Accordingly, he makes an authoritative, a comprehensive and a searching analysis of the ever-widening dimensions being acquired by the claim to freedom of expression—the freedom to speak and to publish uninhibited by legal restraints—in the context

of its impact on the claim to the protection of individual reputation and privacy, protection of the fair trial from prejudicial publicity and the protection of a free society from the baneful effects of obscenity. The author believes in liberty within the law.

The issue discussed by the author are no longer problems that concern the lawyer alone. They are live issues, most relevant to the present times and the ones which involve all.

Freedom cannot be absolute; for absolute freedom is, in effect, the negation of freedom itself. Liberty has to be limited if it is to be effectively possessed. In the words of Tawney "liberty can exist only insofar as it is limited by rules which secure that freedom for some is not slavery for others." While one school of thought represented by Bentham, Mill and Rus-ell looks upon every law as infringement of liberty and, hence, considers law and government as mere 'justifiable evil' that prevents greater evils, Rousseau, Kant and Hegel view law as the foundation of liberty. It is the subtle but significant distinction between the freedom of the individual to do as he pleases, and the freedom to do as he ought to, that is basic to the realization of liberty as a legal or social concept. As Hobhouse puts it, "if liberty be regarded as a social ideal, the problem of establishing liberty must be a problem of organizing restraints and thus the concept of a liberty which is to set an entire people free from its government would appear to be a self-contradictory ideal."

But the desired reconciliation between individual freedom and social restraints presents many intricate and complex issues. Judicial attitude is yet to crystallize in this highly controversial sphere; and while a study of the legal response to the need for a happy balance between competing claims, presents an interesting history, a satisfactory solution still evades us. This is as it should be, for the response is confronted with changing needs and conditions.

In the treatment of such a delicate theme, the author advantageously adopts a comparative method and gives a comprehensive and provocative analysis of the English and Commonwealth approaches on the one hand and the American approach on the other. It is quite evident that India has a long road to travel. The Indian Constitution deals generally with the traditional rights of individual liberty—rights recognized before the First World War. The new liberties adopted by the post-war constitutions of Europe and Latin America have yet to secure constitutional recognition.

Article 19 of the Indian Constitution, with its specific restrictions on civil rights on the pattern of the Irish and Danzig Constitutions, is in sharp contrast with the First Amendment to the U.S. constitution: "Congress shall make no law...abridging the freedom of speech or of the Press." Thus, while the U.S. Constitution declares the rights alone and leaves the evolution of reasonable restrictions to the judiciary, the framers of the Indian Constitution did not leave the Courts free to devise vague doctrines. There is, therefore, no scope in the Indian Constitution for the American 'absolutist approach' of Mr. Justice Douglas, who views every restriction as an erosion of the freedom assured by the First Amendment. But despite the so-called finality of the word 'no' in the First Amendment prohibiting any restriction, the Supreme Court of the United States has had, over long periods, to struggle, though "sometimes in a confusing way, to work out the appropriate accommodation."

Since the First World War, the U.S. Supreme Court has faced the vexed question of the extent of suppression of speech which advocated conduct inimical to public welfare. In *Schenck v. United States*, Holmes J. enunciated the 'clear and present danger doctrine.' He said:

"The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic...the question in every case is whether the words are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."¹

Brondies, J. observed that if there was time to expose the falsehood and fallacies through discussion, the remedy to be applied is more speech, not enforced silence.²

In course of time, the U. S. Supreme Court moved towards the 'balancing doctrine', or 'weighing of values' to 'determine whether the evil was sufficiently serious, striking the balance between the individual and the government interests more in favour of the latter.'³

¹63 L. ed. 470(473-4).

²*Whitney v. California*, L. ed. 1095 (1106).

³*Barenblott v. United States*, 3 L. ed. 1115.

The Indian Constitution does not fall in the 'verbal trap' of the 'clear and present danger doctrine' as article 19 lays down specific restrictions. The limitations upon freedom of speech and expression enumerated in the article have been held to be exhaustive and no other restrictions can be imposed.⁵

The freedom of the speech and expression has been held to include the freedom of the Press.⁶ Unlike the Constitution of the U.S.A., Switzerland, the U.S.S.R., West Germany, Japan, Belgium, Norway, Sweden and others there is no specific mention of the freedom of the Press in the Indian Constitution.

The time is past in the history of the world when any emphasis would be necessary on the freedom of the press. But the protection of the individual from the unfettered invasion of the press into his privacy, the maintenance of the individual's right to his reputation, the right of an accused to secure a fair trial, and the reach of the law of the obscenity involve complex issues. The author's treatment of these issues is scholarly and the book is a valuable contribution to the delicate theme of justice and liberty.

G. M. BANATWALLA

PATTERNS AND TRENDS IN INDIAN POLITICS: By Biplab Dasgupta and W. H. Morris-Jones. Bombay, Allied Publishers Private Ltd. 1975, 365 pages, Price Rs. 65.

Despite the vast and undeniable theoretical interest amongst the younger generation of political scientists in India in neo-empirical theories and the behavioural school, that exercised such a visible impact in the U.S.A., there is correspondingly no visible effort on their part to acquaint themselves with such research techniques and methods and other tools of analysis as are necessary for the empirical studies, with the result that the research studies in the voting behaviour have considerably lagged behind. Fellow economists and sociologists in this respect are slightly better off. It is a small consolation that the first ever detailed highly sophisticated election study based on a thorough knowledge of techniques of quantitative research with mathematical statistics thrown in has come from the pen of an Indian in collaboration with a well-known British scholar of Indian politics, W. H. Morris-Jones. I say, it is a small consolation.

⁵*Babulal Parate v. State of Maharashtra*, A.I.R. 1962 SC 884: (1961) 3 SCR 422.

⁶*Chrianjitlal v. Union of India*, A.I.R. 1950 SC 41 at 56.

⁷*Ramesh Thapper v. State of Madras*, AIR 1950 SC 124: 1950 SCR 594.

tion because the Indian—an economist statistician—has been on the staff of the London School of Oriental Studies and, therefore, lost to the country.

Dasgupta and Morris-Jones working in collaboration over several years have made a thorough study of the pattern and trends in Indian politics based on a vast empirical data of all the five General Elections from 1951 to 1971 (how splendid would it have been if the publication of the book had been suspended and the hard-working team had time to include the historic Sixth General Elections). However, it is rather difficult to give even an outline summary of this fascinating project, which includes a study of States and parties, units and variables selected for quantitative research, problem of people's participation, of group competition, of institutionalization and lastly, party participation. For all this the list of computerised tables under each category runs into a couple of hundred framed with highly disciplined research methods. Unlike the superficial impressionistic studies that we have had so far of elections and voting behaviour over the last two decades the authors offer no generalizations or conclusions, which does not logically flow out of carefully and cautiously tabulated hard empirical facts with the result that many of the received impressions about party performance and participation, by which academics and political analysis have been guided in their writings, are found either wanting or inaccurate. I wish I had space enough to indicate them.

The sub-title of the book "An Ecological Analysis of Aggregate Data on Society and Elections" gives us a more precise indication of its contents. As such it provides us with a model of quantitative research especially for those who are engaged in Indian political studies. The authors have taken the trouble to warn the readers of both the purpose and the limitations of the study. Equally helpful is the summary of their findings which would help a disgruntled researcher to recast his preconceived ideas of Indian voting-behaviour, or ideological pre-disposition. A book of this importance should be made available at a much cheaper cost. The well-known publisher would be well-advised to bring out a paper-back edition of the book, so that it is readily available to the nearly five thousand teachers of political science in the country. It might also be included as a part of advanced readings for courses in methodology in the departments of some of the leading Universities, especially for the M. Phil. courses. Since studies in Indian politics will continue to hold the attention of Indian scholars, this book might well be considered as a pioneering and a substantial contribution to that.

—FRANK THAKURDAS

PARLIAMENT AND THE PUBLIC. By Michael Rush, London, Longman Group Limited, 1976, 140 p. Price 3.50.

The present monograph on the theoretical and constitutional framework of the British Parliament seeks to deny emphatically a widely held view that the British government is anything more than the "prime ministerial government". While conceding the Prime Minister's powerful position, Michael Rush's study holds the opinion that Parliament is one of the several focal points of national political activity, of which the Prime Minister and the Cabinet is another, the Whitehall Departments a third, and the party system is the fourth. The significance of Parliament, however, lies not in its powers, but in its existence. He argues that in Britain there is no system of government by Parliament, but of government *through Parliament*.

