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## EDITORIAL NOTE

In the parliamentary system of government no Legislature can function effectively without the aid of committees. It is in the Committees that matters can be thoroughly examined and discussed in details. The effectiveness of a parliamentary committee is, however, dependent in a large measure upon the way its functioning is handled and directed by its Chairman. Shri R. K. Sinha who has chaired three important Parliamentary Committees with distinction speaks about "the role, the pleasures and pains of a Chairman" in his article published in this issue.

The Supreme Court's decision in the well-known *Golak Nath's* case in February 1967 denying the Parliament the right to so amend the provisions of the Constitution as to abridge or take away any of the fundamental rights had brought out the need for a clearer definition of the respective roles of Parliament and the Judiciary as balancing agencies in cases of conflict between the interests of the individual and the interests of the community. This and some other subsequent judgments underlined the need and urgency of suitable constitutional amendments to remove the legal hurdles in the way of building a just and equitable social order. The enactment of the Constitution (Forty-second Amendment) Act makes it clear beyond any doubt that Parliament may amend any provision of the Constitution and the Courts will have no power to question it. Shri S. B. Savant, M.P., in his article, looks back and analyses the implications and overtones of the judgement in the *Golak Nath* case.

The documents and papers accompanying the Budget of the Government of India play a useful role in its consideration and passing by Parliament. The form and nature of these documents have been examined by the Estimates Committee of Parliament on several occasions and as a result of its recommendations suitable modifications have been made in this regard by the Government. An article by Shri S. C. Gupta showing the impact of these recommendations of the Estimates Committee appears in this issue.

As regards constitutional and parliamentary developments during the quarter under review, Syed Mir Qasim who had been sworn in as Minister without Portfolio in the Union Cabinet on June 7 last assumed charge of a new Ministry of Civil Supplies and Cooperation with Shri A. C. George as his deputy. This naturally

led to minor changes in the portfolios of two other Ministers, viz., Shri T. A. Pai and Shri A. P. Sharma.

The States of Andhra Pradesh, Karnataka and Punjab saw some important ministerial changes, expansions and reshuffling of portfolios. The *Gulabi* gram and other alleged scandals of Madhya Pradesh which figured in the discussions in Parliament and in the State Assembly on several occasions have at long last come to a finale with the exoneration of the concerned Ministers. It is worth noting that in this State the salary and other allowances of the Ministers are now tax-free with retrospective effect from April, 1974.

The Congress Legislature Party's strength in the Karnataka Assembly received further support with the Leader of the Opposition joining the Party along with nine other members.

Haryana and Pondicherry now have new Governor and Lt. Governor respectively.

Besides cabinet reorganisations and other governmental changes in Albania, Central African Republic, Czechoslovakia, Lebanon, Madagascar, Malagasy, Malaysia, Mauritius, Syria, Togo and Uruguay, some other countries also saw important changes in this regard during the period under review. Mr. Hua Kuo-feng succeeded Mr. Mao Tse-tung as Chairman of the Chinese Communist Party; Mr. Anwar Sadat was re-elected President of Egypt, and Mr. Clearbhall O' Dalaigh resigned from the Presidentship in Ireland. Cabinet reshuffles and changes took place in Canada, Japan, Nepal, Soviet Union, Sudan and the United Kingdom. The Government of Mr. Andreotti in Italy has received a vote of confidence in the Senate. A new Government was formed in Kuwait after certain articles of the Constitution were suspended, which enabled postponement of the elections to the National Assembly. The Constitution has been amended in Pakistan providing *inter-alia* for separation of the executive from the judiciary. The Constitution of the United Arab Emirates has been extended for another five years.

In Thailand, the country was again taken over by the Military in a *coup* soon after Mr. Seni Pramoj resigned as Prime Minister. In the general elections held in Barbados the ruling Democratic Labour Party was defeated by the Barbados Labour Party which formed the government. In Cyprus, the supporters of Mr. Makarios won the elections to the House of Representatives by an overwhelm-

ing majority. In Gibraltar, Sir Joshua Abraham Hassan retained the Chief Ministership following the elections to the House of Assembly.

We send our good wishes to the new Legislative Council in the Philippines which is being set up after four years of martial law.

These and other developments have been covered in the regular feature "Parliamentary and Constitutional Developments".

We wish a Happy New Year to our readers and hope they will continue to extend their cooperation to us. We shall welcome suggestions for further improvement in the contents, get-up and style of the *Journal*.

—S. L. Shakhder.

## CHAIRMANSHIP OF PARLIAMENTARY COMMITTEES

R. K. SINHA

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In dealing with the problems which a Chairman has to face in the working of a Parliamentary Committee, I shall cover my experience with three committees which I had the honour to head during the last five years—the Railway Convention Committee, which included two Union Ministers, namely, the Minister of Finance and the Minister of Railways; the Pay Committee of Parliament, which was the very first of its kind in the history of the Indian Parliament, and the Estimates Committee.

### *Role of anonymity*

The first thing that the Chairman of a Committee should understand is that he has to assign to himself a role of anonymity. As Chairman of a Committee dealing with the problems before the nation, he has to play a role in which though his services would be recorded, it is not necessary that his name would be quoted. At the same time he has to assume a role of being humble, a role in which he represents the conscience of the people of India; and more importantly, a role which is basically non-partisan in character.

A Chairman must understand that he has a duty to the nation, and he has to give his service to the nation. Though very difficult to achieve, it is possible to bring about a sense of unanimity in a parliamentary committee, and it is here that the personality of the Chairman counts. I do not mean that the personality of the Chairman is an attribute by itself, but the point is, if there are rougher edges to the personality of the Chairman, he will create more problems. The more humble he is, the more he is prepared to learn



from the members of the Committee, even from the officials and non-officials who come before him, the more he will ultimately be the victor and the main fountain of all the ideas that the Committee symbolises.

### *Railway Convention Committee*

When I was Chairman of the Railway Convention Committee, two leaders of the Jan Sangh in the Rajya Sabha and Lok Sabha were members of the Committee. There were 7 or 8 other leaders of different parties also, some of whom were ex-Ministers and probably except for one, I was the youngest member of the Committee. Though I was entrusted with this heavy responsibility of the Committee, there were members who were older than me, more experienced than me and politically more prestigious. Yet, during that one year and nine months of my chairmanship, I could humour them, take them together and bring them to the same point of view and there was not one occasion when the Chairman and the members of the Committee differed.

There are certain rules and conventions beyond which a Chairman cannot go. The methodology of the working of a Committee is worked out after a long period of time. He can, of course, make a few changes, but the basic and fundamental structure remains the same. I shall illustrate this with my experience in the Railway Convention Committee, when I took up its Chairmanship. The then Railway Minister, Shri Hanumanthaiya had stated in Parliament that the Chairman of the Committee could examine every facet of the economy of the Railways. At one of the dinners which I gave as Chairman of the Committee, the Railway Board members egged the Minister to deviate from the promise saying that I was going beyond the terms of reference by issuing a massive questionnaire. When the Minister found that 17 members of the Committee were on my side, he also came to my side and, ultimately, the rare unanimity was achieved through personal persuasion, because we showed him his commitment in Parliament. Then I asked them how I could examine the Railway economy unless I examined the basic fundamentals. Let us not forget that the Railways are the biggest public sector in India. Over 10 million people of India are directly or indirectly dependent for their livelihood on the Railways. So, my contention was that the Railways as an organisation must be made accountable to Parliament. That was the first change

brought about during my chairmanship. The Committee brought out more than half a dozen reports by examining different facets of the Railway economy and earned tributes for itself.

I opened the portals of the Railway Convention Committee to the three facets of the Railways—the railway traveller, those who send their goods through the railways and the railway employees. These are the three dimensions of the railways and I felt that only if they are examined objectively and correctly, can the problems of the railways be understood.

When the railway Unions came to me to present their point of view, I was told by the officers close to my Committee that never had the Railway Convention Committee invited any trade unions. I said, "That is true, but this Chairman is going to do it." And the verdict of the Chairman, because he was within his terms of reference, was final. So, the Railway Convention Committee was opened to the trade union organisations in India. They too came and represented.

When the officers told me that I had opened the portals of the Committee to the lowest echelons of railway employees, I said that Class I and Class II employees could also make their representations. Not only that, we allowed the Merchants' Chambers, the private users' organisations and journalists who had written anything about the railways, to come in evidence and submit memoranda to our Committee. The question was not one of earning more T. A. and D. A., but of finding the truth about the functioning of the Indian Railways. Can we examine the Railways without talking to the railway employees? Can we examine the functioning of the Railways without examining the labyrinthine budgetary system of the Railways? In the modern system of accountancy, there are visible heads and invisible ones which are hidden beneath other heads. They have to be brought out. A system of cost accounting has to be set before them. The Indian Railways have so many things to hide, and if the methodology is not worked out, the lacunae or the defects in the Railway system cannot be found out.

The top officials of the Railways were allergic to some of the suggestions that I came forward with, based absolutely on common sense, and not borrowed from textbooks on the railway systems in the world. I asked a question, "Who is the basic customer of the

Indian Railways?" The third class passenger. And yet the third class passenger could not get from the railways a chart of reservations at the New Delhi, Calcutta or any of the bigger stations in India. The Chairman of the Railway Board said it was very difficult and put forward all sorts of arguments. I told him that we were a cushion between the Railways and the people of India, and I believed that there should be a chart at every major railway station for the third class (now second class) traveller. For instance, I pay Rs. 5 or 5.50 for my reservation and yet, if my name is Ramakrishna and his is Ram Kumar, both of us might be quarrelling as to which seat is whose. I cannot get into the compartment, the seats get cancelled, and somebody makes black money out of it. So, there should be a chart.

Another question I put to the railway officials was this, "What are the rules for those who bring their goods to you? How do you decide the question of claims, the question of pilferage?" There are big organisations who can afford to send a man to the railway yard every day to find out arrivals and departures of goods, but if I get a consignment of ten books or two chairs through the railways, I cannot run to the station every day. So, I said, let the railways put up a chart of arrivals and departures at major railway stations, so that people may know, because sometimes it takes three months for the goods to arrive, and then one fine morning one gets a letter asking for so much of demurrage. This was being done because the railway officials had a vested interest in earning money through corrupt means. The railways were losing to the roads, because they were not working as a commercial organisation. This was brought home to the railway officials.

I did not know what the railway system was. I started from zero. It is better that one does not know anything when he starts discussing a thing, because in the process he learns much more than those who come as experts. That is where the pragmatic politician can sometimes succeed.

I had informal talks with hundreds of railway officials. A massive questionnaire consisting of a thousand questions was prepared and we got the answers. I went through them and gave them to my staff for screening. Out of it they prepared a list of questions. The Railway Board were dumb-founded with it, because they had never faced such a well-informed questionnaire. How did I get all these points. This is because I remain in tune with the local people

and try to understand their problems through travelling and other means. After all, the Committees are spending the tax payer's money. Certainly, I kept my members comfortable, and they saw the country as no other Chairman ever showed them. I was most popular with the members of the Committee, because I held the meetings only in the forenoon, and the afternoons were free for sight-seeing. But it must be appreciated that it is not sight-seeing alone; it is in fact a process of learning and of national integration.

### *Estimates Committee*

In the Estimates Committee we have been working through a system of memoranda. After the election of the Committee, the Speaker appoints the Chairman, who then calls a meeting. Then the Committee chooses ten or twelve subjects. After the subjects are chosen, memoranda are invited from well-informed people all over India, and care is taken to see that those who are requested to send the memoranda are knowledgeable persons. For example, on the problems of the working class, the All-India Trade Union Congress, the Hind Mazdoor Sabha and other sister labour organisations are naturally invited. But if there are others who can dilate on the problems like the trade unions, they can also be invited. Similarly, in regard to problems of the youth, we invited the representatives of the universities, the Vice-Chancellors and the thinkers who could tell us something about the youth movement in the country. After all the student community and the youth of India are the reservoir of future knowledge and the barometer of history.

I come from a backward area and one of the tasks before me as Chairman of the Estimates Committee was to help in the formulation of the Planning Commission's strategy for removal of backwardness. For two years, it was in the news that the Lok Sabha might be dissolved and there might be mid-term elections. Coming from a backward area, I thought, I must give a report on such areas, so that it could go into the thinking processes of the Planning Commission. I told the officers of my Committee something like this, "Look here, why not submit the report before the Lok Sabha is dissolved?"

I might appear to have said it out of my selfishness. But there was no selfishness involved. If we do not take proper care of the

backward areas and they are not looked after properly, how will we get overall development? How will we be able to bring about national integration if the backward areas of India are not served? There was one great inspiration for me and that was the personality of the great Prime Minister of India, Shrimati Indira Gandhi. There is no greater supporter of the idea of uplifting the backward areas of India than she. As a member of Parliament in 1968, I used to put every Wednesday—it was the Prime Minister's day—four or five questions in the Parliament about Government's strategy for backward areas. The questions were like: How many colleges are there in the backward areas, how many hospitals are there and things like that? The Prime Minister was always sympathetic and is very sympathetic and is always prepared to come forward to help in the development of backward areas.

So we presented a report on the development of backward areas. We highlighted the fact that planning was always oriented towards metropolitan centres. Calcutta, Madras, Bombay, Delhi or even Lucknow, and Kanpur are not the whole of India. What about the hinterland and the masses of the people? They had been ignored in the planning process. The State Governments were getting money from the Centre on the basis of backwardness, but they were not investing it in those areas. Therefore, we said that there should be district planning and the allocation of funds should be according to the backwardness of a particular district.

When I look at some of the recommendations of the Planning Commission from time to time, I find that the Estimates Committee invisibly has played its historic role. When I put a question to the Secretary of the Planning Commission about the strategy for backward areas, he said that this could be found spread over the whole plan document. That means it is invisible as Almighty, or as butter and ghee in the milk. As the non-partisan Chairman of the Committee, serving the poor people of the country, we gave them the final strategy for backward areas. We told them that if they did not have a philosophy we had a philosophy to offer them.

Once when the Secretary of the Ministry of Civil Supplies appeared before us for evidence, during the first few questions that I asked him, he thought that I was going to embarrass him or to confront him. During the tea interval I called him to my chamber and asked him how they were able to work within the budget grant of a million rupees. The Ministry are required to monitor procurement, look

after distribution etc. How could they do all this without proper staff and resources? I told him that the purpose of my asking those questions was to help him to get more funds. When Shri Pai took over the Civil Supplies Ministry, I submitted to him a copy of the Estimates Committee's Report. He went through it from cover to cover. The Secretary Civil Supplies also read it. They were good enough to say off the record that there was something sensible in the report.

We also took up the question of recruitment, training and orientation of the Central Services. In the process of that enquiry, we came to know of many truths. During the examination, we visited the Institute of Forestry, Dehra Dun and the National Academy of Administration for the training of IAS, IPS and IFS Officers at Mussoorie. Now, there are some trainees who are selected in the first instance for IFS or IPS and who later try and join the IAS. In such cases they do not go in for the five months' foundations course, because that is a common course. The Director of the Academy decided that such boys should go to the rural areas and prepare research notes and theses on the conditions of people in the district of Dehra Dun and other hilly areas. Some of the reports that they gave were sensational, and would embarrass any nationalist or patriot. They said that young girls were being smuggled out of that area and were being sold in the flesh market of Delhi; there was bonded labour and total exploitation of the landless labourers. A seminar was held to know how they arrived at the truth. Those young boys were the sons of some of the richest families. They asked me questions which were embarrassing enough, but one truth was dawning on me that we should let them know the people of India. Let there be dust on their pants; let the crease of their pants be spoiled and let them go to the people to learn the truth.

When I recently visited the State of Assam as adviser to the Government on the 20-point programme, I found that there was another facet of the national economy, which had to be brought into the discipline or orientation. The Assam Government has asked its officers to go to the rural areas and try to examine the conditions of the people at the lower level or the bottom 20 per cent for, after all the 20-point programme, the revolutionary programme of the Prime Minister, is oriented to the landless and the poorer sections of the people of India, but this programme will not be revolutionary if the dimensions of the problem are not examined, if in-depth studies are not made and solutions found on the spot. The lakh of rupees which a young engineer or a doctor gets invested in his edu-

## Chairmanship of Parliamentary Committees

cation from the tax collected from the people of India has to be paid back in terms of services and this is where, to me, it appears that the Assam Government has realised that they must go to the poor people in the rural areas. And what are they doing? They do not go to the top 80 per cent. They go to the lowest 20 per cent. They ask them. "What is the scheme that you want for yourself? You want a tea shop? We will put up one for you. Or you are a very poor peasant? We will buy a cow for you." Like that they go about the problems and prepare the necessary schemes and submit them to the banks. I do not think anywhere in India such a service is being done. The banks in Assam are being flooded with applications from poor peasants for loans. When I visited Assam in the month of January, the report of the Assam Government was, "Oh; the banking industry has gone revolutionary, because they have accepted all the applications". In February and March it was half and half and to-day they think that the banks probably cannot meet all the applications. But the thing is that the banks must reach the rural areas and they must have field officers. The banks must know that the savings of the people which are lodged in the banks must be utilised for the maximum good and for the largest number of people. The banks are not nationalised to serve the monopoly interests. They are nationalised because they are meant to serve the people of India. The poor man who cannot get a loan except at 300 per cent interest must realise that now there is somebody who will come to his rescue. Consumption loan may be necessary. Marriage loan is necessary. A loan to survive during the off-season is necessary. A report of two banking officers says that the poor man is more honest than the rich man. A poor man who can get a loan from a *Mahajan* (money lender) and serve him for 20 years is much more honest than the rich man and, therefore, an overwhelming majority of loans given to the poor man gets paid back. There is a case in Silchar where one of the persons released from prison was asked by the field officers of the banking industry and of the Government of Assam, 'What can we do for you? Can we do something?' He said 'I know only one thing—how to prepare beautiful baskets from bamboo'. Assam has large resources of bamboo. Therefore, he was given a loan of Rs. 500 and he has paid back that Rs. 500 and now he has a bank account and leads a decent living. He need not become a thief, he need not pick others' pockets, he need not murder or kill anybody.

Wherever I had been, whether it was in the Railway Convention Committee or the Estimates Committee or the Pay Committee.

of the Parliament, the basic thing in my mind was that between the poor man and those who are powerful, the interest of the poor man should always prevail and between the powerful and the weak, the powerful may not be so correct as the weak. The powerful also may need protection but ultimately it is the people of India who have to be protected and there are no problems which a committee, the Chairman and its members should not be able to solve when it falls within their purview and examination. It is not a committee of inquisition. It is a committee which must ask questions. It is a committee which must answer questions. That is where the Chairman comes. We must know that a committee when it examines questions, must give objective answers which will tone up the functioning of the Ministry, because it is not financial accounting only, it is not only the examination of the estimates of the Budget passed by Parliament, but it is also an examination of the functioning of the system. Here, as Chairman of the Estimates Committee I made certain changes. Last year there was a Conference of the Chairmen of Estimates Committees synchronising with the Silver Jubilee Celebrations of the Indian Parliament. In this conference I brought forward and got approval to certain changes in the processes which had been there for long. One was the chamber examination. Suppose we cannot examine every facet of a particular problem in a cross discussion around the table. Then why can we not ask one or two Secretaries to the Government of India to come to the chamber and sort out the things? Sometimes three Ministries can be asked to come together and there can be horizontal examination because one of the clever methods adopted by the officials is: 'Sir, we have no objection but the Finance Ministry has not okeyed it'. But when you ask the Finance Ministry, they pass on the buck to somebody else. So, why don't we ask the representatives of all the three Ministries to appear before us and give a positive answers. There have been cases where results have flowed on the spot in spite of the fact that this is technically not within the province of the Estimate Committee.

Once my Committee was going to a particular State of India. The particular Secretary wanted everything to be processed through the Minister. The Minister in private life is a friend of mine because we are the Members of the Congress Party. But the Estimates Committee cannot talk to the Minister. He is never brought in. I told the Secretary that he was bringing the Minister within the purview of the Committee which was not legitimate. He



said that he could not clear that, until he had a talk with the Minister. I told him that he need not bring in his Minister, and if a Secretary of the Government of India said that for every comma or full stop he should exercise his authority through the Minister, that would not carry him very far. Ultimately, he yielded. But there can be trouble some Joint Secretaries as there are troublesome politicians. What really helps is a spirit of working together and I think any Committee and particularly these non-partisan Committees serve the nation. Some of the speeches of the senior leaders of the parliamentary parties and important leaders who sit on the Congress benches are based on the reports of the Public Accounts Committee, the Committee on Public Undertakings, and the Estimates Committee and some of them bring out truths as no other Committee can bring out.

On another occasion I was told that the Education Ministry were not getting foreign exchange worth a crore of rupees for getting equipment for the universities of India for research work. On the face of it, it was very ridiculous. Therefore, I called the representatives of the Finance Ministry, the Planning Ministry and the Ministry of Education and I put a question before them. They said that they could not reply. They were feeling embarrassed. However, when they were placed in an uncomfortable position they said that the required thing would be done. The Ministry of Education got Rs. 1 crore.

One thing must be understood. We in the Committees of Parliament, whether it is an Estimates Committee or the Railway Convention Committee, have limitations of time. There are only 365 days and we are 30 Members of Parliament. Then there are five or seven Conveners. Out of these Members of Parliament, some are national leaders and some are provincial leaders. Half of their time is taken in performing their parliamentary duties when Parliament meets. Therefore, filtering down to averages, the Members of the Financial Committees or the other Committees could not conscientiously devote more than 20 or 25 per cent of their time to the work of the Committee. Of course, the Chairman of the Committee should work, if necessary for 22 out of 24 hours. I could not do that. But I was the first Member of Parliament who used to reach Parliament House nearly every day. The work of the Committee was so much that I had to sit from morning till evening to finish it and be available to the members of my staff.

The system of taking oral evidence is the best method which is used by our Committees for arriving at the truth. I think this is the best system which our Parliament has evolved in the last 25 years. We have to focus the searchlight of truth on a problem and its dark edges from different sides to know it from different angles. In a Committee it is the officer who speaks and not the Minister. His personality should also be protected. He can be punished if he is dishonest. He can speak only the truth. The officers who come before the Committee of Parliament have also their own difficulties. The man who comes for evidence before the Committee is confronted with answers and statements of others, who have already come for evidence before the Committee. In this way, a churning process goes on. In this process, we churned out the truth from the documents submitted to us, from the facts that we got out of cross-examination from those who came for evidence. In many cases, I widened the area of cross-examination, that is, by having informal chit-chats and off-the-record talks with the officers. A Chairman should know that one day he will not be a Chairman; he would be an ex-Chairman. So he should be conscious of the temporary nature of his job. Sometimes, the politicians and many other officers forget about it. Of course, I did not forget it. Therefore, I was able to get off-the-record truth from the officers.

Every Secretary to the Government of India can be called by the Chairman of the Estimates Committee. When the Chairman and his Committee meet the Secretaries to the Government of India it is of utmost importance that a feeling should not generate that it is a snake and a mongoose meeting; it is just like two friends who are not meeting in confrontation. They are on the same side of the barricade; on the other side of the barricade is the search for truth. I always used to tell the officers, "Look here, you are also serving the nation; you are serving in a permanent post but I am in a temporary job; a temporary job may have the facet of power, but the fact is that we together have to work out a scheme and find out the truth." This is where the officers co-operated.

When we were first examining the two General Managers in the Railway Convention Committee in Bombay in a particular area, they said, "Mr. Sinha, you have sweetly skinned us. It was a pleasure to be skinned. You had extracted information from us which we were reluctant to give to a previous Committee of Parliament which came to us, because they insulted the officers and got nothing. You got more information. We are proud of the fact that your Committee

has come to a conclusion and got better results." Thus an approach of humility, an approach of co-operation will get you the truth. Sometimes, when we attack or ask a particular question from a particular officer, he tries to defend himself. The moment it is a point of defence and attack, then comes an atmosphere of confrontation and when such an atmosphere prevails, it will be difficult to get the results. In many cases, my officers had known it in advance—without my telling them so—what could be the type of the Committee's Report that Shri R. K. Sinha would give. As far as my Committee's Reports were concerned, after they had been submitted—some were really revolutionary—80 to 90 per cent of the recommendations were accepted by the Government of India.

The Estimates Committee is not a *post-mortem* Committee. The *post-mortem* committee is the Public Accounts Committee, where they examine the accounts. The former examines the estimates. For example, we examined the Geological Survey of India and the Archaeological Survey of India. The officers came and gave evidence. I asked them, what was archaeology? What were the sister cultures of India and what were the cultural patterns which were important to India. And what we discussed was a mess. The fact was that in South India there were some books which had been compiled some 25 years ago in Tamil, Telugu, Sanskrit etc., telling about the Indian history and other related matters, but which could not come out because they could not get a Press. The officers said that the Government press was overworked. So I told them that if they thought that certain things had to be done because of their importance, then the necessary financial provision should be made and there was need for that. What happened later was this. They got their budget increased by 5 to 10 times in the next 5-year Plan. They were able to understand that Ramayana was the culture of India; Mahabharata was the culture of India. Indian culture should be examined and preserved. The Archaeological Survey of India had to do this work. Later when I visited Bikaner the man in charge said this: 'If your Estimates Committee had not examined this case, we would not have known that such a book was rotting'. So there are so many things which have to be examined. There is nothing we cannot examine, including the trends and the possibilities and so on.

#### *Parliament's Pay Committee*

I had a very strenuous job as Chairman of the Pay Committee of Parliament. It is very difficult to be the Chairman of the Pay Committee sitting in a building where everybody could be a beneficiary

of its recommendations. Right from the gate of Parliament House to the point of entry into my chamber, I was saluted and told things off-the-record. Everybody came very close to me, asking, "What are you going to do?" Two years earlier, it was a period of economic crisis in India. Everyone of the known and unknown, anonymous and very conscientious faces that came before me was the face of some or other of those who were serving Parliament very hard and sincerely. The Parliament and the State Legislature functionaries work twice more seriously and sincerely than those who work in the Departments of the State Governments or the Ministries of the Government of India. I was very conscious of that.

The time was very short at my disposal. Some members of the staff came to me and said, "We do not know anything about the Pay Committee which is examining our pay structure and other things and whether we will be allowed to submit our memoranda to the Pay Committee." I saw to it that a notice was put on the Notice Board of every Branch, so that the members of the staff could submit their memoranda to the Pay Committee within 15 days.

People used to come to my house even at unearthly hours to submit memoranda and explain to me their view points. I told them, "The more you explain to me, the more you are confusing me." There were some limitations also for the Pay Committee. The Chairman is not all in all. He has to carry the whole Committee with him. Even on the last day I was being told that I must mention this point or that point in the report. I told the then Finance Minister, Shri Y. B. Chavan, who was a Member of the Pay Committee, "You are a senior party leader. I would be very happy to work on the lines suggested by you." I said it just humorously; I said it more with a sense of exuberance than in a formal sense. He said, "Mr. Sinha you are the Chairman of the Committee. I want you to behave like a Chairman." However, even when Mr. Chavan, the officers of the Finance Ministry and the Secretaries-General were closetted for long hours, I would not yield. Though what I got from them may not have been to our entire satisfaction, I did make the Finance Ministry agree to many things. That was a sort of persuasive satyagraha. There I realised how even a senior leader of my party wanted a Chairman to behave like a Chairman. This is one thing which every Chairman must understand. You cannot have a timid Chairman. You cannot have a Chairman who does not have any initiative and who cannot take decisions on his own. He has to decide and stick to that. He has to keep the dignity and honour of the Committee.

### *Dignity of the Committee*

Once I went to the office of the North-eastern Railways at Gorakhpur. The General Manager did not come to receive me. I refused to interview him. It was not because I was the Chairman; it was not because my personality was at stake. The fact is, he came five minutes late. The General Manager had not understood the dignity of the Committee of Parliament.

There was another occasion when the General Manager of the Southern Railway said, "Sir, Mr. Hanumanthaiya is going to the South. I have to attend to him also. What shall I do?". Then, it was Mr. Hanumanthaiya's Secretary who asked me, "The General Manager of the Southern Railway says that Mr. Hanumanthaiya was going to the South. Should he attend to Mr. Hanumanthaiya or the Committee?" I said, "The Committee is bigger than the Railway Minister and, therefore, he must attend to the Committee." When Mr. Manumanthaiya learnt of this, he said, "Mr. Sinha, I am proud of the fact that I am working in a Committee of which you are the Chairman."

The point is that it is not a question of personality, personal dignity of the Chairman in an individual sense. It is a question of the dignity of the Committee of Parliament as a whole. Otherwise, we cannot preserve the dignity and honour of the Committee. We must be conscious that the dignity and honour of the whole Committee and of Parliament are radiated everywhere. These are the things where concessions cannot be made, however conscious one may be that one day he will be an ex-Chairman.

These Committees do not have a public reporting system. I think the meetings of the Committee should not be open to the public. No doubt the minutes are placed in the Library particularly for the Members of Parliament. They are available. They are quotable quotes. When a matter is talked inside the Committee, it is within the purview of the minutes of the Committee and nobody plays to the gallery. The only attempt is to arrive at the truth. This is the significance of a Committee. That is why I feel that the system of parliamentary democracy should depend more and more on committee work.

I had the advantage of the previous Chairman's work and the previous Estimates Committee's work. Seven Committees and seven Chairmen had preceded me and I had inherited much from them. I have added a little fragrance and some flowers and may be, one or two thorns also in the functioning of the office of the Chairman.

## GOLAK NATH ANALYSED

### IT LEGAL AND POLITICAL IMPLICATIONS

S. B. SAVANT

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The reaction against the judgment of the Supreme Court in *Golak Nath's* case which was immediately indicated by the Constitutional amendment proposed by Shri Nath Pai, the enthusiastic Socialist M.P. from Maharashtra, and which sought to reassert the supremacy of the Parliament, has culminated in the passing of the Forty-second Amendment to the Constitution. While appreciating the zeal of Shri Nath Pai to uphold the supremacy of the Parliament, the Government did not consider the time appropriate for such an amendment, because the Congress Party itself was divided on the issue, a strong section led by Shri Morarji Desai being inimical to such an amendment, and the anti-Congress Governments having been formed in several States the ratification of the amendment had become doubtful. The amendment, therefore, was not pressed. It had, however, served its purpose, viz., of waking the Parliament to the magnitude of the task ahead and of rousing the conscience of the people.

#### *Political Overtones of Golak Nath*

Several judgments of the Supreme Court, both before and after the decision in *Golak Nath's* case, have struck down Central legislation and obstructed the socio-economic programme of the Government. The strongest criticism of the judgment in *Golak Nath's*

case came curiously enough from a legal luminary, Shri Motilal Setalvad, an ex-Attorney-General of India, who had always shown the greatest respect to the Judiciary and even counselled the Government against fettering its working. He called it a political judgment. In his autobiography *My Life* he says "The majority decision (in *Golak Nath's* case) clearly appears to be a political decision, not based on the true interpretation of the Constitution...." (p. 587). Shri Setalvad further says, "The hearing (in *Golak Nath's* case) took a very long time, and, in its earlier stages, the majority of the judges continuously expressed grave doubts in regard to the view put forward by the petitioners. Later, however, some of these judges seemed to be inclined to accept the petitioners' view and the balance seemed to tilt in favour of the petitioners" (p. 583). When Setalvad asked Chief Justice Subba Rao at a dinner party in the presence of Wanchoo and Hidayatullah, JJ., "why a decision involving far-reaching consequences was arrived at by so slender a majority?" (i.e. 6 to 5), he replied that "they had tried their best to have a larger majority but they could not succeed".

Shri Seervai another legal luminary from Bombay, has this to say about the judgment.

"It (the judgment in *Golak Nath's* case) places a judicial veto on any legal amendment of Part III and denies to a sovereign people, acting through its freely elected representatives in Parliament, the power to implement policies demanded by and in the interest of the people, should they require the abridgement of Part III".

He proved to be really prophetic when he said, "It would be a strange irony if judgments which seek to preserve cherished human rights not only fail to do so, but lead to the destruction of a cherished judicial system." The abridgement of the powers of the judiciary achieved by the Forty-second Amendment and the proposed restructuring of the judiciary hinted at in the Rajya Sabha by Shri Gokhale, the Minister for Law showed how speedily this prophecy is coming true. The main changes introduced by this Amendment in the powers and functions of the judiciary are:

- (a) A clear distinction is now made between the constitutional law and the statutory law and the former is for ever put beyond the pale of judicial review.

- (b) The word 'law' used in article 13 which was subjected to considerable semantic quibbling in *Golak Nath's* case has been limited to statutory law only.
- (c) The High Courts' powers to declare the invalidity of Central laws have been taken away.
- (d) It has been expressly laid down that when the Supreme Court declares a Central law to be *ultra vires* it has to do so by a majority of 2/3 of the judges and not by an ordinary majority. The High Courts will require a similar special majority for declaring a State law invalid.
- (e) It is firmly and finally laid down that the Parliament can amend any part of the Constitution including the Fundamental Rights.
- (f) The powers of the Parliament to make additions to the Ninth Schedule and to take away any law including the law declared invalid by the judiciary from the jurisdiction of Courts is kept unimpaired which means that even when a law is declared to be invalid by a High Court or the Supreme Court, by a special majority, the Parliament can validate it by including it in the Ninth Schedule.

After the proposed restructuring of the judiciary this process of reducing the powers of the judiciary will be completed.

#### *Golak Nath case and Philosophy of Liberalism*

What is objectionable in *Golak Nath's* decision is not so much the insistent advocacy of Fundamental Rights to the detriment even of orderly government and peaceful change but the militancy of its tone and the unconventionality of its approach. Thus its dictum that 'there is nothing to choose between destruction by amendment or by revolution' can give points to any flaming orator on the public platform and its ruling that the doctrine of 'prospective overruling is permitted in India because it is not prohibited by the Constitution' introduces not only a new but a pernicious principle in judicial approach to legal problems. The Supreme Court



has struck down both before and after *Golak Nath* a number of State and Central laws. Perhaps a faith in the doctrines of liberalism that held sway in the West in the eighteenth and nineteenth centuries and particularly after the French and the American Revolutions and which gave primacy to personal rights over state necessities, had something to do with these judgments. Liberalism has indeed a glorious past. It has supplied psychological ammunition and emotional urge to the French Revolution, the American Revolution, the American Civil War and to some extent to the First World War. It has amongst its devotees such enlightened persons and respected humanists as Rousseau, Mazzini, Burke, Mill, George Washington, Abraham Lincoln, Woodrow Wilson and Lloyd George. Capitalism and *laissez faire* were its offsprings in the economic field and with their help it promised a new millennium in a strife-torn world, a new era of progress and prosperity that transcended the narrow limits of nationalism and religious bigotry. The philosophy was devised when the state and society were at daggers-drawn—the kings claiming not only to rule but even to represent the State by a divine right and the Society, which was merely a conglomeration of individuals without any legal form being represented by common men who claimed an equally divine origin for the newly devised principles of liberty, equality and fraternity. But with the disappearance of the monarchy and the rise of democracy all over the world the very basis of liberalism has changed. The State itself has now become identical with Society. It is simply the politico-legal aspect of Society. It may be noted that this identity between the State and the Society is not to be interpreted to mean that the individual is pushed to the wall. The individual is not asked to fend for himself under the new dispensation. In fact persons belonging to various denominations like the workers, peasants, factory-owners, merchants, and even Government servants are allowed to form their own associations and ventilate their grievances. It is for the judiciary to harmonise the interests of individuals with the needs of Society—of course, the needs of Society getting primacy over the interests of individuals. To postulate a permanent and irrevocable conflict between the individuals and the Society, as is done by some of the champions of liberalism, is high treason. It is going against the new socio-political thinking in the world which is epitomised by the term SOCIALISM and which has rightly been incorporated now in the Preamble to the Constitution. Socialism is both an economic and a political theory.

It is worth studying how the benign principles of liberalism have been applied in India. In effect individual liberty has been put above public safety and public order. That was done by the Supreme Court in *Romesh Thapar's* case in 1950, where it held that public safety and the maintenance of public order did not fall within the scope of article 19(2); and so sec. 9 (1-A) of the Madras Maintenance of Public Order Act, 1949, was *ultra vires*. Not even in the hey-day of the French Revolution did personal liberty, freedom of speech and freedom of press receive such extreme support. It is to undo the damage done by these and similar judgments that the First Amendment to the Constitution had to be passed. Liberalism is a dying creed even in the West and in America and after the historic fight during President Roosevelt's tenure over the New Deal legislation it has become a show-piece in the museum of world ideologies.

The philosophy of liberalism was used in the *Golak Nath's* case not only to uphold individual liberty but also to question the supremacy of Parliament. The dictum that 'the Court can not only find law but can make law' is a pointer in that direction. The description of the Fundamental Rights not only as 'inviolable' but as 'sacrosanct', 'immanent and transcendental'—words which are found only in spiritual literature and have no meaning in legal parlance—was used for questioning the constituent power of Parliament. This will be clear when we scrutinise carefully the background of the decision in *Golak Nath's* case. That background is as under:

#### *Background of Golak Nath*

The son, daughter and daughter-in-law of one Henry Golak Nath had filed this petition in 1966 against the order of the Financial Commissioner of Jullunder dated January 22, 1962, declaring some 418 and odd standard acres of land surplus under the provisions of the Punjab Security of Land Tenures Act, 1953. They wanted a declaration that the Punjab Act was invalid and that the First, Fourth and the Seventeenth Amendments to the Constitution were *ultra vires* as they offended against the Fundamental Rights enshrined in Part III of the Constitution. By the Seventeenth Amendment to the Constitution the Punjab Act was included in the Ninth Schedule as item No. 54 to make it immune from judicial review. Why the petitioners waited for over four years to file the writ petition cannot be deciphered from the judgment.

But the legal and political atmosphere at the relevant dates is worth noting and may explain the course of action adopted by the petitioners.

The Constitution Bench of the Supreme Court by a unanimous verdict in *Shankari Prasad's* case in 1951 had held that it was competent for the Parliament to abridge the Fundamental Rights and that the word 'law' used in article 13 referred only to statutory law and not to constitutional law. This decision naturally proved a damper to Golak Nath when the Financial Commissioner of Jullunder gave a decision against him in 1962. Naturally he decided to lie low. In October 1964 came the Supreme Court's decision in *Sajjan Singh's* case which reaffirmed the decision in *Shankari Prasad's* case. This was a second damper. He could, however, take solace from the fact that it was a divided verdict. Every point that was subsequently agitated in *Golak Nath's* case had been argued and squarely answered in *Shankari Prasad's* case and in *Sajjan Singh's* case. When there was nothing new to be argued, naturally the principle of *stare decisis* would be a complete block to any further writ petitions on the same point. But luckily for Golak Nath two of the three judges in *Sajjan Singh's* case who upheld the earlier decision in *Shankari Prasad's* case retired in 1965 and 1966. Mr. Justice Raghubar Dayal retired on October 26, 1965 and Chief Justice P. B. Gajendragadkar retired on March 15, 1966. What was even more important was that after a brief span of 3 months during which Mr. A. K. Sarkar acted as Chief Justice, Mr. K. Subba Rao was appointed Chief Justice of the Supreme Court on June 29, 1966.

The political situation in the country in 1966 was confusing and portended squabbles and instability. After the death of Prime Minister Lal Bahadur Shastri at Tashkent on January 10, 1966 there was a keen contest for the leadership of the Congress Party in Parliament. Shrimati Indira Gandhi was elected as a leader of the Congress Legislature Party by a big margin on January 19, 1966 but Shri Morarji Desai who had staked his claim for the office was a formidable rival with supporters both at the Centre and in some States. He was smarting under his defeat. Politics soon got confused with economics. In July 1966 India had to devalue the Rupee which adversely affected its credit abroad and increased its external debts by 57 per cent overnight. In West Bengal, Bihar and Orissa, internal dissensions in the Congress flamed into open revolts and in Madras (now Tamil Nadu) the

D.M.K. raised its head menacingly. The Congress was the only stabilising force in the country but it was losing its hold everywhere. Indira Gandhi was no doubt elected as Prime Minister by a large margin but she was still groping her way in the midst of the rivalry of various power-blocks which were jockeying for positions in the States and at the Centre. Her qualities of head and heart, her intrepidity, her foresight, her uncanny perception and her instinctive grasp of the situation which became evident at the time of the Great Split of 1969 were still to be evinced. In fact she was still then considered to be a soft and pliable person and men like Madhu Limaye, the stormy petrel of the Socialist Party in the Lok Sabha, had even derided her as a 'dumb doll'. The Congress, the main political party in the country, seemed to be without a rudder, without a leader that compelled unstinted obedience. This was the situation that encouraged fissiparous tendencies.

The general elections to the Lok Sabha and the State Assemblies were held in February 1967. The opposition parties had formed united fronts in several States to oppose the Congress. The results of the elections started coming in from the 17th February and most of the results were out by 25th February. It was evident that the Congress had lost in 8 or 9 of the bigger States and even at the Centre its strength was considerably depleted though it had won a slender majority. It was the time when right reactionaries and left adventurists had entered into an unholy alliance to oust the Congress from power, when opportunism had become the watchword of political free-lancers, when the whole political picture had become dismal and indistinct, when the prospects of economic recovery had become bleak, when India's creditability had sunk low both at home and abroad on account of the devaluation of the Rupee and when the Congress was weakened by its internal dissensions which had come to the fore.

The judgment in *Golak Nath's* case was given on February 27, 1967, i.e., just after the results of the General Election were known. The majority judgment held *inter alia* that—

- (i) Article 368 does not give the power to amend the Constitution; it only deals with the procedure for amending the Constitution.
- (ii) The word 'law' used in article 13 of the Constitution includes both statutory law and constitutional law and so an amendment abridging the Fundamental Rights is void.

- (iii) The First, Fourth and the Seventeenth Amendments abridge the scope of the Fundamental Rights. They are, therefore, invalid; but on the basis of the earlier decisions of this Court they will be treated as valid.
- (iv) This is done on the application of the principle of 'prospective overruling' which the judges have imported from American jurisprudence and which according to them can be used only by the Supreme Court.
- (v) Parliament will have no power from the date of this decision, i.e., from February 27, 1967 to amend any of the provisions of Part III, i.e., the Fundamental Rights.
- (vi) The Court not only finds law but also makes law.

#### *Mind of the Judges*

None of these issues deserves any consideration after the passing of the Forty-second Amendment. All that need be noted here is that neither the issues nor the arguments by which the issues were propped up were new. All the issues had been thoroughly discussed by two Constitution Benches of the Supreme Court in *Shankari Prasad's* case and in *Sajjan Singh's* case and answered appropriately. This Bench simply answered them differently. One passage from the judgment, however, deserves to be quoted. Referring to the agrarian revolution brought about by various laws on the strength of the First, Fourth and the Seventeenth Amendments to the Constitution, the majority judgment says:

"History shows that revolutions are brought about not by the majorities but by the minorities and sometime by military coups. The existence of an all-comprehensive power cannot prevent revolutions, if there is chaos in the country brought about by misrule, or abuse of power. On the other hand, such restrictive power gives stability to the country and prevents it from passing under a totalitarian or dictatorial regime".

And, further down the same para the judgment says:

"There is nothing to choose between destruction by amendment or by revolution, the former is brought about by totalitarian rule, which cannot brook constitutional checks and

the other by the discontentment brought about by misrule. If either happens the Constitution will be a scrap of paper".

The judgment adds: "Such considerations are out of place in construing the provisions of the Constitution by a Court of law".

In less than a month and half after delivering the judgment in the *Golak Nath's* case Shri K. Subba Rao resigned from the office of Chief Justice on April 11, 1967 and announced his candidature for the Presidentship of India on behalf of the combined opposition. Shri Motilal Setalvad alleges in his book *My Life* that this candidature was agreed upon after discussing the matter with the leaders of the opposition even when he still held the office of Chief Justice of India. In fact in a statement released by him at the time, he clearly stated:

"Gathering events from newspaper reports, it appears that the outgoing Chief Justice of India has, in the matter of the Presidential election, acted with grave judicial impropriety; he has set at naught traditions which have governed the judiciary in our country for over a century. While still holding the highest judicial office in the country, he has met and discussed his candidature for election....with leaders of political parties. ...his later conduct has been unworthy in that he permitted his high judicial office to be used as a tool of party tactics".

No denunciation could be stronger than this or could be more clear-cut.

The contest between Dr. Zakir Husain, the Congress nominee for the Presidentship of India, and Mr. Koka Subba Rao, the ex-Chief Justice of India, who had dramatically flung away his judicial robes and had posed as a candidate of the combined opposition, was keen indeed. But he was defeated by a convincing margin of 1,07,273 votes when the votes were counted on May 9, 1967. All this inspite of the fact that apart from the 8 or 9 States where the Congress suffered electoral defeats, it suffered further reverses in U.P., Haryana and Rajasthan where, after electoral successes the Congress Ministries were toppled down by dissenting Congressmen in March and April of the same year which made the whole political picture dismal and blurred. But for the intrepidity, sagacity and personal popularity of Shrimati Indira Gandhi,

the Congress would have been swept off its feet during 1967 to 1970, when internal dissensions became alarming and ultimately split the Congress into two warring blocs.

Even in *Kesavanand Bharati's* case, the objectionable dicta in *Golak Nath's* case were not squarely reversed as *Golak Nath's* judgment had reversed the earlier dicta in *Shankari Prasad's* case and *Sajjan Singh's* case. It was left to the Parliament to do it by the Twenty-fourth and the Forty-second Amendments. The judgment in *Golak Nath's* case will rank with the world's most tragic judicial pronouncements such as the New Deal judgments of the American Supreme Court which very nearly touched off a white-collar revolt and with the infamous *Dread Scott* judgment where the Supreme Court's decision that a Negro carries his stamp of servility wherever he goes, that once a slave always a slave, sparked off a civil war before the mischief done by the judgment was obliterated. In India too, it took a decade of hectic electioneering and legislative activities to meet the combined opposition of several ex-judges, senior advocates, many misguided champions of the dying creed of liberalism, right reactionaries, left-adventurists, industrial tycoons and commercial magnates. All is well now and India is firmly set on its path towards progress and prosperity, socialism and secularism and what is more, democracy and decency.

## THE ESTIMATES COMMITTEE AND THE BUDGET DOCUMENTS

S. C. GUPTA

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Under the Directive Principles of State Policy laid down in the Constitution, the Government is no longer to confine itself to the restricted functions as in the past, but is to be an agency for promoting general welfare by positive actions. In this context Government budgeting is of vital importance as it is the main instrument by which the use of the public resources is planned and controlled. The Budget has become a significant statement of Government's policy and the major instrument for the expression of Government's programmes which have wide ramifications in the national economy both in the governmental as well as other sectors. It, *inter alia*, affects development and production, size and distribution of income and the availability of manpower and materials. In view of the vital role which the Budget plays in the economy of the welfare state, the legislators and the citizens are more than ever interested to understand from the Budget what the Government is doing, how much it is doing and what the costs are. By its very purposes, the budgetary procedure, and the form and presentation of the Budget require to be continuously reviewed and reshaped to suit the requirements of the times and to enable Government's programmes and policies to be understood, appreciated and approved by the Parliament and the people to whom the Government is responsible.

Article 112 of the Constitution of India lays down *inter alia* that:

“(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a



statement of the estimated receipts and expenditure (Budget in common parlance) of the Government of India for that year, in this part referred to as the 'annual financial statement'.

- (2) The estimates of expenditure embodied in the annual financial statement shall show separately—
- (a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and
  - (b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.”

One of the functions of the Estimates Committee of Lok Sabha is to examine the form in which the estimates shall be presented to Parliament. The Estimates Committee have from time to time examined the question of budgetary reform. In their very first Report, the Committee (First Lok Sabha) observed that the system of accounting and budgeting as it then existed might have had its advantages in the past but it had become so cumbersome that a revision of the system was urgently called for. They accordingly recommended that a Committee consisting of the Budget Officer of the Government of India, a representative of the Comptroller and Auditor-General and a member of the Estimates Committee might be constituted to examine the whole matter thoroughly and to report to the Estimates Committee on the improvements that could be made in the existing system. In pursuance of that recommendation, a Committee was appointed by the Government to consider the changes in the form of budget estimates. As a result of recommendations made by that Committee, several changes in the Civil Budget Estimates were made with a view to arrange the Demands in a rational manner, to make the explanatory memorandum fuller both in respect of schemes and notes thereon etc.

The matter was reconsidered by the Estimates Committee in 1957-58<sup>1</sup> when it felt that although as a result of steps taken by the

<sup>1</sup>E.C., 20th Report (1957-58).

Government, the Budget was more intelligible, it did not serve the purpose which a modern Central Government Budget was intended to. The Committee, therefore, felt that there was a further need for a revision in the form and system of the Budget. The Committee made a number of recommendations and as a result, changes were effected in the presentation of budget documents.

Again, in 1972-73 the Estimates Committee examined the question of revision of form and contents of the Demands for Grants and also certain other cognate matters aimed at making the budget documents more informative and intelligible for proper appreciation of the functioning of Government and also achieving the twin objectives of sound budget and accountability to Parliament<sup>2</sup>. Several improvements have been made in the form and format of the budget presented to Parliament as a result of the recommendations made by the Committee. Some of the important changes brought out in the budget documents as a result of the recommendations of the Estimates Committee are indicated below:

*Lump-sum entries:* The Committee pointed out that there were quite a few items in the Demands for Grants which may be called lump sum or omnibus entries for which no details were given. The Government accepted the recommendation of the Committee that for proper budgeting and for a proper appreciation of justifications for expenditure provided for in the budget, it was necessary that such Lump-sum entries should not find a place in the budget and if for some reasons, this was inevitable, at least sub-divisions of the proposed entries together with full justification therefor be given in the budget documents.<sup>3</sup>

*Contribution to International bodies:* Under various international obligations, the Government of India have to pay regular contributions to a number of international bodies. The sums provided for such contributions were scattered over several Demands with the result that it was difficult to get a complete idea of their nature and volume. In pursuance of the recommendations of the Com-

<sup>2</sup>E.C., 24th Report (1972-73) and 48th Report (1973-74).

<sup>3</sup>E.C., 20th Report (1957-58), para 8 and E.C., 60th Report (1958-59), page 3.

mittee, the Government agreed to give a list of all contributions to international bodies with brief details as to their nature and purpose in the explanatory memorandum to the Budget.<sup>4</sup>

*Plan expenditure:* Large sums of money are spent annually on various schemes included in the successive Five Year Plans. Side by side, expenditure on other schemes of non-developmental nature is also incurred. It is, therefore, desirable that budget documents should show how much expenditure has been incurred or is proposed to be incurred under the Plan from year to year. However, till 1959-60, Plan expenditure and estimates were not shown separately from non-plan expenditure and estimates within the Demands for Grants and other documents accompanying the Budget. In pursuance of the recommendation of the Committee, the Government agreed to show the plan expenditure and estimates within the Demands for Grants and other documents accompanying the Budget.<sup>5</sup> The Demands for Grants for each Ministry now indicate separately the budget estimates for expenditure under Plan and non-plan items.

No clear guidelines have, however, been issued by the Government in regard to the classification of expenditure as Plan and non-plan in preparing the budget documents. The Estimates Committee, in their 24th Report (1972-73)<sup>6</sup>, had stressed the need for issuing such guidelines. It also suggested that these guidelines should be clearly mentioned at a suitable place in the budget documents, for the information of the Members of Parliament. The Committee reiterated this suggestion both in their 48th Report (1973-74) and 98th Report (1975-76). In their 98th Report,<sup>7</sup> the Committee also pointed out that a clear definition of Plan and non-plan expenditure would help in proper classification for preparing the Performance Budget and the evaluation based thereon.

*Key to Budget Documents:* In their 24th Report (1972-73)<sup>8</sup>, the Estimates Committee suggested that a key or a guide to the Budget papers should be brought out and attempts should be made

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<sup>4</sup>E.C., 20th Report (1957-58), para 11 and E.C., 60th Report (1958-59), page 3.

<sup>5</sup>E.C., 20th Report, para 16 and E.C. 60th Report, page 4.

<sup>6</sup>E.C., 24th Report, (1972-73), para 9.3.

<sup>7</sup>E.C., 98th Report, (1975-76), para 3.32.

<sup>8</sup>E.C. 24th Report (1972-73), para 10.3.

in the key/guide to explain some of the more difficult technical terms used in the Budget. Accordingly, a brochure *Key to the Budget Documents* is now being brought out along with the budget papers.

*Budget at a glance:* In their 24th Report (1972-73)<sup>9</sup> the Estimates Committee pointed out that the booklet *Budget at a Glance* being brought out by the Government gave some information about the broad heads under which money was being raised by way of taxation and of disbursement thereof on capital and revenue account. However, the information given was merely in the form of tables without any explanatory note. The Committee desired the Government to amplify this publication so as to give the public at large the requisite information in an intelligible manner which would make them appreciate the allocation of resources for developmental, plan and socio-economic activities and also make them aware of the expenditure which was being incurred on non-plan and administrative account. The recommendation was accepted by the Government and the *Budget at a Glance* has been made more elaborate.<sup>10</sup>

*White Paper on new Projects:* The Estimates Committee (1972-73)<sup>11</sup> recommended that the Government should bring out a White Paper on new public undertakings or on expansion of existing ones involving an outlay of Rs. 100 crores or more in either case. It should contain information on all significant aspects of the schemes. The recommendation was accepted by the Government and it has since presented White Papers on Phulpur Nitrogenous Fertilizer Plant, Bhatinda Fertilizer Project, Trombay Expansion Project and on steel.

*Grant to Private Institutions:* The Estimates Committee in 1973-74 had suggested that it should be possible for the Government to furnish information for the previous year in respect of cases involving grants-in-aid given to private institutions/organisations/individuals, amounting to more than Rs. 5 lakhs recurring and/or Rs. 10 lakhs non-recurring by devising a suitable procedure in this behalf<sup>12</sup>. The Government have accepted this recommen-

<sup>9</sup>E.C., 24th Report (1972-73), para 11.2.

<sup>10</sup>E.C., 48th Report (1973-74), p. 17.

<sup>11</sup>E.C. 24th Report (1972-73), para 15.5.

<sup>12</sup>E.C., 48th Report (1973-74), para 3.

dation and an Annexure in the explanatory memorandum on the Budget gives the required information.

*Performance Budgeting:* As early as 1957-58, the Estimates Committee had recommended that the Performance-cum-Programme system of budgeting would be ideal for a proper appreciation of the schemes and outlays included in the budget, especially, in the case of large-scale developmental activities, as such a budget focuses attention on the accomplishment, the general character and the related importance of work to be done rather than upon the means of accomplishments. The Committee also recommended that it was necessary that there was some sort of a functional classification of governmental expenditure so as to focus attention on the various functions of the Government and their related importance. It would be necessary to broadly group the various activities of all the Ministries in such a way as would enable an understanding of the diverse activities of the Government on which expenditure was incurred by various organisation and the Ministries.<sup>13</sup>

In 1972-73, the Committee again stressed that all the stages for making performance budget a useful document should be completed without further delay and concrete action taken to see that performance budget was prepared by all the Ministries charged with developmental and other plan activities.<sup>14</sup> In pursuance of the recommendations of the Committee, the structure of Demands for Grants was revised with effect from 1973-74 to make the Demands compact and comprehensive. The Demands were organised on functional basis and all expenditure pertaining to a function/programme was brought under a single Demand. Another major step was taken in 1974-75 when the old accounting system was completely revised and recast in terms of functions and programmes of Government. Performance Budgets were also prepared by the Ministries and in 1975-76, 32 Ministries/Departments presented their performance Budgets to Parliament.

Although as a result of the recommendations of the Committee, performance budgeting has been introduced in the Government of India, there is further scope for improvement in this regard. The

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<sup>13</sup>E.C., 20th Report (1957-58), paras 20 and 30.

<sup>14</sup>E.C., 24th Report (1972-73), para 7.10.

matter was considered by the Estimates Committee (1975-76) and in their 98th Report, the Committee has made recommendations to make the performance budget a meaningful document to assist the management as a tool of administrative and financial control for evaluating performance and for implementation of developmental programmes efficiently and economically<sup>15</sup>.

*Notes on New Service/New Instrument of Service:* In their 24th Report, the Estimates Committee recommended that comprehensive notes on new service/new instrument of service to bring out the objectives underlying the service/activity, the financial implications thereof, the time schedule for completion and commissioning, the contribution expected to be made in the economic and industrial field etc. may be clearly set out in the notes to be included in Part II of the Demands for Grants<sup>16</sup>. The recommendation has been accepted by the Government and the Demands for Grants of the Ministries include a statement showing the details of items of new service/new instrument of service<sup>17</sup>.

It is, however, seen that the information provided in the notes is still not comprehensive. These comply more with the form rather than the substance of the recommendations of the Committee. In order that the notes really serve a useful purpose, these should set out in more meaningful manner the economic and social objectives of the programme and also give some idea of the alternative schemes out of which a particular one has been selected for implementation so that the members have an idea of the comparative merits of the scheme and the objective criteria which have gone into its selection.

*Forward-looking Budget:* In 1972-73, the Committee had stressed the need for preparing a forward-looking budget so that an advance planning of schemes/projects both in financial and physical terms could be taken up seriously in time by the administrative Ministries and other authorities concerned<sup>17</sup>. The recommendation was reiterated by the Committee next years<sup>18</sup>. The Government have accepted the recommendation to have a forward-looking budget. However, as concrete action to implement the recommendation was not taken by the Government, the matter was pursued

<sup>15</sup>E.C., 98th Report (1975-76), para 5.26.

<sup>16</sup>E.C., 24th Report (1972-73), para 4.4.

<sup>17</sup>E.C., 48th Report (1973-74), page 12.

<sup>18</sup>E.C., 24th Report (1972-73), para 18.4.

<sup>19</sup>E.C., 48th Report (1973-74), para 20.

by the Estimates Committee and in 1975-76, the Committee reiterated that the Ministry of Finance should pay earnest attention to the Committee's recommendation to frame a forward-looking budget<sup>10</sup>. It should give broad indications of the likely availability of the resources and the estimated expenditure for the next 3 to 5 years. The Committee considered that if this exercise was done on yearly basis it would not only provide the Government with basic data and material to refine their budget proposals but would also bridge the period of suspense which invariably intervened between the completion of one Plan and the commencement of the next Plan.

*Conclusion:* It will be seen from the foregoing paragraphs that the recommendations of the Committee had great impact on the Government and significant changes have been brought about in the form and format of the Budget presented to Parliament. There are, however, still some aspects in which there is need for reform. One of these concerns public borrowing. Public borrowing is an essential part of the financial management of Government. Although article 292 of the Constitution contemplates the enactment of a law fixing the limits of borrowing as well as of giving guarantees by the Union Government, no such law has so far been made. It is felt that the Government should bring out in greater detail their proposals for borrowing loans from public, financial and public institutions and set out at some length their effect on the general economy. A convention may also be developed so that the Government would take specific approval of Parliament for taking loans for financing the Plans through deficit financing beyond limits specified in the Budget documents, so that the Parliament is informed at the earliest of these developments which have wide-spread ramifications.

Another area where there is need for improvement is in regard to the monitoring and review by Government of the actual expenditure incurred in respect of major projects *vis-a-vis* the estimates thereof so as to apply the correctives where called for and learn the lessons.

It is also felt that there should be an organisational arrangement by which the Ministry of Finance, other Ministries concerned with economic development and the Planning Commission continually review expenditure trends *vis-a-vis* the past budget and general

<sup>10</sup>E.C., 98th Report (1975-76), para 2.14.

economic conditions and bring out a paper once a quarter. The corrective measures necessary to reverse any undesirable trends such as unwarranted inflation may be specifically spelt out in the paper so that the Government would be in a better position to take remedial measures without delay.

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## PARLIAMENTARY EVENTS AND ACTIVITIES\*

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### I. CONFERENCES AND SYMPOSIA

*Fourth Conference of Commonwealth Speakers and Presiding Officers:* The Fourth Conference of Commonwealth Speakers and Presiding Officers was held in London in September, 1976. From India, Shri B. R. Bhagat, Speaker of Lok Sabha, Shri Godey Murahari, Deputy Chairman of Rajya Sabha, Shri S. L. Shakhder, Secretary-General of Lok Sabha and Shri S. S. Bhalerao, Secretary-General of Rajya Sabha attended the Conference.

*Twenty-Second Commonwealth Parliamentary Conference:* The Twenty-second Commonwealth Parliamentary Conference was held in Port Louis (Mauritius) in September, 1976. The Indian Delegation to the Conference was led by Shri K. Raghuramaiah, Minister of Works and Housing and Parliamentary Affairs. The other members of the delegation were Shri C. T. Dhandapani, M. P., Shri A. K. Refaye, M.P., Shri R. N. Sharma, M. P. and Shri Gian Chand Totu, M.P., Shri P. K. Patnaik, Additional Secretary, Lok Sabha was Secretary to the Delegation.

Dr. G. S. Dhillon, Minister of Shipping and Transport and Dr. Henry Austin, M.P. also attended the Conference as Immediate Past President of the Association and Regional Councillor for Asia, respectively.

Shri Apurbalal Mazumdar, Speaker, West Bengal Legislative Assembly; Shri Syed Farook Pasha, Deputy Speaker, Maharashtra Legislative Assembly; Dr. Kewal Krishna, Speaker, Punjab Vidhan

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\*Contributed by the Conference Branch, Lok Sabha Secretariat.

Sabha; Shrimati K. S. Nagarathanamma, Speaker, Karnataka Legislative Assembly; Shri Ram Kishore Vyas, Speaker, Rajasthan Legislative Assembly; Shri Premjibhai Thakkar, M.L.A., Gujarat; Shri R. Dasaratha Rama Reddy, Speaker, Andhra Pradesh Legislative Assembly; Shri Shyam Chand, Excise and Taxation Minister, Haryana; Shri Ramesh Chandra Barooah, Speaker, Assam Legislative Assembly; Shri Vasudeva Singh, Speaker, U.P. Vidhan Sabha; Shri Kultar Chand Rana, Speaker; Himachal Pradesh Vidhan Sabha; Shri Sawaimal Jain; Deputy Speaker; Madhya Pradesh Vidhan Sabha; Shri T. S. John; Speaker, Kerala Legislative Assembly; Shri Krishnakant Singh, MLC, Bihar; Sardar Gurmukh Singh, Deputy Chairman, Jammu and Kashmir Legislative Council; Professor R. S. Lyngdoh, Speaker, Meghalaya Legislative Assembly; Shri Brajamohan Mohanty, Speaker, Orissa Legislative Assembly and Shri K. Shyamsingh, MLA, Manipur also attended as delegates of their respective State Branches of the Commonwealth Parliamentary Association. Shri V. P. Bhatnagar, Secretary, Himachal Pradesh Vidhan Sabha and Shri K. K. Gupta Secretary, Madhya Pradesh Vidhan Sabha attended the Conference as Secretaries from State Branches.

The following subjects were discussed:

#### I. *The Commonwealth and World Security*

- (i) The current world situation and threats to peace.
- (ii) The oceans of the world as zones of peace with particular reference to the Indian Ocean.
- (iii) Developments in Southern Africa, with particular reference to Rhodesia and South Africa.
- (iv) The Smaller countries of the Commonwealth—their defence and future.

#### II. *Development Assistance*

#### III. *The Commonwealth and the Law of the Sea*

#### IV. *Economic Problems and a New International order.*

- (i) Commodity arrangements.
- (ii) Problems of the "brain drain" from developing countries.
- (iii) Cooperation in Industrial growth.

(iv) Problems of external debt repayment.

V. *Social problems*

(i) Protection of the environment.

(ii) Population growth and problems of urban poverty and unemployment.

VI. *Parliament in the Modern World*

(i) Parliamentary control of Government and Executive and the use of Select Committees.

(ii) Challenges to Parliament in modern economic and social conditions.

Tours of Mauritius were also arranged for the delegates by the Mauritius Branch of the Commonwealth Parliamentary Association.

*Sixty-Third Inter-Parliamentary Conference:* The sixty-third Inter-Parliamentary Conference was held in Madrid in September-October, 1976. The delegation to the Conference from India was composed of Shri Om Mehta, Minister of State for Home and Parliamentary Affairs—Leader of the delegation, Shri N. K. Bhatt, M.P., Shri Indrajit Gupta M.P., Shri Purushottam Kakodkar, M.P., Shri Arjun Sethi, M.P., Shri Prakash Vir Shastri, M.P., and Shri S. L. Shakhder, Secretary-General, Lok Sabha. Shri S. S. Bhalerao, Secretary-General, Rajya Sabha was Secretary to the Delegation.

Dr. G. S. Dhillon, Minister of Shipping and Transport and President of the Inter-Parliamentary Council presided over the Conference.

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

1. The urgency of reducing tension in the world and of establishing international regulations on the trade in conventional weapons.
2. The setting up of a new international economic order.

3. Co-operation in the fields of education, science and culture, and further improvement of international relations.
4. The situation in Southern Africa, with particular reference to Rhodesia.

During the Conference period, meetings of the Inter-Parliamentary Council, Standing Study Committees and Executive Committee of the Inter-Parliamentary Union were also held. The Association of Secretaries-General of Parliaments also met in Madrid during this period. Shri S. L. Shakhder, Secretary-General of Lok Sabha, who is the President of the Association, presided over the meetings.

*Conference of Chairmen of Library Committees:* The first Conference of the Chairmen of Library Committees was held on November 4 and 5, 1976 under the Chairmanship of Shri G. G. Swell, Deputy Speaker, Lok Sabha and the Chairman of Library Committee of Parliament. The Chairmen of Library Committees of Parliament, Andhra Pradesh Legislature, Assam Legislative Assembly, Bihar Legislative Council, Bihar Vidhan Sabha; Haryana Vidhan Sabha, Himachal Pradesh Vidhan Sabha, Jammu and Kashmir Legislative Council, Jammu and Kashmir Legislative Assembly, Kerala Legislative Assembly, Madhya Pradesh Vidhan Sabha, Maharashtra Legislature, Meghalaya Legislative Assembly, Punjab Vidhan Sabha, Rajasthan Legislative Assembly, U.P. Vidhan Sabha, West Bengal Legislative Assembly, Goa, Daman and Diu Legislative Assembly and Delhi Metropolitan Council attended the Conference. The Conference was inaugurated by Shri B. R. Bhagat, Speaker, Lok Sabha on the 4th November, 1976 and his address was followed by an address by the Chairman of the Conference Shri G. G. Swell. The Conference discussed the following points in the Agenda on the 4th and 5th November, 1976:—

- (1) Legislator: his requirements for information.
- (2) Building up of the Resources of a Legislature Library.
- (3) Organising a Reference and Research Section in the Library of the State Legislature.
- (4) Constitution of Library Committees in State Legislatures.
- (5) Action to be taken against Members of the Legislature, who fail to abide by the Library Rules in returning the Library Books.