Rush sees the British Parliament as a product of political ideas—ideas about representations, constitutional responsibility and accountability, public opinion and democracy, ideas which are not immutable, but which have meant different things at different times and continue to mean different things to different people. Viewed in this perspective, its functions become interdependent, especially the scrutinising and information function. Admitting Parliament's limited influence over finance and legislation, the author maintains that Parliament uses its financial and legislative procedures to scrutinise government policies and elicit information about government activities. These procedures together with the doctrine of ministerial responsibility and the physical presence of Ministers in Parliament, force the government to explain and defend its policies publicly.

As for its representative character, the British Parliament is not socio-economically representative of the electorate. Those who argue that the House of Commons should be a microcosm of the nation do so partly out of a belief that it is ultimately the only fair form of representation, and partly out of a belief that the House of Commons would be a better place for it. To secure microcosmic representation by electoral means is difficult since it involves giving the electorate the right to choose its representatives, but limiting that choice in order to ensure that a microcosm is elected.

The most important part of the monograph, however, concerns with the author's analysis of the functions of the British Parliament and the defence of its procedures. It is interesting to note

that even in a traditionally democratic policy like that of Britain, 'legitimising' still remains to be one of the most significant of the Parliament's functions, besides the others like representation, financial, redressal of grievances, legislative, recruitment of ministers, scrutiny and information and judicial. This clearly shows that legislatures everywhere are essential instruments for legitimising the exercise of political power in a society to confer an aura of legal and accepted authority on the actions of the executive. Michael Rush defends the Parliament against the criticism that it indulges in too much unnecessary ceremonials and has too many time-wasting procedures. He argues that despite the faults that may be detected in the parliamentary procedure it is the necessary framework without which Parliament will break down. The procedures tend to elaborate because the business of the Parliament is complex and because some sort of balance must be achieved between the need to expedite the business and the need to subject it to effective scrutiny.

Dr. Rush has some very interesting observations on the question of the introduction of referendum as a regular part of the British political machinery. He thinks that if introduced, such a device will become a tactical political weapon at the hands of the government. It is possible that the governments might use it sparingly, conscious of the fact that it is a double-edged weapon. But refusal to submit issue to a referendum is itself a tactical weapon in the hands of the opposition. Although both the devices of referendum and initiative would provide public opinion with opportunities to make itself felt in a way and to an extent which does not at present exist, in all likelihood these would assist more those who wish to secure the rejection of a proposed policy than those who favour its acceptance. In the ultimate analysis Rush believes that the public is best served by Parliament fulfilling its role of making the government accountable—accountable not in the constitutional sense to Parliament but to the public.

The small study by Michael Rush is informative and a very lucid and apt description of the British parliamentary system at work. Written in a simple style without unnecessary jargons, it carries through the message of the Parliament's role in a democracy in unambiguous terms. While understandably, it has carefully avoided the analysis of certain controversial aspects of the working of parliamentary system in modern times, it should be found to be extremely useful by the students of the British Parliament, and those interested in day-to-day work of its legislators.

—DR. R. B. JAIN

RECENT LITERATURE OF PARLIAMENTARY INTEREST

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE SECOND SESSION OF THE SIXTH LOK SABHA*

*The information relating to the work transacted during the Second Session of the Sixth Lok Sabha will be published in the October—December, 1977 issue of the Journal. There were no sittings of the Parliamentary Committees during the period February 1, 1977 to April 30, 1977.

APPENDIX II

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

1. Period of the Session	June 11 to 28, 1977	
2. Number of meetings held		13
3. Total Number of sitting hours	72 hrs. 20 mts. (excluding lunch break)	
4. Number of divisions held		Nil
5. <i>Government Bills</i> :		
(i) Pending at the commencement of the Session		9
(ii) Introduced		1
(iii) Laid on the Table as passed by Lok Sabha		5
(iv) Returned by Lok Sabha with any amendment		Nil
(v) Referred to Select Committee by Rajya Sabha		Nil
(vi) Referred to Joint Committee by Rajya Sabha		Nil
(vii) Reported by Select Committee		Nil
(viii) Reported by Joint Committee		Nil
(ix) Discussed		4
(x) Passed		3
(xi) Withdrawn		Nil
(xii) Negatived		Nil
(xiii) Part-Discussed		Nil
(xiv) Returned by Rajya Sabha without any recommendation		1
(xv) Discussion postponed		Nil
(xvi) Pending at the end of the Session		11
6. <i>Private Members' Bills</i> :		
(i) Pending at the commencement of the Session		21
(ii) Introduced		1
(iii) Laid on the Table as passed by Lok Sabha		Nil
(iv) Returned by Lok Sabha with any amendment and laid on the Table		Nil

(v) Reported by Joint Committee	Nil
(vi) Discussed	1
(vii) Withdrawn	Nil
(viii) Passed	Nil
(ix) Negatived	Nil
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Pending at the end of the Session	22
7. Number of Discussions held under Rule 176. (Matters of Urgent Public Importance) :	
(i) Notices received	4
(ii) Admitted	1
(iii) Discussion held	1
8. Number of Statements made under Rule 180. (Calling-attention to matter of urgent public importance) :	
Statement made by Ministers	7
9. Half-an-hour discussion held	1
10. Statutory Resolutions :	
(i) Notices received	1
(ii) Admitted	1
(iii) Moved	1
(iv) Adopted	1
(v) Negatived	Nil
(vi) Withdrawn	Nil
11. Government Resolutions :	
(i) Notices received	} 1 (This was a Statutory Resolution as mentioned at item No. 10)
(ii) Admitted	
(iii) Moved	
(iv) Adopted	
12. Private Members' Resolutions :	
(i) Received	5
(ii) Admitted	5

(iii) Discussed	1	
(iv) Withdrawn	Nil	
(v) Negatived	Nil	
(vi) Adopted	Nil	
(vii) Part-discussed	The discussion on the Resolution mentioned at (iii) above was not concluded.	
(viii) Discussion postponed	Nil	
13. Government Motions :		
(i) Notices received	1	
(ii) Admitted	1	
(iii) Moved and discussed	1	
(iv) Adopted	Nil	
(v) Part-discussed	Nil	
14. Private Members' Motions :		
(i) Received	11	
(ii) Admitted	11*	
(iii) Moved	} Nil	
(iv) Adopted		
(v) Part-discussed		
(vi) Negatived		
(vii) Withdrawn		
(*Two notices for short Duration Discussion were admitted as No-day-yet-named Motions).		
15. Motions Regarding Modification of Statutory Rule :		
(i) Received	} Nil	
(ii) Admitted		
(iii) Moved		
(iv) Adopted		
(v) Negatived		
(vi) Withdrawn		
(vii) Part-discussed		
16. Number of Parliamentary Committees created, if any, during the session	Nil	
17. Total number of Visitors' Passes	1208	
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued		

19. Number of Motions for Papers under Rule 175 :

(i) Brought before the House . . .	}	Nil
(ii) Admitted and discussed . . .		

20. Total Number of Questions Admitted :

(i) Starred	342
(ii) Unstarred (including Starred Questions)	630
(iii) Short-Notice Questions	2

21. Discussion on the working of the Ministries

Nil

22. Working of Parliamentary Committees :

Name of Committee	No. of meetings held during the period 1-2-77 to 30-4-77	No. of Reports presented during the Session
(i) Public Accounts Committee		Nil
(ii) Committee on Public Undertakings . . . . .	..	Nil
(iii) Business Advisory Committee . . . . .	..	..
(iv) Committee on Subordinate Legislation	6	1
(v) Committee on Petitions	7	1
(vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	..	Nil
(vii) Committee of Privileges	Nil	Nil
(viii) Committee on Rules	Nil	Nil
(ix) Joint Committee on Offices of Profit . . . . .	..	Nil
(x) Committee on Government Assurances	4	2
(xi) General Purposes Committee	1*	Nil

*The Sub-Committee appointed by the General Purposes Committee in connection with the 25th Anniversary celebrations of the Rajya Sabha, met twice during the period.

23. Number of Members granted leave of absence	Two
24. Petitions presented	One
25. Number of new Members sworn with dates	Nil

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD JANUARY 1 TO MARCH 31, 1977.