- (6) Supply of complimentary copies of Central and State Government publications to all Legislature Libraries.
- (7) Providing training to the Library personnel for better library service in Legislatures by establishing a regular cell in the Bureau of Parliamentary Studies and Training at the Centre in the Lok Sabha Secretariat.
- (8) Imparting training to the staff of the State Legislature Libraries by deputing Officers of the Parliament Library.
- (9) Delivery of Books (Public Libraries) Act, 1954 may be amended or a separate legislation enacted so that Legislature Libraries may get one copy each of all books published in India.
- (10) Publishing a catalogue enumerating literature|printed material, covering legislative topics of the holdings in the Parliament, State Legislatures, Universities and State Libraries in the country.
- (11) Provision of facilities for State Legislatures to borrow books from Parliament Library as well as on Inter-Library Loan Service between State Legislatures and Parliament.
- (12) Provision of facilities for State Legislatures to borrow books from Parliament Library.

## II. INDIAN PARLIAMENTARY DELEGATIONS ABROAD

*Visit of Indian Parliamentary Delegation to France:* In pursuance of an invitation from the President of the National Assembly of France, an Indian Parliamentary Delegation led by Shri Godey Murahari, M.P., Deputy Chairman of Rajya Sabha visited France from the 7th to the 14th October, 1976. Besides the Leader, the delegation consisted of Shri Jagjit Singh Anand, M.P.; Shri B. N. Bhargava, M.P.; Shri Khurshed Alam Khan, M.P.; Dr. M. M. Mehta, M.P.; and Shri S. L. Shakhder, Secretary-General, Lok Sabha.

*Visit of Indian Parliamentary Delegation to Romania:* In pursuance of an invitation from the Chairman of the Grand National Assembly of the Socialist Republic of Romania, an Indian Parlia-

mentary Delegation led by Shri B. R. Bhagat, Speaker, Lok Sabha, visited Romania from the 12th to the 16th November, 1976. Besides the Leader, the delegation consisted of Shri Dinen Bhattacharya, M.P.; Shri K. N. Dhulap, M.P.; Shri Syed Nizam-ud-Din, M.P.; Shrimati Savitri Shyam, M.P.; Shri P. Venkatasubbaiah, M.P.; Shri S. L. Shakhder, Secretary-General, Lok Sabha; and Dr. S. Seshadri, Secretary to Speaker of Lok Sabha.

On his way back to India, the Speaker, Lok Sabha visited Switzerland also from November 17 to November 21, 1976.

### III. FOREIGN PARLIAMENTARY DELEGATIONS IN INDIA

*Transit Visit of Deputy Speaker of Indonesian Parliament to Delhi.*—Hon'ble Domo Pronoto, Deputy Speaker of the Indonesian Parliament accompanied by his wife visited Delhi on his way from Pakistan in October, 1976. The visitors were received at the Delhi Airport by the Deputy Speaker of Lok Sabha on the 27th October, 1976. On the 28th October, 1976 they watched the proceedings of Lok Sabha and called on the Speaker of Lok Sabha at Parliament House. The Speaker and Shrimati Bhagat hosted a luncheon party in their honour on that day.

### BUREAU OF PARLIAMENTARY STUDIES AND TRAINING\*

*Orientation Workshop in English Language and Writing Skills for Parliamentary Officials:* A three-week Orientation Workshop in English Language and Writing Skills, in which 26 Officers from Lok Sabha and Rajya Sabha Secretariats participated, was organised by the Bureau from October 4 to 30, 1976. In his Inaugural Address to the Course Participants on October 4, 1976, Shri Darbara Singh, M.P. and Chairman, Committee on Public Undertakings, observed that parliamentary writing had its own distinct ethos, culture and technique and that the Course would help the participants "to re-orient their ideas about parliamentary writing, enable them to use the right type of expressions...consistent with the needs of restraint, sobriety and effectiveness underlying all Parliamentary writings and presenting facts and findings in a language which is pithy and purposive." Appreciating the high standard of efficiency obtaining in the Lok Sabha Secretariat, he observed:

"The Lok Sabha Secretariat has consistently and systematically worked hard to raise the standard higher and higher

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\*Contributed by the Bureau of Parliamentary Studies and Training, Lok Sabha Secretariat.

to keep pace with the changing times and newly emerging situations. The setting up of the Bureau and the designing of the Orientation Workshop for its own officers, are eloquent testimony, if at all testimony is needed, of its ceaseless search and strife to equip its officers to serve the Parliament and help the members to discharge their onerous duties more effectively and fruitfully."

During the Workshop there were 33 talks and discussion sessions at which Chairmen of the three Financial Committees of Parliament, Members of Parliament from both the Houses, Senior Officers from Parliament and Government and eminent experts from educational institutions like the Jawaharlal Nehru University, Indian Institute of Technology and the Central Institute of Education addressed the participants.

On the conclusion of the Workshop on October 30, 1976, the Secretary-General, Lok Sabha gave away the Certificates of Training to the participants. In his Valedictory Address the Secretary-General *inter alia* stated that he was sincerely concerned and was always thinking about the welfare of the staff and the total development of their personality. He observed that "my great dream is that people who work in this Secretariat should be model members of the society, they should bring fame, honour and respect to the country."

*Specialisation Course for Librarians of State Legislature Secretariats.*—A three-week Specialisation Course for Librarians of State Legislature Secretariats, in which 20 officials from State Legislature Secretariats and 6 from the Lok Sabha Secretariat participated, was organised by the Bureau from October 18 to November 5, 1976. In his Inaugural Address to the course participants on October 18, 1976, the Secretary-General, Lok Sabha observed that the problem of a modern Legislature Library was how best to meet the information needs of the Members in such a way that they were not handicapped for want of material to consider the various issues in their correct perspective and arrive at proper conclusions. The Legislature Library had to be specially equipped to supply promptly on demand and at short notice information and references in a digestible form on almost any subject that might happen to engage the attention of Legislatures. Referring to the role of Librarians of Legislature Libraries, he said:

"A Librarian of Legislature Library is not a Librarian in the conventional sense. He is not merely a buyer, stockist and issuer of books. The Librarian of a Legislature Library is increasingly being called upon to shoulder additional responsibilities and carry out many duties of a specialised nature. He is frequently being approached by Members for objective, authoritative and precise information on topics of diverse interest and has to supply it sometimes practically within a matter of a few minutes. His is, therefore, an arduous task and it requires qualities and efficiency of a high order. Above all, the Librarian's loyalty and devotion to the institution which he has the privilege to serve should be absolute."

During the course there were 24 talks and discussion sessions when the participants had an opportunity of meeting and hearing some distinguished parliamentarians and eminent librarians, professors and scholars in Library Science speak to them on various aspects of library, reference, research and documentation services and the techniques and methods of work in legislature libraries. On the conclusion of the Course on November 5, 1976, the Deputy Speaker, Lok Sabha, gave away the Certificates of Training to the participants. Reminding the Librarians of their duties in the changed concept of a Legislative Library the Deputy Speaker, in his Valedictory Address, *inter-alia* observed:

"Your duty in the Library is not merely to look after books, issue books to the Members, you will have also to undertake the task of reference, the task of doing research and various other things and making this knowledge and information available to the Members. You have had an opportunity to watch the deliberations of the Conference (Conference of Chairmen of Library Committees of State Legislatures). There was a demand that the training that had been given to you should not end up here and that there should be more such refresher courses. This demand by itself is proof of the important part which the course had played."

*Appreciation Courses in Parliamentary Processes and Procedures for Officers of the Rank of Deputy Secretary and Under Secretary of the Government of India.*—Latest in the programme of activities of the Bureau is the series of Appreciation Courses, of six days duration each (in the first half of the day), for officers of the rank of Deputy Secretary and Under Secretary of the Government of India.



India. These series of courses were inaugurated by the Vice-President of India, Shri B. D. Jatti, at a well attended function held in the Central Hall of Parliament on November 8, 1976. In his inaugural Address the Vice-President expressed satisfaction at the growing awareness that if the ultimate purpose of democratic existence is to be realized in a parliamentary polity, "the executive and legislature will have to work together for the achievement of national goals and aspirations". The two—the Executive and the Legislature—cannot fruitfully function "in isolation from one another." There is a relationship that is intimate and mutually nourishing. Both are co-partners in the joint democratic family." The Vice-President further observed, "It is important that the executive functionaries, in particular, imbibe the feel of the legislative atmosphere and are conversant with the modalities of Parliamentary action and their own day-to-day obligation in relation to Parliament." Congratulating the Secretary-General, Lok Sabha, and the Bureau "on the thoughtful and imaginative manner in which this novel and unique course has been planned", he added:

"I have no doubt in my mind that this series of Appreciation Courses for the Deputy-Secretaries and Under Secretaries of the Government of India will lead to a more vivid appreciation of their own role in relation to Parliament and the overall democratic setting in the country."

Earlier, welcoming the Vice-President to the inaugural function, Professor G. G. Swell, Deputy Speaker, Lok Sabha referred to the dedication and the versatility of the Bureau of Parliamentary Studies & Training and observed:

"It is no wonder that it (Bureau) has won for itself, in a very short time, a place of distinction which is acknowledged publicly in the different circles all over the country, and there have been demands that many of these courses should be repeated and that there should be other courses and some of them on a continuing basis."

Extending a hearty vote of thanks to the Vice-President for inaugurating the series of courses with an inspiring address, Shri Godey Murahari, Deputy Chairman, Rajya Sabha, said:

"In a system of governance like ours, it is of paramount importance that our civil servants acquire a thorough knowledge and understanding of the principles and pos-

tulates of our Constitution and the social and human goals which the Constitution aims at achieving...the civil servants are duty-bound actively to assist the Government in carrying out the policies laid down by Parliament... The purpose of the Appreciation Course in Parliamentary Processes and procedures for senior officers is to give them orientation or familiarity with the basic principles on which Parliamentary institutions are run. Besides, the courses of the kind the Bureau has envisaged, are very essential as they would bring together officers belonging to different services and departments, and highlight the essential unity of all the higher civil services in the country."

Till the end of December, 1976 four Appreciation Courses have been held and in these 109 Officers of the rank of Director, Deputy Secretary and Under Secretary from various Ministries/Departments of the Government of India have participated. In each course eminent parliamentarians and Senior Parliamentary and Government officials addressed the participants. It was acknowledged by the participants that these courses have been well designed, efficiently executed and have enabled them to comprehend the fundamentals and various ramifications of the parliamentary apparatus and appreciate better their role in relation to parliamentary work.

**PRIVILEGE ISSUES\***

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**LOK SABHA**

*Making available of admitted writings of ex-members:* The Deputy Inspector General of Police (Inv-I), Central Bureau of Investigation, New Delhi, in his letter of July 12, 1976, to the Secretary-General, Lok Sabha stated as follows:—

“In connection with the investigation of the Baroda Dynamite Seizure Case [R.C. No. 2/76-CIU(A)] we urgently require admitted writings of Shri George Fernandes. Shri George Fernandes was a member of the Lok Sabha from 1967 to 1971. I shall be grateful if the admitted writings of Shri Fernandes could be made available to us from your records.”

In reply, the Deputy Inspector General of Police, Central Bureau of Investigation, was informed on 14th July, 1976 of the correct procedure for making available for investigation or production in courts of documents connected with the Lok Sabha or its Committees as laid down in the First Report of the Committee of Privileges of Second Lok Sabha which was adopted by Lok Sabha on the 13th September, 1957. He was also requested to clarify the term “admitted writings of Shri George Fernandes”.

The Deputy Inspector General of Police (Inv-I), Special Police

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\*Contributed by Committee Branch I, Lok Sabha Secretariat.

Establishment, Central Bureau of Investigation, in his further letter dated the 23rd July, 1976, stated *inter alia* as follows :

- (1) The writings and (or), signatures of Shri George Fernandes, who was a Member of the Lok Sabha from 1967—71, are required by us to establish the authorship of some writings and signatures of Shri George Fernandes, which have come to light during our investigation of the Baroda Dynamite Seizure Case.
- (2) The writings and (or) signatures are, at present, required for purposes of investigation and not for production in Court.
- (3) Admitted writings are writings executed in the ordinary course of business which are purported to be in the handwriting of the person concerned the authorship of which is not in dispute.
- (4) If no admitted writings are available, we would like to get the original documents on which Shri George Fernandes has made his signatures in the ordinary course of business.

Field investigation of the Baroda Dynamite Seizure Case has already been completed. It is, therefore, requested that the documents bearing admitted writings and (or) signatures of Shri George Fernandes may be made available to us as early as possible so as to enable us to finalise the investigation of our case."

On July 24, 1976, the Speaker Shri B. R. Bhagat referred the matter to the Committee of Privileges under Rule 227 of the Rules of Procedure and Conduct of Business in Lok Sabha.

The Committee of Privileges, in their Eighteenth Report, presented to the Speaker on August 12, 1976, and laid on the Table of Lok Sabha on August 16, 1976, recommended *inter alia* as follows :

- (i) "In the present case, the Committee have perused two notices dated the 29th June, 1967 and the 26th March, 1969, from the files of the Lok Sabha Secretariat, purported to be in the handwriting of Shri George Fernandes, *ex-M.P.*"
- (ii) "Although the Deputy Inspector General of Police, Central Bureau of Investigation, has stated that the writings of Shri George Fernandes, *ex-M.P.*, are, at present, required

for purposes of investigation and not for production in Court, it is quite possible that these documents may have ultimately to be produced in a Court of Law."

- (iii) "The Committee recommend that the two notices dated the 29th June, 1967 and the 26th March, 1969, mentioned above, purported to be in the handwriting of Shri George Fernandes, *ex-M.P.*, and purporting to bear his signatures may, with the permission of the House, be made available to the Deputy Inspector General of Police, Special Police Establishment, Central Bureau of Investigation, Department of Personnel, Cabinet Secretariat, Government of India, New Delhi."

On August 20, 1976, Shrimati Maya Ray, a member of the Committee moved the following motion which was adopted by the House :

"That this House do agree with the Eighteenth Report of the Committee of Privileges laid on the Table of the House on the 16th August, 1976".

The two notices in question were, accordingly, made available to the Central Bureau of Investigation.

*Harassment and ill-treatment of Members:* On July 31, 1972, Shri Ajit Kumar Saha, a member, gave notice of a question of privilege regarding alleged harassment and ill-treatment meted out to him by certain Railway Staff, Police and others at Asansol Railway Station on June 29, 1972. The notice read *inter alia* as follows :

"With a view to attend the meeting of the Joint Committee on Untouchability Offences (Amendment) Bill, due to be held on 1st July, 1972, I intended to come to Delhi..... I reached Asansol Railway Station on 29th June, 1972 at about noon to catch the train....While I was waiting there, in the First Class Waiting Room, a Ticket Collector repeatedly came to the waiting room and asked for the production of my Identity Card as a Member of Parliament, which I showed to him and the same was verified by him more than once. The same procedure was repeated by the Head Ticket Collector on two occasions. I was greatly harassed and felt humiliated by such repeated requisition for production of my Identity Card in the presence of a number of people in the waiting room. I protested against such treatment to both the

Ticket Collector and the Head Ticket Collector and I was told by them that there was a complaint against me. I wanted to know what the complaint was but they refused to disclose the same. Soon after, a young man came to the waiting room and asked me to accompany him to the Police Station. When I demanded his identification and pointed out that he was not in uniform, the young man stated that his revolver, which he produced, was his identification. I refused to go to the Police Station and instead approached the Station Master and complained to him about the harassment meted out to me.

Subsequently, I came down from the waiting room... and I was going to board the train...two Constables prevented me from getting into the train and took me against my wishes to the GRP Thana in the Station. There the Officer Incharge forcibly took my Identity Card from my hand and tore the cover (jacket) of the card to examine it. When I asked him why I had been brought to the Police Station and what the complaint against me was, he stated that one Shri Krishna Kanta Dutta had complained that I was not a genuine M.P. It may be stated that the said Dutta is a notorious criminal of Bankura with many criminal cases pending against him. I was detained inside the Police Station for some time and was harassed on such a ridiculous charge that I was not a genuine M.P. Although the Police Officer had removed the Identity Card from my possession and had inspected it, he did not allow me to board the train with full knowledge of the fact that I was to catch the train to come to Delhi to attend the meeting of Parliamentary Committee.....I somehow came out of the Police Station, after getting back my Identity Card..... and was just able to catch the train."

When the member sought to raise<sup>1</sup> the question of privilege in the House on the same day, the Speaker observed<sup>2</sup> *inter alia*, as follows:

"I am sending it to the Minister for a report. Then I will allow the hon. Member to mention it in the House."

On September 2, 1972, the Minister of State in the Ministry of Home Affairs, Shri K. C. Pant, made a statement<sup>3</sup> in the House on the matter in which he stated *inter alia* as follows:

"According to information received from the Government of West Bengal, one Shri Krishna Kanta Dutta S/o Late Bejoy Gopal Dutta is being prosecuted under Section 182, IPC, for allegedly giving false information...."

Shri Ajit Kumar Saha has made some further observations on the reports received from the Government of West Bengal and the Ministry of Railways. Since a criminal case arising out of this matter is *sub-judice*, I would like to refrain from making any further statement on the subject."

After some discussion, the Speaker observed<sup>4</sup> *inter alia* as follows:—

"I quite agree there are three parts to it; the whole thing started with the action of Shri Dutta. He gave an information to the police. The second is that when the police were so informed, they should have exercised a bit of their own sense also in ascertaining the fact. The third one is obstruction caused to the member. One matter concerning the first, wrong information given about the member, is already under investigation. About the other two, I will see it again. I will re-examine it and also see what is the position, when one part is already under investigation. Or if we can wait, let this matter be an open issue, no decision on it; let us see what comes out of the first part. If that judicial inquiry takes one view and your Privileges Committee takes another view, I will have to separate them...I will have to examine it."

On September 4, 1972, the Speaker informed the House that he had decided to refer the matter to the Committee of Privileges under

<sup>1</sup>L.S. Deb., July 31, 1972, c 236.

<sup>2</sup>Tbid.

<sup>3</sup>LS Deb., September 2, 1972, cc-15-16.

<sup>4</sup>Tbid, cc, 15-16.

Rule 227 and observed<sup>a</sup> as follows:—

“I have decided to send it to the Privileges Committee.... There are three parts of that Privilege motion. One was under prosecution. Previously I had decided to refer only two but now I think they could not be separated from each other and I had referred the whole matter to the Privileges Committee—all the three parts.”

The Committee of Privileges, after examining among others, Shri Ajit Kumar Saha, M.P.; the three concerned Railway Officials, namely, Shri D. B. Banerjee, Head Ticket Collector, Shri R. N. Chowdhuri, Senior Ticket Collector and Shri B. D. Singh, Ticket Collector, Asansol; the three concerned police officials, namely, Shri S. Banerjee, Second Officer, G. R. P. S., Shri A. T. Mahapatra, A.S.I., G.R.P.S., and Shri A. Bhattacharjee, Officer-in-charge, G.R.P.S.; and Shri Krishna Kanta Dutta, who had made the alleged false complaint against Shri A. K. Saha, M.P., which led to checking and re-checking of the identity card of Shri Saha, in their Seventeenth Report presented to the House on January 27, 1976, reported *inter alia* as follows:

- (i) “The Committee observe that the concerned Railway officials acted in a hasty and unusual manner as no effort was made by them to contact the original complainant, Shri Krishna Kanta Dutta, referred to by the waiting room bearer. No convincing reason has been given to the Committee why in the initial checking four Railway officials went together to check the identity card of Shri Saha.”
- (ii) “... The Committee find that the concerned Police Officers acted in an indiscreet and high-handed manner when they proceeded against Shri A. K. Saha, M.P., on the basis of a frivolous complaint. Their conduct caused harassment and humiliation to Shri A. K. Saha, M.P. The concerned officials failed to give any valid and convincing reason or explanation for their rather extra-ordinary conduct in dealing with the case involving Shri A. K. Saha, M.P.”.
- (iii) “In so far as Shri Krishna Kanta Dutta is concerned, he denied before the Committee having filed the written

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<sup>a</sup>L.S. Deb., September 4, 1972, c. 2.



complaint with the Government Railway Police authorities in the language in which the Police officials recorded it in the General Diary of the Police Station and conveyed it to the Committee. However, the Committee have gone into the matter at some length and are of the opinion that the evidence given by Shri Dutta before the Committee on this point is false. The Committee have reasons to believe from the evidence before them that Shri K. K. Dutta did file the impugned report with the Police, and in the language in which it has been recorded in the General Diary of the Police and conveyed to the Committee by the concerned Police officers although the original hand-written complaint of Shri Dutta is not now available even in the relevant case file of the Court of the Sub-Divisional Judicial Magistrate, Asansol."

- (iv) "The Committee would, however, like to record their regret and amazement that the original written complaint of Shri K. K. Dutta, which was the basis of his prosecution under Section 182 I.P.C. in the Court of the Sub-Divisional Judicial Magistrate, Asansol, should have been missing from the Court file of the case. The Committee hope that the Government would make a thorough probe into this matter, as promised to the Committee by the Deputy Secretary of the Government of West Bengal during his evidence before the Committee and take suitable action against the persons responsible therefor."
- (v) "The Committee find that, firstly, Shri Krishna Kanta Dutta deliberately made a false complaint to the Railway officials and the G.R.P.S., Asansol, to cause harassment to Shri Ajit Kumar Saha, M.P. Secondly, he deliberately gave false evidence before this Committee by saying that he did not file the impugned complaint with the G.R.P.S., Asansol, on the 29th June, 1972."
- (vi) "In this connection, the Committee have taken note of the fact that Shri K. K. Dutta was acquitted by the Sub-Divisional Judicial Magistrate, Asansol, of the charge against him under Section 182 of the Indian Penal Code for giving false information to the Police against Shri A. K. Saha, M.P. The Committee find that the learned

Magistrate, while acquitting Shri K. K. Dutta of the charge against him, has stated in his judgment:—

'Learned A.P.P. has very frankly and fairly conceded that the accused Krishna Kanta Dutta had no motive and there is no evidence against him in this respect.... Prosecution has also failed to prove that the allegations made by the accused in G. D. entry were false to his knowledge or at any rate, he did not believe them to be true at the time when he made these allegations.'

The Committee do not wish to comment on the judgment of the learned Magistrate. However, the Committee find that although Shri A. K. Saha, M.P., was the most material witness in this case, the Prosecution did not examine him before the Court.

The Committee have carefully considered the question whether they may find Shri K. K. Dutta guilty of breach of privilege when he has been acquitted by a Court on a criminal charge based on the facts involved in this case. The Committee are of the view that decision by a Court in respect of a criminal offence is no bar to the jurisdiction of the House to punish an offender if those facts constitute a breach of privilege or contempt of the House."

(vii) "The Committee, after careful consideration of the entire written and oral evidence before them and all other relevant material placed before them, have come to the conclusion that unprovoked and unwarranted harassment was caused to Shri Ajit Kumar Saha, M.P., at the Asansol Railway Station on the 29th June, 1972, while he was coming to Delhi to attend a sitting of a Parliamentary Committee, namely, the Joint Committee on the Untouchability (Offences) Amendment and Miscellaneous Provisions Bill, 1972, by the concerned Railway and Police officers and by Shri Krishna Kanta Dutta, who had filed a false written complaint with the Government Railway Police Station, Asansol, against Shri Ajit Kumar Saha, M.P., on that date."

(viii) "The Committee are of the view that checking of the identity card of Shri Ajit Kumar Saha in the waiting room of the Asansol Railway Station was understandable

for the first time but the concerned Railway officers and the Government Railway Police Officers by making repeated checks of his identity card and taking him to the Police Station for interrogation had deliberately caused harassment to Shri Ajit Kumar Saha, M.P. This conduct on the part of the concerned officers is reprehensible and a breach of privilege and contempt of the House."

- (ix) "The Committee are of the opinion that Shri Krishna Kanta Dutta has also committed a breach of privilege and contempt of the House as it was his false complaint to the officials of the Railway and GRPS, Asansol, which led to the harassment and ill-treatment of Shri Ajit Kumar Saha, M.P., while he was on his way to Delhi to attend a sitting of a Parliamentary Committee. Shri Krishna Kanta Dutta has further committed a breach of privilege and contempt of the House by giving false evidence before the Committee when he denied before the Committee having made the impugned written complaint against Shri Ajit Kumar Saha, M.P.....".

The Committee in paras 49 and 50 of their Report recommended as follows:—

- (i) "The Committee express their displeasure on the conduct of the concerned Railway and Police Officers and recommend that suitable Departmental action be taken by the Government against them and reported to the House as early as possible."
- (ii) "In regard to Shri Krishna Kanta Dutta, the Committee are of the view that they need not recommend any specific punishment for him but leave it to the House to award suitable punishment to him."

The Committee of Privileges in their Twentieth Report presented to the House on August 31, 1976, reported the following action taken by the Ministry of Home Affairs and the Ministry of Railways on the recommendation made in para 49 of their Seventeenth Report:—

"The Ministry of Home Affairs have on the 6th July, 1976, forwarded a copy of letter dated the 26th June, 1976 received by them from the Government of West Bengal in

which the State Government have intimated *inter alia* as follows:—

'...Sub-Inspector, A. Bhattacharjee, the then Officer Commanding of Government Railway Police Station, Asansol, has been awarded a reprimand and Sub-Inspector Satinath Banerjee (2nd Officer) and Assistant Sub-Inspector, A. T. Mahapatra of the same Government Railway Police Station have been censured for their failure to ascertain the factual basis of the complaint with directions to be very cautious in future in dealing with such incidents specially when V.I.Ps. are concerned or involved.'

The Ministry of Railways have in a communication dated the 20th August, 1976, intimated as follows:—

"...following punishments have been imposed on the Railway staff concerned in this case as a result of departmental action taken by the competent authority:—

Name	Punishment
1. Shri D.B. Banerjee, the then acting Head Ticket Collector	Punishment with stoppage of increment for one year (non-cumulative).
2. Shri R. N. Chowdhury, Travelling Ticket Examiner.	Censured.
3. Shri B.D. Singh, Ticket Collector	} The disciplinary authority having accepted the defence that they were working under the instructions of the Head Ticket Collector and had not entered the waiting room, has exonerated them from the charges".
4. Shri Upkar Singh, Ticket Collector	

On September 2, 1976, Shri Dinen Bhattacharyya, a member, moved the following motion:

"That this House agree with the findings and recommendations contained in the Seventeenth Report of the Committee of Privileges presented to the House on the 27th January, 1976, and resolves that Shri Krishna Kanta Dutta be sentenced to imprisonment till the prorogation

of the Lok Sabha for the breach of privilege and contempt of the House committed by him."

The Minister of Parliamentary Affairs, Shri K. Raghuramaiah then moved the following motion:

"That having considered the Seventeenth Report of the Committee of Privileges, this House resolves that with reference to para 50 of the Report, the matter be dropped."

There was a lengthy discussion on both the above motions which were discussed together. During the discussion, some members desired that since Shri Krishna Kanta Dutta had been found guilty of a breach of privilege and contempt of the House by the Committee of Privileges, he should be awarded some punishment by the House. They were of the view that he should either be sentenced to imprisonment or at least reprimanded at the Bar of the House. Some other members expressed the view that Shri Dutta was an insignificant person and the House might consult its own dignity and ignore him. It was urged that he had already undergone enough torture in having been hauled up before the Committee of Privileges and also having been prosecuted in a court of law, where he was acquitted. It would be enough, they felt, if the House recorded its agreement with the finding of the Committee of Privileges that Shri Dutta had committed a breach of privilege and contempt of the House and dropped the matter.

Shri K. Raghuramaiah then moved the following modified motion which was adopted by the House:

"That this House agrees with the Seventeenth Report of the Committee of Privileges presented to the House on the 27th January, 1976 that Shri Krishna Kanta Dutta has committed a breach of privilege and contempt of the House but resolves not to pursue the matter further."

#### SIKKIM LEGISLATIVE ASSEMBLY

*Suspension of a member:* On September 8, 1975, the Speaker, Shri Chaturising Rai read out the following notice of question of privilege given by Shri R. C. Paudyal, a member, against Shri K. C. Pradhan, another member:

"With your kind consent I want to raise this question of privilege that Shri K. C. Pradhan, a member of this Assem-

bly, has committed breach of privilege of this House on 6th September 1975 during afternoon sitting of the Assembly by his acts and conduct noted hereunder:

- (1) That in a drunken state he behaved in a most disorderly manner and obstructed and interrupted the proceedings of the House by shouts and abusive language inspite of repeated warning by the Speaker.
- (2) After Bill No. 2 of 1975 was passed by the Assembly he shouted with his back to the Speaker that the members behaved like statues and had raised their hands in support of the Bill without at all understanding the contents of the Bill as they are uneducated and that they were like fools saying '*much ma mula halera baseko chha*' thereby insulting the members and violating the dignity of the House.
- (3) He obstructed and interrupted the Hon'ble Minister B. P. Dahal while he was making his submissions to the House in respect of the policy of the Government and thereby interfered and obstructed the course of the proceedings of the House.
- (4) He shouted that if members could thus raise their hands without understanding, he was ready to raise both hands and he actually raised both his hands, thereby ridiculing the procedure of the House.
- (5) He shouted that there is no freedom of speech in the House and no democracy in the State of Sikkim and thereby ridiculed the House.

That these acts and conduct amount to gross contempt of the House and of the members of the House.

I, therefore, beg to move that you will be pleased to put the following motion before the House for consideration under Rule 97<sup>3</sup> of

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<sup>3</sup>Rule 97 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly provides as follows:—

*“Consideration of matters of privileges:*

97. On a motion being made for the purpose, the House may consider the matter and come to a decision or may refer it to a Committee nominated by the Speaker for consideration and report to the Assembly and come to a decision on such report and the Speaker shall take such steps as he may think fit for giving effect to such decisions.”

the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly:—

"That Shri K. C. Pradhan, a member of this Assembly has committed a gross breach of the privilege of this House and its members on the 6th September, 1975 and that he shall absent himself from the meetings of the Assembly during the remaining period of this session."

After some discussion, during which the Chief Minister, Shri Kazi Lhendup Dorji observed that the proposed action would serve as a warning to other members, the motion was unanimously adopted by the House and Shri K. C. Pradhan was suspended from the service of the House for the remainder of the Session.

#### UTTAR PRADESH VIDHAN SABHA

*Alleged misbehaviour with a member by a Police Officer:* On April 27, 1976, the Speaker, Shri Vasudeva Singh informed the House that he had received notice of a question of breach of privilege and contempt of the House from Shri Malkhan Singh, a member, against Shri Desh Bahadur Singh Gautam, Station House Officer, Police Station, Jalaun, for his alleged misbehaviour with him on April 12, 1976.

Shri Malkhan Singh had stated in his notice that when he went to the Police Station of Jalaun at about 8 P.M. on that day in connection with the arrangements etc., for erecting a platform for public meeting to be addressed by the Minister of State for Home Affairs, Uttar Pradesh, he met Shri Desh Bahadur Singh Gautam whom he asked whether Shri Shukla, Station House Officer, was present at the moment. Shri Malkhan Singh also disclosed his identity as MLA. Thereupon Shri Gautam got irritated and said "360 MLAs come here to waste our time. It is difficult for us to recognise each of them. You may exercise your 'MLAship' in the Assembly. This is not Assembly but a Police Station. Get out."

The Speaker disallowed the question of privilege and ruled<sup>a</sup> as follows:—

"It is evident from the facts that the matter does not relate to any business of the House. So I do not allow this mat-

<sup>1</sup>Uttar Pradesh Vidhan Sabha Deb., April 27, 1976 (Original in Hindi).

<sup>a</sup>Ibid.

ter to be raised as a question of privilege. Government have issued instructions to its officers to pay due respect while dealing with MLAs. It appears from the alleged behaviour of Shri Gautam that he has flouted these instructions. I would request the Government to take necessary action after making enquiry into the matter."

*Alleged wrong reply given by a Minister to a supplementary question:* On April 27, 1976, the Speaker, Shri Vasudeva Singh, informed<sup>9</sup> the House that he had received notice of a question of privilege from Shri Beni Prasad Verma, a member, against the Minister of State for Revenue, Shri Vir Bahadur Singh, for allegedly misleading the House by deliberately giving a wrong reply to a supplementary question asked by Shri Jang Bahadur Verma, another member, on April 2, 1976.

Shri Jang Bahadur Verma had asked on that day why compensation had been paid for the land declared surplus in excess of ceiling, when the ceiling had already been notified. In reply to that question, the Minister of State had said that compensation had been paid before the ceiling was notified.

Disallowing the question of privilege, the Speaker ruled<sup>10</sup> as follows:—

"Hon'ble member has not given any evidence in support of his contention that the Minister gave a wrong reply deliberately. Therefore, there is no breach of privilege involved and I do not allow the matter to be raised as a question of privilege."

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

*Alleged reflections on a member by a newspaper:* On November 11, 1975, Mr. Eric Ogden, a member raised<sup>11</sup> a question of privilege in the House against the *Liverpool Free Press* newspaper, for publishing an article under the heading "Eric Ogden, M.P.—who does he serve?" in its November issue. While raising the question of privilege, the member stated, *inter alia*, as follow:—

"The article, which is inaccurate in content and malicious in motive accuses me of false and unavowed motives in matters on which I have spoken and voted in this Chamber. I seek

<sup>9</sup>Uttar Pradesh Vidhan Sabha Deb., April 27, 1976 (Original in Hindi).

<sup>10</sup>Ibid.

<sup>11</sup>H. C. (U. K.) Debs. (1975), Vol. 899, cc 1141-42.



not the protection of this House but its judgement as to the truth or falsehood of this article."

The Speaker reserved his ruling for the next day and on November 12, 1975, he ruled that he was "satisfied that this is a proper case for me to allow a motion relating to it to have precedence over the orders of the Day."<sup>12</sup> Thereupon, on a motion moved by the Lord President of the Council and Leader of the House of Commons, Mr. Edward Short the matter was referred to the Committee of Privileges.<sup>13</sup>

The Committee of Privileges, in their Second Report<sup>14</sup> presented to the House on December 2, 1975, reported, *inter alia* as follows:—

- (1) Your Committee have taken the opportunity presented by this reference to consider in general terms the use of the House's power to punish as a contempt the publication of defamatory matter reflecting on the House or its Members. They are of the opinion that great care should be taken by the House to ensure that in such cases—as in all privilege matters—Parliament should use its power to protect itself, its Members and its Officers, only to the extent 'absolutely necessary for the due execution of its powers'. This proposition, quoted in Erskine May's *Parliamentary Practice* (18th edition, p. 64) was adopted by the Select Committee on Parliamentary Privilege in 1967 as the basic principle by which the House should be guided in the exercise of its penal jurisdiction.<sup>15</sup> In its application to libels on Members, that Committee recommended that in the ordinary case where a Member has a remedy in the courts he should not invoke the penal jurisdiction of the House in lieu of or in addition to the exercise of that remedy.<sup>16</sup> Your Committee agree with this recommendation, since they consider that it should be made clear that Parliamentary Privilege exists not for the benefit of the individual members of a special group of citizens—Members of Parliament—but for the general benefit, in safeguard-

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<sup>12</sup>*Ibid.* cc. 1547-48.

<sup>13</sup>*Ibid.*

<sup>14</sup>H.C. (1975-76) 43.

<sup>15</sup>H.C. (1966-77) 34; para 15.

<sup>16</sup>*Ibid.*, para 42.

ing the freedom of the House as a whole to operate without interference.”

- (2) “The Select Committee of 1967 recognised that there could be instances of defamatory statements where the intervention of the House would be appropriate. They said that ‘a point may be reached at which conduct ceases to be merely intemperate criticism and abuse and becomes or is liable to become an improper obstruction of the functions of Parliament. For such cases, however rare, the penal powers must be preserved and the House must be prepared to exercise them.’” The Committee cited as an example of such a case the constant repetition of an unjustifiable and improper attack by a powerful organ of the Press upon a group of Members.<sup>17</sup> There may (to give a further example) be cases where a libel, by questioning the motives of Members, reflects on particular proceedings of the House in such a way that the intervention of the House is an appropriate course. Your Committee recently reported on such a case involving a passage in the *Travel Trade Gazette* newspaper.<sup>18</sup> They agree with the Select Committee of 1967, however, that it is only in exceptional circumstances that the penal powers of the House should be invoked in respect of a publication defamatory of a Member.”
- (3) “In view of the above considerations, Your Committee intend, subject to any decision by the House on this matter, to be guided by the following recommendation of the Select Committee on Parliamentary Privilege when complaints are referred to them in the future.<sup>19</sup> They hope that Members will have regard to this recommendation when considering whether to raise privilege complaints in the House:—
- (i) The House should exercise its penal jurisdiction (a) in any event as sparingly as possible, and (b) only when it is satisfied that to do so is essential in order to provide reasonable protection for the House, its Members or its

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<sup>17</sup>*Ibid.*, para 43.

<sup>18</sup>*Ibid.*, para 44.

<sup>19</sup>*Report from the Committee of Privilege, H.C. (1974-75) 302, For summary of this case. See Privileges Digest Vol. XX, No. 2, pp. 61-62*

<sup>20</sup>H. C. (1966-67) 34, Report, para 48.

Officers from such improper obstruction or attempt at or threat of obstruction as is causing, or is likely to cause substantial interference with the performance of their respective functions.

- (ii) It follows from sub-paragraph (i) of this paragraph that the penal jurisdiction should never be exercised in respect of complaints which appear to be of a trivial character or unworthy of the attention of the House, such complaints should be summarily dismissed without the benefit of investigation by the House or its Committee.
- (iii) In general, the power to commit for contempt should not be used as a deterrent against a person exercising a legal right whether well-founded or not, to bring legal proceedings against a Member or an Officer.
- (iv) In general, where a Member's complaint is of such a nature that if justified it could give rise to an action in the courts, whether or not the defendant would be able to rely on any defence available in the courts, it ought not to be the subject of a request to the House to invoke its penal powers. In particular, those powers should not, in general, be invoked in respect of statements alleged to be defamatory, whether or not a defence of justification, fair comment, etc., would lie.
- (v) The general rules stated in sub-sections (iii) and (iv) of this paragraph should remain subject to the ultimate right of the House to exercise its penal powers where it is essential for the reasonable protection of Parliament as set out in sub section (i) of this paragraph. Accordingly, those powers could properly be exercised where remedies by way of action of defence at law are shown to be inadequate to give such reasonable protection, e.g. against improper obstruction or threat of improper obstruction of a Member in the performance of his parliamentary functions."
- (4) "Your Committee appreciate the feelings of members when confronted with articles of the kind referred to

them. However, having considered the article in the *Liverpool Free Press* about which Mr. Ogden complained, your Committee are of the opinion that it falls within the category of matters where it is inappropriate for the House to intervene. In raising his complaint in the House, Mr. Ogden said, 'I seek not the protection of this House but its judgment as to the truth or falsehood of this article'.<sup>21</sup> It must be made clear that Your Committee have not considered this aspect of the matter, nor would they think it appropriate for them to do so."

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

*Alleged disclosure of information concerning deliberations of a Select Committee:* On November 12, 1975, Mr. Maurice Macmillan, a member, raised<sup>22</sup> a question of privilege regarding alleged disclosure of information concerning the deliberations of the Select Committee on Wealth Tax before the Report of the Committee was laid on the Table of the House. While raising the question of privilege, Mr. Macmillan stated *inter alia* as follows:—

"In *The Guardian* today there appears a report of the Patronage Secretary referring to the proceedings of the Select Committee on Wealth Tax and a vote taken therein.

... I and, I think, all other members of the Select Committee were led to believe before we finished our proceedings late last night or in the early hours of this morning that all the proceedings were privileged including any reports which might have been made to the Select Committee, any voting which might have taken place, and any discussing which might have taken place, until such time as the Report was published.

I have since been informed that these matters are to be considered privileged until such time as the Report is laid and that any reference to them after that could be a matter of discourtesy to the House but could not be one of Privilege.

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<sup>21</sup>H.C. Deb., (1974-75), Vol. 889, cc. 1141-42.

<sup>22</sup>H.C. Deb., November 12, 1975, cc. 1548-50.

As our proceedings in the Select Committee continued for some little time after the vote referred to in the report in *The Guardian* was taken, and as indeed we did not rise until about midnight any question of Privilege which might arise would depend upon when it is alleged that the Patronage Secretary made the statement which is quoted in *The Guardian*. I seek your guidance, Mr. Speaker, as to what is the present status of the proceedings of the Select Committee, reports which may or may not have been made to it and which it may or may not have voted down, and the details of voting and the details of proceedings.

As the members of the Select Committee were warned that we must not discuss those matters even with our senior colleagues, it would be helpful if you would give us your guidance, Mr. Speaker, as to what our correct line of conduct now is."

Thereupon, the Parliamentary Secretary to the Treasury, Mr. Robert Mellish, stated as follows:

"In the early hours of the morning I was approached by the Press. I said that I had not any knowledge of the decisions or of the deliberations of the Select Committee to which the right hon. Member for Farnham (Mr. Macmillan) has referred. The member of the Press said that he understood that the Select Committee had rejected proposals for a wealth tax, to which I said I had no knowledge of this whatsoever. However, I said to the representative of the Press—we shall read all this later—'If that is the position, two Members of my party were absent from that Committee. They are on Commonwealth Parliamentary Association business. They were unpaired. Any decisions taken by the Select Committee would obviously have been taken by those who were in the majority but who, in my view, had no right to be in the majority.'"

The Speaker, Mr. Selwyn Lloyd, observed *inter alia* as follows:

"The Chair is put in a slightly difficult position through this matter being raised without the Chair having had the chance of ascertaining precisely what the facts are. However, as I understand it, the Report was laid during

yesterday's sitting. Therefore, I think that no question of privilege can arise, though it is a matter of courtesy that we do not comment upon such Reports until they have been published and all hon. Members are equally able to discuss them."

The Speaker, however, later observed that as that was the last day of the session, we would give his ruling early in the next session.

On November 20, 1975, the Speaker ruled<sup>23</sup> *inter alia* as follows:

"...I now have to inform the House that, having given the matter further consideration, I am satisfied that this is an appropriate case for me to allow a motion relating to it to have precedence over the Orders of the Day."

Thereupon, Mr. Macmillan stated as follows:

"I thank you Mr. Speaker, for your statement and for the care and trouble which you have taken in this matter. As far as I am concerned, the time in which this disclosure took place could be a breach of privilege but it is such a narrow one that I would not wish to pursue it any further if, indeed, it lies within my competence to carry it further or to leave it."

The Lord President of the Council and Leader of the House of Commons, Mr. Edward Short, thereupon stated as follows:—

"In view of your ruling, Mr. Speaker, and in the light of what has been said by the right hon. Member for Farnham (Mr. Macmillan), I think that the House will probably agree that in the circumstances I should not move the usual motion. I think that will meet the general wishes of the House."

The Speaker agreed with the above position and the matter was closed.

*Alleged threat to instruct members to withhold support from Government:* On December 17, 1975, Sir John Langford-Holt, a

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23. *Ibid.*, November 20, 1975, cc. 180-81.

member, sought to raise<sup>24</sup> a question of privilege against Mr. Sidney Weighell, General Secretary of the National Union of Railwaymen, for his alleged threat to instruct members sponsored by the Union to withhold support from Government on rail matters unless the Government changed its direction in the rail industry. While raising the matter, Sir John Langford-Holt referred to reports appearing in *The Times* and *The Daily Mail* of that day and stated *inter alia* as follows:—

“I shall read briefly from the report in *The Daily Mail*, which says:

Mr. Weighell countered by telling a railwaymen's rally... ‘He is a bloody liar’.

Then Mr. Weighell, in an angry outburst, said that the Union's ten sponsored MPs would be told to vote against the Government unless it changed its direction in the rail industry.

He said: ‘We shall not hesitate to say to our ten NUR MPs that you will no longer support this Government no matter how critical the situation is’.

Afterwards, Mr. Weighell said his remarks should be taken only to include voting on rail matters and no other aspects of Government policy.

‘They know that when I am talking about railways there is no area in which they can deviate from what we are expecting from them’ he said.

In my submission, that is at most a threat and at least an unwarranted intrusion into the rights of hon. Members.”

The Speaker, Mr. Selwyn Lloyd, ruled<sup>25</sup> as follows:—

“I have received today a letter from the General Secretary of the National Union of Railwaymen, saying:

‘Regarding the newspaper reports of the meeting at Central Hall held yesterday in which I was quoted as stating that I would ‘instruct’ NUR-sponsored MPs to withhold support from Her Majesty's Government in certain circumstances, I wish to state that no such instructions would ever be issued by myself or any other Officer of this Union.

Although I do accept that I used the words quoted, I would wish you to know that I sincerely regret any such inference and I am conscious that the freedom of

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<sup>24</sup>H.C. Deb., December 17, 1975, cc. 1392-93.

<sup>25</sup>*Ibid.*

action of individual Members of Parliament must be respected by all sections of British society. I would wish you to place on record my humble apologies for this discourtesy to the House of Commons and I give an undertaking that Members of Parliament sponsored by this Union are free to act in the traditions of British democracy.'

I hope that in view of that letter the Hon. Gentleman will not pursue the matter."

Sir John Langford-Holt agreed and the matter was closed.



PROCEDURAL MATTERS\*

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LOK SABHA

*Business for Special Session:* The following motion moved by the Minister of Parliamentary Affairs, Shri K. Raghuramaiah, was admitted and included in the List of Business of October 25, 1976, the opening day of the Eighteenth Session of Fifth Lok Sabha:—

‘This House resolves that the current session of Lok Sabha being in the nature of a special session to consider the Constitution (Forty-fourth Amendment) Bill, 1976 and certain unavoidable and essential Government business, only Government business be transacted during the session and no other business whatsoever including Questions, Calling Attention and any other business to be initiated by a private Member be brought before or transacted in the House during the session and all relevant rules on the subject in the Rules of Procedure and Conduct of Business in Lok Sabha do hereby stand suspended to that extent.’

While moving the motion in the House, the Minister, however, also moved an amendment to add, at the end of the motion, a proviso which said:—

‘Provided that after the disposal of the Constitution Amendment Bill, time permitting, the Speaker may in his discretion allow Calling Attentions and Short Duration Discussions.’

Three more non-official amendments to the motion tabled by some members were moved and negatived after discussion. The

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\*Contributed by the Table Office, Lok Sabha Secretariat.

motion moved by the Minister, as amended by the proviso was agreed to by the House.

*Points of Order:* On October 25, 1976, when a point of order relating to the legislative competence of the House was raised at the consideration stage of the Constitution (Forty-fourth Amendment) Bill, 1976, it was ruled out by Speaker observing that the question of legislative competence had to be decided by the House and not by the Chair.

*Amendment for reference of Bill to Joint Committee:* On October 25, 1976, while moving his amendment for reference of the Constitution (Forty-fourth Amendment) Bill to a Joint Committee a member Shri M. C. Daga, informed the House that he had taken the consent of the members whose names had been mentioned in the amendment. However, on the next day, October 26, the Deputy Speaker announced in the House that two members, viz. Shri Bhogendra Jha and Shri Priya Ranjan Das Munsii, had written to the Speaker that their consent for serving on the proposed Committee had not been taken. Accordingly, he allowed both the members to make personal explanations in this regard. Thereafter, the Deputy Speaker ruled that where it was established that consent of members named in the motion for reference of the Bill to Joint Committee had not been obtained, the motion became irregular and could not be put to vote.

*Extension of the sitting of the House:* On October 27, 1976 when further consideration of Constitution (Forty-fourth Amendment) Bill was taken up, the Speaker announced that the House would sit up to 20.00 hrs. to complete the general discussion on the Bill and that the Minister would reply on the next day. At 19.10 hrs. when a number of members demanded that they should also be allowed to speak, the Minister of Parliamentary Affairs suggested that the House might sit as long as all the members had spoken. After all the members wishing to speak had spoken, the House was adjourned at 23.02 hrs.

*Voting at various stages of the Bill:* When the discussion on the motion for consideration of the Constitution (Forty-fourth Amendment) Bill, 1976 concluded on October 28, 1976, voting on the motion was held by division at 12.10 hrs. The Bill consisted of 59 clauses. When the Clause-by-Clause consideration of the Bill was taken up on the same day, the House agreed to a suggestion by the Minister of Parliamentary Affairs that voting on the Clauses of the Bill might

be held between 17.30 and 18.00 hrs. Accordingly, Clauses 2 to 7 and amendments thereto which had been discussed during the day, were put to vote at 5.30 P.M. on October 28, 1976. Similarly, clauses 8 to 12 which had been discussed on October 29, 1976 were put to vote at 5.30 P.M. on that day.

On October 29, 1976, the Speaker informed the House that a large number of members had represented to him that it would not be possible for them to be present in the House at the time of voting on the clauses of the Constitution (Forty-fourth Amendment) Bill on Saturday, October 30, 1976 on account of their prior engagements fixed for that day. In view of the circumstances the Speaker suggested that there might be no voting on Saturday, October 30, 1976, and that amendments and clauses on which discussion was concluded on Saturday, October 30 and Monday, November 1, 1976 might be put to vote at 5.30 P.M. on Monday, the 1st November, 1976. The House agreed and voting was held accordingly.

On November 1, 1976 at 5.30 P.M. the time fixed for voting on clauses of the Bill, the Speaker announced that the voting might commence a little later in order to conclude the discussion on the remaining 2 clauses. At 6 P.M., before taking up voting on the clauses, the Speaker proposed that in view of the very large number of divisions involved, clauses might be put to vote together in accordance with Rule 155, except in cases where members wanted any particular clause or clauses to be put separately, and that amendments to individual clauses might be disposed of as usual before the clauses were put to vote. The House agreed to this procedure and accordingly, certain clauses indicated by the members were put to vote separately at their appropriate places. The remaining clauses, or clauses as amended, were put to vote together as far as practicable. Before putting the clauses to vote separately or in batches, the amendments moved to those clauses were put to vote together or separately as desired by the members, clause-wise. Voting on Clauses 13 to 16, 17 to 42 and 43 to 59 discussed on October 29 and 30, and November 1, 1976 respectively was held by divisions between 6 P.M. and 7.25 P.M., on November 1, 1976.

When the Speaker was about to put clauses 13 to 16 together to the vote of the House, a member submitted that clause 13 be put to vote separately. The Speaker observed that since he was the only member against clubbing of those clauses, his negative vote would be recorded. Thereupon, the member submitted a list of clauses, on which he wished his negative vote to be recorded. Before

proceeding to put to vote the clauses, the Speaker announced this list to the House. The Speaker thereupon put to vote together in groups clauses 13 to 16 and several other clauses, and the dissenting vote of the member in respect of the clauses mentioned by him was indicated in the printed debates through a foot-note.

As already announced by the Speaker on November 1, 1976 voting on the motion to pass the Bill was held by division at 6 P.M. on November 2, 1976 after the Minister had replied to the discussion on the Third Reading of the Bill.

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PARLIAMENTARY AND CONSTITUTIONAL  
DEVELOPMENTS\*

(August 1, 1976 to October 31, 1976)

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INDIA

DEVELOPMENTS AT THE CENTRE

*Cabinet Changes:* Syed Mir Qasim, Minister without Portfolio assumed charge of the new Ministry of Civil Supplies and Cooperation on August 9. Shri A. C. George, Minister of State in the former Ministry of Industry and Civil Supplies assumed the office of the Minister of State in the new Ministry.

Shri T. A. Pai, hitherto Minister of Industry and Civil Supplies, on the same day, assumed charge of the separated Ministry of Industry. Shri B. P. Maurya and Shri A. P. Sharma, Ministers of State in the former Ministry of Industry and Civil Supplies became Ministers of State in the Ministry of Industry.

On September 22, Shri K. D. Malaviya, Minister of Petroleum temporarily assumed additional charge of the Ministry of Chemicals and Fertilizers due to the indisposition of Shri P. C. Sethi.

*M.P. quits D.M.K.:* Shri R. P. Ulaganambi, M.P., who resigned from the DMK Party said in a signed statement issued on October 26 that he strongly felt that politics must give way to the needs of the weaker sections of the society particularly the Sche-

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

duled Castes and Tribes and that he could not see any method through which the DMK leadership could be persuaded to abandon the policy opposing all that came from the Government, even what was good for Scheduled Castes and Scheduled Tribes and other weaker sections of the society.

## AROUND THE STATES

### ANDHRA PRADESH

*Reshuffle of Ministry:* On August 16, the Chief Minister Shri Vengal Rao dropped Shri Basi Reddy Minister of Industries from his Ministry and added thereto six new Ministers, viz. Shri Chebrole Hanumaiah (Cabinet Rank), Shri K. B. Narasappa, Shri Parakala Seshavataram, Shri Y. Narayana Swamy, Shri P. P. Dharma Ready and Shrimati D. Krishnaveni Sanjivayya (Ministers of State).

*Death of Minister:* On October 14, the Animal Husbandry Minister, Shri Venkaturama, died of cancer in Hyderabad.

### GUJARAT

*Increase in Congress Party's strength in Assembly:* Shri Virsinh Mohania, Shri Ashok Dhabhi, Shri Dhulabhai Gohel of Congress (O) and Shri Shantilal Gulabchand Shah of the Janata Front resigned from their respective parties and joined the Congress thus raising its strength in the 182-member House to 105.

### HARYANA

*New Governor:* Shri Jai Sukhlal Hathi was sworn in as Governor of Haryana on August 14, filling the vacancy caused by the death of Shri B. N. Chakravathy.

### JAMMU AND KASHMIR

*Independents join National Conference:* The 10-member Independent group in the Assembly which broke away from the Congress in July, announced its decision to join the National Conference at a Convention on August 27. Later, the leaders of the group went to Sheikh Mohammed Abdullah who accepted their request. With this, the strength of the various parties in the Assembly was as follows: Congress-48; National Conference-14; Jamaite Islami-5; BLD-2; Jan Sangh-2; and Independents-2.

### KARNATAKA

*Expansion of Ministry:* On August 29, the 53-month old Devraj Urs Ministry was expanded with the addition of two Cabinet Minis-

ters and two Ministers of State raising its strength to 30. The new Cabinet Ministers were Shri L. Patil, Shri K. Prabhakar and the Ministers of State were Shri M. Mallikarjuna Kharge and Shri B. G. Banker. This was the third expansion of the Ministry. On September 1, the Chief Minister, made changes in the portfolios of several members of his Ministry including the appointment of a Minister of State exclusively for Family Planning.

*Opposition MLAs Join Congress:* Ten opposition Members of the Karnataka Legislative Assembly, including the acting leader of the opposition, Shri H. T. Krishnappa, joined the Congress on November 8, expressing their faith in the 20-point programme of the Prime Minister. Nine of them belonged to the Congress (O), while the tenth was an Independent.

#### KERALA

*Merger of Socialist Groups:* Five socialist groups—four from the PSP and one from SP—merged to form a 'Praja Socialist Party.' Shri Attingal Gopala Pillai, MLA was elected as Chairman of the *ad hoc* State Committee at a meeting of the groups held on August 7. The Minister of Health Shri N. K. Balakrishnan would continue to be the leader of the legislature party of PSP.

#### MADHYA PRADESH

*Ministers' salary to be tax-free:* The salary and allowances of members of the Council of Ministers in Madhya Pradesh will be tax free with retrospective effect from April 1974 according to a State Government decision. It was decided that the Government would pay the income tax on this account as well as for the furnished house and other perquisites of the Ministers of all ranks.

*Exoneration of Ministers:* The report of the judicial commission set up in November, 1972 which had inquired into the alleged gulabi gram, scarcity relief funds and school mat (*tatpatti*) purchase scandals of the 'sixties' in Madhya Pradesh was placed on the Table of the Madhya Pradesh Legislative Assembly on September 9. The report of the one-man commission constituted by Mr. Justice R. J. Bhave of the State High Court exonerated the then Chief Minister, Shri D. P. Misra, and his Food Minister, Shri Gautam Sharma of charges of amassing wealth from the export of 'Gulabi Gram' from Madhya Pradesh during the period from June 1966 to April 1968. The Commission also found that no officer working in the Food Department then took any undue advantage of the Government's Gulabi Gram export policy.

About the relief works, the Commission held that no evidence was tendered before it to show that the then Revenue Minister, Shri K.B.L. Guru, had derived any undue advantage out of it.

The Commission also found that the then Education Minister and his Deputy Ministers were not guilty in the centralised purchase of *tatpattis* for the primary schools during the period from January to April 1968.

#### PUNJAB

*Reshuffle of Portfolios:* The Punjab Governor Shri M. M. Chowdhury, on the advice of the Chief Minister, Giani Zail Singh, announced on October 13 a reshuffle of portfolios in the Council of Ministers. The following is the revised list of portfolios:

##### *Cabinet Ministers:*

Giani Zail Singh: *Chief Minister, General Administration, including Reorganisation, Home, Administration of Justice, Vigilance, Industries and Industrial Cooperatives, Co-operation, Political Sufferers, Welfare of Defence Services Personnel, Public Relations, Cultural Affairs, Tourism and Habitat; Shri Umrao Singh: Revenue, Relief and Rehabilitation, Land Reforms, Consolidation of Holdings, Colonisation, Parliamentary Affairs, Legislative Affairs, Elections and Sports; Shri Hans Raj Sharma: Finance, Planning, Small Savings, Statistics, Labour and Employment, Urban Development, Urban Estates, Local-self Government; Shri Gurmail Singh: Education, Languages, Printing and Stationery, Archives and Welfare of Youth; Master Gurbanta Singh: Agriculture, Forests, Wild Life Preservation; Shri Yash Paul: Excise and Taxation, Technical Education and Jails.*

##### *Ministers of State:*

Shri Joginder Paul Pandey: *Food and Civil Supplies, Languages and Public Relations; Shri Santokh Singh Randhawa: Community Development, Dairying, Panchayati Raj, Animal Husbandry, Fisheries and Poultry and Local Self-government; Kumari Sarla Parashar: Social Welfare, Welfare of Scheduled Castes and Backward Classes, and Youth Welfare; Shri Sohan Singh Jalalusman: Public Health, Cottage Industries, Industrial Training and Rural Electrification; Shri Dilbagh Singh Daleke: Transport and Civil Aviation and Political Sufferers; Shri Balbir Singh: Health, Family Planning and Medical Education, Welfare of Defence*



*Services Personnel and Sports; Shri Gurbax Singh Sibia; Irrigation and Power and Small Savings; Shri Gurdarshan Singh: PWD, Buildings and Roads and Architecture, Tourism and Agriculture; Shrimati Gurbinder Kaur Brar: Housing and Slum Clearance, Relief and Rehabilitation, Urban Development and Urban Estates and Habitat; Shri Gurcharan Singh Nihalsinghwala: Chief Parliamentary Secretary, Parliamentary Affairs and Transport.*

*Deputy Ministers:*

*Shri Bal Ram: Cooperation, Irrigation and Power; Shri Khushal Behl: Cottage Industries and Industrial Training, Industrial Cooperatives, Cultural Affairs, Technical Education and Jails.*

## UNION TERRITORIES

### PONDICHERRY

*New Lt. Governor: Shri Videsh Kulkarni, former Congress member of Rajya Sabha, was sworn in on August 30 as Lt. Governor of Pondicherry in place of Shri Cheddi Lal, who was appointed as India's Ambassador to Panama.*

## DEVELOPMENTS ABROAD

### BANGLADESH

*Formation of New Political Party: The former Bangladesh President, Khondakar Mushtaque Ahmed, formed a new party called the Democratic League and on August 27 presented its constitution and programme to the Government for approval.*

*Legalization of Political Parties: On September 21, the Government approved the operation of two political parties, the conservative Bangladesh Jatiya League, led by Mr. Aatur Rehman Khan and the left-wing National Awamy party, led by Maulana Abdul Hamid Khan Bhashani. It was officially stated that 43 other organisations had applied for approval to work as Political parties as required under the Political Parties Regulation promulgated in August, of which 19 had been asked for further details and 24 would receive replies shortly.*

### ARGENTINA

*Imprisonment of Former President: On October 25, the Federal Judge ordered the commitment to jail of the former President, Mrs.*

Maria Estela Peron, on a charge of embezzlement and also ordered confiscation of \$ 450,000 from her who had been under house arrest since her overthrow by the military Junta in March.

#### BARBADOS

*General Election:* As a result of the General election held on September 2, 1976, the Barbados Labour Party (BLP) secured 17 seats as against 6 obtained by it in 1971 while the ruling Democratic Labour Party (DLP) got 7 seats as compared to its 18 seats in the 1971 elections. Mr. John Michael Geoffrey the leader of the BLP was subsequently sworn in as the Island's new Prime Minister in place of Mr. Barrow, who had held this post since 1961.

#### CANADA

*Federal Cabinet Changes:* The Canadian Prime Minister, Mr. Trudeau announced on September 14, an extensive cabinet reshuffle and change of portfolios for nine existing Ministers and the appointment of seven new ones.

#### CHINA

*Mr. Hua Kuo-feng named Chairman:* The Prime Minister Mr. Hua Kuo-feng, was on October 24, appointed Chairman of the Communist Party of China, succeeding Mr. Mao-tse-Tung.

#### CYPRUS

*Greek-Cypriot Elections:* An alliance of three parties supporting the policies of President Makarios won 34 of the 35 Greek-Cypriot seats in the island's House of Representatives in the election held on September 5. The remaining seat was won by an independent candidate. The results of the election were as follows: Democratic Front-21; AKEL-9; EDEK-4; Independent-1.

#### EGYPT

*Re-election of President Sadat:* President Anwar Sadat was re-elected President of Egypt for a second six-year term, effective mid-October, in a National referendum held on September 16. Under the 1971 constitution a presidential candidate has to be nominated by at least one-third of the membership of the People's Assembly, and if he receives the votes of at least two-thirds of the membership his nomination is submitted to the electorate. Although a number

of names were put forward as potential candidates, the People's Assembly on August 25 unanimously nominated President Sadat, who won over 99 per cent of the valid votes.

#### FRANCE

*Formation of New Government:* On August 25 President Giscard d'Estaing accepted the resignation of M. Jacques Chirac's Government and later the same day designated M. Raymond Barre, hitherto Minister of External Trade, as M. Chirac's successor as Prime Minister.

#### GIBRALTAR

*General Election:* Sir Joshua Abraham Hassan was re-appointed Chief Minister of Gibraltar following elections held on September 29 in which his Labour Party-Association for the Advancement of Civil Rights (GLP-AACR) was returned to power with an overall majority of one. About 16,000 people went to the polls, representing 75 per cent of the electorate, the final allocation of the 15 elected seats in the House of Assembly being as follows: GLP-AACR-8, Gibraltar Democratic Movement-4, Independents-3.

#### IRELAND

*Resignation of President:* On October 22, President Cearbhall O'Dalaigh resigned his post because of his criticism by the Defence Minister, Mr. Patrick Donegan for exercising his Presidential powers to delay anti-guerilla legislation.

#### ITALY

*Vote of Confidence for Government:* The Italian Senate with Communists and most other major parties abstaining, gave a vote of confidence by 136 to 17 votes on August 7 to the minority Government of Christian Democrat Premier Giulio Andreotti.

#### JAPAN

*Cabinet Reorganization by Mr. Miki:* The Cabinet of Mr. Takeo Miki, which had been formed in December 1974, resigned on September 14, following the intensification of disagreements and tensions within the Cabinet and between various factions of the ruling Liberal-Democratic Party (LDP), arising in particular from the repercussions of the "Lockheed affairs". Mr. Miki announced the formation of a reorganized Government containing 13 newcomers on the next day, September 15.

## KUWAIT

*Formation of New Government:* On August 29, when the National Assembly, which was in recess, was dissolved, the Government of Shaikh Jabir al Ahmad as Sabah (the Crown Prince) resigned, and four articles of the Constitution were suspended. The suspended articles included the provision that in the event of dissolution of the National Assembly a new National Assembly would be elected within two months and the provisions guaranteeing freedom of the press.

Under a special decree issued on the same day, a newspaper could have its licence revoked or publication suspended for up to two years if it was proved that it had served the interests of a foreign State or authority, if its policies conflicted with the national interest or if it became clear that it obtained aid, assistance or profit from any foreign State or States.

After accepting the Government's resignation the Amir appointed the Crown Prince as Prime Minister on the same day, i.e. August 29 and charged him with forming a new Government. A Cabinet including all the members of the outgoing Cabinet and three additional Ministers was formed by Shaikh Jabir al Ahmad as Sabah on September 6, 1976.

## NEPAL

*Cabinet Re-shuffle:* In a minor re-shuffle on September 2, King Birendra dropped Mr. Jog Meher Shreshta, Cabinet Minister, and an Assistant Minister, Mr. Man Bahadur Jagebu, and inducted five members of the National Panchayat into the nine month old Ministry. The Prime Minister, Dr. Tulsi Giri, held the Peace Affairs and Defence portfolios and all other categories of Ministers retained their departments. Among Assistant Ministers, a former Minister, Mr. Dilli Sher Rai would look after the Home and Panchayat portfolios. Of the three new Assistant Ministers, Mr. Dambar Bahadur Malla, would be incharge of Food, Agriculture and Irrigation. Mr. Marich Mansingh would hold the Land Reforms portfolio and Mr. Shamsul Haque would look after the Water and Power portfolio.

## PAKISTAN

*Constitutional Amendment:* The National Assembly passed on September 5 the Constitution Fifth Amendment Bill, providing, *inter alia*, for a separate High Court for Baluchistan and for the separation

of executive from the judiciary in two years. Winding up the debate on the Bill, the Prime Minister, Mr. Z. A. Bhutto, spoke of the supremacy of the Legislature in the country and said it could change any law.

#### PHILIPPINES

*Legislative body:* The President Mr. Ferdinand Marcos signed on September 10, decrees establishing for the first time a legislative body in the Philippines after four years of martial law. He announced that he had decided to share his law-making power under martial law with a "legislative council" that would enjoy "legislative power". The Council would comprise members of his Cabinet who number about 20, the 91 strong executive committee of the Government organised Community Assemblies (Barangay), and others who may be appointed later.