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
Andhra Pradesh L. C.	. . . . . 21-3-77 to 6-4-77	13	(13)		119(37)	(6)	40(22)
Andhra Pradesh L. A.	. . . . . 21-3-77 to 4-4-77	12	17 (13)		254 (158)(a)	69(154)(b)	22 (14)
Assam L. A.	. . . . . 22-3-77 to 9-5-77	28	13 (12)		989 (853)	78 (73)	36(12)
Bihar L. C.	. . . . . 24-3-77 to 28-3-77	4	(2)		289 (261)	1 (26)	48 (22)
Bihar L. A.	. . . . . 24-3-77 to 26-3-77	3	2 (2)	..	308(210)	109 (97)	66 (14)
Gujarat L. A.	. . . . . 21-3-77 to 21-4-77	11	4 (4)	1	351 (226)	369 (209)	7 (5)
Haryana L. A.	. . . . . 23-3-77 to 29-3-77	9	15 (15)	..	46 (25)	40 (34)	..
Himachal Pradesh L. A.	. . . . . 24-3-77 to 12-4-77	11	14 (12)		124 (92)	6 (4)	4 (2)
Jammu & Kashmir L. C.	. . . . . 5-2-77 to 27-3-77	10	2	..	220 (161)	172 (132)	..
Jammu & Kashmir L. A.	. . . . . 5-2-77 to 26-3-77	10	4 (1)	..	755 (681)	427 (367)	4 (4)
Karnataka L. C.	. . . . . 25-3-77 to 27-4-77	..	4 (9)	..	91 (86)	11 (11)	3 (1)
Karnataka L. A.	. . . . . 25-3-77 to 26-4-77	..	9 (7)	..	370 (246)	9 (9)	6 (4)
Kerala L. A.	. . . . . 26-3-77 to 5-4-77	8	2 (2)	..	..	..	..
Madhya Pradesh L. A.	. . . . . 28-3-77 to 7-4-77	8	11 (11)	..	673 (314)	307 (200)	17

i	2	3	4	5	6	7	8
Maharashtra L. C.	..	..	..	..	..	..	..
Maharashtra L.A.	..	..	..	..	..	..	..
Manipur L.A.	25-3-77 to 22-4-77	14	8 (6)	..	150 (86)	(6)	..
Meghalaya L.A.	21-3-77 to 1-4-77	9	4 (4)	..	2 (2)	23 (21)	..
Nagaland L.A.	..	..	..	..	..	..	..
Orissa L.A.	..	..	..	..	..	..	..
Punjab L.A.	28-3-77 to 9-4-77	13	8 (8)	..	240 (89)	53 (26)	4 (1)
Rajasthan L.A.	23-3-77 to 30-3-77	6	12 (2)	..	153 (63)	18	..
Sikkim L.A.	22-3-77 to 25-3-77	5	6 (6)	..	..	..	..
TamilNadu L.A.	..	..	..	..	..	..	..
TamilNadu L. C.	..	..	..	..	..	..	..
Tripura L.A.	24-5-77 to 30-3-77	5	1 (1)	..	166 (69)	98 (82)(c)	..
Uttar Pradesh L. C.	25-3-77 to 31-3-77	4	2 (2)	..	439 (383)	80 (80)	8 (8)
Uttar Pradesh L. A.	25-3-77 to 31-3-77	6	2 (2)	..	644 (344)(d)	(110)	129(87)(e)
West Bengal L.A.	23-3-77 to 11-4-77	13	15 (15)	..	65(46)(f)	4(7)(g)	32 (2)
<i>Union Territories</i>							
Arunachal Pradesh L. A.	23-3-77 to 28-3-77	5	2 (2)	..	25 (25)	4 (4)	..
Delhi Metropolitan Council.	24-3-77 to 25-3-77	2	..	1	15 (15)	53 (48)	5

Goa, Daman and Diu L. A.	21-3-77 to 26-4-77	25	6 (7)	1	561(416)	4 (56)(h)	4 (2)
Mizoram L. A.	22-3-77 to 30-3-77	7	..	..	20 (20)	..	..
Pondicherry L. A.	..	..	..	..	..	..	..

- NOTES : (1) Figures in Cols. 4 and 5 indicate the number of bills introduced followed by the number of Bills passed in brackets.
- (2) Figures in Cols. 6, 7 and 8 indicate the number of notices received followed by the number of notices admitted in brackets.
- (a) Includes 86 Short Notice Questions admitted as Ordinary Starred Questions.
- (b) Includes 5 starred Notices admitted as Unstarred Questions.
- (c) Includes 15 notices received as Starred but admitted as Unstarred.
- (d) Includes notices for 101 Unstarred Questions admitted as Starred Questions.
- (e) Includes notices for 75 Starred Questions and 9 Unstarred Questions admitted as Short Notice Questions.
- (f) Including Short Notice Questions converted into ordinary Starred Questions.
- (g) Including Short Notice Questions and ordinary Starred Questions converted as ordinary Unstarred Questions.
- (h) Includes Starred Questions admitted as Unstarred.

APPENDIX—III (Contd.)

COMMITTEES AT WORK (NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED)

Legislative																											
	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24											
Business Advisory Committee																											
Committee on Govt. Assurances																											
Committee on Petitions																											
Committee on Private Members' Bills and Resolutions																											
Committee on Privileges																											
Committee on Public Undertakings																											
Committee on Subordinate Legislation																											
Committee on the Welfare of SC and ST.																											
Estimates Committee																											
General Purposes Committee																											
House/Accommodation Committee																											
Library Committee																											
Public Accounts Committee																											
Rules Committee																											
Joint/Select Committee																											
Other Committees																											
Andhra Pradesh L. C.	2(2)	10(1)	8(1)	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Andhra Pradesh L.A.	3(3)	20	1	..	..	18(2)	17	..	17(9)	..	..	11	16(3)	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Assam L. A.	8	1	..	..	1	5(1)	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Bihar L.A.	..	26	29	..	4	16	11	..	36	..	..	8	11(3)	15	..	..	..	..	..	..	..	..	..	..	..	..	..
Bihar L. C.	1(1)	10	9	1	2	..	8	..	..	..	..	9	9	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Gujarat L.A.	3(3)	..	..	2(2)	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Haryana L.A.	2(2)	9(1)	..	..	2	..	7(1)	3	5(2)	2	8	11	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Himachal Pradesh L.A.	3(3)	15	4(1)	..	5(1)	6(2)	10(2)	10(1)	11(8)	..	..	..	14(9)	..	..	..	..	..	..	..	..	..	..	..	..	..	..

Appendices

Jammu & Kashmir L. C.	3(2)	2	..	..	3	..	..	..	1	..	..	..
Jammu & Kashmir L. A.	2	6	3	4(I)	1	5	(I)	..	1	..	6	..
Karnataka L. C.	2(2)	2	..	7	17(2)	..	..	..	..	1	4	..
Karnataka L. A.	2(2)	2	..	..	17(2)	..	6	10(I)	..	1	4	..
Kerala L. A.	..	5(I)	6(I)	..	6	6	..	8	2	2	3	..
Madhya Pradesh L. A.	1(I)	1*	2(2)	..	4	3	1(I)	..	..	..	3	(p)
Maharashtra L. C.	..	..	..	..	..	..	..	..	..	..	..	..
Maharashtra L. A.	..	..	..	..	..	..	..	..	..	..	..	..
Manipur L. A.	2(2)	1(I)	1	2(I)	..	8	2	..	..	4(I)	..	..
Meghalaya L. A.	1(I)	5(I)	..	..	9(I)	..	1	..	..	(I)	7	..
Nagaland L. A.	..	..	..	..	..	..	..	..	..	..	..	..
Orissa L. A.	..	..	..	..	..	..	..	..	..	..	..	..
Punjab L. A.	2(2)	12(I)	..	..	11(2)	10(I)	..	16(4)	2	9	11(I)	..
Rajasthan L. A.	2(2)	13(I)	14	14	24	21(I)	43(5)	31(3)	9	3	14	25
Sikkim L. A.	..	..	..	..	..	..	..	..	..	..	..	..
Tamil Nadu L. A.	..	..	..	..	..	..	..	..	..	..	..	..
Tamil Nadu L. C.	..	..	..	..	..	..	..	..	..	..	..	..
Tripura L. A.	1(I)	3	1	2	5(2)	..	8	..	3	2(I)	..	(m)
Uttar Pradesh L. C.	2	13	2	..	..	..	..	..	2	..	1	(n)
Uttar Pradesh L. A.	1(I)	6	..	4	6	10	2	3	..	..	19	(o)
West Bengal L. A.	4(4)	5(I)	8(I)	..	10(I)	19(I)	6(I)	..	3	4(I)	25(I)	(6)

Union Territories

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Arunachal Pradesh L. A. . . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	(q)	(r)
Delhi Metropolitan Council	1(1)	2	1(1)	..	..	..	..	..	..	..	..	..	..	..	(s)	..
Goa, Daman and Diu L.A.	1(1)	2(2)	..	..	3	..	3	..	3	..	..	1	2	..	(t)	..
Mizoram L.A.	3	..	..	..	..	..	..	..	..	..	1	..	16	..	..	..
Pondicherry L.A. . . . .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

(i) Joint Select Committee on the Andhra Pradesh Education Bill, 1976—2(1)

(j) Committee on Amenities—2.