#### SOVIET UNION

*Appointment of Additional First Deputy Premier:* Mr. Nikolai Tikhonov was on September 2 appointed a First Vice-Chairman of the USSR Council of Ministers, holding this position jointly with Mr. Kirill Mazurov.

#### SUDAN

*Cabinet Re-organisation:* In a Cabinet reorganization on August 9, President Nemery relinquished the posts of Prime Minister and Minister of Defence, and also certain other responsibilities which had hitherto fallen under the presidency. Mr. Rashid-el-Tahir Bakr who was previously Speaker of the Peoples' Assembly was appointed second Vice-President of the Republic and Prime Minister.

#### THAILAND

*Resignation by Prime Minister:* On September 23, Mr. Seni Pramoj resigned as Prime Minister of Thailand after only five months in office, saying that he felt that there was insufficient confidence in his Government over its handling of the tension caused by the surprise return on September 19 of the former military ruler Thanom Kittikkachorn.

*Military "Coup":* The military seized power on October 6 in a lightning coup following a clash between the armed police and leftist students at the Thammasat University in Bangkok. It was the four-

teenth military *coup* in Thailand since World War II. Martial law declaring abrogation of the Constitution and political party law was immediately imposed on the country. It was signed by the former Supreme Commander of the armed forces, 60-year old Admiral Sangad Chalawyo, who had been Defence Minister for just one day in the new civil administration of the Prime Minister, Mr. Seni Pramoj.

#### UNITED STATES

*Resignation of Mr. Butz as Secretary of Agriculture:* Mr. Earl Butz, Secretary of Agriculture since 1971, resigned on October 4, following a political uproar over remarks which he had made in August in the course of a private conversation in reply to a question as to why the Republican Party could not attract more Black Voters.

#### UNITED ARAB EMIRATES

*Extension of Interim Constitution:* The rulers of the seven constituent emirates of the United Arab Emirates (UAE) decided at a meeting in July 1976 to extend the term of the Union's existing interim constitution, in force since the establishment of the UAE on December 2, 1971, for another five years from December 2, 1976.

#### UNITED KINGDOM

*Cabinet Changes:* A major cabinet reorganization was announced by the Prime Minister Mr. James Callaghan, on September 10—12 mainly because of the forthcoming appointment of Mr. Roy Jenkins, the Home Secretary, as President of the European Commission from January 1, 1977. Certain changes were also made in the structure of the Cabinet itself whose size was increased from 23 to 24.

#### URUGUAY

*Suspension of Political Rights of Politicians:* The President Dr. Aparicio Mendez on assuming office in September, 1976 issued a decree under which all politicians who stood in the 1966 and 1971 elections as candidates for Marxist parties were deprived of political rights for 15 years as also those who had been tried for crimes against the nation. All those at present holding government posts were exempt from the measure, which was estimated to effect several thousand people. A second measure signed by the President on the same day established a Ministry of Justice to replace the Supreme Court.

DOCUMENTS OF CONSTITUTIONAL AND  
PARLIAMENTARY INTEREST

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THE CONSTITUTION (FORTY-SECOND AMENDMENT) ACT, 1976

*An Act further to amend the Constitution of India*

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Forty-second Amendment) Act, 1976.

Short  
title

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

and com-  
mence-  
ment.

2. In the Preamble to the Constitution,—

(a) for the words "SOVEREIGN DEMOCRATIC REPUBLIC", the words "SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC" shall be substituted; and

Amend-  
ment of  
the  
Preamble

(b) for the words "unity of the Nation", the words "unity and integrity of the Nation" shall be substituted.

Insertion of new sub-heading after article 31.

3. After article 31 of the Constitution, the following sub-heading shall be inserted, namely:—

*“Saving of Certain Laws”*

Amendment of article 31C.

4. In article 31C of the Constitution, for the words, brackets, letters and figures “the principles specified in clause (b) or clause (c) of article 39”, the words and figures “all or any of the principles laid down in Part IV” shall be substituted.

Insertion of new article 31D.

5. After article 31C of the Constitution and before the sub-heading “*Right to Constitutional Remedies*”, the following article shall be inserted, namely:—

Saving of laws in respect of anti-national activities.

‘31D. (1) Notwithstanding anything contained in article 13, no law providing for—

(a) the prevention or prohibition of anti-national activities; or

(b) the prevention of formation of, or the prohibition of, anti-national associations,

shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by, article 14, article 19 or article 31.

(2) Notwithstanding anything in this Constitution, Parliament shall have, and the Legislature of a State shall not have, power to make laws with respect to any of the matters referred to in sub-clause (a) or sub-clause (b) of clause (1).

(3) Any law with respect to any matter referred to in sub-clause (a) or sub-clause (b) of clause (1) which is in force immediately before the commencement of section 5 of the Constitution (Forty-second Amendment) Act, 1976, shall continue in force until altered or repealed or amended by Parliament.

(4) In this article,—

(a) “association” means an association of persons;



(b) "anti-national activity", in relation to an individual or association, means any action taken by such individual or association—

(i) which is intended, or which supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India or which incites any individual or association to bring about such cession or secession;

(ii) which disclaims, questions, threatens, disrupts or is intended to threaten or disrupt the sovereignty and integrity of India or the security of the State or the unity of the nation;

(iii) which is intended, or which is part of a scheme which is intended, to overthrow by force the Government as by law established;

(iv) which is intended, or which is part of a scheme which is intended, to create internal disturbance or the disruption of public services;

(v) which is intended, or which is part of a scheme which is intended, to threaten or disrupt harmony between different religious, racial, language or regional groups or castes or communities;

(c) "anti-national association" means an association—

(i) which has for its object any anti-national activity;

(ii) which encourages or aids persons to undertake or engage in any anti-national activity;

(iii) the members whereof undertake or engage in any anti-national activity.'

**6. After article 32 of the Constitution, the following article shall be inserted, namely:—**

Insertion of new article 32A.

Constitutional validity of State laws not to be considered in proceedings under article 32.

“32A. Notwithstanding anything in article 32, the Supreme Court shall not consider the constitutional validity of any State law in any proceedings under that article unless the constitutional validity of any Central law is also in issue in such proceedings.”.

**7. In article 39 of the Constitution, for clause (f), the following clause shall be substituted, namely:—**

Amendment of article 39.

“(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”.

**8. After article 39 of the Constitution, the following article shall be inserted, namely:—**

Insertion of new article 39A.

Equal justice and free legal aid.

“39A. The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.”.

9. After article 43 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 43A.

“43A. The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry.”.

Participation of workers in management of industries.

10. After article 48 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 48A.

“48A. The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.”.

Protection and improvement of environment and safeguarding of forests and wild life.

11. After Part IV of the Constitution, the following Part shall be inserted, namely:—

Insertion of new Part IVA.

#### “PART IVA

#### FUNDAMENTAL DUTIES

51A. It shall be the duty of every citizen of India—

Fundamental duties.

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;

(c) to uphold and protect the sovereignty, unity and integrity of India;

(d) to defend the country and render national service when called upon to do so;

(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

(f) to value and preserve the rich heritage of our composite culture;

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;

(i) to safeguard public property and to abjure violence;

(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.”.

Amend-  
ment of  
article  
55.

12. In article 55 of the Constitution, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

*Explanation.*—In this article, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.’.

13. In article 74 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

Amendment of article 74.

“(1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.”.

14. In article 77 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

Amendment of article 77.

“(4) No court or other authority shall be entitled to require the production of any rules made under clause (3) for the more convenient transaction of the business of the Government of India.”.

15. In article 81 of the Constitution, to clause (3), the following proviso shall be added, namely:—

Amendment of article 81.

“Provided that the reference in this clause to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.”.

16. In article 82 of the Constitution, after the proviso, the following provisos shall be inserted, namely:—

Amendment of article 82.

“Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the House may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies under this article.”.

17. (1) In article 83 of the Constitution, in clause (2), for the words “five years” in the two places where they occur, the words “six years” shall be substituted.

Amendment of article 83.

(2) The amendments made by sub-section (1) to clause (2) of article 83 shall apply also to the House of the People in existence on the date of coming into force of this section without prejudice to the power of Parliament with respect to the extension of the duration of that House under the proviso to that clause.

Amend-  
ment of  
article  
100.

18. In article 100 of the Constitution, clauses (3) and (4) shall be omitted.

Amend-  
ment of  
article  
102.

19. In article 102 of the Constitution, for sub-clause (a) of clause (1), the following sub-clause shall be substituted, namely:—

“(a) if he holds any such office of profit under the Government of India or the Government of any State as is declared by Parliament by law to disqualify its holder;”.

Substitu-  
tion of  
new arti-  
cle for  
article  
103.

20. For article 103 of the Constitution, the following article shall be substituted, namely:—

Decision  
on ques-  
tions as  
to dis-  
qualifi-  
cation.

“103. (1) If any question arises—

(a) as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, or

(b) as to whether a person, found guilty of a corrupt practice at an election to a House of Parliament under any law made by Parliament, shall be disqualified for being chosen as, and for being, a member of either House of Parliament, or of a House of the Legislature of a State, or as to the period for which he shall be so disqualified, or as to the removal of, or the reduction of the period of, such disqualification,

the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall consult the Election Commission and the Election Commission may, for this purpose, make such inquiry as it thinks fit.”.

21. In article 105 of the Constitution, for clause (3), the following clause shall be substituted, namely:—

Amendment of article 105.

“(3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be those of that House, and of its members and committees, at the commencement of section 21 of the Constitution (Forty-second Amendment) Act, 1976, and as may be evolved by such House of Parliament from time to time.”.

22. In article 118 of the Constitution, in clause (1), after the words “its procedure”, the brackets and words “(including the quorum to constitute a meeting of the House)” shall be inserted.

Amendment of article 118.

23. After article 131 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 131A.

“131A. (1) Notwithstanding anything contained in any other provision of this Constitution, the Supreme Court shall to the exclusion of any other court, have jurisdiction to determine all questions relating to the constitutional validity of any Central law.

Exclusive jurisdiction of the Supreme Court in regard to questions as to constitutional validity of Central laws.

(2) Where a High Court is satisfied—

(a) that a case pending before it or before a court subordinate to it involves questions as to the constitutional validity of any Central law or, as the case may be, of both Central and State laws; and

(b) that the determination of such questions is necessary for the disposal of the case,

the High Court shall refer the questions for the decision of the Supreme Court.

(3) Without prejudice to the provisions of clause (2), where, on an application made by the Attorney-General of India, the Supreme Court is satisfied,—

(a) that a case pending before a High Court or before a court subordinate to a High Court involves questions as to the constitutional validity of any Central law or, as the case may be, of both Central and State laws; and

(b) that the determination of such questions is necessary for the disposal of the case,

the Supreme Court may require the High Court to refer the questions to it for its decision.

(4) When a reference is made under clause (2) or clause (3), the High Court shall stay all proceedings in respect of the case until the Supreme Court decides the questions so referred.

(5) The Supreme Court shall, after giving the parties an opportunity of being heard, decide the questions so referred, and may—

(a) either dispose of the case itself; or

(b) return the case to the High Court together with a copy of its judgment on such questions for disposal of the case in conformity with such judgment by the High Court or, as the case may be, the court subordinate to it.”.

Insertion of new article 139A.

Transfer of certain cases.

24. After article 139 of the Constitution, the following article shall be inserted, namely:—

“139A. (1) If, on an application made by the Attorney-General of India, the Supreme Court is satisfied that cases involving the same or substantially the same questions of law are pending before it and one or more High Courts or before two or more High Courts and that such questions are substantial questions of general importance, the Supreme Court may withdraw the case or cases pending before the High Court or the High Courts and dispose of all the cases itself.



(2) The Supreme Court may, if it deems it expedient so to do for the ends of justice, transfer any case, appeal or other proceedings pending before any High Court to any other High Court.”.

25. After article 144 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 144A.

“144A. (1) The minimum number of Judges of the Supreme Court who shall sit for the purpose of determining any question as to the constitutional validity of any Central law or State law shall be seven.

Special provisions as to disposal of questions relating to constitutional validity of laws.

(2) A Central law or a State law shall not be declared to be constitutionally invalid by the Supreme Court unless a majority of not less than two-thirds of the Judges sitting for the purpose of determining the question as to the constitutional validity of such law hold it to be constitutionally invalid.”.

26. In article 145 of the Constitution,—

Amendment of article 145.

(a) in clause (1), after sub-clause (c), the following sub-clause shall be inserted, namely:—

“(cc) rules as to the proceedings in the Court under articles 131A and 139A;”;

(b) in clause (2), for the words, brackets and figure “provisions of clause (3)”, the words, figures, letter and brackets “provisions of article 144A and of clause (3)” shall be substituted;

(c) in clause (3), for the words “The minimum number”, the words, figures and letter “Subject to the provisions of article 144A, the minimum number” shall be substituted.

27. For article 150 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 150.

Form of  
accounts  
of the  
Union  
and of  
the  
States.

"150. The accounts of the Union and of the States shall be kept in such form as the President may, after consultation with the Comptroller and Auditor-General of India, prescribe."

Amend-  
ment of  
article  
166.

28. In article 166 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

"(4) No court or other authority shall be entitled to require the production of any rules made under clause (3) for the more convenient transaction of the business of the Government of the State."

Amend-  
ment of  
article  
170.

29. In article 170 of the Constitution,—

(a) in clause (2), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

'*Explanation*.—In this clause, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.'

(b) in clause (3), after the proviso, the following provisos shall be inserted, namely:—

"Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year 2000 have been published,, it shall not be necessary to re-adjust the total number of seats in the Legislative Assembly of each State and the division of such State into territorial constituencies under this clause.”.

30. (1) In article 172 of the Constitution, in clause (1), for the words “five years” in the two places where they occur, the words “six years” shall be substituted. Amendment of article 172.

(2) The amendments made by sub-section (1) to clause (1) of article 172 shall apply also to every Legislative Assembly (including the Legislative Assembly of the State of Kerala) in existence on the date of coming into force of this section without prejudice to the power of Parliament with respect to the extension of the duration of such Assembly under the proviso to that clause.

31. In article 189 of the Constitution, clauses (3) and (4) shall be omitted. Amendment of article 189.

32. In article 191 of the Constitution, for sub-clause (a) of clause (1), the following sub-clause shall be substituted, namely:— Amendment of article 191.

“(a) if he holds any such office of profit under the Government of India or the Government of any State specified in the First Schedule as is declared by Parliament by law to disqualify its holder;”.

33. For article 192 of the Constitution, the following article shall be substituted, namely:— Substitution of new article for article 192.

“192. (1) If any question arises—

(a) as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, or Decision on questions as to disqualification.

(b) as to whether a person, found guilty of a corrupt practice at an election to a House of the Legislature of a State under any law made by Parliament, shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of a House of the Legislature of a State, or as to the period for which he shall be so disqualified, or as to the removal of, or the reduction of the period of, such disqualification,

the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall consult the Election Commission and the Election Commission may, for this purpose, make such inquiry as it thinks fit.”.

Amendment of article 194.

34. In article 194 of the Constitution, for clause (3), the following clause shall be substituted, namely:—

“(3) In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the committees of a House of such Legislature, shall be those of that House, and of its members and committees, at the commencement of section 34 of the Constitution (Forty-second Amendment) Act, 1976, and as may be evolved by such House of the Legislature of a State, so far as may be, in accordance with those of the House of the people, and of its members and committees where such House is the Legislative Assembly and in accordance with those of the Council of States, and of its members and committees where such House is the Legislative Council.”.

Amendment of article 208.

35. In article 208 of the Constitution, in clause (1), after the words “its procedure”, the brackets and words “(including the quorum to constitute a meeting of the House)” shall be inserted.

Amendment of article 217.

36. In article 217 of the Constitution, in clause (2),—

(a) in sub-clause (b), the word “or” shall be inserted at the end;

(b) after sub-clause (b), the following sub-clause shall be inserted, namely:—

“(c) is, in the opinion of the President, a distinguished jurist.”;

(c) in the *Explanation*, in clause (a), for the words “has held judicial office”, the words “has held judicial office or the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law” shall be substituted.

37. In article 225 of the Constitution, the proviso shall be omitted. Amendment of article 225.

38. For article 226 of the Constitution, the following article shall be substituted, namely:— Substitution of new article for article 226.

“226. (1) Notwithstanding anything in article 32 but subject to the provisions of article 131A and article 226A, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them,— Power of High Courts to issue certain writs.

(a) for the enforcement of any of the rights conferred by the provisions of Part III; or

(b) for the redress of any injury of a substantial nature by reason of the contravention of any other provision of this Constitution or any provision of any enactment or Ordinance or any order, rule, regulation, bye-law or other instrument made thereunder; or

(c) for the redress of any injury by reason of any illegality in any proceedings by or before any

authority under any provision referred to in sub-clause (b) where such illegality has resulted in substantial failure of justice.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3) No petition for the redress of any injury referred to in sub-clause (b) or sub-clause (c) of clause (1) shall be entertained if any other remedy for such redress is provided for by or under any other law for the time being in force.

(4) No interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to, a petition under clause (1) unless—

(a) copies of such petition and of all documents in support of the plea for such interim order are furnished to the party against whom such petition is filed or proposed to be filed; and

(b) opportunity is given to such party to be heard in the matter.

(5) The High Court may dispense with the requirements of sub-clauses (a) and (b) of clause (4) and make an interim order as an exceptional measure if it is satisfied for reasons to be recorded in writing that it is necessary so to do for preventing any loss being caused to the petitioner which cannot be adequately compensated in money but any such interim order shall, if it is not vacated earlier, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the High Court has continued the operation of the interim order.

(6) Notwithstanding anything in clause (4) or clause (5), no interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to, a petition under clause (1) where such order will have the effect of delaying any inquiry into a matter of public importance or any investigation or inquiry into an offence punishable with imprisonment or any action for the execution of any work or project of public utility, or the acquisition of any property for such execution, by the Government or any corporation owned or controlled by the Government.

(7) The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 32."

39. After article 226 of the Constitution, the following article shall be inserted, namely:—

Insertion  
of new  
article  
226A.

"226A. Notwithstanding anything in article 226, the High Court shall not consider the constitutional validity of any Central law in any proceedings under that article."

Constitutional  
validity  
of Central  
laws not  
to be considered  
in proceedings  
under  
article  
226.

40. In article 227 of the Constitution,—

(a) for clause (1), the following clause shall be substituted, namely:—

"(1) Every High Court shall have superintendence over all courts subject to its appellate jurisdiction.";

(b) after clause (4), the following clause shall be inserted, namely:—

“(5) Nothing in this article shall be construed as giving to a High Court any jurisdiction to question any judgment of any inferior court which is not otherwise subject to appeal or revision.”.

Amend-  
ment of  
article  
228.

41. In article 228 of the Constitution, for the words “it shall withdraw the case and may—”, the words, figures and letter “it shall withdraw the case and, subject to the provisions of article 131A, may—” shall be substituted.

Insertion of  
new  
article  
228A.

42. After article 228 of the Constitution, the following article shall be inserted, namely:—

Special  
provi-  
sions  
as to dis-  
posal of  
ques-  
tions  
relating  
to consti-  
tutional  
validity  
of State  
laws.

“228A. (1) No High Court shall have jurisdiction to declare any Central law to be constitutionally invalid.

(2) Subject to the provisions of article 131A, the High Court may determine all questions relating to the constitutional validity of any State law.

(3) The minimum number of Judges who shall sit for the purpose of determining any question as to the constitutional validity of any State law shall be five:

Provided that where the High Court consists of less than five Judges, all the Judges of the High Court may sit and determine such question.

(4) A State law shall not be declared to be constitutionally invalid by the High Court unless—

(a) where the High Court consists of five Judges or more not less than two-thirds of the Judges sitting for the purpose of determining the validity of such law, hold it to be constitutionally invalid; and

(b) where the High Court consists of less than five Judges, all the Judges of the High Court sitting for the purpose hold it to be constitutionally invalid.



(5) The provisions of this article shall have effect notwithstanding anything contained in this Part.

*Explanation.*—In computing the number of Judges of a High Court for the purposes of this article, a Judge who is disqualified by reason of personal or pecuniary bias shall be excluded.”.

43. After article 257 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 257A. Assistance to States by deployment of armed forces or other forces of the Union.

“257A. (1) The Government of India may deploy any armed force of the Union or any other force subject to the control of the Union for dealing with any grave situation of law and order in any State.

(2) Any armed force or other force or any contingent or unit thereof deployed under clause (1) in any State shall act in accordance with such directions as the Government of India may issue and shall not, save as otherwise provided in such directions, be subject to the superintendence or control of the State Government or any officer or authority subordinate to the State Government.

(3) Parliament may, by law, specify the powers, functions, privileges and liabilities of the members of any force or any contingent or unit thereof deployed under clause (1) during the period of such deployment.”.

44. In article 311 of the Constitution, in clause (2),—

Amendment of article 311.

(a) the words “and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during such inquiry” shall be omitted;

(b) for the words “Provided that this clause shall not apply—”, the following shall be substituted, namely:—

“Provided that where it is proposed after such inquiry, to impose upon him any such penalty,

such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:

Provided further that this clause shall not apply—”.

Amend-  
ment of  
article  
312.

45. In article 312 of the Constitution,—

(a) in clause (1),—

(i) for the word and figures “Part XI”, the words and figures “Chapter VI of Part VI or Part XI” shall be substituted;

(ii) after the words “all-India services”, the brackets and words “(including an all-India judicial service)” shall be inserted:

(b) after clause (2), the following clauses shall be inserted, namely:—

“(3) The all-India judicial service referred to in clause (1) shall not include any post inferior to that of a district judge as defined in article 236.

(4) The law providing for the creation of the all-India judicial service aforesaid may contain such provisions for the amendment of Chapter VI of Part VI as may be necessary for giving effect to the provisions of that law and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.”.

Inser-  
tion of  
new  
Part  
XIVA.

46. After Part XIV of the Constitution, the following Part shall be inserted, namely:—

## ‘PART XIVA

### TRIBUNALS

Adminis-  
trative  
tribunals.  
nals.

323A. (1) Parliament may, by law, provide for the adjudication or trial by administrative tribunals of

disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government.

(2) A law made under clause (1) may—

(a) provide for the establishment of an administrative tribunal for the Union and a separate administrative tribunal for each State or for two or more States;

(b) specify the jurisdiction, powers (including the power to punish for contempt) and authority which may be exercised by each of the said tribunals;

(c) provide for the procedure (including provisions as to limitation and rules of evidence) to be followed by the said tribunals;

(d) exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136, with respect to the disputes or complaints referred to in clause (1);

(e) provide for the transfer to each such administrative tribunal of any cases pending before any court or other authority immediately before the establishment of such tribunal as would have been within the jurisdiction of such tribunal if the causes of action on which such suits or proceedings are based had arisen after such establishment;

(f) repeal or amend any order made by the President under clause (3) of article 371D;

(g) contain such supplemental, incidental and consequential provisions (including provisions as to fees) as Parliament may deem necessary for the effective functioning of, and for the speedy disposal of cases by, and the enforcement of the orders of, such tribunals.

(3) The provisions of this article shall have effect notwithstanding anything in any other provision of this Constitution or in any other law for the time being in force.

Tribunals for other matters.

323B. (1) The appropriate Legislature may, by law, provide for the adjudication or trial by tribunals of any disputes, complaints, or offences with respect to all or any of the matters specified in clause (2) with respect to which such Legislature has power to make laws.

(2) The matters referred to in clause (1) are the following, namely:—

(a) levy, assessment, collection and enforcement of any tax;

(b) foreign exchange, import and export across customs frontiers;

(c) industrial and labour disputes;

(d) land reforms by way of acquisition by the State of any estate as defined in article 31A or of any rights therein or the extinguishment or modification of any such rights or by way of ceiling on agricultural land or in any other way;

(e) ceiling on urban property;

(f) elections to either House of Parliament or the House or either House of the Legislature of a State, but excluding the matters referred to in article 329 and article 329A;

(g) production, procurement, supply and distribution of foodstuffs (including edible oilseeds and oils) and such other goods as the President may, by public notification, declare to be essential goods for the purpose of this article and control of prices of such goods;

(h) offences against laws with respect to any of the matters specified in sub-clauses (a) to (g) and fees in respect of any of those matters;

(i) any matter incidental to any of the matters specified in sub-clauses (a) to (h).

(3) A law made under clause (1) may—

(a) provide for the establishment of a hierarchy of tribunals;

(b) specify the jurisdiction, powers (including the power to punish for contempt) and authority which may be exercised by each of the said tribunals;

(c) provide for the procedure (including provisions as to limitation and rules of evidence) to be followed by the said tribunals;

(d) exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136, with respect to all or any of the matters falling within the jurisdiction of the said tribunals;

(e) provide for the transfer to each such tribunal of any cases pending before any court or any other authority immediately before the establishment of such tribunal as would have been within the jurisdiction of such tribunal if the causes of action on which such suits or proceedings are based had arisen after such establishment;

(f) contain such supplemental, incidental and consequential provisions (including provisions as to fees) as the appropriate Legislature may deem necessary for the effective functioning of, and for the speedy disposal of cases by, and the enforcement of the orders of, such tribunals.

(4) The provisions of this article shall have effect notwithstanding anything in any other provision of this Constitution or in any other law for the time being in force.

*Explanation.*—In this article, “appropriate Legislature”, in relation to any matter, means Parliament or, as the case may be, a State Legislature competent to make laws with respect to such matter in accordance with the provisions of Part XI.

47. In article 330 of the Constitution, the following *Explanation* shall be inserted at the end, namely:—

*Explanation.*—In this article and in article 332, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures

Amendment of article 330.

have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.'

Amend-  
ment of  
article  
352.

48. In article 352 of the Constitution,—

(a) in clause (1), after the words "make a declaration to that effect", the following shall be inserted, namely:—

"in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation";

(b) in clause (2), in sub-clause (a), after the word "revoked", the words "or varied" shall be inserted;

(c) after clause (2), the following clause shall be inserted, namely:—

"(2A) Where a Proclamation issued under clause (1) is varied by a subsequent Proclamation, the provisions of clause (2) shall, so far as may be, apply in relation to such subsequent Proclamation as they apply in relation to a Proclamation issued under clause (1)."

Amend-  
ment of  
article  
353.

49. To article 353 of the Constitution, the following proviso shall be added, namely:—

"Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India,—

(i) the executive power of the Union to give directions under clause (a), and

(ii) the power of Parliament to make laws under clause (b), shall also extend to any State other than a State in which or in any part of which the Proclamation of Emergency is in operation if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation."

50. In article 356 of the Constitution, in clause (4), for the words "six months", wherever they occur, the words "one year" shall be substituted. Amendment of article 356.

51. (1) In article 357 of the Constitution, for clause (2), the following clause shall be substituted, namely:— Amendment of article 357.

"(2) Any law made in exercise of the power of the Legislature of the State by Parliament or the President or other authority referred to in sub-clause (a) of clause (1) which Parliament or the President or such other authority would not, but for the issue of a Proclamation under article 356, have been competent to make shall, after the Proclamation has ceased to operate, continue in force until altered or repealed or amended by a competent Legislature or other authority."

(2) The amendment made by sub-section (1) shall apply also to any law referred to in clause (2) of article 357 of the Constitution which is in force immediately before the coming into force of this section.

52. To article 358 of the Constitution, the following proviso shall be added, namely:— Amendment of article 358.

"Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India, any such law may be made, or any such executive action may be taken, under this article in relation to or in any State or Union territory in which or in any part of which the Proclamation of Emergency is not in operation, if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation."

53. In article 359 of the Constitution,— Amendment of article 359.

(a) to clause (1A), the following proviso shall be added, namely:—

"Provided that where a Proclamation of Emergency is in operation only in any part of the terri-

tory of India, any such law may be made, or any such executive action may be taken, under this article in relation to or in any State or Union territory in which or in any part of which the Proclamation of Emergency is not in operation, if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation.”;

(b) to clause (2), the following proviso shall be added, namely:—

“Provided that where a Proclamation of Emergency is in operation only in a part of the territory of India, any such order shall not extend to any other part of the territory of India unless the President, being satisfied that the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation, considers such extension to be necessary.”.

Amend-  
ment of  
article  
366.

54. In article 366 of the Constitution,—

(a) after clause (4), the following clause shall be inserted, namely:—

‘(4A) “Central law” means any law other than a State law but does not include any amendment of this Constitution made under article 368;’

(b) after clause (26), the following clause shall be inserted, namely:—

‘(26A) “State law” means—

(a) a State Act or an Act of the Legislature of a Union territory;

(b) an Ordinance promulgated by the Governor of a State under article 213 or by the administrator of a Union territory under article 239B;



(c) any provision with respect to a matter in the State List in a Central Act made before the commencement of this Constitution;

(d) any provision with respect to a matter in the State List or the Concurrent List in a Provincial Act;

(e) any notification, order, scheme, rule, regulation or bye-law or any other instrument having the force of law made under any Act, Ordinance or provisions referred to in sub-clause (a), sub-clause (b), sub-clause (c) or sub-clause (d);

(f) any notification, order, scheme, rule, regulation or bye-law or any other instrument having the force of law, not falling under sub-clause (e), and made by a State Government or the administrator of a Union territory or an officer or authority subordinate to such Government or administrator; and

(g) any other law (including any usage or custom having the force of law) with respect to a matter in the State List.

55. In article 368 of the Constitution, after clause (3), the following clauses shall be inserted, namely:--

Amendment of article 368.

“(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article [whether before or after the commencement of section 55 of the Constitution (Forty-second Amendment) Act, 1976] shall be called in question in any court on any ground.

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article.”.

56. In article 371F of the Constitution, in clause (c), for the words “five years”, the words “six years” shall be substituted and for the words “four years” in the two places where they occur, the words “five years” shall be substituted.

Amendment of article 371F.

Amend-  
ment of  
the  
Seventh  
Schedule.

57. In the Seventh Schedule to the Constitution,—

(a) in List I—Union List, after entry 2, the following entry shall be inserted, namely:—

“2A. Deployment of any armed force of the Union or any other force subject to the control of the Union or any contingent or unit thereof in any State in aid of the civil power; powers, jurisdiction, privileges and liabilities of the members of such forces while on such deployment.”;

(b) in List II—State List,—

(i) in entry 1, for the words “the use of naval, military or air forces or any other armed forces of the Union”, the words “the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof” shall be substituted;

(ii) for entry 2, the following entry shall be substituted, namely:—

“2. Police (including railway and village police) subject to the provisions of entry 2A of List I.”;

(iii) in entry 3, the words “Administration of justice; constitution and organisation of all courts, except the Supreme Court and the High Court;” shall be omitted;

(iv) entries 11, 19, 20 and 29 shall be omitted;

(v) in entry 55, the words “and advertisements broadcast by radio or television” shall be inserted at the end;

(c) in List III—Concurrent List,—

(i) after entry 11, the following entry shall be inserted, namely:—

“11A. Administration of justice; constitution and organisation of all courts, except the Supreme Court and the High Courts.’

(ii) after entry 17, the following entries shall be inserted, namely:—

“17A. Forests.

17B. Protection of wild animals and birds.”;

(iii) after entry 20, the following entry shall be inserted, namely:—

“20A. Population control and family planning.”;

(iv) for entry 25, the following entry shall be substituted, namely:—

“25. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.”;

(v) after entry 33, the following entry shall be inserted, namely:—

“33A. Weights and measures except establishment of standards.”.

58. (1) Notwithstanding anything contained in the Constitution, every petition made under article 226 of the Constitution before the appointed day and pending before any High Court immediately before that day (such petition being referred to in this section as a pending petition) and any interim order (whether by way of injunction or stay or in any other manner) made on, or in any proceedings relating to, such petition before that day shall be dealt with in accordance with the provisions of article 226 as substituted by section 38.

Special provisions as to pending petitions under article 226.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), every pending petition before a High Court which would not have been admitted by the High Court under the provisions of article 226 as substituted by section 38 if such petition had been made after the appointed day, shall abate and any interim order (whether by way of injunction or stay or in any other

manner) made on, or in any proceedings relating to, such petition shall stand vacated:

Provided that nothing contained in this sub-section shall affect the right of the petitioner to seek relief under any other law for the time being in force in respect of the matters to which such petition relates and in computing the period of limitation, if any, for seeking such relief, the period during which the proceedings relating to such petition were pending in the High Court shall be excluded.

(3) Every interim order (whether by way of injunction or stay or in any other manner) which was made before the appointed day, on, or in any proceedings relating to, a pending petition [not being a pending petition which has abated under sub-section (2)], and which is in force on that day, shall, unless before the appointed day copies of such pending petition and of documents in support of the plea for such interim order had been furnished to the party against whom such interim order was made and an opportunity had been given to such party to be heard in the matter, cease to have effect (if not vacated earlier),—

(a) on the expiry of a period of one month from the appointed day, if the copies of such pending petition and the documents in support of the plea for the interim order are not furnished to such party before the expiry of the said period of one month; or

(b) on the expiry of a period of four months from the appointed day, if the copies referred to in clause (a) have been furnished to such party within the period of one month referred to in that clause but such party has not been given an opportunity to be heard in the matter before the expiry of the said period of four months.