(k) Miscellaneous Matters Committee—8.

(l) Daje Pratinidhi of Madhya Pradesh (Sanskhodhan Vidheyak, 1976—3; (ii) Select Committee on Land Revenue Code (Amendment Bill, 1975—1; and (iii) Select Committee on Land Revenue (Second Amendment) Bill, 1976—1.

(m) Committee on Absence of Members from the Sittings of the House—4

(n) Committee on Compilation of Ruling—5.

(o) Committee on Parliamentary Research, References and Studies.

(p) Part-III of the Report.

(q) The Select Committee on the Arunachal Pradesh Legislature Members (Removal of Disqualifications) Bill, 1976—2.

(r) Committee on Transport Facilities for Members of the Assembly—2(1).

(s) The Delhi Disabled persons Rehabilitation and Employment Bill, 1975—2.

(t) The Goa, Daman and Diu Nyaya Panchayat Bill, 1974—4(1).

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE
PRESIDENT DURING THE PERIOD FEBRUARY 1, 1977 TO APRIL 30, 1977.

Sl. No.	Title of the Bill	Date of assent by the President
1.	The Appropriation (Vote on Account) Bill, 1977	31-3-1977
2.	The Appropriation Bill, 1977	31-3-1977
3.	The Appropriation (Railways) Vote on Account Bill, 1977	31-3-1977
4.	The Appropriation (Railways) Bill, 1977	31-3-1977
5.	The Tamil Nadu Appropriation (Vote on Account) Bill, 1977	31-3-1977
6.	The Tamil Nadu Appropriation Bill, 1977	31-3-1977
7.	The Nagaland Appropriation (Vote on Account) Bill, 1977	31-3-1977
8.	The Nagaland Appropriation Bill, 1977	31-3-1977
9.	The Pondicherry Appropriation (Vote on Account) Bill, 1977	31-3-1977
10.	The Pondicherry Appropriation Bill, 1977	31-3-1977
11.	The Finance Bill, 1977	6-4-1977
12.	The Food Corporation (Amendment) Bill, 1977	11-4-1977
13.	The Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Bill, 1977	18-4-1977
14.	The Prevention of Publication of Objectionable Matter (Repeal) Bill, 1977	18-4-1977
15.	The Parliamentary Proceedings (Protection of Publication) Bill, 1977	18-4-1977
16.	The Disputed Elections (Prime Minister and Speaker) Bill, 1977	18-4-1977
17.	The Caltex [Acquisition of Shares of Caltex Oil Refining (India) Limited and the Undertakings in India of Caltex (India) Limited] Bill, 1977	23-4-1977

APPENDIX V

BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD JANUARY 1, TO
MARCH 31, 1977

ANDHRA PRADESH LEGISLATIVE COUNCIL

1. The Andhra Pradesh Appropriation Bill, 1977.
2. The Andhra Pradesh Agricultural University (Amendment) Bill, 1977.
3. The Andhra Pradesh Board of Revenue (Replacement by Commissioner) Bill, 1977.
4. The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Bill, 1977.
5. The Andhra Pradesh Gram Panchayats and Panchayat Samithis and Zilla Parishads (Amendment) Amending Bill, 1977.
6. The Andhra Pradesh Appropriation (Vote on Account) Bill, 1977.
7. The Andhra Pradesh Prevention of Begging Bill, 1977.
8. The Andhra Pradesh Cooperative Societies (Amendment) Bill, 1977.
9. The Andhra Pradesh Agricultural Indebtedness (Relief) Bill, 1977.
10. The Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Amendment Bill, 1977.
11. The Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Bill, 1977.
12. The Andhra Pradesh Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1977.
13. The Jawaharlal Nehru Technological University (Amendment) Bill, 1977.

ASSAM LEGISLATIVE ASSEMBLY

1. The Assam Agricultural University (Amendment) Bill, 1977.
2. The Assam Recovery of Loans (Amendment) Bill, 1977.
3. The Assam (Sales of Petroleum and Petroleum Products including Motor Spirit and Lubricants) Taxation (Amendment) Bill, 1977.
4. The Assam Agricultural Credit Operation and Miscellaneous Provisions (Banks) Bill, 1977.
5. The Assam State Transport Corporation (Prevention of Unauthorised Travel) Bill, 1977.
6. The Assam Administrative Tribunal Bill, 1977.
7. The Assam Finance Bill, 1977.
8. The National Sports Club of Assam (Taking over of Management and Control) Bill, 1977.

9. The Assam Appropriation (No. 1) Bill, 1977.
10. The Assam Appropriation (Vote-on-Account) Bill, 1977.
- 11. The Assam Panchayati Raj (Fifth Amendment) Bill, 1977.
12. The Assam Appropriation (No. II) Bill, 1977.

BIHAR VIDHAN PARISHAD

1. Bihar Viniyog (Lekhanudaan) Vidheyak, 1977.
2. Bihar Viniyog Vidheyak, 1977.

GUJARAT LEGISLATIVE ASSEMBLY

1. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Bill, 1977.
2. The Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Bill, 1977.
3. The Gujarat (Supplementary) Appropriation Bill, 1977.
4. The Gujarat Appropriation (Vote on Account) Bill, 1977.

HARYANA VIDHAN SABHA

1. The Motor Vehicles (Haryana Amendment) Bill, 1977.
2. The Punjab Bhudan Yagna (Haryana Amendment) Bill, 1977.
3. The Punjab Gram Panchayat (Haryana Amendment) Bill, 1977.
4. The Panchayat Samitis (Haryana Amendment) Bill, 1977.
5. The Punjab Professions, Traders, Callings and Employment Taxation (Haryana Repealing) Bill, 1977.
6. The Haryana Ceiling on Land Holdings (Amendment) Bill, 1977.
7. The Haryana Development and Regulation of Urban Areas (Amendment) Bill, 1977.
8. The Haryana Urban Development Authority Bill, 1977.
9. The Haryana Appropriation Bill, 1977.
10. The Haryana Appropriation (No. 2) Bill, 1977.
11. The Haryana Appropriation (No. 3) Bill, 1977.
12. The Haryana Appropriation (No. 4) Bill, 1977.
13. The Haryana Legislative Assembly Speaker's and Deputy Speaker's Salaries and Allowances (Amendment) Bill, 1977.
14. The Haryana Legislative Assembly (Allowances of Members) Amendment Bill, 1977.
15. The Rohtak University (Amendment) Bill, 1977.

*Bill awaiting assent.

HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Himachal Pradesh Appropriation Bill, (No. 2) 1977.
2. The Himachal Pradesh Appropriation Bill, (No. 3) 1977.
3. The Himachal Pradesh General Sales Tax (Seventh Amendment) Bill, 1977.
4. The Himachal Pradesh Appropriation Bill, 1977.
5. The Himachal Pradesh Appropriation Bill, 1977.
6. The Himachal Pradesh Appropriation Bill, 1977.
7. The Himachal Pradesh Town and Country Planning Bill, 1977.
8. The Himachal Pradesh Legislative Assembly (Allowances and Pensions of Members) (Seventh Amendment) Bill, 1977.
9. The Himachal Pradesh Legislative Assembly (Allowances and Pensions of Members) (Eighth Amendment) Bill, 1977.
10. The Salaries and Allowances of Ministers (Himachal Pradesh) (Second Amendment) Bill, 1977.
11. The Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries (Third Amendment) Bill, 1977.

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY

1. A Bill further to amend the Constitution of Jammu and Kashmir.

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Karnataka Electricity Supply Undertakings (Acquisition) (Amendment) Bill, 1977.
2. The Karnataka State Universities (Amendment) Bill, 1977.
3. The Karnataka Ayurvedic and Unani Practitioners Registration and Medical Practitioners Miscellaneous Provisions (Amendment) Bill, 1977.
4. (a) The Bangalore Development Authority Bill, 1977.
(b) The Bangalore Development Authority Bill, 1977 as amended by the Legislative Assembly.
5. The Karnataka Appropriation Bill, 1977.
6. The Karnataka Appropriation (Vote on Account) Bill, 1977.
7. The Karnataka Home Guards (Amendment) Bill, 1977.
8. The Karnataka Private Nursing Homes (Regulation) (Amendment) Bill, 1977.
9. The Karnataka Rent Control (Amendment) Bill, 1977.

KERALA LEGISLATIVE ASSEMBLY

1. The Kerala Appropriation Bill, 1977.
2. The Kerala Appropriation (Vote on Account) Bill, 1977.

MADHYA PRADESH VIDHAN SABHA

1. The Madhya Pradesh Municipal Corporation (Amendment) Bill, 1977.
2. The Madhya Pradesh Municipal Corporation (Second Amendment) Bill, 1977.
3. The Madhya Pradesh Contingency Fund (Amendment) Bill, 1977.
4. The Madhya Pradesh Vritti, Vyapar, Ajivika Aur Sevayojan Kar (Sanshodhan) Vidheyak, 1977.
5. The Madhya Pradesh Appropriation (Vote on Account) Bill, 1977.
6. The Madhya Pradesh Appropriation Bill, 1977.
7. The Madhya Pradesh Appropriation (No. 2) Bill, 1977.
8. The Madhya Pradesh Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension (Sanshodhan) Vidheyak, 1977.
9. The Madhya Pradesh Ayurvedic, Unani, Tatha Prakritic Chikitsa Vyavasay (Sanshodhan) Vidheyak, 1977.
10. The Madhya Pradesh Land Revenue Code (Amendment) Bill, 1977.
11. The Madhya Pradesh Cotton (Statistics) Amendment Bill, 1977.

MEGHALAYA LEGISLATIVE ASSEMBLY

1. The Meghalaya Finance Bill, 1977.
2. The Legislative Assembly of Meghalaya (Members' Salaries and Allowances) (Amendment) Bill, 1977.
3. The Meghalaya Appropriation (Vote on Account) Bill, 1977.
4. The Meghalaya Appropriation (No. 1) Bill, 1977.

PUNJAB LEGISLATIVE ASSEMBLY

1. The Punjab Medical Council, Punjab Nurses Registration Council, Board of Ayurvedic and Unani Systems of Medicine, Punjab and Council of Homoeopathic System of Medicine Punjab (Miscellaneous Provisions) Bill, 1977.
2. The Lepers (Punjab Amendment) Bill, 1977.
3. The Punjab Panchayat Samitis and Zila Parishads (Amendment) Bill, 1977.
4. The Punjab Appropriation Bill, 1977.
5. The Punjab Legislative Assembly (Allowances of Members) Amendment Bill, 1977.
6. The Punjab State Legislature Members (Pension and Medical Facilities Regulation) Bill, 1977.
7. The Punjab Appropriation (Vote-on-Account) Bill, 1977.
8. The Punjab Appropriation (No. 2) Bill, 1977.

RAJASTHAN LEGISLATIVE ASSEMBLY

1. The Rajasthan Appropriation (No. 1) Bill, 1977.
2. The Rajasthan Appropriation (Vote on Account) Bill, 1977.

SIKKIM LEGISLATIVE ASSEMBLY

1. The Sikkim Contingency Fund (Amendment) Bill, 1977.
2. The Sikkim Appropriation Bill, 1977.
3. The Sikkim Salaries and Allowances Bill, 1977.
4. The Sikkim Agricultural Land Ceiling and Reforms Bill, 1977.
- *5. The Sikkim Land (Requisition and Acquisition) Bill, 1977.
- *6. The Sikkim Appropriation Bill of 1977.

TRIPURA LEGISLATIVE ASSEMBLY

1. Tripura Appropriation (Vote on Account) Bill, 1977.

UTTAR PRADESH VIDHAN SABHA

1. The U.P. Appropriation (Supplementary 1977-78) Bill, 1977.
2. The U.P. Appropriation (Vote on Account) Bill, 1977.

UTTAR PRADESH LEGISLATIVE COUNCIL

1. The Appropriation (Supplementary, 1976-77) Bill, 1977.
2. The Appropriation (Vote on Account) Bill, 1977.

WEST BENGAL LEGISLATIVE ASSEMBLY

1. The West Bengal Nationalised Text Books Bill, 1977.
2. The Bidhan Chandra Krishni Viswa Vidyalaya (Amendment), Bill, 1977.
- *3. The West Bengal University Laws (Repealing) (Amendment) Bill, 1977.
4. The West Bengal Board of Secondary Education (Amendment) Bill, 1977.
5. The West Bengal Taxation Laws (Amendment) Bill, 1977.
6. The Sri Ramkrishna Sarada Vidya Mahapitha (Amendment) Bill, 1977.
- *7. The Bengal Agra-Assam Civil Courts (West Bengal Amendment) Bill, 1977.

*Awaiting assent.

8. The Calcutta Municipal (Second Amendment) Bill, 1977.
9. The West Bengal Central Valuation Board Bill, 1977.
10. The West Bengal Co-operative Societies (Amendment) Bill, 1977.
11. The West Bengal Agricultural Produce Marketing (Regulation) (Amendment) Bill, 1977.
12. The Calcutta Municipal (Amendment) Bill, 1977.
13. The West Bengal Appropriation Bill, 1977.
14. The West Bengal Appropriation (Vote on Account) Bill, 1977.

UNION TERRITORIES

ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

1. Arunachal Pradesh Appropriation Bill, 1977.
2. Arunachal Pradesh Appropriation (No. 2) Bill, 1977.

GOA, DAMAN AND DIU LEGISLATIVE ASSEMBLY

1. The Goa, Daman and Diu Supplementary Appropriation Bill, 1977. (No. 1 of 1977).
2. The Goa, Daman and Diu Excess Expenditure Bill, 1977
3. The Goa, Daman and Diu Appropriation (Vote on Account) Bill, 1977.
4. The Goa, Daman and Diu Appropriation Bill, 1977.
5. The Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) (second Amendment) Bill, 1977.
6. The Goa, Daman and Diu Entertainment Tax (Amendment) Bill, 1977 (No. 6) of 1977.
7. The Goa, Daman and Diu Money Lenders' Bill, 1977.



APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT DURING THE PERIOD FEBRUARY 1, 1977 TO APRIL 30, 1977 AND STATE GOVERNMENTS DURING THE PERIOD JANUARY 1, TO MARCH, 31, 1977.

S.No.	Subjec	Date of Promulgation	Date on which laid before Houses	Date of Cessation	Remarks
1	2	3	4	5	6
CENTRAL GOVERNMENT					
1.	The Representation of the People (Amendment) Ordinance, 1977.	2-2-77	28-3-77	5-5-77	Lapsed at the expiration of period of six weeks mentioned in clause 2(a) of article 123 of the Constitution.
2.	The Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Ordinance, 1977.	3-2-77	Do.	Do.	Replaced by legislation.
3.	The Presidential and Vice-Presidential Elections (Amendment) Ordinance, 1977.	Do.	Do.	Do.	Lapsed at the expiration of period of six weeks mentioned in clause 2(a) of article 123 of the Constitution.
4.	The Disputed Elections (Prime Minister and Speaker) Ordinance, 1977.	Do.	Do.	=	Replaced by legislation.

5.	The Government of Union Territories (Amendment) Ordinance, 1977.	7-2-77	D.	5-5-77	The Bill to replace the Ordinance was passed by Lok Sabha on 7-4-77 and pending in Rajya Sabha. Ordinance lapsed at the expiration of period of six weeks mentioned in clause 2(e) of art. 123 of the Constitution.
6.	The Delhi Administration (Amendment) Ordinance, 1977.	D.	D.		The Bill to replace the Ordinance was passed by Lok Sabha on 7-4-77 and was pending in Rajya Sabha. The Ordinance was withdrawn by Vice-President acting as President on 21-4-77.

STATE GOVERNMENT

ANDHRA PRADESH

1.	The Andhra Pradesh Cooperation Societies (Amendment) Ordinance, 1977. (N. 1 of 1977)	12-1-77	{ 22-3-77	..	..
2.	The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Ordinance, 1977. (No. 2 of 1977)	Do.	Do.	..	..
3.	The Andhra Pradesh Board of Revenue (Replacement by Commissioners) Ordinance, 1977. (No. 3 of 1977)	D.	Do.	..	..
4.	The Jawaharlal Nehru Technological University (Amendment) Ordinance, 1977. (No. 4 of 1977)	30-1-77	Do.	..	..