(4) Notwithstanding anything contained in sub-section (3), every interim order (whether by way of injunction or stay or in any other manner) which was made before the appointed day, on, or in any proceedings relating to, a pending petition [not being a pending petition which has abated under sub-section (2)], and which is in force on that day, shall, if such order has the effect of delaying any inquiry into a matter of public importance or any investigation or inquiry into an offence punishable with imprisonment or

any action for the execution of any work or project of public utility, or the acquisition of any property for such execution, by the Government or any corporation owned or controlled by the Government, stand vacated.

*Explanation.*—In this section, “appointed day” means the date on which section 38 comes into force.

59. (1) If any difficulty arises in giving effect to the provisions of the Constitution as amended by this Act (including any difficulty in relation to the transition from the provisions of the Constitution as they stood immediately before the date of the President's assent to this Act to the provisions of the Constitution as amended by this Act), the President may, by order, make such provisions, including any adaptation or modification of any provision of the Constitution, as appear to him to be necessary or expedient for the purpose of removing the difficulty:

Power of the President to remove difficulties.

Provided that no such order shall be made after the expiry of two years from the date of such assent.

(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before each House of Parliament.

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## SESSIONAL REVIEW\*

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### I. FIFTH LOK SABHA—EIGHTEENTH SESSION

The Eighteenth Session of Lok Sabha, in the nature of a special session called to consider the Constitution (Forty-fourth Amendment) Bill, 1976 was held from October 25 to November 5, 1976. On the opening day, the House adopted a Motion suspending certain rules of the Rules of Procedure and Conduct of Business with a view to enabling the Government to transact Government Business only.<sup>1</sup>

#### A. LEGISLATIVE BUSINESS

*Constitution (Forty-Fourth) Amendment Bill, 1976.* A motion for consideration of the Constitution (Forty-Fourth Amendment) Bill, 1976<sup>2</sup> was moved by the Minister of Law, Justice and Company Affairs, Shri H. R. Gokhale on October 25, 1976.

Piloting the measure, the Law Minister observed that the Constitution was not merely a legal document but a social and political document. As such it must not only reflect the aspirations and wishes of the people, but also be an effective instrument for carrying those changes which were necessary to be carried out for effecting socio-economic revolution. It was appropriate that if at any

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

<sup>1</sup>The Motion as amended provided that after the disposal of the Constitution Amendment Bill, time permitting, the Speaker may in his discretion allow Calling Attention motions and Short Duration Discussions.

<sup>2</sup>The motion for leave to introduce the Bill moved by the Minister of Law, Justice and Company Affairs, Shri H. R. Gokhale was adopted and the Bill was introduced on 1-9-1976.

time certain hurdles came up in the way of realising those objectives, they should be removed, so that the people could march ahead. The present measure had been brought about to remove obstacles in attaining the socio-economic revolution which the people wanted after attaining freedom.

Enumerating the difficulties, Shri Gokhale pointed out that the judicial history of the country would show that at every stage when attempts were made to give effect to social objectives, hurdles were thrown. There had been many somersaults in the judicial decisions. Sometimes it was very difficult to understand really what the law of the land was.

The Law Minister added that in one of its judgments in 1967 the Supreme Court barred the Parliament from amending the Fundamental Rights. That led to the enactment of the Twenty-fourth Amendment, which reasserted the supremacy of Parliament and provided that the power to amend the Constitution was a constituent power; it was not the same as ordinary legislative power and that Parliament had power to amend any provision of the Constitution. But the difficulties did not stop there and the Twenty-fifth Amendment had to be passed which had a vital bearing on questions relating to economic and social changes. After the Twenty-fifth Amendment once again it was said that the power of Parliament was not plenary and the basic features of the Constitution could not be amended.

The Law Minister contended that there was no such thing as basic features of the Constitution. But so far as what Parliament regarded as basic for the purposes of making changes was concerned, there could be no impediment in the way of Parliament to amend any provision of the Constitution. Thus, the most important feature of the present measure was to reassert with all emphasis that the Parliament was supreme and there was no limitation on Parliament in respect of the amendment of the Constitution. After the amendment became effective, no court, howsoever high would be entitled to go into the question of the validity of a Constitution Amendment.

The Law Minister rejected the criticism that the Constitution amendments would destroy the independence of the judiciary. In fact, he maintained, there was nothing in the Bill which could affect its status, position, dignity or independence. The power of judicial review of legislative action had not only been kept intact, it had been increased in respect of many matters.

The Law Minister assured the House that the precedence of Directive Principles over the Fundamental Rights would in no way affect minority rights or secular ideals. About the inclusion of the words "Socialist and Secular" in the Preamble, he said that it was not merely a play of words. The Preamble, being the key to the whole Constitution, reflected more accurately and correctly the basic part of the Constitution.

Shri Gokhale also defended the inclusion of a new chapter enumerating the duties of the citizens. If the people were conscious of their rights, they should be equally conscious of their duties. He hoped that due care would be taken to see that the education system gave them importance in the curricula.

He did not agree that the Government was undermining the federal structure. The existence of the two Houses of Parliament, States with independent Legislatures, division of powers between the Union and the States and some of the matters now proposed to be transferred from the State List to the Concurrent List etc., he argued, bore testimony to the fact that all the basic features of a federal State were there and no such provision had been touched in the present amendment to the Constitution.

The General discussion continued for three days in which as many as 95 members participated.<sup>3</sup>

<sup>3</sup>The members, who participated in the discussion are Sarvashri Indrajit Gupta, K. Hanumanthaiya, Era Sezhiyan, Dinesh Chandra Goswami, O. V. Alagesan, Dr. Kailas, B. R. Shukla, P. Ranganath Shenoy, Jagannath Rao, K. M. "Madhukar", Balakrishna Venkanna Nailk, Priya Ranjan Das Munsii, Swaran Singh Sokhi, Chapalendu Bhattacharyya, Frank Anthony, Swaran Singh, Krishnan Manoharan, C. M. Stephen, N. Sreekantan Nair, Vasant Sathe, H. N. Mukerjee, Bhagwat Jha Azad, Ebrahim Sulaiman Sait, Ramsahai Pandey, S. N. Misra, Hari Singh, P. K. Deo, Dr. V. K. R. Vardaraja Rao, Shibban Lal Saksena, R. K. Khadilkar, Shiv Kumar Shastri, N. K. P. Salve, S. A. Shamim, G. Viswanathan, Dr. Henry Austin, Dharnidhar Das, P. G. Mavalanker, Dr. Rudra Pratap Singh, Jambuwant Dhote, Amrit Nahata, Kartik Oraon, Nathuram Mirdha, R. R. Sharma, Darbara Singh, Nathu Ram Ahirwar, D. K. Panda, Bibhuti Mishra, T. Balakrishnaiah, Aravinda Bala Pajanon, Genda Singh, Rana Bahadur Singh, Nawal Kishore Sinha, Shankar Dayal Singh, N. S. Kamble, Inder J. Malhotra, S. M. Banerjee, Shashi Bhushan, Jagannath Mishra, K. Suryanarayana, S. N. Singh, K. Lakkappa, M. C. Daga, M. Satyanarayan Rao, Giridhar Gomango, Md. Jamilurrahman, R. P. Yadav, Y. S. Mahajan, K. Mayathevar, Paripoornanand Painuli, P. Ganga Reddy, Bishwanath Roy, Chandulal Chandrakar, Dharnidhar Basumatari, K. Ramkrishna Reddy, Arjun Sethi, Shanker Narayan Singh Deo, Shyam Sunder Mohapatra, K. Narayana Rao, P. Ankineedu Prasadarao, Damodar Pandey, Dr. Govind Das Richariya, Shankar Dev, Jagdish Chandra Dixit, M. Ram Gopal Reddy, I. H. Khan, B. D. Chandra Gowda, Ramji Ram, C. K. Jaffer Shariff, Paokai Haokip, Smt. Maya Ray and Smt. Mukul Banerjee.



Intervening in the discussion on October 27, 1976, the Prime Minister Shrimati Indira Gandhi said that the purpose of the Bill was to remedy the anomalies that had been long noticed and to overcome the obstacles posed by economic and political vested interests. The amendments contained in the Bill were in the nature of renovation and were not intended to build a new House. The Constitution embodied the spirit of the peaceful revolution of Mahatma Gandhi and Jawaharlal Nehru. Although the present measure was not going to achieve all its aims, it would definitely carry the Indian revolution forward, making the people free and endowing them with greater power over their own destiny.

Asserting Parliament's unfettered, unqualified and unabridgeable right to amend the Constitution, including altering its basic structure, she observed:

"We do not think that only a Constituent Assembly can amend the Constitution. Such ideas were put forth even at the time of the drafting of the Constitution, but were rejected. Indeed, Dr. Ambedkar cogently explained that the Constituent Assembly which drafted the Constitution had been elected on a limited franchise whereas the Parliament of India under the Constitution would be elected on country-wide adult franchise and surely such a Parliament could not be said to have lesser power."

"...Revision and adjustment in changing conditions are part and parcel of our Constitution. Those who want to fix it in a rigid and unalterable frame do not know the spirit of our Constitution and are entirely out of tune with the spirit of new India. . . . While the Constitution is a very important document, it is but an instrument to serve the people. The Constitution exists for the people. People should certainly respect it, but they cannot be sacrificed for it. . . ."

Denying that the amendments in the Bill were being rushed through, she said:

"It is not hastily conceived, it is drawn up with care and deliberation. Many of the changes were in fact, suggested by the Committee set up by Jawaharlal Nehru in 1954. So, in a sense, the discussion has been going on for twenty whole years. This certainly cannot be called rushing or stampeding."

Rejecting the dogma of "basic structure", Shrimati Gandhi said:

"Swaran Singh remarked that some judges have imported the phrase 'basic structure' I would not say they

have imported it, since it does not exist in any other Constitution; they have invented it."

Dealing with the criticism that the Government was establishing Executive dominance, the Prime Minister observed:

"We have not changed anything. What was implicit has now been made clear. An understanding of the Parliamentary system shows that in our system, the executive is a parliamentary executive. All Ministers are Members of Parliament and they are daily accountable to Parliament."

Defending the changes being effected in the Preamble, she said:

"The founding fathers of our Constitution and of our country had intended Indian Society to be secular and socialist. These are not new definitions. They have guided our laws all these years. All we are doing now is to incorporate them in the Constitution for they rightly deserve to be mentioned there. The specific mention of this fact in the Preamble will provide the frame of reference to all our people, to the Government, to the judiciary and to the world".

Justifying the inclusion in the Constitution of the fundamental duties, she said:

"The Chapter on duties has been introduced not to smother rights but to establish a democratic balance. Our Constitution was notable for highlighting Directive Principles along with Fundamental Rights. Neither can flower and bear fruit without the performance of duties. The asymmetry of one-sided stress on rights will be rectified".

Referring to the criticism that the provision relating to anti-national activities might be used to crush trade unions, the Prime Minister observed:

"We are not against legitimate trade union activities. And in fact, the large majority of workers, industrial workers are with us. But trade union activity should not be used by a few as a cover for violence, disruption and sabotage".

In regard to the demand for deletion of the property, clause, she said that it had not been touched so as not to create misunderstanding among those who have little property.

Commending the Bill to the House, she said:

“.....It is, earnestly believe, a vital step in curing our political system of some of the ills to which it is subject. I think it will add to the country's strength and capability to fulfil our national objectives and realise a few more of the hopes of our people.....”

Replying to the general discussion on October 28, 1976, Shri Gokhale recalled that a warning given at the time of the framing of the Constitution by Jawaharlal Nehru that no judge or Supreme Court could function as a third Chamber fell on deaf ears. Time and again an atmosphere of confrontation was sought to be created by those very Judges whose duty it was to see that it did not occur. A lot of confusion was created in the country after the judgments of the Supreme Court in *Kesavanand Bharati* and *Golaknath* cases. It was, therefore, the anxiety of Government to see that such things did not occur again. That was why in the amendment seeking to amend article 368, it had been unequivocally stated that the Supreme Court would have no jurisdiction, whatsoever to entertain and much less to decide, any question relating to the validity of Constitutional Amendment.

The Minister made it clear that the Government was not doing anything to infringe on the powers of Judges, but they were really trying to save them from the temptation of intruding into powers which did not belong to them.

Dealing with the criticism that the Government had taken away the rights of the judiciary or that it was reduced to a non-entity, Shri Gokhale assured the House that the jurisdiction of the Courts had not been taken away in the matters which really belonged to the sphere of judicial decision. Since fundamental rights were there, the judiciary had still a role to play and that role was to enforce those fundamental rights, if necessary by way of issuing writs.

As regards the pending cases, Shri Gokhale informed the House that a suitable provision had been made to deal with such cases running into lakhs. The courts would dispose of those cases after

considering whether such cases would have been admitted if the amendment was applicable at the time when they were admitted.

Referring to the demand made by some members that there must be some provision for preventing arbitrary exercise of power, Shri Gokhale said that every illegal action was arbitrary. If it was shown that there was violation of law in a provision or that an executive action was bad, challenge was still open before a High Court even after the passage of the amendment.

Dealing with the objection that article 31B was detrimental to the interest of minorities, the Law Minister reiterated the assurance given by the Prime Minister that it was not Government's intention to foist anything on them. The minorities, he urged, should depend more on the wisdom of Parliament and people than on a mere written letter of the law.

Allaying the fears expressed by Members in regard to legitimate trade union activities, Shri Gokhale said that, as stated by the Prime Minister, the genuine, legitimate, legal trade union activities in the performance of their normal functions was not what was intended to be hit at by any definition of anti-national activity.

Dealing with a reference regarding deployment of forces provided for in the new article 257A, the Law Minister pointed out that it was not intended that the attempt would be to encroach upon the normal field of law and order, which was the State field. But in grave cases, where assistance was necessary for the very preservation of India's integrity and so on, a provision like this was absolutely necessary.

Referring to the proposed provision in the Bill that the President would act on the advice of the Council of Ministers, Shri Gokhale stated that this had been the position all along. What was being done now was merely a matter of abundant caution to see that the doubts which were sometimes raised were not raised.

With regard to the right to work, he said that nobody was prevented from working. The Directive Principles were directed in that direction and laws were also being made in that direction and therefore it would create a situation where it might become a reality. The Government desired that as soon as possible every citizen of the country would have employment or, at any rate, most of them would have gainful employment.

Concluding, Shri Gokhale contended that in a country like India “where we have to go step by step further ahead” the present Constitution Amendment Bill could not be regarded as the last word. Nobody was claiming that all difficulties would go. Fresh difficulties could still arise and those would also have to be removed.

On the motion for consideration of the Bill being put to vote, the House divided, Ayes 346; Noes 2. The motion was thus adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. Earlier, the amendment for circulation of the Bill for the purpose of eliciting opinion thereon was negatived.

The clause-by-clause consideration of the Bill which commenced on October 28 was completed on November 2, 1976. On the same day the Law Minister moved a motion that the Bill, as amended, be passed.

Winding up the day-long discussion, Shri Gokhale said that in the Constitution Amendment Bill many steps had been taken, which only history would show were very vital and necessary for the progress of the country and the prosperity of the people.

Besides reiterating the supremacy of Parliament in unequivocal terms, Shri Gokhale said that it was for the first time that the Directive Principles were given their rightful place of supremacy over Fundamental Rights and enumerated a set of ten duties for the citizens. And, again, for the first time the Bill provided for making the judiciary function within the limits in which it was expected to function. The other major changes gave a framework within which all the three limbs of democracy, the legislature, the executive and the judiciary should function.

On the motion being put the House divided, Ayes 366; Noes 4. The motion was thus adopted by a majority of the total membership of the House and by a majority of not less than two-third of the Members present and voting. The Bill, as amended, was passed by the requisite majority in accordance with the provisions of article 368 of the Constitution.

*House of the People (Extension of Duration) Amendment Bill, 1976:* The Minister of Law, Justice and Company Affairs, Shri H. R. Gokhale moving a Motion for consideration of the Bill on November 4, 1976 held that the conditions which necessitated the extension

of the House in the previous year still existed. In fact all those elements, which had been using violence and other anti-democratic, disruptive methods were still there. To allow them to surface again would result in putting the clock back both in respect of economic progress and other measures sought to be achieved in the course of emergency. The larger interests of the country, therefore, demanded that going to the polls in such a situation would be harmful. But that did not mean that the Government was shirking from the democratic path of obtaining the verdict of the people. The Government, he added, would be going for elections at the appropriate time.

Replying to a two-day discussion on November 5, 1976, Shri Gokhale observed that the extension was being sought to maintain and protect democracy and there was no idea to give complete go-by to elections. The Government he contended, was committed to the elections through adult franchise as it was one of the features of parliamentary democracy. But in the Government's view the present stability should not be disturbed for the time being.

Shri Gokhale termed as some persons' assessment that people would lose faith in the democratic system, if the elections were repeatedly postponed. On the other hand, he said that the people had shown considerable maturity and even in circumstances involving great stress and strain, they reacted in a correct manner. He had no doubt that the people understood that what was being done was not at all to destroy democracy. If the situation stabilized, there was nothing in the law to prevent the holding of elections earlier. The Prime Minister had always shown a great sense of timing and if she was convinced sometime later that all the difficulties had gone or at any rate, were not so much as to distract the Government from going to the polls, she might take that decision.

On the motion being put the House divided, Ayes 180; Noes 34. The motion was accordingly adopted and the Bill was passed.

## B. DISCUSSIONS

*Flood and Drought Situation in the country:* On November 5, 1976, the last day of the session, Shri Ramavatar Shastri and Sardar Swaran Singh Sokhi raised a discussion on the flood and drought situation in the country.

Shri Shastri initiating the discussion said that during the current year as many as 12 States had been affected by severe floods. Besides taking immediate steps to provide work and relief to the people affected by floods, he suggested that a master plan for flood relief should be prepared and implemented by the Centre. Shri Sokhi on the other hand pleaded for evolving a permanent scheme for checking floods and droughts in Bihar and other parts of the country.

Replying to a day-long discussion, which ensued, the Minister of State in the Ministry of Agriculture and Irrigation, Shri Shah Nawaz Khan informed the House that the Chief Ministers at their recent meeting had stated that the drought situation was not so alarming as was made out. Although the crop might not be as good as the last years' bumper crop, the overall condition in the country was satisfactory. The Government, he added, had stopped all imports of foodgrains and it was hoped that a situation would not arise in future necessitating the import of foodgrains.

The floods were one of the most important national problems of the country. The Government had taken up this question in a very serious manner as early as 1954 and since then it had done a considerable amount of work in controlling the floods. Numerous dams had been constructed all over the country which were now yielding rich dividends. The Government were fully aware that there was yet a great deal to be done. Realising fully its magnitude, the Government had already set up the Ganga-flood Control Board, the Brahmaputra Flood Control Board and the National Commission on Floods.

To deal with the problem of drought, as many as 75 drought-prone area projects had been taken in hand. The Centre would provide Rs. 180 crores with a matching grant from the States and loans from the banks. The main effort of the Government in these areas was to provide water and increase the irrigation potential.

## II. RAJYA SABHA

### NINETY-EIGHTH SESSION\*

The Rajya Sabha met for its Ninety-eighth Session on November 3, 1976. On the opening day of the session, Shri Om Mehta, Minis-

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\*Contributed by the Research unit, Rajya Sabha Secretariat.

ter of State in the Ministry of Home Affairs, Department of Personnel and Administrative Reforms and Department of Parliamentary Affairs, moved a motion, the object of which was to make the Session a special one to transact Government business only for the consideration of the Constitution (Forty-fourth Amendment) Bill, 1976.

The motion was adopted and accordingly the House transacted only Government business during the Session.

#### A. LEGISLATIVE BUSINESS

*The Constitution (Forty-fourth Amendment) Bill, 1976:* The historic Constitution (Forty-fourth Amendment) Bill, 1976,<sup>1</sup> which had already been passed by the Lok Sabha at its sitting held on November 2, 1976, was taken up in the Rajya Sabha on November 4, 1976. Moving the motion for consideration of the Bill, Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs, said that by and large there had been a general acceptance in the country of the changes which were proposed to be made in the Constitution by the Bill. Parliament was now putting beyond any doubt that it was the supreme authority to amend any or all the provisions of the Constitution. A new clause had been added in the Bill saying that on no ground whatsoever the Parliament's right to make an amendment to the Constitution could be the subject-matter of any issue before a court of law.

The Minister added that because of the very nature of the Directive Principles contained in Part IV of the Constitution, they were not enforceable and whenever a legislation was undertaken and passed by Parliament to give effect to them the courts would say that they were not enforceable and, therefore, the legislation was not good. This situation required to be set right, because the fundamental rights should not supersede the Directive Principles; rather the Directive Principles should supersede the fundamental rights. As such a provision was proposed in the amending Bill for giving a place of primacy to the Directive Principles over the fundamental rights. This would open out possibilities of undertaking legislation without any legal difficulty to give effect to the Directive Principles of the Constitution.

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<sup>1</sup>The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on November 3, 1976. ....



The Minister further said that one more chapter was being added which was entirely a new provision in the Constitution. This was the Chapter relating to the fundamental duties of a citizen. Everyone had been thinking that all along the emphasis had been only on the rights of an individual. The most important part of any political system, where the duties should have the same significance, was ignored. Therefore, the proposed new Chapter enumerated a list of ten duties, which contained the fundamental duties of the citizens and which, though not for the time being proposed to be made enforceable by penalties, were as fundamental as any other provision of the Constitution.

There had been criticism that the proposed amendments relating to the judiciary had been brought forward with a view to denigrate the judiciary; and that the judiciary would not have any important role to play after these amendments were passed. This was a motivated criticism. The courts would no doubt continue to interpret the Constitution but would not be permitted to invent theories to put into the plain clauses of the Constitution a meaning which was not intended. It was not therefore, correct to say that the powers of the courts had been taken away, or the citizen had been left with no remedy to seek redress of the injustice done to him.

Intervening in the debate on November, 1976, the Prime Minister, Shrimati Indira Gandhi observed:

“What we are trying to do is quite simple. The objective of this Bill is the rejuvenation of the nation and the Constitution. We are bringing into sharp focus the intentions of our founding fathers. We are re-establishing harmony between the legislature, the executive and the judiciary as originally provided in the Constitution. We are removing cobwebs created by some recent attempts of the judiciary to encroach into political and legislative spheres. We are re-asserting the sovereignty of the people and pointing out that everything else, including the Constitution, is for the people. We are trying to end once for all some needless controversies which stood in the way of quicker progress. We are clarifying again beyond any doubt the sovereign constituent power of Parliament when it is amending the Constitution.

There is nothing radical or new in the amendments. Whatever appears as new is a clearer expression of the urges which moved the nation before and after independence and which guided the founding fathers. But, as I said, we are for the sovereignty of Parliament. But the

sovereignty of Parliament is dependent on the people of India. Parliament itself is a creature of the Indian people. Therefore, what we are really trying to do is to strengthen the Indian people, to make their views clear and to solve their problems."

Replying to debate on the Bill during the consideration stage which went on from November 4 to 9, 1976 Shri Gokhale said that it was not correct to say that Parliament was not competent to amend the Constitution. Ultimately, the people in a democracy were supreme and it was the people who vested their sovereignty in Parliament by electing their own representatives to the two Houses. Even from the point of view of a legalistic argument, the Supreme Court had held that legal sovereignty rested with Parliament.

The Minister also sought to allay the apprehension that the clause dealing with anti-national activities might be misused by the future governments. The surest guarantee against any misuse was not what was said in a certain clause but in the awareness and the consciousness of the people and the pressure which they would exercise, as they did in all democracies, to see that any written provisions of the Constitution, or, for that matter any law, was not misused.

The Minister reiterated that the powers of the Courts had not been taken away. It was not right to say that the courts had no function left to perform. In fact, the major function which really ought to be with the courts was still left to be performed by them. They could enforce the fundamental rights and they could certainly say that a certain Act either of the legislature or of the executive was in contravention of any provisions of the Constitution. They had the power to set aside any executive act if it was illegal.

The motion for consideration of the Bill was adopted on November 9, 1976. Thereafter, the House took up clause-by-clause consideration of the Bill which was concluded on November 10, 1976. The motion that the Bill be passed was moved on November 11, 1976 and was adopted on the same day. All the stages of the Bill were carried through in accordance with the procedure laid down in article 368 of the Constitution.

*House of the People (Extension of Duration) Amendment Bill, 1976:* On November 12, 1976, Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs, moving the motion for consideration of the Bill,<sup>2</sup> said that the previous year a Bill similar to the present one was passed for extending the period of the Lok Sabha for one year and that extended period of the Lok Sabha would come to an end in March next year. Last year, the extension had become necessary because some elements in the country had created an atmosphere in which they wanted to disrupt the democratic functioning in the country.

As the situation had not qualitatively changed so far as the attempts of the elements of disruption and their methods were concerned, it was considered necessary to postpone the elections for the present. Hence the present Bill.

The motion for consideration of the Bill was adopted and the Bill was passed by the Rajya Sabha on the same day.

#### B. DISCUSSIONS

*Expulsion of Member from the House:* On November 15, 1976, Shri Kamalapati Tripathi, Leader of the House, moved the following motion:—

“This House, having considered the report of the Committee appointed in pursuance of the Motion adopted by it at its sitting held on September 2, 1976, to investigate the conduct and activities of Shri Subramanian Swamy, Member, Rajya Sabha, accepts the findings of the Committee that the conduct of Shri Swamy is derogatory to the dignity of the House and its members, and inconsistent with the standards which the House expects from its members and resolves that Shri Subramanian Swamy be expelled from the House.”

Speaking on the motion, the Leader of the House said that it was for the first time in the life of the House that a motion of this nature had to be brought. A Committee had been appointed to investigate the conduct and activities of Shri Subramanian Swamy, a Member of the House. The Committee had submitted its report which was before the House. It was expected of every hon. Member of this House, to uphold the dignity, prestige and honour of the

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<sup>2</sup>The Bill, as passed by the Lok Sabha, was laid on the Table of the Rajya Sabha on November 5, 1976.

House and the country. But unfortunately, the conduct of Shri Swamy had been derogatory to the dignity of the House and its members and inconsistent with the standards which the House expected of its Members. He had been a party to the conspiracy that was being carried on in the country and outside. In spite of the fact, that he was given sufficient opportunities, he failed to appear before the Committee to clarify his position and defend himself. Therefore, the Committee, in their wisdom, had taken a decision which should be accepted by the House and Shri Swamy should be expelled from the House.

After some discussion the motion was adopted by the Rajya Sabha on the same day.

### C. OBITUARY REFERENCE

The Chairman made reference to the passing away of Shri Surendra Mohan Ghosh, an ex-Member. The House observed a minute's silence as a mark of respect to the memory of the deceased.

## III. STATE LEGISLATURES\*

### BIHAR

*Setting up of a Committee to enquiry into charges against Officers:* In the Legislative Council on July 14, 1976, Shri Jagnarayan Pathak called the attention of the Government towards the actions of some of the officers of the Central Bank, Daltonganj against whom there were proved charges. After the Minister in charge of the Co-operative Department, Shri Mohammed Hussain Azad had replied to the call attention and to the clarifications sought by the members, the Deputy Chairman on a request made by a member and feeling the sense of the House constituted a Committee for the purpose.

### ORISSA

*Committee on the Welfare of Scheduled Castes and Scheduled Tribes:* During the September 1976 session of the Legislative

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\*Prepared by the Research and Information Division of LARRDIS, Lok Sabha Secretariat, on the basis of material received from the State Legislature Secretariates.

Assembly, a Committee on the Welfare of Scheduled Castes and Scheduled Tribes consisting of 9 members was constituted on a Government motion in that regard. There was no such Committee in the Orissa Assembly earlier.

#### PUNJAB

*National Calamities Relief Fund:* On September 9, the Vidhan Sabha unanimously adopted a resolution seeking to create a special fund known as "National Calamities Relief Fund" by levying a special cess for giving help to the people of the State affected by the National calamities like hailstorms, fire, cyclone, heavy rains, floods etc. as the State Government's finances were insufficient to provide necessary relief to them. Certain rules of procedure of the House were suspended on a motion adopted by the House on that day.

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## BOOK REVIEWS

**THE GOOD PARLIAMENT.** By George Holmes, Clarendon Press: Oxford 1975, 206 pages.

To any historian of parliamentary institutions, the evolution of the British Parliament affords the most fascinating study. It has been so aptly said that the British have a sense of history. Their chroniclers of events and episodes, affairs and aftermaths, and the more absorbing traits and torments of individual personalities who play crucial roles in moulding institutions, are all notable for a rare passion for minute details and precise data.

To a modern student outside Britain, the title of the book under review, *The Good Parliament*, may convey no more than the impression that it is an essay on the good role of Parliament, its grandeur, and its undisputed position as the most authentic instrument of democratic power. But this, again, is 'British': their way of description. For, British Parliamentary history records not only of a "Good Parliament", but also of a so-called "Mad Parliament" which on June 11, 1258, "drew up the Provisions of Oxford, a determined assault upon regal tyranny, calling for observance of the Charters of Liberties, the regular summoning of Parliaments, and reserving to Parliament the right of appointing the justiciar, chancellor and treasurer"<sup>1</sup>. We are, of course, familiar with the "Long Parliament" summoned by Charles I, which met on November 3, 1640, and after a series of vicissitudes finally dissolved on March 16, 1660. During its long and tortuous course of 20 years, it underwent many changes. It took up arms against the King in

<sup>1</sup>Norman Welding and Philip Laundy *An Encyclopaedia of Parliament*, 4th edition p. 523.

1642; it abolished both the monarchy and the House of Lords in 1649. Four years later, in 1653, it was expelled by Cromwell; and recalled and expelled again in 1659 before it was restored for the last time and finally dissolved in 1660. This, it is said, was possibly the most historic assembly even to have set at Westminster. British history also mentions of a "Red Parliament", a Scottish Parliament which met at Perth in 1606, so called because by order of King James VI, the nobles appeared in scarlet robes!

Mr. George Holmes, the author of *Good Parliament*, opens his book with the reassuring observation: "The sources of information about the *Good Parliament* of 1376 are better than those which survive for any other English Parliament in the Middle Ages and possibly superior to the sources for any comparable political episode in mediaeval England." The story unfolded in this book in all its details—some incisive and some sordid—gives an account of a concerted attack on the Court of Edward III by the Commons led by Sir Peter de la Mare, who, it could perhaps be appropriately said, was the first Speaker of the Commons<sup>2</sup>. The Commons had been asked as usual to make a grant of taxation for the King's wars and then sent away to deliberate apart from the Lords. When they were debating on their own, the view which emerged was that the King would not have needed more money if he had not been badly and traitorously advised. The Good Parliament was significant as a measure of the extent to which Parliament could exert power in correcting abuses and dealing with corrupt elements, however influential they might be. It is also from this Parliament that we see the first recorded instance of impeachment by the Commons.

The proceedings of the "Good Parliament" were "essentially an indictment of the court and the courtiers for squandering the King's money and surrendering his conquests". Mr. Holmes further tells us: "There is no 'secret history' of the English court; that is why the glimpses offered by the Good Parliament proceedings are so fascinating and tantalizing." The book contains a vast store of information on the subject and should readily find a place in the libraries of all Parliaments.

P. N. KRISHNA MANI

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<sup>2</sup>The first person to be designated as such was, however, Sir Thomas Hungerford Jan.—Mar. 1377.

ROYAL COMMISSIONS & DEPARTMENTAL COMMITTEES IN BRITAIN.  
By T. J. Cartwright, London, Hodder and Stoughton, pages 281,  
Price £7.70.

It is a scholarly work written by an author who undoubtedly has made a thorough, painstaking and meticulous study of the subject. It is a subject in which not everybody would be interested and it is to the author's credit that he has come out with such a highly interesting and readable study.

Royal Commissions and Departmental Committees represent one of the oldest and most numerous of all the institutions of Government in Britain. They enjoy a remarkable degree of flexibility for adaptiveness to a wide range of situations, besides being a channel for participation of private individuals and interest groups in the making of policy.

What, according to the author, motivated him to write this book was that the existing literature was out-of-date, some frankly 'partisan', and above all, there was a dearth of a single comprehensive study of the subject.

In the second chapter, having examined the uniqueness of Royal Commissions and Departmental Committees, as distinct from other kinds of committees, the author points out the difference between Royal Commissions and Departmental Committees in Britain. The former are appointed by the Crown and the latter by the Ministers. With the evolution of the British Constitution, however, the Crown has completely surrendered its prerogative in this respect to the Home Secretary, with the result that the distinction between the two has been rendered obsolete. The Royal warrant of appointment for a Royal Commission is now prepared by the Home Secretary for the signature of the Crown.

We are given to understand that there are no hard and fast rules as to when a Royal Commission or a Departmental Committee should be appointed or what should be the relative number of each. But one advantage of Royal Commissions is that they enjoy a more secure constitutional position than the Departmental Committees. The former tend to be 'bigger, more expensive and more publicised' than are Departmental Committees.

In the Chapter that follows, the author gives a 'historical perspective' of the Royal Commissions and Departmental Committees.



It is interesting to note the origin of Royal Commissions traced as far back as the eleventh century, to the days of William I. There seems to have been a gradual decline in their number with the emerging popularity of Departmental Committees, a fact proved by statistics for twenty-five years—from 1945 to 1969—which the author has painstakingly collected. National, political and economic conditions would seem to have accounted for this.