ASSAM

1.	The Assam Cattle—Preservation (Amendment) Ordinance, 1976.	20-12-76	Do.		Substituting Bill could not be introduced in time and hence Lapsed.
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1	2	3	4	5	6
2.	The Assam Administrative Tribunal Ordinance, 1977.	28-12-76	22-3-77	31-3-77	Replaced by legislation.
3.	The Assam Agricultural Credit Operations and Miscellaneous Provisions (Banks) Ordinance, 1977.	12-1-77	Do.	4-4-77	Do.
4.	The National Sports Club of Assam (Taking Over of Management and Control) Ordinance, 1977.	7-2-77	Do.	Do.	Do.
5.	The Assam State Transport Corporation (Prevention of Unauthorised Travel) Ordinance, 1977.	19-2-77	Do.	6-4-77	Do.
1.	BIHAR	BIHAR	..	..	..
1.	The Rejendra Agriculture University (Amendment) Ordinance, 1977. (No. 1 of 1977)	8-1-77	..	..	..
2.	The Bengal Ferries (Amendment) Ordinance, 1977.	Do.	..	..	..
3.	The Bihar Khadi and Village Industries (Amendment) Ordinance, 1977. (No. 3 of 1977)	Do.	..	..	..
4.	The Bihar Hindu Religious Trust (Amendment) Ordinance, 1977. (No. 4 of 1977)	Do.	..	..	..
5.	The Motor Vehicles (Bihar Second Amendment) Ordinance, 1977. (No. 5 of 1977)	Do.	..	..	..
6.	The Bihar private Irrigation Constitution (Amendment) Ordinance, 1977. (No. 6 of 1977)	Do.	..	..	..
7.	The Bihar Aid to Industries (Amendment) Ordinance, 1977. (No. 7 of 1977)	Do.	..	..	..
8.	The Bihar Weights and Measures (Enforcement) (Amendment) Ordinance, 1977. (No. 8 of 1977)	Do.	..	..	..

9.	The Bihar Motor Vehicle Taxation (Amendment) Ordinance, 1977. (No. 9 of 1977)	Do.	..
10.	The Bihar Land and Water Protection and Land Development Ordinance, 1977. (No. 10 of 1977)	Do.	
11.	The Chhotanagpur and Santhal Pargana Autonomous Development Authority (Amendment) Ordinance, 1977. (No. 11 of 1977)	Do.	..
12.	The Bihar Irrigation Law (Amendment) Ordinance, 1977. (No. 12 of 1977)	Do.	..
13.	The Bihar Irrigation Field Channels (Amendment) Ordinance, 1977. (No. 13 of 1977)	Do.	
14.	Bihar Irrigation and Lift Irrigation (Amendment) Ordinance, 1977. (No. 14 of 1977)	Do.	..
15.	The Bihar Panchayat Samiti and Zila Parishad (Amendment and Validation) Ordinance, 1977. (No. 15 of 1977)	Do.	
16.	The Bihar Panchayat Raj (Amendment and Validation) Ordinance, 1977. (No. 16 of 1977)	Do.	
17.	The Bihar District Board (Reorganisation) Ordinance, 1977. (No. 17 of 1977)	Do.	
18.	The Bihar Inter-State Universities Board Ordinance, 1977. (No. 18 of 1977)	Do.	
19.	The Bihar Public Land Encroachment (Amendment) Ordinance, 1977. (No. 19 of 1977)	Do.	
20.	The Bihar Kolkhan Civil Justice (Increase of Pecuniary Jurisdiction) Ordinance, 1977. (No. 20 of 1977)	Do.	..

	1	2	3	4	5	6
21.	The Bihar Cess (Amendment) Ordinance , 1977. (No. 21 of 1977)	8-1-77	..	..	..	..
22.	The Bihar Land (Rent-Surcharge) Ordinance, 1977. (No. 22 of 1977)	Do.	..	..	..	..
23.	The Bihar Public Service (Compulsory Retirement) Ordinance, 1977. (No. 23 of 1977)	Do.	..	..	..	..
24.	The Indian Stamp (Bihar Amendment) Ordinance, 1977. (No. 24 of 1977)	Do.	..	..	..	..
25.	The Jhariya Water Supply (Amendment) Ordinance, 1977. (No. 25 of 1977)	Do.	..	..	..	..
26.	The Bihar Municipality and Patna Corporation (Amendment) Ordinance, 1977. (No. 26 of 1977)	Do..	..	..	..	..
27.	The Bihar Advertisement-Tax Ordinance, 1977 (No. 27 of 1977)	Do.	..	..	..	..
28.	The Bihar Medical Education Institutions (Regulation and Control) Ordinance, 1977. (No. 28 of 1977)	Do.	..	..	..	..
29.	The Patna Corporation (Amendment) Ordinance, 1977 (No. 29 of 1977)	Do.	..	..	..	..
30.	The Bihar Health Cess Ordinance, 1977. (No. 30 of 1977)	Do.	..	..	..	..
31.	The Court Fee (Bihar Amendment) Ordinance, 1977. (No. 31 of 1977)	Do.	..	..	..	..
32.	The Bihar Municipality (Amendment) Ordinance, 1977. (No. 32 of 1977)	Do.	..	..	..	..
33.	The Bihar Housing Board, Ordinance, 1977. (No. 33 of 1977)	9-1-77	..	..	..	..

34	The Bihar Agriculture Operations and Miscellaneous Provisions (Banks) Ordinance, 1977. (No. 34 of 1977)	Do.	..
35	The Bihar Nursing Homes and Clinical Establishment (Registration and Advertisement) Ordinance, 1977. (No. 35 of 1977)	Do.	..
36	The Bihar Non-Government Medical College (Taking over) Ordinance, 1977. (No. 36 of 1977)	Do.	..
37	The Bihar Cycle Rikshaw (Licence-Regulation) Ordinance, 1977. (No. 37 of 1977)	Do.	..
38	The Bihar Sales Tax Ordinance, 1977. (No. 38 of 1977)	Do.	..
39	The Bihar Co-operative Society (Amendment) Ordinance, 1977. (No. 39 of 1977)	Do.	..
40	The Bihar Regional Development Authority Ordinance, 1977. (No. 40 of 1977)	Do.	..
41	The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus) (and (Amendment) Ordinance, 1977. (No. 41 of 1977)	Do.	..
42	The Bihar Gram Dan (Amendment) Ordinance, 1977. (No. 42 of 1977)	Do.	..
43	The Essential Commodities (Bihar Amendment) Ordinance, 1977. (No. 43 of 1977)	Do.	..
44	The Bihar Premises and Motor (Acquisition) Ordinance, 1977. (No. 44 of 1977)	Do.	..
45	The Bihar Irrigation Development (Land Acquisition) Ordinance, 1977. (No. 45 of 1977)	Do.	..

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|----|--|---------|----|----|----|
| 46 | The Bihar Electric Supply Undertakings (Acquisition) Ordinance, 1977. (No. 46 of 1977) | 9-1-77 | .. | .. | .. |
| 47 | The Bihar Agriculture Production Market (Amendment) Ordinance, 1977. (No. 47 of 1977) | Do. | .. | .. | .. |
| 48 | The Bihar Sugarcane (Supply and Purchase Regulation) Ordinance, 1977. (No. 48 of 1977) | Do. | .. | .. | .. |
| 49 | The Bihar Sugarcane (Supply and Purchase Regulation) Ordinance, 1977. (No. 49 of 1977) | Do. | .. | .. | .. |
| 50 | The Bihar Farmer and Village Area Development Agency Ordinance, 1977. (No. 50 of 1977) | Do. | .. | .. | .. |
| 51 | The Motor Vehicles (Bihar Amendment) Ordinance, 1977. (No. 51 of 1977) | Do. | .. | .. | .. |
| 52 | The Bihar (Carried by Public Service Motor Vehicle) Taxation on Passengers and Goods (Amendment) Ordinance, 1977. (No. 52 of 1977) | Do. | .. | .. | .. |
| 53 | The Bihar Contingency Fund (Amendment) Ordinance, 1977 (No. 53 of 1977) | 14-1-77 | .. | .. | .. |
| 54 | The Bihar Inter-University Board Second Ordinance, 1977. (No. 54 of 1977) | 15-1-77 | .. | .. | .. |
| 55 | The Bihar Corporation Ordinance, 1977. (No. 55 of 1977) | 28-1-77 | .. | .. | .. |
| 56 | The Bihar Panchayat Samity and Zila Parishad (Amendment) Ordinance, 1977. (No. 56 of 1977) | 8-2-77 | .. | .. | .. |
| 57 | The Bihar Chhowa (Control) (Amendment) Ordinance, 1977. (No. 57 of 1977) | 2-3-77 | .. | .. | .. |

8	The Dhir Co-operative Society (Second Amendment) Ordinance, 1977. (No. 58 of 1977)	24-3-77	..	..	..
GUJARAT					
1	The Gujarat Contingency Fund (Temporary Increase) Ordinance, 1977.	10-2-77	12-2-77	..	..
HARYANA					
1	The Haryana Urban Development Authority Ordinance, 1977.	7-1-77	12-4-3-77		Replaced by legislative n.
2	The Punjab Panchayat Samities (Haryana Amendment) Ordinance, 1977.	18-2-77	Do.		Do.
3	The Punjab Gram Panchayat (Haryana Amendment) Ordinance, 1977.	Do.	Do.	..	Do.
4	The Punjab Bhudan Yagna (Haryana Amendment) Ordinance, 1977.	24-2-77	Do.		Do.
5	Haryana Development and Regulation of Urban Areas (Amendment) Ordinance, 1977.	2-3-77	Do.	..	Do.
HIMACHAL PRADESH					
1	The Himachal Pradesh University (Amendment of Statutes & Validation) Ordinance, 1977 (No. 1 of 1977).	10-1-77	24-3-77	24-3-77	Neither withdrawn nor disapproved.
2	The Himachal Pradesh Panchayati Raj (Amendment) Ordinance, 1977. (No. 9 of 1976)	25-12-76	Do.	Do.	Do.
3	The Himachal Pradesh Town & Country Planning Ordinance, 1977. (No. 2 of 1977).	14-2-77	Do.	Do.	Replaced by legislative n.

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JAMMU AND KASHMIR

1 The Jammu & Kashmir Land Grants (Amendment) Ordinance, 1976. [5-2-77] Withdrawn

2 The Jammu & Kashmir Arbitration (Amendment) Ordinance, 1976.

KERALA

1 The Kerala Land Development Corporation Limited (Special Powers) Amendment Ordinance, 1977.

2 The Engineering Technicians Co-operative Societies (Acquisition and Transfer of Undertakings) Ordinance, 1977.

3 The Kerala Debt Relief Ordinance, 1977.

4 The Stree Pandaravaka Lands (Vesting and Enfranchisement) (Amendment Ordinance, 1977)

5 The Calicut University (Amendment) Ordinance, 1977.

6 The Kerala Granthasala Sangham (Taking over of Management) Ordinance, 1977.

MADHYA PRADESH

1 The Madhya Pradesh Land Revenue Code (Amendment) Ordinance, 1977. (No. 1 of 1977) 7-1-77 30-3-77

2 The Madhya Pradesh Land Revenue Code (Amendment) Ordinance, 1977. (No. 2 of 1977) 24-2-77 Do.

The Madhya Pradesh Land Revenue Code (Amendment) Bill, 1977 (No. 10 of 1977).

The Madhya Pradesh Vritti Vyapar
Aijvika Aur Sevayojan Kar (San-
shodhan) Vidheyak, 1977 (No. 4
of 1977)

30-3-77

9-3-77

3 The Madhya Pradesh Vritti Vyapar Aijvika Aur
Sevayojan Kar (Sanshodhan) Adhyadesh, 1977.
(No. 3 of 1977)

MEGHALAYA

Replaced by Legislation.

28-3-77

21-3-77

25-1-77

1 The Legislative Assembly of Meghalaya (Members' Salaries and Allowances) (Amendment) Ordinance, 1977.

PUNJAB

Not replaced. Ceased to operate at
the expiration of six weeks from
the reassembly of the Vidhan
Sabha.

9-5-77

31-3-76

9-12-76

1 The Punjab Municipal (Second Amendment) Ordinance, 1976 (No. 6 of 1976)

Replaced by legislation.

—

Do.

Do.

2 The Punjab Panchayat Samitis and Zila Parishads (Second Amendment) Ordinance, 1976. (No. 7 of 1976).

Replaced by legislation.

—

Do.

4-1-77

3 The Punjab Medical Council, Punjab Nurses Registration Council, Board of Ayurvedic and Unani Systems of Medicine, Punjab and Council of Homoeopathic System of Medicine, Punjab (Miscellaneous Provisions) Ordinance, 1976 (No. 1 of 1977).

RAJASTHAN

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24-3-77

23-1-77

1 Rajasthan Revenue Laws (Amendment) Ordinance, 1977.

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Do.

23-2-77

2 Rajasthan Land Reforms and Resumption of Jagirs (Amendment) Ordinance, 1977.

1	2	3	4	5	6
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3 Rajasthan Civil Services (Appellate Tribunal for Service Matters) (Amendment) Ordinance, 1977.

24-3-77

7-2-77

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UTTAR PRADESH

1 The U. P. Zamindari Abolition and Land Reforms (Amendment) Ordinance, 1977.

26-3-77

28-1-77

2 The U. P. Electricity (Duty) (Amendment) Ordinance, 1977.

Do.

Do.

3 The U. P. Zamindari Abolition and Land Reforms (Second Amendment) Ordinance, 1977.

Do.

21-2-77

4 The U. P. Debt Relief Ordinance, 1977.

Do.

21-2-77

WEST BENGAL

1 The West Bengal Finance (Sales Tax) (Amendment) Ordinance, 1976.

26-3-77

7-5-77

Replaced by legislation.

2 The West Bengal Nationalised Text Books Ordinance, 1976.

Do.

Do.

Do.

3 The West Bengal Co-operative Societies (Amendment) Ordinance, 1977.

Do.

4-1-77

Do.

4 The West Bengal Amusement Tax (Amendment) Ordinance, 1977.

Do.

7-1-77

Do.

5 The Calcutta Municipal (Amendment) Ordinance, 1977.

Do.

22-1-77

Do.

					Replaced by Legislation
6	The West Bengal Fire Services (Amendment) Ordinance, 1977.	31-1-77	26-3-77	7-5-77	
7	The West Bengal Board of Secondary Education (Amendment) Ordinance, 1977.	19-2-77	Do.	Do.	Do.
8	The Bengal Electricity Duty (Amendment) Ordinance, 1977.	23-2-77	Do.	Do.	Do.
9	The Calcutta Municipal (Second Amendment) Ordinance) 1977.	8-3-77	Do.	Do.	Do.
10	The West Bengal Central Valuation Board Ordinance, 1977.	9-3-77	Do.	Do.	Do.
11	The West Bengal Agricultural Produce Marketing (Regulation) (Amendmental) Ordinance, 1977.	10-3-77	Do.	Do.	Do.
12	The Bidhan Chandra Krishi Viswa Vidyalaya (Amendment) Ordinance, 1977.	10-3-77	Do.	Do.	Do.

APPENDIX VII

A. PARTY POSITION IN LOK SABHA

(As on July 9, 1977)

Sl. No.	Name of State/Union territory	Seats	Janata	Cong.	CPI(M)	AIADMK	Other Parties	Unattached	Total	Vacancies
<i>(i) States</i>										
1	Andhra Pradesh	42	..	39	..	..	..	1	40	1
2	Assam	14	3	10	..	..	..	1	14	
3	Bihar	54	52	..	..	..	..	2	54	
4	Gujarat	26	14	10	..	..	..	1	25	1
5	Haryana	10	10	..	..	..	..	..	10	
6	Himachal Pradesh	4	40	..	..	..	..	..	4	
7	Jammu & Kashmir	6	..	2	..	..	2(a)	1	5	1
8	Karnataka	28	2	26	..	..	..	..	28	
9	Kerala	20	..	11	..	..	9(b)	..	20	
10	Madhya Pradesh	40	37	1	..	..	..	2	40	
11	Maharashtra	48	19	20	3	..	5(c)	1	48	
12	Manipur	2	..	2	..	..	..	..	2	
13	Meghalaya	2	..	1	..	..	..	1	2	
14	Nagaland	1	..	..	..	..	..	1	1	
15	Orissa	21	15	4	1	..	..	1	21	
16	Punjab	13	3	..	1	..	8(d)	..	12	1
17	Rajasthan	25	24	1	..	..	..	..	25	
18	Sikkim	1	..	1	..	..	..	..	1	
19	Tamil Nadu	39	3	14	..	18	3(e)	1	39	

20	Tripura					2					1						..	..	2
21	Uttar Pradesh					85					85						..	..	85
22	West Bengal					42			17		15						6(f)	1	42
(ii) Union Territories																			
23	Andaman & Nicobar					1					..						..	..	1
24	Arunachal Pradesh					2					..						..	1	2
25	Chandigarh					1					1						..	..	1
26	Dadra & Nagar Haveli					1					..						..	1	1
27	Delhi					7					7						..	..	7
28	Goa, Daman & Diu					2					1						..	1	2
29	Lakshadweep					1					1						..	..	1
30	Mizoram					1					..						..	1	1
31	Pondicherry					1					1						1	..	1
	Anglo-Indian					2					..						..	2	2
TOTAL																			
																			* 539— (4 vacant)

*Excluding the Speaker.