The next eight chapters (4 to 11), which form the central part of the study, present a detailed analysis of some 358 of the more important Committees appointed between 1945 to 1969. These eight chapters explain the appointment of these bodies, their memberships, their terms of reference, their procedures, their methods of gathering information (*e.g.* through evidence and research), and finally the last act of the Committee, *viz.* preparation of Report which contains the practical results of the Committee's labours.

The author sums up his conclusions in the 12th Chapter of the book as under:

Royal Commissions and Departmental Committees have been a constant feature of Government of Britain. In the quarter century since 1945 there have been on an average 16 Royal Commissions and Department Committees in existence every year. About 600 new committees were appointed during the same period. This speaks for the popularity of the Royal Commissions/Departmental Committees in Britain. Some peculiar features of these Commissions are:

- (i) There is still doubt about their accountability to Parliament, their powers of subpoena and their status following a change of government. Ministers are clearly not accountable to Parliament for their activities in the same way as they are for the activities of their own departments and civil servants.
- (ii) As regards the question of the power to compel the attendance of witnesses and the production of papers, Royal Commissions are invariably granted just such powers in their warrants of appointment. However, these warrants and the powers being conferred by the Crown and not by Parliament, it is very doubtful that the Courts would enforce them if called upon to do so.
- (iii) Regarding the status of a Commission/Committee following a change of government, the Royal Commission

is nominally appointed by the Crown and so is not affected by the change in Government. But in the case of a Departmental Committee, a defeat or departure of the Government which appointed it *ipso facto* means the termination of the Committee's mandate.

The setting up of the Royal Commissions and Departmental Committees has not been without its critics, who have been pointing to some of the common abuses connected with them. Critics maintain that such committees are primarily appointed for political rather than substantial reasons, which is an abuse of these institutions. It is held by them that the appointment of these committees is a primary evidence of a failure to govern. Parliament and the Civil service possess or ought to possess, according to them, whatever expertise is necessary for governing the country. According to these critics, when the Government finds itself extremely hard put to it to distract the attention of the public from the fundamental ills for which the public expects remedy from the Government and for which the Government is helpless to find a remedy, it promotes a dog-fight with the people and one of the methods adopted is the appointment of a Royal Commission or a Departmental Committee.

It is questionable, according to these critics, if the appointment of the Royal Commission and Departmental Committee as a delaying device is really sound tactics. These Committees are bodies over which the Government has relatively little control. Even if these Committees are not 'abused' as substitutes for further action or at least to postpone the need for it, their recommendations are in any case unlikely to have any significant effect on whatever further action is eventually taken.

As compared to the possible misuses of these bodies, there are obviously far outweighing advantages, which have made them so popular with the Government over such a long period. This is largely because they have been found flexible and adaptive to a wide range of situations, and they are *ad-hoc* and advisory in nature. They are made of outsiders unconnected with the Government or civil servants. They are open to public at large. They are 'participatory', research-oriented and advisory in character. They are relatively inexpensive. It is possible to finance a Committee for under £500 and for most of them the cost is well under £5000. Any Department can reasonably hope to find this amount in their budgets.

The author has pointed out that Royal Commissions and Departmental Committees are often criticised for their membership. Normally Departments want to play 'safe' in their choice of people to be nominated on a Committee. It comes as an anticlimax when he remarks that 'examination of the facts shows that most of the Chairmen and all but a few of the members of the major post-war committees were novices and remarkably few of the others had served on more than two or three committees each.....' In this context the author has quoted an observation from a German source:

The statesman who nominates the Commission can almost always determine the course that it is going to take, since he will have a pretty good knowledge beforehand of the minds of the experts whom he put on it, while, of course avoiding any appearance of picking his team.

But if a Government wants an impartial, expert or representative committee, it must see to the quality and kind of chairman and members who are appointed to serve on the Committee and to their status, position and personality which indirectly help them exert influence.

As the title of the book suggests, the author has confined the scope of his study to Britain only. As he must be well aware, the basic principles enshrined in the British parliamentary system have been adopted by many other democratic countries, including India. The committee system has been found extremely useful by all such countries because, being a small and compact body, a committee is conducive to harmonious and efficient working. Had the author added an additional chapter dealing with Committee system embodying the experience in this field of other parliamentary democracies, specially the Commonwealth countries, he would have enhanced the value of his work.

—K. N. KRISHNAN

INTERVENTION AND THE PROBLEM OF ITS CONTROL IN THE 20TH CENTURY. By Radharaman Chakrabarti. Sterling Publishers, New Delhi, 1974, 243 pages. Price Rs. 40.

The problems relating to intervention have been recurrent through human history. As we know, even the Greek City states and the Roman empire were very well familiar with them. Almost

right from the beginning the community of nations has been groping for answers to many of the intractable issues which intervention has been and is, raising. Of all the issues, the question as to under what circumstances a state (or states) is permitted to intervene in the internal and external affairs of another state—for instance, whether a state is entitled to intervene for the purpose of compelling a change in the internal political affairs of another state in the interest of law and order either at the international level or for its own internal peace and security—is an extremely ticklish question to answer.

Radharaman Chakrabarti's book attempts to study "the problem of intervention in the context of the contemporary demand for its international control." It begins by presenting a brief survey of the evolving public attitude towards intervention as an instrument of state policy. It presents a bird's eye-view of the subject starting with Grotius and brings it up to the Charter of the United Nations.

Understandably, a major part of the book is devoted to a few case studies on the subject. The author has chosen to deal with the following three types of cases.

- (a) *Collective non-intervention*: Here the case of the Spanish Civil War which took place in the late 1930s is discussed. The author poses a question whether the Spanish experiment could be of any assistance to the future scheme for the control of intervention. His answer is that "enforcement of non-intervention should be considered as part of that arrangement which authorises the community of nations to apply collective force against all violations of the rules of international behaviour that may jeopardize peace".
- (b) *Preventive Intervention*: In this category the author concentrates on the United Nations operations in the Congo which remains the most dramatic and controversial enterprise ever undertaken by the world organisation. After some discussion the author concludes that such intervention should not be considered "too-bleak". Without going into the details, one may raise the question of the uniqueness of the Congo situation and whether it is likely to be repeated else-where.
- (c) *Super-power Intervention*: Cases of Hungary (1956), Czechoslovakia (1968) and Vietnam (1954—68) are ana-

lysed. The weakness of any collective effort by the community of nations is best exposed in such situations. On account of an overwhelming power which the Super powers enjoy, the other nations find themselves almost totally important to do anything effective howsoever strong their feelings against such intervention are.

In the concluding chapter the author claims to have discussed alternatives to interventions. If one goes through this brief discussion, one finds that the title of the chapter is misleading. Really what he attempts to discuss is the situation as it obtains within the international system which makes the task of collective intervention of various types very difficult.

The book is written within the traditional legal framework of international relations and as such heavily relies on the literature produced by the western scholars. It does not, however, take into account the new forms of intervention—political, economic, ideological, cultural and others—which have been characteristic of the role of the developed countries in the affairs of the developing ones. The traditional norms of international law have to respond to the new situation and restructure its framework accordingly. Otherwise, they will be rendered irrelevant.

Notwithstanding this weakness, the author has treated the subject with ability, clarity and neatness. His book deserves the attention of all those who are interested in understanding the problems arising out of intervention.

—DR. K. P. MISRA

PARLIAMENTS OF THE WORLD: A Reference Compendium. Edited by Inter-Parliamentary Union. The Macmillan Press Ltd., London, 1976. Price £30.00 net.

Is the Jordanian Parliament bicameral or unicameral? By what name is the popular Chamber of the Norwegian Parliament known? What is the electoral system followed in Belgium? In what Legislatures do Members speak from a rostrum instead of from their places? Can anyone other than a Member of the Government or and in which Parliament?—answers to these and many other questions relating to the structure, organisation or working of the legislative institution in most of the major countries one can hope longing to different political systems spread over such a wide to find at a quick glance in Inter-Parliamentary Union's latest publication *Parliaments of the World*, which has been appropriately titled *A Reference Compendium*.

The present work is not a mere enlarged or updated version of IPU's earlier study *Parliaments*, first published in 1961 and the second edition of which appeared in 1966, but rather a development from it, the current work being in conception and design, a different kind of effort altogether. The scheme adopted here is simple: a series of tables—some 70 of them, each introduced by a brief narrative of a few pages. Each table presents in a comparative form at information on some specific point or aspect relating to the organisation or working of the parliamentary institution in 56 countries. A wealth of information concerning individual Parliaments is presented here precisely and in depth enabling the reader to view his own country's legislature in a cross-national perspective. The narrative preceding the table does no more than attempt an objective analysis of the factual data presented in the table. Here no hypothesis is advanced, no argument developed, no thesis sought to be proved. Wisely so, one should think, since any attempt at an evaluative comparison of features of legislative institutions be-canvas is likely to suffer from either over-simplification or unconscious bias.

The material presented in the volume is in six parts, dealing successively with the composition of Parliament; its organisation and operation; the legislative function; powers over finance; control of the executive; and its other functions. The structure and composition of Parliament, the details of the electoral arrangements, occupations and professions incompatible with parliamentary mem-

bership, parliamentary immunities and offences against Parliament, and remuneration, facilities and services for members of Parliament are covered in Part 1. Part 2 relating to the organisation and operation of Parliament deals with such matters as the features of the Chamber, sessions of Parliament, the Directing Authority (i.e. the Presiding Officer), the Parliament Secretariat, order of business and debate in the House, methods of voting, quorum, parliamentary committees, means of information to Parliament, Parliament and the Press, and broadcasting of proceedings. The succeeding Part, in which the whole of the legislative process is covered, notices the various steps in the process, including extra-parliamentary consultations on legislation, the role of Committees, delegated legislation and constitutional validity of laws; while in Part 4 the budgetary system is examined.

The role of Parliament in appointing the Executive, executive accountability to Parliament, the various procedural means by which the control of the Government is exercised by Parliament, parliamentary control over public expenditure, over public undertaking and foreign affairs and the Ombudsman and other supervisory institutional arrangements are considered in the important penultimate part on the control of the Executive by Parliament. The concluding part deals with the judicial and other functions of Parliament.

The International Centre for Parliamentary Documentation, an organ of the Inter-Parliamentary Union which has been responsible for this work, has gone to great lengths in ensuring authenticity for the work, which is what enhances its value as a reference volume. Gathering its basic data through an elaborate, widely-circulated questionnaire, the Centre had prepared a draft study which was also circulated for verification and comments by individual Parliaments. The draft text, together with the comments and amendments received, came under the critical scrutiny of the Consultative Committee of Experts—which, incidentally, has on it Shri S. L. Shakhder, Secretary-General of Lok Sabha—before the final text emerged.

The work assembles much valuable basic data on a large number of parliamentary institutions in the contemporary world, which can be the starting point of further work in cross-country legislative studies. It is a major effort, for the successful completion of which the International Centre for Parliamentary Documentation and all those associated with it can take legitimate pride.

—S. RANGASWAMY

## RECENT LITERATURE OF PARLIAMENTARY INTEREST

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## APPENDIX I

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE EIGHTEENTH SESSION OF THE FIFTH LOK SABHA

1.	Period of the Session—October 25 to November 5, 1976	
2.	Number of meetings held . . . . .	11
3.	Total number of sitting hours—84 hours and 55 minutes	
4.	Number of divisions held . . . . .	39
5.	<i>Governments Bills :</i>	
(i)	Pending at the commencement of the Session . . . . .	12
(ii)	Introduced . . . . .	7
(iii)	Laid on the Table as passed by Rajya Sabha . . . . .	1
(iv)	Returned by Rajya Sabha with any amendment/recommendation and laid on the Table . . . . .	NIL
(v)	Referred to Select Committee . . . . .	NIL
(vi)	Referred to Joint Committee . . . . .	NIL
(vii)	Reported by Select Committee . . . . .	NIL
(viii)	Reported by Joint Committee . . . . .	NIL
(ix)	Discussed . . . . .	8
(x)	Passed . . . . .	8
(xi)	Withdrawn . . . . .	NIL
(xii)	Negatived . . . . .	NIL
(xiii)	Part-discussed . . . . .	NIL
(xiv)	Discussion postponed . . . . .	NIL
(xv)	Returned by Rajya Sabha without any recommendation . . . . .	5
(xvi)	Motion for concurrence to refer the Bill to Joint Committee adopted . . . . .	NIL
(xvii)	Removed from the Register of Pending Bills . . . . .	1
(xviii)	Pending at the end of the Session . . . . .	11
6.	<i>Private Members' Bills :</i>	
(i)	Pending at the commencement of the Session	186

(ii) Introduced	}	NIL	
(iii) Laid on the Table as passed by Rajya Sabha			
(iv) Returned by Rajya Sabha with any amendment and laid on the Table			
(v) Reported by Select Committee			
(vi) Discussed			
(vii) Passed			
(viii) Withdrawn			
(ix) Negatived			
(x) Circulated for eliciting opinion			
(xi) Part-discussed			
(xii) Discussion postponed			
(xiii) Motion for circulation of Bill negatived			
(xiv) Referred to Select Committee			
(xv) Removed from the Register of Pending Bills			
(xvi) Pending at the end of the Session			86

7. Number of Discussions held under Rule 193 :

(Matters of Urgent Public Importance)

(i) Notices received	24
(ii) Admitted	2
(iii) Discussion held	2

8. Number of Statements made under Rule 197 :

(Calling-attention to matters of urgent public importance)

Statements made by Ministers	1
------------------------------	---

9. Half-an-hour discussions held—

NIL

10. Statutory Resolutions :

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

11. *Government Resolutions :*

(i) Notices received	. . . . .	1
(ii) Admitted	. . . . .	1
(iii) Moved	. . . . .	
(iv) Adopted	. . . . .	

12. *Private Members' Resolutions :*

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

13. *Government Motions :*

(i) Notices received	. . . . .	2
(ii) Admitted	. . . . .	2
(iii) Moved	. . . . .	1
(iv) Adopted	. . . . .	1
(v) Discussed	. . . . .	1

14. *Private Members' Motions :*

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

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

(i) Received	. . . . .	} NIL
(ii) Admitted	. . . . .	

(iii) Moved	. . . . .	}	NIL
(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 issued during the session			4827
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued	. . . . .		855 on 3-11-76
19. <i>Number of Adjournment Motions :</i>			
(i) Brought before the House	. . . . .	}	NIL
(ii) Admitted and discussed	. . . . .		
(iii) Barred in view of adjournment Motion admitted on the subject	. . . . .		
(iv) Consent withheld by Speaker outside the House	. . . . .		
(v) Consent given by Speaker but leave not granted by House	. . . . .		
20. <i>Total Number of Questions Admitted :</i>			
(i) Starred	. . . . .	}	NIL
(ii) Unstarred (including Starred Questions converted as Unstarred Questions)	. . . . .		
(iii) Short-notice Questions	. . . . .		

21. Working of Parliamentary Committees

Name of Committee		No. of meetings held during the period 1-8-76 to 30-10-76	No. of Reports presented during the Session.
1	2	3	4
(i)	Business Advisory Committee	4	1
(ii)	Committee on Absence of Members	2	1
(iii)	Committee on Public Undertakings	22	..

1	2	3	4:
(iv)	Committee on Papers laid on the Table	3	1
(v)	Committee on Petitions	6	2
(vi)	Committee on Private Members Bills & Resolutions		2
(vii)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	7	3
(viii)	Committee on Privileges	2	3
(ix)	Committee on Government Assurances	5	2
(x)	Committee on Subordinate Legislation	7	..
(xi)	Estimates Committee	11	..
(xii)	General Purposes Committee	1	..
(xiii)	House Committee <sup>1</sup>	2	..
(xiv)	Public Accounts Committee <sup>2</sup>	22	9
(xv)	Railway Convention Committee	8	..
(xvi)	Study Committee on Sports <sup>3</sup>	2	..
	<i>Joint/Select Committees</i>		
(i)	Joint Committee on Offices of Profit	4	1
(ii)	Joint Committee on the Constitution (Thirty-second Amendment Bill, 1973)	3	..
22.	Number of Members granted leave of absence		2
23.	Petitions presented	..	..
24.	Name of new Members sworn with dates and Constituencies		Nil

<sup>1</sup>. The Accommodation Sub-Committee and the Joint Committee of Chairmen of the House Committees of both Houses also held one sitting each.

<sup>2</sup>. The Working Groups and the Action Taken Sub-Committee held 8 and 2 sittings each.

<sup>3</sup>. Study Group I, II and III of the Committee held 2, 3 and 2 sittings each.

## APPENDIX II

### STATEMENT SHOWING THE WORK TRANSACTED DURING THE NINETY-EIGHTH SESSION OF RAJYA SABHA

1. Period of the Session . . . . .	November 3 to 15, 1976	
2. Number of meetings held . . . . .		9
3. Total Number of sitting hours . . . . .	64 hrs. 29 mts. (excluding lunch break)	
4. Number of divisions held . . . . .		13
<b>5. Government Bills</b>		
(i) Pending at the commencement of the Session . . . . .		9
(ii) Introduced . . . . .		..
(iii) Laid on the Table as passed by Lok Sabha . . . . .		8
(iv) Returned by Lok Sabha with any amendment . . . . .		..
(v) Referred to Select Committee by Rajya Sabha [ . . . . .		..
(vi) Referred to Joint Committee by Rajya Sabha . . . . .		..
(vii) Reported by Select Committee . . . . .		..
(viii) Reported by Joint Committee . . . . .		..
(ix) Discussed . . . . .		8
(x) Passed . . . . .		8
(xi) Withdrawn . . . . .		1
(xii) Negatived . . . . .		..
(xiii) Part-Discussed . . . . .		..
(xiv) Returned by Rajya Sabha without any recommendation . . . . .		5
(xv) Discussion postponed [ . . . . .		..
(xvi) Pending at the end of the Session [ . . . . .		8
<b>6. Private Members' Bills</b>		
(i) Pending at the commencement of the Session . . . . .		45
(ii) Introduced . . . . .		..
(iii) Laid on the Table as passed by Lok Sabha . . . . .		..

(iv)	Returned by Lok Sabha with any amendment and laid on the Table	..
(v)	Reported by Joint Committee	..
(vi)	Discussed	..
(vii)	Withdrawn	..
(viii)	Passed	..
(ix)	Negated	..
(x)	Circulated for eliciting opinion	..
(xi)	Part-discussed	..
(xii)	Discussion postponed	..
(xiii)	Motion for circulation of Bill negated	..
(xiv)	Referred to Select Committee	..
(xv)	Pending at the end of the Session	45

7. Number of Discussions held under rule 176.

(Matters of Urgent Public importance)

(i)	Notices received	}	NIL
(ii)	Admitted		
(iii)	Discussion held		

8. Number of Statements made under Rule 180.

(Calling-attention to matter of urgent public importance)

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

10. Statutory Resolutions.

(i)	Notices received	}	NIL
(ii)	Admitted		
(iii)	Moved		
(iv)	Adopted		
(v)	Negated		
(vi)	Withdrawn		

11. Government Resolutions :

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



12. *Private Members' Resolutions :*

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

13. *Government Motions :*

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

14. *Private Members' Motions :*

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

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 . . . . .	1129
18. Maximum number of Visitors' Passes issued on any single day, and date on which issued . . . . .	156, on November, 11, 1976.
19. <i>Number of Motion for Papers under Rule 175 :</i>	
(i) Brought before the House . . . . .	} NIL
(ii) Admitted and discussed . . . . .	
20. <i>Total Number of Questions Admitted</i>	
(i) Starred . . . . .	} NIL
(ii) Unstarred (including Starred Questions) . . . . .	
(iii) Short-notice Questions . . . . .	
21. Discussion on the Working of the Ministries. . . . .	NIL
22. <i>Working of Parliamentary Committees :</i>	

Name of Committee	No. of meetings held during the period 1st Aug. to 31st Oct, 1976	No. of Reports presented during the session
1	2	3
(i) Public Accounts Committee . . . . .	..	..
(ii) Committee on Public Undertakings . . . . .	..	..
(iii) Business Advisory Committee . . . . .	1	..
(iv) Committee on Subordinate Legislation . . . . .	6	1
(v) Committee on Petitions . . . . .	7	..
(vi) Committee on the Welfare of Scheduled Castes and Scheduled Tribes . . . . .	..	3
(vii) Committee of Privileges . . . . .	1	..
(viii) Committee on Rules . . . . .	..	..
(ix) Joint Committee on Offices of Profit . . . . .	..	..

1	2	3
(x) Committee on Government Assurances . . . . .	6	..
(xi) General Purposes Committee . . . . .	1	..
(xii) Railway Convention Committee . . . . .	..	..
(xiii) Committee Appointed to investigate conduct and activities of Shri Subramanian Swami . . . . .	3	1
(xiv) Joint Committee of the Houses on the Central and other Societies (Regulation) Bill, 1974 . . . . .	1	1
(xv) Joint Committee on the Adoption of Children Bill, 1972 . . . . .	2	1
23. Number of Members granted leave of absence . . . . .	..	7
24. Petitions presented . . . . .	..	1
25. <i>Number of New Members Sworn with dates</i> 1		

Sr. No.	Name of Member sworn	Date on which sworn
1.	Shri Bhupinder Singh . . . . .	3-11-76

## APPENDIX III

STATEMENT SHOWN: THE ACTIVITIES OF THE STATE LEGISLATURES DURING THE PERIOD JULY 1, TO SEPTEMBER, 30, 1976.

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.A.	17-7-76 to 30-7-76	11	16(15)	—	255(143)(a)	5(87)(h)	44(18)
Arunachal Pradesh L.A.	20-9-76 to 23-9-76	3	2(1)	—	30(26)	29(29)	—
Assam L.A.	1-9-76 to 15-9-76	10	8(8)	—	381(351)	21(20)	30(14)
Bihar L.A.	—	—	—	—	—	—	—
Bihar L.C.	5-7-76 to 31-7-76	21	10(c)	—	1197(1194)	8(85)(d)	427(185)
Gujarat L.A.	—	—	—	—	—	—	—
Haryana L.A.	5-7-76 to 9-7-76	5	22(22)	—	43(33)	29(22)	—
Himachal Pradesh L.A.	27-8-76 to 2-9-76	5	7(11)(e)	—	312(199)	78(116)(f)	2(1)
Jammu & Kashmir L.A.	19-7-76 to 7-8-76	10	5(4)	—	26(19)	—	27(22)
Karnataka L.A.	—	—	—	—	219(170)	39(33)	—
Karnataka L.C.	—	—	—	—	45(43)	20(20)	—
Kerala L.A.	—	—	—	—	—	—	—
Madhya Pradesh L.A.	30-8-76 to 9-9-76	9	25(24)	—	1492(671)	643(444)	16(1)
Meghalaya	7-9-76 to 14-9-76	7	6(6)	—	4(4)	143(142)	5
Nagaland L.A.	—	—	—	—	—	—	—
Punjab L.A.	6-9-76 to 10-9-76	5	14(14)	—	245(108)	44(18)	4(1)
Rajasthan L.A.	—	—	—	—	—	—	—
Sikkim L.A.	—	—	—	—	—	—	—
Tripura L.A.	6-9-76 to 10-9-76	5	3(3)	—	132(46)	94(101)(g)	2(2)







	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Goa, Daman and Diu . . . . .	4	1					4	6			..	1	1	..	2(u)	..
Mizoram L.A. . . . .	3	6	..				4	7		3	..	2I	2I	1	..	..

Notes : — (h) Joint Select Committee on the Andhra Pradesh Education Bill, 1976—6 sittings.

(i) Amenities Committee—4

(j) 24 sittings of the Sub-Committee were also held.

(k) 14 sittings of the Sub-Committee were also held.

(l) Includes one report presented to the Speaker.

(m) 4 sittings of the Sub-Committee were also held.

(n) 11 sittings of the Sub-Committee were also held. 7 reports were presented to the Speaker.

(o) 10 sittings of the Sub-Committee were also held.

(p) Miscellaneous Matters Committee—9.

(q) (i) J & K Forest Corporation Bill, 1976—1 ; and (ii) J & K Wakfs Bill, 1976—1.

(r) (i) Select Committee on Madhya Pradesh Bhu Rajaswa Sanhita (Sanshodhan) Vidheyak, 1975 (No. 17 of 1975)—2, (ii) Select Committee on the Dahej Pratishedh (Madhya Pradesh Sanshodhan) Vidheyak, 1976 (No. 36 of 1976)—1.

(s) Represents 29 sittings of Committee on Welfare of SC and 34 sittings of Committee on Welfare of ST.

(t) Committee on the Absence of Members from the Sittings of the House—2.

(u) The Goa, Daman and Diu Nayaya Panchayat Bill, 1974—2 sittings.



## APPENDIX—IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO THE PRESIDENT  
DURING THE PERIOD AUGUST 1, 1976 TO OCTOBER 31, 1976.

Sl. No.	Title of the Bill	Date of Assent by the President
1.	The Maintenance of Internal Security (Second Amendment) Bill, 1976	25-8-76
2.	The President's Pension (Amendment) Bill, 1976.	25-8-76
3.	The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Bill, 1976	25-8-76
4.	The Contingency Fund of India (Amendment) Bill, 1976	26-8-76
5.	The Antiquities and Art Treasures (Amendment) Bill, 1976	28-8-76
6.	The Appropriation (No. 5) Bill, 1976	28-8-76
7.	The Tamil Nadu Appropriation (No. 3) Bill, 1976	28-8-76
8.	The Pondicherry Appropriation (No. 3) Bill, 1976	28-8-76
9.	The Government of Union Territories (Amendment) Bill, 1976:	31-8-76
10.	The Delhi Agricultural Produce Marketing (Regulation) Bill, 1976	2-9-76
11.	The Representation of the People (Amendment) Bill, 1976	2-9-76
12.	The Indian Iron and Steel Company (Acquisition of Shares) Bill, 1976	2-9-76
13.	The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Second Amendment) Bill, 1976	2-9-76
14.	The Delhi Sales Tax (Amendment and Validation) Bill, 1976	2-9-76
15.	The Essential Commodities (Amendment) Bill, 1976	2-9-76
16.	The Dhooties (additional Excise Duty) Repeal Bill, 1976	4-9-76
17.	The Factories (Amendment) Bill, 1976	4-9-76
18.	The Appropriation (No. 6) Bill, 1976	4-9-76

Sl. No.	Title of the Bill	Date of Assent by the President
19.	The Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Bill, 1976 . . . . .	5-9-76
20.	The Burn Company and Indian Standard Wagon Company (Nationalisation) Bill, 1976 . . . . .	5-9-76
21.	The Laxmirattan and Atherton West Cotton Mills (Taking Over of Management) Bill, 1976 . . . . .	5-9-76
22.	The Constitution (Forty-first Amendment) Bill, 1976 . . . . .	7-9-76
23.	The Labour Provident Fund laws (Amendment) Bill, 1976 . . . . .	7-9-76
24.	The Metal Corporation (Nationalisation and Miscellaneous Provisions) Bill, 1976 . . . . .	7-9-76
25.	The Fifth Schedule to the Constitution (Amendment) Bill, 1976 . . . . .	7-9-76
25.	The Kerala Legislative Assembly (Extension of Duration) Second Amendment Bill, 1976 . . . . .	7-9-76
27.	The Central Sales Tax (Amendment) Bill, 1976. . . . .	7-9-76
28.	The Code of Civil Procedure (Amendment) Bill, 1976. . . . .	9-9-76
29.	The Salaries and Allowances of Members of Parliament (Amendment) Bill, 1976 . . . . .	9-9-76
30.	The Unauthorability (Offences) Amendment and Miscellaneous Provision Bill, 1976 . . . . .	13-9-76
31.	The Advocates (Amendment) Bill, 1976 . . . . .	13-9-76
32.	The Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1976 . . . . .	18-9-76

@ The Bill was introduced in Lok Sabha as "The Constitution (Forty-third Amendment) Bill, 1976". The Short title of the Bill was changed by Lok Sabha through an amendment to Clause I.

## APPENDIX V

### BILLS PASSED BY THE STATE LEGISLATURES DURING THE PERIOD JULY 1 TO SEPTEMBER 30, 1976

#### ANDHRA PRADESH LEGISLATIVE ASSEMBLY

1. The Andhra Pradesh Gram Panchayat (Second Amendment) Bill, 1976.
2. The Andhra Pradesh Panchayat Samitis and Zila Parishads (Second Amendment) Bill, 1976.
3. The Andhra Pradesh State Aid to Industries Bill, 1976.
4. The Andhra Pradesh Gram Panchayats (Third Amendment) Bill, 1976.
5. The Andhra Pradesh University Act (Supplementary) Amendment Bill, 1976.
6. The Andhra Pradesh Agricultural University (Second Amendment) Bill, 1976.
7. The Andhra Pradesh Municipalities (Fourth Amendment) Bill, 1976.
8. The Andhra Pradesh Co-operative Societies (Second Amendment and Validation) Bill, 1976.
9. The Andhra Pradesh University Acts (Amendment) Bill, 1976.
10. The Andhra Pradesh (Krishna and Godavari Delta Area) Drainage Cess (Amendment) Bill, 1976.
11. The Andhra Pradesh State Handloom Weaver's Co-operative Society (Formation) Bill, 1976.
12. The Andhra Pradesh Appropriation (No. 3) Bill, 1976.
13. The Andhra Pradesh General Sales Tax (Second Amendment) Bill, 1976.
14. The Nagarjuna University Bill, 1976.
15. The Kakatiya University Bill, 1976.

#### ASSAM LEGISLATIVE ASSEMBLY

1. The Assam Excise (Amendment) Bill, 1976.
2. The Assam Liquor Prohibition (Amendment) Bill, 1976.

3. The Gauhati Municipal Corporation (Amendment) Bill, 1976.
4. The Assam Contingency Fund (Amendment) Bill, 1976.
5. The Gauhati University (Amendment) Bill, 1976.
6. The Dibrugarh University (Amendment) Bill, 1976.
7. The Assam Fixation of Ceiling on Land Holdings (Amendment) Bill, 1976.
8. The Assam Appropriation (No. III) Bill, 1976.

#### HARYANA LEGISLATIVE ASSEMBLY

1. The Punjab Homoeopathic Practitioners (Haryana Amendment) Bill, 1976.
2. The Haryana Housing Board (Amendment) Bill, 1976.
3. The Kurukshetra University (Amendment) Bill, 1976.
4. The Court Fees (Haryana Amendment) Bill, 1976.
5. The Haryana Salaries and Allowances of Ministers (Amendment) Bill, 1976.
6. The Haryana Legislative Assembly Speaker's and Deputy Speaker's Salaries and Allowances (Amendment) Bill, 1976.
7. The Haryana Legislative Assembly (Allowances of Members) Amendment Bill, 1976.
8. The Haryana Municipal (Second Amendment) Bill, 1976.
9. The Punjab Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Haryana Amendment Bill, 1976.
10. The Punjab Gram Panchayat (Haryana Second Amendment) Bill, 1976.
11. The Punjab Village Common Lands (Regulation) Haryana Amendment Bill, 1976.
12. The Haryana Appropriation (No. 3) Bill, 1976.
13. The Haryana General Sales Tax (Second Amendment) Bill, 1976.
14. The Punjab Co-operative Societies (Haryana Second Amendment) Bill, 1976.
15. The East Punjab Molasses (Control) Haryana Amendment Bill, 1976.
16. The Punjab Khadi and Village Industries Board (Haryana Amendment) Bill, 1976.
17. The Haryana Race-Courses Licensing Bill, 1976.
18. The Punjab Bhudan Yagna (Haryana Amendment) Bill, 1976.

19. The Haryana Veterinary Council Bill, 1976.
  20. The Dowry Prohibition (Haryana Amendment) Bill, 1976.
  21. The Haryana Ceiling on Land Holdings (Second Amendment) Bill, 1976.
  22. The Industrial Disputes (Haryana Amendment) Bill, 1976.
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HIMACHAL PRADESH LEGISLATIVE ASSEMBLY

1. The Himachal Pradesh Panchayati Raj (Amendment) Bill, 1976.
  2. The Himachal Pradesh Housing Board (Amendment) Bill, 1976.
  3. The Code of Criminal Procedure (Himachal Pradesh Amendment) Bill, 1976.
  4. The Himachal Pradesh Taxation (On Certain Goods Carried by Road) Bill, 1976.
  5. The Indian Stamp (Himachal Pradesh Amendment) Bill, 1976.
  6. The Himachal Pradesh Minor Canal Bill, 1976.
  7. The Himachal Pradesh Legislative Assembly (Allowances of Members) (Sixth Amendment) Bill, 1976.
  8. The Himachal Pradesh Security of State Bill, 1976.
  9. The Himachal Pradesh Enumeration of Dwellings Bill, 1975.
  10. The Himachal Pradesh Repealing Bill, 1976.
  11. The Himachal Pradesh Local Authorities Loans (Amendment) Bill, 1976.
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JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY

1. A Bill to amend the J&K General Sales Tax Act, 1962.
  2. A Bill further to amend the J&K Village Panchayat (Extension of Term and Validation) Act, 1975.
  3. A Bill to amend the J&K Town Area Act, Svt. 2011.
  4. A Bill further to amend the J&K Sikh Gurdwara and Endowment Act, 1973.
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MADHYA PRADESH VIDHAN SABHA

1. The Madhya Pradesh Gramin Vikash Kar (Dwitiya Sanshodhan) Vidheyak, 1976.
2. The Madhya Pradesh Industrial Relations (Amendment) Bill, 1976.