- (a) National Conference—2
- (b) CPI—4, Kerala Congress—2, Muslim League—2, RSP—1
- (c) Peasant & Workers Party—5
- (d) Akali Dal—8.
- (e) C.P.I.—3
- (f) R.S.P.—3, F. B.—3.

C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territories	Seats	Janata	Cong.	Cong. (O)	BLD	JS	CPI	CPI (M)	SP	Other Parties	Ind.	Total	Vacancies
	2	3	4	5	6	7	8	9	10	11	12	13	14
Andhra Pradesh L.A. (As on 20-6-77)	228	33	232				8	1		2(a)	3	279	9
Andhra Pradesh L.C. (As on 7-7-77)	90	8	54				3			7(b)	3	75	15
Assam L. A. (as on 1-6-77)	114	17(c)	76				3			1(d)	12(e)	109	5
Bihar L. A. (as on 31-3-77)	319		187	2			32			10(f)	31	262*	56
Bihar L. C. (As on 31-3-77)	96		69	2	1	2	5		2	3(g)	11	95	1
Gujarat L.A. (As on 21-4-77)	182		71	51		18			2	1(h)	30	173	9
Himachal Pradesh L.A. (As on 31-3-77)	68		54			4		1			7	66	2
Jammu & Kashmir L.A. (As on 7-6-77)	75	4	50							10(i)	9	73	2

Appendices

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Karnataka L. A. (As on 1-6-77)	217	1	165	10	3	1	2	14(f)	12	208*	8
Karnataka L.C. (As on 29-6-77)	63	17	42	3	62*	..
Kerala L. A. (As on 20-7-77)	140	6	38	..	..	..	23	17	..	54(k)	1	139	1
Madhya Pradesh L.A. (As on 25-6-77)	297	34	226	..	..	2	5	..	1	1(l)	9	278*	18
Manipur L. A. (As on 1-4-77)	60	..	51	..	..	..	4	..	..	4(m)	1	60	..
Meghalaya L. A. (As on 6-7-77)	60	..	40	..	..	..	..	..	..	18(n)	..	58	2
Punjab L.A. (As on 30-4-77)	104	..	65(o)	..	..	..	10	1	..	20(p)	..	96	8(q)
Rajasthan L.A. (As on 31-3-77)	184	12	150	..	..	..	5	1	..	..	9	177	7
Sikkim L. A. (As on 4-6-77)	32	..	..	..	..	..	..	..	..	3z(r)	..	32	..
Tamil Nadu L.C. (As on 30-4-66)	63	..	6	2	..	..	..	..	..	30(s)	2	40	23
Tripura L.A. (As on 31-3-77)	60	..	25	..	..	..	1	15	..	17(t)	1	59	1
Uttar Pradesh L.A. (As on 31-3-77)	426	132	208	..	..	..	16	2	..	48(u)	1	407	19
Uttar Pradesh L.C. (As on 31-3-77)	108	..	76	2	9	4	2	..	..	14(v)	1	108	..
West Bengal L.A.	281	..	206	1	..	..	36	13	..	15(w)	4	275	6

	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<i>Union Territories</i>														
Arunachal Pradesh L.A. (As on 8-6-77)		23	..	23	..	..	..	..	..	..	..	..	23	
Delhi Metropolitan Council. (As on 31-3-77)		61	6	42(x)	..	..	..	3	..	..	3(y)	3	56	4
Goa, Daman and Diu (As on 11-7-77)		30	3	10	..	..	..	..	..	..	15y(z)	2	30	
Mizoram L.A. (As on 5-6-77)		33	..	30	..	..	..	..	..	..	3(zz)	..	33	

*Excluding the Speaker/Chairman who is not a Member of any Party.

- (a) Republican Party of India—1, Majlis-ithad-ul-Muslimeen-1
 (b) Progressive Democratic Front—6 CFD—1.
 (c) 4 members belonging to S.P., and 3 members belonging to PDP a regional party having merged with the newly formed Janata Party in India treated as members belonging to Janata Party. 6 members belonging to All India Congress Committee have resigned from it and joined the Janata Party. 4 Independent members have also joined the Janata Party.
 (d) Revolutionary Communist Party of India-1.
 (e) Out of 17 members who resigned from Congress, 11 members are functioning as Independent Members.
 (f) SSP—1; Hul Jharkhand 2; Hindustani Soshit Dal—1; Nominated—1, Progressive Haljharkhand —2, Jharkhand (Horrow Group)—1 All India Jharkhand Party—3.
 (g) Teachers Group—1; CFD—2.
 (h) Rashtriya Majdoor Paksh—1.
 (i) National Conference—5; Jamaite—Islami—5.
 (j) CFD—13; Janata Paksha—1.
 (k) Kerala Congress—20; Muslim League—12; RSP—9; Muslim League(o)—3; Kerala Congress (Pillai Group)—2; National Democratic Party—5; and P.S.P.—3.
 (l) Nominated—1.

- (m) Manipur People's Party—4.
- (n) APHLC—14; HSPDP—4.
- (o) One Member namely S. Kirpal Singh Randhawa had neither the right to vote nor to participate in the proceedings.
- (p) Shiromani Akali Dal—17; Congress for Democracy—3.
- (q) This includes six vacancies caused by the resignation of six MLAs who were elected to the Lok Sabha in March, 1977.
- (r) Sikkim Congress—28; CFD—4.
- (s) DMK—18; United Party—4; Muslim League—2; Tamil Arasu Kazhagam—2; Anna DMK—1; Tailors Commonwealth Party—1; Forward Block—1; and Thazhappattore Munnnetra Kazhagam—1.
- (t) CFD—17.
- (u) CFD—44; Hindu Mahasabha—1; Soshit Samaj Dal—1; Nominated—1; Unattached—1.
- (v) Republican Party—1; Rashtrawadi Dal—2, Shikshak Dal—7; Niredaliya Sangh—4.
- (w) RSP—3; SUC—1; Workers Party—1; Gorkha League—2; CFD—7, Nominated—1.
- (x) Including 5 nominated members.
- (y) Muslim League—1; Congress for Democracy—2.
- (z) Maharashtrawadi Gomanak Party.
- (zz) Mizo Union—2; People's Conference—1.

OTHER PERIODICALS/PUBLICATIONS OF THE LOK SABHA

Periodicals

1. **Diary of Political Events (Monthly)**
Annotated chronology of the national and international political events.
(Per copy Rs. 2.50; Annual Rs. 30.00, including the Annual issue)
2. **Diary of Political Events, 1974 (Annual)**
Annotated chronology of national and international political events of the year (Per Copy : Re. 5.00)
3. **Digest of Central Acts (Quarterly)**
Contains synopses of Central laws. ,
(Per Copy: Rs. 2.00; Annual Subscription : Rs. 8.00)
4. **Digest of Legislative & Constitutional Cases (Quarterly)**
Contains abstracts of judgments of the Supreme Court and the High Courts involving important legislative and other cases
(Per Copy : Rs. 2.00; Annual Subscription : Rs. 8.00)
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Other Publications

1. **Developments in Chile**
Chronological account of the political and constitutional developments leading to the fall of Allende regime. Also contains important UN and IPU resolutions on Chile. (Rs. 3.00)
2. **Legislators in India: Salaries & Other Facilities, Second Revised Edition, 1976.**
Contains tabulated statements on salaries, allowances and other facilities available to MPs and legislators in States, (Rs. 300)
3. **S. L. Shakdher, (ed): The Commonwealth Parliaments, Second Revised Edition, 1976.**
A comprehensive and authoritative study in Comparative parliamentary political science, more particularly of legislative, procedures and institutions of the Parliaments in Commonwealth countries. (Rs. 45.00)