3. The Madhya Pradesh Panchayats (Amendment) Bill, 1976.
4. The Madhya Pradesh Samaj Ke Kamjor Vargon Ke Liye Vidhik Sahayata Tatha Vidhik Salah (Sanshodhan) Vidheyak, 1976.
5. The Madhya Pradesh Municipal Laws (Amendment) Bill, 1976.
6. The Madhya Pradesh Krishi Udhār Pravartan Tatha Prakirn Upabandh (Bank Sanshodhan) Vidheyak, 1976.
7. The Madhya Pradesh Mantri (Vetan Tatha Bhatta) Sanshodhan Vidheyak, 1976.
8. The Madhya Pradesh Krishi Upaj, Mandi (Sanshodhan) Vidheyak, 1976.
9. The Madhya Pradesh Municipal Laws (Second Amendment) Bill, 1976.
10. The Madhya Pradesh Nagariya Sthavar Sampathi Kar (Sanshodhan) Vidheyak, 1976.
11. The Madhya Pradesh Sthaniya Kshetra Me Mal Ke Prevesh Par Kar Vidheyak, 1976.
12. The Madhya Pradesh General Sales Tax (Second Amendment) Bill, 1976.
13. The Public Gambling (Madhya Pradesh Amendment) Bill, 1976.
14. The Madhya Pradesh Irrigation (Amendment) Bill, 1976.
15. The Madhya Pradesh Appropriation (No. 4) Bill, 1976.
16. The Madhya Pradesh Appropriation (No. 5) Bill, 1976.
17. The Madhya Pradesh Nirashriton Ki Sahayata (Sanshodhan) Vidheyak, 1976.
18. The Madhya Pradesh Cooperative Societies (Second Amendment) Bill, 1976.
19. The Madhya Pradesh Gramin Rin Vimukti Tatha Rin Sthagan (Dwitiya Sanshodhan) Vidheyak, 1976.
20. The Madhya Pradesh Gramin Rin Vimukti Tatha Rin Sthagan (Tritiya Sanshodhan) Vidheyak, 1976.
- \*21. The Madhya Pradesh Ceiling on Agricultural Holdings (Second Amendment) Bill, 1976.
22. The Madhya Pradesh Adhyaksha Tatha Upadhyaksha (Vetan Tatha Bhatta) Sanshodhan Vidheyak, 1976.
- \*23. The Madhya Pradesh Samaj Ke Kamjor Vargon Ke Krishi Bhum Dharkaon Ko Udhār Dene Vaton Ke Khumi Hadapne Sambandhi Kuchakron Se Paritran Tatha Mukti Vidheyak, 1976.
24. The Madhya Pradesh Land Revenue Code (Third Amendment) Bill, 1976.

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\*Bills awaiting assent.

MEGHALAYA LEGISLATIVE ASSEMBLY

1. The Meghalaya Tree (Preservation) Bill, 1976.
2. The Meghalaya Intoxicating of Liquor (Prohibition of Publication of Advertisement) Bill, 1976.
3. The Meghalaya Amusement and Betting Tax (Amendment) Bill, 1976
4. The Meghalaya Transfer of Land (Regulation) (Amendment) Bill, 1976.
5. The Meghalaya Appropriation (No. III) Bill, 1976.
6. The Meghalaya Appropriation (No. IV) Bill, 1976.

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PUNJAB VIDHAN SABHA

1. The Punjab Legislative Assembly (Allowances of Members) Second Amendment Bill, 1976.
2. The Punjab Municipal (Second Amendment) Bill, 1976.
- \*3. The Punjab Cycle Rickhaws (Regulation of Licence) Bill, 1976.
4. The Punjab Panchayat Samitis and Zila Parishads (Second Amendment) Bill, 1976.
- \*5. The Punjab Prevention of Anti-Social and Hazardous Activities Bill, 1976.
6. The Punjab Agricultural Produce Markets (Amendment and Validation) Bill, 1976.
- \*7. The Punjab Municipal Corporation Bill, 1976.
8. The Punjab Appropriation (No. 3) Bill, 1976.
9. The Punjab Excise (Amendment) Bill, 1976.
10. The Punjab Passengers and Goods Taxation (Amendment) Bill, 1976.
11. The East Punjab Molasses (Control) Amendment Bill, 1976.
12. The Punjab General Sales Tax (Second Amendment) Bill, 1976.
13. The Punjab Wheeled Vehicles (Lights) Bill, 1976.
14. The Punjab Homoeopathic Practitioners (Amendment) Bill, 1976.

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\*Bills awaiting assent.

## TRIPURA LEGISLATIVE ASSEMBLY

1. The Tripura Prevention of Defacement of Property Bill, 1976.
2. The Tripura Clinical Establishment Bill, 1976.
3. The Tripura Board of Secondary Education (Amendment) Bill, 1976.

## ARUNACHAL PRADESH LEGISLATIVE ASSEMBLY

The Arunachal Pradesh Appropriation (No. 3) Bills, 1976.

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## MIZORAM LEGISLATIVE ASSEMBLY

- \*1. The Mizoram General clauses Bill, 1976.
- \*2. The Mizoram Weights & Measures Bill, 1976.
- \*3. The Societies Registration (Extension to Mizoram) Bill, 1976.



## APPENDIX VI

ORDINANCES ISSUED BY THE CENTRAL GOVERNMENT DURING THE PERIOD AUGUST 1,  
1976, TO OCTOBER 31, 1976 AND STATE GOVERNMENTS DURING THE PERIOD  
JULY 1, TO SEPTEMBER 30, 1976.

Sl. No.	Subject	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
1	2	3	4	5	6
<b>CENTRAL GOVERNMENT</b>					
1.	The Electricity (Supply) Amendment Ordinance, 1976 (No. 13 of 1976)	8-10-76	25-10-76	..	Replaced by Legislation.
<b>STATE GOVERNMENTS</b>					
<b>ANDHRA PRADESH</b>					
1.	The Andhra Pradesh State Handloom Weavers' Co-operative Society (Formation) Ordinance, 1976 (No. 14 of 1976)	6-7-76	17-6-76	..	..
2.	The Andhra Pradesh Muttah, Jattu, Hamal and other Manual Workers (Regulation of Employment and Welfare) Ordinance, 1976 (No. 15 of 1976)	24-8-76	..		..
3.	The Hyderabad Municipal Corporations (Amendment) Amending Ordinance, 1976 (No. 16 of 1976)	2-9-76	..	..	..
4.	The Andhra Pradesh Shops and Establishments (Amendment) Ordinance, 1976 (No. 17 of 1976)	4-9-76			..
5.	The Andhra Pradesh General Sales Tax (Second Amendment) Ordinance, 1976 (No. 18 of 1976)	8-9-76		..	..
6.	The Andhra Pradesh Municipalities (Second Amendment) Ordinance, 1976 (No. 19 of 1976)	15-9-76	..	..	..

1	2	3	4	5	6
7.	The Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Amendment Ordinance, 1976 (No. 20 of 1976)	23-9-76	..	..	..
ASSAM					
1.	The Assam Fixation of Ceiling on Land Holdings (Amendment) Ordinance, 1976 (No. 1 of 1976)	3-5-76	1-9-76	11-10-76	Replaced by legislation.
2.	The Assam Contingency Fund (Amendment) Ordinance 1976 (No. 2 of 1976)	21-8-76	1-9-76	13-9-76	Do.
3.	The Gauhati Municipal Corporation (Amendment) Ordinance 1976 (No. 3 of 1976)	23-8-76	1-9-76	16-9-76	Do.
BIHAR					
1.	The Jhariya Water Supply (Third Amendment) Ordinance, 1976 (No. 148 of 1976)	12-8-76	..	..	..
2.	The Bihar Advertisement Tax Third Ordinance, 1976. (No. 149 of 1976)	12-8-76	..	..	..
3.	The Court Fee (Bihar Third Amendment) Ordinance, 1976. (No. 150 of 1976)	12-8-76	..	..	..
4.	The Patna Corporation (Third Amendment) Ordinance, 1976 (No. 151 of 1976)	12-8-76	..	..	..
5.	The Bihar Entertainment Tax (Third Amendment) Ordinance, 1976 (No. 152 of 1976)	12-8-76	..	..	..
6.	The Indian Stamps (Bihar Third Amendment) Ordinance, 1976 (No. 153 of 1976)	12-8-76	..	..	..
7.	The Bihar Health Cess Ordinance, 1976 (No. 154 of 1976)	12-8-76	..	..	..
8.	The Bihar Municipality (Fourth Amendment) Ordinance, 1976 (No. 155 of 1976)	12-8-76	..	..	..
9.	The Bihar Medical Education Institutions (Regulation and Control) Third Ordinance, 1976 (No. 156 of 1976)	12-8-76	..	..	..

1	2	3	4	5	6
10.	The Bihar Cess (Third Amendment) Ordinance, 1976 (No. 157 of 1976)	12-8-76	..	..	..
11.	The Bihar Land (Rent Surcharge) Third Ordinance, 1976 (No. 158 of 1976)	12-8-76	..	..	
12.	The Bihar land Encroachment Third Amendment Ordinance, 1976, (No. 159 of 1976)	12-8-76		..	..
13.	The Bihar Kothan (Civil Justice Increase of Pecuniary Jurisdiction) (Third Ordinance, 1976) (No. 160 of 1976)	12-8-76	..	..	..
14.	The Bihar District Board (Reorganisation) Third Ordinance, 1976 (No. 161 of 1976)	12-8-76	..		..
15.	The Bihar Panchayat Samitees Zila Parishad (Third Amendment and Validation) Ordinance, 1976 (No. 162 of 1976)	12-8-76			..
16.	The Bihar School Examination Board (Third Amendment) Ordinance, 1976 (No. 163 of 1976)	12-8-76			..
17.	The Bihar State Universities Laws and School Laws (Third Amendment and Repeal) Ordinance, 1976 (No. 164 of 1976)	12-8-76	..	..	..
18.	The Bihar Inter-University Board Second Ordinance, 1976 (No. 165 of 1976)	12-8-76			..
19.	The Bihar Elementary Education (Third Amendment) Ordinance, 1976 (No. 166 of 1976)	12-8-76		..	..
20.	The Bihar Non-Government Elementary School (Control & Taking over) Third Ordinance, 1976 (No. 167 of 1976)	12-8-76	..		..
21.	The Bihar Local Self Government (Third Amendment) Ordinance, 1976 (No. 168 of 1976)	12-8-76	..	..	..

1	2	3	4	5	6
22.	The Bihar Secondary Education Board Third Ordinance, 1976 (No. 169 of 1976)	12-8-76	..	..	
23.	The Bihar University Service Commission, Second Ordinance, 1976 (No. 170 of 1976)	12-8-76	..		
24.	The Rajendra Agriculture University (Third Amendment) Ordinance, 1976 (No. 171 of 1976)	12-8-76	..		
25.	The Bihar Municipality & Patna Corporation (Third Amendment, 1976) (No. 172 of 1976)	12-8-76			
26.	The Bihar Weights & Measures (Enforcement) (Third Amendment) Ordinance, 1976 (No. 173 of 1976)	12-8-76	..		..
27.	The Motor Vehicles (Bihar Sixth Amendment) Ordinance, 1976 (No. 174 of 1976)	12-8-76	..	..	..
28.	The Bihar Motor Vehicle Taxation (Third Amendment) Ordinance, 1976 (No. 175 of 1976)	12-8-76			
29.	The Bihar Aid to Industries (Third Amendment) Ordinance, 1976 (No. 176 of 1976)	12-8-76			..
30.	The Bihar Khadi and Village Industries (Third Amendment) Ordinance, 1976 (No. 177 of 1976)	12-8-76	..		..
31.	The Bihar Hindu Religious Trust (Third Amendment) Ordinance, 1976 (No. 178 of 1976)	12-8-76		..	..
32.	The Bihar Soil and Water Consumption and Land Development Third Ordinance, 1976 (No. 179 of 1976)	12-8-76	..	..	..

1	2	3	4	5	6
33	The Bengal Ferries (Third Amendment) Ordinance, 1976 (No. 180 of 1976)	12-8-76	..	..	..
34	The Bihar Irrigation Field Channel (Third Amendment) Ordinance, 1976 (No. 181 of 1976)	12-8-76	..	..	..
35	The Bihar Irrigation Law (Third Amendment) Ordinance, 1976 (No. 182 of 1976)	12-8-76	..	..	..
36	The Irrigation and Lift Irrigation (Third Amendment) Ordinance, 1976 (No. 183 of 1976)	12-8-76	..	..	..
37	The Bihar Chhota Nagpur and Santhal Pargana Autonomous Development Authority (Third Amendment) Ordinance, 1976 (No. 184 of 1976)	12-8-76	..	..	..
38	The Bihar Private Irrigation Works (Third Amendment) (No. 185 of 1976)	12-8-76	..	..	..
39	The Bihar Panchayat Raj (Third Amendment) and Validation Ordinance, 1976 (No. 186 of 1976)	12-8-76	..	..	..
40	The Bihar Regional Development Authority Third Ordinance, 1976 (No. 187 of 1976)	12-8-76	..	..	..
41	The Bihar Nursing Homes and Clinical Establishment (Registration & Advertisement) Third Ordinance, 1976 (No. 188 of 1976)	12-8-76	..	..	..
42	The Bihar Non-Government Medical College (Taking over Management) Second Ordinance, 1976 (No. 189 of 1976)	12-8-76	..	..	..
43	The Bihar Criminal Procedure Code (Bihar Second Amendment) Ordinance, 1976 (No. 190 of 1976)	12-8-76	..	..	..

1	2	3	4	5	6
44	The Bihar Cycle Rickshaw (Licence Regulation) Second Ordinance, 1976 (No. 191 of 1976) . . .	12-8-76	..	..	..
45	The Bihar Co-operative Society (Sixth Amendment) Ordinance, 1976 (No. 192 of 1976) . . .	12-8-76	..	..	..
46	The Bihar Framers and Village Area Development Agency, Third Ordinance, 1976 (No. 193 of 1976) . . .	12-8-76	..	..	..
47	The Bihar Premises and Vehicles (Acquisition) Third Ordinance, 1976 (No. 194 of 1976) . . .	12-8-76	..	..	..
48	The Bihar Sugarcane (Supply and Purchase Regulation) Third Ordinance, 1976 (No. 195 of 1976) . . .	12-8-76	..	..	..
49	The Bihar Sugarcane (Supply and Purchase Regulation) (Third Amendment) Ordinance, 1976 (No. 196 of 1976) . . .	12-8-76	..	..	..
50	The Bihar Essential Commodities (Bihar Fourth Amendment) Ordinance, 1976 (No. 197 of 1976) . . .	12-8-76	..	..	..
51	The Bihar Essential Commodities (Bihar Fifth Amendment) Ordinance, 1976 (No. 198 of 1976) . . .	12-8-76	..	..	..
52	The Bihar (Carried by Public Service) Taxation on Passengers Goods (Third Amendment) Ordinance, 1976 (No. 199 of 1976) . . .	12-8-76	..	..	..
53	The Bihar Agriculture Production Market (Third Amendment) Ordinance, 1976 (No. 200 of 1976) . . .	12-8-76	..	..	..
54	The Bihar Motor Vehicles (Bihar Fifth Amendment) Ordinance, 1976 (No. 201 of 1976) . . .	12-8-76	..	..	..
55	The Bihar Irrigation Development (Land Acquisition) Third Ordinance, 1976 (No. 202 of 1976) . . .	12-8-76	..	..	..

1	2	3	4	5	6
56	The Bihar Electric Supply Undertakings (Acquisition) Third Ordinance) 1976 (No. 203 of 1976)	12-8-76	..	..	..
57	The Bihar Gram Dan (Third Amendment) Ordinance, 1976 (No. 204 of 1976)	12-8-76	..	..	..
58	The Bihar Application of State Laws to Transferred Territories Ordinance, 1976 (No. 205 of 1976)	12-8-76	..	..	..
59	The Bihar State Housing Board Third Ordinance, 1976 (No. 206 of 1976)	12-8-76	..	..	..
60	The Bihar State University Laws Second Ordinance, 1976 (No. 207 of 1976)	16-8-76	..	..	..
61	The Patna University Second Ordinance, 1976 (No. 208 of 1976)	16-8-76	..	..	..
62	The Bihar Sales Tax Ordinance, 1976 (No. 209 of 1976)	23-8-76	..	..	..
63	The Bihar Application of State Laws to Transferred Territories (Amendment) Ordinance, 1976 (No. 210 of 1976)	24-8-76	..	..	..
64	The Bihar Debt Relief Ordinance, 1976 (No. 211 of 1976)	26-8-76	..	..	..
65	The Bihar Agriculture Operations and Miscellaneous Provision (Bank), 1976 (No. 212 of 1976)	28-8-76	..	..	..
66	The Wakf (Bihar Amendment) Ordinance, 1976 (No. 213 of 1976)	9-9-76	..	..	..
67	The Bihar Co-operative Society (Seventh Amendment) Ordinance, 1976 (No. 214 of 1976)	9-9-76	..	..	..
68	The Court Fee (Bihar Fourth Amendment) Ordinance, 1976 (No. 216 of 1976)	9-9-76	..	..	..

1	2	3	4	5	6
69	The Bihar Public Service Compulsory Retirement Ordinance, 1976 (No. 217 of 1976) . . . . .	19-9-76		..	..
7)	The Bihar Contingency Fund (Second Amendment) Ordinance, 1976 (No. 218 of 1976) . . . . .	25-9-76	..	..	..
HARYANA					
1	The Haryana General Sales Tax (Second Amendment) Ordinance, 1976 (No. 1 of 1976) . . . . .	23-2-76	6-7-76	..	Replaced by: legislation.
2	The Punjab Co-operative Societies (Haryana Second Amendment) Ordinance, 1976 (No. 2 of 1976. . . . .	2-4-76	Do.		Do.
3	The Kurukshetra University (Amendment) Ordinance, 1976 (No. 3 of 1976). . . . .	2-4-76	Do.		Do.
4	The Punjab Homoeopathic Practitioners (Haryana Amendment) Ordinance, 1976 (No. 4 of 1976) . . . . .	9-4-76	Do		Do.
5	The Haryana Salaries and Allowances of Ministers (Amendment) Ordinance, 1976 (No. 5 of 1976) . . . . .	8-4-76	Do.		Do.
6	The Haryana Legislative Assembly (Allowance of Members) Amendment Ordinance, 1976 (Ordinance No. 6 of 1976). . . . .	8-4-76	Do.	..	Do.
7	The Haryana Ceiling on Land Holdings (Second Amendment) Ordinance, 1976 (No. 7 of 1976). . . . .	5-5-76	6-7-76		Do.
8	The Punjab Village Common Lands (Regulation) Haryana Amendment Ordinance, 1976 (No. 8 of 1976)	12-5-76	Do.		Do.
9	The Court Fees (Haryana Amendment) Ordinance, 1976 (No. 9 of 1976). . . . .	12-5-76	Do.	..	Do.



1	2	3	4	5	6
10	The Haryana Municipal (Second Amendment) Ordinance, 1976 (No. 10 of 1976).	18-5-76	6-7-76	..	Replaced by legislation
<b>HIMACHAL PRADESH</b>					
1	The Code of Criminal Procedure (Himachal Pradesh) (Amendment) Ordinance, 1976 (No. 6 of 1976).	29-7-76	27-8-76	31-8-76	Do.
2	The Himachal Pradesh Taxation (on Certain goods carried by Road) Ordinance, 1976 (No. 5 of 1976)	29-3-76	Do.	1-9-76	Do.
3	The Indian Stamp (Himachal Pradesh Amendment) Ordinance, 1976 (No. 2 of 1976).	22-4-76	Do.	31-8-76	Do.
4	The Himachal Pradesh Minor Canals Ordinance, 1976 (No. 3 of 1976).	17-4-76	Do.	2-9-76	Do.
5	The Himachal Pradesh Housing Board (Amendment) Ordinance, 1976 (No. 4 of 1976).	22-4-76	Do.	31-8-76	Do.
6	The Himachal Pradesh Panchayati Raj (Amendment) Ordinance, 1976 (No. 7 of 1976)	11-8-76	Do.	Do.	Do.
<b>JAMMU &amp; KASHMIR</b>					
1	J&K Sikh Gurdwara Religious Endowment Ordinance, 1976 No. 2 of 1976)		4-8-76		Do.
<b>KARNATAKA</b>					
1	The Karnataka Public Money's (Recovery of Dues) Ordinance, 1976 (No. 8 of 1976)	15-6-76	..	..	..
2	The Karnataka Civil Services (Classification and Scales of Pay of Non-Graduate Junior Engineers of the Public Works Department) (Amendment) Ordinance, 1976 (No. 9 of 1976)	19-6-76	..	..	..

1	2	3	4	5	6
3	The Karnataka State Universities (Amendment) Ordinance, 1976 (No. 10 of 1976)	21-6-76	..	..	..
4	The Karnataka Societies Registration (Amendment) Ordinance, 1976 (No. 11 of 1976)	2-7-76	..	..	..
5	The Karnataka Land Reforms (Fourth Amendment) Ordinance, 1976 (No. 12 of 1976)	3-7-76	..	..	..
6	The Karnataka Urban Land Tax (Amendment) Ordinance, 1976 (No. 13 of 1976)	5-7-76	..	..	..
7	The Karnataka Preservation of Trees Ordinance, 1976 (No. 14 of 1976)	17-7-76	..	..	..
8	The Karnataka Co-operative Societies (Second Amendment) Ordinance, 1976 (No. 15 of 1976)	19-7-76	..	..	..
9	The Karnataka Legislature Salaries (Third Amendment) Ordinance, 1976 (No. 16 of 1976)	19-7-76	..	..	..
10	The Karnataka Appellate Tribunal (Amendment) Ordinance, 1976 (No. 17 of 1976)	31-7-76	..	..	..
11	The Karnataka Court Fees and suits Valuation (Amendment) Ordinance, 1976 (No. 18 of 1976)	31-7-76	..	..	..
12	The Karnataka Co-operative Societies (Third Amendment) Ordinance, 1976, (No. 19 of 1976)	7-8-76	..	..	..
13	The Karnataka Rent Control (Second Amendment) Ordinance, 1976 (No. 20 of 1976)	20-8-76	..	..	..
14	The Karnataka Excise (Amendment) Ordinance, 1976 (No. 21 of 1976)	7-9-76	..	..	..
15	The Karnataka Sales Tax (Fourth Amendment) Ordinance, 1976 (No. 22 of 1976)	8-9-76	..	..	..

1	2	3	4	5	6
16	Errata to Karnataka Legislature (Third Amendment) Ordinance, 1976 . . . . .	9-9-76	..	..	..
17	The Karnataka Contingency Fund (Temporary Amendment) Ordinance, 1976 (No. 23 of 1976) . . . . .	15-9-76	..	..	..
18	(The Karnataka State Universities (Second Amendment) Ordinance, 1976 (No. 24 of 1976) . . . . .	22-9-76	..	..	..
PUNJAB					
1	The Punjab General Sales Tax (Amendment) Ordinance 1976 (Punjab Ordinance No. 5 of 1976) . . . . .	15-7-76	10-9-76	..	Replaced by the Punjab General Sales Tax (Second Amendment) Bill, 1976.

## APPENDIX VII

## A. PARTY POSITION IN LOK SABHA

(As on December 1, 1976)

Name of the State	Seats	Cong.	CPI(M)	CPI	JS	Other Parties	Unattached	Total	Vacancies
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Andhra Pradesh	41	38	1	1	..	..	1	41	..
Assam	14	12	1	..	..	..	..	13	1
Bihar	53	36	..	5	2	6(a)	..	49*	3
Gujarat	24	13	..	..	..	9(b)	1	23	1
Haryana	9	6	..	..	1	..	2	9	..
Himachal Pradesh	4	3	..	..	..	..	..	3	1
Jammu & Kashmir	6	5	..	..	..	..	1	6	..
Karnataka	27	27	..	..	..	..	..	27	..
Kerala	19	6	2	3	..	5(c)	2	18	1
Madhya Pradesh	37	23	..	..	9	3(d)	1	36	2
Maharashtra	45	37	..	1	..	3(e)	2	43	..
Manipur	2	2	..	..	..	..	..	2	..
Meghalaya	2	..	..	..	..	..	2	2	..
Nagaland	1	..	..	..	..	1(f)	..	1	..
Orissa	20	16	..	1	..	2(g)	1	26	..
Punjab	13	9	..	1	..	..	1	11	2
Rajasthan	23	16	..	..	2	3(h)	2	23	..
Sikkim	1	1	..	..	..	..	..	1	..

Tamil Nadu . . . . .	39	8	..	4	..	21(i)	4	38	1
Tripura . . . . .	2	..	2	..	..	..	..	2	..
Uttar Pradesh . . . . .	85	71	..	5	4	1(j)	6	85	..
West Bengal . . . . .	40	13	20	3	..	1(k)	1	38	2
<i>Union Territories</i>									
Andaman & Nicobar Islands . . . . .	1	1	..	..	..	..	..	1	..
Chandigarh . . . . .	1	1	..	..	..	..	..	1	..
Dadra & Nagar Haveli . . . . .	1	1	..	..	..	..	..	1	..
Delhi . . . . .	7	6	..	..	..	..	..	6	1
Gos, Daman & Diu . . . . .	2	1	..	..	..	1(l)	..	2	..
Lakshadweep . . . . .	1	1	..	..	..	..	..	1	..
Mizoram . . . . .	1	1	..	..	..	..	..	1	..
Pondicherry . . . . .	1	..	..	..	..	1(m)	..	1	..
<i>Nominated</i>									
Assamachal Pradesh . . . . .	1	1	..	..	..	..	..	1	..
Anglo Indian . . . . .	2	..	..	..	..	2(n)	..	2	..
TOTAL . . . . .	525	355	26	24	18	60	27	508	16

\*Excludes the Speaker, who is not a member of any Party.

(a) Cong. (O)—3, Socialist Party—1, U.I.P.G.—1, B.L.D.—1.

(b) Cong. (O)—7, B.L.D.—2.

(c) Muslim League—2,  
Kerala Congress—3.

(d) U.I.P.G.—2, B.L.D.—1.

(e) Socialist Party—1, Forward Bloc—2.

(f) U.I.P.G.—1.

(g) B.L.D.—2.

(h) U.I.P.G.—2, B.L.D.—1.

(i) D.M.K.—13, A.D.M.K.—5, Muslim League—1, Forward Bloc—1,  
Cong. (O)—1.

(j) B.L.D.—1.

(k) Socialist Party—1.

(l) B.L.D.—1.

(m) A.D.M.K.—1.

(n) U.I.P.G.—2.

## PARTY POSITION IN THE RAJYA SABHA

(As on December 1, 1976)

State/Union Territories	Total No. of seats	Cong.	CPI J.S.	BLD (O)	All India Cong. ADMK	CPI (M)	DMK	BKD	APH-LC	PWP	REP	KMI	IND.	NOM.	Vacancies			
I	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Andhra Pradesh	18	17														1		
Assam	7	7																
Bihar	22	16	3	1		1										1		
Gujarat	11	7		1		2	00									1		
Haryana	5	4														1		
Himachal Pradesh	3	3																
J. & K.	4	4																
Karnataka	12	9				1										2		
Kerala	9	3	1					3	1						1			
Madhya Pradesh	16	14		2												00		
Maharashtra	19	17											1	1				
Manipur	1	1																
Meghalaya <sup>1</sup>	1											1						



## C. PARTY POSITION IN STATE LEGISLATURES

State/Union Territory	Seats	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
Andhra Pradesh Legislative Assembly (As on 30-9-76)	288	242				8	1	..	23(a)	10	284	4
Assam Legislative Assembly (As on 1-7-76)	114	93		2(b)	..	3		4	5(c)	5(b)	112	2
Bihar Legislative Assembly (As on 5-11-76)	319	200	3			32			14(d)	17	266*	52
Bihar Legislative Council (As on 30-9-76)	96	71	2	1	2	5		2	1(e)	11	95	1
Gujarat Legislative Assembly (As on 30-9-76)	182	104	43	1	17			2	1(f)	11	179	3
Haryana Legislative Assembly (As on 5-11-76)	81	60	2	6(g)	2			..	2(h)	7	79	2
Himachal Pradesh Legislative Assembly (As on 16-12-76)	68	54			5	..	1	..	2(i)	6	68	..
Jammu & Kashmir Legislative Assembly (As on 3-11-76)	75	49	..	2	2			..	9(j)	11	73	2
Karnataka Legislative Assembly (As on 13-11-76)	217	182	12	..	..	3	1	2	1(k)	11	212*	4



Karnataka Legislative Council (As on 13-11-76)	63	44	10	4	..	..	..	3	61*	1
Madhya Pradesh Legislative Assembly (As on 30-11-76)	297	225	..	26	5	4	1(kk)	25	286*	10
Mughalaya Legislative Assembly (As on 10-11-76)	60	12	..	..	..	..	48(l)	..	60	..
Punjab Legislative Assembly (As on 12-11-76)	104	68(m)	..	1	10	1	..	23(n)	103	1
Rajasthan Legislative Assembly (As on 16-11-76)	184	149	..	5	1	2	15(o)	9	181	3
Sikkim Legislative Assembly (As on 30-10-76)	32	..	..	..	..	..	32(p)	..	32	..
Tamil Nadu Legislative Council (As on 30-9-76)	63	6	2	..	..	..	31(q)	2	41	22
Tripura Legislative Assembly (As on 17-11-76)	60	40(r)	..	1	15	..	..	3	59	1
<i>Union Territories</i>										
Arunachal Pradesh Legislative Assembly(As on 4-11-76)	23	23	..	..	..	..	..	..	23	..
Goa, Daman and Diu Legislative Assembly (4-11-76)	30	8	..	..	..	..	21(s)	1	30	..
Mizoram Legislative Assembly (As on 11-11-76)	33	30	..	..	..	..	3(T)	..	33	..

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

- (a) Andhra Pradesh Progressive Democrats—7, Progressive Front—6, Socialist Democratic Front—4, People's Democrats—3, Majlis Ittehad-ul-Muslimin—2, R.P.I.—1.
- (b) Out of 6 Independent Members, one joined the newly constituted BLD unit on 4-4-75. The only Swatantra Member also joined the BLD on 4-4-75.
- (c) P.D.P.—3, R.C.P.I.—1, P.T.C.—1.
- (d) SSP—5, Hul Jharkhand—2, Progressive Hul Jharkhand—1, Jharkhand (N.E. Hoyo Group)—1, All India Jharkhand Party—3, Hindustani Soshit Dal—1, Nominated—1.
- (e) Teachers' Group.
- (f) Rashtriya Mazdoor Paksh.
- (g) Out of 6 members of Bhartiya Lok Dal One Member Chaudhri Hardwar Lal ceased to be a Member of the Haryana Vidhan Sabha vide Haryana Vidhan Sabha Secretariat Notification No. HVS-LA-19/75/2, dated the 8th January, 1975. But *vide* Punjab and Haryana High Court order dated 7-5-75, he is entitled to attend the session of the Haryana Legislative Assembly and sign the register for minimum number of days to keep his seat intact, but shall not take part in the proceedings of the said Assembly or vote or draw any remuneration.
- (h) Vishal Haryana Party.
- (i) Lok Raj Party.
- (j) National Conference—4; Unattachcd—5.
- (k) Jarath'a Paksha.
- (kk) Nominated.
- (l) APHLC—40, HSPDP—8.
- (m) One Member of the Congress Party, namely, Sander Kirpal Singh Randhawa has neither the right to vote nor to participate in the proceedings.
- (n) Shromani Akali Dal.
- (o) Janta Morcha—14, Swatantra—1.
- (p) Sikkim Congress.
- (q) D.M.K.—19, United Party—4, Muslim League—2, Tamil Arasu Kazhagam—2, Anna DMK—1, Toilers Commonwealth Party—1, Forward Block—1, Thazhappattore Munnetra Kazhagam—1.
- (r) Includes five suspended members.
- (s) Maharashtrawadi Gomantak Party—19, United Goans—2.
- (t) Mizo Union—2, People's Conferer cc—1 (joining Mizo Union Legislature).

CORRIGENDA

- Page 32, line 21, for "recommendede" read "recommended"
- Page 64, line 9 from bottom, for "discussing" read  
"discussion"
- Page 91, marginal heading against section 23,  
for "insertion" read "insertion"
- Page 96, line 5 from bottom, for "quoram" read "quorum"
- Page 102, delete last line "nals" from marginal heading.
- Page 119, line 5, insert "I" after "It is",
- Page 130, line 2 from bottom, for "Enacyclopaedia"  
read "Encyclopaedia"
- Page 133, line 21, for "Department", read  
"Departmental"
- Page 135, line 14, for "put" read "Puts"
- Page 138, insert the following line after line 8 :  
"a private Member of Parliament initiate  
legislation, if so, who else,"
- Page 138, read line 12 i.e. "longing.....a wide"  
after line 32, i.e. "an evaluative....  
institutions be-"
- Page 140. line 8 from bottom, for "broachure" read  
"brochure"

P. T. O.

Page 151, against item (xvi) for "86" read "186"

Page 165, line 2, insert "by" after "Assented to"

Page 170, line 10, for "Vidheyaw" read "Vidheyak".

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